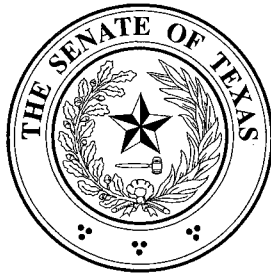


JOURNAL
OF THE
SENATE

REGULAR SESSION
OF THE
EIGHTY-THIRD LEGISLATURE
OF THE
STATE OF TEXAS

Convened January 8, 2013

Adjourned May 27, 2013



VOLUME II

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SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FORTY-THIRD DAY

(Thursday, April 18, 2013)

The Senate met at 10:15 a.m. pursuant to adjournment and was called to order by the President.

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

Absent-excused: Birdwell.

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

Minister Karen Harris, Women Wanting Wisdom Ministries, Lakehills, was introduced by Senator Nelson and Senator Fraser and offered the invocation as follows:

Father God, thank You for the privilege of standing in this place of prayer today. Lord, I am convinced of this truth, just as Benjamin Franklin was, that You govern in the affairs of men. And if a sparrow cannot fall to the ground without Your notice, it is not probable that our nation and our state can rise without Your help. Lord, we acknowledge our need and ask for Your help today. We unite our hearts and ask blessings over the men and women here that serve the people to exhaustion. Lord, revive them in their minds and increase their comprehension as they pore over the volumes of written information. May they not grow weary in well doing. I ask that sickness and discomfort would be eliminated from their bodies and that at the end of the long days they would have restful nights. Bless the staff that diligently serves them. Allow our Senators as they do business to see things the way You see them and hear things the way You hear them. Bless them as only You can bless them. Father, I ask that You would surround them with godly confidants. Thank You that Governor Perry seeks Your counsel in matters concerning our state. I ask that You would establish his thoughts and order his steps. Secure his health and relationships by the strength of Your hand. Father, grant grace and graciousness to all the men and women of the Texas 83rd Legislature. May a tangible spirit of love rest on them and be evident in this Chamber today and during the remainder of this

session. May the banner over the Texas Senate read LOVE. Without casting reproach on any other, I pray this prayer in the name of Jesus. Amen.

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

The motion prevailed without objection.

LEAVE OF ABSENCE

On motion of Senator Whitmire, Senator Birdwell was granted leave of absence for today on account of important business.

PHYSICIAN OF THE DAY

Senator Deuell was recognized and presented Dr. Steven Bander of Wylie as the Physician of the Day.

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

GUEST PRESENTED

Senator Campbell was recognized and introduced to the Senate Kaleigh Campbell, New Braunfels High School student.

The Senate welcomed its guest.

SENATE RESOLUTION 491

Senator Fraser offered the following resolution:

SR 491, In memory of Deborah "Borah" Van Dormolen.

FRASER	ESTES	PAXTON
BIRDWELL	HANCOCK	SCHWERTNER
CAMPBELL	HEGAR	SELIGER
CARONA	HUFFMAN	TAYLOR
DEUELL	NELSON	WILLIAMS
DUNCAN	NICHOLS	
ELTIFE	PATRICK	

The resolution was again read.

On motion of Senator Fraser and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

The resolution was previously adopted on Tuesday, March 19, 2013.

In honor of the memory of Deborah Van Dormolen, the text of **SR 491** is printed at the end of today's *Senate Journal*.

Senator Fraser was recognized and introduced to the Senate her husband, Richard Castle, and Nancy Boston.

The Senate welcomed its guests and extended its sympathy.

RESOLUTION SIGNED

The President announced the signing of the following enrolled resolution in the presence of the Senate: **SCR 21**.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate a Webb County Appraisal District delegation, accompanied by Norma Vargas, Taxpayer Liaison; Martin Villarreal, Chief Appraiser; Olga Peña; and Bobby Perego.

The Senate welcomed its guests.

SENATE RESOLUTION 621

Senator Carona offered the following resolution:

SR 621, In memory of Vance Charles Miller.

On motion of Senator Carona, the resolution was read and was adopted by a rising vote of the Senate.

In honor of the memory of Vance Charles Miller, the text of the resolution is printed at the end of today's *Senate Journal*.

Senator Carona was recognized and introduced to the Senate Geraldine "Tincy" Miller, wife; Cynthia Vance-Abrams, daughter; Greg and Kim Miller, son and daughter-in-law; and Wes and Wyatt Miller, grandsons.

The Senate welcomed its guests and extended its sympathy.

(Senator Eltife in Chair)

GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate Gold Star Mothers Tami Sims and Ramona Fowler.

The Senate welcomed its guests.

(President in Chair)

GUESTS PRESENTED

Senator Ellis was recognized and introduced to the Senate a delegation from the Federal Republic of Nigeria, accompanied by Governor of Oyo State, Senator Abiola Ajimobi; First Lady of Oyo State, Florence Ajimobi; Professor Oladapo Afolabi; Professor Benjamin Adebisi; and Chris Wilmot.

The Senate welcomed its guests.

ACKNOWLEDGMENT

The President acknowledged the presence of Linda Fraser, wife of Senator Troy Fraser; Marsha Williams, wife of Senator Tommy Williams; and his wife, Tricia Dewhurst.

The Senate welcomed its guests.

SENATE RESOLUTION 570

Senator Nelson offered the following resolution:

SR 570, Proclaiming April 18 and 19, 2013, Texas Federation of Republican Women Legislative Days at the State Capitol.

NELSON
CAMPBELL
HUFFMAN

The resolution was again read.

The resolution was previously adopted on Tuesday, April 2, 2013.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate a Texas Federation of Republican Women delegation, accompanied by Carolyn Hodges, President; Debra Coffey, First Vice-president; and Besa Martin, Vice-president of Legislation.

The Senate welcomed its guests.

(Senator Eltife in Chair)

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
Thursday, April 18, 2013 - 1

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 8 Thompson, Senfronia
Relating to the prosecution and punishment of offenses related to trafficking of persons and to certain protections for victims of trafficking of persons.

HB 13 Callegari
Relating to the State Pension Review Board and public retirement systems; authorizing a fee.

HB 15 Kolkhorst
Relating to level of care designations for hospitals that provide neonatal and maternal services.

HB 32 Menéndez
Relating to the punishment for and certain other consequences of committing the offense of prostitution.

HB 994

Bonnen, Dennis

Relating to the applicability of state law regulating the decommissioning costs of certain newly constructed commercial nuclear-powered electric generating facilities.

HB 1035

Huberty

Relating to the filing of reports of political contributions and expenditures and of personal financial statements by certain officeholders and candidates.

HB 1491

Branch

Relating to the temporary licensing of a dentist who performs voluntary charity care.

HJR 79

Branch

Proposing a constitutional amendment to eliminate an obsolete requirement for a State Medical Education Board and a State Medical Education Fund.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE RESOLUTION 651

Senator West offered the following resolution:

SR 651, Recognizing Raleigh K. Roussell on the occasion of his retirement.

The resolution was again read.

The resolution was previously adopted on Monday, April 15, 2013.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate Raleigh Roussell and Judy Hermann Roussell.

The Senate welcomed its guests.

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

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

There was no objection.

CONCLUSION OF MORNING CALL

The Presiding Officer at 11:17 a.m. announced the conclusion of morning call.

SENATE BILL 1099 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 1099** at this time on its second reading:

SB 1099, Relating to the use of certain designations by a physical therapist.

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: Birdwell.

SENATE BILL 1099 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 1099** be placed on its third reading and final passage.

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

Absent-excused: Birdwell.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 199 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 199** at this time on its second reading:

CSSB 199, Relating to the annual evaluation of water use by owners or operators of electric generating facilities.

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: Birdwell.

**COMMITTEE SUBSTITUTE
SENATE BILL 199 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 199** be placed on its third reading and final passage.

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

Absent-excused: Birdwell.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 843 ON SECOND READING**

On motion of Senator Paxton and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 843** at this time on its second reading:

CSSB 843, Relating to public access to boundary, financial, and tax rate information of certain political subdivisions.

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: Birdwell.

**COMMITTEE SUBSTITUTE
SENATE BILL 843 ON THIRD READING**

Senator Paxton moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 843** be placed on its third reading and final passage.

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

Absent-excused: Birdwell.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1792 ON SECOND READING**

Senator Watson moved to suspend the regular order of business to take up for consideration **CSSB 1792** at this time on its second reading:

CSSB 1792, Relating to remedies for nonpayment of tolls for the use of toll projects; authorizing a fee; creating an offense.

The motion prevailed.

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

Senator Davis asked to be recorded as "Present-not voting" 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: Huffman.

Present-not voting: Davis.

Absent-excused: Birdwell.

**COMMITTEE SUBSTITUTE
SENATE BILL 1792 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 1792** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1, Present-not voting 1.

Yeas: Campbell, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Garcia, Hancock, Hegar, Hinojosa, Lucio, Nelson, Nichols, Patrick, Paxton, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Huffman.

Present-not voting: Davis.

Absent-excused: Birdwell.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 1, Present-not voting 1. (Same as previous roll call)

SENATE BILL 1705 ON SECOND READING

Senator Campbell moved to suspend the regular order of business to take up for consideration **SB 1705** at this time on its second reading:

SB 1705, Relating to the administration of certain examinations required to obtain a driver's license.

The motion prevailed.

Senator Seliger 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: Seliger.

Absent-excused: Birdwell.

SENATE BILL 1705 ON THIRD READING

Senator Campbell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1705** be placed on its third reading and final passage.

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

Nays: Seliger.

Absent-excused: Birdwell.

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

COMMITTEE SUBSTITUTE SENATE BILL 1084 ON SECOND READING

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1084** at this time on its second reading:

CSSB 1084, Relating to the enterprise zone program.

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: Birdwell.

**COMMITTEE SUBSTITUTE
SENATE BILL 1084 ON THIRD READING**

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1084** be placed on its third reading and final passage.

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

Absent-excused: Birdwell.

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

SENATE BILL 301 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 301** at this time on its second reading:

SB 301, Relating to the authority of the Texas Higher Education Coordinating Board to issue to a foreign postsecondary institution a certificate of authority to grant professional degrees.

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: Birdwell.

SENATE BILL 301 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 301** be placed on its third reading and final passage.

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

Absent-excused: Birdwell.

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

SENATE BILL 837 ON SECOND READING

Senator Ellis moved to suspend the regular order of business to take up for consideration **SB 837** at this time on its second reading:

SB 837, Relating to the authority of a municipality to require owners of real property to keep the property free of certain conditions.

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: Birdwell.

SENATE BILL 837 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 **SB 837** be placed on its third reading and final passage.

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

Nays: Patrick.

Absent-excused: Birdwell.

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

COMMITTEE SUBSTITUTE SENATE BILL 955 ON SECOND READING

On motion of Senator Schwertner and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 955** at this time on its second reading:

CSSB 955, Relating to the training of employees and contractors of local mental health authorities and certain educators in mental health first aid, the funding of mental health first aid training, and the liability of certain persons providing assistance to persons experiencing a mental health crisis.

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: Birdwell.

COMMITTEE SUBSTITUTE SENATE BILL 955 ON THIRD READING

Senator Schwertner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 955** be placed on its third reading and final passage.

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

Absent-excused: Birdwell.

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

SENATE BILL 1474 ON SECOND READING

On motion of Senator Duncan and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1474** at this time on its second reading:

SB 1474, Relating to the adoption of major curriculum initiatives by a school 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: Birdwell.

SENATE BILL 1474 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 **SB 1474** be placed on its third reading and final passage.

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

Absent-excused: Birdwell.

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

COMMITTEE SUBSTITUTE SENATE BILL 1425 ON SECOND READING

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1425** at this time on its second reading:

CSSB 1425, Relating to the provision of fire prevention or fire-fighting services by certain emergency services districts.

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: Birdwell.

COMMITTEE SUBSTITUTE SENATE BILL 1425 ON THIRD READING

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1425** be placed on its third reading and final passage.

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

Absent-excused: Birdwell.

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

SENATE BILL 10 ON SECOND READING

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 10** at this time on its second reading:

SB 10, Relating to employment, higher education, and state purchasing programs for veterans.

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: Birdwell.

SENATE BILL 10 ON THIRD READING

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 10** be placed on its third reading and final passage.

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

Absent-excused: Birdwell.

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

COMMITTEE SUBSTITUTE SENATE BILL 496 ON SECOND READING

Senator Seliger moved to suspend the regular order of business to take up for consideration **CSSB 496** at this time on its second reading:

CSSB 496, Relating to the authority of the Texas Higher Education Coordinating Board to review and approve capital projects and purchases of real property at public institutions of higher education in this state.

The motion prevailed.

Senators Eltife and Watson 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: Eltife, Watson.

Absent-excused: Birdwell.

**COMMITTEE SUBSTITUTE
SENATE BILL 496 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 496** be placed on its third reading and final passage.

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

Yeas: Campbell, Carona, Davis, Deuell, Duncan, Ellis, Estes, Fraser, Garcia, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Patrick, Paxton, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, West, Whitmire, Williams, Zaffirini.

Nays: Eltife, Watson.

Absent-excused: Birdwell.

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

SENATE BILL 1199 ON SECOND READING

Senator Van de Putte moved to suspend the regular order of business to take up for consideration **SB 1199** at this time on its second reading:

SB 1199, Relating to development of a pilot program of the Texas Veterans Commission to designate municipalities as Veteran and Military Friendly Cities.

The motion prevailed.

Senators Huffman and Paxton 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: Huffman, Paxton.

Absent-excused: Birdwell.

SENATE BILL 1199 ON THIRD READING

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1199** be placed on its third reading and final passage.

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

Yeas: Campbell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Garcia, Hancock, Hegar, Hinojosa, Lucio, Nelson, Nichols, Patrick, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Huffman, Paxton.

Absent-excused: Birdwell.

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

RECESS

On motion of Senator Whitmire, the Senate at 11:59 a.m. recessed until 1:00 p.m. today.

AFTER RECESS

The Senate met at 1:08 p.m. and was called to order by Senator Eltife.

COMMITTEE SUBSTITUTE SENATE BILL 1759 ON SECOND READING

On motion of Senator Uresti and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1759** at this time on its second reading:

CSSB 1759, Relating to the procedures for the appointment of and the duties of attorneys ad litem in certain suits affecting the parent-child relationship.

The bill was read second time.

Senator Uresti offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1759** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in amended Section 107.004(b), Family Code (page 1, line 27), strike "Chapter 262 or 263" and substitute "Subtitle E [~~Chapter 262 or 263~~]".

(2) In SECTION 2 of the bill, in amended Section 107.013(a), Family Code (page 1, line 51), between "governmental entity" and "in which", insert "under Subtitle E".

The amendment to **CSSB 1759** 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: Birdwell.

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

CSSB 1759 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: Birdwell.

COMMITTEE SUBSTITUTE SENATE BILL 1759 ON THIRD READING

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1759** be placed on its third reading and final passage.

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

Absent-excused: Birdwell.

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

SENATE BILL 467 ON SECOND READING

Senator Hegar moved to suspend the regular order of business to take up for consideration **SB 467** at this time on its second reading:

SB 467, Relating to the regulatory analysis of rules proposed by the Texas Commission on Environmental Quality.

The motion prevailed.

Senators Davis, Ellis, Garcia, Rodríguez, Seliger, and Zaffirini asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Hegar offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 467** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 5.1032(a)(3), Water Code (page 1, line 35), between "exposure" and the period, insert "by the control of emissions or contaminants in the air, water, or soil. The term does not include an emergency rule or a rule that provides only procedural requirements".

(2) In SECTION 1 of the bill, in added Section 5.1032(c)(3), Water Code (page 1, line 53), between "the" and "costs", insert "compliance".

(3) In SECTION 1 of the bill, in added Section 5.1032(c)(4), Water Code (page 1, line 58), between "the" and "costs", insert "compliance".

(4) In SECTION 1 of the bill, in added Section 5.1032(d), Water Code (page 2, line 3), strike "included" and substitute "submitted as a control measure".

(5) In SECTION 1 of the bill, in added Section 5.1032(f), Water Code (page 2, line 11), strike "strict".

(6) In SECTION 1 of the bill, in added Section 5.1032(f), Water Code (page 2, line 16), strike "strict".

(7) In SECTION 1 of the bill, in added Section 5.1032(f), Water Code (page 2, line 18), strike "included" and substitute "submitted as a control measure".

(8) In SECTION 1 of the bill, in added Section 5.1032(f), Water Code (page 2, line 20), strike "strict".

The amendment to **SB 467** 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: Birdwell.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 2

Amend **SB 467** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 5.1032(a), Water Code (page 1, between lines 27 and 28), insert the following after the underlined colon and before "(1)":

(1) "Benefit" has the meaning assigned by Section 2001.0225, Government Code.

(2) In SECTION 1 of the bill, in added Section 5.1032(a), Water Code (page 1, line 28), strike "(1)" and substitute "(1-a)".

(3) In SECTION 1 of the bill, in added Section 5.1032(a)(2), Water Code (page 1, line 31), between "quantifiable" and "effect", insert "direct or indirect".

(4) In SECTION 1 of the bill, in added Section 5.1032(b), Water Code (page 1, line 39), strike "weighs" and substitute "considers".

(5) In SECTION 1 of the bill, in added Section 5.1032(b), Water Code (page 1, line 40), between "effects" and "expected", insert "and benefits".

(6) In SECTION 1 of the bill, in added Section 5.1032(c)(2), Water Code (page 1, line 49), between "effects" and "that", insert "and benefits".

(7) In SECTION 1 of the bill, in added Section 5.1032(d), Water Code (page 1, line 61), between "effects" and "of", insert "and benefits".

(8) In SECTION 1 of the bill, following added Section 5.1032(f), Water Code (page 2, between lines 21 and 22), insert the following:

(g) If a court determines that an environmental rule is invalid under Subsection (f), the provisions of Section 2001.040, Government Code, apply.

The amendment to **SB 467** 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: Birdwell.

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

SB 467 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: Davis, Ellis, Garcia, Rodríguez, Seliger, Zaffirini.

Absent-excused: Birdwell.

SENATE BILL 467 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 **SB 467** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 6.

Yeas: Campbell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Patrick, Paxton, Schwertner, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams.

Nays: Davis, Ellis, Garcia, Rodríguez, Seliger, Zaffirini.

Absent-excused: Birdwell.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 6. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 876 ON SECOND READING**

On motion of Senator Patrick and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 876** at this time on its second reading:

CSSB 876, Relating to the discharge of a surety's liability on a bail bond in a criminal case.

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: Birdwell.

**COMMITTEE SUBSTITUTE
SENATE BILL 876 ON THIRD READING**

Senator Patrick moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 876** be placed on its third reading and final passage.

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

Absent-excused: Birdwell.

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

SENATE BILL 834 ON SECOND READING

The Presiding Officer, Senator Eltife in Chair, laid before the Senate **SB 834** by Senator Estes on its second reading. The bill had been read second time, an amendment offered, and further consideration postponed:

SB 834, Relating to the confidentiality of certain grand juror information.

Question — Shall Floor Amendment No. 1 to **SB 834** be adopted?

Senator Rodríguez withdrew Floor Amendment No. 1.

Senator Rodríguez offered the following amendment to the bill:

Floor Amendment No. 2

Amend **SB 834** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, strike the recital (page 1, lines 19 and 20), and substitute the following:

Article 19.42, Code of Criminal Procedure, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(2) In SECTION 1 of the bill, in amended Article 19.42, Code of Criminal Procedure (page 1, between lines 27 and 28), insert the following:

(c) On request, the court shall permit disclosure of a list of the names, races, ethnicities, and genders of the grand jurors to an attorney representing a party to the proceeding for the purpose of a constitutional challenge to the array after indictment. On disclosing the list of the names, races, ethnicities, or genders of the grand jurors, the court shall order the attorney representing a party to the proceeding and any investigator, expert, consulting legal counsel, secretary, or paralegal for the attorney not to disclose the names, races, ethnicities, or genders of the grand jurors to a party to the proceeding or to any other person.

The amendment to **SB 834** 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: Birdwell.

Senator Williams offered the following amendment to the bill:

Floor Amendment No. 3

Amend **SB 834** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 152.015(b), Local Government Code, is amended to read as follows:

(b) Before the meeting, the county clerk shall place on a separate slip the name of each person who served on a district court [~~grand~~] jury in the county during the preceding calendar year. At the meeting the slips shall be folded, placed in an appropriate container, and mixed. The county judge shall draw at random a number of slips equal to the number of public members needed for the committee and shall announce the names on the slips. At the meeting the county judge may repeat this process and make a list of alternates. A person whose name is drawn becomes a member of the committee or an alternate on submitting written acceptance to the clerk. If a person refuses or is unable to serve on the committee, a replacement shall be appointed from the list of alternates. If the list of alternates is exhausted or does not exist, a replacement shall be selected at the next regular or called commissioners court meeting by random selection of a slip from the remaining slips. This process shall be repeated until the required number of public members is selected.

The amendment to **SB 834** 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: Birdwell.

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

SB 834 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: Birdwell.

SENATE BILL 834 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 834** be placed on its third reading and final passage.

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

Absent-excused: Birdwell.

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

COMMITTEE SUBSTITUTE SENATE BILL 1356 ON SECOND READING

Senator Van de Putte moved to suspend the regular order of business to take up for consideration **CSSB 1356** at this time on its second reading:

CSSB 1356, Relating to requiring trauma-informed care training for certain staff of county and state juvenile facilities.

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: Birdwell.

COMMITTEE SUBSTITUTE SENATE BILL 1356 ON THIRD READING

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1356** be placed on its third reading and final passage.

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

Nays: Nichols.

Absent-excused: Birdwell.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1703 ON SECOND READING**

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **CSSB 1703** at this time on its second reading:

CSSB 1703, Relating to the use of hotel occupancy tax revenue in certain municipalities and counties.

The motion prevailed.

Senators Fraser and 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: Fraser, Nichols.

Absent-excused: Birdwell.

**COMMITTEE SUBSTITUTE
SENATE BILL 1703 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 **CSSB 1703** be placed on its third reading and final passage.

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

Yeas: Campbell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Garcia, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nelson, Patrick, Paxton, Rodriguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Fraser, Nichols.

Absent-excused: Birdwell.

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

**SENATE RULE 7.07(b) SUSPENDED
(Permission to Introduce)
(Motion In Writing)**

Senator Whitmire submitted the following Motion In Writing:

Mr. President:

I move suspension of Senate Rule 7.07(b) to permit the introduction of the following bill: **SB 1904**.

WHITMIRE

The Motion In Writing prevailed without objection.

SENATE BILLS ON FIRST READING

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

SB 1899 by Zaffirini, Campbell

Relating to the creation of the LaSalle Municipal Utility District No. 1; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

To Committee on Intergovernmental Relations.

SB 1900 by Zaffirini, Campbell

Relating to the creation of the LaSalle Municipal Utility District No. 2; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

To Committee on Intergovernmental Relations.

SB 1901 by Zaffirini, Campbell

Relating to the creation of the LaSalle Municipal Utility District No. 3; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

To Committee on Intergovernmental Relations.

SB 1902 by Zaffirini, Campbell

Relating to the creation of the LaSalle Municipal Utility District No. 4; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

To Committee on Intergovernmental Relations.

SB 1903 by Zaffirini, Campbell

Relating to the creation of the LaSalle Municipal Utility District No. 5; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

To Committee on Intergovernmental Relations.

SB 1904 by Hegar

Relating to the administration of the Texas Commission on Fire Protection.

To Committee on Agriculture, Rural Affairs and Homeland Security.

HOUSE BILLS AND RESOLUTIONS ON FIRST READING

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

HB 86 to Committee on Business and Commerce.

HB 120 to Committee on Transportation.

HB 248 to Committee on Transportation.

HB 338 to Committee on Transportation.

HB 437 to Committee on Higher Education.

HB 455 to Committee on Education.

HB 560 to Committee on Business and Commerce.

HB 567 to Committee on Transportation.

HB 588 to Committee on Health and Human Services.

HB 789 to Committee on Jurisprudence.
HB 869 to Committee on Jurisprudence.
HB 1016 to Committee on State Affairs.
HB 1093 to Committee on Business and Commerce.
HB 1106 to Committee on Natural Resources.
HB 1158 to Committee on Intergovernmental Relations.
HB 1238 to Committee on Transportation.
HB 1248 to Committee on Jurisprudence.
HB 1290 to Committee on Transportation.
HB 1296 to Committee on Economic Development.
HB 1297 to Committee on Economic Development.
HB 1521 to Committee on Agriculture, Rural Affairs and Homeland Security.
HCR 31 to Committee on Administration.
HCR 36 to Committee on Administration.
HCR 55 to Committee on Natural Resources.

**COMMITTEE SUBSTITUTE
SENATE BILL 542 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 542** at this time on its second reading:

CSSB 542, Relating to alternative dispute resolution methods regarding educational services for students with disabilities, including individualized education program facilitation.

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: Birdwell.

**COMMITTEE SUBSTITUTE
SENATE BILL 542 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 542** be placed on its third reading and final passage.

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

Absent-excused: Birdwell.

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

SENATE BILL 977 REREFERRED
(Motion In Writing)

Senator West submitted a Motion In Writing requesting that **SB 977** be withdrawn from the Committee on Criminal Justice and rereferred to the Committee on Jurisprudence.

The Motion In Writing prevailed without objection.

SENATE BILL 1172 REREFERRED
(Motion In Writing)

Senator West submitted a Motion In Writing requesting that **SB 1172** be withdrawn from the Committee on Criminal Justice and rereferred to the Committee on Jurisprudence.

The Motion In Writing prevailed without objection.

SENATE BILL 1476 ON SECOND READING

Senator West moved to suspend the regular order of business to take up for consideration **SB 1476** at this time on its second reading:

SB 1476, Relating to the creation of the veteran entrepreneur program by the Texas Veterans Commission.

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: Birdwell.

SENATE BILL 1476 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1476** be placed on its third reading and final passage.

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

Nays: Patrick.

Absent-excused: Birdwell.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 303 ON SECOND READING**

Senator Deuell moved to suspend the regular order of business to take up for consideration **CSSB 303** at this time on its second reading:

CSSB 303, Relating to advance directives and health care and treatment decisions.

The motion prevailed by the following vote: Yeas 24, Nays 6.

Yeas: Campbell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Garcia, Hinojosa, Huffman, Lucio, Nelson, Nichols, Rodríguez, Schwertner, Seliger, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Nays: Hancock, Hegar, Patrick, Paxton, Taylor, Williams.

Absent-excused: Birdwell.

The bill was read second time.

Senator Deuell offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 303** (Senate Committee Printing) in SECTION 8 of the bill, in amended Section 166.052(a), Health and Safety Code, in numbered item 5 of the seventh paragraph of the form set out in that subsection (page 10, line 18), by striking "14 calendar" and substituting "21 calendar".

The amendment to **CSSB 303** 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: Birdwell.

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

CSSB 303 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: Hancock, Hegar, Patrick, Paxton, Taylor, Williams.

Absent-excused: Birdwell.

**COMMITTEE SUBSTITUTE
SENATE BILL 303 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 303** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 6.

Yeas: Campbell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Garcia, Hinojosa, Huffman, Lucio, Nelson, Nichols, Rodriguez, Schwertner, Seliger, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Nays: Hancock, Hegar, Patrick, Paxton, Taylor, Williams.

Absent-excused: Birdwell.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 6. (Same as previous roll call)

MESSAGES FROM THE GOVERNOR

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

April 18, 2013

Austin, Texas

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

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

To be Judge of the 113th Judicial District Court, Harris County, for a term until the next General Election and until his successor shall be duly elected and qualified:

Michael Lee Landrum

Houston, Texas

Mr. Landrum is replacing Justice John Donovan who vacated office.

To be members of the Automobile Burglary and Theft Prevention Authority for terms to expire February 1, 2019:

Linda Kinney

Dripping Springs, Texas

(Ms. Kinney is being reappointed)

Ashley Hunter

Austin, Texas

(replacing Richard Watson of Spicewood whose term expired)

To be a member of the University of North Texas System Board of Regents for a term to expire May 22, 2017:

Milton B. Lee, II

San Antonio, Texas

Mr. Lee is replacing Ernest Kuehne, Jr. of Dallas who resigned.

Respectfully submitted,

/s/Rick Perry

Governor

April 18, 2013
Austin, Texas

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

On January 16, 2013, I submitted the name of Andrew Patrick Barlow for appointment to the Texas Commission on the Arts for a term to expire August 31, 2017.

Because he resigned, I hereby withdraw his nomination and request that the Senate return the appointment to me.

Respectfully submitted,
/s/Rick Perry
Governor

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Williams and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Finance might meet and consider **SB 835** today.

SENATE BILL 1 WITH HOUSE AMENDMENTS

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

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

Amendment

(The text of the House Committee Substitute for Senate Bill 1, General Appropriations Bill, can be found on the Legislative Budget Board's Web site.)

Floor Amendment No. 1

Amend **CSSB 1** (house committee printing) as follows:

(1) In Article I of the bill on page I-11, Rider 30, Appropriation of License Plate Receipts, in the bill pattern for the Office of the Attorney General, amend as follows:

(A) strike "§§ 504.413 and 504.630" and substitute "§ 504".

(2) In Article I of the bill on page I-57, Rider 2, Capital Budget, in the bill pattern for the Historical Commission, amend as follows:

(A) add new item six "(6) National Museum of the Pacific War Repairs and Renovations" and add \$1,500,000 in General Revenue in fiscal year 2014 and unexpended balance authority in fiscal year 2015 for this item; and

(B) strike and adjust totals accordingly.

(3) In Article III on page III-30, in Rider 14, insert the following after "Enterprise Application Modernization FTE Exemption."

"Funds appropriated in the TEAM capital budget may be expended for salaries and wages of Full-Time Equivalents (FTE) and contract workers assigned to the TEAM program."

Floor Amendment No. 2

Amend **CSSB 1**, by adding the following appropriately numbered rider to the University of Texas System Administration budget pattern on page III-55.

_____. **Appropriation Limitation and Reporting Requirement for Investigations of System Components.** No funds appropriated above may be expended in the investigation of system component institutions or of their executive management, or in the request of open records from component institutions and their executive management. The University of Texas System Administration shall submit to the Legislative Budget Board and the Office of the Governor, not later than December 1 of each year, a report on investigative activities conducted regarding component institutions and their executive management. The report shall contain, at a minimum the purpose of the investigation, evidence or rationale for conducting the investigation, total cost of conducting the investigation, and any findings or results of investigative activities conducted during the past year.

Floor Amendment No. 3

Amend **CSSB 1**, by adding the following appropriately numbered rider to The University of Texas System Administration budget pattern on page III-55.

_____. **Use of Appropriated Funds for Certain Travel and Lodging.** None of the funds appropriated above may be used for the transportation or lodging of a person appointed as a regent of The University of Texas System who has not been confirmed by the senate.

Floor Amendment No. 4

Amend Floor Amendment No. 3 by Pitts to **CSSB 1** (page 4, prefiled amendments packet) by striking the text of the amendment and substituting the following:

Amend **CSSB 1** as follows:

(1) In the Article III appropriations to The University of Texas System Administration, reduce the general revenue appropriations for Strategy A.1.1, System Office Operations (page III-53), by the amount of \$100,000 for the state fiscal year ending August 31, 2014, and by the amount of \$100,000 for the state fiscal year ending August 31, 2015.

(2) Strike Rider No. 2 following the bill pattern appropriations to The University of Texas System Administration (page III-54), relating to the governing board, and substitute:

2. Governing Board Travel, Entertainment, or Lodging Expenses. Money appropriated to The University of Texas System Administration above may not be used to pay an expense associated with travel, entertainment, or lodging of the governing board.

(3) Following the bill pattern appropriations to Office of the Attorney General (page I-5), add the following appropriately numbered provision:

_____. **Supplemental Funding for Open Records and Open Government.** In addition to other amounts appropriated by this Act for that purpose, the amount of \$100,000 is appropriated from the general revenue fund to the Office of the Attorney General for the state fiscal year ending August 31, 2014, for the purposes of the office

related to open records and open government and the amount of \$100,000 is appropriated from the general revenue fund to the Office of the Attorney General for the state fiscal year ending August 31, 2015, for the same purposes.

(4) Adjust totals and methods of financing accordingly.

Floor Amendment No. 5

Amend **CSSB 1**, by making the following change to Rider 2 of the Available University Fund budget pattern on page III-56.

2. **The University of Texas System Share.** There is hereby appropriated for the biennium ending August 31, 2015 that portion of the Available University Fund No. 011 apportioned to The University of Texas System by Article VII, §18(f) of the Texas Constitution, together with interest and any balance in the Available University Fund No. 011 for any previous years, except that portion appropriated by §18 for the payment of principal and interest on bonds or notes issued by the Board of Regents of The University of Texas System. This appropriation may be used for new construction, major repairs and rehabilitation, equipment, maintenance, operation, salaries, and support, including the matching of private grants for the endowment of scholarships, fellowships, library support, and academic positions for The University of Texas at Austin [~~and for The University of Texas System Administration and is to be used as the Board of Regents of The University of Texas System may determine~~].

Floor Amendment No. 6

Amend **CSSB 1**, on the appropriately numbered page of Article IX by making the following change to Sec. 5.05. Travel Meals and Lodging Expenses.

Sec. 5.05. Travel Meals and Lodging Expenses.

(a) A state employee who travels within the continental United States shall be reimbursed for the actual cost of lodging and meals. However, the reimbursements may not exceed the maximum meals and lodging rates based on the federal travel regulations issued by the United States General Services Administration. The maximum lodging rate allowance for Texas cities and counties that do not have a specific federal per diem rate set for that city or county shall not be more than \$85.00 per night; unless the chief administrator of a state agency or designee of the chief administrator determines that local conditions necessitate a change in the lodging rate for a particular location.

(b) At the discretion of each chief administrator of a state agency, a state employee whose duties require the employee to travel outside the employee's designated headquarters without an overnight stay away from the employee's headquarters may be reimbursed for the actual cost of the employee's meals not to exceed \$36.

(c) A state employee may receive reimbursements for the employee's actual expenses for meals and lodging when traveling outside the continental United States.

(d) A state agency or institution may reimburse a state employee for meal expense the employee incurs while traveling outside the employee's designated headquarters for less than six consecutive hours if the reimbursement:

(1) receives the written approval by the chief administrator of the state agency or institution;

(2) meets the rules adopted by the Comptroller regarding reimbursement for traveling outside the employee's designated headquarters for less than six consecutive hours; and

(3) complies with §660.206, Government Code.

Floor Amendment No. 7

Amend **CSSB 1**, on the appropriately numbered page of Article XI by adding the following appropriation to the Article III - Higher Education: Health-related Institutions list.

The University of Texas Health Science Center Houston - Texas Heart Institute Adult Stem Cell Program	\$2,000,000
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Floor Amendment No. 12

Amend **CSSB 1** (house committee report) as follows:

(1) In Article I of the bill, add the following appropriately numbered rider after the appropriations to the Comptroller of Public Accounts:

_____. E-newsletter Notification by Comptroller of Right to Breastfeed. Out of the funds appropriated under A.3.1., the Comptroller, at least annually, shall include in the tax policy e-newsletter notification of the right of a mother to breastfeed her baby in any location in which she and the baby are authorized to be.

Floor Amendment No. 13

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered provision under the Article I appropriations to the Comptroller of Public Accounts (page I-18):

_____. Biennial Revenue Estimate Update and Report of Certain Other Amounts. It is the intent of the legislature that, not later than January 15, 2014, and using money appropriated to the comptroller of public accounts in Goal B, Manage Fiscal Affairs, the comptroller shall prepare and provide to the legislature an update of the biennial revenue estimate prepared in accordance with Section 49a, Article III, Texas Constitution, and provided to the legislature in January 2013, together with a report comparing:

(1) the estimate of the amount of money available for general-purpose spending for the state fiscal biennium beginning September 1, 2013, provided to the legislature in January 2013, itemized by revenue source, and the sum of the actual amount of money received and available for general-purpose spending and the revised estimated amount of that money to be received for the remainder of that biennium, itemized by revenue source;

(2) the estimate of the amount of money available for general-purpose spending for the state fiscal biennium beginning September 1, 2011, provided to the legislature in January 2011, itemized by revenue source, and the actual amount of money received and available for general-purpose spending for that biennium, itemized by revenue source;

(3) for the state fiscal biennium beginning September 1, 2011, the amount of money estimated to be transferred to the economic stabilization fund during that biennium, as determined before the beginning of that biennium, and the actual amount of money transferred to that fund during that biennium; and

(4) for the state fiscal biennium beginning September 1, 2013, the amount of money estimated to be transferred to the economic stabilization fund during that biennium, as determined before the beginning of that biennium and, as of the date of the report, the sum of the actual amount of money transferred to that fund during that biennium and the estimated amount of money that will be transferred to that fund during the remainder of that biennium.

Floor Amendment No. 14

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered provision under the Article I appropriations to the Comptroller of Public Accounts (page I-18):

____. Federal Earned Income Tax Credit Study. (a) It is the intent of the Legislature that the Comptroller of Public Accounts, using funds appropriated to the Comptroller above, conduct a study on the effect of the provision of federal earned income tax credit information as required by Chapter 104, Labor Code, on:

(1) the number of taxpayers claiming that credit; and

(2) the number of taxpayers in this state who are eligible to claim that credit but who do not claim the credit.

(b) At the Comptroller's request, a state agency shall provide information for and assistance in conducting the study under this section.

(c) Not later than December 1, 2014, the Comptroller shall provide a report on the results of the study to the Governor, the Lieutenant Governor, and the Legislature.

Floor Amendment No. 18

Amend **CSSB 1** in Article I of the bill immediately following the appropriations to the Fiscal Programs-Comptroller of Public Accounts (page I-26) by adding the following appropriately numbered rider and renumbering subsequent riders accordingly:

____. Unclaimed Property Held in Another State. Using amounts appropriated above, the comptroller of public accounts to the extent authorized by law may take any necessary actions to have unclaimed property in the custody or possession of another state or a person residing in another state delivered to the comptroller to be held in the custody of this state to pay the claims of persons in this state who establish ownership of the property.

Floor Amendment No. 19

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered provision under the Article I appropriations to the Texas Ethics Commission (page I-34):

____. **Study on Failure to File Lobbyist Registration Forms and Lobbying Activities Reports.** (a) It is the intent of the legislature that the Texas Ethics Commission, using funds appropriated to the commission above, study the fiscal impact of the failure of lobbyists to file lobbyist registration forms during the previous calendar year or lobbying activities reports covering activities occurring during the previous calendar year as required under Chapter 305, Government Code.

(b) Not later than June 1 of each year, the commission shall provide a report on the results of the study conducted under Subsection (a) to the governor, the lieutenant governor, and the legislature.

(c) The report submitted under Subsections (a) and (b) shall include the name of each person who the commission determines failed to both file a lobbyist registration form during the previous calendar year and a lobbying activities report covering activities occurring during the previous calendar year. This report shall list and itemize, to the extent possible, amounts of unpaid registration fees and estimates of state resources expended in relation to and the economic impact of not filing lobbyist registration forms during the previous calendar year or lobbying activities reports covering activities occurring during the previous calendar year.

Floor Amendment No. 20

Amend **CSSB 1** in Article I of the bill, following the appropriations to the Trusteed Programs Within the Office of the Governor (page I-55), by adding the following appropriately numbered rider and renumbering subsequent riders accordingly:

_____. Report on Driving While Intoxicated. (a) Out of the amounts appropriated above in Strategy A.1.3, Criminal Justice, the office of the governor shall conduct a study on driving while intoxicated, including:

(1) monitoring and analyzing data collected in this state relating to driving fatalities involving intoxicated drivers and automatic driver's license suspensions for driving while intoxicated offenses; and

(2) monitoring and analyzing the laws and programs of other states that have been successful in reducing the number of driving while intoxicated offenses committed in those states.

(b) Based on the study conducted under Subsection (a), the office of the governor shall develop a plan to collaborate with the Texas Department of Transportation, the Department of Public Safety, and the Department of State Health Services to reduce alcoholism and recidivism and the number of driving while intoxicated offenses committed in this state.

(c) Not later than January 1, 2015, the office of the governor shall submit to the legislature a report of the study conducted under Subsection (a) and the plan developed under Subsection (b). The report must:

(1) include an evaluation of the efficacy of laws and programs designed to reduce the number of driving while intoxicated offenses in this state and in other states; and

(2) recommend legislation relating to the prevention of driving while intoxicated in this state.

Floor Amendment No. 24

Amend **CSSB 1** as follows:

(1) On page I-51 of the bill pattern for the Trusteed Programs within the Office of the Governor, reduce General Revenue appropriations to Strategy A.1.9, Economic Development and Tourism, by \$224,871 in fiscal year 2014 and by \$212,247 in fiscal year 2015.

(2) On page I-79 of the bill pattern for the Veterans Commission, increase General Revenue appropriations to Strategy A.1.2, Veterans Employment Services by \$224,871 in fiscal year 2014 and by \$212,247 in fiscal year 2015.

Floor Amendment No. 25

Amend Amendment No. 24 to **CSSB 1** by R. Sheffield (prefiled amendment packet page 32) by striking the text and substituting the following:

Amend **CSSB 1**, on page XI-2 of Article I of Article XI for the Veterans Commission by adding the following rider:

Contingency for the Veteran Entrepreneur Program. Contingent upon enactment of **SB 1476**, or similar legislation, by the Eighty-third Legislature, Regular Session, 2013, relating to the creation of the veteran entrepreneur program, the Veterans Commission is appropriated \$224,871 in fiscal year 2014 and by \$212,247 in fiscal year 2015 out of General Revenue to Strategy A.1.2, Veterans Employment Services.

Floor Amendment No. 29

Amend **CSSB 1** in Article I, following the appropriations to Trusteed Programs within the Office of the Governor, in Rider 7 (Administration: Foreign Offices), in Subsection a (page I-53), by striking the third and fourth sentences and substituting the following:

The Office of the Governor shall expend funds for the Mexico offices and any offices established in Taiwan out of any funds available, but shall not expend any funds appropriated under this Act for any office or staff at any other foreign offices established by the Office of the Governor. The Office of the Governor may seek and use alternative funding sources other than funds appropriated under this Act for offices in locations other than Mexico City or Taiwan.

Floor Amendment No. 35

Amend **CSSB 1** (house committee printing) in Article I of the bill, by adding the following appropriately numbered rider following the appropriations to the Secretary of State:

____. Feasibility Study of Online Voting. Out of funds appropriated above, it is the intent of the Legislature that the Secretary of State conduct a study to consider the feasibility of implementing the practice of online voting and include a thorough explication and investigation of:

- (1) the experience of jurisdictions, including foreign nations, that have implemented the practice;
- (2) the anticipated cost expenditures or savings to the state and counties upon the implementation of the practice;
- (3) the anticipated increase or decrease in voter turnout upon implementation of the practice; and
- (4) any security issues or other challenges anticipated, including possible solutions.

It is the intent of the Legislature that the Secretary of State deliver the report to the Legislature not later than January 13, 2015.

Floor Amendment No. 41

Amend **CSSB 1** (house committee printing) in Article II of the bill following the appropriations to the Department of State Health Services (page II-47) by adding the following appropriately numbered rider to the bill and renumbering subsequent riders accordingly:

____. Indigent Health Care Reimbursement. In addition to the amounts appropriated under Strategy B.3.2 to the Department of State Health Services for the biennium beginning September 1, 2013, any revenue received in excess of the comptroller's biennial revenue estimate from unclaimed lottery prize money under Section 466.408, Government Code, is appropriated to the Department of State Health Services for indigent health care reimbursement.

Floor Amendment No. 42

Amend Amendment No. 41 to **CSSB 1** by Eiland (page 60, prefiled amendments packet) by striking the text of the amendment and substituting the following:

Amend **CSSB 1** (house committee printing) in Article III of the bill following the appropriations to The University of Texas Medical Branch at Galveston (page III-148) by adding the following appropriately numbered rider to the bill and renumbering subsequent riders accordingly:

____. Support for Indigent Care. In addition to the amounts appropriated under Strategy E.1.4 to The University of Texas Medical Branch at Galveston for the biennium beginning September 1, 2013, any revenue received in excess of the comptroller's biennial revenue estimate from unclaimed lottery prize money under Section 466.408, Government Code, is appropriated to The University of Texas Medical Branch at Galveston for support for indigent care.

Floor Amendment No. 43

Amend **CSSB 1**, on page II - ____ add the following:

79. Mental Health Appropriations and the 1115 Medicaid Transformation Waiver. Out of funds appropriated above in Goal B., Community Health Services, Strategies B.2.1, Mental Health Services for Adults, B.2.2, Mental Health Services for Children, and B.2.3, Community Mental Health Crisis Services, the Department of State Health Services by contract shall require that \$172,700,000 in General Revenue funds provided to the department in this biennium to be used to the extent possible to draw down additional federal funds through the 1115 transformation waiver or other federal matching opportunities, and the funds must be used for mental health services as specified by the department in its performance contracts. The department shall report to the Legislative Budget Board and the Governor by December 1, 2014 on efforts to leverage these funds.

In furtherance of the goal to maximize federal matching opportunity the department and other state agencies are directed to review and revise the performance agreements, financial and program reporting requirements or other relevant contracts and agreements with Local Mental Health Authorities as necessary to facilitate compliance with federal requirements and to allow for coordination with private hospitals in order to improve access, availability, delivery, efficiency and funding for behavioral health services via the 1115 transformation waiver. In addition, the

department will research and address other state and federal impediments to the implementation of this rider. The department or other state agency shall report to the Legislative Budget Board and the Governor by December 1, 2014 on efforts regarding such General Revenue funds.

Floor Amendment No. 44

Amend **CSSB 1** in Article II of the bill following the appropriations to the Department of State Health Services (page II-50) by adding the following appropriately numbered provision:

_____. School-Based Behavioral Health Services. Out of the funds appropriated to the Department of State Health Services above in Strategy B.2.2, Mental Health Services for Children, the department shall allocate \$2,500,000 in each fiscal year for providing technical assistance and grants to school districts that implement best-practice-based positive youth development programs, mental health promotion programs, early mental health intervention programs, suicide prevention programs, or substance abuse prevention and intervention programs. In allocating the money for grants and technical assistance among school districts that implement those programs, the department shall choose first school districts that implement an early mental health intervention and suicide prevention program under Section 161.325, Health and Safety Code.

Floor Amendment No. 48

Amend **CSSB 1**, on page II-77 of the Department of State Health Services bill pattern by adding the following text:

Mental Health Program Allocation. Out of funds appropriated above, the Department of State Health Services (DSHS) is directed to use \$37,000,000 in General Revenue over the biennium for the purpose of expanding or improving statewide community mental health services. It is the intent of the legislature that DSHS allocate these funds equitably to the local mental health authorities considering the per capita spending of each organization, among other funding parameters.

Floor Amendment No. 49

Amend **CSSB 1**, on page II-77 of the Department of State Health Services bill pattern by adding the following text:

Community Mental Health Services Wait List Funding. Out of funds appropriated above in Strategies B.2.1, Mental Health Services for Adults, and B.2.2, Mental Health Services for Children, the Department of State Health Services is directed to use \$57,200,000 in General Revenue funds over the biennium for the purposes of eliminating the waiting list for services. It is the intent of the Legislature that any of these funds that cannot be used for this purpose shall be allocated among Local Mental Health Authorities with below average per capita funding levels to increase equity in funding allocations.

Floor Amendment No. 50

Amend **CSSB 1** (house committee printing) in Article II of the bill by adding the following appropriately numbered rider following the appropriations to the Department of State Health Services (page II-77):

_____. Data Collection on the Incidence of Health Care-Associated Infections. It is the intent of the legislature that the Department of State Health Services expend funds appropriated for the Texas Health Care-Associated Infection Reporting System to expand the reporting required under the system to accommodate information on infections resulting in the death of the patient.

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 (page II-79) by adding the following appropriately numbered provision:

_____. Texas System of Care Consortium. (a) Out of funds appropriated to the Health and Human Services Commission above in Strategy A.1.1, Enterprise Oversight & Policy, for each fiscal year the commission shall pay a Full-Time Equivalent (FTE) employee to maintain an interagency consortium composed of persons as provided by Section 531.251, Government Code, to develop and oversee local mental health systems of care for minors, as provided by that section, to make recommendations to the legislature and appropriate state agencies regarding the provision of mental health services and supports to minors, and to oversee planning, promotion, and implementation activities of the consortium.

(b) The maximum number of allowable FTEs for the Health and Human Services Commission otherwise specified by this Act is increased by 1 FTE for each year of the state fiscal biennium ending August 31, 2015.

Floor Amendment No. 58

Amend **CSSB 1**, on page II-75 of the Department of State Health Services bill pattern by amending Rider 83, State Hospital System Long-Term Plan, with the following text:

83. State Hospital System Long-Term Plan. Out of funds appropriated above, the Department of State Health Services (DSHS) shall develop a ten-year plan for the provision of psychiatric inpatient hospitalization to persons served by the department. This plan will consider state hospital system operational needs, including infrastructure needs of the existing facilities, future infrastructure needs, capacity needs across various regions of the state, and associated costs. The plan must also consider then need for community-based alternatives to inpatient hospitalization in a state hospital, local needs and demands for outpatient services that would reduce the use of beds in state hospitals, and the availability of contracted providers of outpatient services and inpatient mental health facilities other than state hospitals. The plan must consider current state funded hospital capacity for individuals requiring hospitalization, timely access to patient care in the least restrictive setting as clinically appropriate, best practices in psychiatric inpatient care, opportunities for patients to receive care closer to their homes, community-based alternatives to inpatient hospitalization that will reduce the demands on the state hospital system, including crisis stabilization services, short-term residential treatment, respite care, and extended observation services, and efficient use of state resources. DSHS is required to seek public input during development of the plan, and is authorized to contract for necessary technical expertise to assist in the development of the plan. DSHS shall submit the plan to the Office of the Governor and the Legislative Budget Board not

later than December 1, 2014. DSHS is required to implement the provisions of the plan, and in order to authorize the implementation funding for of improvements implementing the plan to regarding the state hospital system and community based alternatives related to the plan, DSHS shall submit a written request for funding to the Legislative Budget Board and the Governor. The request shall be considered to be approved unless the Legislative Budget Board or the Governor issues a written disapproval within 30 business days of the date on which the staff of the Legislative Budget Board concludes its review of the proposal and forwards its review to the Chair of the House Appropriations Committee, Chair of the Senate Finance Committee, Speaker of the House, and Lieutenant Governor.

Floor Amendment No. 59

Amend Amendment No. 58 by McClendon to **CSSB 1** (on pages 72 and 73 of the prefiled amendment packet) as follows:

(1) On page 1, strike lines 10-25, and substitute the following:
existing facilities, future infrastructure needs, and associated costs, and will assess current capacity and needs in all regions served by the state hospital system to evaluate the availability, accessibility, and sufficiency of beds and outpatient services. The plan must consider the current state funded hospital capacity for individuals requiring hospitalization, timely access to patient care in the least restrictive setting as clinically appropriate, best practices in psychiatric inpatient care, opportunities for patients to receive care closer to their homes, short-term residential treatment,

(2) On page 2, strike lines 3-8, and substitute the following:
December 1, 2014. To authorize the implementation of improvements to the state hospital system related to the plan, DSHS shall submit a written request to the Legislative Budget Board and the Governor. The

Floor Amendment No. 61

Amend **CSSB 1**, on page II-97 by inserting the following new text after "model," at the end of Subsection b.(11), "requiring providers to submit the National Provider Identification (NPI) on each claim,".

Floor Amendment No. 64

Amend **CSSB 1** as follows:

(1) On page II-102, at the end of the Health and Human Services Commission bill pattern, add the following new rider:

Medical Transportation Public Brokerage Pilot Program. Out of funds appropriated to the Health and Human Services Commission in Strategy B.2.3, Medical Transportation, the Health and Human Services Commission, in conjunction with the Texas Department of Transportation and the Texas A&M Transportation Institute, shall implement a pilot project on nonemergency medical transportation using three contiguous rural transit districts created under Chapter 458, Transportation Code. The pilot shall evaluate cost savings measures, efficiencies and best practices. The pilot shall document and analyze the impact of the matching funding with local funding contributions, Medicaid funding, Fund 6 appropriations and Federal Transit Administration funding. Accountability metrics and best practices shall be reported to the legislature by December, 2014.

Floor Amendment No. 65

Amend Amendment No. 64 by Guillen (on page 99 of the prefiled amendment packet) to **CSSB 1**, in the fifth line of the added rider, by striking "shall implement a pilot project on" and substituting "shall provide medical transportation program services on an at risk, regional basis, including one pilot project for".

Floor Amendment No. 66

Amend **CSSB 1** (house committee printing), in Article II of the bill, following the appropriations to the Health and Human Services Commission (page II-102), by adding the following appropriately numbered rider:

_____. Interagency Grant and Resource Coordination to Improve Service Delivery to Children and Families. (a) In addition to other amounts appropriated to the Health and Human Services Commission by this article, the amount of \$150,000 is appropriated to the Health and Human Services Commission for the state fiscal biennium ending August 31, 2015, to facilitate cross-agency grant and resource coordination aimed at improving service delivery to and outcomes for children and families.

(b) The amount of general revenue appropriated to the Department of Family and Protective Services, Texas Education Agency, Department of State Health Services, Department of Aging and Disability Services, and Texas Juvenile Justice Department shall be reduced by \$30,000 each for the state fiscal biennium ending August 31, 2015.

(c) The Texas Juvenile Justice Department shall determine the manner of accomplishing the reduction required by this section for the department. The Texas Education Agency shall determine the manner of accomplishing the reduction required by this section for the agency. The executive commissioner of the Health and Human Services Commission shall determine the manner of accomplishing the reduction required by this section for the Department of Family and Protective Services, Department of State Health Services, and Department of Aging and Disability Services.

Floor Amendment No. 67

Amend **CSSB 1** in Article II of the bill, in Special Provisions Relating to All Health and Human Services Agencies, in Section 48(a), Expansion of PACE Sites (page II-125), by striking "to add up to two additional PACE sites, each serving up to 150 participants" and substituting "to add up to three additional PACE sites, each serving up to 100 participants".

Floor Amendment No. 68

Amend **CSSB 1** as follows:

1) On page II-126, add the following Section to the Special Provisions Relating to All Health and Human Services Agencies and number accordingly:

SEC. _____. Fiscal Impact Analysis of Health and Medical Insurance for eligible employees of contracted long-term care Medicaid providers. It is the intent of the legislature that out of funds available, the Health and Human Services

Commission in coordination with the Legislative Budget Board shall determine the impact of the employer mandate in the Affordable Care Act on Medicaid long-term care providers through consideration of the following:

- a. Current number of contracted long-term care Medicaid providers with 50 or more full-time equivalent employees
- b. Estimated percentage of employees that would qualify for the Medicaid exchange
- c. Estimated percentage of employees by wage rate who would enroll in a plan offered by their employer
- d. Estimated cost of providing health insurance per employee
- e. Current number of employees and employee health insurance costs on current cost reports, requiring this information to be included on future cost reports.

It is the intent of the legislature that the Health and Human Services Commission shall report these findings to the governor and Legislative Budget Board no later than November 1, 2013, and HHSC shall take this impact into consideration when setting rates should additional funds become available through funds provided or additional state or federal Medicaid funds that become available.

Floor Amendment No. 77

Amend **CSSB 1** (house committee printing) as follows:

(1) On page III-5 of the Texas Education Agency's bill pattern, in Rider 1, Performance Measure Targets, under Strategy B.3.2, under the "Efficiencies" targets, add as a second efficiency performance measure "Permanent School Fund (PSF) Investment Expense as Basis Points of Net Assets" and insert "5" as the goal in both the 2014 and 2015 columns.

(2) In Article III of the bill, add the following appropriately numbered rider after the appropriations to the Available University Fund and renumber subsequent riders accordingly:

_____. Performance Measure Targets. The following is a listing of the key performance target levels for the Available University Fund. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Available University Fund. In order to achieve the objectives and service standards established by this Act, The University of Texas System shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

A. Goal: MANAGE/ADMINISTER ENDOWMENT FUNDS	2014	2015
Permanent University Fund (PUF) Investment		
Expense as Basis Points of Net Assets	30	30

Floor Amendment No. 82

Amend **CSSB 1** as follows:

(1) In Article III of the bill, following the appropriations to the Texas Education Agency, amend Paragraph (a) of Rider 47, Early Childhood School Readiness Program (page III-15), to read as follows:

- a. Funds shall be distributed on a competitive grant basis to preschool programs to provide scientific, research-based pre-reading instruction with the goal of directly improving the pre-reading skills of three- and four-year-old children or improving

overall kindergarten readiness [~~and implementing school readiness integration community collaborations~~]. To be eligible for the grants, applicants must serve at least 75 percent low income students, as determined by the Commissioner. [~~The Commissioner may require applicants to participate in the School Readiness Certification System according to the provisions of Texas Education Code §29.161.~~] It is the intent of the Legislature that the Texas Education Agency participate to the extent practicable in interagency early childhood education and care coordination initiatives. This includes, but is not limited to, participation in the Head Start collaboration project or any other interagency entity formed to address the coordination of early childhood care and education service delivery and funding.

(2) In Article VII of the bill, following the appropriations to the Texas Workforce Commission, amend Rider 26, Professional Development Partnerships for Early Childhood Education (page VII-38), to read as follows:

26. Professional Development Partnerships for Early Childhood Education. Out of federal Child Care Development Funds (CCDF) appropriated above, the Texas Workforce Commission may [~~shall~~] transfer via interagency contract not more than \$150,000 [~~\$1,000,000~~] in fiscal year 2014 and not more than \$150,000 [~~\$1,000,000~~] in fiscal year 2015 to the Texas Education Agency to fund the management of early childhood education partnerships projects, including the award of stipends, to facilitate increased participation in professional development by early childhood education professionals and encourage those professionals to seek additional education.

(3) In Article VII of the bill, following the appropriations to the Texas Workforce Commission, add the following appropriately numbered rider:

_____. Professional Development for Early Childhood Education. Out of federal Child Care Development Funds (CCDF) appropriated above, the Texas Workforce Commission shall dedicate \$850,000 in fiscal year 2014 and \$850,000 in fiscal year 2015 for programs that encourage increased participation in continuing professional development for early childhood professionals. Funding may be used to fund teacher training programs, programs that lead to a national credential in early childhood education, or work-study programs in child care. Funding may also be used for pilot programs that utilize tools for individualized instruction coupled with professional development components that support ongoing learning for teachers.

Floor Amendment No. 83

Amend **CSSB 1** (house committee printing) as follows:

(1) On page III-17 of the Texas Education Agency's bill pattern, amend Rider No. 52 by striking the following words in the last sentence of the second paragraph of the rider: "and give funding priority to teachers at public school campuses that do not offer Advanced Placement/International Baccalaureate courses".

(2) On page III-17 of the Texas Education Agency's bill pattern, amend Rider No. 52 by striking the following sentence that is the last sentence of the third paragraph of the rider: "For campus incentive awards given under this program, consideration may be given to school districts and charter schools in the 1st or 2nd year of operating an Advanced Placement/International Baccalaureate program."

Floor Amendment No. 86

Amend **CSSB 1** (house committee report) as follows:

(1) In Article III, page 16, amend Rider 49 to read as follows:

49. **Student Success Initiative.** Out of the funds appropriated above in Strategy A.2.1, Statewide Educational Programs, the Commissioner shall expend \$18,250,000 in General Revenue in fiscal year 2014 and \$18,250,000 in General Revenue in fiscal year 2015 for the Student Success Initiative. Funds shall be distributed to school districts to fund programs targeting the prevention of academic failure. Those programs shall include outreach to educate a parent or guardian of a student on preparing the student for assessments.

From funds referenced in this rider and not to exceed 5 percent of expenditures for the program, the Texas Education Agency shall conduct an evaluation on the Student Success Initiative and produce a final report for the Eighty-fourth Legislature on the effectiveness and implementation of the program, to be delivered in January 2015 to the Governor, the Lieutenant Governor, the Speaker of the House, the Legislative Budget Board, and the presiding officers of the standing committees of the legislature with primary jurisdiction over public education.

Any unexpended balances as of August 31, 2014 are hereby appropriated to fiscal year 2015 for the same purpose.

Floor Amendment No. 87

Amend Floor Amendment No. 86 by Farrar to **CSSB 1** (page 122 of the prefiled amendments packet) by striking the text of the amendment and substituting the following:

Amend **CSSB 1** (house committee printing) in Article III of the bill, following the appropriations to the Texas Education Agency, by amending Rider 49, Student Success Initiative (page III-16) to read as follows:

49. **Student Success Initiative.** Out of the funds appropriated above in Strategy A.2.1, Statewide Educational Programs, the Commissioner shall expend \$18,250,000 in General Revenue in fiscal year 2014 and \$18,250,000 in General Revenue in fiscal year 2015 for the Student Success Initiative. Funds shall be distributed to school districts to fund programs targeting the prevention of academic failure. A program funded under this rider shall include outreach to educate a parent or guardian of a student on preparing the student for administration of an assessment instrument. The information provided to a parent or guardian under this rider must be available in Spanish.

From funds referenced in this rider and not to exceed 5 percent of expenditures for the program, the Texas Education Agency shall conduct an evaluation on the Student Success Initiative and produce a final report for the Eighty-fourth Legislature on the effectiveness and implementation of the program, to be delivered in January 2015 to the Governor, the Lieutenant Governor, the Speaker of the House, the Legislative Budget Board, and the presiding officers of the standing committees of the legislature with primary jurisdiction over public education.

Any unexpended balances as of August 31, 2014 are hereby appropriated to fiscal year 2015 for the same purpose.

Floor Amendment No. 91

Amend **CSSB 1** (house committee report) in Article III of the bill immediately following the appropriations to the Texas Education Agency by adding the following appropriately numbered rider:

____. Texas Fitness Now Grant Program Study. Out of the amounts appropriated above in Strategy B.2.2, Health and Safety, the Texas Education Agency shall contract with an external entity to study and evaluate the effectiveness of the Texas Fitness Now grant program. The Texas Education Agency shall provide the external entity conducting the study with all individual-level physical assessment data provided to the agency for all school years under Section 38.103, Education Code, for all schools participating in the Texas Fitness Now grant program and all schools not participating in the program. The evaluation of the Texas Fitness Now grant program should be designed to estimate what causal effect the Texas Fitness Now grant program has on all the fitness measures collected in the school physical assessment data provided by the Texas Education Agency, including body mass index and the number of overweight and obese students. To estimate the causal effect of the physical assessments required under Section 38.101, Education Code, the evaluation of the Texas Fitness Now grant program should use a regression-discontinuity design that focuses on the differences between schools at which at least 70 percent but not more than 80 percent of students are economically disadvantaged.

Floor Amendment No. 92

Amend Floor Amendment No. 91 to **CSSB 1** by Villarreal (page 129 of the prefiled amendments packet) as follows:

(1) On page 1, lines 5-9, strike "Out of the amounts appropriated above in Strategy B.2.2, Health and Safety, the Texas Education Agency shall contract with an external entity to study and evaluate the effectiveness of the Texas Fitness Now grant program. The", and substitute "It is the intent of the legislature that upon receipt of a request from a qualified researcher at a regional education service center for Texas FitnessGram data for the purposes of evaluating student health outcomes, the".

(2) On page 1, line 9, strike "shall", and substitute "will".

(3) On page 1, line 10, strike "the study with all", and substitute "a study with all requested".

(4) On page 1, line 11 strike "physical assessment data provided to the agency for all school" and substitute "data.".

(5) On page 1, strike lines 12-25.

Floor Amendment No. 93

Amend **CSSB 1** (house committee report) as follows:

(1) In Article III of the bill, add the following appropriately numbered rider after the appropriations to the Texas Education Agency:

____. **Student Testing Program Outreach:** Out of the funds appropriated in B.1.1. Strategy, Assessment and Accountability System, the agency shall provide outreach efforts to educate a parent or guardian of a student on preparing the student for assessments.

Floor Amendment No. 94

Amend Floor Amendment No. 93 by Farrar to **CSSB 1** (page 130 of the prefilled amendments packet) by striking the text of the amendment and substituting the following:

Amend **CSSB 1** (house committee printing) in Article III of the bill, immediately following the appropriations to the Texas Education Agency, by adding the following appropriately numbered rider:

____. Student Testing Program Outreach. Out of the funds appropriated above in Strategy B.1.1, Assessment & Accountability System, the Texas Education Agency shall provide outreach efforts to educate a parent or guardian of a student on preparing the student for the administration of assessment instruments. The information provided to a parent or guardian under this rider must be available in Spanish.

Floor Amendment No. 95

Amend **CSSB 1** (house committee printing) in Article III of the bill by adding the following appropriately numbered rider after the appropriations to the Texas Education Agency:

____. Use of Appropriated Funds for School Vouchers or to Support Tax-Credit Scholarships Prohibited. Money appropriated to the Texas Education Agency by this Act may not be used to pay for or support school vouchers or scholarships for private primary or secondary education provided by nonprofit entities using donations received from entities that receive tax credits as a result of the donations.

Floor Amendment No. 96

Amend Floor Amendment No. 95 by Herrero to **CSSB 1** (pg. 131 of the pre-filed amendments packet) on line 10 of the amendment, immediately following the underlined period by adding "In accordance with Section 12.105 and Chapter 42, Education Code, this provision does not affect the funding of an open-enrollment charter school operating under a charter granted under Subchapter D, Chapter 12, Education Code.

Floor Amendment No. 99

Amend **CSSB 1**, in Article III of the bill, following the appropriations to the Teacher Retirement System of Texas, by adding the following appropriately numbered rider to the bill and renumbering subsequent riders accordingly:

____. Settle-Up Dollars Directed to TRS-Care. Any settle-up payments made in the fiscal year ending August 31, 2014, or August 31, 2015, from the Teacher Retirement System of Texas pension fund or from the TRS-Care program are appropriated to the TRS-Care program. Settle-up funds are all estimated General Revenue appropriations for fiscal year 2013 and fiscal year 2014 in excess of the state's actual statutory obligations for retirement and retiree insurance contributions, and those funds are re-appropriated to Retiree Health-Statutory Funds, for deposit to the Texas Public School Retired Employees Group Insurance Trust Fund.

Floor Amendment No. 105

Amend **CSSB 1**, Article III, THECB bill pattern on page III-48, by amending Rider 34 to read as follows:

34. Professional Nursing Shortage Reduction Program. Appropriations for the Professional Nurse Shortage program total \$17,500,000 in each year of the 2014-15 biennium. Those funds shall be allocated as follows:

The Texas Higher Education Coordinating Board (THECB) shall allocate the funds appropriated in their bill pattern in Strategy D.1.4, as follows:

(a) Up to 5 percent each year may be used for administrative expenses.

(b) In each fiscal year \$5,755,750 shall be distributed in an equitable manner to institutions with nursing programs, including institutions graduating their first nursing class, based on increases in numbers of nursing student graduating. The THECB shall apply a weight of 1.5 for increased graduates in nursing educator programs identified with a Classification of Instructional Program code of 51.3808 and 51.3817. The THECB shall allocate up to 50 percent in each fiscal year of the biennium and any unexpended amounts to community colleges.

(c) \$8,032,500 in fiscal year 2014 and \$8,032,500 in fiscal year 2015 shall be distributed at a rate of \$10,000 per year for each additional nursing student enrolled in a professional nursing program to institutions with professional nursing programs based on the following criteria: (1) a graduation rate of 70% or above as reflected in the final 2012 graduation rates reported by the THECB and (2) an increase in new enrollees for fiscal year 2014 equal to 12 percent and 18 percent in fiscal year 2015 of the first-year enrollments for the 2011-2012 academic year as reported by the institutions to the Texas Center for Nursing Workforce Studies.

(d) ~~THECB shall allocate any remaining appropriation, estimated to be] \$3,711,750 in fiscal year 2014 and \$3,711,750 in fiscal year 2015 to (1) professional nursing programs with nursing graduation rates below 70 percent as reflected in the final 2012 graduation rates reported by the THECB, (2) hospital-based diploma programs, or (3) new professional nursing programs whose graduation rates which have not been determined by the THECB. From funds available for that purpose, institutions shall receive \$20,000 for each additional initial RN graduate in two year programs and \$10,000 for each additional graduate in one-year programs. If sufficient funds are not available to provide this allocation, the HECB shall distribute the funds on a pro rata basis equally among the nursing programs participating~~ submit a plan to the Legislative Budget Board and to the Governor outlining a method of proration. THECB shall develop an application process for institutions willing to increase the number of nursing graduates. The application shall indicate the number of nursing graduates for initial licensure the institution will produce; indicate the number of payments and payment schedule; identify benchmarks an institution must meet to receive payment; and specify the consequences of failing to meet the benchmarks.

(e) For THECB expenditure purposes, any funds not expended in fiscal year 2014 may be expended in fiscal year 2015 for the same purposes. If an institution does not meet targets for purposes of subsections b, c and d, the institution shall return these unearned funds to the THECB by the date specified by THECB rule. The THECB shall reallocate these funds to other qualified programs. All institutions receiving funds shall submit to the THECB a detailed accounting of funds received, obligated or expended.

(f) If the funds appropriated under Paragraphs (b), (c) or (d) exceed the funds that can be expended in accordance with the requirements of that paragraph, THECB may expend the excess funds for any purpose described in Paragraphs (b), (c) or (d).

Floor Amendment No. 109

Amend **CSSB 1** (House Committee Printing) as follows:

1) In the bill pattern for the Higher Education Coordinating Board, amend Rider 53 to read:

53. Higher Education Coordinating Board Contingent Appropriations, Formula Funding for The University of Texas at Brownsville and Texas Southmost College. Appropriations made to the Higher Education Coordinating Board in Strategy F.1.4, UTB TSC Transition Funding in the amount of \$9,308,740 in fiscal year 2014 and \$9,308,739 in fiscal year 2015 are contingent on:

a) The University of Texas at Brownsville and Texas Southmost College providing the Higher Education Coordinating Board with updated 2014-15 base period semester data for lower level undergraduate semester credit hours at The University of Texas at Brownsville, excluding dual-credit hours, and non-developmental education academic contact hours at Texas Southmost College, excluding dual-credit hours;

b) The Legislative Budget Board calculating the lower level undergraduate formula funding amounts for The University of Texas at Brownsville, excluding dual-credit hours, and the non-developmental education academic contact hour formula amounts for Texas Southmost College, excluding dual-credit hours, for fiscal years 2014 and 2015 using the data provided in subsection a; and

c) The Legislative Budget Board not issuing a written disapproval before the 15th day after the date the staff of the Legislative Budget Board concludes its review of the new lower level undergraduate semester credit hours at The University of Texas at Brownsville, excluding dual-credit hours, and the non-developmental education academic contact hours at Texas Southmost College, excluding dual-credit hours, and forwards the staff's recommendations to the Chair of the House Appropriations Committee, Chair of the Senate Finance Committee, Speaker of the House, and Lieutenant Governor.

The new formula funding allocations for lower level undergraduate semester credit hours at The University of Texas at Brownsville, excluding dual-credit hours, and the non-developmental education academic contact hours at Texas Southmost College, excluding dual-credit hours, will be provided by the Legislative Budget Board staff to the Higher Education Coordinating Board to ~~distribute~~ transfer the lower level undergraduate formula funding ~~allocations~~ appropriations, excluding dual-credit hours, to The University of Texas at Brownsville and the non-developmental education academic contact hour formula funding allocations ~~appropriations,~~ excluding dual credit hours, to Texas Southmost College for fiscal years 2014 and 2015.

Should the total amount of formula funding allocations provided to the Higher Education Coordinating Board by the Legislative Budget Board for formula funding purposes described in this rider for fiscal year 2014 and fiscal year 2015 exceed the amounts appropriated above in F.1.4, UTB TSC Transition Funding for the 2014-15 biennium, the formula funding allocations provided to the Higher Education

Coordinating Board by the Legislative Budget Board for formula funding purposes described in this rider for fiscal year 2014 and fiscal year 2015 shall be prorated and shall not exceed the total amount appropriated in the 2014-15 biennium in F.1.4, UTB TSC Transition Funding.

If the total amount of formula funding allocations provided to the Higher Education Coordinating Board by the Legislative Budget Board for formula funding purposes described in this rider for fiscal year 2014 and fiscal year 2015 are less than the amounts appropriated above in F.1.4, UTB TSC Transition Funding for the 2014-15 biennium, the remaining appropriation amount shall lapse.

For purposes of the requirements of Article IX, Sec. 6.08 of this Act, appropriations made to the Higher Education Coordinating Board in Strategy F.1.4, UTB TSC Transition Funding and transferred to The University of Texas at Brownsville and Texas Southmost College shall be counted as if they were directly appropriated to the two institutions.

2) In the bill pattern for The University of Texas at Brownsville, amend Rider 3 to read:

3. Higher Education Coordinating Board Contingent Appropriations, Formula Funding for The University of Texas at Brownsville. Appropriations made to the Higher Education Coordinating Board in Strategy F.1.4, UTB TSC Transition Funding in the amount of \$9,308,740 in fiscal year 2014 and \$9,308,739 in fiscal year 2015 are contingent on:

a) The University of Texas at Brownsville and Texas Southmost College providing the Higher Education Coordinating Board with updated 2014-15 base period semester data for lower level undergraduate semester credit hours at The University of Texas at Brownsville, excluding dual-credit hours, and non-developmental education academic contact hours at Texas Southmost College, excluding dual-credit hours;

b) The Legislative Budget Board calculating the lower level undergraduate formula funding amounts for The University of Texas at Brownsville, excluding dual-credit hours, and the non-developmental education academic contact hour formula amounts for Texas Southmost College, excluding dual-credit hours, for fiscal years 2014 and 2015 using the data provided in subsection a; and

c) The Legislative Budget Board not issuing a written disapproval before the 15th day after the date the staff of the Legislative Budget Board concludes its review of the new lower level undergraduate semester credit hours at The University of Texas at Brownsville, excluding dual-credit hours, and the non-developmental education academic contact hours at Texas Southmost College, excluding dual-credit hours, and forwards the staff's recommendations to the Chair of the House Appropriations Committee, Chair of the Senate Finance Committee, Speaker of the House, and Lieutenant Governor.

The new formula funding allocations for lower level undergraduate semester credit hours at The University of Texas at Brownsville, excluding dual-credit hours, and the non-developmental education academic contact hours at Texas Southmost College, excluding dual-credit hours, will be provided by the Legislative Budget Board staff to the Higher Education Coordinating Board to ~~distribute~~ transfer the lower level undergraduate formula funding ~~allocations~~ appropriations, excluding dual-credit

hours, to The University of Texas at Brownsville and the non-developmental education academic contact hour formula funding allocations appropriations, excluding dual credit hours, to Texas Southmost College for fiscal years 2014 and 2015.

Should the total amount of formula funding allocations provided to the Higher Education Coordinating Board by the Legislative Budget Board for formula funding purposes described in this rider for fiscal year 2014 and fiscal year 2015 exceed the amounts appropriated above in F.1.4, UTB TSC Transition Funding for the 2014-15 biennium, the formula funding allocations provided to the Higher Education Coordinating Board by the Legislative Budget Board for formula funding purposes described in this rider for fiscal year 2014 and fiscal year 2015 shall be prorated and shall not exceed the total amount appropriated in the 2014-15 biennium in F.1.4, UTB TSC Transition Funding.

If the total amount of formula funding allocations provided to the Higher Education Coordinating Board by the Legislative Budget Board for formula funding purposes described in this rider for fiscal year 2014 and fiscal year 2015 are less than the amounts appropriated above in F.1.4, UTB TSC Transition Funding for the 2014-15 biennium, the remaining appropriation amount shall lapse.

For purposes of the requirements of Article IX, Sec.6.08 of this Act, appropriations made to the Higher Education Coordinating Board in Strategy F.1.4, UTB TSC Transition Funding and transferred to The University of Texas at Brownsville and Texas Southmost College shall be counted as if they were directly appropriated to the two institutions.

3) In the bill pattern for Public Community/Junior Colleges, amend Rider 20 to read:

20. Higher Education Coordinating Board Contingent Appropriations, Formula Funding for Texas Southmost College. Appropriations made to the Higher Education Coordinating Board in Strategy F.1.4, UTB TSC Transition Funding in the amount of \$9,308,740 in fiscal year 2014 and \$9,308,739 in fiscal year 2015 are contingent on:

a) The University of Texas at Brownsville and Texas Southmost College providing the Higher Education Coordinating Board with updated 2014-15 base period semester data for lower level undergraduate semester credit hours at The University of Texas at Brownsville, excluding dual-credit hours, and non-developmental education academic contact hours at Texas Southmost College, excluding dual-credit hours;

b) The Legislative Budget Board calculating the lower level undergraduate formula funding amounts for The University of Texas at Brownsville, excluding dual-credit hours, and the non-developmental education academic contact hour formula amounts for Texas Southmost College, excluding dual-credit hours, for fiscal years 2014 and 2015 using the data provided in subsection a; and

c) The Legislative Budget Board not issuing a written disapproval before the 15th day after the date the staff of the Legislative Budget board concludes its review of the new lower level undergraduate semester credit hours at The University of Texas at Brownsville, excluding dual-credit hours, and the non-developmental education academic contact hours at Texas Southmost College, excluding dual-credit hours, and

forwards the staff's recommendations to the Chair of the House Appropriations Committee, Chair of the Senate Finance Committee, Speaker of the House, and Lieutenant Governor.

The new formula funding allocations for lower for lower level undergraduate semester credit hours at The University of Texas at Brownsville, excluding dual-credit hours, and the non-developmental education academic contact hours at Texas Southmost College, excluding dual-credit hours, will be provided by the Legislative Budget Board staff to the Higher Education Coordinating Board to ~~distribute~~ transfer the lower level undergraduate formula funding ~~allocations~~ appropriations, excluding dual credit hours, to Texas Southmost College for fiscal years 2014 and 2015.

Should the total amount of formula funding allocations be provided to the Higher Education Coordinating Board by the Legislative Budget Board for formula funding purposes described in this rider for fiscal year 2014 and fiscal year 2015 exceed the amounts appropriated above in F.1.4, UTB TSC Transition Funding for the 2014-15 biennium, the formula funding allocations provided to the Higher Education Coordinating Board by the Legislative Budget Board for formula funding purposes described in this rider for fiscal year 2014 and fiscal year 2015 shall be prorated and shall not exceed the total amount appropriated in the 2014-15 biennium in F.1.4, UTB TSC Transition Funding.

If the total amount of formula funding allocations provided to the Higher Education Coordinating Board by the Legislative Budget Board for formula funding purposes described in this rider for fiscal year 2014 and fiscal year 2015 are less than the amounts appropriated above in F.1.4, UTB TSC Transition Funding for the 2014-15 biennium, the remaining appropriation amount shall lapse.

For purposes of the requirements of Article IX, Sec. 6.08 of this Act, appropriations made to the Higher Education Coordinating Board in Strategy F.1.4, UTB TSC Transition Funding and transferred to The University of Texas at Brownsville and Texas Southmost College shall be counted as if they were directly appropriated to the two institutions.

Floor Amendment No. 110

Amend **CSSB 1** (house committee printing) as follows:

(1) In the bill pattern appropriations for The University of Texas at Dallas (page III-63), following Goal D, add the following goal, strategy, and appropriations:

E. Goal: TRUSTEED FUNDS

	2014	2015
--	------	------

Trusteed Funds for African American Museum Internship Program

E.1.1. Strategy: AFRICAN AMERICAN MUSEUM INTERNSHIP

	\$66,716	\$66,716
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(2) In the bill pattern appropriations for The University of Texas at Dallas (page III-63), strike Strategy C.2.2, African American Museum Internship, and the amounts of general revenue appropriated for each fiscal year of the state fiscal biennium ending August 31, 2015.

(3) Following the bill pattern appropriations for The University of Texas at Dallas (page III-64), strike the first sentence of rider No. 2 and substitute the following:

Funds appropriated above in Strategy E.1.1, African American Museum Internship, are for the purpose of supporting an internship at the African American Museum in Dallas.

Floor Amendment No. 113

On page III-183 of **CSSB 1**, amend the bill as follows:

1. Administration of Appropriated Funds. Funds appropriated above shall be administered by the Texas Higher Education Coordinating Board.

~~[To ensure the efficient allocation of state appropriations, the Coordinating Board shall reallocate the formula funds appropriated in this bill pattern in the second year of the biennium using certified contact hour data from the previous academic year. The Higher Education Coordinating Board shall exclude contact hours related to physical education courses for students who are registered to receive both high school and college credit from the contact hours used to reallocate formula funds in the second year of the biennium.]~~

Floor Amendment No. 114

Amend **CSSB 1**, on page III-187 by amending Rider 3 for the Texas State Technical College System Administration:

3. Expenditure Reporting for System Administration and Extension Centers. Prior to each legislative session the Texas State Technical College System Administration shall file with the House Appropriations Committee, the Senate Finance Committee, the Legislative Budget Board, and the Governor a report detailing expenditures for system administration and ~~[the] any~~ extension centers ~~[-at Abilene, Brownwood, and Breckenridge]~~. The report shall compare actual expenditures to funds appropriated for those purposes and shall cover the current and previous two biennia.

Floor Amendment No. 115

Amend **CSSB 1** (General Appropriations Act) in Article III of the bill, under the Special Provisions Relating Only to Components of Texas State Technical College, as follows:

(1) In the first sentence of Rider 6, Temporary Special Courses (page III-194), strike "by contact hour generation".

(2) Strike Rider 9, Audit of Base Contact Hours (page III-195).

(3) In Rider 12, Returned Value Funding Model for Texas State Technical Colleges (page III-195), in the first item of funding methodology components, between "(students who were not found in Texas higher education for two years following the last time they were enrolled in the TSTC)" and "from 2005 and 2006", insert "with a minimum successful completion of nine semester credit hours".

(4) In Rider 12, Returned Value Funding Model for Texas State Technical Colleges (page III-195), in the second item of funding methodology components, strike "UI" and substitute "unemployment compensation insurance".

(5) Renumber the riders appropriately.

Floor Amendment No. 122

Amend **CSSB 1** (the General Appropriations Act) in Article III of the bill, in the Special Provisions Relating Only to State Agencies of Higher Education, by adding the following appropriately numbered section:

Sec. _____. Diversity of Student Body at National Research Universities. It is the intent of the legislature that, in expending funds appropriated by this Act and to the extent permitted by law, The University of Texas at Austin and Texas A&M University make a good faith effort to improve the racial diversity of the university's student body, with a goal of having a student body that more closely reflects the racial demographics of this state.

Floor Amendment No. 125

Amend **CSSB 1** in Article V of the bill, following the appropriations to the Department of Criminal Justice, in Rider 61, Provide Incarcerated Offenders With Useful Information (page V-26), by adding the following immediately after the last sentence:

Additionally, out of funds appropriated above, the Texas Department of Criminal Justice (TDCJ) shall establish and provide education programs to educate employees and incarcerated offenders at TDCJ correctional facilities about hepatitis. In establishing the program for offenders, the department shall design a program that deals with issues related to hepatitis that are relevant to offenders both while confined and on release. TDCJ may consult with the Department of State Health Services in establishing the education programs.

Floor Amendment No. 129

Amend **CSSB 1** as follows:

(1) In Article V of the bill, following the appropriations of the Texas Department of Public Safety, amend Rider 36, State Disaster Resource support and Staging Sites, to read as follows:

36. State Disaster Resource Support and Staging Sites. From funds appropriated above in Goal C, Emergency Management, the Texas Division of Emergency Management is authorized to spend no more than \$1,008,000 in fiscal year 2014 and \$1,008,000 in fiscal year 2015 for the operation of no more than two state disaster resource support and staging sites which are currently established. Funds used under this provision may be expended for capital budget purposes notwithstanding limitations on capital budget expenditures elsewhere in this Act.

Floor Amendment No. 143

Amend **CSSB 1** in Article I of the bill, following the appropriations to the Texas Public Finance Authority (page I-46), by adding the following appropriately numbered rider and renumbering subsequent riders accordingly:

_____. Report on Public School Debt. Out of the amounts appropriated above in Strategy A.1.1, Analyze Financings and Issue Debt, not later than January 1, 2014, the Texas Public Finance Authority shall conduct a study and issue a report evaluating debt issued by public schools, including:

- (1) what is callable debt;
- (2) what may be the best way to organize debt;

- (3) what debt could be refinanced;
- (4) recommendations concerning how school districts could take advantage of historically low interest rates; and
- (5) potential cost savings that could be achieved by reorganizing debt.

Floor Amendment No. 144

Amend **CSSB 1**, on page VIII-22 by amending Rider 14. Three-Share Premium Assistance Programs:

Add to the end of Section (b). the following:

It is the intent of the Legislature, to the extent not funded by fines, penalties and sanctions, to fund this item out of any available amounts appropriated above.

Floor Amendment No. 145

Amend Floor Amendment No. 144 to **CSSB 1**, with the following:

Delete the floor amendment in its entirety, and substitute the following:

Amend **CSSB 1**, on page VIII-22 by amending paragraph b, Rider 14. Three-Share Premium Assistance Programs:

Delete "health insurer" in the first line of paragraph b. and replace with "regulated entities except for workers compensation"

Floor Amendment No. 148

Amend **CSSB 1** by adding the following appropriately numbered rider to Part 1 of Article IX of the bill:

_____. Foundation School Program Allotments for Certain Students. It is the intent of the Legislature that the Legislative Budget Board undertake a study of the Foundation School Program allotments for compensatory education and bilingual education and Foundation School Program funding for students in prekindergarten. The Legislative Budget Board shall issue recommendations for improvements arising from the study to the Legislature not later than December 31, 2013.

Floor Amendment No. 149

Amend Floor Amendment No. 148 by Villarreal to **CSSB 1** (page 237 of the prefilled amendments packet) on page 1, line 7, by striking "prekindergarten" and substituting "full-day prekindergarten".

Floor Amendment No. 150

Amend **CSSB 1** (house committee printing), in Part 3, Article IX of the bill, by striking Section 3.02 and substituting the following:

Sec. 3.02. Salary Supplementation. Funds appropriated by this Act to a state agency or to an institution of higher education may not be expended for payment of salary to a person whose classified or exempt salary is being supplemented from other than appropriated funds until a report showing the methodology used to determine the salary supplement and the amount and sources of salary being paid from other sources has been reported to the Secretary of State, State Auditor, and Comptroller.

Floor Amendment No. 151

Amend **CSSB 1** in Article IX of the bill, on page IX-21 by adding the following, appropriately numbered.

"It is the intention of the legislature that funds appropriated by this Act to a state agency or to an institution of higher education be expended in compliance with the United States Equal Employment Opportunity Commission ruling in *Macy v. Holder* (Appeal No. 0120120821 EEOC Apr. 20 2012)."

Floor Amendment No. 152

Amend Amendment No. 151 by Allen to **CSSB 1** (page 239 of the prefiled amendment packet) by striking the text of the amendment and substituting the following:

Amend **CSSB 1** (house committee report) in Part 3, Salary Administration and Employment Provisions, of Article IX of the bill by adding an appropriately numbered section to read as follows:

Sec. 3. _____. Required Compliance with Current Law and Equal Employment Opportunity Commission Rulings. It is the intention of the Legislature that funds appropriated by this Act to a state agency or to an institution of higher education be expended in accordance with current law, including Equal Employment Opportunity Commission rulings.

Floor Amendment No. 154

Amend **CSSB 1** (house committee printing), in Article IX of the bill, by adding the following appropriately numbered section in Part 6 of that article:

Sec. 6. _____. Prohibition on Use of Appropriated Funds for Embryonic Stem Cell Research. Funds appropriated by this Act may not be expended for purposes of directly or indirectly funding embryonic stem cell research.

Floor Amendment No. 155

Amend Amendment No. 154 to **CSSB 1** by Stickland (page 241 of the prefiled amendment packet), on line 7, between "stem cell research" and the period, by adding "unless the research involves approved stem cell lines listed as of April 1, 2013, in the Human Embryonic Stem Cell Registry of the National Institutes of Health".

Floor Amendment No. 156

Amend Amendment No. 154 to **CSSB 1** by Stickland (page 241 of the prefiled amendment packet), on line 7, between "stem cell research" and the period, by adding "unless the research involves stem cell lines listed as approved, or stem cell lines applying for approval, as of the effective date of this Act in the Human Embryonic Stem Cell Registry of the National Institutes of Health".

Floor Amendment No. 159

Amend **CSSB 1** (house committee printing), in Article IX of the bill, by adding the following appropriately numbered section in Part 6 of that article:

Sec. 6. _____. State Agency Administration of Programs; Study. It is the intent of the legislature that each state agency, using funds appropriated to the agency by this Act, shall:

(1) develop and implement procedures to improve the efficiency of, and maximize the federal funding for, programs administered by the agency;

(2) develop and implement procedures to ensure that all programs administered by the agency 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 agency's ability to perform its assigned duties.

Floor Amendment No. 169

Amend **CSSB 1** (house committee report), in Article X of the bill, following the appropriations to the House of Representatives (page X-2), by adding the following appropriately numbered rider and renumbering subsequent riders accordingly:

_____. Study of Public School Finance Weights, Allotments, and Adjustments. The Legislative Budget Board shall conduct a study of weights, allotments, and adjustments under the public school finance system, including all current weights, allotments, and adjustments provided under Chapter 42, Education Code, and any additional weights, allotments, and adjustments that the board determines may be appropriate. The board may work with the Texas Education Agency and any other state agency in carrying out the board's duties under this rider. Not later than March 1, 2014, the board shall provide a report to the governor, lieutenant governor, and members of the legislature that states the findings of the study and includes recommendations for updated weights, allotments, and adjustments and any other statutory changes considered appropriate by the board. In making recommendations, the board shall take into consideration any final court decisions regarding the public school finance system.

Floor Amendment No. 170

Amend Floor Amendment No. 169 by Walle to **CSSB 1** (page 254, prefiled amendment packet) as follows:

(1) On line 6 of the amendment, between "Adjustments." and "The", insert "(a)".

(2) On line 11 of the amendment, between "appropriate." and "The board", insert the following:

The study shall determine the effectiveness of the weights, allotments and adjustments in fulfilling the mission of the public education system as stated in Section 4.001(a) and the state policy under Section 42.001 of the education code. At a minimum, the study shall determine how closely and appropriately each of the following elements reflect and provide financing for costs beyond the control of school districts:

(1) the adjustments for costs related to the geographic variation in known resource costs and costs of education, controlling for the impact of unequalized wealth and hold-harmless provisions, and properly reflecting the impact of high concentrations of poverty on the compensation that school districts must pay to attract and retain teachers of comparable or appropriate quality;

(2) the adjustments for costs related to the size and diseconomies of scale of districts;

(3) the adjustments for costs related to the varying instructional needs and characteristics of students and the extent to which they provide each student with access to programs and services that are appropriate to the student's educational needs;

(4) other factors in addition to economic status that correlate to at-risk status and the need for compensatory education, and degree to which these factors correspond to additional educational costs; and

(5) the manner in which these adjustments are applied to and impact the overall finance system.

(b)

Floor Amendment No. 173

Amend **CSSB 1** by adding the following appropriately numbered rider to Part 13 of Article IX of the bill:

_____. Study on Cost of Education Adjustment. It is the intent of the legislature that the Legislative Budget Board, using funds appropriated by this Act, shall conduct a study on the cost of education index adjustment contained in Chapter 203, Title 19, Texas Administrative Code. The study must be based on the most recent information available regarding costs incurred by school districts throughout the state and must propose a formula for the calculation of each public school district's cost of education index that may be used by the Texas Education Agency in determining each district's state aid for the 2014-2015 school year and subsequent school years. 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, 2015.

Floor Amendment No. 174

Amend Floor Amendment No. 173 by Martinez Fischer to **CSSB 1** (page 247 of the prefiled amendment packet) by striking lines 3-16, and substituting the following:

_____. Study on Cost of Education Adjustment. It is the intent of the legislature that the Legislative Budget Board, using funds appropriated by this Act, shall conduct a study on the cost of education index adjustment contained in Chapter 203, Title 19, Texas Administrative Code. The Legislative Budget Board shall issue recommendations arising from the study to the legislature, the governor, and the lieutenant governor not later than January 14, 2014. The study shall determine the effectiveness of the cost of education index adjustment in helping to fulfill the mission of the public education system under Section 4.001, Education Code, and the state policy under Section 42.001, Education Code. The study shall determine how closely and appropriately the cost of education index adjusts for the geographic variation in known resource costs and costs of education that are beyond the control of school districts. The study may not be artificially adjusted to meet predetermined outcomes or utilize arbitrary limits and must:

(1) be based on the most recent information available;

(2) reflect all uncontrollable costs that can reasonably be quantified;

(3) control for the impact on school district costs of high wealth per student that is not equalized and additional state aid received by districts under hold-harmless provisions in school finance formulas;

(4) consider the qualifications, experience, and turnover rate of school personnel and the impact of school personnel on student achievement, including consideration of the adequacy of salaries;

(5) reflect the impact of high concentrations of poverty on the compensation that school districts must pay to attract and retain teachers of comparable or appropriate quality;

(6) reflect the impact of factors having the greatest impact on certain types of school districts regardless of the general impact of those factors statewide, including extreme isolation;

(7) only include factors for which a rational economic argument can be made;

(8) be carefully constructed to ensure that a cost factor does not significantly impact more than one variable; and

(9) propose a formula for the calculation of each school district's cost of education index that may be used by the Texas Education Agency in determining each district's state aid for the 2014-2015 school year and subsequent school years.

Floor Amendment No. 178

Amend **CSSB 1** (house committee printing), in Article VI of the bill, following the appropriations to the General Land Office and Veterans' Land Board (page VI-31), by adding the following appropriately numbered rider:

____. Report of Cost Benefit Analysis of State Power Program. The General Land Office shall perform a cost benefit analysis of the outcome performances for its State Power Program. Not later than December 31, 2013, the General Land Office shall submit a report to the Legislative Budget Board containing results of the cost benefit analysis. The General Land Office may not spend money appropriated under this Act for the office's State Power Program until the office has performed the cost benefit analysis and submitted the report required by this section.

Floor Amendment No. 179

Amend Amendment No. 178 by Carter to **CSSB 1** (page 206, prefiled amendment packet), by in Article VI of the bill, by striking lines 5-14 and substituting the following:

____. Report of Cost Benefit Analysis of State Power Program. The General Land Office in administering the State Power Program using funds appropriated by this Act shall perform a cost-benefit analysis of outcome performances for the program and, not later than December 31, 2013, shall submit a report of the analysis to the Legislative Budget Board.

Floor Amendment No. 181

Amend **CSSB 1** in Article VII of the bill immediately following the appropriations to the Department of Transportation by amending the following Rider #17 on page VII-26, as follows:

17. Bond Programs. The Department of Transportation:

b. in accordance with Subchapter N of Chapter 201, Transportation Code, is authorized during the biennium to pay in addition to amounts appropriated above from the State Highway Fund No. 006, or otherwise dedicated or appropriated to such fund or available therein, debt service payments for notes issued or money borrowed in anticipation of a temporary cash shortfall in the State Highway Fund No. 006. The commission may pay amounts due on the obligations from discretionary money available to it that is not dedicated to or appropriated for other specific purposes.

Floor Amendment No. 182

Amend Floor Amendment No. 181 by McClendon to **CSSB 1** (page 217 of the prefiled amendments packet) by striking the text of the amendment and substituting the following:

Amend **CSSB 1** in Article VII, in Rider No. 17. (Bond Programs) under the appropriations to the Department of Transportation, insert Subsection f to read as follows:

f. in accordance with Section 49-o of Article III of the Texas Constitution and Section 201.973 of Chapter 201, Transportation Code, the Department is authorized to pay debt service payments for notes issued or money borrowed on funds contained in the Rail Relocation and Improvement Fund No. 0306 from money in that fund.

Floor Amendment No. 183

Amend **CSSB 1** (house committee printing) as follows:

(1) Under the Article XI appropriations to the Historical Commission (page XI-2), add the following appropriately numbered rider:

_____. Courthouse Preservation. In addition to other amounts appropriated by this Act to the Historical Commission for the purposes of Strategy A.1.3, Courthouse Preservation, the amount of \$9,538,849 is appropriated out of the general revenue fund for the state fiscal year ending August 31, 2014, and the amount of \$19,538,849 is appropriated out of the general revenue fund for the state fiscal year ending August 31, 2015, to the commission for those purposes.

(2) Adjust the Article I Subtotal (page XI-3) accordingly.

Floor Amendment No. 184

Amend Floor Amendment No. 183 by Hilderbran to **CSSB 1** (page 259, prefiled amendment packet), on line 12, by striking "purposes" and substituting "purposes, including funding for the preservation of historic county courthouses owned by private, nonprofit, tax-exempt corporations".

Floor Amendment No. 185

Amend **CSSB 1** (house committee printing) as follows:

(1) Under the Article XI appropriations to the Historical Commission (page XI-2), add the following appropriately numbered rider:

_____. Courthouse Preservation. In addition to other amounts appropriated by this Act to the Historical Commission for the purposes of Strategy A.1.3, Courthouse Preservation, the amount of \$_____ is appropriated out of the general revenue fund for the state fiscal year ending August 31, 2014, and the amount of \$_____ is appropriated out of the general revenue fund for the state fiscal year ending August 31, 2015, to the commission for those purposes.

(2) Adjust the Article I Subtotal (page XI-3) accordingly.

Floor Amendment No. 186

Amend **CSSB 1** (house committee printing) as follows:

(1) Under the Article XI appropriations to the Department of State Health Services (page XI-4), add the following appropriately numbered rider:

____. Trauma Facilities and Emergency Medical Services. Contingent on the enactment and becoming law of **HB 104** or similar legislation of the 83rd Legislature, Regular Session, 2013, relating to the repeal of the driver responsibility program, all amounts in general revenue account number 5111, Designated Trauma Facility and EMS, including all unobligated and unexpended amounts in the account, not otherwise appropriated in this Act are appropriated to the Department of State Health Services under Strategy B.3.1, E.M.S. and Trauma Care Systems, for the state fiscal biennium ending August 31, 2015, for the purposes authorized by Section 780.004, Health and Safety Code.

(2) Adjust the article totals and methods of financing accordingly.

Floor Amendment No. 187

Amend **CSSB 1** (the General Appropriations Act) as follows:

(1) Under the Article XI provisions for the Texas Higher Education Coordinating Board (page XI-5), add the following item:

Rider: Contingency for **HB 172**, 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 **HB 172** or similar legislation of the 83rd 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 amount of \$1 million is appropriated out of the general revenue fund to the Texas Higher Education Coordinating Board for the state fiscal biennium ending August 31, 2015, to be used to provide financial incentives to students under the program.

(2) Adjust the Higher Education Subtotal and Article III Subtotal (page XI-8) accordingly.

Floor Amendment No. 188

Amend **CSSB 1** as follows:

Under the Article XI line items for the Texas Higher Education Coordinating Board (page XI-5), add the following item:

Doctoral Incentive Program	\$(the total amount of tuition set-aside available for the biennium)
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Floor Amendment No. 189

Amend **CSSB 1** (house committee printing) as follows:

(1) Under the Article XI items for General Academic Institutions/TSTCs/LSCs (page XI-6), add the following item:

University of Houston - Pharmacy Program	\$12,928,000
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(2) Adjust the Article XI subtotals and grand total accordingly.

Floor Amendment No. 190

Amend **CSSB 1** (house committee printing) as follows:

(1) Under the Article XI appropriations to Two-year Institutions (page XI-7), add the following appropriately numbered provision:

_____. T.V. Munson Viticulture and Enology Center at Grayson County College. In addition to amounts otherwise appropriated by this Act for the purpose of enhancing the associate degree program in viticulture and enology at Grayson County College, the amount of \$100,000 is appropriated from the general revenue fund to Grayson County College for the state fiscal biennium beginning September 1, 2013, for that purpose.

(2) Adjust the article totals and methods of financing accordingly.

Floor Amendment No. 191

Amend **CSSB 1** (house committee printing) under the Article XI appropriations (page XI-8) by adding the following appropriately numbered provision:

_____. Criminal Justice Legislative Oversight Committee. Contingent on the enactment and becoming law of **HB 2650** or similar legislation of the 83rd Legislature, Regular Session, 2013, relating to the duties and responsibilities of the Criminal Justice Legislative Oversight Committee, the amount of \$400,000 is appropriated out of the general revenue fund to the Criminal Justice Legislative Oversight Committee for the state fiscal biennium ending August 31, 2015, for the purpose of implementing that legislation.

Floor Amendment No. 192

Amend **CSSB 1** (house committee report) as follows:

(1) Add the following appropriately numbered provision under the Article XI appropriations to the Texas Animal Health Commission (page XI-10):

_____. Restoring Funding for the Texas Animal Health Commission. In the Texas Animal Health Commission bill pattern (page VI-11):

(1) for the state fiscal year ending August 31, 2014, increase the method of financing:

- (A) from the general revenue fund to \$10,820,568; and
- (B) from federal funds to \$4,571,563;

(2) for the state fiscal year ending August 31, 2015, increase the method of financing:

- (A) from the general revenue fund to \$10,684,568; and
- (B) from federal funds to \$4,571,563;

(3) for the state fiscal year ending August 31, 2014, adjust the items of appropriation for each strategy to the amount provided for the state fiscal year ending August 31, 2010, for that strategy in the bill pattern for the Texas Animal Health Commission in Chapter 1424 (**SB 1**), Acts of the 81st Legislature, Regular Session, 2009 (the General Appropriations Act); and

(4) for the state fiscal year ending August 31, 2015, adjust the items of appropriation for each strategy to the amount provided for the state fiscal year ending August 31, 2011, for that strategy in the bill pattern for the Texas Animal Health Commission in Chapter 1424 (**SB 1**), Acts of the 81st Legislature, Regular Session, 2009 (the General Appropriations Act).

(2) Adjust the article totals accordingly.

Floor Amendment No. 193

Amend **CSSB 1** (house committee printing) as follows:

(1) Under the Article XI appropriations to the Parks and Wildlife Department (page XI-10), add the following appropriately numbered rider:

____. Biologists. The amount of \$320,000 is appropriated from the general revenue fund to the Parks and Wildlife Department for the state fiscal year ending August 31, 2015, for the purpose of employing four FTEs as biologists, in addition to other amounts appropriated by this Act for that purpose.

(2) Adjust the article totals and methods of financing accordingly.

Floor Amendment No. 194

Amend **CSSB 1** (house committee printing) as follows:

(1) Under the Article XI appropriations to the Parks and Wildlife Department (page XI-10), add the following appropriately numbered rider:

____. Biologists. An amount sufficient to cover the cost to the Parks and Wildlife Department of employing four FTEs to perform the duties of biologists is appropriated from the general revenue fund to the Parks and Wildlife Department for the state fiscal year ending August 31, 2015, for the purpose of employing four FTEs as biologists, in addition to other amounts appropriated by this Act for that purpose.

(2) Adjust the article totals and methods of financing accordingly.

Floor Amendment No. 195

Amend **CSSB 1** (house committee printing) as follows:

(1) Under the Article XI items for the Department of Housing and Community Affairs (page XI-11), add the following item:

Amy Young Barrier Removal Program	\$9,000,000
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(2) Adjust the Article XI subtotals and grand total accordingly.

Floor Amendment No. 196

Amend **CSSB 1** as follows:

(2) On page XI-11 for the Department of Housing and Community Affairs, increase General Revenue appropriations by \$1,500,000.

(3) On page XI-11 add the following new rider. Platting Assistance:

____. Platting Assistance. Out of funds appropriated above \$1,500,000 each fiscal year in General Revenue is appropriated to the Department of Housing and Community Affairs (TDHCA) for the purposes of platting the City of Encinal. These funds shall be used in the designation of roads and right of ways to improve the community and increase their economic development opportunities.

Floor Amendment No. 197

Amend **CSSB 1** (house committee printing) as follows:

(1) Under the Article XI appropriations to the Department of Transportation (page XI-11), add the following appropriately numbered rider:

_____. Port Development Projects. In addition to amounts otherwise appropriated by this Act for that purpose, the amount of \$10,000,000 is appropriated from the general revenue fund to the Department of Transportation for each year of the state fiscal biennium beginning September 1, 2013, for the purpose of funding port development projects and activities authorized by Chapter 55, Transportation Code.

(2) Adjust the article totals and methods of financing accordingly.

Floor Amendment No. 198

Amend **CSSB 1** (the General Appropriations Act) in Article XI of the bill by adding the following appropriately numbered rider:

On page I-81 of the bill pattern for the Texas Veterans Commission, add the following new rider:

Authority for Cost Allocation Plan and Exception to Limitation on the Transfer of Funds.

(a) Notwithstanding any other restriction, and subject to continued federal approval, the Texas Veterans Commission may continue to employ the framework it has been using in its cost allocation plan for federal grants and contracts since 2006.

(b) Notwithstanding the restriction in Section 14.01 of Article IX related to transfer of funds into the Goal for Indirect Administration, the Texas Veterans Commission is authorized and does not have to seek prior authorization to transfer into B.1.1. Central Administration any amounts paid out of B.1.1. Central Administration for the accrued balance of vacation time for eligible state employees who retire, resign, are dismissed, or otherwise separate from state employment. This transfer shall occur from the strategy responsible for the payment of the departing employee's salary. The Texas Veterans Commission shall notify the Governor's Office of Budget, Planning and Policy and the Legislative Budget Board of any such transfer within 30 days of the transfer.

Floor Amendment No. 199

Amend **CSSB 1** by adding the following:

Under the Article XI: **HB 254** or similar legislation enacted by the 82nd Legislature, allocate: The amount of \$1,000,000 is appropriated out of the general revenue fund for the state fiscal year ending August 31, 2014, and the amount of \$1,000,000 is appropriated out of the general revenue fund for the state fiscal year ending August 31, 2015, to deposit in the Texas Derby escrow fund.

Floor Amendment No. 200

Amend **CSSB 1** by adding the following:

Under the Article XI: Contingent on the passage of H.B. 500 or similar legislation enacted by the 83rd Legislature, allocate: The amount of \$ ____ is appropriated out of the general revenue fund for the state fiscal year ending August 31, 2014, and the amount of \$ ____ is appropriated out of the general revenue fund for the state fiscal year ending August 31, 2015, to the fund **HB 500** for those purposes.

Floor Amendment No. 201

Amend **CSSB 1** by adding the following rider to Article XI:

Contingency for H.B. 909. Contingent on passage of H.B. 909, or similar legislation relating to the personal needs allowance for certain Medicaid recipients who are residents of long-term care facilities, by the 83rd Legislature, Regular Session, the Department of Aging and Disability Services is appropriated:

a. \$5,561,361 in General Revenue Funds in fiscal year 2014 (\$10,392,705 in All Funds) and \$5,650,169 in General Revenue Funds in fiscal year 2015 (\$10,475,100 in All Funds) in Strategy A.6.1, Nursing Facility Payments;

b. \$417,058 in General Revenue Funds in fiscal year 2014 (\$1,010,805 in All Funds) and \$422,516 in General Revenue Funds in fiscal year 2015 (\$1,010,805 in All Funds) in Strategy A.7.1, Intermediate Care Facilities - Individuals with Intellectual Disabilities; and,

c. \$257,320 in General Revenue Funds in fiscal year 2014 (\$623,655 in All Funds) and \$244,994 in General Revenue Funds in fiscal year 2015 (\$586,110 in All Funds) in Strategy A.8.1, State Supported Living Centers.

Floor Amendment No. 202

Amend **CSSB 1** by adding the following:

Contingent on the passage of H.B. 1223 or similar legislation enacted by the 83rd Legislature, allocate:

The amount of \$30,000,000 is appropriated out of the general revenue fund for the state fiscal year ending August 31, 2014, and the amount of \$30,000,000 is appropriated out of the general revenue fund for the state fiscal year ending August 31, 2015, to the fund HB 1223 for those purposes.

Floor Amendment No. 203

Amend **CSSB 1** by adding the following:

Under the Article XI: Contingent on the passage of H.B. 1223 or similar legislation enacted by the 83rd legislature, allocate:

The amount of \$_____ is appropriated out of the general revenue fund for the state fiscal year ending August 31, 2014, and the amount of \$_____ is appropriated out of the general revenue fund for the state fiscal year ending August 31, 2015, to the fund H.B. 1223 for those purposes.

Floor Amendment No. 204

Amend **CSSB 1** by adding the following:

Contingent on the passage of H.B. 1288 or similar legislation enacted by the 83rd legislature, allocate:

The amount of \$4,300,000 is appropriated out of the general revenue fund for the state fiscal year ending August 31, 2014, and the amount of \$4,300,000 is appropriated out of the general revenue fund for the state fiscal year ending August 31, 2015, to the fund H.B. 1288 for those purposes.

Floor Amendment No. 205

Amend **CSSB 1** by adding the following:

Under the Article XI: Contingent on the passage of H.B. 1288 or similar legislation enacted by the 83rd Legislature, allocate: The amount of \$____ is appropriated out of the general revenue fund for the state fiscal year ending August 31, 2014, and the amount of \$____ is appropriated out of the general revenue fund for the state fiscal year ending August 31, 2015, to the fund H.B. 1288 for those purposes.

Floor Amendment No. 206

Amend **CSSB 1** to add the following to Article XI:

Article III Special Provisions

Contingency for **HB 1383**, \$211,000,000

Floor Amendment No. 207

Amend **CSSB 1** in Article XI of the bill adding the following appropriately numbered rider:

____. Contingency for H.B. 1689. Contingent on passage of H.B. 1689, or similar legislation authorizing pay-for-performance bonds, \$2,000,000 per year is appropriated to the Comptroller of Public Accounts for pay-for-performance bonds.

Floor Amendment No. 208

Amend **CSSB 1** by adding the following:

Under the Article XI: Contingent on the passage of H.B. 3111 or similar legislation enacted by the 83rd Legislature, allocate: The amount of \$____ is appropriated out of the general revenue fund for the state fiscal year ending August 31, 2014, and the amount of \$____ is appropriated out of the general revenue fund for the state fiscal year ending August 31, 2015, to the fund H.B. 3111 for those purposes.

Floor Amendment No. 209

Amend **CSSB 1** as follows:

In Article XI, add the following rider for Texas Parks and Wildlife Department:

Local Parks Grant. Contingent on the Comptroller of Public Accounts certifying that general revenue for Fiscal Years 2012-2013 exceeds the estimate in the January 2013 Biennial Revenue Estimate by at least \$15 million, \$15 million in the 2014-2015 biennium is appropriated to Texas Parks and Wildlife Strategy B.2.1 to provide local parks grants to municipalities and counties throughout Texas. TPWD will transfer 50% of the total to the Texas Recreation and Parks Account No. 467 for smaller counties and cities and 50% to the Large County and Municipality Recreation and Parks Account No. 5150 to for counties with a population of at least 500,000.

Floor Amendment No. 210

Amend **CSSB 1** (General Appropriations Act) by adding the following appropriately numbered provision under the Article XI appropriations to the Texas Higher Education Coordinating Board:

_____. In addition to other general revenue appropriated by this Act to the Texas Higher Education Coordinating Board, the amount of \$1 million is appropriated for each year of the state fiscal biennium ending August 31, 2015, to be used by the coordinating board only as authorized by general law to provide financial incentives to students at The University of Texas at Arlington, the University of North Texas, the University of North Texas at Dallas, and Texas Woman's University who agree to teach bilingual education, English as a second language, or Spanish in public schools, and distributed by the coordinating board as follows:

- (1) 80 percent to students enrolled in bachelor's degree programs; and
- (2) 20 percent to students enrolled in master's or doctoral degree programs.

Floor Amendment No. 211

Amend **CSSB 1** add the following:

Add the following appropriately numbered provision under the Article XI appropriations to the Texas Historical Commission allocate the amount of \$1,000,000 is appropriated out of the general revenue fund for the state fiscal year ending August 31, 2014, and the amount of \$1,000,000 is appropriated out of the general revenue fund for the state fiscal year ending August 31, 2015, to the fund the Former Texas Ranger Museum.

Floor Amendment No. 212

Amend **CSSB 1** add the following:

Add the following appropriately numbered provision under the Article XI appropriations to the Texas Historical Commission allocate the amount of \$_____ is appropriated out of the general revenue fund for the state fiscal year ending August 31, 2014, and the amount of \$_____ is appropriated out of the general revenue fund for the state fiscal year ending August 31, 2015, to the fund the Former Texas Ranger Museum.

Floor Amendment No. 213

Amend **CSSB 1**, by adding the following language in ART. XI:

_____. Guardianship Program. In addition to funds appropriated elsewhere in this Act to the Health and Human Services Commission, appropriations are increased in Strategy A.1.1, Enterprise Oversight and Policy, by \$750,000 in fiscal year 2014 and \$750,000 in fiscal year 2015 out of General Revenue-Dedicated Fund Account 5109, Medicaid Recovery 42 U.S.C. § 1396P, for the purposes of the guardianship program at the Health and Human Services Commission.

Floor Amendment No. 214

Amend **CSSB 1**, by adding the following language into Article XI:

_____. Appropriations for Oil and Gas Infrastructure Assessments. Out of the amounts appropriated above in A.1.5 Strategy: Federal Tax Credits, \$1,500,000 in fiscal year 2014 and \$1,500,000 in 2015 are hereby appropriated for the purpose of stimulating non-profit and private sector investment in building or rehabilitating housing within the Eagle Ford, Cline and other shale regions.

Floor Amendment No. 215

Amend **CSSB 1**, by adding the following language into Article XI:

_____. Appropriations for Oil and Gas Infrastructure Assessments. Out of the amounts appropriated above in A.1.5 Strategy: Federal Tax Credits, \$1,500,000 in fiscal year 2014 and \$1,500,000 in 2015 are hereby appropriated for the purpose of stimulating non-profit and private sector investment in building or rehabilitating housing within the Eagle Ford Shale region.

Floor Amendment No. 216

Amend **CSSB 1**, by adding the following language into Article XI:

_____. Appropriations for Oil and Gas Infrastructure Assessments. Out of the amounts appropriated above in A.1.3 Strategy: Motor Carrier Permits and Credentials, \$500,000 in fiscal year 2014 and \$500,000 in 2015 are hereby appropriated for the purpose of providing state matching funds for locally generated financial or in-kind commitments by certain Council of Governments to conduct infrastructure assessments within the Eagle Ford Shale region.

Any unexpended balances as of August 31, 2014 are hereby appropriated for fiscal year 2015 for the same purpose.

Floor Amendment No. 217

Amend **CSSB 1**, by adding the following language into Article XI:

_____. Appropriations for Oil and Gas Infrastructure Assessments. Out of the amounts appropriated above in A.1.3 Strategy: Motor Carrier Permits and Credentials, \$500,000 in fiscal year 2014 and \$500,000 in 2015 are hereby appropriated for the purpose of providing state matching funds for locally generated financial or in-kind commitments by certain Council of Governments to conduct infrastructure assessments within the Eagle Ford Shale region.

Any unexpended balances as of August 31, 2014 are hereby appropriated for fiscal year 2015 for the same purpose.

Floor Amendment No. 218

Amend **CSSB 1**, by adding the following language into Article XI:

_____. Contingent Appropriations for Oil and Gas Infrastructure Assessments, Out of the amounts appropriated above in A.1.3 Strategy: Motor Carrier Permits and Credentials, \$1,000,000 in fiscal year 2014 and \$1,000,000 in 2015 are contingent upon the passage of SB 1669, SB 1670, SB 1671, HB 2741, or similar legislation that increases oversize / overweight permit fees, by the Eighty-Third Legislature, Regular Session, for the purpose of providing state matching funds for locally generated financial or in-kind commitments by certain Council of Governments to conduct infrastructure assessments within the Eagle Ford, Cline and other Shale regions.

Any unexpended balances as of August 31, 2014 are hereby appropriated for fiscal year 2015 for the same purpose.

Floor Amendment No. 219

Amend **CSSB 1**, by adding the following language into Article XI:

_____. Contingent Appropriations for Oil and Gas Infrastructure Assessments. Out of the amounts appropriated above in A.1.3 Strategy: Motor Carrier Permits and Credentials, \$500,000 in fiscal year 2014 and \$500,000 in 2015 are contingent upon the passage of SB 1669, SB 1670, SB 1671, HB 2741, or similar legislation that increases oversize / overweight permit fees, by the Eighty-Third Legislature, Regular Session, for the purpose of providing state matching funds for locally generated financial or in-kind commitments by certain Council of Governments to conduct infrastructure assessments within the Eagle Ford Shale region.

Any unexpended balances as of August 31, 2014 are hereby appropriated for fiscal year 2015 for the same purpose.

Floor Amendment No. 220

Amend **CSSB 1**, by adding the following language into Article XI:

_____. Oil and Gas Infrastructure Assessments. Contingent on a finding of fact by the Comptroller of Public Accounts at the time of certification of this Act that sufficient revenue is estimated to be available from the General Revenue Fund, there is hereby appropriated to the Comptroller of Public Accounts such amounts as may be available for the purpose of providing state matching funds for locally generated financial or in-kind commitments by certain Council of Governments to conduct infrastructure assessments within the Eagle Ford and Cline shale regions in an amount not to exceed \$1,000,000 in fiscal year 2014 and \$1,000,000 in fiscal year 2015.

Any unexpended balances as of August 31, 2014 are hereby appropriated for fiscal year 2015 for the same purpose.

Floor Amendment No. 221

Amend **CSSB 1**, by adding the following language into article XI:

_____. Oil and Gas Infrastructure Assessments. Contingent on a finding of fact by the Comptroller of Public Accounts at the time of certification of this Act that sufficient revenue is estimated to be available from the General Revenue Fund, there is hereby appropriated to the Comptroller of Public Accounts such amounts as may be available for the purpose of providing state matching funds for locally generated financial or in-kind commitments by certain Council of Governments to conduct infrastructure assessments within the Eagle Ford Shale region in an amount not to exceed \$1,000,000 in fiscal year 2014 and \$1,000,000 in fiscal year 2015.

Any unexpended balances as of August 31, 2014 are hereby appropriated for fiscal year 2015 for the same purpose.

Floor Amendment No. 222

Amend **CSSB 1**, by adding the following language into Article XI:

_____. Oil and Gas Infrastructure Assessments. Out of funds appropriated above, the Department of Transportation shall allocate \$1,000,000 in fiscal year 2014 and \$1,000,000 in fiscal year 2015 out of State Highway Fund No. 006 or some other eligible revenue source to be used for the purpose of providing state matching funds

for locally generated financial or in-kind commitments by certain Council of Governments to conduct infrastructure assessments within the Eagle Ford, Cline, and other shale regions.

Any unexpended balances as of August 31, 2014 are hereby appropriated for fiscal year 2015 for the same purpose.

Floor Amendment No. 223

Amend **CSSB 1**, by adding the following language into Article XI:

_____. Oil and Gas Infrastructure Assessments. Out of funds appropriated above, the Department of Transportation shall allocate \$500,000 in fiscal year 2014 and \$500,000 in fiscal year 2015 out of State Highway Fund No. 006 or some other eligible revenue source to be used for the purpose of providing state matching funds for locally generated financial or in-kind commitments by certain Council of Governments to conduct infrastructure assessments within the Eagle Ford Shale region.

Any unexpended balances as of August 31, 2014 are hereby appropriated for fiscal year 2015 for the same purpose.

Floor Amendment No. 224

Amend **CSSB 1** (house committee printing) under the Article XI appropriations (page XI-8) by adding the following appropriately numbered provision:

_____. Medicaid Expansion and Provider Reimbursement Rates. If the Health and Human Services Commission begins providing Medicaid program benefits to all persons eligible to enroll in the Medicaid program, who apply for the benefits, and for whom federal matching funds are available under the federal Patient Protection and Affordable Care Act (Pub. L. No. 111-148) as amended by the Health Care and Education Reconciliation Act of 2010 (Pub. L. No. 111-152):

(1) the Legislative Budget Board shall calculate the estimated resulting savings in general revenue money appropriated by this Act and identify the agencies, goals, and strategies to which that money was appropriated; and

(2) notwithstanding Rider 12 following the appropriations to the Health and Human Services Commission or any other limitation on transfers in this Act, the amounts of money calculated by the Legislative Budget Board under Subdivision (1) are transferred from the identified agencies, goals, and strategies to Goal B, Medicaid, as necessary and shall be used for the purpose of increasing reimbursement rates for health care providers participating in the Medicaid program.

Floor Amendment No. 225

Amend **CSSB 1** (house committee report) by adding the following appropriately numbered provision under the Article XI appropriations to the Department of Agriculture (page XI-10):

_____. Fair Park Improvements. In addition to other amounts appropriated in this Act, the amount of \$2.5 million is appropriated from the general revenue fund to the Department of Agriculture for the state fiscal biennium ending August 31, 2015, for the purpose of renovating and improving Fair Park. The Department of Agriculture may enter into a memorandum of understanding with the City of Dallas for the purpose of administering and transferring the appropriated funds.

Floor Amendment No. 226

Amend **CSSB 1** by adding the following:

Under the Article XI: Contingent on the passage of H.B. 1288 or similar legislation enacted by the 83rd Legislature, allocate: The amount of \$ ____ is appropriated out of the general revenue fund for the state fiscal year ending August 31, 2014, and the amount of \$ ____ is appropriated out of the general revenue fund for the state fiscal year ending August 31, 2015, to the fund H.B. 1288 for those purposes.

Floor Amendment No. 227

Amend **CSSB 1**, on page XI- ____ add the following:

(1) To the Health and Human Services bill pattern add the following rider text:

Contingency to fund the Texas Home Visitation Program. Contingent on passage of legislation relating to a new, optional contribution per each application for or issuance of a birth certificate, marriage license, or divorce filing, or copy of a birth certificate, marriage license, or divorce decree by the Eighty-third Legislature, Regular Session, the Health and Human Services Commission is appropriated in Strategy A.1.1, Enterprise Oversight and Policy, \$ ____ in fiscal year 2014 and \$ ____ in fiscal year 2015 from the General Revenue generated from the additional optional contributions as estimated by the Comptroller to be a result of passage of the enabling legislation. This appropriation is limited to revenue estimated by the Comptroller to be generated in fiscal year 2014 or fiscal year 2015 and does not include any balances that have accrued in the account before the beginning of each fiscal year.

Floor Amendment No. 228

Amend **CSSB 1** (house committee printing), in Article IX of the bill, by adding the following appropriately numbered section to that article:

Sec. __. Transparency in State Agency Operations. Each state agency shall dedicate at least one full time equivalent employee who is charged with:

- (1) examining state agency operations for best practices in contracting as determined by the State Auditor;
- (2) examining any conflicts of interest that might interfere with the decision-making of the state agency;
- (3) examining any conflicts of interest and management practices of any board or commissioners that oversee the operation of the state agency;
- (4) examining the actions of or any conflicts of interest with any foundation that works in conjunction with the operations of the state agency;
- (5) making a report to the legislature and State Auditor's Office about the current status of implementing policies and management practices that exemplify open and transparent government;
- (6) taking any other action related to implementing an open government policy or recommendation.

Floor Amendment No. 229

Amend Amendment No. 228 to **CSSB 1** (house committee printing) by Martinez-Fischer (page 251 of the prefiled amendment packet) by striking lines 4-22 of the amendment and substituting the following:

Sec. __. Transparency in State Agency Operations. It is the intent of the legislature that each state agency, using funds appropriated to the agency by this Act, shall dedicate at least one full-time equivalent employee to perform the following duties:

(1) regularly consult with the state auditor and the comptroller to determine the agency's compliance with established best practices procedures and develop a plan to ensure continued compliance with those procedures;

(2) determine whether any conflicts of interest exist in the agency's current contracting practices, in the management practices of the governing body of the agency, or in the operations of any foundation or charitable organization that the agency is affiliated with;

(3) advise the governing body of the agency or, if applicable, the single state officer who governs the agency, in writing, of any deviation by the agency from best practices procedures and any conflicts of interest identified under Subdivision (2) of this section; and

(4) take any other authorized action relating to the implementation of agency policies and management practices that reflect an open and transparent approach to agency operations.

Floor Amendment No. 230

Amend **CSSB 1** (house committee printing), in Part 6, Article IX, by adding the following appropriately numbered section:

Sec. 6. __. One Percent Spending Reduction and Set-aside for Technology and Deferred Maintenance Expenses. (a) Notwithstanding the amounts appropriated by this Act, each state agency that receives an appropriation of undedicated general revenue under this Act shall reduce the agency's spending of undedicated general revenue during the 2014-2015 biennium and reserve not less than one percent of the agency's total general revenue appropriations, from a source or sources as determined by the agency.

(b) Each state agency shall report to the comptroller of public accounts the sources and amounts of revenue reserved under this section. The comptroller shall issue a written report to the governor, lieutenant governor, speaker of the house of representatives, and Legislative Budget Board that shows for each state agency the sources and amounts of revenue reserved.

(c) It is the intent of the legislature that the appropriated amounts reserved and unspent during the 2014-2015 biennium are reserved solely for the purpose of funding technology costs and funding deferred maintenance costs after August 31, 2015.

Floor Amendment No. 231

Amend **CSSB 1** by adding the following appropriately numbered rider to Part 1 of Article IX of the bill:

Sec. 1. __. Legislative Intent: Ineligibility of Certain Entities for Tax or Fee Benefits. (a) In this section, "domestic private entity" means a private entity that was created or organized in the United States or under the laws of the United States or any state.

(b) It is the intent of the Legislature that a governmental entity that receives appropriated funds and that has discretion whether to grant to a domestic private entity a credit, exemption, or discount on a tax or fee imposed by the state determine that the domestic private entity is ineligible for the credit, exemption, or discount if, during the two years preceding the date of the determination of whether to grant the credit, exemption, or discount, the domestic private entity:

(1) created employment suitable for performance in the United States in a country other than the United States; and

(2) as a result of that employment, eliminated or failed to create similar employment in the United States.

Floor Amendment No. 232

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:

___ Native Seed Study and Report. (a) Out of amounts appropriated above in Strategy A.1.4, Research, the Department of Transportation shall publish a report on the demand for native seeds in this state.

(b) In this rider, "native seed" means a seed or plant found in, and naturally endemic to, ecosystems, sites, or regions in the present borders of this state, as to which the best available information indicates an indigenous nature precluding the seed's or plant's introduction or transport to this state from some other location by nonnatural conveyances. The term includes improved varieties of native seeds. Plants and seeds not meeting the definition of native are designated as "non-native".

(c) In conducting the study, the Department of Transportation shall consider:

(1) geographic, regional, or district use of specific varieties of native seed for restoration projects administered by the department, the department's contractor's, or assignees;

(2) determinations of the percentage of the department's restoration projects utilizing native seed versus non-native seed, including blends of native and non-native seed, by geographic region or district including projects performed by the department, the department's contractors or assignees;

(3) ways the department can assist in cultivating the demand for native seeds.

(4) methods for overcoming market barriers that prevent or inhibit the sale or production of native seeds;

(5) methodology and procedures whereby the department, and the department's contactors or assignees, shall forecast the future needs of native seed for restoration projects by geographic region;

(6) a review of the department's procedures and practices of blending native seeds with invasive species;

(7) a review of the department's contacts with commercial producers; and

(8) the methodology and procedures developed for forecasting the department's, and its contactors and assignees, future needs for native seed shall initially be for the years 2015 through 2020 and the department shall thenceforth maintain a five year forecast for native seed restoration project needs.

(d) Not later than December 1, 2014, the Department of Transportation shall report the results of the study to the legislature and make the report available on the department's Internet website.

Floor Amendment No. 233

1) Amend **CSSB 1** on page VI-57 of the bill pattern for the Water Development Board by amending the following rider:

21. Contingency for Water Conservation Education Grants. Contingent on the enactment of **HB 4**, or similar legislation related to the creation of the state water implementation fund for Texas, and **HB 11**, or similar legislation, providing an appropriation from the Economic Stabilization Fund to support that legislation, included in amounts appropriated above in Strategy A.3.1, Water Conservation and Assistance is \$2,000,000 in fiscal year 2014 from General Revenue for the purpose of providing grants to for water conservation education groups. The Water Development Board shall award the grants through a competitive process, which may require grant applicants to provide private matching funds. Any grants awarded under this provision to a private or nonprofit entity for educational programs shall not be used to support a political campaign for a current elected official or for a candidate for office who is a spokesperson for the entity in receipt of the grant. Any unexpended balances as of August 31, 2014 in funds appropriated for this purpose are appropriated for the same purpose in the fiscal year beginning September 1, 2014.

2(a) Amend **CSSB 1** on page VI-52 of the bill pattern for the Water Development Board by decreasing appropriations from General Revenue in Strategy A.2.2, Water Resources Planning by \$182,000 each fiscal year, including 3.3 FTEs, and increasing appropriations from General Revenue in Strategy A.2.1, Technical Assistance and Modeling by \$182,000 each fiscal year, including 3.3 FTEs.

2(b) Amend **CSSB 1** on page VI-57 of the bill pattern for the Water Development Board by amending the following rider:

22. Water Resources Planning. Included in amounts appropriated above in Strategy A.2.2., Water Resources Planning, is ~~\$407,414~~\$225,414 in fiscal year 2014 and ~~\$326,474~~\$144,474 in fiscal year 2015 from the General Revenue Fund to develop an online tool to consolidate reporting requirements related to the Water Use Survey, annual Water Loss Report, and annual Water Conservation Report. The agency shall also develop an online tool to quantify water conservation savings. The agency shall provide the ability for these reports to be completed, submitted and viewable by the public online. The agency's number of full-time equivalents is hereby increased by ~~4.815~~ in each year of the 2014-15 biennium.

3) Amend **CSSB 1** on page XI-11 of the items for the Water Development Board in Article XI, add the following rider:

. Contingency for Study of the Environmental Flows and Instream Flows for River Basins. Contingent on the enactment of **HB 4**, or similar legislation related to the creation of the state water implementation fund for Texas, and **HB 11**, or similar legislation, providing an appropriation from the Economic Stabilization Fund to support that legislation, in addition to amounts appropriated above, the Texas Water Development board is appropriated \$2,000,000 for the purposes of continued study of

the environmental flows and instream flows for river basins. The selection of the basins shall be determined by the Science Advisory Committee and approved by the Environmental Flows Advisory Group.

4) Amend **CSSB 1** on page XI-11 of the items for the Water Development Board in Article XI, by amending the following rider:

Contingency Appropriation of ~~SHB 22 4~~ ~~or~~ and **HB 11**. Contingent upon passage of ~~SHB 22 4~~ or similar legislation related to the creation of the state water implementation fund for Texas, ~~or~~ and **HB 11**, or similar legislation relating to an appropriation from the Economic Stabilization Fund to ~~finance certain water related projects~~ to support that legislation, ~~included in~~ in addition to amounts appropriated above in Strategy B.1.1, State and Federal Financial Assistance, is \$2,241,476 each fiscal year from General Revenue, including 32.0 FTEs, to implement provisions of the legislation.

Floor Amendment No. 234

Amend Floor Amendment No. 233 by Ritter to **CSSB 1** in the first item of the amendment as follows:

(1) Strike the following:

21. Contingency for Water Conservation Education Grants. Contingent on the enactment of **HB 4**, or similar legislation related to the creation of the state water implementation fund for Texas, and **HB 11**, or similar legislation, providing an appropriation from the Economic Stabilization Fund to support that legislation, included in

(2) Substitute for the language stricken under item (1) of this amendment the following:

21. Water Conservation Education Grants. Included in

Floor Amendment No. 235

Amend Floor Amendment No. 233 by Ritter to **CSSB 1** (page 212 of the prefiled amendments packet) by adding the following appropriately numbered item and renumbering subsequent items accordingly:

() Amend **CSSB 1** under the Article XI line items for the Water Development Board (page XI-11) by adding the following item:

Nueces Bay-Basin Improvements \$375,000

Floor Amendment No. 236

Amend **CSSB 1** (house committee printing), in Part 17, Article IX, by adding the following appropriately numbered section:

Sec. 17. ____ . Contingent Across-the-Board Reductions. (a) Subsection (b) of this section takes effect only if the 83rd Legislature in a regular or called session makes an appropriation of money from the economic stabilization fund for the purpose of financing water infrastructure or water development or conservation and the appropriation of that money results in a total amount of appropriations from state tax revenues not dedicated by the Texas Constitution that exceeds the limit on the amount of appropriations from state tax revenues not dedicated by the Texas Constitution, as adopted under Chapter 316, Government Code, for the 2014-2015

fiscal biennium irrespective of whether the legislature adopts a resolution under Section 22(b), Article VIII, Texas Constitution, that authorizes the legislature to provide for appropriations in excess of that amount.

(b) Notwithstanding the amounts appropriated by other provisions of this Act, each appropriation made by this Act of state tax revenues not dedicated by the Texas Constitution is reduced by the same proportionate amount so that the total reduction of the appropriations is equal to the amount by which the appropriation from the economic stabilization fund described by Subsection (a) of this section results in a total amount of appropriations from state tax revenues not dedicated by the Texas Constitution that exceeds the limit on the amount of appropriations from state tax revenues not dedicated by the Texas Constitution, as adopted under Chapter 316, Government Code, for the 2014-2015 fiscal biennium irrespective of whether the legislature adopts a resolution under Section 22(b), Article VIII, Texas Constitution.

Floor Amendment No. 237

Amend **CSSB 1** (house committee report) as follows:

(1) In Article VI of the bill, following the appropriations to the Texas Commission on Environmental Quality, add the following appropriately numbered rider and renumber subsequent riders accordingly:

_____. Contingent Rider: Wellness Program. Contingent on **HB 2020** or similar legislation of the 83rd Legislature, Regular Session, 2013, authorizing state agencies to adopt wellness policies and programs being enacted and becoming law:

(1) the general revenue fund appropriations to the Texas Commission on Environmental Quality for the purpose of Employee Benefits-Group Insurance are reduced by the amounts of \$1,500,000 for the state fiscal year ending August 31, 2014, and \$1,500,000 for the state fiscal year ending August 31, 2015; and

(2) the amounts of \$1,500,000 for the state fiscal year ending August 31, 2014, and \$1,500,000 for the state fiscal year ending August 31, 2015, are appropriated out of the general revenue fund to the Texas Commission on Environmental Quality to fund a demonstration project with financial incentives for employees of the agency.

(2) Adjust the article totals and methods of financing accordingly.

Floor Amendment No. 238

Amend **CSSB 1** as follows:

1) On page V-27, amend Rider 1 as follows:

1. Contingency ~~Requiring Statutory Change~~ for House Bill 3660: Texas Commission on Fire Protection Administration.

a. The following provisions are effective contingent on the enactment of ~~legislation **HB 3660**, or similar legislation by the Eighty-third Legislature, Regular Session, 2013, relating to the modification of Government Code, Chapter 419, transferring the functions of the Texas Commission on Fire Protection and the transfer of those functions to the Department of Insurance~~ Department of Licensing and Regulation:

(1) Contingency Appropriation for Fire Protection. In addition to the revenue generation requirements for the ~~Department of Insurance~~ Department of Licensing and Regulation in Section 2, Appropriations Limited to Revenue Collections and

~~Section 8, Self Leveling Agency Fee Change Notification Requirements~~, of the Special Provisions Relating to All Regulatory Agencies, appropriations to the ~~Department of Insurance~~ Department of Licensing and Regulation in Strategy ~~C.1.2~~ A.1.6, Fire Protection, in the amounts of \$1,733,559 in fiscal year 2014 and \$1,733,559 in fiscal year 2015 from General Revenue and 28.0 Full-Time-Equivalent (FTE) positions each year are contingent upon the amount of \$3,000,000 being generated in addition to \$4,336,259 from fees, fines, and other miscellaneous revenues under the authority of the operations funded in Strategy ~~C.1.2~~ A.1.6, Fire Protection, during the 2014-15 biennium. In the event that actual and/or projected revenue collections are insufficient to offset the costs 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 above \$3,000,000.

(2) Appropriations: License Plate Receipts: Included in the amounts appropriated to the ~~Department of Insurance~~ Department of Licensing and Regulation in Strategy ~~C.1.2~~ A.1.6, Fire Protection, is an amount estimated to be \$17,500 in fiscal year 2014 and \$17,500 in fiscal year 2015 from available balances and revenue collected on or after September 1, 2013 from the sale of license plates as provided by Texas Transportation Code Sec. 504.414. Any unexpended balance as of August 31, 2014 is appropriated to the ~~Department of Insurance~~ Department of Licensing and Regulation for fiscal year 2015.

(3) Training Restriction. None of the funds appropriated to the ~~Department of Insurance~~ Department of Licensing and Regulation in Strategy ~~C.1.2~~ A.1.6, Fire Protection, may be expended for fire protection training or fire management training except through contract with the ~~Department of Insurance~~ Department of Licensing and Regulation approved training programs external to the department in order to avoid duplication of service.

b. In the event that legislation is not enacted by the Eighty-third Legislature, 2013, providing for the transfer of the Texas Commission on Fire Protection to the ~~Department of Insurance~~ Department of Licensing and Regulation, \$150,000 each fiscal year in General Revenue and 3.0 FTEs in each fiscal year are appropriated to the Texas Commission on Fire Protection in addition to the funds appropriated above in Strategy ~~C.1.2~~ A.1.6, Fire Protection. Also, amounts reflected in the informational listing for "Other Direct and Indirect Costs Appropriated Elsewhere in this Act" for the ~~Department of Insurance~~ Department of Licensing and Regulation shall be reduced by \$728,091 in fiscal year 2014 and \$754,194 in fiscal year 2015.

2) Make the following changes to the Texas Department of Insurance's bill pattern:

a. On page VIII-17, delete strategy C.1.2. Fire Protection, and reduce General Revenue appropriations by \$1,733,559 in fiscal year 2014 and \$1,733,559 in fiscal year 2015; reduce GR Dedicated - Specialty License Plates General appropriations by \$17,500 in fiscal year 2014 and \$17,500 in fiscal year 2015; and reduce Appropriated Receipts by \$45,000 in fiscal year 2014 and \$45,000 in fiscal year 2015.

b. On page VIII-17, reduce the number of Full-Time Equivalents (FTE) by 28.0 FTEs in fiscal year 2014 and 28.0 FTEs in fiscal year 2015;

c. On page VIII-21, amend Rider 7 as follows:

7. Limit on Estimated Appropriations. Excluding appropriations for Texas.gov, ~~General Revenue appropriations of \$1,733,559 each fiscal year in Strategy C.1.2, Fire Protection,~~ and General Revenue appropriations of \$224,406 each year in E.1.1, Central Administration, the combined appropriation authority from the General Revenue Fund, which includes Insurance Companies maintenance Tax (Object Code 3203) and Insurance Department Fees (Object Code 3215), and General Revenue Fund-Dedicated-Texas Department of Insurance Operating Fund Account No. Fund 36 shall not exceed \$95,247,829 in fiscal year 2014 or \$91,786,892 in fiscal year 2015.

d. On page VIII-24, strike Rider 21, Contingency: Texas Commission on Fire Protection Administration.

3) Make the following changes to the Department of Licensing and Regulation's bill pattern:

a. On page VIII-28, add strategy A.1.6, Fire Protection and increase General Revenue appropriations by \$1,733,559 in fiscal year 2014 and \$1,733,559 in fiscal year 2015; increase GR Dedicated - Specialty License Plates General appropriations by \$17,500 in fiscal year 2014 and \$17,500 in fiscal year 2015; and increase Appropriated Receipts by \$45,000 in fiscal year 2014 and \$45,000 in fiscal year 2015.

b. On page VIII-28, increase the agency's number of Full-time Equivalents (FTE) by 28.0 FTEs in fiscal year 2014 and 28.0 FTEs in fiscal year 2015; and

c. On page VIII-33, insert the following new rider:

_____. Contingency for House Bill 3660: Texas Commission on Fire Protection Administration.

a. The following provisions are effective contingent on the enactment of **HB 3660**, or similar legislation by the Eighty-third legislature, Regular Session, 2013, relating to the functions of the Texas Commission on Fire Protection and the transfer of those functions to the Department of Licensing and Regulation:

(1) Contingency Appropriation for Fire Protection. In addition to the revenue generation requirements for the Department of Licensing and Regulation in Section 2, Appropriations Limited to Revenue Collections, of the Special Provisions Relating to All Regulatory Agencies, appropriations to the Department of Licensing and Regulation in Strategy A.1.6, Fire Protection, in the amounts of \$1,733,559 in fiscal year 2014 and \$1,733,559 in fiscal year 2015 from General Revenue and 28.0 Full-Time-Equivalent (FTE) positions each year are contingent upon the amount of \$3,000,000 being generated in addition to \$4,336,259 from fees, fines, and other miscellaneous revenues under the authority of the operations funded in Strategy A.1.6, Fire Protection, during the 2014-15 biennium. In the event that actual and/or projected revenue collections are insufficient to offset the costs 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 above \$3,000,000.

(2) Appropriations: License Plate Receipts. Included in the amounts appropriated to the Department of Licensing and Regulation in Strategy A.1.6, Fire Protection, is an amount estimated to be \$17,500 in fiscal year 2014 and \$17,500 in fiscal year 2015 from available balances and revenue collected on or after

September 1, 2013 from the sale of license plates as provided by Texas Transportation Code Sec. 504.414. Any unexpended balance as of August 31, 2014 is appropriated to the Department of Licensing and Regulation for fiscal year 2015.

(3) Training Restriction. None of the funds appropriated to the Department of Licensing and Regulation in Strategy A.1.6, Fire Protection, may be expended for fire protection training or fire management training except through contract with the Department of Licensing and Regulation approved training programs external to the department in order to avoid duplication of service.

b. In the event that legislation is not enacted by the Eighty-third Legislature, 2013, providing for the transfer of the Texas Commission on Fire Protection to the Department of Licensing and Regulation, \$150,000 each fiscal year in General Revenue and 3.0 FTEs in each fiscal year are appropriated to the Texas Commission on Fire Protection in addition to the funds appropriated above in Strategy A.1.6, Fire Protection. Also, amounts reflected in the informational listing for "Other Direct and Indirect Costs Appropriated Elsewhere in this Act" for the Department of Licensing and Regulation shall be reduced by \$728,091 in fiscal year 2014 and \$754,194 in fiscal year 2015.

Floor Amendment No. 239

Amend **CSSB 1** (General Appropriations Act) in Article III of the bill, following appropriations to the University of Houston (page III-105), by adding the following appropriately numbered provision:

____. Texas Optometry Career Opportunities Program. Out of the amount appropriated above to the University of Houston, the University of Houston may allocate an amount of available general revenue, in addition to any donations, gifts, or endowments received by the University of Houston, for the state fiscal biennium beginning September 1, 2013, for the establishment and operation of the Texas Optometry Career Opportunities Program.

Floor Amendment No. 240

Amend Floor Amendment No. 239 by Alonzo to **CSSB 1** (page 163, prefiled amendments packet) as follows:

(1) On page 1, strike line 4 and substitute:
numbered provisions:

(2) On page 1, following line 11, add:

____. Out of the amount appropriated above to the University of Houston, the University of Houston may allocate money to be expended for the purposes of Strategy C.1.1, NASA Programs, as listed in the bill pattern appropriations to the University of Houston System Administration.

Floor Amendment No. 241

Amend **CSSB 1** (the General Appropriations Act) in Article III of the bill by adding the following appropriately numbered rider after the appropriations to The University of Texas at Austin:

____. Institute for Urban Policy Research & Analysis. Out of the above appropriations from the general revenue fund to The University of Texas at Austin for Strategy A.1.1, Operations Support, the amount of \$75,000 for the state fiscal year

ending August 31, 2014, and the amount of \$75,000 for the state fiscal year ending August 31, 2015, shall be used to assist the Institute for Urban Policy Research & Analysis at the university in developing research tools and a user-friendly database or similar infrastructure designed to collect and analyze current and future population data and trends in this state.

Floor Amendment No. 242

Amend **CSSB 1** (General Appropriations Act) in Article III of the bill as follows:

(1) Add the following appropriately numbered provision under the appropriations to the Higher Education Coordinating Board:

_____. Supplemental College Work Study Program Funding. In addition to other amounts appropriated by this Act to the Higher Education Coordinating Board for the purposes of Strategy B.1.5, College Work Study Program (page III-39), the amount of \$3,646,166.60 for the state fiscal year ending August 31, 2014, and \$4,100,537.40 for the state fiscal year ending August 31, 2015, is appropriated from the general revenue fund to the coordinating board for that purpose.

(2) Reduce the Article X appropriation to the House of Representatives, Strategy A.1.1 (page X-2), by the amount of \$3,646,166.60 for the state fiscal year ending August 31, 2014, and \$4,100,537.40 for the state fiscal year ending August 31, 2015.

(3) Adjust totals and methods of financing accordingly.

Floor Amendment No. 243

Amend **CSSB 1** (house committee printing) as follows:

(1) In ARTICLE III of the bill, reduce the appropriation in Strategy B.1.3 to the Higher Education Coordinating Board, on pages III-38, by a total of \$500,000 for the fiscal year ending August 31, 2014.

(2) In ARTICLE III of the bill, increase the appropriation in Strategy A.1.1 to The University of Texas at Austin, on page III-59, by \$250,000 for the fiscal year ending August 31, 2014 and by \$250,000 for the fiscal year ending August 31, 2015.

(3) In ARTICLE III of the bill, in the bill pattern for The University of Texas at Austin, on page III-62, insert the following appropriately numbered rider and renumber any subsequent riders accordingly:

_____. PRO BONO PROGRAMS. Out of the funds appropriated above, up to \$250,000 in each year of the biennium shall be used for supporting pro bono programs in the School of Law that use law students to provide legal services to Texans in need.

(4) Adjust totals and methods of finance accordingly.

Floor Amendment No. 244

Amend Floor Amendment No. 243 by E. Rodriguez to **CSSB 1** (page 140, prefiled amendments packet) by striking the text of the amendment and substituting:

Amend **CSSB 1** by adding the following appropriately numbered provision to Article XI of the bill:

_____. (a) In addition to other amounts appropriated by this Act to The University of Texas at Austin (page III-59), the following amounts are appropriated from the general revenue fund to the university for Strategy A.1.1, Operations Support, under the Article III bill pattern appropriations to the university:

- (1) \$250,000 for the fiscal year ending August 31, 2014; and
- (2) \$250,000 for the fiscal year ending August 31, 2015.

(b) Money appropriated as provided by Subsection (a) of this provision may be used to support programs of the university's school of law in which law students are used to provide legal services to Texans in need of legal assistance.

Floor Amendment No. 245

Amend **CSSB 1** as follows:

(1) Add the following appropriately numbered provision under the Article III appropriations to the Texas Higher Education Coordinating Board (page III-37):

_____. **Combat Tuition Reimbursement Program.** The amount of \$1,041,444 is appropriated out of the general revenue fund to the Texas Higher Education Coordinating Board for the state fiscal year ending August 31, 2014, for the purpose of establishing a combat tuition reimbursement program, and the additional amount of \$1,041,444 is appropriated out of the general revenue fund to the Texas Higher Education Coordinating Board for the state fiscal year ending August 31, 2015, for the same purpose.

(2) Reduce the Article I appropriations from the general revenue fund to the Trusteed Programs Within the Office of the Governor for Strategy A.1.13, State-Federal Relations (page I-51), by the amount of \$1,041,444 for the state fiscal year ending August 31, 2014, and by the amount of \$1,041,444 for the state fiscal year ending August 31, 2015.

(3) Adjust totals and methods of financing accordingly.

Floor Amendment No. 246

Amend Amendment No. 245 by Farias to **CSSB 1** (page 137, prefiled amendment packet) as follows:

- (1) On page 1, line 6, strike \$1,041,444 and substitute \$332,331.
- (2) On page 1, line 10, strike \$1,041,444 and substitute \$324,852.
- (3) On page 1, line 16, strike \$1,041,444 and substitute \$332,331.
- (4) On page 1, line 17, strike \$1,041,444 and substitute \$324,852.

Floor Amendment No. 247

Amend **CSSB 1** as follows:

(1) On page III-19, add the following rider:

_____. **Contingency for Manufacturing Industry Certification Exams.** Contingent on passage and enactment of HB 5, or similar legislation relating to reimbursement for the cost of manufacturing certification exams, by the Eighty-third Legislature, Regular Session, the Texas Education Agency shall allocate \$500,000 in fiscal year 2014 and \$500,000 in fiscal year 2015 in funds transferred from the Texas Workforce Commission for this purpose to implement the provisions of the Section 29.190 of the Texas Education Code.

(2) On page VII-39, add the following rider:

_____. **Contingency for Manufacturing Industry Certification Exams.** Contingent on passage and enactment of HB 5, or similar legislation relating to reimbursement for the cost of manufacturing certification exams, by the Eighty-third Legislature, Regular Session, the Texas Workforce Commission shall

transfer to the Texas Education Agency \$500,000 in fiscal year 2014 and \$500,000 in fiscal year 2015 from Strategy A.2.1, Skills Development from the General Revenue Fund to implement the provisions of the Section 29.190 of the Texas Education Code.

Floor Amendment No. 248

Amend **CSSB 1** as follows:

(1) Under the Article III appropriations to the Texas Education Agency (page III-3) insert the following rider:

_____. Contingent Appropriation: Increased Basic Allotment Resulting from Foundation School Fund Payment Deferral. Contingent on the enactment of House Bill 1026 or similar legislation of the 83rd Legislature, Regular Session, 2013, relating to the established schedule of payments from the foundation school fund of the yearly entitlement of certain school districts, that provides for the payment in September 2015 of a portion of the yearly entitlement payment for the 2014-2015 school year to certain school districts under Sections 42.259(c)(8) and (d)(3), Texas Education Code, an amount equal to the total payments to be paid under those sections in September 2015 is appropriated from the general revenue fund to the Texas Education Agency in the fiscal year ending August 31, 2015, for the purposes of Strategy A.1.1, FSP-Equalized Operations, and notwithstanding Rider 3, Foundation School Program Funding, the Basic Allotment under Section 42.101, Texas Education Code, is established as the maximum amount that may be provided using the amount appropriated in this rider.

(2) Adjust article totals and methods of financing accordingly.

Floor Amendment No. 249

Amend **CSSB 1** as follows:

On page III-2 of **CSSB 1**, reduce by \$2 million in FY 2014 the appropriation for B.3.1. Strategy: IMPROVING EDUCATOR QUALITY/LEADERSHIP.

On page III-38 of **CSSB 1**, increase by \$2 million in FY 2014 the appropriation for B.1.1. Strategy: TEXAS GRANT PROGRAM.

Floor Amendment No. 250

Amend Amendment No. 249 by Villarreal to **CSSB 1** (page 115, prefiled amendment packet) by striking the text of the amendment and substituting the following:

(1) In Article III of the bill, in the riders following the appropriations to the Texas Education Agency, insert the following appropriately numbered rider:

_____. Contingency Reduction to Fund Principal Preparation Grant Program. Contingent on the passage and becoming law of House Bill 2013, or similar legislation by the 83rd Legislature, Regular Session, 2013, establishing the principal preparation grant program, the appropriations above for Strategy B.3.1, Improving Educator Quality/LDRSP, is reduced by the amount of \$2,000,000 for the state fiscal year ending August 31, 2014.

(2) In Article III of the bill, in the riders following the appropriations to the Higher Education Coordinating Board, insert the following appropriately numbered rider:

_____. Contingency: Funding for Principal Preparation Grant Program. Contingent on the passage and becoming law of House Bill 2013, or similar legislation by the 83rd Legislature, Regular Session, 2013, establishing the principal preparation grant program, in addition to other amounts appropriated by this Act for the principal preparation grant program, there is appropriated to the Higher Education Coordinating Board from the general revenue fund \$2,000,000 in the state fiscal year ending August 31, 2014, for that purpose.

Floor Amendment No. 251

Amend **CSSB 1** as follows:

(1) On page III-2 of the bill pattern for the Texas Education Agency, increase General Revenue appropriations to Strategy A.2.2, Achievement of Students At Risk, by the appropriate amounts in fiscal years 2014 and 2015.

(2) On page III-19 of the bill pattern for the Texas Education Agency, add the following rider:

Contingency Appropriation for House Bill 742: Summer Advancement Academy. Contingent on the enactment of House Bill 742, or similar legislation relating to summer learning opportunities, by the Eighty-third Legislature, Regular Session, 2013, and included in amounts appropriated above is the appropriate amounts in General Revenue in fiscal years 2014 and 2015 to Strategy A.2.2, Achievement of Students At Risk, for the Texas Education Agency to implement the provisions of the legislation.

Floor Amendment No. 252

Amend **CSSB 1** (the General Appropriations Act) in Article II of the bill by adding the following appropriately numbered rider:

_____. Amend **CSSB 1** by adding the following appropriately numbered rider:

Health Homes Health Teams State Plan Amendment: a) It is the intent of the Legislature that out of funds appropriated above in Strategy B.3.1, Medicaid Contracts and Administration, the Health and Human Services Commission may apply for approval of a State Plan Amendment pursuant to Section 1945 of the Social Security Act to authorize Medicaid reimbursement for patient-centered care rendered by health teams to individuals who are homeless, or at risk of homelessness and are eligible for Medicaid under the state's existing Medicaid plan. Contingent on approval of a State Plan Amendment proposed in this provision by the centers for Medicare and Medicaid Services, the Health and Human Services Commission may allocate funding from appropriations above in Strategy B.1.2, Disability-related, to provide such services, contingent upon prior written approval from the Legislative Budget Board and the Governor.

b) To request approval to expend the funds for these purposes, HHSC shall submit a written request to the Legislative Budget Board and the Governor. At the same time, the agency shall provide a copy of the request to the Comptroller of Public Accounts. The request shall include the following information:

- (1) A copy of the approval from CMS of the State Plan Amendment;
- (2) The estimated number of health teams to provide the services;

(3) The estimated fiscal impact by year and method of finance for the services and providers in the Medicaid program and any projected savings from the provision of these services; and

(4) An estimate of performance levels and, where relevant, a comparison to targets included in this Act.

c) The request shall be considered to be approved unless the Legislative Budget Board or the Governor issues a written disapproval within 15 business days of the date on which the staff of the Legislative Budget Board concludes its review of the proposal to expend the funds and forwards its review to the Chair of the House Appropriations Committee, Chair of the Senate Finance Committee, Speaker of the House, and Lieutenant Governor.

Floor Amendment No. 253

Amend **CSSB 1** (house committee printing) in Article II of the bill immediately following the appropriations to the Department of State Health Services by adding the following appropriately numbered rider and renumbering subsequent riders accordingly:

_____. Behavioral Health Data Regarding LGBT Youth. Out of money appropriated under Goal B, Community Health Services, the Department of State Health Services shall report the outcome data for medically indigent and Medicaid clients under the age of 24 who receive publicly funded behavioral health services and identify as Gay, Lesbian, Bisexual, or Transgender. The department shall submit a report of that outcome data to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, and the members of the legislature by December 1 of each year of the biennium.

Floor Amendment No. 254

Amend **CSSB 1** in Article II of the bill following the appropriations to the Department of State Health Services (page II-77) by adding the following appropriately numbered provision:

_____. Allocation for HIV Medication in Certain Counties. (a) Out of the funds appropriated to the department above in Strategy A.2.2, HIV/STD Prevention, the department shall allocate, for each year of the state fiscal biennium ending August 31, 2015, \$702,570 for the purpose of providing HIV medication to inmates in the Harris County jail and \$134,626 for the purpose of providing HIV medication to inmates in the Travis County jail.

(b) The department may not reduce the amount of money provided to Harris County or Travis County under any other strategy in Goal A, Preparedness and Prevention, in order to provide the funds allocated under Subsection (a) of this section.

Floor Amendment No. 255

Amend **CSSB 1** (house committee printing), in Article I of the bill, by adding the following appropriately numbered rider following the appropriations to the Veterans Commission (page I-81):

____. Salary of the Executive Director of the Veterans Commission. Notwithstanding the line item appropriation for Executive Director, Group 4, or any other provision of this Act regarding the salary of the executive director of the Veterans Commission, the commission using the money appropriated to the commission for Salaries and Wages under this Act may in each state fiscal year of the state fiscal biennium ending August 31, 2015, pay the executive director an annual salary not to exceed \$126,500.

Floor Amendment No. 256

Amend **CSSB 1** as follows:

(1) On page ____ of the bill pattern, reduce the following strategy by 172,095 in General Revenue Funds in fiscal year 2014 and by 157,873 in fiscal year 2015: ____.

(2) On page I-79 of the bill pattern for the Texas Veterans Commission, increase the following strategy by \$172,095 in General Revenue Funds in fiscal year 2014 and by \$157,873 in fiscal year 2015: A.1.2. Veterans Employment Services.

Floor Amendment No. 257

Amend Amendment No. 256 by Representative Zedler to **CSSB 1** by striking lines 4-12 and inserting the following appropriately numbered rider for Article XI:

____. Contingent Appropriation for HB 3545 or **SB 10**. Contingent upon the enactment of HB 3545, **SB 10**, or similar legislation related to the employment of veterans by state agencies, the Texas Veterans Commission is hereby appropriated \$172,095 in General Revenue Funds in fiscal year 2014 and by \$157,873 in fiscal year 2015 in Strategy A.1.2. Veterans Employment Services, to implement the provisions of this legislation. The "Number of Full-Time Equivalents (FTE)" in the agency's bill pattern is increased by 3.0 FTEs in fiscal year 2014 and 3.0 FTEs in fiscal year 2015.

Floor Amendment No. 258

Amend **CSSB 1** as follows:

On page I-79 of the bill pattern for the Texas Veterans Commission, increase the following strategy by 1,201,687 in General Revenue Funds in fiscal year 2014 and by 1,109,887 in fiscal year 2015: A.1.3. Veterans Education.

Floor Amendment No. 259

Amend **CSSB 1** as follows:

(1) On page I-75 of the bill pattern for the Secretary of State, increase General Revenue appropriations to Strategy D.1.1, Indirect Administration, by \$138,000 in fiscal year 2014.

(2) On page I-78 of the bill pattern for the Secretary of State, add the following rider:

Contingency Appropriation for House Bill 313: Electronic Voter Registration. Contingent on the enactment of House Bill 313, or similar legislation relating to electronic voter registration, by the Eighty-Third Legislature, Regular Session, 2013, and included in amounts appropriated above is \$138,000 in General Revenue in fiscal year 2014 to Strategy D.1.1, Indirect Administration, for the Secretary of State to implement the provisions of the legislation.

Floor Amendment No. 260

Amend **CSSB 1** (house committee report) as follows:

(1) In Article I, on page I-66, in the bill pattern appropriations for the Library & Archives Commission, increase the appropriations from the general revenue fund to the Library & Archives Commission for Strategy A.1.1, Library Resource Sharing Services, by the amount of \$1,000,000 for the state fiscal year ending August 31, 2014, and by the amount of \$1,000,000 for the state fiscal year ending August 31, 2015.

(2) In Article I, on page I-51, in the bill pattern appropriations for the Trusteed Programs Within the Office of the Governor, reduce the appropriations from the general revenue fund to the Trusteed Programs Within the Office of the Governor for Strategy A.1.4, Film and Music Marketing, by the amount of \$1,000,000 for the state fiscal year ending August 31, 2014, and by the amount of \$1,000,000 for the state fiscal year ending August 31, 2015.

(3) Adjust article totals and methods of financing accordingly.

Floor Amendment No. 261

Amend **CSSB 1** as follows:

1) In Article I of the bill on page I-51, add the following new rider:

TexAmericas Economic Development Assistance. Out of amounts appropriated above in Strategy A.1.10, Military Preparedness, the Trusteed Programs Within the Office of the Governor shall allocate \$15,000,000 for the 2014-15 biennium in General Revenue funds for the purpose of providing economic and industrial development assistance to the TexAmericas Center Authority.

2) In Article I of the bill on page I-51, for Strategy A.1.10, MILITARY PREPAREDNESS, for Fiscal Year 2014, strike "\$124,103,995" and substitute "\$139,103,995".

3) In Article I of the bill on page I-51, for Strategy A.1.3, CRIMINAL JUSTICE, for Fiscal Year 2014, strike "\$96,853,289" and substitute "\$81,853,289".

Floor Amendment No. 262

Amend **CSSB 1**, in Article I of the bill, by inserting the following appropriately numbered rider following the appropriations to the Office of the Attorney General (page I-11):

_____. Report on Litigation. Not later than August 31 of each year of the 2014-2015 biennium, the Office of the Attorney General shall report to the governor, the lieutenant governor, and the legislature all expenditures of money by the office during the preceding year relating to litigation. The report must include expenses relating to litigation brought by the attorney general and litigation in which the attorney general is defending the state and the expenses of any outside counsel hired by the attorney general to assist in the litigation.

Floor Amendment No. 263

Amend Floor Amendment No. 262 by Walle to **CSSB 1** (page 11 of the prefiled amendment packet) by striking lines 4-12 of the amendment and substituting the following:

_____. Report on Litigation. Not later than August 31 of each year of the 2014-2015 biennium, the Office of the Attorney General shall report to the governor, the lieutenant governor, and the legislature all expenditures of money by the office during the preceding year relating to costs for attorneys incurred for litigation brought by the attorney general and litigation in which the attorney general is defending the state, including expenditures for salaries for attorneys who are employees of the office of the attorney general for work done on the litigation, attorney's fees for outside counsel hired by the attorney general to assist in the litigation, and any opposing party's attorney's fees the state is ordered by a court to pay.

Floor Amendment No. 264

Amend **CSSB 1**, by reducing funding on page III-53-54 by \$14,371,225 in Fiscal Year 2014 and \$9,140,600 in Fiscal Year 2015 in the bill pattern for The University of Texas System Administration, adding a new strategy on page III-40 F.1.5, University of Texas System Administration Funding to the bill pattern for the Texas Higher Education Coordinating Board, increasing funding in Strategy F.1.5. on page III-40 by \$14,371,225 in Fiscal Year 2014 and \$9,140,600 in Fiscal Year 2015, and adding the following rider to page III-53 to the bill pattern for the Texas Higher Education Coordinating Board:

58. **University of Texas System Administration Funding.** Amounts appropriated above in Strategy F.1.5, University of Texas System Administration Funding are trusted to the Texas Higher Education Coordinating Board and the Texas Higher Education Coordinating Board may not transfer the amounts appropriated to other purposes. The Texas Higher Education Coordinating Board shall transfer the appropriations to The University of Texas System Administration upon written approval of the Legislative Budget Board and Office of the Governor.

Floor Amendment No. 265

Amend **CSSB 1** (house committee printing), in Part 17, Article IX, by adding the following appropriately numbered section:

Sec. 17. _____. Contingent Across-the-Board Reductions. (a) Subsection (b) of this section takes effect only if the 83rd Legislature in a regular or called session makes an appropriation of money from the economic stabilization fund for the purpose of financing water infrastructure or water development or conservation and the appropriation of that money results in a total amount of appropriations from state tax revenues not dedicated by the Texas Constitution that exceeds the limit on the amount of appropriations from state tax revenues not dedicated by the Texas Constitution, as adopted under Chapter 316, Government Code, for the 2014-2015 fiscal biennium irrespective of whether the legislature adopts a resolution under Section 22(b), Article VIII, Texas Constitution, that authorizes the legislature to provide for appropriations in excess of that amount.

(b) Notwithstanding the amounts appropriated by other provisions of this Act, each appropriation made by this Act of state tax revenues not dedicated by the Texas Constitution is reduced by the same proportionate amount so that the total reduction of the appropriations is equal to the amount by which the appropriation from the economic stabilization fund described by Subsection (a) of this section results in a total amount of appropriations from state tax revenues not dedicated by the Texas

Constitution that exceeds the limit on the amount of appropriations from state tax revenues not dedicated by the Texas Constitution, as adopted under Chapter 316, Government Code, for the 2014-2015 fiscal biennium irrespective of whether the legislature adopts a resolution under Section 22(b), Article VIII, Texas Constitution.

Floor Amendment No. 266

Amend **CSSB 1** (house committee printing), in Part 6, Article IX, by adding the following appropriately numbered section:

Sec. 6.____. Two Percent Appropriation Reduction. Notwithstanding the amounts appropriated by this Act, each appropriation of undedicated general revenue made by this Act for each fiscal year in the state fiscal biennium ending August 31, 2015, is reduced by two percent. The reduction must be allocated proportionately to each strategy identified in bill pattern appropriations.

Floor Amendment No. 267

Amend Floor Amendment No. 266 by Simmons to Part 6, Article IX, **CSSB 1**, as follows:

(1) On page 1, strike lines 3 and 4 and substitute:

Sec. 6.____. Contingent Reduction of Total Appropriations by Two Percent and Provision of Initial Corpus of Money for State Water Implementation Fund for Texas. (a) Contingent on HB 4 or similar legislation of the 83rd Legislature, Regular Session, 2013, to create and govern the state water implementation fund for Texas being enacted and becoming law, and contingent on the 83rd Legislature, Regular Session, 2013, failing to appropriate money to provide an initial corpus of money for the state water implementation fund for Texas to be available in that fund for use during the state fiscal biennium beginning September 1, 2013, notwithstanding the other provisions of this Act providing for appropriations of undedicated general revenue, each

(2) Following page 1, line 9, add the following:

(b) An amount of general revenue equal to the amount by which appropriations are reduced as provided by Subsection (a) of this provision is transferred to the state water implementation fund for Texas created and governed by HB 4 or similar legislation of the 83rd Legislature, Regular Session, 2013, to form the initial corpus of that fund. The comptroller shall transfer the undedicated general revenue to that fund in a manner such that not less than 40 percent of the available undedicated general revenue is transferred to that fund before September 1, 2014, and the remainder of the available undedicated general revenue is transferred to that fund before August 31, 2015. Money transferred to that fund under this subsection is appropriated to the Texas Water Development Board for the purposes of that fund.

Floor Amendment No. 268

Amend **CSSB 1** (introduced version) in Article XI of the bill, following the appropriations to the Department of Public Safety (page V-46), by adding the following appropriately numbered rider:

____. Emergency Radio Infrastructure. In addition to the amounts appropriated above in Strategy B.2.1, Public Safety Communications, of the fees allocated under Section 133.102 (e) (11), Local Government Code, and deposited in the emergency

radio infrastructure account 5153, \$35.7 million is appropriated to the Department of Public Safety for the state fiscal year ending August 31, 2014, for the purposes of planning, developing, providing, enhancing, and maintaining an interoperable statewide emergency radio infrastructure and the additional amount of \$10 million is appropriated to the Department of Public Safety for the state fiscal year ending August 31, 2015, for the same purposes. Any unexpended balances at the close of the state fiscal year ending August 31, 2014, are appropriated for the same purposes for the state fiscal year ending August 31, 2015. The money appropriated under this provision does not apply to the department for purposes of the capital budget rider limitations specified in Section 14.03, Limitation on Expenditures - Capital Budget, of the General Provisions of this Act, and amounts expended from the fund may not count toward the limitations of other capital budget provisions in this Act.

Floor Amendment No. 269

Amend **CSSB 1** (house committee printing) in Article III of the bill, following the appropriations to the Texas Education Agency (page III-19), by adding the following appropriately numbered rider to read as follows:

_____. Estimation and Reporting of Additional Revenue Available for Appropriations for Foundation School Program. At least once every six months after the 83rd Legislature, Regular Session, 2013, adjourns sine die, the comptroller of public accounts shall study, estimate, and report to the legislature if the anticipated revenue will exceed or be less than the amount that will be received by and for the state during the state fiscal biennium ending August 31, 2015, and determine the respective amounts.

Floor Amendment No. 270

Amend **CSSB 1** in Article V of the bill immediately following the appropriations to the Texas Department of Public Safety by adding the following appropriately numbered rider and renumbering subsequent riders accordingly:

_____. FULL-TIME EQUIVALENT (FTE) AUTHORIZATION. The Department of Public Safety (DPS) is encouraged to limit its use of temporary employees expenditures for Regulatory Services Programs. The agency is hereby authorized to increase its FTEs by 16 effective in fiscal year 2014 in Strategy D.3.1., Regulatory Services Issuance; by 6 FTEs effective in fiscal year 2014 in Strategy D.3.2., Regulatory Services Compliance; by 8 FTEs effective in fiscal year 2014 in Strategy D.3.3., Regulatory Services Modernization; and, by 7 FTEs effective in fiscal year 2014 in Strategy D.4.3., Information Technology. No additional appropriation is authorized for these Strategies by this rider.

Floor Amendment No. 1 on Third Reading

Amend **CSSB 1** on third reading by amending second reading amendment No. 35 by Howard as follows:

- (1) On line 14, strike "and".
- (2) On line 16, between "solutions" and the period, insert "; and (5) the feasibility of allowing members of the United State military serving overseas or in a combat zone to be able to vote by electronic means".

The amendments were read.

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

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 1** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Williams, Chair; Duncan, Hinojosa, Nelson, and Whitmire.

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

On motion of Senator Van de Putte and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Veteran Affairs and Military Installations might meet today.

CO-AUTHOR OF SENATE BILL 10

On motion of Senator Van de Putte, Senator Hinojosa will be shown as Co-author of **SB 10**.

CO-AUTHORS OF SENATE BILL 301

On motion of Senator Zaffirini, Senators Campbell and Deuell will be shown as Co-authors of **SB 301**.

CO-AUTHOR OF SENATE BILL 303

On motion of Senator Deuell, Senator Estes will be shown as Co-author of **SB 303**.

CO-AUTHOR OF SENATE BILL 489

On motion of Senator Paxton, Senator Campbell will be shown as Co-author of **SB 489**.

CO-AUTHOR OF SENATE BILL 837

On motion of Senator Ellis, Senator Garcia will be shown as Co-author of **SB 837**.

CO-AUTHOR OF SENATE BILL 857

On motion of Senator Seliger, Senator Campbell will be shown as Co-author of **SB 857**.

CO-AUTHOR OF SENATE BILL 955

On motion of Senator Schwertner, Senator Garcia will be shown as Co-author of **SB 955**.

CO-AUTHOR OF SENATE BILL 1106

On motion of Senator Schwertner, Senator Van de Putte will be shown as Co-author of **SB 1106**.

CO-AUTHOR OF SENATE BILL 1199

On motion of Senator Van de Putte, Senator Hinojosa will be shown as Co-author of **SB 1199**.

CO-AUTHOR OF SENATE BILL 1476

On motion of Senator West, Senator Hinojosa will be shown as Co-author of **SB 1476**.

CO-AUTHOR OF SENATE BILL 1904

On motion of Senator Hegar, Senator Schwertner will be shown as Co-author of **SB 1904**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 32

On motion of Senator Paxton, Senator Campbell will be shown as Co-author of **SJR 32**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 697 by Garcia, In memory of Ronald Lynn Raspberry.

SR 700 by Schwertner, In memory of Nathan Beyers.

SR 701 by Schwertner, In memory of Charles L. Price III.

Congratulatory Resolutions

SR 698 by Nelson, Recognizing the Leadership Flower Mound Class of 2013 on the occasion of its visit to Austin.

SR 702 by Watson, Recognizing the 10th annual Great Grown-Up Spelling Bee.

SR 703 by Watson, Recognizing Lori Ann Vogel on the occasion of her retirement.

SR 704 by West, Recognizing the naming of the Pinkie M. King Gardner Auditorium at Wilmer-Hutchins High School.

SR 705 by West, Recognizing the naming of the Robert A. Simpson Sr. Band Hall at Wilmer-Hutchins High School.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 3:17 p.m. adjourned, in honor of the citizens of West, Texas, and in memory of Deborah Van Dormolen and Vance Charles Miller, until 2:00 p.m. Monday, April 22, 2013.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

April 18, 2013

STATE AFFAIRS — **CSSB 522**

EDUCATION — **CSSB 376, CSSB 1243, CSSB 1309, CSSB 1557**

NATURAL RESOURCES — **CSSB 1801**

CRIMINAL JUSTICE — **SB 1285, SB 1044, SB 827, SB 538**

TRANSPORTATION — **CSSB 1293**

HIGHER EDUCATION — **SB 1590, CSSB 1531**

CRIMINAL JUSTICE — **SB 780, SB 549**

HIGHER EDUCATION — **SB 1313**

JURISPRUDENCE — **CSSB 1317, CSSB 1471, CSSB 1202**

BILLS ENGROSSED

April 17, 2013

SB 17, SB 34, SB 116, SB 143, SB 219, SB 329, SB 583, SB 634, SB 817, SB 822, SB 887, SB 900, SB 976, SB 1256, SB 1263, SB 1292, SB 1340, SB 1815, SB 1853

RESOLUTIONS ENROLLED

April 17, 2013

SCR 21, SR 638, SR 660, SR 674, SR 686, SR 689, SR 690, SR 693, SR 694, SR 695, SR 696

SENT TO GOVERNOR

April 18, 2013

SCR 21

SIGNED BY GOVERNOR

April 17, 2013

SB 398

In Memory
of
Deborah Van Dormolen
Senate Resolution 491

WHEREAS, The Senate of the State of Texas joins the citizens of Salado in mourning the loss of Deborah "Borah" Van Dormolen, who died March 11, 2013, at the age of 61; and

WHEREAS, Borah Van Dormolen was an exemplary citizen whose selflessness, courage, leadership, and devotion to duty were inspirational to all who knew her; and

WHEREAS, Lieutenant Colonel Borah Van Dormolen served the nation with distinction in the United States Army for 23 years; her service included a number of command, staff, and leadership positions, and she was one of the first female professors at the United States Military Academy at West Point, where she played an important role in building morale and helping female cadets assimilate into the life of the academy; and

WHEREAS, She also served as commander of logistics operations units for the army's most powerful formations, including the famed 1st Cavalry Division and the 13th Corps Support Command; she retired in 1997 with the rank of lieutenant colonel; and

WHEREAS, Along with her husband, retired Lieutenant Colonel Rich Castle, she established Design Technology Group, Incorporated, a successful manufacturing and marketing firm that makes outdoor stainless steel electric grills; and

WHEREAS, She was a highly respected active leader in Republican Party politics and served as the Republican National Committeewoman for Texas; she held numerous offices with the Texas Federation of Republican Women, including serving as its president; and

WHEREAS, She led several campaign management seminars for the National Federation of Republican Women and served on the staff of State Representative Kent Grusendorf; she had recently been elected to represent Texas on the rules committee of the Republican National Committee; and

WHEREAS, The many community organizations to which she donated her time and talent included the Texas Council of Chapters of the Military Officers Association of America, the Rotary Club of Salado, and the Board of Governors for the Fort Hood Chapter of the Association of the United States Army; she was an endowment member of the National Rifle Association and the Texas State Rifle Association; and

WHEREAS, A woman of courage, strength, and compassion, she gave generously of herself to her country and her state, and her wisdom, her patriotism and devotion to duty, and her enthusiasm for living each day to the fullest will not be forgotten; and

WHEREAS, She was devoted to her family, and she leaves behind memories that will be treasured forever by all who were privileged to share in her life; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby extend sincere condolences to the bereaved family of Deborah Van Dormolen; and, be it further

RESOLVED, That a copy of this Resolution be prepared for her family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Borah Van Dormolen.

FRASER

In Memory
of
Vance Charles Miller
Senate Resolution 621

WHEREAS, Dallas real estate legend Vance Charles Miller passed away on February 23, 2013, at the age of 79, leaving his wide circle of family and friends to cherish their memories of this accomplished man; and

WHEREAS, An Oklahoma native, Mr. Miller was born in Seminole on October 19, 1933, and raised in Dallas by his parents, Juanita Miller and Henry S. Miller, Jr.; he graduated from Highland Park High School and went on to attend Southern Methodist University, where he met his future wife, Geraldine "Tincy" Erwin; they became the parents of four children, Vance, Vaughn, Greg, and Cynthia, and over the years their family grew to include eight grandchildren; and

WHEREAS, Mr. Miller completed his bachelor's degree in business administration in 1956 and served his country as a fighter pilot in the United States Air Force during the Cold War years; although he contemplated a military career, he instead joined his father and grandfather in the family business while continuing to serve as a captain in the Texas Air National Guard; and

WHEREAS, In 1970, Mr. Miller became president of Henry S. Miller Company, and with his guidance, it became one of the largest real estate firms in the nation; he and his father sold the company in 1983, continuing to serve on its board until their reacquisition of the business approximately a decade later; as chair and chief executive officer of the Henry S. Miller Companies, Mr. Miller had a profound impact on the North Texas real estate industry during a period of phenomenal growth; he was not only a savvy businessman, but also a mentor to countless people in his employ, many of whom went on to become highly successful real estate professionals in their own right; and

WHEREAS, This dynamic Texan served on the boards of a number of firms and was founding chair of Parkway Bank and Trust Co.; moreover, he benefited the business community in a host of other leadership roles, including as chair of the Dallas Alliance of Business and as a member of the U.S. Small Business Administration National Advisory Council, the Dallas Area Industrial Development Association, and the city's Private Industry Council; by presidential appointment, he served three terms as a director of the Federal National Mortgage Association (Fannie Mae), and he was vice president and director of the National Association of REALTORS for a decade; he received a presidential citation for his efforts to create job opportunities for the disadvantaged, along with a host of other accolades; and

WHEREAS, Taking a profound interest in civic affairs, Mr. Miller served for 11 years as director of the Texas Public Policy Foundation; he supported a number of candidates for public office, including Governor Rick Perry, who praised his patriotism and entrepreneurial spirit; Mr. Miller was a member of the Dallas Citizens Council and the Rotary Club, and together he and Mrs. Miller supported the arts and charitable organizations; and

WHEREAS, In his leisure time, Mr. Miller was an avid golfer; he was a member of the Dallas Country Club and a founding member of the Preston Trail Golf Club, and as chair of the Prestonwood Country Club, he enjoyed developing its courses; and

WHEREAS, Vance Miller left a lasting imprint on the city of Dallas through his professional achievements, and his exceptional contributions to civic life will continue to resonate in North Texas and beyond; now, therefore, be it

RESOLVED, That the Senate of the 83rd Texas Legislature hereby pay tribute to the memory of Vance Charles Miller and extend sincere sympathy to the members of his family: to his wife, Tincy Miller; to his children, Vaughn E. Miller and his wife, Dena, Gregory Miller and his wife, Kim, and Cynthia Vance-Abrams and her husband, Bob Abrams; to his grandchildren, Nathaniel Abrams and Penny, Vaughn, Lance, Vance Calvin, Gigi, Wes, and Wyatt Miller; to his sisters, Patsy Miller Donosky and Jacqueline Miller Stewart and her husband, Peter B. Stewart; to his brother, Henry S. Miller III; and to his other relatives and friends; and, be it further

RESOLVED, That an official copy of this resolution be prepared for his family and that when the Texas Senate adjourns this day, it do so in memory of Vance Charles Miller.

CARONA

SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FORTY-FOURTH DAY

(Monday, April 22, 2013)

The Senate met at 2:15 p.m. pursuant to adjournment and was called to order by the President.

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

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

The Reverend Gary Randle, H.O.P.E. Farm, Fort Worth, was introduced by Senator Birdwell and Senator Davis and offered the invocation as follows:

Our heavenly Father, we thank You for the opportunity and freedom to be able to gather here for prayer this morning, and we praise Your name for the great things You are doing in this country. While the news and rhetoric lately may often seem rather dark and while the challenges we seem to bring on ourselves as a country seem to be more and more of a burden, we take great comfort because we know that first, last, and always, You are God. Lord, You specifically direct us in First Timothy, Chapter 2, to pray for our leaders and those whom we've trusted with authority. So, today, Lord, we want to do just that. We pray for President Obama, the First Lady, and their children as well as for Vice President and Mrs. Biden and their family. We pray for their advisors and cabinet and for our military and its leaders. We pray for the men and women in Congress and in the Supreme Court. We pray for all our elected officials in Texas, our Governor, our Lieutenant Governor, our Attorney General. We pray for the men and women of our state Legislature and those in Austin that represent our great state. Lord, we not only pray for all our leaders this morning but, Father, we also humbly pray for ourselves. We pray that we as citizens of this great country can be worthy of good leadership, that we can be wise in picking leaders, and, Lord, help each of us play a proper role in creating an atmosphere and climate such that gifted men and women want to run for office and, when elected, can thrive in a way that blesses this country. We thank You that we have a country that values the democratic process. And, Lord, we pray that You will give the media wisdom such that they will be honest

stewards of information as they report on the issues of the day, so that we will have an atmosphere suited to Your purposes and Your divine plan for this country. Lord, we ask that You bless the young people in our country and that You give us and our leaders the wisdom to set a worthy example. And, Father, where there is too often division, heated rhetoric, and angst in the public square, we pray that not only will You provide the healing that only Your holy spirit can bring but that You will also help us to avoid being cynical and to avoid giving up on our leaders. Rather, give us the ability to remember that You are our creator, that You are merciful, and that You are in control. We pray all this, Lord, in Your holy name. Amen.

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

The motion prevailed without objection.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

April 19, 2013
Austin, Texas

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

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

To be a member of the Texas Lottery Commission for a term to expire February 1, 2017:

Veronica Edwards
San Antonio, Texas

Ms. Edwards is replacing Cynthia Tauss of League City who resigned.

Respectfully submitted,

/s/Rick Perry
Governor

RESOLUTIONS SIGNED

The President announced the signing of the following enrolled resolutions in the presence of the Senate: **HCR 24, HCR 109.**

PHYSICIAN OF THE DAY

Senator Zaffirini was recognized and presented Dr. Jake Margo, Jr., of Rio Grande City as the Physician of the Day.

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

SENATE RESOLUTION 583

Senator Rodríguez offered the following resolution:

SR 583, Commending Mitchell Marcus and Jon Montanez.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Rodríguez was recognized and introduced to the Senate Mitchell Marcus, Jonathan Montanez, Paul Morales, Clement Marcus, and Juan Montanez.

The Senate welcomed its guests.

SENATE RESOLUTION 662

Senator Uresti offered the following resolution:

WHEREAS, The Senate of the State of Texas is honored to recognize the seventh class of the Senator Gregory Luna Legislative Scholars and Fellows Program, conducted by the Senate Hispanic Research Council and named in memory of Senator Gregory Luna of San Antonio; and

WHEREAS, A true champion for the underrepresented and underserved in Texas, Senator Luna dedicated his life to public service and fought for educational equity; and

WHEREAS, A tribute to Senator Luna's admirable work in the Senate, this prestigious program was created to provide professional opportunities for undergraduate and graduate-level students from across the state to gain invaluable experience by serving as full-time legislative assistants in the Texas Senate and acquire the skills necessary to become successful leaders for our great state; and

WHEREAS, These Scholars and Fellows also coordinated the "KIPP's Day at the Capitol," which provides high school students from the KIPP Austin Public Schools with an inside look at the legislative process and promotes successful completion of their college admission process; and

WHEREAS, The following Scholars and Fellows have demonstrated outstanding dedication and achievement in Senate offices: Omar Araiza from McAllen, serving in the office of State Senator Juan "Chuy" Hinojosa; Alejandro Barrientos from Corpus Christi, serving in the office of State Senator Carlos Uresti; William Calve from Dickinson, serving in the office of State Senator Kirk Watson; Siddharth Dadhich from Cypress, serving in the office of State Senator Kel Seliger; Nacho Santiago from El Paso, serving in the office of State Senator José Rodríguez; Paige Duggins, from Cedar Hill, serving in the office of State Senator Judith Zaffirini; Norma A. Herrera from Pharr, serving in the office of Lieutenant Governor David Dewhurst; Karla Hoyos from San Antonio, serving in the office of State Senator Craig Estes; Daniela C. Huerta-Garcia from Mexico City, serving in the office of State Senator Carlos Uresti; Maria Virginia Ivanez from Valencia, Venezuela, serving in the office of State Senator John Whitmire; Ivan Medina from Garland, serving in the office of State Senator Eddie Lucio; Dariel Ramirez from Dallas, serving in the office of State Senator Juan "Chuy" Hinojosa; Brianna Roberts from San Antonio, serving in the

office of State Senator Leticia Van de Putte; Nathan Salazar from Lubbock, serving in the office of State Senator Royce West; and Leah Marie Wise from Harlingen, serving in the office of State Senator Wendy Davis; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby commend the members of the seventh class of the Senator Gregory Luna Legislative Scholars and Fellows Program for their remarkable service this session and wish them continued success as they prepare to become the future leaders of our great state; and, be it further

RESOLVED, That copies of this Resolution be presented to them as an expression of esteem from the Texas Senate.

SR 662 was read and was adopted without objection.

GUESTS PRESENTED

Senator Uresti was recognized and introduced to the Senate Senator Gregory Luna Legislative Scholars: Omar Araiza, Alejandro Barrientos, William Calve, Siddharth Dadhich, Nacho Santiago, Paige Duggins, Norma A. Herrera, Karla Hoyos, Daniela C. Huerta-Garcia, Maria Virginia Ivanez, Ivan Medina, Dariel Ramirez, Brianna Roberts, Nathan Salazar, and Leah Marie Wise, accompanied by Sarah Saenz.

The Senate welcomed its guests.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Monday, April 22, 2013 - 1

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 33 Menéndez

Relating to alternative methods of dispute resolution in certain disputes between the Department of Aging and Disability Services and an assisted living facility licensed by the department.

HB 63 Craddick

Relating to the creation of an offense for use of a handheld wireless communication device for text-based communication while operating a motor vehicle.

HB 64 Craddick

Relating to the liability of and the validation of certain acts of the Midland County Fresh Water Supply District No. 1.

- HB 220** Price
Relating to consecutive sentences for certain offenses involving injury to a child, an elderly individual, or a disabled individual and arising out of the same criminal episode.
- HB 250** Miller, Doug
Relating to the designation of a segment of Interstate Highway 35 as the Trooper Randy Vetter Memorial Highway.
- HB 252** Larson
Relating to water shortage reporting by water utilities and providers of wholesale water supplies.
- HB 278** Craddick
Relating to the liability of a municipality for certain space flight activities.
- HB 332** Guillen
Relating to tort liability arising from a volunteer's operation of a Parks and Wildlife Department motor-driven vehicle or motor-driven equipment.
- HB 341** Pitts
Relating to the exclusion of certain mineral interests from the property interests that may be condemned by a regional tollway authority.
- HB 349** Canales
Relating to electronically filing any court document in a criminal case in Hidalgo County.
- HB 403** Davis, Sarah
Relating to liability of certain certified municipal inspectors for services rendered during an emergency or disaster.
- HB 407** King, Phil
Relating to the Weatherford College District service area.
- HB 411** King, Phil
Relating to the release of a vehicle held by a vehicle storage facility.
- HB 434** Riddle
Relating to the persons authorized to take a blood specimen from a vehicle operator to test for alcohol concentration or other intoxicating substances.
- HB 436** Pitts
Relating to the authority to issue bonds of the Rockett Special Utility District.
- HB 441** Davis, John
Relating to the designation of the NASA Road 1 Bypass connecting State Highway NASA Road 1 to Interstate Highway 45 as the Captain John Young Flyover.
- HB 458** Bohac
Relating to eligibility requirements for a residential fire alarm training school instructor.
- HB 460** Cortez
Relating to authorizing the county clerk in certain counties to conduct a marriage ceremony and collect a related fee.

- HB 477** Harper-Brown
Relating to the authority of a county to advertise on leased vehicles.
- HB 483** Aycock
Relating to a public hearing held on the issue of making a payment in excess of the compensation contracted for by a political subdivision.
- HB 518** Pitts
Relating to the creation of the Windsor Hills Municipal Management District No. 1; providing authority to issue bonds; providing authority to impose assessments and fees.
- HB 570** Alonzo
Relating to issuance of a magistrate's order for emergency protection.
- HB 584** Rodriguez, Eddie
Relating to the posting of a notice of foreclosure sale on a county's Internet website.
- HB 625** Harper-Brown
Relating to the penalty for the operation of a vehicle without a license plate.
- HB 646** Patrick, Diane
Relating to the requirements for members appointed to the Texas State Board of Examiners of Psychologists.
- HB 666** Miller, Rick
Relating to the elections to which certain applications for a ballot to be voted by mail are applicable.
- HB 674** Ratliff
Relating to providing notice of certain proposed municipal zoning changes to a school district.
- HB 729** Price
Relating to access to criminal history record information by certain hospitals and other facilities.
- HB 749** Raymond
Relating to a plan to increase outcomes in the summer food service program.
- HB 768** Howard
Relating to the application of the public and private facilities and infrastructure contracting requirements to technology facilities.
- HB 776** Guillen
Relating to the McMullen Groundwater Conservation District; providing for the imposition of and limiting the rate at which the district may impose an ad valorem tax.
- HB 788** Smith
Relating to permitting of greenhouse gas emissions by the Texas Commission on Environmental Quality; limiting the amount of a fee.
- HB 799** Thompson, Senfronia
Relating to vocational training programs provided by the Windham School District.

- HB 809** Davis, John
Relating to the dissemination of information regarding employment opportunities in this state to secondary school students.
- HB 839** Guillen
Relating to the powers, duties, and compensation of the board of directors of the Duval County Groundwater Conservation District.
- HB 845** Lucio III
Relating to possession of or access to a child.
- HB 847** Lucio III
Relating to the enforcement of an order to pay child support by contempt and the awarding of costs and fees in certain proceedings.
- HB 878** Crownover
Relating to the filing with the state of electric logs by operators of oil-related or gas-related wells; providing a penalty.
- HB 908** Nevárez
Relating to the assessment of an elderly or disabled person's psychological status for purposes of an emergency order authorizing protective services.
- HB 915** Kolkhorst
Relating to the administration and monitoring of health care provided to foster children.
- HB 938** Hughes
Relating to the designation of a segment of Farm-to-Market Road 2348 in Titus County as the Army Staff Sergeant Chauncy Mays Memorial Highway.
- HB 952** Gonzales, Larry
Relating to assignment of certain death benefits payable by the Employees Retirement System of Texas.
- HB 978** Raymond
Relating to the transportation of certain patients to a mental health facility.
- HB 988** Fletcher
Relating to the definition of a lock for purposes of the regulation of certain private security companies and occupations.
- HB 989** Thompson, Senfronia
Relating to the fine or penalty for violation of a municipal rule, ordinance, or police regulation and municipal court jurisdiction to enforce certain violations.
- HB 995** Muñoz, Jr.
Relating to the powers and duties of the Hidalgo County Water Control and Improvement District No. 19; providing authority to issue bonds; providing authority to impose fees and taxes.
- HB 1043** Lewis
Relating to the offense of the unauthorized duplication of certain recordings.
- HB 1061** Branch
Relating to the repeal of the statutory authority for the State Medical Education Board.

- HB 1098** Zerwas
Relating to family cost share provisions in the early childhood intervention program.
- HB 1104** Harper-Brown
Relating to an exemption from the requirement that a legislative caucus file reports of contributions and expenditures if no reportable activity occurs.
- HB 1127** Smith
Relating to the regulation of game rooms in certain counties; providing penalties; authorizing a fee.
- HB 1164** Thompson, Ed
Relating to the territory that may be included in a single county election precinct.
- HB 1205** Parker
Relating to the offense of failure to report abuse or neglect of a child.
- HB 1227** Dukes
Relating to the use of an Internet application to allow access by court-appointed volunteer advocates to child protective services case information.
- HB 1237** Keffer
Relating to the Eastland Memorial Hospital District.
- HB 1259** Keffer
Relating to the dissolution of the Cisco Hospital District; authorizing the imposition of a tax.
- HB 1265** Guillen
Relating to providing information to state employees about insurance available to those employees under a group coverage plan.
- HB 1287** Hilderbran
Relating to the contents of an application by certain persons for an exemption from ad valorem taxation of the person's residence homestead.
- HB 1305** Sheets
Relating to the criminal penalty for acting as an agent after suspension or revocation of the agent's license.
- HB 1348** Menéndez
Relating to the taxation of certain tangible personal property located inside a defense base development authority.
- HB 1366** Lucio III
Relating to certain procedures in family or juvenile law proceedings.
- HB 1422** Geren
Relating to the reporting in a lobbyist registration of certain persons from whom compensation or reimbursement is received.
- HB 1427** Sheffield, Ralph
Relating to the donation of surplus real property by certain municipalities.
- HB 1445** Thompson, Senfronia
Relating to the distribution of certain civil penalties and civil restitution received by the attorney general.

- HB 1479** Villarreal
Relating to establishing a committee in certain counties to recommend a uniform truancy policy.
- HB 1514** Howard
Relating to privileged parking for veterans of World War II.
- HB 1646** Flynn
Relating to revising provisions in certain laws governing certain banks and trust companies in this state to conform to changes in terminology made by the Business Organizations Code.
- HB 1664** Villarreal
Relating to the regulation of banks, trust companies, and bank holding companies.
- HB 1741** Naishtat
Relating to requiring child safety alarms in certain vehicles used by child-care facilities to transport children.
- HB 1760** Darby
Relating to the provision of services to certain individuals with developmental disabilities by a state supported living center.
- HB 1818** Kuempel
Relating to the disposition of confiscated game, animal parts, and animal products.
- HB 1844** Branch
Relating to the official name of The University of Texas Southwestern Medical Center.
- HB 1940** Orr
Relating to certain correction instruments in the conveyance of real property.
- HB 1960** Cortez
Relating to reciprocity for emergency medical services personnel certification for certain United States military personnel.
- HB 1969** Craddick
Relating to the McCamey County Hospital District; authorizing the issuance of bonds; authorizing the imposition of a tax.
- HB 1978** Villarreal
Relating to financing statements and other records under the secured transactions law.
- HB 1979** Villarreal
Relating to interest on commercial loans.
- HB 1994** Reynolds
Relating to the purchase of certain commodity items by a state agency.
- HB 2016** Keffer
Relating to the receipt or consideration of a petition requesting detachment and annexation by the board of trustees of a school district after adoption of consolidation resolutions.
- HB 2134** Villarreal
Relating to the regulation of money services businesses.

HB 2254

Geren

Relating to apprenticeship requirements for occupational licenses issued to applicants with military experience.

HB 2276

Crownover

Relating to notice of residential services available for persons with intellectual disabilities.

HB 2304

Rodriguez, Eddie

Relating to the certification of sheriffs and deputy sheriffs to enforce commercial motor vehicle safety standards in certain counties.

HB 2327

Gooden

Relating to court costs imposed on conviction and deposited to the courthouse security fund; increasing fees.

HB 2387

Menéndez

Relating to the ad valorem taxation of certain tangible personal property located inside a defense base development authority.

HB 2422

Gonzales, Larry

Relating to consideration of cloud computing services when a state agency purchases services for a major information resources project.

HB 2462

Thompson, Senfronia

Relating to automobile club memberships offered in connection with certain motor vehicle retail installment contracts.

HB 2465

Farias

Relating to the secretary of state providing information to voters regarding their voting status through an Internet website.

HB 2466

Farias

Relating to the issuance of specialty license plates for Vietnam veterans.

HB 2544

Rose

Relating to victim-offender mediation services offered by the victim services division of the Texas Department of Criminal Justice.

HB 2548

Burkett

Relating to the enforcement of a provision regarding the imposition of a surcharge for the use of a credit card.

HB 2683

Price

Relating to employment in certain consumer-directed services and by certain facilities and to the nurse aide registry and the employee misconduct registry.

HB 2710

Gonzales, Larry

Relating to the employment of an attorney by the Texas Funeral Service Commission.

HB 2758

Anderson

Relating to the business, supervision, and regulation of state savings and loan associations and state savings banks; providing a criminal penalty.

HB 3064

Menéndez

Relating to the disposition of unclaimed cremated remains of certain veterans.

HB 3163 Smith
Relating to the San Jacinto Historical Advisory Board.

HB 3259 Wu
Relating to the ownership of and access to certain investigation records in child abuse and neglect cases.

HCR 23 Simpson
Designating Gregg County the Balloon Race Capital of Texas and commemorating the 36th anniversary of the Great Texas Balloon Race.

HCR 56 Hunter
Requesting the lieutenant governor and the speaker of the house of representatives to provide for a joint interim legislative study regarding the development and potential economic impact of a cruise industry on the Texas coast between Calhoun and Cameron Counties.

HCR 100 Branch
Commending retired Texas Supreme Court chief justice Jack Pope for his service and congratulating him on his 100th birthday.

SB 422 Duncan Sponsor: Darby
Relating to service of citation on a financial institution.

SB 510 Nichols Sponsor: Martinez,
"Mando"
Relating to passing certain vehicles on a highway; providing a penalty.

SB 530 Birdwell Sponsor: Orr
Relating to the inclusion of the emblem of the veteran's branch of service on Disabled Veteran specialty license plates.

SB 543 Seliger Sponsor: Craddick
Relating to the authority of the Midland County Hospital District of Midland County, Texas, to employ and commission peace officers.

SB 847 Carona Sponsor: Oliveira
Relating to business entities and associations.

THE HOUSE HAS GRANTED THE REQUEST OF THE SENATE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

SB 1 (non-record vote)
House Conferees with Instructions: Pitts - Chair/Crownover/Otto/Turner, Sylvester/Zerwas

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

(Senator Eltife in Chair)

SENATE RESOLUTION 646

Senator Van de Putte offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Christiana Johnson, who is being honored as a Distinguished Graduate of San Antonio College; and

WHEREAS, Christiana has demonstrated exceptional diligence and determination in her studies and in her pursuit of academic excellence; and

WHEREAS, To be recognized as a Distinguished Graduate, a student must have a minimum grade point average of 3.2, must participate in the graduation ceremony in May, and must demonstrate service and leadership; Distinguished Graduates are chosen annually through a competitive process, which includes the submission of an essay and the completion of a service project that promotes graduation; and

WHEREAS, Christiana's accomplishments bear witness to her dedication and outstanding academic abilities, and she is truly worthy of recognition for her achievements; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby pay tribute to Christiana Johnson, a San Antonio College Distinguished Graduate, and extend to her sincere best wishes for success in all her future endeavors; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Christiana Johnson as an expression of esteem from the Texas Senate.

SR 646 was again read.

The resolution was previously adopted on Monday, April 15, 2013.

GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate Christiana Johnson, a Distinguished Graduate of San Antonio College, accompanied by her husband, Kenneth Carel, and their son, Owen Kress.

The Senate welcomed its guests.

SENATE RESOLUTION 732

Senator Lucio offered the following resolution:

SR 732, Recognizing the 75th anniversary of the Charro Days Fiesta.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate a Charro Days Fiesta delegation, accompanied by executive committee president Henry LeVrier, Norma LeVrier, and Carlos Bañales, Executive Director.

The Senate welcomed its guests.

SENATE RESOLUTION 685

Senator Campbell offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to honor Dr. Robert Paul Johnson, who recently retired after a successful 50-year career in the practice of oral and maxillofacial surgery; and

WHEREAS, This exceptional surgeon can take pride in having served his country and his community with extraordinary dedication through the practice of his profession over many years; and

WHEREAS, Dr. Johnson began his career in the United States Air Force; he married Charlene C. Jonietz on March 7, 1957, and together they raised two daughters, Kimberly and Jill; and

WHEREAS, Dr. Johnson served as chairman of the Department of Oral and Maxillofacial Surgery at Wilford Hall United States Air Force Medical Center at Lackland Air Force Base from 1976 to 1980, and he simultaneously served as director of the department's residency program; he retired from the United States Air Force with the rank of colonel in 1980, after 25 years of military service, and he was awarded the Legion of Merit for his outstanding service and achievements; and

WHEREAS, In 1980, Dr. Johnson founded the practice that would become Alamo Maxillofacial Surgical Associates, from which he would retire in 2012; the surgical center has grown into one of the largest such practices in San Antonio and South Central Texas; and

WHEREAS, Dr. Johnson is widely known for his expertise in the use of hyperbaric oxygen in the management of osteoradionecrosis of the jaws in head and neck cancer patients; he has lectured internationally and written extensively on the benefits of such treatment; and

WHEREAS, This exemplary gentleman is much admired and respected by his colleagues and deeply revered by his many patients, and he will long be celebrated for his outstanding contributions to his profession; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby commend Dr. Robert Paul Johnson on his dedication to serving his country and his fellow man through the practice of oral and maxillofacial surgery and extend to him sincere best wishes for the retirement years ahead; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Dr. Robert Johnson as an expression of esteem from the Texas Senate.

SR 685 was again read.

The resolution was previously adopted on Tuesday, April 16, 2013.

GUESTS PRESENTED

Senator Campbell was recognized and introduced to the Senate Dr. Robert Johnson and his wife, Charlene.

The Senate welcomed its guests.

SENATE RESOLUTION 592

Senator Huffman offered the following resolution:

SR 592, In memory of Suzanne McDaniel.

On motion of Senator Huffman, the resolution was read and was adopted by a rising vote of the Senate.

In honor of the memory of Suzanne McDaniel, the text of the resolution is printed at the end of today's *Senate Journal*.

Senator Huffman was recognized and introduced to the Senate family members of Suzanne McDaniel: Marion McDaniel, Jr., and his wife, Mary; and her nephews, Mark McDaniel and Marion McDaniel III.

The Senate welcomed its guests and extended its sympathy.

INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

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

There was no objection.

CONCLUSION OF MORNING CALL

The Presiding Officer at 3:40 p.m. announced the conclusion of morning call.

COMMITTEE SUBSTITUTE SENATE BILL 1670 ON SECOND READING

Senator Nichols moved to suspend the regular order of business to take up for consideration **CSSB 1670** at this time on its second reading:

CSSB 1670, Relating to the fees for oversize and overweight vehicle permits.

The motion prevailed.

Senator Hancock 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: Hancock.

COMMITTEE SUBSTITUTE SENATE BILL 1670 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 **CSSB 1670** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Hancock.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1671 ON SECOND READING**

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1671** at this time on its second reading:

CSSB 1671, Relating to the fines for and other enforcement of laws providing for the operation of oversize or overweight vehicles.

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.

**COMMITTEE SUBSTITUTE
SENATE BILL 1671 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 **CSSB 1671** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 190 ON SECOND READING**

Senator Huffman moved to suspend the regular order of business to take up for consideration **CSSB 190** at this time on its second reading:

CSSB 190, Relating to the prescription and pharmaceutical substitution of biological products.

The motion prevailed.

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

The bill was read second time.

Senator Huffman offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 190** (senate committee report) in SECTION 5 of the bill, immediately following proposed Section 562.006(f), Occupations Code (page 2, between lines 46 and 47), by inserting the following:

(f-1) Subsection (f) and this subsection expire December 31, 2015.

The amendment to **CSSB 190** 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.

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

CSSB 190 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: Deuell, Seliger.

**COMMITTEE SUBSTITUTE
SENATE BILL 190 ON THIRD READING**

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 190** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

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

Nays: Deuell, Seliger.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 991 ON SECOND READING**

Senator West moved to suspend the regular order of business to take up for consideration **CSSB 991** at this time on its second reading:

CSSB 991, Relating to the release of certain inmates on medically recommended intensive supervision.

The motion prevailed.

Senators Birdwell, Campbell, Hancock, Huffman, Nelson, Nichols, and Patrick asked to be recorded as voting "Nay" on suspension of the regular order of business.

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

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

Nays: Birdwell, Campbell, Hancock, Huffman, Nelson, Nichols, Patrick.

**COMMITTEE SUBSTITUTE
SENATE BILL 991 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 991** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

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

Nays: Campbell, Hancock, Huffman, Nelson, Nichols, Patrick.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 7.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Garcia, Hegar, Hinojosa, Lucio, Paxton, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Campbell, Hancock, Huffman, Nelson, Nichols, Patrick.

**COMMITTEE SUBSTITUTE
SENATE BILL 1756 ON SECOND READING**

Senator Uresti moved to suspend the regular order of business to take up for consideration **CSSB 1756** at this time on its second reading:

CSSB 1756, Relating to the expedited processing of certain applications for permits under the Clean Air Act; authorizing a surcharge.

The motion prevailed.

Senators Seliger and Watson 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: Seliger, Watson.

**COMMITTEE SUBSTITUTE
SENATE BILL 1756 ON THIRD READING**

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1756** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

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

Nays: Seliger, Watson.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

COMMITTEE SUBSTITUTE
SENATE JOINT RESOLUTION 55 ON SECOND READING

Senator Williams moved to suspend the regular order of business to take up for consideration **CSSJR 55** at this time on its second reading:

CSSJR 55, Proposing a constitutional amendment appropriating money from the system benefit fund for the purpose of returning system benefit fund fees to retail electric customers.

The motion prevailed by the following vote: Yeas 21, Nays 10.

Yeas: Birdwell, Campbell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Hancock, Hegar, Hinojosa, Huffman, Nelson, Nichols, Patrick, Paxton, Schwertner, Seliger, Taylor, Whitmire, Williams.

Nays: Davis, Ellis, Garcia, Lucio, Rodríguez, Uresti, Van de Putte, Watson, West, Zaffirini.

The resolution was read second time.

Senator Williams offered the following amendment to the resolution:

Floor Amendment No. 1

Amend **CSSJR 55** (senate committee printing) in SECTION 2 of the bill, between "customers" and the period (page 2, line 4), by inserting "as provided by the Texas Legislature".

The amendment to **CSSJR 55** 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.

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

CSSJR 55 as amended was passed to engrossment by the following vote: Yeas 21, Nays 10.

Yeas: Birdwell, Campbell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Hancock, Hegar, Hinojosa, Huffman, Nelson, Nichols, Patrick, Paxton, Schwertner, Seliger, Taylor, Whitmire, Williams.

Nays: Davis, Ellis, Garcia, Lucio, Rodríguez, Uresti, Van de Putte, Watson, West, Zaffirini.

COMMITTEE SUBSTITUTE
SENATE BILL 1655 ON SECOND READING

Senator Williams moved to suspend the regular order of business to take up for consideration **CSSB 1655** at this time on its second reading:

CSSB 1655, Relating to authorizing the Public Utility Commission of Texas to direct the comptroller to return the unappropriated balance of the system benefit fund to retail electric customers.

The motion prevailed by the following vote: Yeas 21, Nays 10.

Yeas: Birdwell, Campbell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Hancock, Hegar, Hinojosa, Huffman, Nelson, Nichols, Patrick, Paxton, Schwertner, Seliger, Taylor, Whitmire, Williams.

Nays: Davis, Ellis, Garcia, Lucio, Rodríguez, Uresti, Van de Putte, Watson, West, Zaffirini.

The bill was read second time.

Senator Williams offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1655** (Senate committee report) in Section 1 of the bill, in added Section 39.9039, Utilities Code, as follows:

(1) In Subsection (b) of that section (page 1, lines 46-50), strike "so that the entities receive disbursements in proportion to the fees paid by retail electric customers in the service areas of the entities since the system benefit fund fee was first imposed under Section 39.903" and substitute "so that each entity receives an amount necessary to give each retail electric customer that has customer choice an equal credit so that the total of the credits equals the total amount disbursed".

(2) In Subsection (c) of that section (page 1, line 53), strike "electric customers" and substitute "electric customers that have customer choice".

(3) In Subsection (c) of that section (page 1, line 55), strike "receive credits" and substitute "each receive equal credits".

The amendment to **CSSB 1655** 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.

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1655** (Senate committee printing) as follows:

(1) On page 1, line 36, between "credit" and "retail", insert "low-income".

(2) On page 1, line 52, between "that" and "retail", insert "low-income".

(3) On page 2, line 16, insert the following and renumber subsequent subsections accordingly: "(f) For the purposes of this section, "low-income retail electric customer" shall have the same definition as "low-income electric customer" in Sec. 39.903.

(g) Any disbursement made under this section must be used for weatherization."

ELLIS
WEST

The amendment to **CSSB 1655** was read.

On motion of Senator Williams, Floor Amendment No. 2 was tabled by the following vote: Yeas 19, Nays 12.

Yeas: Birdwell, Campbell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Hancock, Hegar, Huffman, Nelson, Nichols, Patrick, Paxton, Schwertner, Seliger, Taylor, Williams.

Nays: Davis, Ellis, Garcia, Hinojosa, Lucio, Rodríguez, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 1655** (Senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. DISBURSEMENT OF SYSTEM BENEFIT FUND BALANCE. (a) The amount of \$50.4 million is appropriated out of the system benefit fund for the two-year period beginning on the effective date of this Act to the Health and Human Services Commission to provide the state's share of the cost of expanding the categories of persons eligible to enroll in the Medicaid program to the maximum extent allowed for receipt of federal matching funds under the federal Patient Protection and Affordable Care Act (Pub. L. No. 111-148) as amended by the Health Care and Education Reconciliation Act of 2010 (Pub. L. No. 111-152).

(b) It is the intent of the legislature that, as soon as possible after the effective date of this Act and using amounts appropriated in Subsection (a) of this section, the executive commissioner of the Health and Human Services Commission shall take all necessary actions authorized by law to expand eligibility for enrollment in the Medicaid program beginning January 1, 2014, including notifying appropriate federal agencies of that expanded eligibility.

ELLIS
DAVIS
WEST

The amendment to **CSSB 1655** was read.

POINT OF ORDER

Senator Williams raised a point of order that Floor Amendment No. 3 was not germane to the body of the bill.

POINT OF ORDER RULING

The Presiding Officer, Senator Eltife in Chair, ruled that the point of order was well-taken and sustained.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 1655** (Senate committee printing) by amending Subsection (b) to read as follows:

(b) The commission shall, after providing a 20 percent utility discount to low-income retail customers, direct the comptroller to disburse as much as practicable of the balance described by Subsection (a) as soon as practicable and before September 1, 2014, in one or more installments to transmission and distribution utilities, retail electric providers, municipally owned utilities, or electric cooperatives under the system established under Subsection (a) so that the entities receive disbursements in proportion to the fees paid by retail electric customers in the service areas of the entities since the system benefit fund fee was first imposed under Section 39.903.

The amendment to **CSSB 1655** was read.

On motion of Senator Williams, Floor Amendment No. 4 was tabled by the following vote: Yeas 19, Nays 12.

Yeas: Birdwell, Campbell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Hancock, Hegar, Huffman, Nelson, Nichols, Patrick, Paxton, Schwertner, Seliger, Taylor, Williams.

Nays: Davis, Ellis, Garcia, Hinojosa, Lucio, Rodríguez, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

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

CSSB 1655 as amended was passed to engrossment by the following vote: Yeas 21, Nays 10.

Yeas: Birdwell, Campbell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Hancock, Hegar, Hinojosa, Huffman, Nelson, Nichols, Patrick, Paxton, Schwertner, Seliger, Taylor, Whitmire, Williams.

Nays: Davis, Ellis, Garcia, Lucio, Rodríguez, Uresti, Van de Putte, Watson, West, Zaffirini.

COMMITTEE SUBSTITUTE SENATE BILL 1795 ON SECOND READING

Senator Watson moved to suspend the regular order of business to take up for consideration **CSSB 1795** at this time on its second reading:

CSSB 1795, Relating to the regulation of navigators for health benefit exchanges.

The motion prevailed.

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

The bill was read second time.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1795**, in SECTION 1 of the bill, in proposed Sec. 4154.001, Insurance Code (Committee printing page 1, line 28), as follows:

1) between "PURPOSE." and "The" by inserting "Since the State of Texas opted out of implementing a state exchange, pursuant to the Patient Protection and Affordable Care Act (Pub. L. No. 111-148) as amended by the Health Care and Education Reconciliation Act of 2010 (Pub. L. No. 111-152);";

2) by striking "The" and inserting "the".

The amendment to **CSSB 1795** 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.

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

CSSB 1795 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: Paxton.

COMMITTEE SUBSTITUTE SENATE BILL 1795 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 1795** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Paxton.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 1247 ON SECOND READING

Senator Carona moved to suspend the regular order of business to take up for consideration **CSSB 1247** at this time on its second reading:

CSSB 1247, Relating to credit services organizations and extensions of consumer credit facilitated by credit services organizations; providing a civil penalty.

The motion prevailed by the following vote: Yeas 24, Nays 6.

Yeas: Campbell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Garcia, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Patrick, Paxton, Rodríguez, Schwertner, Seliger, Uresti, Van de Putte, Watson, West.

Nays: Birdwell, Fraser, Hancock, Taylor, Whitmire, Zaffirini.

Absent: Williams.

The bill was read second time.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1247** in SECTION 14 of the bill, following added Section 393.633(b), Finance Code (Senate committee printing, page 8, line 41), between

"Local Government Code" and the period, by inserting ", or an ordinance adopted to generally apply to businesses or other persons that relates to general health and safety matters, including building code compliance, fire inspections, and sign regulations.

"(c) This Section expires September 1, 2015".

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VAN DE PUTTE
WATSON
WEST

The amendment to **CSSB 1247** 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: Estes, Taylor.

Absent: Williams.

Senator Van de Putte offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1247** in SECTION 14 of the bill, by striking added Section 393.630(c), Finance Code (Senate committee printing, page 7, lines 28 through 38), and substituting the following:

(c) A credit access business shall in good faith verify that a consumer is not falsifying the certification required by Subsection (b), to the best knowledge and ability of the person acting on behalf of the credit access business for that transaction. A person acting on behalf of a credit access business has satisfied this requirement if the person considers all information that the consumer shares with the person in negotiating the transaction and if the person makes a reasonable effort to verify the consumer's representations with any records that the credit access business typically consults in the normal course of its business.

VAN DE PUTTE
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The amendment to **CSSB 1247** 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: Williams.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 1247** (Senate committee printing) as follows:

(1) In SECTION 14 of the bill, after added Section 393.634(f), Finance Code (page 9, between lines 46 and 47) insert the following:

(g) A credit access business shall accept a partial payment that complies with Section 393.629(c) paid by a consumer or on behalf of a consumer to pay down outstanding principal owed under a single-payment deferred presentment transaction that the credit access business obtained for the consumer or assisted the consumer in obtaining.

(2) In SECTION 14 of the bill, after added Section 393.636(f), Finance Code (page 11, between lines 34 and 35) insert the following:

(g) A credit access business shall accept a partial payment that complies with Section 393.629(c) paid by a consumer or on behalf of a consumer to pay down outstanding principal owed under a single-payment motor vehicle title loan that the credit access business obtained for the consumer or assisted the consumer in obtaining.

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The amendment to **CSSB 1247** 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: Williams.

Senator West offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 1247** in SECTION 6 of the bill, following added Section 393.308(d), Finance Code (Senate committee printing, page 4, between lines 42 and 43), by inserting the following:

(e) Notwithstanding Section 14.252, the commissioner may assess an administrative penalty in an amount not to exceed \$2,000 for each violation, against a credit access business that violates this section, regardless of whether the violation is knowing or willful.

(f) A consumer may maintain an action under this section for any violation of this section. In any suit filed under this section, a consumer may recover:

- (1) damages in an amount not to exceed \$10,000 for each violation, and
- (2) court costs and reasonable and necessary attorney's fees.

WEST
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VAN DE PUTTE

The amendment to **CSSB 1247** 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: Estes, Taylor.

Absent: Williams.

Senator West offered the following amendment to the bill:

Floor Amendment No. 5

Amend **CSSB 1247** in SECTION 11 of the bill, following added Section 393.625(b), Finance Code (Senate committee printing, page 6, between lines 3 and 4), by inserting the following:

(c) The finance commission shall adopt a disclosure relating to the provisions of state and federal law applicable to a military borrower who obtains an extension of consumer credit from or with the assistance of a credit access business. A credit access business shall provide this disclosure to military borrowers for whom the credit access business seeks to obtain an extension of consumer credit.

(d) Notwithstanding Section 14.252, the commissioner may assess an administrative penalty in an amount not to exceed \$5,000 for each violation, against a credit access business that violates this section, regardless of whether the violation is knowing or willful.

WEST
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WATSON

The amendment to **CSSB 1247** 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: Williams.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 6

Amend **CSSB 1247** (Senate committee printing) as follows:

(1) In SECTION 14 of the bill, in added Section 393.634(a), Finance Code (page 8, line 43), strike "amount advanced to a consumer" and substitute "sum of all fees, principal, interest, and other amounts due".

(2) In SECTION 14 of the bill, in added Section 393.636(a), Finance Code (page 10, line 31) strike "amount advanced to a consumer" and substitute "sum of all fees, principal, interest, and other amounts due".

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WEST

The amendment to **CSSB 1247** 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:

Nays: Estes, Taylor.

Absent: Williams.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 7

Amend **CSSB 1247** (Senate committee printing) as follows:

(1) In SECTION 3 of the bill, in amended Section 393.201(b)(2), Finance Code (page 3, line 16), between "consumer" and the comma, insert "or on behalf of a third party".

(2) In SECTION 3 of the bill, in amended Section 393.201(b)(2), Finance Code (page 3, line 19), strike ", unless otherwise permitted under this chapter" and substitute "or the period permitted under an extended payment plan authorized by Subchapter G".

(3) In SECTION 14 of the bill, following added Section 393.629(c), Finance Code (page 7, between lines 14 and 15), insert the following:

(d) The term of an extension of consumer credit obtained for a consumer by a credit access business or that a credit access business assists a consumer in obtaining may not exceed 180 days. If a term of less than 180 days for an extension of consumer credit is specified under this chapter, the shorter term applies.

(4) In SECTION 14 of the bill, in added Section 393.635(e), Finance Code (page 10, lines 18-21), strike "may be refinanced only one time, and the combined terms of the original extension of consumer credit and the refinanced extension of consumer credit may not exceed 365 days or include more than 24 installments" and substitute "may not be refinanced, may not include more than 12 installments, and may not have a term that exceeds 180 days, excluding an extended payment plan offered in compliance with Section 393.638".

(5) In SECTION 14 of the bill, in added Section 393.635(f), Finance Code (page 10, lines 22-24), strike "Notwithstanding Subsection (e), a credit access business may offer a consumer an extended payment plan in which the extension of consumer credit is extended beyond 365 days" and substitute "A credit access business may offer a consumer an extended payment plan".

(6) In SECTION 14 of the bill, in added Section 393.636(b), Finance Code (page 10, line 49), strike "60" and substitute "35".

(7) In SECTION 14 of the bill, in added Section 393.636(c), Finance Code (page 10, line 53), insert the following immediately after the period:

The combined terms of the original extension of consumer credit and any refinanced extensions of consumer credit, excluding an extended payment plan offered in compliance with Subsection (f) or Section 393.638, may not exceed 180 days. The credit access business shall fully describe the terms of an extended payment plan, including all due dates and the amount due on each due date, to the consumer before the consumer enters into the extended payment plan.

(8) In SECTION 14 of the bill, in added Section 393.637(d), Finance Code (page 11, line 65), strike "12 installments" and substitute "six installments".

(9) In SECTION 14 of the bill, in added Section 393.637(f), Finance Code (page 12, line 9), strike "365" and substitute "180".

(10) In SECTION 14 of the bill, in added Section 393.637(g), Finance Code (page 12, line 16), strike "365" and substitute "180".

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The amendment to **CSSB 1247** 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:

Nays: Estes.

Absent: Williams.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 8

Amend **CSSB 1247** in SECTION 2 of the bill, in added Subdivision 393.001(10) (B), Finance Code (Senate committee printing, page 2, line 55), by striking "fifth" and substituting "seventh".

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The amendment to **CSSB 1247** 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: Williams.

Senator Van de Putte offered the following amendment to the bill:

Floor Amendment No. 9

Amend **CSSB 1247** in SECTION 14 of the bill by striking added Section 393.632(a)(8), Finance Code (Senate committee printing, page 8, lines 4-6) and renumbering the subsequent section accordingly.

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WATSON
WEST

The amendment to **CSSB 1247** 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: Williams.

Senator Whitmire offered the following amendment to the bill:

Floor Amendment No. 10

Amend **CSSB 1247** in SECTION 14 of the bill by striking added Section 393.633, Finance Code (Senate committee printing, page 8, lines 35-41), and substituting the following:

Sec. 393.633. CERTAIN LOCAL ORDINANCES NOT PREEMPTED. This chapter does not preempt a local ordinance regulating a credit access business or an extension of consumer credit obtained for a consumer by a credit access business or that a credit access business assists a consumer in obtaining, if the ordinance is compatible with and equal to or more stringent than a requirement prescribed by this chapter.

The amendment to **CSSB 1247** was read.

Senator Carona moved to table Floor Amendment No. 10.

The motion to table was lost by the following vote: Yeas 8, Nays 22.

Yeas: Birdwell, Carona, Deuell, Duncan, Estes, Hegar, Lucio, Seliger.

Nays: Campbell, Davis, Ellis, Eltife, Fraser, Garcia, Hancock, Hinojosa, Huffman, Nelson, Nichols, Patrick, Paxton, Rodríguez, Schwertner, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Absent: Williams.

Question recurring on the adoption of Floor Amendment No. 10 to **CSSB 1247**, the amendment 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: Williams.

Senator Whitmire offered the following amendment to the bill:

Floor Amendment No. 11

Amend **CSSB 1247** (Senate committee printing) as follows:

(1) In the recital to SECTION 14 of the bill (page 6, line 58), strike "Sections 393.629 through 393.640" and substitute "Sections 393.629 through 393.632 and Sections 393.634 through 393.640".

(2) In SECTION 14 of the bill, strike added Section 393.633, Finance Code (page 8, lines 35-41).

The amendment to **CSSB 1247** was read.

Senator Whitmire withdrew Floor Amendment No. 11.

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 12

Amend **CSSB 1247** (Senate committee printing) as follows:

(1) In the recital to SECTION 6 of the bill (page 4, line 19), strike "Section 393.308" and substitute "Sections 393.308 and 393.309".

(2) In SECTION 6 of the bill, immediately following added Section 393.308, Finance Code (page 4, between lines 42 and 43), insert the following:

Sec. 393.309. RESTRICTION ON INTEREST CHARGED IN CONNECTION WITH EXTENSION OF CONSUMER CREDIT FACILITATED BY CREDIT ACCESS BUSINESS. (a) For purposes of this section, the annual percentage rate of an extension of consumer credit is calculated including the total charges charged to the consumer in connection with the extension of consumer credit, including interest, lender charges, and any fees or any other valuable consideration received by the credit access business.

(b) The annual percentage rate of an extension of consumer credit that a credit access business obtains for a consumer or assists a consumer in obtaining may not exceed 36 percent.

(3) In SECTION 7 of the bill, in the first sentence of amended Section 393.602(b), Finance Code (page 4, line 51), strike "A" and substitute "Subject to Section 393.309, a [A]".

The amendment to **CSSB 1247** was read and was adopted by the following vote: Yeas 17, Nays 13.

Yeas: Birdwell, Campbell, Davis, Ellis, Eltife, Garcia, Hinojosa, Huffman, Nelson, Patrick, Rodriguez, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Nays: Carona, Deuell, Duncan, Estes, Fraser, Hancock, Hegar, Lucio, Nichols, Paxton, Schwertner, Seliger, Taylor.

Absent: Williams.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 13

Amend **CSSB 1247** (Senate committee printing) as follows:

(1) In the recital to SECTION 6 of the bill (page 4, line 19), strike "Section 393.308" and substitute "Sections 393.308 and 393.309".

(2) In SECTION 6 of the bill, immediately following added Section 393.308, Finance Code (page 4, between lines 42 and 43), insert the following:

Sec. 393.309. RESTRICTION ON AMOUNT CHARGED IN CONNECTION WITH EXTENSION OF CONSUMER CREDIT. Total charges in connection with an extension of consumer credit that a credit services organization obtains for a consumer or assists the consumer in obtaining, including interest, lender charges, and any valuable consideration received by the credit services organization, may not exceed the permissible interest and fee and other charges for a similar type of consumer loan under Subchapter F, Chapter 342.

(3) In SECTION 7 of the bill, in amended Section 393.602(b), Finance Code (page 4, line 51), strike "(b) A" and substitute "(b) Subject to Section 393.309, a [A]".

The amendment to **CSSB 1247** was read and was adopted by the following vote: Yeas 19, Nays 11.

Yeas: Campbell, Carona, Davis, Duncan, Ellis, Eltife, Garcia, Hinojosa, Huffman, Lucio, Patrick, Paxton, Rodriguez, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Nays: Birdwell, Deuell, Estes, Fraser, Hancock, Hegar, Nelson, Nichols, Schwertner, Seliger, Taylor.

Absent: Williams.

REMARKS ORDERED PRINTED

On motion of Senator Van de Putte and by unanimous consent, the question and answer regarding Floor Amendment No. 12 and Floor Amendment No. 13 to **CSSB 1247** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Van de Putte: Thank you. My question is, the amendment that we just accepted by Senator Ellis governs provision in Section 393.309. Senator Davis' amendment addresses this same Section. My question is, if both are accepted, which one prevails when it is sent over to the House?

Presiding Officer: Members, the answer to Senator Van de Putte's question is, the amendments will be reconciled and both go in. If they cannot be reconciled, the last amendment on prevails.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 14

Amend **CSSB 1247** (Senate committee printing) as follows:

(1) Strike the recital of SECTION 8 of the bill, amending Section 393.604(a), Finance Code (page 4, lines 68-69), and substitute "Section 393.604, Finance Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:".

(2) In SECTION 8 of the bill, in amended Section 393.604(a)(4), Finance Code (page 5, line 12), strike "and" and substitute "[~~and~~]".

(3) In SECTION 8 of the bill, in amended Section 393.604(a)(5), Finance Code (page 5, line 13), between "(5)" and "contain", insert the following:

include a copy of each agreement between the business and a third-party lender organization:

(A) with which the business contracts to provide services; or

(B) from which the business arranges extensions of consumer credit;

and

(6)

(4) In SECTION 8 of the bill, in amended Section 393.604, Finance Code (page 5, between lines 15 and 16), insert the following:

(d) Information provided by an applicant under this section is public information for the purposes of Chapter 552, Government Code.

The amendment to **CSSB 1247** was read and was adopted by the following vote: Yeas 17, Nays 13.

Yeas: Carona, Davis, Duncan, Ellis, Eltife, Garcia, Hancock, Hinojosa, Lucio, Patrick, Rodríguez, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Nays: Birdwell, Campbell, Deuell, Estes, Fraser, Hegar, Huffman, Nelson, Nichols, Paxton, Schwertner, Seliger, Taylor.

Absent: Williams.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 15

Amend **CSSB 1247** (Senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION ____. Subchapter M, Chapter 342, Finance Code, is amended by adding Section 342.607 to read as follows:

Sec. 342.607. DEFERRED PRESENTMENT TRANSACTION DATA COLLECTION SYSTEM. (a) In this section, "credit access business" has the meaning assigned by Section 393.001(2-a).

(b) The commissioner shall establish and implement a database for the compilation of information relating to deferred presentment transactions that allows the commissioner or persons who offer, service, or broker the transactions, including a credit access business, to determine:

(1) whether an individual seeking to enter into a deferred presentment transaction with the person has any outstanding deferred presentment transactions entered into with other persons;

(2) the total number of outstanding deferred presentment transactions entered into by the individual described by Subdivision (1) with other persons; and

(3) whether the person is in compliance with this section and other provisions of law governing deferred presentment transactions.

(c) The commissioner shall contract with a third-party vendor to operate the database required by this section. In selecting the vendor, the commissioner shall:

(1) consider the vendor's ability to meet the requirements of this section;

(2) consider the cost of the vendor's services;

(3) give strong consideration to the vendor's ability to prevent fraud, abuse, and other unlawful activity associated with deferred presentment transactions;

(4) give strong consideration to whether the vendor operates a similar database in another state; and

(5) give strong consideration to whether the vendor's operation of the database would facilitate the enforcement of laws governing deferred presentment transactions and the persons who offer, service, or broker those transactions.

(d) The commissioner shall ensure that:

(1) the third-party vendor operating the database operates the database in accordance with this section and rules adopted by the finance commission under this section; and

(2) the database established under this section:

(A) allows persons required to submit information to the database to submit and access the required information from any location in this state;

(B) provides real-time access by the commissioner to information contained in the database from any location in this state; and

(C) contains safeguards to ensure that information contained in the database may not be accessed by an unauthorized person.

(e) A person who offers, services, or brokers a deferred presentment transaction, including a credit access business, shall submit to the database at the time the transaction is entered into data relating to the transaction that the commissioner, by rule of the finance commission, determines necessary.

(f) Information in the database is confidential and is not subject to disclosure under Chapter 552, Government Code.

(g) The finance commission shall adopt rules as necessary to implement this section, including rules:

(1) relating to the form and content of information to be submitted to the database;

(2) prescribing a fee to be paid by persons required to submit information to be included in the database under Subsection (e); and

(3) establishing requirements for the retention, archiving, and deletion of information entered into or stored in the database.

(h) The third-party vendor shall charge a person who offers, services, or brokers a deferred presentment transaction a fee to access or use the database under this section. The fee may be charged on a per-transaction basis and may be used only to pay the costs associated with the maintenance of the database under this section. The finance commission by rule must approve the amount of the fee, which may not exceed \$1 per deferred presentment transaction.

(i) A person who ceases to offer, service, or broker deferred presentment transactions shall continue to submit information required by this section for any transactions that are outstanding and with respect to which the person continues collection efforts. Not later than the 10th day after the date the person ceases to offer deferred presentment transactions, the person shall submit to the commissioner for approval a plan for continuing compliance with this section. The commissioner shall promptly approve or disapprove the plan. The commissioner may require a person to whom this subsection applies to submit a new or modified plan.

SECTION _____. The consumer credit commissioner shall establish and implement the database under Section 342.607, Finance Code, as added by this Act, not later than January 1, 2014, and shall prescribe the date by which a person who offers, services, or brokers a deferred presentment transaction must begin submitting data as provided by that section.

The amendment to **CSSB 1247** was read and was adopted by the following vote: Yeas 16, Nays 14.

Yeas: Carona, Davis, Duncan, Ellis, Eltife, Garcia, Hinojosa, Lucio, Patrick, Rodríguez, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Nays: Birdwell, Campbell, Deuell, Estes, Fraser, Hancock, Hegar, Huffman, Nelson, Nichols, Paxton, Schwertner, Seliger, Taylor.

Absent: Williams.

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

CSSB 1247 as amended was passed to engrossment by the following vote: Yeas 24, Nays 6.

Yeas: Campbell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Garcia, Hancock, Hinojosa, Huffman, Lucio, Nelson, Nichols, Patrick, Rodríguez, Schwertner, Seliger, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Nays: Birdwell, Estes, Fraser, Hegar, Paxton, Taylor.

Absent: Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 1247 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 1247** be placed on its third reading and final passage.

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

Yeas: Campbell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Fraser, Garcia, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Patrick, Rodríguez, Schwertner, Seliger, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Nays: Birdwell, Estes, Paxton, Taylor.

Absent: Williams.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 6.

Yeas: Campbell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Garcia, Hancock, Hinojosa, Huffman, Lucio, Nelson, Nichols, Patrick, Rodríguez, Schwertner, Seliger, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Nays: Birdwell, Estes, Fraser, Hegar, Paxton, Taylor.

Absent: Williams.

REMARKS ORDERED PRINTED

On motion of Senator Paxton and by unanimous consent, the remarks by Senators Paxton and Carona regarding **CSSB 1247** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Paxton: This bill amends Chapter 393 of the Finance Code which governs all credit service organizations including credit access businesses, payday, auto title lenders, and credit repair business, is that correct?

Senator Carona: Yes, that's correct.

Senator Paxton: Is it your intent that this bill changes the way in which credit repair businesses currently operate in this state?

Senator Carona: No. Our intent is to change the way in which those credit services organizations do secure payday and auto title loans for consumers to operate in this state and nothing more.

Senator Paxton: Do you believe this bill will impair the way credit repair business ability to operate in this state, or that this bill will increase the regulatory burdens applicable to credit repair businesses?

Senator Carona: No, it is not my intent to in any way impact the way credit repair businesses operate in this state. When drafting this bill, I've worked closely with Commissioner Pettijohn of the Office of the Consumer Credit Commissioner to ensure it will not increase regulatory obligations applicable to credit repair businesses or to otherwise restrict operations.

Senator Paxton: If this bill has unintended consequences for credit repair businesses, will you consider legislation to address these consequences next session?

Senator Carona: Absolutely.

**VOTE RECONSIDERED ON
COMMITTEE SUBSTITUTE SENATE BILL 1756**

On motion of Senator Uresti and by unanimous consent, the vote by which **CSSB 1756** was finally passed was reconsidered:

CSSB 1756, Relating to the expedited processing of certain applications for permits under the Clean Air Act; authorizing a surcharge.

Question — Shall **CSSB 1756** be finally passed?

The bill was again read third time.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 1 on Third Reading

Amend **CSSB 1756** on third reading as follows:

(1) In SECTION 1 of the bill, in added Section 382.05155(b), Health and Safety Code, strike "shall" and substitute "may".

(2) In SECTION 1 of the bill, in added Section 382.05155, Health and Safety Code, following Subsection (f) Add subsection (g) to read as follows:

(g) A rule adopted under this section must be consistent with Chapter 2001 Government Code. A rule adopted under this section regarding notice must include a provision to require an indication that the application is being proceeded in an expedited manner.

(3) In SECTION 1 of the bill, in added Section 382.05155(d), Health and Safety Code, strike ", incentive pay,".

(4) In Section 1 of the bill, in added Section 382.05155(e), Health and Safety Code, in the first sentence, strike ", financial or other incentives,". In the second sentence, strike ", incentives,".

(5) In Section 1 of the bill, in added Section 382.05155(f), Health and Safety Code, strike ", financial or other incentives".

The amendment to **CSSB 1756** 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 on Third Reading.

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

CSSB 1756 as amended was finally passed by the following vote: Yeas 30, Nays 1.

Nays: Seliger.

REMARKS ORDERED PRINTED

On motion of Senator Watson and by unanimous consent, the remarks regarding Floor Amendment No. 1 on Third Reading to **CSSB 1756** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Watson: Thank you very much, Mr. President, and thank you, Senator Uresti, for the motion to reconsider. Members, this amendment does a few things. One, it makes the expedited process permissive and clarifies that TCEQ may choose to grant an expedited permit request rather than mandating that they do so, and, for example, TCEQ may deny an expedited permit request if they find that doing so would negatively impact available resources, if doing so would diminish the quality of the review, or if doing so results in the delay of processing other applications. The amendment strikes language dealing with financial or other incentives that could have the unintended consequence of a permit being granted or granted first to the highest bidder, if you will. This language was broad, and so until we have time to see how this might work and to ensure that we are not creating a conflict of interest, the focus needs to stay on paying for the overtime or contract labor needed to process the application and not providing a bonus or other financial incentives to state employees. And, finally, the amendment provides clarification that the rules adopted under the expedited process shall be consistent with the Administrative Procedures Act and that notice to the public should state that the application is processed under the expedited rules. I believe Senator Uresti agrees with my interpretation of what this amendment does, including the clarity on when TCEQ may deny an expedited permit request.

Senator Uresti: Members, it's acceptable. We've worked on this. It is acceptable to the author.

NOMINATION RETURNED

On motion of Senator Hegar and by unanimous consent, the Senate agreed to grant the request of the Governor to return the following nomination:

Member, Texas Commission on the Arts: Andrew Patrick Barlow, Travis County.

PERMISSION TO INTRODUCE BILL (Motion In Writing)

Senator Whitmire submitted a Motion In Writing to suspend Senate Rule 7.07(b) and Section 5, Article III, of the Texas Constitution to permit the introduction of the following bill: **SB 1907**.

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

Absent: Williams.

SENATE BILLS ON FIRST READING

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

SB 1905 by Rodriguez

Relating to the transfer of territory, assets, liabilities, and duties of the former Cuadrilla Improvement Corporation to the Lower Valley Water District.
To Committee on Natural Resources.

SB 1906 by Hegar

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

SB 1907 by Hegar

Relating to the transportation and storage of concealed handguns and ammunition by students in vehicles on the campuses of institutions of higher education.
To Committee on Criminal Justice.

HOUSE BILLS ON FIRST READING

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

HB 15 to Committee on Health and Human Services.

HB 32 to Committee on Criminal Justice.

HB 63 to Committee on Transportation.

HB 252 to Committee on Natural Resources.

HB 278 to Committee on State Affairs.

HB 407 to Committee on Administration.

HB 436 to Committee on Intergovernmental Relations.

HB 441 to Committee on Transportation.

HB 477 to Committee on Administration.

HB 518 to Committee on Intergovernmental Relations.

HB 749 to Committee on Agriculture, Rural Affairs and Homeland Security.

HB 788 to Committee on Natural Resources.

HB 839 to Committee on Natural Resources.

HB 845 to Committee on Jurisprudence.

HB 847 to Committee on Jurisprudence.

HB 938 to Committee on Transportation.

HB 952 to Committee on State Affairs.

HB 1043 to Committee on Jurisprudence.

HB 1104 to Committee on State Affairs.

HB 1127 to Committee on Intergovernmental Relations.

HB 1205 to Committee on Criminal Justice.

HB 1227 to Committee on Health and Human Services.

HB 1237 to Committee on Intergovernmental Relations.

HB 1259 to Committee on Intergovernmental Relations.

HB 1741 to Committee on Health and Human Services.

HB 1844 to Committee on Higher Education.

HB 1969 to Committee on Intergovernmental Relations.

HB 2304 to Committee on Administration.

HB 3163 to Committee on Natural Resources.

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

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

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Whitmire and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Criminal Justice might meet and consider **SB 1907** today.

CO-AUTHORS OF SENATE BILL 16

On motion of Senator Zaffirini, Senators Garcia and Watson will be shown as Co-authors of **SB 16**.

CO-AUTHOR OF SENATE BILL 23

On motion of Senator Patrick, Senator Campbell will be shown as Co-author of **SB 23**.

CO-AUTHOR OF SENATE BILL 25

On motion of Senator Hegar, Senator Taylor will be shown as Co-author of **SB 25**.

CO-AUTHOR OF SENATE BILL 376

On motion of Senator Lucio, Senator Zaffirini will be shown as Co-author of **SB 376**.

CO-AUTHOR OF SENATE BILL 460

On motion of Senator Deuell, Senator Zaffirini will be shown as Co-author of **SB 460**.

CO-AUTHOR OF SENATE BILL 538

On motion of Senator Rodríguez, Senator Ellis will be shown as Co-author of **SB 538**.

CO-AUTHOR OF SENATE BILL 665

On motion of Senator Nichols, Senator Campbell will be shown as Co-author of **SB 665**.

CO-AUTHOR OF SENATE BILL 835

On motion of Senator Lucio, Senator Hegar will be shown as Co-author of **SB 835**.

CO-AUTHOR OF SENATE BILL 1095

On motion of Senator Hinojosa, Senator Zaffirini will be shown as Co-author of **SB 1095**.

CO-AUTHOR OF SENATE BILL 1158

On motion of Senator Van de Putte, Senator Zaffirini will be shown as Co-author of **SB 1158**.

CO-AUTHOR OF SENATE BILL 1293

On motion of Senator West, Senator Ellis will be shown as Co-author of **SB 1293**.

CO-AUTHOR OF SENATE BILL 1309

On motion of Senator Davis, Senator Lucio will be shown as Co-author of **SB 1309**.

CO-AUTHOR OF SENATE BILL 1348

On motion of Senator West, Senator Patrick will be shown as Co-author of **SB 1348**.

CO-AUTHORS OF SENATE BILL 1795

On motion of Senator Watson, Senators Carona and Garcia will be shown as Co-authors of **SB 1795**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 55

On motion of Senator Williams, Senator Taylor will be shown as Co-author of **SJR 55**.

CO-AUTHOR OF SENATE RESOLUTION 583

On motion of Senator Rodríguez, Senator Patrick will be shown as Co-author of **SR 583**.

CO-AUTHORS OF SENATE RESOLUTION 662

On motion of Senator Uresti, Senators Davis, Ellis, Estes, Garcia, Hinojosa, Lucio, Rodríguez, Seliger, Van de Putte, Watson, West, Whitmire, and Zaffirini will be shown as Co-authors of **SR 662**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 708 by Watson, In memory of Benjamin Sontoya Aleman.

SR 709 by Watson, In memory of Patrick H. Murphy, Jr.

SR 730 by Ellis, In memory of Jack Franklin Hardwick.

SR 734 by Watson, In memory of Mary Elizabeth "Libby" Cantu.

SR 738 by Davis, In memory of Pamela Hsiu Lo Day.

SR 739 by Davis, In memory of Lylian "Randy" Berry, Jr.

SR 740 by Davis, In memory of Mary Frances Edge.

Congratulatory Resolutions

SR 699 by Birdwell, Hancock, Paxton, Taylor, and Watson, Recognizing the Baylor University men's basketball team for winning the 2013 National Invitational Tournament.

SR 707 by Schwertner, Recognizing Chris W. Hulen on the occasion of his retirement.

SR 710 by Watson, Recognizing Mark Nelsen on the occasion of his retirement.

SR 711 by Fraser, Recognizing Daniel Burlison for being ordained into the ministry.

SR 713 by Taylor, Recognizing Trent Steven Tomlinson on the occasion of his high school graduation.

SR 714 by Taylor, Recognizing Kennedy Jayleigh Timm on the occasion of her high school graduation.

SR 715 by Taylor, Recognizing Daniel Keith Slawson on the occasion of his high school graduation.

SR 716 by Taylor, Recognizing Angelica Christina Moore on the occasion of her high school graduation.

SR 717 by Taylor, Recognizing Nathan Luke Miles on the occasion of his high school graduation.

SR 718 by Taylor, Recognizing Savannah Brooke Jensen on the occasion of her high school graduation.

SR 719 by Taylor, Recognizing Lincoln Dewayne Hussey, Jr., on the occasion of his high school graduation.

SR 720 by Taylor, Recognizing Crystal Nicole Hussey on the occasion of her high school graduation.

SR 721 by Taylor, Recognizing Devin L. Hawkins on the occasion of his high school graduation.

SR 722 by Taylor, Recognizing Zachary Tyler Harden on the occasion of his high school graduation.

SR 723 by Taylor, Recognizing Paul Michael Crutcher on the occasion of his high school graduation.

SR 724 by Taylor, Recognizing Sara Beth Alpeter on the occasion of her high school graduation.

SR 725 by Campbell, Recognizing Susan Angell-Gonzalez on the occasion of her retirement.

SR 726 by Schwertner, Recognizing Victor and Modene Marek on the occasion of their 50th anniversary.

SR 728 by Ellis, Recognizing the 25th anniversary of Scouting at Brentwood Baptist Church.

SR 729 by Ellis, Recognizing Michael Strahan for being awarded an Honorary Doctorate of Humane Letters.

SR 731 by Hancock, Recognizing the Community Enrichment Center of Tarrant County on the occasion of its 25th anniversary.

SR 733 by Watson, Recognizing Colin G. Haza on the occasion of his retirement.

SR 735 by Davis, Recognizing Nancy and Roy Rimmer for receiving the 2013 Opening Doors Leader Award.

SR 736 by Davis, Recognizing Crescent Real Estate Holdings for receiving a 2012 National Commercial Real Estate Customer Service Award.

SR 737 by Davis, Recognizing Meals on Wheels of Tarrant County.

SR 742 by Zaffirini, Recognizing Manuel Blanco on the occasion of his retirement.

SR 743 by Zaffirini, Recognizing Mercy Ministries of Laredo on the occasion of its 10th anniversary.

Official Designation Resolutions

SR 712 by Nelson, Recognizing April 14 through 20, 2013, as American Osteopathic Medicine Week.

SR 727 by Lucio, Recognizing March of 2013 as National Athletic Training Month.

SR 741 by Campbell, Recognizing April 25, 2013, as Pay It Forward Day.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 7:42 p.m. adjourned, in memory of Daniel Jones and Suzanne McDaniel, until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

April 22, 2013

JURISPRUDENCE — **CSSB 947**

HIGHER EDUCATION — **CSSB 691, CSSB 1145**

FINANCE — **SB 475, SB 1533**

GOVERNMENT ORGANIZATION — **CSSB 1207**

ECONOMIC DEVELOPMENT — **SB 1719, CSSB 1678, CSSB 1647**

HIGHER EDUCATION — **CSSB 1604**

CRIMINAL JUSTICE — CSSB 878, CSSB 1003, CSSB 1189, CSSB 1192, CSSB 1348, CSSB 1757, CSSB 1772

AGRICULTURE, RURAL AFFAIRS AND HOMELAND SECURITY — CSSB 1400, CSSB 1432, CSSB 1070, CSSB 1010

CRIMINAL JUSTICE — CSSB 592, CSSB 1428, CSSB 1448

FINANCE — CSSB 1151, CSSB 1508, CSSB 835

TRANSPORTATION — CSSB 1664

EDUCATION — CSSB 218, CSSB 1718

ECONOMIC DEVELOPMENT — CSSB 1585

NATURAL RESOURCES — CSSB 957, CSSB 4, CSHB 4

HIGHER EDUCATION — CSSB 460, CSSB 1810

EDUCATION — CSHB 5

INTERGOVERNMENTAL RELATIONS — CSSB 1046, CSSB 1262, CSSB 1691, SB 1854, CSSB 1856, SB 1858, SB 1859, SB 1861, SB 1862, CSSB 1864, SB 1869, SB 1872, CSSB 1884

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — CSSB 1892

HEALTH AND HUMAN SERVICES — CSSB 1176, CSSB 1198, CSSB 1576, CSSB 1589, CSSB 1609, CSSB 1643, CSSB 1646, SB 1758

FINANCE — CSSB 1598

STATE AFFAIRS — SB 1133, SB 853, SB 1413

BILLS ENGROSSED

April 18, 2013

SB 10, SB 48, SB 164, SB 199, SB 260, SB 263, SB 264, SB 301, SB 303, SB 312, SB 467, SB 496, SB 503, SB 542, SB 607, SB 637, SB 646, SB 658, SB 670, SB 706, SB 727, SB 743, SB 745, SB 757, SB 768, SB 826, SB 834, SB 837, SB 843, SB 860, SB 863, SB 864, SB 871, SB 876, SB 889, SB 892, SB 910, SB 914, SB 955, SB 967, SB 970, SB 978, SB 985, SB 986, SB 993, SB 1004, SB 1009, SB 1017, SB 1063, SB 1064, SB 1065, SB 1066, SB 1067, SB 1068, SB 1069, SB 1071, SB 1072, SB 1073, SB 1075, SB 1084, SB 1090, SB 1099, SB 1157, SB 1159, SB 1199, SB 1225, SB 1226, SB 1235, SB 1253, SB 1266, SB 1296, SB 1356, SB 1372, SB 1385, SB 1411, SB 1422, SB 1425, SB 1429, SB 1474, SB 1476, SB 1487, SB 1548, SB 1672, SB 1703, SB 1705, SB 1759, SB 1773, SB 1792, SB 1822, SB 1823, SB 1824, SB 1825, SB 1829, SB 1830, SB 1831, SB 1832, SB 1843, SB 1876

RESOLUTIONS ENROLLED

April 18, 2013

SR 621, SR 697, SR 698, SR 700, SR 701, SR 702, SR 703, SR 704, SR 705

In Memory
of
Suzanne McDaniel
Senate Resolution 592

WHEREAS, Countless lives were touched by the pioneering work of Suzanne McDaniel, a tireless advocate for the rights of crime victims and witnesses, who passed away on May 21, 2012, at the age of 59; and

WHEREAS, This compassionate Texan fought to reform the criminal justice system during an era when the needs of victims and witnesses were often overlooked; at the time of her death, she was working as the first director of victim services for the Texas District and County Attorneys Association; and

WHEREAS, Born in Houston on January 7, 1953, Suzanne McDaniel was the daughter of Annie Mae Bucy McDaniel and Marion Embree McDaniel; she studied English literature and art at Southwestern University in Georgetown and earned her bachelor's degree in 1974; and

WHEREAS, She subsequently joined the Harris County District Attorney's Office, where she implemented the state's first prosecutor-based victim assistance program under the direction of district attorney Carol Vance; she was also involved in the development of the county's first community interagency councils on sexual assault and family violence as well as the first rape exam protocol for the Houston Hospital and Medical Associations; and

WHEREAS, After a decade with the district attorney's office, Suzanne McDaniel relocated to Austin in 1983 to establish the Texas Crime Victim Clearinghouse, the first statewide resource of its kind in the nation; she served as its director for eight years, during which time she wrote a number of groundbreaking reports on crime victims and coordinated educational and training conferences for victims, advocates, and allied professionals; and

WHEREAS, She was later tapped to serve the Office of the Attorney General as the victim assistance and communications director for its Crime Victim Services Division; acting as a legislative liaison in that post and others, she played a key role in the drafting and passage of such reforms as the Texas Constitutional Amendment on Crime Victim Rights, the Texas Crime Victims' Compensation Act, and the Texas Crime Victims Bill of Rights; and

WHEREAS, Suzanne McDaniel worked to bring the issue to the national stage by coordinating field hearings for President Reagan's Task Force on Victims of Crime, launched in 1984; she remained at the forefront of the national victims' rights movement as a member of the board of the National Organization for Victim Assistance for more than a decade in addition to sharing her time with other major advocacy groups; and

WHEREAS, In 1995, Bill Clinton presented her with the President's Award for Outstanding Service to Victims of Crime in recognition of her efforts to guide victims through the recovery process; among the numerous other accolades she received is the Citation of Merit from her alma mater in 2003; moreover, the Congressional Victims' Rights Caucus Award was rechristened the Suzanne McDaniel Public Awareness Award in 2008; and

WHEREAS, Despite her vast experience and unquestionable expertise, Suzanne McDaniel seldom sought attention for her accomplishments, instead using her resources to comfort, assist, and empower victims to maneuver through the criminal justice system and to rebuild their lives; although her loss is keenly felt, the grace, determination, and selflessness with which she lived her life will continue to inspire others for many years to come; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby pay tribute to the memory of Suzanne McDaniel and extend sincere condolences to her bereaved family: her brother, Marion McDaniel, Jr., and his wife, Mary; her nephews, Mark McDaniel and Marion McDaniel III, and Marion's wife, Valerie, and daughter, Nathalie; and her other relatives and many friends; and, be it further

RESOLVED, That a copy of this Resolution be prepared for her family, as an expression of deepest sympathy and that when the Senate adjourns this day, it do so in memory of Suzanne McDaniel.

HUFFMAN

SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FORTY-FIFTH DAY
(Tuesday, April 23, 2013)

The Senate met at 11:09 a.m. pursuant to adjournment and was called to order by Senator Eltife.

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

The Presiding Officer announced that a quorum of the Senate was present.

The Reverend Amy Meyer, First Presbyterian Church, Elgin, offered the invocation as follows:

Gracious and loving God, I ask that You bless the people in this room today. They work hard for the State of Texas, and I ask that You grant them endurance so that they may do their work in a spirit of wisdom, kindness, and justice. The women and men in this room labor under a heavy burden. The Earth groans under the strain of our mismanagement, people in hardship seek their help and relief, children look longingly to them for wisdom, and millions turn to them for guidance. Help these leaders with the tasks they face. Give them the foresight and the courage to use their authority to serve faithfully and to work with those who work for peace. Keep them from being discouraged; help them when they feel unappreciated; inspire them when they wonder if anybody is listening; lift them up when they have a hard time trusting that things can change, for they are the agents of reconciliation and the ambassadors of hope. I pray that You will give them energy, intelligence, imagination, and love so that they can help to bring peace and goodwill among all people. For You, O God, are the giver of every good thing, and we unite together as we pray this day in the name of all that we hold to be holy. Amen.

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

The motion prevailed without objection.

SENATE RESOLUTION 706

Senator Van de Putte offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the AT&T Veterans organization, whose members are celebrating 30 years of volunteer community service to military veterans and their families; and

WHEREAS, The members of AT&T Veterans are marking this milestone of service during National Volunteer Week, April 21 through 27, 2013; and

WHEREAS, Over the years, this extraordinarily active organization has collaborated with many major nonprofit organizations, including the American Red Cross, Military Moms of Texas, and Wounded Warriors, and has partnered with companies such as The Home Depot, Target, and H-E-B to serve the thousands of veterans who call Texas home; and

WHEREAS, Volunteers with the AT&T Veterans have helped numerous homeless veterans find a renewed sense of pride and dignity, and they have worked with such organizations as the Yellow Ribbon Reintegration Program, Centurion Military Alliance, and BackOnMyFeet.com to help transitioning military personnel find a way to apply their skills and experiences in the job market here at home; and

WHEREAS, AT&T has supported active military personnel, veterans, and their families for almost 100 years, and the company has educated its hiring managers on the benefits of hiring military veterans; in keeping with this tradition, AT&T recently joined nine other companies in launching the 100,000 Jobs Mission and pledging to collectively hire 100,000 veterans and former active duty personnel by the end of 2020; and

WHEREAS, The Americans who have served their country have more than earned the right to lead fruitful and productive lives once they return home; the members of AT&T Veterans offer invaluable assistance to these valiant veterans and help to welcome them back to the civilian life and liberty they fought to preserve and protect; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby commend the AT&T Veterans organization and extend to its members sincere best wishes for further success in all their future endeavors; and, be it further

RESOLVED, That a copy of this Resolution be prepared for this exceptional group as an expression of esteem from the Texas Senate.

SR 706 was read and was adopted without objection.

GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate an AT&T Veterans organization delegation, accompanied by Randy Clawson, President, Central Texas Chapter; Mark Rummel, President, San Antonio Chapter; and Allen Bergeron and Tina Lee, City of Austin Veterans Services Office.

The Senate welcomed its guests.

SENATE RESOLUTION 90

Senator Schwertner offered the following resolution:

SR 90, Recognizing April 23, 2013, as Hutto Day at the State Capitol.

The resolution was again read.

The resolution was previously adopted on Wednesday, January 30, 2013.

GUESTS PRESENTED

Senator Schwertner was recognized and introduced to the Senate a City of Hutto delegation, accompanied by Mayor Debbie Holland and other city officials.

The Senate welcomed its guests.

SENATE RESOLUTION 675

Senator Huffman offered the following resolution:

SR 675, In memory of George Anton Belton.

On motion of Senator Huffman, the resolution was read and was adopted by a rising vote of the Senate.

In honor of the memory of George Anton Belton, the text of the resolution is printed at the end of today's *Senate Journal*.

Senator Huffman was recognized and introduced to the Senate the Belton family: Tim, Elisabeth, Sophie Marie, Carl Rudolph, and Paul Clemens, joined by other family and friends.

The Senate welcomed its guests and extended its sympathy.

GUESTS PRESENTED

Senator Uresti was recognized and introduced to the Senate students from San Antonio Christian Schools.

The Senate welcomed its guests.

SENATE RESOLUTION 744

Senator Paxton offered the following resolution:

SR 744, In memory of Matthew Robert Clark.

On motion of Senator Paxton, the resolution was read and was adopted by a rising vote of the Senate.

In honor of the memory of Matthew Robert Clark, the text of the resolution is printed at the end of today's *Senate Journal*.

SENATE RESOLUTION 553

Senator Rodríguez offered the following resolution:

SR 553, Recognizing the McDonald Observatory on the occasion of its 75th anniversary.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Rodríguez was recognized and introduced to the Senate a McDonald Observatory delegation, accompanied by David Lambert, Director; Sandra Preston, Assistant Director; Randy Henry, Board of Visitors; Gary Hill, Senior Research Scientist; and Linda Hicke, College of Natural Sciences.

The Senate welcomed its guests.

PHYSICIAN OF THE DAY

Senator Watson was recognized and presented Dr. Georgeanne Freeman of Austin as the Physician of the Day.

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

RECESS

On motion of Senator Whitmire, the Senate at 11:44 a.m. recessed until 1:30 p.m. today.

AFTER RECESS

The Senate met at 2:43 p.m. and was called to order by Senator Eltife.

**SENATE RULE 5.14(a) SUSPENDED
(Intent Calendar)**

On motion of Senator Seliger and by unanimous consent, Senate Rule 5.14(a), requiring bills to be posted on the Intent Calendar by 3:00 p.m., was suspended and the time was extended to 5:00 p.m. today.

CONCLUSION OF MORNING CALL

The Presiding Officer at 2:44 p.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE
SENATE BILL 16 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 16** at this time on its second reading:

CSSB 16, Relating to authorizing the issuance of revenue bonds to fund capital projects 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.

**COMMITTEE SUBSTITUTE
SENATE BILL 16 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 **CSSB 16** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1387 ON THIRD READING**

Senator Carona moved to suspend the regular order of business to take up for consideration **CSSB 1387** at this time on its third reading and final passage:

CSSB 1387, Relating to water well drillers and pump installers; changing fees.

The motion prevailed by the following vote: Yeas 23, Nays 8.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Garcia, Hegar, Hinojosa, Lucio, Nichols, Rodriguez, Schwertner, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Campbell, Hancock, Huffman, Nelson, Patrick, Paxton, Seliger.

The bill was read third time and was passed by the following vote: Yeas 23, Nays 8. (Same as previous roll call)

SENATE JOINT RESOLUTION 42 ON SECOND READING

On motion of Senator Huffman and by unanimous consent, the regular order of business was suspended to take up for consideration **SJR 42** at this time on its second reading:

SJR 42, Proposing a constitutional amendment relating to the sanctions that may be assessed against a judge or justice following a formal proceeding instituted by the State Commission on Judicial Conduct.

The resolution was read second time.

Senator Huffman offered the following amendment to the resolution:

Floor Amendment No. 1

Amend **SJR 42** (senate committee report) in SECTION 3 of the resolution, in the ballot proposition (page 2, lines 1-2), by striking "the sanctions" and substituting "expanding the types of sanctions".

The amendment to **SJR 42** 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.

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

SJR 42 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE JOINT RESOLUTION 42 ON THIRD READING

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SJR 42** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The resolution was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 209 ON SECOND READING

On motion of Senator Huffman and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 209** at this time on its second reading:

SB 209, Relating to the functions and operation of 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.

SENATE BILL 209 ON THIRD READING

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 209** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**MOTION TO PLACE
COMMITTEE SUBSTITUTE
SENATE BILL 861 ON SECOND READING**

Senator Davis moved to suspend the regular order of business to take up for consideration **CSSB 861** at this time on its second reading:

CSSB 861, Relating to requiring certain notices to be posted on the premises of certain alcoholic beverage retailers.

The motion was lost by the following vote: Yeas 19, Nays 12. (Not receiving two-thirds vote of Members present)

Yeas: Carona, Davis, Duncan, Ellis, Eltife, Garcia, Hegar, Hinojosa, Lucio, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Nays: Birdwell, Campbell, Deuell, Estes, Fraser, Hancock, Huffman, Nelson, Nichols, Patrick, Paxton, Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 791 ON SECOND READING**

Senator Seliger moved to suspend the regular order of business to take up for consideration **CSSB 791** at this time on its second reading:

CSSB 791, Relating to the regulation of low-level radioactive waste disposal facilities and radioactive substances.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Birdwell, Campbell, Carona, Deuell, Ellis, Eltife, Estes, Fraser, Hancock, Hegar, Hinojosa, Lucio, Nelson, Nichols, Patrick, Paxton, Schwertner, Seliger, Taylor, Uresti, Van de Putte, West, Whitmire, Williams, Zaffrini.

Nays: Davis, Duncan, Garcia, Huffman, Rodriguez, Watson.

The bill was read second time.

Senator Seliger offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 791** (senate committee report) by striking all below the enacting clause and substituting the following:

SECTION 1. Section 401.003(15), Health and Safety Code, is amended to read as follows:

(15) "Person affected" means a person who demonstrates that the person has suffered or will suffer actual injury or economic damage and, if the person is not a local government:

(A) is a resident of a county in this state, or a county in this state adjacent to that county, in which nuclear or radioactive material is or will be located; or

(B) is doing business or has a legal interest in land in the county in this state in which nuclear or radioactive material is or will be located or a county in this state adjacent to that county.

SECTION 2. Section 401.052(d), Health and Safety Code, as amended by Chapters 580 (H.B. 1678) and 1067 (H.B. 1567), Acts of the 78th Legislature, Regular Session, 2003, is reenacted and amended to read as follows:

(d) Fees assessed under this section:

(1) may not exceed \$10 per cubic foot of shipped low-level radioactive waste;

(2) shall be collected by the department and deposited to the credit of the perpetual care account;

(3) shall be used [~~exclusively~~] by the department for emergency planning for and response to transportation accidents involving low-level radioactive waste, including first responder training in counties through which transportation routes are designated in accordance with Subsection (a); and

(4) may not be collected on waste disposed of at a federal facility waste disposal facility [~~shall be suspended when the amount of fees collected reaches \$500,000, except that if the balance of fees collected is reduced to \$350,000 or less, the assessments shall be reinstated to bring the balance of fees collected to \$500,000~~].

SECTION 3. Section 401.109(a), Health and Safety Code, is amended to read as follows:

(a) The department or commission may require a holder of a license issued by the agency to provide security acceptable to the agency to assure performance of the license holder's obligations under this chapter. The department [~~or commission~~] shall deposit security provided to the department under this section to the credit of the perpetual care account. The department [~~or commission~~] by rule shall provide that any

evidence of security must be made payable to the credit of the perpetual care account. The commission shall deposit security provided to the commission under this section to the credit of the environmental radiation and perpetual care account. The commission shall provide that security must be made payable to the credit of the environmental radiation and perpetual care account.

SECTION 4. Section 401.152, Health and Safety Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) The department [agency] shall use the security provided by the license holder to pay the costs of actions that are taken or that are to be taken under this section. The department [agency] shall send to the comptroller a copy of its order together with necessary written requests authorizing the comptroller to:

- (1) enforce security supplied by the license holder;
- (2) convert an amount of security into cash, as necessary; and
- (3) disburse from the security in the radiation and perpetual care account the amount necessary to pay the costs.

(c) The commission shall use the security provided by the license holder to pay the costs of actions taken or to be taken under this section. The commission shall send to the comptroller a copy of its order together with necessary written requests authorizing the comptroller to:

- (1) enforce security supplied by the license holder;
- (2) convert an amount of security to cash, as necessary; and
- (3) disburse from the security in the environmental radiation and perpetual care account the amount necessary to pay the costs.

SECTION 5. Section 401.2005, Health and Safety Code, is amended by adding Subdivision (6-b) to read as follows:

(6-b) "Operational year" means the period from April 27 of one year through April 26 of the following year unless otherwise defined by the Texas Low-Level Radioactive Waste Disposal Compact Commission by rule. The first operational year is April 27, 2012, to April 26, 2013.

SECTION 6. Section 401.202, Health and Safety Code, is amended by adding Subsection (d) to read as follows:

(d) If the commission issues a compact waste disposal facility license and the decision to issue the license is later reversed or remanded to the commission by order of a court on the basis of a procedural error:

- (1) all terms of the license remain in effect until the court determines in a final order that all procedural errors have been resolved by the commission; and
- (2) the commission's executive director may enter into a compliance agreement with the license holder authorizing continued operation of the disposal facility until the court determines in a final order that all procedural errors have been resolved by the commission.

SECTION 7. Section 401.207, Health and Safety Code, is amended by adding Subsection (d-1) and amending Subsections (e) and (h) to read as follows:

(d-1) Beginning in the third operational year, the compact waste disposal facility license holder may accept nonparty compact waste for disposal at the facility only if the waste has been volume-reduced, if eligible, by at least a factor of three. The commission by rule shall establish requirements for ensuring that low-level radioactive waste has been volume-reduced in a manner consistent with this subchapter. Before establishing those requirements, the commission must determine that competitive volume-reduction technologies and companies using those technologies exist in the marketplace in the United States.

(e) The compact waste disposal facility license holder may not enter into a contract for the disposal of nonparty low-level radioactive waste that has been designated as Class A low-level radioactive waste under 10 C.F.R. Section 61.55 and commission rule [accept more than 50,000 total cubic feet of nonparty compact waste annually]. The compact waste disposal facility license holder may not accept more than 300,000 [420,000] curies of nonparty compact waste annually until April 26, 2019 [-, except that in the first year the license holder may accept 220,000 curies]. The legislature by general law may establish revised limits after considering the results of the study under Section 401.208.

(h) A surcharge collected under Subsection (g) shall be deposited to the credit of the environmental radiation and perpetual care account [low-level radioactive waste fund].

SECTION 8. Subchapter F, Chapter 401, Health and Safety Code, is amended by adding Section 401.2077 to read as follows:

Sec. 401.2077. CLASS A PARTY STATE COMPACT WASTE. To the greatest extent practicable, if a party state compact waste generator seeks to export low-level radioactive waste that has been designated as Class A low-level radioactive waste under 10 C.F.R. Section 61.55 and commission rule, or a subset of that waste, the compact waste disposal facility license holder shall work with the generator to support the export of the waste. The Texas Low-Level Radioactive Waste Disposal Compact Commission shall grant export petitions for Class A low-level radioactive waste from party state compact waste generators as it finds appropriate.

SECTION 9. Section 401.218, Health and Safety Code, is amended by adding Subsection (d) to read as follows:

(d) The commission's executive director may adjust, correct, or otherwise modify a license on completion of an annual performance assessment or other study. A modification by the executive director to a license regarding a waste form, type, or stream must be based on a site-specific performance assessment and objectives as defined by commission rule. The license holder is not required to submit an amendment application for a license modification initiated by the executive director in response to a site-specific performance assessment or other study.

SECTION 10. Section 401.2456, Health and Safety Code, is amended by amending Subsection (b) and adding Subsections (f) and (g) to read as follows:

(b) Rates and contract terms negotiated under this section are subject to review and approval by the commission's executive director to ensure they meet all of the requirements of this section and the rules of the commission.

(f) The commission shall adopt rules governing the review and approval by the commission's executive director of contract terms negotiated under this section.

(g) A person affected by an action under this section may seek judicial review under Subchapter I, Chapter 5, Water Code.

SECTION 11. Section 401.249(e), Health and Safety Code, is amended to read as follows:

(e) The commission may transfer money from the low-level radioactive waste fund to the environmental radiation and perpetual care account to make payments required by the commission under Section 401.303.

SECTION 12. Section 401.301(d), Health and Safety Code, is amended to read as follows:

(d) The commission and department shall ~~may~~ require that each person who holds a specific license issued by the agency pay to the agency an additional five percent of the appropriate fee set under Subsection (b). Fees collected by the department under this subsection shall be deposited to the credit of the perpetual care account. Fees collected by the commission under this subsection shall be deposited to the environmental radiation and perpetual care account. The fees are not refundable.

SECTION 13. Section 401.303(g), Health and Safety Code, is amended to read as follows:

(g) If a license holder satisfies the obligations under this chapter, the issuing agency shall have the comptroller promptly refund to the license holder from the perpetual care account or the environmental radiation and perpetual care account, as applicable, the excess of the amount of all payments made by the license holder to the issuing agency and the investment earnings of those payments over the amount determined to be required for the continuing maintenance and surveillance of land, buildings, and radioactive material conveyed to the state.

SECTION 14. Sections 401.305(b), (c), (d), (e), (f), and (g), Health and Safety Code, are amended to read as follows:

(b) The department ~~[and commission each]~~ shall deposit to the credit of the perpetual care account money and security it receives ~~[they receive]~~ under this chapter, including an administrative penalty collected by the department under Sections 401.384-401.390 but excluding fees collected under Sections 401.301(a)-(c) and 401.302. Interest earned on money in the perpetual care account shall be credited to the perpetual care account.

(c) Money and security in the perpetual care account may be administered by the department ~~[or commission]~~ only for storage, maintenance, and distribution of mammography medical records or the decontamination, decommissioning, stabilization, reclamation, maintenance, surveillance, control, storage, and disposal of radioactive substances for the protection of the public health and safety and the environment under this chapter and for refunds under Section 401.303.

(d) Money and security in the perpetual care account may not be used for normal operating expenses of the department ~~[or commission]~~.

(e) The department ~~[or commission]~~ may use money in the perpetual care account to pay for measures:

(1) to prevent or mitigate the adverse effects of abandonment of radioactive substances, default on a lawful obligation, insolvency, or other inability by the holder of a license issued by the department ~~[or commission]~~ to meet the requirements of this chapter or of department ~~[or commission]~~ rules;

(2) to assure the protection of the public health and safety and the environment from the adverse effects of ionizing radiation; and

(3) to protect the health and safety of mammography patients by assuring mammography medical records are made available to affected patients.

(f) The department [~~or commission~~] may provide, by the terms of a contract or lease entered into between the department [~~or commission~~] and any person, by the terms of a mammography certification issued by the department [~~or commission~~] to any person, or by the terms of a license issued to any person, for the storage, maintenance, and distribution of mammography medical records. The department [~~or commission~~] may provide, by the terms of a contract or lease entered into between the department [~~or commission~~] and any person or by the terms of a license issued by the department [~~or commission~~] to any person, for the decontamination, closure, decommissioning, reclamation, surveillance, or other care of a site or facility subject to department [~~or commission~~] jurisdiction under this chapter as needed to carry out the purpose of this chapter.

(g) The existence of the perpetual care account does not make the department [~~or commission~~] liable for the costs of storage, maintenance, and distribution of mammography medical records arising from a mammography certification holder's failure to store, maintain, and make available mammography medical records or for the costs of decontamination, transfer, transportation, reclamation, surveillance, or disposal of radioactive substances arising from a license holder's abandonment of radioactive substances, default on a lawful obligation, insolvency, or inability to meet the requirements of this chapter or of department [~~or commission~~] rules.

SECTION 15. Subchapter H, Chapter 401, Health and Safety Code, is amended by adding Sections 401.306 and 401.307 to read as follows:

Sec. 401.306. ENVIRONMENTAL RADIATION AND PERPETUAL CARE ACCOUNT. (a) The environmental radiation and perpetual care account is an account in the general revenue fund.

(b) The commission shall deposit to the credit of the environmental radiation and perpetual care account money and security it receives under this chapter, including fees collected under Section 401.301(d). Interest earned on money in the environmental radiation and perpetual care account shall be credited to the environmental radiation and perpetual care account.

(c) Money and security in the environmental radiation and perpetual care account may be administered by the commission only for the decontamination, decommissioning, stabilization, reclamation, maintenance, surveillance, control, storage, and disposal of radioactive substances for the protection of the public health and safety and the environment under this chapter and for refunds under Section 401.303.

(d) Money and security in the environmental radiation and perpetual care account may not be used for normal operating expenses of the commission.

(e) The commission may use money in the environmental radiation and perpetual care account to pay for measures:

(1) to prevent or mitigate the adverse effects of abandonment of radioactive substances, default on a lawful obligation, insolvency, or other inability by the holder of a license issued by the commission to meet the requirements of this chapter or of commission rules; and

(2) to ensure the protection of the public health and safety and the environment.

(f) The commission may provide, by the terms of a contract or lease entered into between the commission and any person, or by the terms of a license issued to any person, for the decontamination, closure, decommissioning, reclamation, surveillance, or other care of a site or facility subject to commission jurisdiction under this chapter as needed to carry out the purposes of this chapter.

(g) The existence of the environmental radiation and perpetual care account does not make the commission liable for the costs of decontamination, transfer, transportation, reclamation, surveillance, or disposal of radioactive substances arising from a license holder's abandonment of radioactive substances, default on a lawful obligation, insolvency, or inability to meet the requirements of this chapter or of commission rules.

Sec. 401.307. PERPETUAL CARE ACCOUNT AND ENVIRONMENTAL RADIATION AND PERPETUAL CARE ACCOUNT CAP. (a) The fees imposed under Sections 401.052(d) and 401.301(d) are suspended when the sum of the balances of the perpetual care account and the environmental radiation and perpetual care account reaches \$150 million. The fees are reinstated when the sum of the balances of the perpetual care account and the environmental radiation and perpetual care account falls to \$75 million or less.

(b) The surcharge collected under Section 401.207(h) is collected without regard to the balances of the perpetual care account and the environmental radiation and perpetual care account.

SECTION 16. The following sections of the Health and Safety Code are repealed:

- (1) Section 401.245(h);
- (2) Section 401.2455(b);
- (3) Section 401.301(e); and
- (4) Section 403.0052.

SECTION 17. (a) As soon as practicable after the effective date of this Act, the Texas Commission on Environmental Quality shall adopt rules to implement Sections 401.207(d-1) and 401.218(d), Health and Safety Code, as added by this Act.

(b) As soon as practicable after the effective date of this Act but not later than the first anniversary of the effective date of this Act, the Texas Commission on Environmental Quality shall adopt rules to implement Section 401.2456(b), Health and Safety Code, as amended by this Act, and Section 401.2456(f), Health and Safety Code, as added by this Act.

(c) As soon as practicable after the effective date of this Act but not later than January 1, 2014, the Texas Commission on Environmental Quality and the Department of State Health Services shall update the portion of the memorandum of

understanding between the two agencies under Section 401.069, Health and Safety Code, that governs each agency's role regarding the regulation and oversight of radioactive materials and sources of radiation.

SECTION 18. The changes in law made by this Act apply only to a contract for the disposal of compact waste or nonparty compact waste that is signed on or after the effective date of this Act. A contract signed before the effective date of this Act is governed by the law in effect on the date the contract was signed, and the former law is continued in effect for that purpose.

SECTION 19. This Act takes effect September 1, 2013.

The amendment to **CSSB 791** was read.

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

Floor Amendment No. 2

Amend Floor Amendment No. 1 by Seliger to **CSSB 791** as follows:

(1) Strike SECTION 5 of the amendment.

(2) In SECTION 7 of the amendment, in added Section 401.207(d-1), Health and Safety Code (page 4, line 7), strike "in the third operational year" and substitute "September 1, 2015".

(3) In SECTION 7 of the amendment, in added Section 401.207(d-1), Health and Safety Code (page 4, lines 13 through 16), strike the last sentence of the subsection and substitute the following:

Before establishing requirements for volume reduction of low-level radioactive waste streams, the commission must first determine that there are at least two unaffiliated companies in operation in the United States marketplace that offer low-level radioactive waste volume reduction for each stream. In this subsection, "unaffiliated" means not associated with one another as a subordinate, subsidiary, or member.

(4) In SECTION 7 of the amendment, strike amended Section 401.207(e), Health and Safety Code (page 4, lines 17 through 27), and substitute the following:

(e) The compact waste disposal facility license holder may not enter into a contract for the disposal of nonparty low-level radioactive waste that has been designated as Class A low-level radioactive waste under 10 C.F.R. Section 61.55 and commission rule [accept more than 50,000 total cubic feet of nonparty compact waste annually]. In the state fiscal year beginning September 1, 2013, the [The] compact waste disposal facility license holder may not accept more than 300,000 [120,000] curies of nonparty compact waste. In the state fiscal years beginning September 1, 2014, and September 1, 2015, [annually, except that in the first year] the license holder may not accept more than 220,000 curies of nonparty compact waste annually. In the state fiscal year beginning September 1, 2016, the compact waste disposal facility license holder may not accept more than 120,000 curies of nonparty compact waste. The legislature by general law may establish revised limits after considering the results of the study under Section 401.208.

(5) Add the following SECTION to the amendment:

SECTION _____. Section 401.208(c), Health and Safety Code, is amended to read as follows:

(c) Not later than December 1, 2016 [~~2012~~], the commission shall submit a final report of the results of the study to the standing committees of the senate and the house of representatives with jurisdiction over the disposal of low-level radioactive waste.

(6) In SECTION 9 of the amendment, in added Section 401.218(d), Health and Safety Code (page 5, line 16), strike "or other study".

(7) In SECTION 9 of the amendment, in added Section 401.218(d), Health and Safety Code (page 5, line 22), strike "or other study".

(8) In SECTION 15 of the amendment, in added Section 401.307, Health and Safety Code (page 10, between lines 22 and 23), insert the following:

(c) Notwithstanding Subsection (a), a fee imposed by the commission under Section 401.301(d) on the holder of a license authorizing the extraction, processing, or concentration of uranium or thorium from ore is suspended when the amount in the environmental radiation and perpetual care account attributable to those fees reaches \$2 million. If the amount in that account attributable to those fees is reduced to \$1.5 million or less, the fee is reinstated until the amount reaches \$2 million.

(9) Renumber the SECTIONS of the amendment accordingly.

The amendment to Floor Amendment No. 1 to **CSSB 791** 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.

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

Floor Amendment No. 3

Amend Floor Amendment No. 1 by Seliger to **CSSB 791** by striking SECTION 1 of the amendment (page 1, lines 3 through 14) and renumbering subsequent SECTIONS of the amendment accordingly.

The amendment to Floor Amendment No. 1 to **CSSB 791** 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.

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

Floor Amendment No. 4

Amend Floor Amendment No. 1 by Seliger to **CSSB 791** as follows:

(1) Strike SECTION 6 of the amendment.

(2) In SECTION 9 of the amendment, in added Section 401.218(d), Health and Safety Code (page 5, between lines 14 and 22) strike and replace with:

(d) The commission's executive director may adjust, correct, or otherwise modify license condition 150 on completion of an annual performance assessment. A modification by the executive director to a license regarding a waste form, type, or stream must be based on a site-specific performance assessment and objectives as defined by commission rule and must be processed as a minor amendment.

(3) Add Section 401.208, new subsection (f) to read:

(f) The commission, through the agency's internal audit, shall conduct random audits of shipments to the site to ensure that volumes, waste contents, and classifications are represented accurately. The commission shall report these findings to the legislature in the biennial report.

The amendment to Floor Amendment No. 1 to **CSSB 791** 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.

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

Floor Amendment No. 5

Amend Floor Amendment No. 1 by Seliger to **CSSB 791** (senate committee report) in SECTION 15 of the amendment, in added Section 401.307, Health and Safety Code (page 10, between lines 22 and 23), by inserting the following:

(c) Notwithstanding Subsection (a), a fee imposed under Section 401.052(d) is suspended from imposition against a party state compact waste generator when the amount in the perpetual care account attributable to those fees reaches \$500,000. If the amount in that account attributable to those fees is reduced to \$350,000 or less, the fee is reinstated until the amount reaches \$500,000.

HEGAR
VAN DE PUTTE

The amendment to Floor Amendment No. 1 to **CSSB 791** was read.

Senator Seliger moved to table Floor Amendment No. 5.

The motion to table was lost by the following vote: Yeas 14, Nays 17.

Yeas: Carona, Davis, Deuell, Duncan, Eltife, Hinojosa, Nelson, Nichols, Schwertner, Seliger, Uresti, Watson, West, Zaffirini.

Nays: Birdwell, Campbell, Ellis, Estes, Fraser, Garcia, Hancock, Hegar, Huffinan, Lucio, Patrick, Paxton, Rodríguez, Taylor, Van de Putte, Whitmire, Williams.

Question recurring on the adoption of Floor Amendment No. 5 to Floor Amendment No. 1 to **CSSB 791**, the amendment to the amendment was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 5.

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

Floor Amendment No. 6

Amend Floor Amendment No. 1 to **CSSB 791** by Seliger as follows:

Amend Subsection (c), Section 401.307, as added, by F.A. # 5 as follows:

On line 9, add the following: "The costs of all clean-up associated with a transportation accident will be borne by the generator of the product proportional to its share of the load."

The amendment to Floor Amendment No. 1 to **CSSB 791** was read and was adopted by the following vote: Yeas 16, Nays 15.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Eltife, Estes, Hinojosa, Lucio, Nelson, Nichols, Schwertner, Seliger, Watson, West, Zaffirini.

Nays: Campbell, Ellis, Fraser, Garcia, Hancock, Hegar, Huffman, Patrick, Paxton, Rodríguez, Taylor, Uresti, Van de Putte, Whitmire, Williams.

Question recurring on the adoption of Floor Amendment No. 1 to **CSSB 791**, the amendment as amended was adopted by a viva voce vote.

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

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

CSSB 791 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: Davis, Duncan, Garcia, Huffman, Rodríguez, Watson.

**COMMITTEE SUBSTITUTE
SENATE BILL 791 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 791** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Birdwell, Campbell, Carona, Deuell, Ellis, Eltife, Estes, Fraser, Hancock, Hegar, Hinojosa, Lucio, Nelson, Nichols, Patrick, Paxton, Schwertner, Seliger, Taylor, Uresti, Van de Putte, West, Whitmire, Williams, Zaffirini.

Nays: Davis, Duncan, Garcia, Huffman, Rodríguez, Watson.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 7.

Yeas: Birdwell, Campbell, Carona, Deuell, Ellis, Eltife, Estes, Fraser, Hancock, Hegar, Hinojosa, Nelson, Nichols, Patrick, Paxton, Schwertner, Seliger, Taylor, Uresti, Van de Putte, West, Whitmire, Williams, Zaffirini.

Nays: Davis, Duncan, Garcia, Huffman, Lucio, Rodríguez, Watson.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Tuesday, April 23, 2013 - 1

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 630 Larson

Relating to the filling of vacancies on a political party's county executive committee.

HB 1325 Miller, Doug

Relating to the dismissal of certain actions arising from exposure to asbestos and silica.

HB 1752 Patrick, Diane

Relating to creating the Texas Teacher Residency Program.

SB 307 Huffman Sponsor: Guillen

Relating to the transfer of adult education and literacy programs from the Texas Education Agency to the Texas Workforce Commission.

(Committee Substitute/Amended)

SB 953 Carona Sponsor: Elkins

Relating to the adoption of the Uniform Trade Secrets Act.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

**COMMITTEE SUBSTITUTE
HOUSE BILL 1600 ON SECOND READING**

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1600** at this time on its second reading:

CSHB 1600, Relating to the continuation and functions of the Public Utility Commission of Texas, to the transfer of certain functions from the Texas Commission on Environmental Quality to the Public Utility Commission of Texas, to the rates for water service, and to the functions of the Office of Public Utility Counsel; authorizing a fee.

The bill was read second time.

Senator Fraser offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 1600** (senate committee printing) by adding the following appropriately numbered SECTION to ARTICLE 1 of the bill and renumbering subsequent SECTIONS of the article appropriately:

SECTION 1. _____. Subchapter D, Chapter 39, Utilities Code, is amended by adding Section 39.159 to read as follows:

Sec. 39.159. COST-BENEFIT ANALYSIS OF SIGNIFICANT MARKET CHANGE. (a) In this section, "significant market change" means a change to the fundamental market design of the electric market that is reasonably expected to add more than \$1 billion to annual energy costs to customers in this state.

(b) The commission shall require an independent organization certified under Section 39.151 to conduct a cost-benefit analysis of a proposed significant market change before authorizing the significant market change. The cost-benefit analysis, to the extent possible, must:

(1) quantify the degree to which the proposed significant market change will result in an increase in:

(A) wholesale electricity prices;

(B) residential electricity prices; and

(C) electricity prices for commercial and industrial customers;

(2) analyze potential adverse effects of the proposed significant market change on retail electric providers; and

(3) compare the potential benefits of the proposed significant market change to the potential economic costs of the proposed change.

(c) The independent organization shall make the cost-benefit analysis available to the public, the appropriate state agencies, and the appropriate legislative committees not less than 90 days before the date the commission authorizes the significant market change.

(d) The fact that the commission required or did not require an independent organization to conduct a cost-benefit analysis under this section may not be used as a legal basis for challenging the validity of:

(1) a commission rule; or

(2) a commission order entered in a contested case proceeding.

The amendment to **CSHB 1600** was read.

Senator Fraser withdrew Floor Amendment No. 1.

CSHB 1600 was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

COMMITTEE SUBSTITUTE HOUSE BILL 1600 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 **CSHB 1600** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 861 ON SECOND READING

Senator Davis again moved to suspend the regular order of business to take up for consideration **CSSB 861** at this time on its second reading:

CSSB 861, Relating to requiring certain notices to be posted on the premises of certain alcoholic beverage retailers.

The motion prevailed by the following vote: Yeas 21, Nays 10.

Yeas: Carona, Davis, Duncan, Ellis, Eltife, Garcia, Hegar, Hinojosa, Lucio, Nichols, Patrick, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Nays: Birdwell, Campbell, Deuell, Estes, Fraser, Hancock, Huffman, Nelson, Paxton, Williams.

The bill was read second time.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 861** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill, on page 1, line 30, strike "display a sign on the door to" and replace with "prominently display a sign inside".

(2) In SECTION 2 of the bill, on page 1, line 50, strike "display a sign on the door to" and replace with "prominently display a sign inside".

The amendment to **CSSB 861** 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.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 861** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. This Act shall be known as the Jeremy DeMarcus Price Act.

The amendment to **CSSB 861** 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.

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

CSSB 861 as amended was passed to engrossment by the following vote: Yeas 21, Nays 10.

Yeas: Carona, Davis, Duncan, Ellis, Eltife, Garcia, Hegar, Hinojosa, Lucio, Nichols, Patrick, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Nays: Birdwell, Campbell, Deuell, Estes, Fraser, Hancock, Huffman, Nelson, Paxton, Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 376 ON SECOND READING**

Senator Lucio moved to suspend the regular order of business to take up for consideration **CSSB 376** at this time on its second reading:

CSSB 376, Relating to breakfast for certain public school students.

The motion prevailed.

Senators Fraser, Huffman, Nelson, and 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: Fraser, Huffman, Nelson, Nichols.

**COMMITTEE SUBSTITUTE
SENATE BILL 376 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 376** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Birdwell, Campbell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Garcia, Hancock, Hegar, Hinojosa, Lucio, Patrick, Paxton, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Fraser, Huffman, Nelson, Nichols.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 4. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 766 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 766** at this time on its second reading:

CSSB 766, Relating to the regulation of volunteer fire departments, volunteer firefighters, and members of industrial emergency response teams.

The bill was read second time.

Senator Hegar offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 766** (senate committee report) in SECTION 1 of the bill, in added Section 419.910, Government Code (page 1, lines 22-24), by striking Subsection (a) and substituting the following:

(a) In this section:

(1) "State agency" has the meaning assigned by Section 2103.001.

(2) "Volunteer firefighter" means a member of a volunteer fire department who is not a full-time paid employee.

The amendment to **CSSB 766** 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.

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

CSSB 766 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 766 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 766** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 1419 ON SECOND READING

Senator West moved to suspend the regular order of business to take up for consideration **CSSB 1419** at this time on its second reading:

CSSB 1419, Relating to funding for juvenile case managers through certain court costs and to the establishment of the truancy prevention and diversion fund.

The motion prevailed by the following vote: Yeas 21, Nays 10.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Garcia, Hancock, Hinojosa, Huffman, Lucio, Patrick, Rodriguez, Seliger, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Campbell, Estes, Fraser, Hegar, Nelson, Nichols, Paxton, Schwertner, Taylor.

The bill was read second time and was passed to engrossment by the following vote: Yeas 21, Nays 10. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 1379 ON SECOND READING

On motion of Senator Hancock and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1379** at this time on its second reading:

CSSB 1379, Relating to the standard valuation for life insurance, accident and health insurance, and annuities.

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.

**COMMITTEE SUBSTITUTE
SENATE BILL 1379 ON THIRD READING**

Senator Hancock moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1379** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1386 ON SECOND READING**

On motion of Senator Hancock and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1386** at this time on its second reading:

CSSB 1386, Relating to the nonforfeiture requirements of certain life insurance policies.

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.

**COMMITTEE SUBSTITUTE
SENATE BILL 1386 ON THIRD READING**

Senator Hancock moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1386** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 418 ON SECOND READING**

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 418** at this time on its second reading:

CSSB 418, Relating to a notification requirement if a public school campus or open-enrollment charter school does not have a nurse assigned to the campus during all instructional hours.

The bill was read second time.

Senator Nichols offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 418** (senate committee report) in SECTION 1 of the bill, in added Section 38.021, Education Code (page 1, between lines 57 and 58), by inserting the following:

(g) A school district that is located in a county with a population of less than 100,000 is not required to provide the notice required by this section.

The amendment to **CSSB 418** 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: Lucio.

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

CSSB 418 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 418 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 418** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**SENATE RULE 5.14(a) SUSPENDED
(Intent Calendar)**

On motion of Senator Huffman and by unanimous consent, Senate Rule 5.14(a), requiring bills to be posted on the Intent Calendar by 3:00 p.m., was suspended and the time was extended to 6:00 p.m. today.

**COMMITTEE SUBSTITUTE
SENATE BILL 1532 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1532** at this time on its second reading:

CSSB 1532, Relating to the power of the Texas Commission on Environmental Quality to authorize certain injection wells that transect or terminate in the Edwards Aquifer.

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.

COMMITTEE SUBSTITUTE
SENATE BILL 1532 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 **CSSB 1532** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE
SENATE BILL 315 ON SECOND READING

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

CSSB 315, Relating to electronic voter registration.

The motion prevailed by the following vote: Yeas 21, Nays 10.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Garcia, Hinojosa, Huffman, Lucio, Nichols, Rodríguez, Schwertner, Seliger, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Campbell, Eltife, Estes, Fraser, Hancock, Hegar, Nelson, Patrick, Paxton, Taylor.

The bill was read second time and was passed to engrossment by the following vote: Yeas 21, Nays 10. (Same as previous roll call)

COMMITTEE SUBSTITUTE
SENATE JOINT RESOLUTION 55 ON THIRD READING

Senator Williams moved to suspend the regular order of business to take up for consideration **CSSJR 55** at this time on its third reading and final passage:

CSSJR 55, Proposing a constitutional amendment appropriating money from the system benefit fund for the purpose of returning system benefit fund fees to retail electric customers.

The motion prevailed by the following vote: Yeas 21, Nays 10.

Yeas: Birdwell, Campbell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Hancock, Hegar, Hinojosa, Huffman, Nelson, Nichols, Patrick, Paxton, Schwertner, Seliger, Taylor, Whitmire, Williams.

Nays: Davis, Ellis, Garcia, Lucio, Rodríguez, Uresti, Van de Putte, Watson, West, Zaffirini.

The resolution was read third time and was passed by the following vote: Yeas 21, Nays 10. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1655 ON THIRD READING**

Senator Williams moved to suspend the regular order of business to take up for consideration **CSSB 1655** at this time on its third reading and final passage:

CSSB 1655, Relating to authorizing the Public Utility Commission of Texas to direct the comptroller to return the unappropriated balance of the system benefit fund to retail electric customers.

The motion prevailed by the following vote: Yeas 21, Nays 10.

Yeas: Birdwell, Campbell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Hancock, Hegar, Hinojosa, Huffman, Nelson, Nichols, Patrick, Paxton, Schwertner, Seliger, Taylor, Whitmire, Williams.

Nays: Davis, Ellis, Garcia, Lucio, Rodríguez, Uresti, Van de Putte, Watson, West, Zaffirini.

The bill was read third time.

Senator Williams offered the following amendment to the bill:

Floor Amendment No. 1 on Third Reading

Amend **CSSB 1655** on third reading in Section 1 of the bill, in added Section 39.9039(c), Utilities Code, by striking the last sentence of that subsection and substituting:

The commission by rule shall ensure that the customer is provided, with the customer's bill, notice that the refund of the system benefit fund fee is "provided by the Texas Legislature."

The amendment to **CSSB 1655** 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 on Third Reading.

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

CSSB 1655 as again amended was finally passed by the following vote: Yeas 21, Nays 10.

Yeas: Birdwell, Campbell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Hancock, Hegar, Hinojosa, Huffman, Nelson, Nichols, Patrick, Paxton, Schwertner, Seliger, Taylor, Whitmire, Williams.

Nays: Davis, Ellis, Garcia, Lucio, Rodríguez, Uresti, Van de Putte, Watson, West, Zaffirini.

SENATE BILL 1044 ON SECOND READING

On motion of Senator Rodríguez and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1044** at this time on its second reading:

SB 1044, Relating to access to criminal history record information by a public defender's office and the office of capital writs and to an exemption for those offices from fees imposed for processing inquiries for that information.

The bill was read second time.

Senator Rodríguez moved to temporarily postpone further consideration of **SB 1044**.

The motion prevailed.

Question — Shall **SB 1044** be passed to engrossment?

**COMMITTEE SUBSTITUTE
SENATE BILL 1309 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 1309** at this time on its second reading:

CSSB 1309, Relating to assessment alternatives or accommodations for certain public school students in special education programs.

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.

**COMMITTEE SUBSTITUTE
SENATE BILL 1309 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 1309** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1605 ON SECOND READING**

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **CSSB 1605** at this time on its second reading:

CSSB 1605, Relating to an optional county fee for transportation projects.

The motion prevailed.

Senators Campbell, Deuell, Hancock, Huffman, and Nelson asked to be recorded as voting "Nay" on suspension of the regular order of business.

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

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

Nays: Campbell, Deuell, Hancock, Huffman, Nelson.

**COMMITTEE SUBSTITUTE
SENATE BILL 1605 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 **CSSB 1605** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Birdwell, Carona, Davis, Duncan, Ellis, Eltife, Estes, Fraser, Garcia, Hegar, Hinojosa, Lucio, Nichols, Patrick, Paxton, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Campbell, Deuell, Hancock, Huffman, Nelson.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 5. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1419 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1419** be placed on its third reading and final passage:

CSSB 1419, Relating to funding for juvenile case managers through certain court costs and to the establishment of the truancy prevention and diversion fund.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Garcia, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nichols, Patrick, Rodríguez, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Campbell, Nelson, Paxton, Schwertner.

The bill was read third time and was passed by the following vote: Yeas 21, Nays 10.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Garcia, Hancock, Hinojosa, Huffman, Lucio, Patrick, Rodríguez, Seliger, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Campbell, Estes, Fraser, Hegar, Nelson, Nichols, Paxton, Schwertner, Taylor.

**COMMITTEE SUBSTITUTE
SENATE BILL 1668 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1668** at this time on its second reading:

CSSB 1668, Relating to the institutions of higher education eligible to participate in the Texas Science, Technology, Engineering, and Mathematics (T-STEM) Challenge Scholarship program.

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.

**COMMITTEE SUBSTITUTE
SENATE BILL 1668 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 **CSSB 1668** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1080 ON SECOND READING

Senator Lucio moved to suspend the regular order of business to take up for consideration **SB 1080** at this time on its second reading:

SB 1080, Relating to a study on the adequacy and appropriateness of additional compensation paid to certain county judges.

The motion prevailed.

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

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1080** (senate committee printing) in SECTION 1(a)(1) of the bill (page 1, lines 24-26) by striking the following:

:

(A) that has a population of 50,000 or less; and

(B)

The amendment to **SB 1080** 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.

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

SB 1080 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: Hancock, Huffman.

SENATE BILL 1080 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 **SB 1080** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

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

Nays: Hancock, Huffman.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

SENATE BILL 1044 ON SECOND READING

The Presiding Officer, Senator Eltife in Chair, laid before the Senate **SB 1044** by Senator Rodríguez on its second reading. The bill had been read second time and further consideration temporarily postponed:

SB 1044, Relating to access to criminal history record information by a public defender's office and the office of capital writs and to an exemption for those offices from fees imposed for processing inquiries for that information.

Question — Shall **SB 1044** be passed to engrossment?

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1044** (Introduced Version) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.1301 to read as follows:

Sec. 411.1301. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: CERTAIN LOCAL GOVERNMENT CORPORATIONS ENGAGED IN CRIMINAL IDENTIFICATION ACTIVITIES. (a) This section applies only to a local government corporation that is created under Subchapter D, Chapter 431, Transportation Code, for governmental purposes relating to criminal identification activities, including forensic analysis, and that allocates a substantial part of its annual budget to those criminal identification activities.

(b) A local government corporation described by Subsection (a) is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who:

(1) is an employee or an applicant for employment with the local government corporation;

(2) is a consultant, intern, or volunteer for the local government corporation or an applicant to serve as a consultant, intern, or volunteer;

(3) proposes to enter into a contract with or has a contract with the local government corporation to perform services for or supply goods to the local government corporation; or

(4) is an employee or subcontractor, or an applicant to be an employee or subcontractor, of a contractor that provides services to the local government corporation.

(c) Criminal history record information obtained by a local government corporation under Subsection (b) may not be released or disclosed to any person except:

(1) on court order; or

(2) with the consent of the person who is the subject of the criminal history record information.

The amendment to **SB 1044** 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.

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

SB 1044 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1044 ON THIRD READING

Senator Rodríguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1044** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 1034 ON SECOND READING

Senator Carona moved to suspend the regular order of business to take up for consideration **CSSB 1034** at this time on its second reading:

CSSB 1034, Relating to the unauthorized use of an alcoholic beverage permit or license; providing a criminal penalty.

The motion prevailed.

Senators Birdwell, Huffman, and Patrick 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 1034** in SECTION 7 of the bill, in added Section 101.76(c), Alcoholic Beverage Code (page 2, line 8; senate committee printing), by striking "state jail felony" and substituting "Class A misdemeanor".

The amendment to **CSSB 1034** 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.

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

CSSB 1034 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1034 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 1034** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1679 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1679** at this time on its second reading:

CSSB 1679, Relating to state agency procurement.

The bill was read second time.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1679** (Senate Committee printing) as follows:

(1) Strike SECTION 9 of the bill (page 4, line 46, through page 5, line 8) and renumber the subsequent sections appropriately.

(2) In SECTION 10 of the bill, strike subdivisions (2) - (4) (page 5, lines 12 - 14) and substitute the following:

(2) Section 2155.087, and

(3) Section 2155.141.

The amendment to **CSSB 1679** 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.

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

CSSB 1679 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1679 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 **CSSB 1679** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 984 ON SECOND READING**

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 984** at this time on its second reading:

CSSB 984, Relating to the meeting of a governmental body held by videoconference call.

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.

**COMMITTEE SUBSTITUTE
SENATE BILL 984 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 984** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1031 ON SECOND READING**

On motion of Senator Taylor and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1031** at this time on its second reading:

CSSB 1031, Relating to the Harris-Galveston Subsidence District; providing authority to impose a fee.

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.

**COMMITTEE SUBSTITUTE
SENATE BILL 1031 ON THIRD READING**

Senator Taylor moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1031** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1747 ON SECOND READING**

On motion of Senator Uresti and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1747** at this time on its second reading:

CSSB 1747, Relating to funding and donations for county transportation projects, including projects of county energy transportation reinvestment zones.

The bill was read second time.

Senator Uresti offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1747** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in proposed Section 256.101(2), Transportation Code (page 1, line 33), between "for," and "construction", insert "administration of,".

(2) In SECTION 1 of the bill, in proposed Section 256.101(4), Transportation Code (page 1, line 22), strike ", including a disposal well".

(3) In SECTION 1 of the bill, strike proposed Sections 256.102(a)(1) and (2), Transportation Code (page 1, lines 46-49), and substitute the following:

(1) any federal funds received by the state, including funds received under the federal act, deposited to the credit of the fund;

(2) matching state funds in an amount required by the federal act;

(3) funds appropriated by the legislature to the credit of the fund;

(4) a gift or grant;

(5) fees paid to the bank; and

(6) investment earnings on the money on deposit in the fund.

(4) In SECTION 1 of the bill, in proposed Section 256.103, Transportation Code (page 1, lines 56 and 57), strike "county energy transportation reinvestment zones" and substitute "a county containing at least one county energy transportation reinvestment zone".

(5) In SECTION 1 of the bill, in proposed Section 256.103(b), Transportation Code (page 1, line 60), strike "county energy transportation reinvestment zones" and substitute "counties".

(6) In SECTION 1 of the bill, in proposed Section 256.103(b)(1), Transportation Code (page 2, line 4), strike "designated the county" and substitute "designated a county".

(7) In SECTION 1 of the bill, in proposed Section 256.103(b)(2), Transportation Code (page 2, line 11), strike "designated the county" and substitute "designated a county".

(8) In SECTION 1 of the bill, in proposed Section 256.103(b)(3), Transportation Code (page 2, line 17), strike "designated the county" and substitute "designated a county".

(9) In SECTION 1 of the bill, in proposed Section 256.104(a), Transportation Code (page 2, lines 22-24), strike "board of directors of a county energy transportation reinvestment zone or jointly administered zones" and substitute "county".

(10) In SECTION 1 of the bill, in proposed Section 256.104(a)(1), Transportation Code (page 2, lines 26-27), strike "or counties that designated a county energy transportation reinvestment zone".

(11) In SECTION 1 of the bill, insert a new proposed Section 256.104(a)(2)(A), Transportation Code (page 2, between lines 29-30), to read as follows and redesignate the existing Section 256.104(a)(2)(A) and subsequent paragraphs of that section appropriately:

(A) provides a list of transportation infrastructure projects to be funded by the grant;

(12) In SECTION 1 of the bill, in proposed Section 256.104(c), Transportation Code (page 2, lines 50-51), strike "board of directors" and substitute "county".

(13) In SECTION 1 of the bill, strike proposed Section 256.105, Transportation Code (page 2, lines 52-55), and substitute the following:

Sec. 256.105. MATCHING FUNDS. (a) Except as provided by Subsection (b), to be eligible to receive a grant under the program, matching funds must be provided, from any source, in an amount equal to at least 10 percent of the amount of the grant.

(b) A county that the department determines to be economically disadvantaged must provide matching funds in an amount equal to at least five percent of the amount of the grant.

(14) In SECTION 1 of the bill, in proposed Section 256.106(a), Transportation Code (page 2, lines 56-57), strike "A board of directors" and substitute "A county".

(15) In SECTION 1 of the bill, in proposed Section 256.106(a)(1), Transportation Code (page 2, line 60), strike "and".

(16) In SECTION 1 of the bill, in proposed Section 256.106(a)(2), Transportation Code (page 2, line 62), strike the period and substitute "; and

(3) provide an accounting of how previous grants were spent, including any amounts spent on administrative costs.

(17) In the recital to SECTION 2 of the bill (page 2, line 67), strike "Sections 222.1071 and 222.1072" and substitute "Section 222.1071".

(18) In SECTION 2 of the bill, in proposed Section 222.1071(b)(2), Transportation Code (page 3, lines 17 and 18), strike "as provided by Subsection (l)".

(19) In SECTION 2 of the bill, strike proposed Section 222.1071(f)(5), Transportation Code (page 3, lines 48-50), and substitute the following:

(5) designate not less than 90 percent of the tax increment to be used for planning for, construction of, reconstruction of, or maintenance of transportation infrastructure projects;

(20) In SECTION 2 of the bill, in proposed Section 222.1071(f)(6)(A), Transportation Code (page 3, line 55), strike "and".

(21) In SECTION 2 of the bill, in proposed Section 222.1071(f)(6)(B), Transportation Code (page 3, line 57), strike the period and substitute the following:

; and

(C) details the transportation infrastructure projects for which each county is responsible.

(22) In SECTION 2 of the bill, in proposed Section 222.1071(i), Transportation Code (page 3, line 68), strike "board of directors" and substitute "county".

(23) In SECTION 2 of the bill, in proposed Section 222.1071(i)(1)(B), Transportation Code (page 4, line 3), strike "and".

(24) In SECTION 2 of the bill, in proposed Section 222.1071(i)(2), Transportation Code (page 4, line 4), strike the period and substitute the following:

;

(3) establish an advisory board to advise the county on the establishment and administration of the county energy transportation reinvestment zone;

(4) use not more than one percent of any grant distributed to the county under Subchapter C, Chapter 256 for the administration of a county energy transportation reinvestment zone;

(5) use not more than ten percent of the tax increment in a tax increment account for the administration of a county energy transportation reinvestment zone; and

(6) enter into an agreement to provide for the joint administration of county energy transportation reinvestment zones if the commissioners court of the county has designated a county energy transportation reinvestment zone under this section for the same transportation infrastructure project or projects as another county commissioners court.

(25) In SECTION 2 of the bill, in proposed Section 222.1071(k), Transportation Code (page 4, lines 9-10), strike "zone's board of directors" and substitute "county commissioners court that designated the zone".

(26) In SECTION 2 of the bill, strike proposed Sections 222.1071(l) and 222.1072, Transportation Code (page 4, lines 11-49), and substitute the following:

(l) The captured appraised value of real property located in a county energy transportation reinvestment zone shall be treated as provided by Section 26.03, Tax Code.

The amendment to **CSSB 1747** 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.

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

CSSB 1747 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1747 ON THIRD READING

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1747** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1845 ON SECOND READING

On motion of Senator Taylor and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1845** at this time on its second reading:

SB 1845, Relating to the creation of the Brazoria County Municipal Utility District No. 48; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

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

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1845 ON THIRD READING

Senator Taylor moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1845** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1846 ON SECOND READING

On motion of Senator Taylor and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1846** at this time on its second reading:

SB 1846, Relating to the creation of the Brazoria County Municipal Utility District No. 49; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

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

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1846 ON THIRD READING

Senator Taylor moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1846** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1847 ON SECOND READING

On motion of Senator Taylor and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1847** at this time on its second reading:

SB 1847, Relating to the creation of the Brazoria County Municipal Utility District No. 50; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

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

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1847 ON THIRD READING

Senator Taylor moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1847** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 315 ON THIRD READING

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 315** be placed on its third reading and final passage:

CSSB 315, Relating to electronic voter registration.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Birdwell, Campbell, Carona, Davis, Duncan, Ellis, Eltife, Garcia, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nichols, Patrick, Paxton, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Deuell, Estes, Fraser, Nelson.

The bill was read third time and was passed by the following vote: Yeas 21, Nays 10.

Yeas: Birdwell, Carona, Davis, Duncan, Ellis, Garcia, Hancock, Hinojosa, Huffman, Lucio, Nichols, Rodríguez, Schwertner, Seliger, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Campbell, Deuell, Eltife, Estes, Fraser, Hegar, Nelson, Patrick, Paxton, Taylor.

SENATE BILL 1364 ON SECOND READING

Senator Schwertner moved to suspend the regular order of business to take up for consideration **SB 1364** at this time on its second reading:

SB 1364, Relating to the computation of an electric utility's income taxes.

The motion prevailed.

Senators Davis, Fraser, Hegar, Hinojosa, and Watson 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 the following vote: Yeas 24, Nays 7.

Yeas: Birdwell, Campbell, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Hancock, Huffman, Lucio, Nelson, Nichols, Patrick, Paxton, Schwertner, Seliger, Taylor, Uresti, Van de Putte, West, Whitmire, Williams, Zaffirini.

Nays: Davis, Fraser, Garcia, Hegar, Hinojosa, Rodríguez, Watson.

SENATE BILL 1364 ON THIRD READING

Senator Schwertner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1364** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Birdwell, Campbell, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Garcia, Hancock, Huffman, Lucio, Nelson, Nichols, Patrick, Paxton, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, West, Whitmire, Williams, Zaffirini.

Nays: Davis, Fraser, Hegar, Hinojosa, Watson.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 7.

Yeas: Birdwell, Campbell, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Hancock, Huffman, Lucio, Nelson, Nichols, Patrick, Paxton, Schwertner, Seliger, Taylor, Uresti, Van de Putte, West, Whitmire, Williams, Zaffirini.

Nays: Davis, Fraser, Garcia, Hegar, Hinojosa, Rodríguez, Watson.

AT EASE

The Presiding Officer, Senator Eltife in Chair, at 5:32 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

Senator Eltife at 5:40 p.m. called the Senate to order as In Legislative Session.

SENATE JOINT RESOLUTION 1 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 1** at this time on its second reading:

SJR 1, Proposing a constitutional amendment providing for the creation and use of funds in the state treasury to provide financial assistance for certain projects related to economic development and water infrastructure and for the transfer to the funds of money from the economic stabilization fund.

The resolution was read second time.

Senator Williams offered the following amendment to the resolution:

Floor Amendment No. 1

Amend **SJR 1** (senate committee printing) by striking all below the resolving clause and substituting the following:

SECTION 1. Article III, Texas Constitution, is amended by adding Sections 49-d-12 and 49-d-13 to read as follows:

Sec. 49-d-12. (a) The state water implementation fund for Texas is created as a special fund in the state treasury outside the general revenue fund to provide a means to finance water infrastructure, conservation, and reuse projects in this state.

(b) Money or other assets in the state water implementation fund for Texas may be used only to fund water infrastructure, conservation, and reuse projects included in a statewide water plan that is adopted as required by general law by the Texas Water Development Board or that board's successor in function.

(c) The state water implementation fund for Texas consists of:

(1) money or other assets deposited, appropriated, or otherwise transferred to the credit of the fund as provided by law; and

(2) interest or other investment earnings that accrue on the balance of the fund.

(d) The legislature by general law may provide for the assets of the state water implementation fund for Texas to be invested separately from the investment of other treasury assets and funds to the extent that the general law ensures that, in managing the assets of the fund, on behalf of the fund the fund's investment manager may acquire, exchange, sell, supervise, manage, or retain any kind of investment that a prudent investor, exercising reasonable care, skill, and caution, would acquire or retain in light of the purposes, terms, distribution requirements, and other circumstances of the fund then prevailing, taking into consideration the investment of all the assets of the fund rather than a single investment, and taking into consideration the goal of preserving the aggregate purchasing power of the fund assets.

(e) The legislature by general law shall prescribe the manner in which the assets of the state water implementation fund for Texas may be used, subject to the limitations provided by Subsections (a) and (b) of this section.

(f) The legislature may authorize the Texas Water Development Board or its successor in function to issue bonds and enter into bond enhancement agreements that are payable or secured by amounts on deposit in the state water implementation fund for Texas.

(g) In each fiscal year there is appropriated from amounts on deposit in the state water implementation fund for Texas an amount that is sufficient to:

(1) pay the principal of and interest on the bonds that mature or become due during the fiscal year after considering all other sources pledged for those purposes;

(2) fund or restore reserves necessary to secure the bonds; and

(3) pay any cost related to the bonds, including payments under bond enhancement agreements that becomes due during that fiscal year.

(h) Any dedication or appropriation of amounts on deposit in the state water implementation fund for Texas may not be modified so as to impair any outstanding bonds secured by a pledge of those amounts unless provisions have been made for a full discharge of those bonds.

(i) An appropriation from the state water implementation fund for Texas is an appropriation of state tax revenues dedicated by this constitution for the purposes of Section 22, Article VIII, of this constitution.

(j) On November 30, 2013, the amount of \$2 billion is transferred from the economic stabilization fund to the credit of the state water implementation fund for Texas. This subsection expires January 1, 2014.

Sec. 49-d-13. (a) The state water implementation revenue fund for Texas is created as a special fund in the state treasury outside the general revenue fund to provide a means to finance water infrastructure, conservation, and reuse projects in this state.

(b) Money or other assets in the state water implementation revenue fund for Texas may be used only to fund water infrastructure, conservation, and reuse projects included in the statewide water plan that is adopted as required by general law by the Texas Water Development Board or that board's successor in function.

(c) The state water implementation revenue fund for Texas consists of:

(1) money or other assets deposited, appropriated, or otherwise transferred to the credit of the fund as provided by law;

(2) interest or other investment earnings that accrue on the balance of the fund;

(3) the proceeds from the sale of bonds, including revenue bonds issued by the board as authorized by law, that are designated by the board for the purpose of providing money for the fund;

(4) money disbursed to the fund from the state water implementation fund for Texas as authorized by law;

(5) repayments of loans made from the fund; and

(6) proceeds from the sale of political subdivision bonds or obligations held in the fund and not otherwise pledged to the discharge, repayment, or redemption of revenue bonds or other bonds, the proceeds of which were placed in the fund.

(d) The legislature by general law may provide for the assets of the state water implementation revenue fund for Texas to be invested separately from the investment of other treasury assets and funds to the extent that the general law ensures that, in

managing the assets of the fund, on behalf of the fund the fund's investment manager may acquire, exchange, sell, supervise, manage, or retain any kind of investment that a prudent investor, exercising reasonable care, skill, and caution, would acquire or retain in light of the purposes, terms, distribution requirements, and other circumstances of the fund then prevailing, taking into consideration the investment of all the assets of the fund rather than a single investment, and taking into consideration the goal of preserving the aggregate purchasing power of the fund assets.

(e) The legislature by general law shall prescribe the manner in which the assets of the state water implementation revenue fund for Texas may be used, subject to the limitations provided by Subsections (a) and (b) of this section.

(f) The legislature may authorize the Texas Water Development Board or its successor in function to issue bonds and enter into bond enhancement agreements that are payable from revenue deposited to the credit of the state water implementation revenue fund for Texas.

(g) In each fiscal year in which amounts become due under the bonds, or agreements authorized by this section, there is appropriated from revenue deposited to the credit of the state water implementation revenue fund for Texas in that fiscal year an amount that is sufficient to pay:

(1) the principal of and interest on the bonds that mature or become due during the fiscal year; and

(2) any cost related to the bonds, including payments under bond enhancement agreements that becomes due during that fiscal year.

(h) Any dedication or appropriation of revenue to the credit of the state water implementation revenue fund for Texas may not be modified so as to impair any outstanding bonds secured by a pledge of that revenue unless provisions have been made for a full discharge of those bonds.

SECTION 2. Section 49-p, Article III, Texas Constitution, is amended by adding Subsection (e) to read as follows:

(e) Money deposited to the credit of the state highway fund may be appropriated to repay the principal and interest on bonds issued under this section.

SECTION 3. Section 49-g, Article III, Texas Constitution, is amended by adding Subsection (p) to read as follows:

(p) On November 30, 2013, the amount of \$2.9 billion is transferred from the economic stabilization fund to the credit of an account created by the Texas Department of Transportation in the state highway fund for the purposes described by this subsection. Funds transferred under this subsection may only be appropriated to the Texas Department of Transportation for the purposes of paying the principal and interest on bonds issued on or before January 1, 2013, for projects described by Rider No. 42, pages VII-36 and VII-37, Article VII, Chapter 1355, Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), and funding projects previously selected to be funded with the proceeds of bonds issued under Section 49-p, Article III, of this constitution. Interest earned on funds transferred under this subsection must be deposited to the credit of the state highway fund. The amounts appropriated under this subsection are not included in determining the total amount of appropriations from state tax revenues for purposes of Section 22, Article VIII, of this constitution. This subsection expires August 31, 2015.

SECTION 4. Section 49-g, Article III, Texas Constitution, is amended by adding Subsection (q) to read as follows:

(q) The amount of \$500 million is appropriated from the economic stabilization fund to the Texas Education Agency for the state fiscal biennium beginning September 1, 2013, for purposes of the Foundation School Program. The commissioner of education shall use the amount appropriated for the Foundation School Program under this subsection to increase the basic allotment under the Foundation School Program for the 2013-2014 and 2014-2015 school years. The amount of \$300 million is appropriated from the economic stabilization fund to the Texas Education Agency for the state fiscal biennium beginning September 1, 2013, for purposes of the Educator Excellence Awards program as provided by Subchapter O, Chapter 21, Education Code. The amounts appropriated under this subsection are not included in determining the total amount of appropriations from state tax revenues for purposes of Section 22, Article VIII, of this constitution. This subsection expires August 31, 2015.

SECTION 5. (a) The proposed amendment to the Texas Constitution providing for adding Sections 49-d-12 and 49-d-13, Article III, to the constitution shall be submitted to the voters at an election to be held November 5, 2013. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment providing for the transfer of existing money from the economic stabilization fund to a state water implementation fund for Texas to assist in the financing of priority water infrastructure projects in the state water plan."

(b) The proposed amendment to the Texas Constitution relating to transportation and providing for amending Section 49-g, Article III, shall be submitted to the voters at an election to be held November 5, 2013. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment providing for the transfer of existing money from the economic stabilization fund to assist in the funding of transportation construction, maintenance, and rehabilitation projects."

(c) The proposed amendment to the Texas Constitution relating to education and providing for amending Section 49-g, Article III, shall be submitted to the voters at an election to be held November 5, 2013. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment transferring \$800 million from the economic stabilization fund for purposes of public education."

WILLIAMS	GARCIA	RODRÍGUEZ
BIRDWELL	HANCOCK	SCHWERTNER
CAMPBELL	HEGAR	SELIGER
CARONA	HINOJOSA	TAYLOR
DAVIS	HUFFMAN	URESTI
DEUELL	LUCIO	VAN DE PUTTE
DUNCAN	NELSON	WATSON
ELLIS	NICHOLS	WEST
ELTIFE	PATRICK	WHITMIRE
ESTES	PAXTON	ZAFFIRINI
FRASER		

The amendment to **SJR 1** was read.

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

Floor Amendment No. 2

Amend Floor Amendment No. 1 by Senator Williams to **SJR 1** (Committee Printing) as follows:

(1) In SECTION 3 of the amendment, proposed Subsection (p) (page 7, line 5), strike "\$2.9 billion" and insert "\$2 billion".

(2) In SECTION 4 of the amendment, proposed Subsection (q) (line 3), strike "\$500 million" and insert "\$2 billion".

(3) In SECTION 4 of the amendment, proposed Subsection (q) (lines 10 through 15), strike the sentence beginning "The amount of \$300 million" and ending "Education Code.".

WATSON	HINOJOSA	VAN DE PUTTE
DAVIS	LUCIO	WEST
ELLIS	RODRÍGUEZ	WHITMIRE
GARCIA	URESTI	ZAFFIRINI

The amendment to Floor Amendment No. 1 to **SJR 1** was read and failed of adoption by the following vote: Yeas 12, Nays 19.

Yeas: Davis, Ellis, Garcia, Hinojosa, Lucio, Rodriguez, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Nays: Birdwell, Campbell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Hancock, Hegar, Huffman, Nelson, Nichols, Patrick, Paxton, Schwertner, Seliger, Taylor, Williams.

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

Floor Amendment No. 3

Amend Floor Amendment No. 1 to **SJR 1** (Senate Committee Printing) on page 8, by striking added Subsection (q) to SECTION 4, Section 49-g, Article III, Texas Constitution, and substituting the following:

(q) The amount of \$800 million is appropriated from the economic stabilization fund to the Texas Education Agency for the state fiscal biennium beginning September 1, 2013, for purposes of the Foundation School Program. The commissioner of education shall use the amount appropriated for the Foundation School Program under this subsection to increase the basic allotment under the Foundation School Program for the 2013-2014 and 2014-2015 school years. The amounts appropriated under this subsection are not included in determining the total amount of appropriations from state tax revenues for purposes of Section 22, Article VIII, of this constitution. This subsection expires August 31, 2015.

DAVIS	LUCIO	WATSON
ELLIS	RODRÍGUEZ	WEST
GARCIA	URESTI	WHITMIRE
HINOJOSA	VAN DE PUTTE	ZAFFIRINI

The amendment to Floor Amendment No. 1 to **SJR 1** was read and failed of adoption by the following vote: Yeas 12, Nays 19.

Yeas: Davis, Ellis, Garcia, Hinojosa, Lucio, Rodríguez, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Nays: Birdwell, Campbell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Hancock, Hegar, Huffman, Nelson, Nichols, Patrick, Paxton, Schwertner, Seliger, Taylor, Williams.

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

Floor Amendment No. 4

Amend Floor Amendment No. 1 by Williams to **SJR 1** (senate committee printing), page 8, line 14, strike "Subchapter O, Chapter 21, Education Code." and insert "Education Code, Section 21.705 (1) - (8). Priority shall be given to campuses that fail to meet the standard defined under Texas Education Code 39.054."

WEST	ELTIFE	URESTI
CARONA	GARCIA	VAN DE PUTTE
DAVIS	HINOJOSA	WATSON
DEUELL	LUCIO	WILLIAMS
DUNCAN	PATRICK	ZAFFIRINI
ELLIS	RODRÍGUEZ	

The amendment to Floor Amendment No. 1 to **SJR 1** was read and was adopted by the following vote: Yeas 23, Nays 8.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Garcia, Hancock, Hinojosa, Lucio, Patrick, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Campbell, Fraser, Hegar, Huffman, Nelson, Nichols, Paxton.

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

Floor Amendment No. 5

Amend Floor Amendment No. 1 by Senator Williams to **SJR 1** (Committee Printing) as follows:

(1) In SECTION 3 of the amendment, proposed Subsection (p) (page 7, line 5), strike "\$2.9 billion" and insert "\$2.7 billion".

(2) In SECTION 4 of the amendment, proposed Subsection (q) (line 3), strike "\$500 million" and insert "\$1 billion".

(3) In SECTION 4 of the amendment, proposed Subsection (q) (lines 10 through 15), strike the sentence beginning "The amount of \$300 million" and ending "Education Code.".

WATSON	HINOJOSA	VAN DE PUTTE
DAVIS	LUCIO	WEST
ELLIS	RODRÍGUEZ	WHITMIRE
GARCIA	URESTI	ZAFFIRINI

The amendment to Floor Amendment No. 1 to **SJR 1** was read and failed of adoption by the following vote: Yeas 12, Nays 19.

Yeas: Davis, Ellis, Garcia, Hinojosa, Lucio, Rodríguez, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Nays: Birdwell, Campbell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Hancock, Hegar, Huffman, Nelson, Nichols, Patrick, Paxton, Schwertner, Seliger, Taylor, Williams.

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

Floor Amendment No. 6

Amend Floor Amendment No. 1 by Williams to **SJR 1** (Senate Committee Printing) as follows:

(1) Add the following appropriately numbered SECTION to the resolution and renumber subsequent SECTIONS of the resolution accordingly:

SECTION _____. Section 49-g, Article III, Texas Constitution, is amended by adding Subsection (r) to read as follows:

(r) The amount of \$50.4 million is appropriated from the economic stabilization fund to the Health and Human Services Commission for the state fiscal biennium beginning September 1, 2013, for purposes of providing Medicaid program benefits to all persons who apply for the benefits and who are eligible, and for whom federal matching funds are available, under the federal Patient Protection and Affordable Care Act (Pub. L. No. 111-148) as amended by the Health Care and Education Reconciliation Act of 2010 (Pub. L. No. 111-152). The amount appropriated under this subsection is not included in determining the total amount of appropriations from state tax revenues for purposes of Section 22, Article VIII, of this constitution. This subsection expires August 31, 2015.

(2) In SECTION 4 of the resolution (page 3, following line 23), insert the following:

(c) The proposed amendment to the Texas Constitution providing for amending Section 49-g, Article III, shall be submitted to the voters at an election to be held November 5, 2013. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment appropriating \$50.4 million from the economic stabilization fund for purposes of expanding eligibility for the Medicaid program to all persons for whom federal matching funds are available under the federal Patient Protection and Affordable Care Act."

ELLIS	LUCIO	WATSON
DAVIS	RODRÍGUEZ	WEST
GARCIA	URESTI	WHITMIRE
HINOJOSA	VAN DE PUTTE	ZAFFIRINI

The amendment to Floor Amendment No. 1 to **SJR 1** was read and failed of adoption by the following vote: Yeas 12, Nays 19.

Yeas: Davis, Ellis, Garcia, Hinojosa, Lucio, Rodríguez, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Nays: Birdwell, Campbell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Hancock, Hegar, Huffman, Nelson, Nichols, Patrick, Paxton, Schwertner, Seliger, Taylor, Williams.

Question recurring on the adoption of Floor Amendment No. 1 to **SJR 1**, the amendment as amended was adopted by the following vote: Yeas 31, Nays 0.

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

SJR 1 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE JOINT RESOLUTION 1 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 1** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The resolution was read third time and was passed by the following vote: Yeas 31, Nays 0.

REPORT OF COMMITTEE ON NOMINATIONS

Senator Hegar submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed:

Presiding Judge, Second Administrative Judicial Region: Olen U. Underwood, Montgomery County.

Public Counsel, Office of Public Insurance Counsel: Deeia Denise Curry Beck, Travis County.

Members, Board of Directors, Sabine River Authority of Texas: Stanley N. Mathews, Orange County; Martha Sharon Newcomer, Orange County; Clifford Ralph Todd, Panola County.

Members, State Employee Charitable Campaign Policy Committee: Amy Susan Baillargeon, Travis County; Gregory Scott Davidson, Lee County; Steven Wroe Jackson, Travis County; Louri Marie O'Leary, Travis County; Diane Black Smith, Williamson County.

Members, Texas Board of Architectural Examiners: Charles H. Anastos, Nueces County; Michael Chad Davis, Lubbock County; William David Edwards, Wise County.

Members, Texas Board of Professional Engineers: Sockalingam Kannappan, Harris County; Sina K. Nejad, Jefferson County; Edward Lee Summers, Travis County; Robert Kyle Womack, Llano County.

Members, Texas Commission on the Arts: Rita Esther Baca, El Paso County; Patricia Ann Bryant, Potter County; David Champion Garza, Cameron County; Mila Beth Gibson, Nolan County; Marshà Wilson Rappaport, Galveston County; Ronald Byron Sanders, Bexar County.

Members, Texas Farm and Ranch Lands Conservation Council: James Cleveland Cathey, Brazos County; Thomas Randolph Kelsey, Harris County; John Edward Zacek, Victoria County.

Member, Board of Directors, Texas Guaranteed Student Loan Corporation: Fernando Trevino, Val Verde County.

Members, Texas Historical Commission: Michael D. Donegan, Rockwall County; August Watkins Harris, Travis County; Robert Kelly Shepard, Parker County.

Members, Texas Industrialized Building Code Council: Roland Lee Brown, Ellis County; Joe D. Campos, Dallas County; Randall Reddin Childers, McLennan County; Steven James Fitzpatrick, Smith County; Edward Earl Martin, Travis County; Scott Alexander McDonald, Randall County; Cecil Mark Remmert, Williamson County; Jesse E. Rider, Smith County; Douglas Owen Robinson, Dallas County; Rolando Romeo Rubiano, Cameron County; William Fletcher Smith, Hays County; Larry E. Wilkinson, Galveston County.

Members, Texas State Board of Examiners of Marriage and Family Therapists: Michael R. Miller, Bell County; Keith Rosenbaum, Johnson County; Jennifer Ruth Smothermon, Taylor County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Hegar gave notice that he would tomorrow submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

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

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

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

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

SENATE RULES SUSPENDED (Posting Rules)

On motion of Senator Hinojosa 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 the following bills tomorrow:

SB 1877, SB 1878.

SENATE RULES SUSPENDED (Posting Rules)

On motion of Senator Nichols and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Transportation might meet and consider **HB 63** tomorrow.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Deuell and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Economic Development might meet and consider the following bills today:

SB 1391, SB 1392, HB 1550.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Whitmire and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Criminal Justice might meet and consider **SB 969** today.

CO-AUTHORS OF SENATE BILL 315

On motion of Senator Uresti, Senators Ellis and Garcia will be shown as Co-authors of **SB 315**.

CO-AUTHOR OF SENATE BILL 376

On motion of Senator Lucio, Senator Garcia will be shown as Co-author of **SB 376**.

CO-AUTHOR OF SENATE BILL 1003

On motion of Senator Carona, Senator Rodriguez will be shown as Co-author of **SB 1003**.

CO-AUTHOR OF SENATE BILL 1080

On motion of Senator Lucio, Senator Zaffirini will be shown as Co-author of **SB 1080**.

CO-AUTHOR OF SENATE BILL 1309

On motion of Senator Davis, Senator West will be shown as Co-author of **SB 1309**.

CO-AUTHOR OF SENATE BILL 1310

On motion of Senator Davis, Senator Lucio will be shown as Co-author of **SB 1310**.

CO-AUTHOR OF SENATE BILL 1589

On motion of Senator Zaffirini, Senator Uresti will be shown as Co-author of **SB 1589**.

CO-AUTHOR OF SENATE BILL 1639

On motion of Senator Carona, Senator Campbell will be shown as Co-author of **SB 1639**.

CO-AUTHOR OF SENATE BILL 1643

On motion of Senator Williams, Senator Nelson will be shown as Co-author of **SB 1643**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 55

On motion of Senator Williams, Senator Nelson will be shown as Co-author of **SJR 55**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 749 by Schwertner, In memory of the life of Alex Hernandez III.

SR 750 by Schwertner, In memory of the life of Paul A. Rivera.

SR 751 by West, In memory of Kenneth Luckey Harris, Jr.

Congratulatory Resolutions

SR 745 by Lucio, Recognizing Patricia Lillie Zamora on the occasion of her 50th birthday.

SR 746 by West, Recognizing Frederick D. Haynes III on the occasion of his 30th anniversary as pastor of Friendship-West Baptist Church.

SR 747 by Seliger, Recognizing Ruby Lee Martin Beebe on the occasion of her 100th birthday.

SR 748 by Schwertner, Recognizing the Leon High School Lady Cougars volleyball team for winning a state championship.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 7:29 p.m. adjourned, in memory of Kenneth Luckey Harris, Jr., Matthew Robert Clark, and George Anton Belton, until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

April 23, 2013

HEALTH AND HUMAN SERVICES — **CSSB 44**

CRIMINAL JUSTICE — **CSSB 1475**

ADMINISTRATION — **HB 174, HB 701, HB 2035, HCR 43**

OPEN GOVERNMENT — **SB 1896, CSSB 1368, CSSB 1882**

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — **CSSB 1200, CSSB 1536**

OPEN GOVERNMENT — **CSSB 1512**

HEALTH AND HUMAN SERVICES — **CSSB 937**

ADMINISTRATION — **CSSB 1871**

HEALTH AND HUMAN SERVICES — **SB 1535, SB 1889**

EDUCATION — **SB 1384**

HEALTH AND HUMAN SERVICES — **CSSB 495**

BILLS ENGROSSED

April 22, 2013

SB 190, SB 991, SB 1247, SB 1670, SB 1671, SB 1756, SB 1795

BILLS AND RESOLUTIONS ENROLLED

April 22, 2013

**SB 422, SB 510, SB 530, SB 543, SB 847, SR 583, SR 592, SR 662, SR 699,
SR 707, SR 708, SR 709, SR 710, SR 711, SR 712, SR 713, SR 714, SR 715,
SR 716, SR 717, SR 718, SR 719, SR 720, SR 721, SR 722, SR 723, SR 724,
SR 725, SR 726, SR 727, SR 728, SR 729, SR 730, SR 731, SR 732, SR 733,
SR 734, SR 735, SR 736, SR 737, SR 738, SR 739, SR 740, SR 741, SR 742,
SR 743**

In Memory
of
Matthew Robert Clark
Senate Resolution 744

WHEREAS, Matthew Robert Clark of Frisco lost his life in a tragic accident on June 3, 2012, at the age of 21, and family and friends are honoring his memory by performing simple acts of kindness for others; and

WHEREAS, Born on January 1, 1991, in Hot Springs, Arkansas, Matt Clark was the son of John and Sandra Clark and the brother of Byron Clark; at the time of his passing, he was in his senior year as a health science major at Baylor University and had dreams of a career in the medical field; he was a graduate of Legacy Christian Academy, where he belonged to the National Honor Society and received a host of awards for his achievements in football, basketball, baseball, and track; and

WHEREAS, Guided by a strong faith in his every endeavor, Mr. Clark had a particular affinity for the verse Proverbs 16:3, which reads, "Commit to the Lord whatever you do, and your plans will succeed"; he strove to be a leader and a positive example, and his compassionate nature was readily apparent in his words and actions; and

WHEREAS, In May 2011, he drove out to bring aid to the victims of the tornado that devastated Joplin, Missouri; on the return trip, he rescued from the side of the road an abandoned puppy, which he welcomed into his home and named "Joplin"; he was known for brightening the days of those around him with his many good deeds, such as helping a friend move, offering a lift to the airport, tutoring a classmate, or simply sharing a smile or a joke; and

WHEREAS, Inspired by the sense of purpose that this caring young man demonstrated throughout his life, his family has provided a list of 22 suggested acts of kindness that they are asking their fellow Texans to perform during 2013 in celebration of what would have been Matt's 22nd birthday:

1. Write a note to a person who could use some encouragement.
2. Say "I love you" to someone you hold dear.
3. Bring coffee or treats to an acquaintance.
4. Say "please" and "thank you" and mean it.
5. Call or write to a teacher who made a difference in your life.
6. Help a friend move.
7. Forgive a debt, and never bring it up again.
8. Say "I'm sorry" when you are wrong.
9. Ask someone "How are you really doing?" and genuinely listen to the response.
10. Offer to babysit for a single mom.
11. Return shopping carts for people in parking lots.
12. Smile and say "hello" to people.

13. Donate clothing.
14. Make someone laugh.
15. Hold the door open for the person behind you.
16. Give a compliment.
17. Pay for the person behind you in line at a restaurant or coffee shop.
18. Buy a homeless person a meal.
19. Volunteer at or take towels and blankets to an animal shelter.
20. Take doughnuts to the fire station, the police station, or the office.
21. Pass along a great book that you have just finished reading.
22. Spend time at a nursing home by playing board games or conversing with residents; and

WHEREAS, Intended to be unexpected and unreciprocated, these quiet yet meaningful gestures are seldom forgotten, and through the journey of sharing them, participants are ensuring that the vibrant spirit of Matt Clark will forever shine brightly for those who were blessed to share in his love and friendship, and many more beyond; now, therefore, be it

RESOLVED, That the Senate of the 83rd Texas Legislature hereby pay tribute to the life of Matthew Robert Clark and urge all who hear of this heartfelt endeavor to seek out opportunities to help and encourage friends and strangers alike.

PAXTON

In Memory
of
George Anton Belton
Senate Resolution 675

WHEREAS, The Senate of the State of Texas joins the citizens of Bellaire in mourning the untimely loss of George Anton Belton, who died April 21, 2012, at the age of 13; and

WHEREAS, George Belton was born January 19, 1999, to Elisabeth Lange and Timothy D. Belton; a fifth-generation Texan of German heritage, he was a loving and devoted brother to his older sister, Sophie Marie, and to his younger brothers, Carl Rudolph and Paul Clemens; and

WHEREAS, He pursued his many and varied interests with passion, enthusiasm, and a drive for excellence; whether playing baseball, hunting, cheering for the Texas Longhorns, participating in the Boy Scouts, or serving at the church altar, he approached all his activities with a zest for life that was inspirational to all who knew him; and

WHEREAS, In appreciation of the fine example of sportsmanship he set for others, the Bellaire Little League instituted its Sportsmanship Award in his honor; he was posthumously awarded the ranks of Life Scout and Star Scout by Boy Scout Troop 99 at Saint Thomas More Catholic Church, and Leadership Camp Texas renamed its annual Cabin Cup competition in recognition of George Belton and his embrace of the camp and the virtues it seeks to instill in young men; and

WHEREAS, A young man of courage, strength, and determination, he gave unselfishly to others, and his fondness for all things outdoors, his ability to bring out the best in others, and his unbridled enthusiasm for living each day to the fullest will not be forgotten; and

WHEREAS, He was devoted to his large and loving family, and he leaves behind memories that will be treasured forever by his family and countless friends; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby extend sincere condolences to the bereaved family and friends of George Anton Belton; and, be it further

RESOLVED, That a copy of this Resolution be prepared for his family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of George Anton Belton.

HUFFMAN

SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FORTY-SIXTH DAY

(Wednesday, April 24, 2013)

The Senate met at 11:19 a.m. pursuant to adjournment and was called to order by the President.

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

Absent-excused: Carona.

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

Rabbi David Komerofsky, Texas Hillel Foundation, Austin, offered the invocation as follows:

Eternal source of inspiration, grant strength to our elected representatives as they take up their business today. Help turn their hearts inward that they may listen to the best that is in each of them. And turn their hands outward for the good of all people, joined with each other in worthy labors. Unite our Senators in the spirit of compromise and acceptance at the highest levels of government, that enlightened debate and patient contemplation may continue to displace zealotry and intolerance. The first century sage Rabbi Tarfon taught: It is not your duty to complete the task, but neither are you at liberty to avoid it. (Pirke Avot 2:16) And so, may our legislators do what they are able to do today, knowing that tomorrow will bring with it fresh challenges but also new wisdom and insight. Give them strength, we ask, to acknowledge their limits while striving for greatness. On this day, let the lights of truth and harmony shine from this Chamber as beacons for the betterment of all Texas. Amen.

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

The motion prevailed without objection.

LEAVE OF ABSENCE

On motion of Senator Whitmire, Senator Carona was granted leave of absence for today on account of important business.

PHYSICIAN OF THE DAY

Senator Watson was recognized and presented Dr. Dana Sprute of Austin as the Physician of the Day.

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

BILLS SIGNED

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

SB 422, SB 510, SB 530, SB 543, SB 847, SB 953.

SENATE RESOLUTION 754

Senator Lucio offered the following resolution:

SR 754, Welcoming Leadership Mid Valley to the State Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate the Leadership Mid Valley class.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Estes was recognized and introduced to the Senate Special Rangers from the Texas and Southwestern Cattle Raisers Association, accompanied by Larry Gray, Max Hartmann, and Sonny Seewald.

The Senate welcomed its guests.

**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 11:27 a.m. announced the conclusion of morning call.

SENATE BILL 1806 ON SECOND READING

On motion of Senator Eltife and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1806** at this time on its second reading:

SB 1806, Relating to the Harrison County Court at Law.

The bill was read second time.

Senator Eltife offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1806** (senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Section 25.1042, Government Code, is amended by adding Subsections (a), (b), (c), (d), and (f) to read as follows:

(a) In addition to the jurisdiction provided by Section 25.0003 and other law, a county court at law in Harrison County has concurrent jurisdiction with the district court, on assignment of a district judge presiding in Harrison County, in family law cases and proceedings.

(b) Assignment and transfer of cases under Subsection (a) is at the discretion of the judge of the district court making the assignment. Assignment or transfer from a county court at law to a district court is governed by Section 74.121(b)(1).

(c) The district clerk serves as clerk of a county court at law in cases assigned under Subsection (a), and the county clerk serves as clerk of the court in all other cases.

(d) A party to a case assigned under Subsection (a) may request a jury of 12 persons if the party makes the request not later than the 30th day before the trial date. A party who does not make a timely request under this subsection waives the right to request a 12-person jury and the case will proceed with a six-person jury.

(f) In matters of concurrent jurisdiction, a district judge presiding in Harrison County may transfer cases from the district court to a county court at law in Harrison County in the same manner judges of district courts transfer cases under Section 24.003.

SECTION 2. The changes in law made by this Act apply to an action filed on or after the effective date of this Act or pending on the effective date of this Act.

SECTION 3. This Act takes effect January 1, 2015.

The amendment to **SB 1806** 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: Carona.

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

SB 1806 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: Carona.

SENATE BILL 1806 ON THIRD READING

Senator Eltife moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1806** be placed on its third reading and final passage.

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

Absent-excused: Carona.

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

SENATE BILL 1650 ON SECOND READING

On motion of Senator Campbell and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1650** at this time on its second reading:

SB 1650, Relating to Internet broadcasts of open meetings held by governmental bodies, including regional tollway authorities, regional mobility authorities, and metropolitan planning organizations.

The bill was read second time.

Senator Eltife offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1650** (senate committee report) in SECTION 3 of the bill, at the end of added Section 370.263, Transportation Code (page 1, line 46), by adding "This section does not apply to an authority composed of three or more counties."

The amendment to **SB 1650** 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: Carona.

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

SB 1650 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: Carona.

SENATE BILL 1650 ON THIRD READING

Senator Campbell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1650** be placed on its third reading and final passage.

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

Absent-excused: Carona.

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

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate Sofia Grace Martinez, daughter of Ray and Beth Martinez, serving today as an Honorary Senate Page.

The Senate welcomed its guests.

SENATE BILL 1313 ON SECOND READING

On motion of Senator Schwertner and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1313** at this time on its second reading:

SB 1313, Relating to the Correctional Management Institute of Texas at Sam Houston State University.

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: Carona.

SENATE BILL 1313 ON THIRD READING

Senator Schwertner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1313** be placed on its third reading and final passage.

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

Absent-excused: Carona.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 690 ON SECOND READING**

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 690** at this time on its second reading:

CSSB 690, Relating to the creation of Harris County Improvement District No. 23; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

The bill was read second time.

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 690** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in added Section 3910.056(a), Special District Local Laws Code (page 3, line 32), strike "Jeremy Brown" and substitute "Sakina Lanig".

(2) In SECTION 1 of the bill, in added Section 3910.056(a), Special District Local Laws Code (page 3, line 33), strike "Jon Herbster" and substitute "Alison Leland".

(3) In SECTION 1 of the bill, in added Section 3910.111, Special District Local Laws Code (page 4, between lines 61 and 62), insert the following:

(c) An improvement or facility that is owned, constructed, or financed by the district under this section is subject to any applicable rules, regulations, bylaws, or similar legislative or regulatory acts or policies of the Port of Houston Authority of Harris County, Texas.

(d) This chapter does not supersede or diminish the rights, powers, privileges, and authority of the Port of Houston Authority of Harris County, Texas.

The amendment to **CSSB 690** 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: Carona.

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

CSSB 690 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: Carona.

COMMITTEE SUBSTITUTE SENATE BILL 690 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 690** be placed on its third reading and final passage.

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

Absent-excused: Carona.

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

COMMITTEE SUBSTITUTE SENATE BILL 1870 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 1870** at this time on its second reading:

CSSB 1870, Relating to the creation of the West Fort Bend Water Authority; providing authority to issue bonds; granting the power of eminent domain; providing an administrative penalty.

The bill was read second time.

Senator Hegar offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1870** (senate committee printing) as follows:

(1) Strike SECTION 2 of the bill (page 13, lines 15 through 60), and substitute the following:

SECTION 2. The West Fort Bend Water Authority initially includes the territory that is contained in all five of the single-member director precincts described in Section 3 of this Act and may contain noncontiguous parcels of land and territory that is located within the boundaries of any other governmental entity or political subdivision of the state. The following areas are specifically excluded from the boundaries of the West Fort Bend Water Authority:

1. Territory included within the boundaries of North Fort Bend Water Authority and the West Harris County Regional Water Authority as of January 1, 2013; and
2. Territory included within the corporate limits of the City of Houston as of January 1, 2013; and
3. Territory included within the corporate or extraterritorial jurisdiction limits of the following municipalities as of January 1, 2013:
 - a. City of Alvin
 - b. City of Arcola
 - c. City of Fulshear
 - d. City of Missouri City
 - e. City of Pearland
 - f. City of Richmond
 - g. City of Rosenberg
 - h. City of Stafford and
 - i. City of Sugar Land; and
4. Territory included within Booth Ranch Municipal Utility District as of January 1, 2013; and
5. All of that land owned by the George Foundation and described in Exhibit A of a Memorandum of Agreement between the George Foundation and the North Fort Bend Water Authority dated October 1, 2007 and recorded under Fort Bend County Clerk's File No. 2008035000; and
6. Territory included within Fort Bend County Water Control and Improvement District No. 2 as of January 1, 2013.

(2) In SECTION 3 of the bill, strike the Precincts 4 and 5 descriptions (page 16, line 17, through page 17, line 24), and substitute the following:

Precinct 4

Description

PART 1

BEGINNING at a point in the North line of Brazoria County, same being the South line of Fort Bend County and being the intersection of said common County line with the centerline of State Highway No. 36;

THENCE, Northwesterly and Northerly, along and with the centerline of said State Highway No. 36 to the intersection of said centerline with the South corporate limits of the City of Rosenberg (all references to the corporate limits of the City of Rosenberg are as of January 1, 2013);

THENCE, Southerly and Easterly along and with the Westerly and Southerly lines of the South corporate limits of said City of Rosenberg and the City of Rosenberg Extraterritorial Jurisdiction (all references to the limits of the City of Rosenberg

Extraterritorial Jurisdiction are as of January 1, 2013) to the intersection of said Southerly limits with the West line of the Town of Thompsons Extraterritorial Jurisdiction;

THENCE, Southerly and Easterly, along and with the Westerly and Southerly lines of said Town of Thompsons Extraterritorial Jurisdiction to the intersection of said Southerly line and the centerline of Farm to Market Highway (FM) 762;

THENCE, in a general Southerly direction, along and with the centerline of said FM 762 to the intersection of said centerline with the centerline of FM 1462;

THENCE, Westerly and Southwesterly, along and with the centerline of said FM 1462 to the intersection of said centerline with the North line of said Brazoria County, same being the South line of said Fort Bend County;

THENCE, Northwesterly, along and with the North line of said Brazoria County, same being the South line of said Fort Bend County to the POINT OF BEGINNING.

PART 2

BEGINNING at the intersection of the centerline of Ricefield Road with an interior Southeast line of the City of Rosenberg Extraterritorial Jurisdiction, being approximately 4,000 feet Southeast from the intersection of the centerline of said Ricefield Road with the centerline of FM 2977;

THENCE, Northeasterly along and with the an interior Southeast line of said City of Rosenberg Extraterritorial Jurisdiction to the intersection of said Southeast line with a South line in the Southeast Corporate limits of said City of Rosenberg;

THENCE, Easterly along and with the South line of said Southeast Corporate limits of said City of Rosenberg to the intersection of said South line with an interior West line of the City of Rosenberg Extraterritorial Jurisdiction;

THENCE, Southeast along and with a West line of the City of Rosenberg Extraterritorial Jurisdiction to the intersection of said West line with the centerline of said Ricefield Road.

THENCE, Northeasterly along and with the centerline of said Ricefield Road to the POINT OF BEGINNING.

PART 3

All of that land described as 195 acres in Exhibit A of said Memorandum of Agreement and labeled as Tract 4 in Exhibit A-2 of a Memorandum of Agreement between the George Foundation and the North Fort Bend Water Authority dated October 1, 2007 and recorded under Fort Bend County Clerk's File No. 2008035000.

Precinct 5

Description

PART 1

BEGINNING at a point in the North line of Brazoria County, same being the South line of Fort Bend County and being the Southwesterly intersection of said common County line with the centerline Farm to Market Highway (FM) 1462 and being located approximately 250 feet Southwesterly from the intersection of said FM 1462 with Nordt Road;

THENCE, Northeasterly and Easterly, along and with the centerline of said FM 1462 to the intersection of said centerline with the centerline of FM 762;

THENCE, in a general Northerly direction, along and with the centerline of said FM 762 to the intersection of said centerline with a the Southwesterly extension of a Southeast line of that land owned by the George Foundation and described as Tract 1 in Exhibit A of a Memorandum of Agreement between the George Foundation and the North Fort Bend Water Authority dated October 1, 2007 and recorded under Fort Bend County Clerk's File No. 2008035000;

THENCE, Northeasterly over and across the right-of-way of said FM 762 to a Southerly corner of said Tract 1 in the Northeast right-of-way line of said FM 762;

THENCE, in a general Northeasterly direction along and with the Southerly and Easterly lines of said Tract 1 to the intersection of said Easterly line with the South line of the City of Sugar Land Extraterritorial Jurisdiction (all references to the limits of the City of Sugar Land Extraterritorial Jurisdiction are as of January 1, 2013), same being the north line of the Town of Thompsons Extraterritorial Jurisdiction (all references to the limits of the Town of Thompsons Extraterritorial Jurisdiction are as of January 1, 2013);

THENCE, in a general Southeasterly direction, along and with the Northerly and Easterly lines of said Town of Thompsons Extraterritorial Jurisdiction and the Northeast corporate limits of the Town of Thompsons (all references to the limits of the Town of Thompsons are as of January 1, 2013) to the intersection of said Easterly line and the North line of line of that land owned by the George Foundation and described as Tract 2 in Exhibit A of said Memorandum of Agreement;

THENCE, Westerly, Southerly, and Easterly, along and with the Northerly, Westerly, and Southerly lines of said land owned by the George Foundation to the West line of the City of Alvin Extraterritorial Jurisdiction (all references to the limits of the City of Alvin Extraterritorial Jurisdiction are as of January 1, 2013);

THENCE, in a general Southerly direction, along and with the West line of said City of Alvin Extraterritorial Jurisdiction to a point in the centerline of Cow Creek just upstream from its confluence with the Brazos River, same being the North line of said Brazoria County and the South line of said Fort Bend County;

THENCE, Westerly, Southerly, and Northwesterly along and with the North line of said Brazoria County and the South line of said Fort Bend County (said common County line partly being the centerline of said Cow Creek) to the POINT OF BEGINNING.

SAVE AND EXCEPT that land owned by the George Foundation and described as Tract 3 and Tract 6 in Exhibit A of said Memorandum of Agreement.

PART 2

BEGINNING at the intersection of the East corporate limits of the City of Rosenberg (all references to the corporate limits of the City of Rosenberg are as of January 1, 2013) with the South line of said City of Sugar Land Extraterritorial Jurisdiction, and being approximately 2,000 feet east of the intersection of said FM 762 and FM 2759;

THENCE, Easterly and Southerly along and with the South and West lines of said City of Sugar Land Extraterritorial Jurisdiction to a point in the Northeast line of said Tract 1;

THENCE, Northwesterly along and with the Northeast line of said Tract 1 to the to its intersection with said East corporate limits of the City of Rosenberg;

THENCE, Northeasterly, Northwesterly, and Northerly along and with said East Corporate Limits to the POINT OF BEGINNING.

PART 3

BEGINNING at the intersection of an East line of said City of Sugar Land Extraterritorial Jurisdiction with the South line of the Booth Ranch Municipal Utility District;

THENCE, Easterly and Northerly along and with the South and East lines of said Booth Ranch Municipal Utility District to the intersection of said East line with the South line of said City of Sugar Land Extraterritorial Jurisdiction;

THENCE, Easterly and Southerly along and with the South and West lines of said City of Sugar Land Extraterritorial Jurisdiction to the intersection of said West line with the North line of said Tract 1;

THENCE, in a general Westerly direction along and with the Northerly lines of said Tract 1 to the intersection of said North line with said East line of the City of Sugar Land Extraterritorial Jurisdiction;

THENCE, Northerly along and with said East line of the City of Sugar Land Extraterritorial Jurisdiction to the POINT OF BEGINNING.

The amendment to **CSSB 1870** 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: Carona.

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

CSSB 1870 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: Carona.

**COMMITTEE SUBSTITUTE
SENATE BILL 1870 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 1870** be placed on its third reading and final passage.

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

Absent-excused: Carona.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1202 ON SECOND READING**

Senator West moved to suspend the regular order of business to take up for consideration **CSSB 1202** at this time on its second reading:

CSSB 1202, Relating to an order to conduct mediation following an application for expedited judicial foreclosure proceedings.

The motion prevailed.

Senator Hancock 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: Hancock.

Absent-excused: Carona.

**COMMITTEE SUBSTITUTE
SENATE BILL 1202 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1202** be placed on its third reading and final passage.

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

Nays: Hancock.

Absent-excused: Carona.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 722 ON SECOND READING**

Senator Ellis moved to suspend the regular order of business to take up for consideration **CSSB 722** at this time on its second reading:

CSSB 722, Relating to eligibility to serve as an interpreter in an election.

The motion prevailed.

Senators Campbell, Estes, Nelson, and Schwertner asked to be recorded as voting "Nay" on suspension of the regular order of business.

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

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

Nays: Campbell, Estes, Nelson, Schwertner.

Absent-excused: Carona.

**COMMITTEE SUBSTITUTE
SENATE BILL 722 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 722** be placed on its third reading and final passage.

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

Yeas: Birdwell, Davis, Deuell, Duncan, Ellis, Eltife, Fraser, Garcia, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nichols, Patrick, Paxton, Rodríguez, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Campbell, Estes, Nelson, Schwertner.

Absent-excused: Carona.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 4. (Same as previous roll call)

SENATE BILL 549 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 549** at this time on its second reading:

SB 549, Relating to penalties for engaging in organized criminal activity.

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: Carona.

SENATE BILL 549 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 549** be placed on its third reading and final passage.

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

Absent-excused: Carona.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1680 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1680** at this time on its second reading:

CSSB 1680, Relating to certain requirements applicable to contracts entered into by state agencies.

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: Carona.

**COMMITTEE SUBSTITUTE
SENATE BILL 1680 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 **CSSB 1680** be placed on its third reading and final passage.

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

Absent-excused: Carona.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1681 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1681** at this time on its second reading:

CSSB 1681, Relating to oversight and management of state contracts.

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: Carona.

**COMMITTEE SUBSTITUTE
SENATE BILL 1681 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 **CSSB 1681** be placed on its third reading and final passage.

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

Absent-excused: Carona.

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

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Wednesday, April 24, 2013 - 1

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 347 Pitts

Relating to prohibiting using a wireless communication device while operating a motor vehicle on school property.

HB 397 Larson

Relating to the transfer of extraterritorial jurisdiction between certain home-rule and general-law municipalities and annexation of certain territory by the general-law municipalities.

HB 528 Turner, Sylvester

Relating to the restriction of access to the records and files of a child charged with or convicted of certain fine-only misdemeanor offenses.

HB 535 Davis, Yvonne

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

HB 561 Workman

Relating to an exemption for land owned by a school from the additional tax imposed on the change of use of land appraised for ad valorem tax purposes as qualified open-space land.

HB 617 Rodriguez, Eddie

Relating to transition and employment services for public school students enrolled in special education programs.

HB 1128 Herrero

Relating to posting suggestions and ideas on cost-efficiency on certain state agency websites.

HB 1278 Lozano

Relating to the application of the professional prosecutors law to the district attorney for the 79th Judicial District.

HB 1685 Price

Relating to the continuation of the self-directed and semi-independent status of the Texas State Board of Public Accountancy, the Texas Board of Professional Engineers, and the Texas Board of Architectural Examiners.

HB 1717 Price

Relating to the continuation and functions of the Texas Board of Architectural Examiners; changing certain fees.

HB 1864 Wu

Relating to certain energy security technologies for critical governmental facilities.

HB 2637 Frullo

Relating to the fraudulent use of identifying information by certain sex offenders; providing criminal penalties.

HCR 98 Zerwas
Designating May 2013 as Amyotrophic Lateral Sclerosis Awareness Month in Texas.

HCR 99 Farney
Congratulating Pamela Holcomb, Burnet Consolidated Independent School District Food Service Department director, on the district's success in the HealthierUS School Challenge.

HCR 101 Farney
Congratulating the Burnet Consolidated Independent School District Food Service Department on its role in the district's success in the HealthierUS School Challenge.

HCR 105 Canales
Honoring Judge Noe Gonzalez of the 370th District Court in Hidalgo County for his professional achievements and civic contributions.

HCR 107 Eiland
Congratulating George P. Mitchell on his receipt of a History-Making Texan Award from the Texas State History Museum Foundation.

HCR 108 Darby
Congratulating Kevin and Linda Hirt of St. Lawrence on their 25th wedding anniversary.

Respectfully,
/s/Robert Haney, Chief Clerk
House of Representatives

SENATE BILL 780 ON SECOND READING

Senator Hinojosa moved to suspend the regular order of business to take up for consideration **SB 780** at this time on its second reading:

SB 780, Relating to the prioritization of certain available legal defense services when appointing representation for an indigent defendant in a criminal case.

The motion prevailed by the following vote: Yeas 20, Nays 10.

Yeas: Campbell, Davis, Deuell, Duncan, Ellis, Eltife, Garcia, Hinojosa, Lucio, Patrick, Paxton, Rodríguez, Seliger, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Estes, Fraser, Hancock, Hegar, Huffman, Nelson, Nichols, Schwertner, Taylor.

Absent-excused: Carona.

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 780** by Hinojosa as follows:

(1) In SECTION 1 of the bill, strike amended Section 26.04(f), Code of Criminal Procedure, and substitute the following:

(f) In a county in which a public defender's office is created or designated under Article 26.044, the court or the courts' designee shall ~~may~~ give priority in appointing ~~appoint~~ that office to represent the defendant. The court is not required to make an appointment under this subsection if:

(1) the court has reason to appoint other counsel; or

(2) a managed assigned counsel program also exists in the county and an attorney will be appointed under that program ~~in accordance with guidelines established for the office~~.

(2) Strike SECTION 2 of the bill amending Section 26.044(c-1), Code of Criminal Procedure.

The amendment to **SB 780** 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: Carona.

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

SB 780 as amended was passed to engrossment by the following vote: Yeas 19, Nays 11.

Yeas: Campbell, Davis, Deuell, Duncan, Ellis, Eltife, Garcia, Hegar, Hinojosa, Lucio, Rodríguez, Seliger, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Estes, Fraser, Hancock, Huffiman, Nelson, Nichols, Patrick, Paxton, Schwertner, Taylor.

Absent-excused: Carona.

COMMITTEE SUBSTITUTE SENATE BILL 1471 ON SECOND READING

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1471** at this time on its second reading:

CSSB 1471, Relating to the recusal or disqualification of a statutory probate judge or other judge authorized to hear probate, guardianship, or mental health matters, and the subsequent assignment of another judge.

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: Carona.

**COMMITTEE SUBSTITUTE
SENATE BILL 1471 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1471** be placed on its third reading and final passage.

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

Absent-excused: Carona.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1531 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 1531** at this time on its second reading:

CSSB 1531, Relating to providing information to entering undergraduate students at certain general academic teaching institutions to promote timely graduation.

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: Carona.

**COMMITTEE SUBSTITUTE
SENATE BILL 1531 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 1531** be placed on its third reading and final passage.

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

Absent-excused: Carona.

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

SENATE BILL 1285 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 1285** at this time on its second reading:

SB 1285, Relating to the operation of the special prosecution unit.

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: Carona.

SENATE BILL 1285 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 1285** be placed on its third reading and final passage.

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

Absent-excused: Carona.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1317 ON SECOND READING**

On motion of Senator Whitmire and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1317** at this time on its second reading:

CSSB 1317, Relating to persons authorized to perform a marriage ceremony.

The bill was read second time.

Senator Whitmire offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1317** (senate committee printing), in SECTION 1 of the bill, in amended Section 2.202(a)(4), Family Code (page 1, line 38), between "court," and "or judge", by inserting "retired judge of a municipal court,".

The amendment to **CSSB 1317** 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: Carona.

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

CSSB 1317 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: Carona.

**COMMITTEE SUBSTITUTE
SENATE BILL 1317 ON THIRD READING**

Senator Whitmire moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1317** be placed on its third reading and final passage.

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

Absent-excused: Carona.

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

SENATE RULE 7.07(b) SUSPENDED
(Permission to Introduce)
(Motion In Writing)

Senator Whitmire submitted the following Motion in Writing:

Mr. President:

I move suspension of Senate Rule 7.07(b) to permit the introduction of the following bill: **SB 1908**.

WHITMIRE

The Motion In Writing prevailed without objection.

SENATE BILL ON FIRST READING

The following bill was introduced, read first time, and referred to the committee indicated:

SB 1908 by West

Relating to a study conducted by the Office of Court Administration of the Texas Judicial System and the repeal of certain court fees and costs.
To Committee on Jurisprudence.

HOUSE BILLS ON FIRST READING

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

HB 8 to Committee on Criminal Justice.

HB 13 to Committee on State Affairs.

HB 33 to Committee on Health and Human Services.

HB 64 to Committee on Intergovernmental Relations.

HB 220 to Committee on Criminal Justice.

HB 250 to Committee on Transportation.

HB 349 to Committee on Jurisprudence.

HB 377 to Committee on Transportation.

HB 403 to Committee on State Affairs.

HB 411 to Committee on Transportation.

HB 434 to Committee on Criminal Justice.

HB 458 to Committee on Business and Commerce.

HB 460 to Committee on Jurisprudence.

HB 570 to Committee on Criminal Justice.

HB 584 to Committee on Business and Commerce.

HB 625 to Committee on Transportation.

HB 646 to Committee on Health and Human Services.

HB 666 to Committee on State Affairs.

- HB 674** to Committee on Intergovernmental Relations.
HB 729 to Committee on Criminal Justice.
HB 768 to Committee on Economic Development.
HB 799 to Committee on Criminal Justice.
HB 809 to Committee on Economic Development.
HB 878 to Committee on Natural Resources.
HB 908 to Committee on Health and Human Services.
HB 915 to Committee on Health and Human Services.
HB 978 to Committee on Health and Human Services.
HB 989 to Committee on Jurisprudence.
HB 994 to Committee on Business and Commerce.
HB 1035 to Committee on State Affairs.
HB 1164 to Committee on State Affairs.
HB 1265 to Committee on State Affairs.
HB 1271 to Committee on Administration.
HB 1287 to Committee on Finance.
HB 1305 to Committee on Business and Commerce.
HB 1366 to Committee on Jurisprudence.
HB 1422 to Committee on State Affairs.
HB 1427 to Committee on Intergovernmental Relations.
HB 1479 to Committee on Education.
HB 1491 to Committee on Health and Human Services.
HB 1514 to Committee on Veteran Affairs and Military Installations.
HB 1752 to Committee on Higher Education.
HB 1760 to Committee on Health and Human Services.
HB 1818 to Committee on Agriculture, Rural Affairs and Homeland Security.
HB 1994 to Committee on Government Organization.
HB 2016 to Committee on Education.
HB 2276 to Committee on Health and Human Services.
HB 2327 to Committee on Criminal Justice.
HB 2422 to Committee on Government Organization.
HB 2465 to Committee on State Affairs.
HB 2466 to Committee on Transportation.
HB 2544 to Committee on Criminal Justice.
HB 2548 to Committee on Business and Commerce.
HB 2710 to Committee on Government Organization.
HB 3064 to Committee on Veteran Affairs and Military Installations.
HB 3259 to Committee on Jurisprudence.

**COMMITTEE SUBSTITUTE
SENATE BILL 1158 ON SECOND READING**

Senator Van de Putte moved to suspend the regular order of business to take up for consideration **CSSB 1158** at this time on its second reading:

CSSB 1158, Relating to higher education for veterans and their families.

The motion prevailed by the following vote: Yeas 20, Nays 10.

Yeas: Birdwell, Davis, Deuell, Ellis, Eltife, Estes, Fraser, Garcia, Hinojosa, Lucio, Rodríguez, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Campbell, Duncan, Hancock, Hegar, Huffman, Nelson, Nichols, Patrick, Paxton, Schwertner.

Absent-excused: Carona.

The bill was read second time.

Senator Van de Putte offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1158** (senate committee printing) as follows:

(1) Strike the recital to SECTION 1 of the bill (page 1, lines 19 and 20) and substitute "Section 54.341, Education Code, is amended by amending Subsections (d), (h), (i), (k), and (n) and adding Subsection (o) to read as follows:".

(2) In SECTION 1 of the bill, at the end of amended Section 54.341(i), Education Code (page 1, line 45), add the following:

In developing rules under this subsection, the commission shall consult with the Texas Higher Education Coordinating Board and institutions of higher education.

(3) In SECTION 1 of the bill, in amended Section 54.341(n), Education Code (page 2, line 3), between "child" and "who suffered", insert "assigned an exemption under Subsection (k)".

(4) At the end of SECTION 1 of the bill, following amended Section 54.341(n), Education Code (page 2, between lines 8 and 9), add the following:

(o) The Texas Higher Education Coordinating Board and the Texas Veterans Commission shall coordinate to provide each respective agency with any information required to ensure the proper administration of this section and the proper execution of each agency's statutory responsibilities concerning this section.

(5) In SECTION 2 of the bill, strike added Section 434.0079(c), Government Code (page 2, lines 21 through 24).

(6) In SECTION 3 of the bill, in added Section 434.00791(b), Government Code (page 2, line 32), strike "administer" and substitute "ensure".

(7) In SECTION 3 of the bill, in added Section 434.00791(b), Government Code (page 2, line 35), between "Education Code" and the period, insert ", is developed".

(8) In SECTION 3 of the bill, strike added Section 434.00791(c), Government Code (page 2, lines 51 through 56), and substitute the following:

(c) Not later than January 1, 2014, the Texas Higher Education Coordinating Board shall provide to the commission the system, or access to the system, developed by the coordinating board that meets the requirements of this section. This subsection expires September 1, 2015.

(9) In SECTION 4 of the bill, strike added Section 434.252(c), Government Code (page 3, lines 30 through 34).

(10) In SECTION 4 of the bill, at the end of added Section 434.253, Government Code (page 3, line 36), add the following:

In developing rules under this section, the commission shall consult with the Texas Higher Education Coordinating Board and institutions of higher education.

(11) In SECTION 4 of the bill, in added Section 434.302(2), Government Code (page 3, line 51), immediately following "education", insert "and any existing veterans programs at those institutions".

(12) In SECTION 4 of the bill, strike added Section 434.305, Government Code (page 4, lines 56 through 61), and substitute the following:

Sec. 434.305. SUPPORT FROM INSTITUTIONS OF HIGHER EDUCATION. Each institution of higher education shall coordinate with the commission to provide information, as permitted by law, related to student veterans at the institution, provide access to veteran resource centers or other student meeting areas, and otherwise support the work of regional veterans education counselors.

(13) In SECTION 4 of the bill, at the end of added Section 434.306, Government Code (page 4, line 63), add the following:

In developing rules under this section, the commission shall consult with the Texas Higher Education Coordinating Board and institutions of higher education.

The amendment to **CSSB 1158** was read.

Senator Van de Putte offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 2

Amend Floor Amendment No. 1 by Van de Putte to **CSSB 1158**, on page 2 of the amendment, Item No. 12, in added Section 434.305, Government Code, after "higher education shall" by striking "coordinate" and substituting "cooperate".

The amendment to Floor Amendment No. 1 to **CSSB 1158** 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: Carona.

Question recurring on the adoption of Floor Amendment No. 1 to **CSSB 1158**, the amendment as amended was adopted by a viva voce vote.

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

Absent-excused: Carona.

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

CSSB 1158 as amended was passed to engrossment by the following vote: Yeas 20, Nays 10.

Yeas: Birdwell, Davis, Deuell, Ellis, Eltife, Estes, Fraser, Garcia, Hinojosa, Lucio, Rodríguez, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Campbell, Duncan, Hancock, Hegar, Huffman, Nelson, Nichols, Patrick, Paxton, Schwertner.

Absent-excused: Carona.

(Senator Eltife in Chair)

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The Presiding Officer announced the time had arrived to consider executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given yesterday by Senator Hegar.

Senator Hegar moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The Presiding Officer asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The following nominees, as reported by the Committee on Nominations, were confirmed by the following vote: Yeas 30, Nays 0.

Absent-excused: Carona.

Presiding Judge, Second Administrative Judicial Region: Olen U. Underwood, Montgomery County.

Public Counsel, Office of Public Insurance Counsel: Deecia Denise Curry Beck, Travis County.

Members, Board of Directors, Sabine River Authority of Texas: Stanley N. Mathews, Orange County; Martha Sharon Newcomer, Orange County; Clifford Ralph Todd, Panola County.

Members, State Employee Charitable Campaign Policy Committee: Amy Susan Baillargeon, Travis County; Gregory Scott Davidson, Lee County; Steven Wroe Jackson, Travis County; Louri Marie O'Leary, Travis County; Diane Black Smith, Williamson County.

Members, Texas Board of Architectural Examiners: Charles H. Anastos, Nueces County; Michael Chad Davis, Lubbock County; William David Edwards, Wise County.

Members, Texas Board of Professional Engineers: Sockalingam Kannappan, Harris County; Sina K. Nejad, Jefferson County; Edward Lee Summers, Travis County; Robert Kyle Womack, Llano County.

Members, Texas Commission on the Arts: Rita Esther Baca, El Paso County; Patricia Ann Bryant, Potter County; David Champion Garza, Cameron County; Mila Beth Gibson, Nolan County; Marsha Wilson Rappaport, Galveston County; Ronald Byron Sanders, Bexar County.

Members, Texas Farm and Ranch Lands Conservation Council: James Cleveland Cathey, Brazos County; Thomas Randolph Kelsey, Harris County; John Edward Zacek, Victoria County.

Member, Board of Directors, Texas Guaranteed Student Loan Corporation: Fernando Trevino, Val Verde County.

Members, Texas Historical Commission: Michael D. Donegan, Rockwall County; August Watkins Harris, Travis County; Robert Kelly Shepard, Parker County.

Members, Texas Industrialized Building Code Council: Roland Lee Brown, Ellis County; Joe D. Campos, Dallas County; Randall Reddin Childers, McLennan County; Steven James Fitzpatrick, Smith County; Edward Earl Martin, Travis County; Scott Alexander McDonald, Randall County; Cecil Mark Remmert, Williamson County; Jesse E. Rider, Smith County; Douglas Owen Robinson, Dallas County; Rolando Romeo Rubiano, Cameron County; William Fletcher Smith, Hays County; Larry E. Wilkinson, Galveston County.

Members, Texas State Board of Examiners of Marriage and Family Therapists: Michael R. Miller, Bell County; Keith Rosenbaum, Johnson County; Jennifer Ruth Smothermon, Taylor County.

SENATE BILL 403 REREFERRED
(Motion In Writing)

Senator Zaffirini submitted a Motion In Writing requesting that **SB 403** be withdrawn from the Committee on Agriculture, Rural Affairs and Homeland Security and rereferred to the Committee on Government Organization.

The Motion In Writing prevailed without objection.

SENATE BILL 1208 REREFERRED
(Motion In Writing)

Senator Zaffirini submitted a Motion In Writing requesting that **SB 1208** be withdrawn from the Committee on Agriculture, Rural Affairs and Homeland Security and rereferred to the Committee on Government Organization.

The Motion In Writing prevailed without objection.

SENATE RULE 11.13 SUSPENDED
(Consideration of Bills in Committees)
(Motion In Writing)

Senator Uresti submitted a Motion In Writing to suspend Senate Rule 11.13 to grant all committees permission to meet while the Senate is meeting tomorrow.

The Motion In Writing prevailed without objection.

NOTICE GIVEN FOR
LOCAL AND UNCONTESTED CALENDAR

Senator Eltife announced that a Local and Uncontested Calendar had been furnished to each Member of the Senate. He then gave notice that the Local and Uncontested Calendar Session would be held at 8:00 a.m. tomorrow and that all bills and resolutions would be considered on second and third reading in the order in which they were listed.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Nichols and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Transportation might meet and consider the following bills today:

SB 854, SB 1350, SB 1488.

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

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

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 12:55 p.m. agreed to adjourn, upon conclusion of the Local and Uncontested Calendar Session, until 10:00 a.m. tomorrow.

CO-AUTHOR OF SENATE BILL 44

On motion of Senator Zaffirini, Senator Uresti will be shown as Co-author of **SB 44**.

CO-AUTHOR OF SENATE BILL 110

On motion of Senator West, Senator Ellis will be shown as Co-author of **SB 110**.

CO-AUTHOR OF SENATE BILL 403

On motion of Senator Zaffirini, Senator Lucio will be shown as Co-author of **SB 403**.

CO-AUTHOR OF SENATE BILL 937

On motion of Senator West, Senator Zaffirini will be shown as Co-author of **SB 937**.

CO-AUTHOR OF SENATE BILL 1531

On motion of Senator Seliger, Senator West will be shown as Co-author of **SB 1531**.

CO-AUTHOR OF SENATE BILL 1536

On motion of Senator Van de Putte, Senator Campbell will be shown as Co-author of **SB 1536**.

CO-SPONSOR OF HOUSE BILL 63

On motion of Senator Zaffirini, Senator Carona will be shown as Co-sponsor of **HB 63**.

CO-SPONSOR OF HOUSE BILL 174

On motion of Senator Zaffirini, Senator Whitmire will be shown as Co-sponsor of **HB 174**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

HCR 85 (Watson), In memory of Officer Jaime Padron of the Austin Police Department.

HCR 91 (Eltife), In memory of U.S. Army Staff Sergeant Chauncy Ryan Mays of Cookville.

Congratulatory Resolutions

SCR 34 by Birdwell, Recognizing the citizens of West.

SR 752 by Garcia, Recognizing the dedication of an Official Texas Historical Marker at Robert E. Lee High School.

SR 753 by Uresti, Recognizing Renee and Patrick Tarlton on the occasion of the birth of their son, Tyler Grigar Tarlton.

HCR 94 (West), Honoring Raleigh K. Roussell for his service to the commercial building industry in Texas.

RECESS

On motion of Senator Whitmire, the Senate at 12:56 p.m. recessed until 8:00 a.m. tomorrow for the Local and Uncontested Calendar Session.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

April 24, 2013

ADMINISTRATION — **CSHB 893**

STATE AFFAIRS — **CSSB 110, CSSB 392, CSSB 1166, CSSB 1459**

GOVERNMENT ORGANIZATION — **HB 2472**

NATURAL RESOURCES — **SB 212**

STATE AFFAIRS — **CSSB 1458, CSSB 1484**

EDUCATION — **SB 925, SB 1308, CSSB 1799**

HIGHER EDUCATION — **SB 1525**

JURISPRUDENCE — **SB 1172**

NATURAL RESOURCES — **SB 434**

BILLS AND RESOLUTIONS ENGROSSED

April 23, 2013

SB 16, SB 209, SB 315, SB 376, SB 418, SB 766, SB 791, SB 984, SB 1031, SB 1034, SB 1044, SB 1080, SB 1309, SB 1364, SB 1379, SB 1386, SB 1387, SB 1419, SB 1532, SB 1605, SB 1655, SB 1668, SB 1679, SB 1747, SB 1845, SB 1846, SB 1847, SJR 1, SJR 42, SJR 55

BILL AND RESOLUTIONS ENROLLED

April 23, 2013

SB 953, SR 553, SR 675, SR 706, SR 744, SR 745, SR 746, SR 747, SR 748, SR 749, SR 750, SR 751

SENT TO GOVERNOR

April 24, 2013

SB 422, SB 510, SB 530, SB 543, SB 847, SB 953

SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FORTY-SIXTH DAY

(Continued)

(Thursday, April 25, 2013)

AFTER RECESS

The Senate met at 8:00 a.m. and was called to order by Senator Eltife.

**SESSION HELD FOR
LOCAL AND UNCONTESTED CALENDAR**

The Presiding Officer announced that the time had arrived to consider bills and resolutions placed on the Local and Uncontested Calendar. Notice of consideration of the local calendar was given by Senator Eltife yesterday.

Pursuant to Senate Rule 9.03(d), the following bills and resolutions were laid before the Senate in the order listed, read second time, amended where applicable, passed to engrossment or third reading, read third time, and passed. The votes on passage to engrossment or third reading, suspension of the Constitutional Three-day Rule, and final passage are indicated after each caption. All Members are deemed to have voted "Yea" on viva voce votes unless otherwise indicated.

("Absent-excused" Carona)

HB 174 (Zaffirini)

Relating to creating American Indian Heritage Day.
(viva voce vote) (30-0) (30-0)

HB 701 (Schwertner)

Relating to the Corn Hill Regional Water Authority; providing authority to impose fees and taxes.
(viva voce vote) (30-0) (30-0)

HB 2035 (Eltife)

Relating to the shared work unemployment compensation program.
(viva voce vote) (30-0) (30-0)

HCR 43 (Eltife)

Authorizing the lieutenant governor and speaker to appoint interim joint committees.
(30-0)

CSSB 27 (Zaffirini)

Relating to the Texas B-On-time student loan program.
(viva voce vote) (30-0) (30-0)

CSSB 94 (Van de Putte)

Relating to civil liability for compelled prostitution and certain promotion of prostitution.

(viva voce vote) (30-0) (30-0)

SB 238 (Van de Putte)

Relating to the awarding of the Texas Legislative Medal of Honor.

(viva voce vote) (30-0) (30-0)

CSSB 316 (Uresti)

Relating to continuing education for pharmacists regarding drug abuse and opioid drugs and an interim study regarding opioid abuse.

(viva voce vote) (30-0) (30-0)

CSSB 357 (Hinojosa)

Relating to the issuance of protective orders for certain sexual, stalking, and trafficking offenses.

(viva voce vote) (30-0) (30-0)

CSSB 591 (Van de Putte)

Relating to procedures for certain audits of pharmacists and pharmacies.

(viva voce vote) (30-0) (30-0)

CSSB 593 (Deuell)

Relating to the authority of a property owners' association to regulate the use of certain lots for residential purposes.

(viva voce vote) (30-0) (30-0)

CSSB 620 (Van de Putte)

Relating to student loan repayment assistance for speech-language pathologists or audiologists employed by a public school or as faculty members of certain programs at public institutions of higher education.

(viva voce vote) (30-0) (30-0)

CSSB 651 (Rodríguez)

Relating to a medical power of attorney.

(viva voce vote) (30-0) (30-0)

CSSB 659 (West)

Relating to compliance with certain requirements of programs administered by the Texas Department of Housing and Community Affairs.

(viva voce vote) (30-0) (30-0)

CSSB 667 (Seliger)

Relating to a study on the feasibility of requiring certain researchers to make research papers available to the public.

(viva voce vote) (30-0) (30-0)

CSSB 872 (Deuell)

Relating to expenditures for indigent health care.

(viva voce vote) (30-0) (30-0)

CSSB 893 (Carona)

Relating to certain conditions of, penalties for violating, and collection of information about protective orders issued in certain family violence, sexual assault or abuse, stalking, or trafficking cases.

(viva voce vote) (30-0) (30-0)

SB 906 (Deuell)

Relating to developmentally appropriate assessment of special education students.

(viva voce vote) (30-0) (30-0)

CSSB 913 (Lucio)

Relating to the reexamination of an applicant for a professional counselor license.

(viva voce vote) (30-0) (30-0)

SB 922 (Birdwell)

Relating to partnerships between the Texas State Technical College System and public junior colleges.

(viva voce vote) (30-0) (30-0)

CSSB 1079 (Duncan)

Relating to the regulation of medical radiologic technology; providing penalties; imposing fees.

(viva voce vote) (30-0) (30-0)

CSSB 1086 (Campbell)

Relating to the authority to regulate certain water and sewage utilities to ensure public safety in and around certain municipalities.

(viva voce vote) (30-0) (30-0)

SB 1095 (Hinojosa)

Relating to fever tick eradication; creating a penalty.

(viva voce vote) (30-0) (30-0)

CSSB 1098 (Hinojosa)

Relating to the creation of the Padre Isles Management District; providing authority to issue bonds.

(viva voce vote) (30-0) (30-0)

CSSB 1106 (Schwertner)

Relating to the use of maximum allowable cost lists under a Medicaid managed care pharmacy benefit plan.

(viva voce vote) (30-0) (30-0)

CSSB 1116 (Zaffirini)

Relating to the creation, administration, powers, duties, functions, operations, and financing of the Crystal Clear Special Utility District; providing authority to issue bonds; granting a limited power of eminent domain.

(viva voce vote) (30-0) (30-0)

SB 1167 (Hegar)

Relating to the creation of a county assistance district.

(viva voce vote) (30-0) (30-0)

CSSB 1221 (Paxton)

Relating to use of a Medicaid-based fee schedule for reimbursement of services under a contract between a health care provider and certain health benefit plans.

(viva voce vote) (30-0) (30-0)

CSSB 1234 (Whitmire)

Relating to the prevention of truancy and the offense of failure to attend school.

(viva voce vote) (27-3) "Nays" Hancock, Nelson, Paxton (27-3) "Nays" Hancock, Nelson, Paxton

(Senator Hancock in Chair)**SB 1240** (Duncan)

Relating to the partition of mineral interests of a charitable trust.

(viva voce vote) (30-0) (30-0)

CSSB 1268 (Lucio)

Relating to recreational vehicles and recreational vehicle parks.

(viva voce vote) (30-0) (30-0)

CSSB 1312 (Schwertner)

Relating to the regulation and practice of veterinary medicine; authorizing a fee.

(viva voce vote) (30-0) (30-0)

SB 1402 (Carona)

Relating to access to records and certain information in those records regarding a child placed for adoption.

(viva voce vote) (30-0) (30-0)

SB 1415 (Deuell)

Relating to notice of termination by suppliers of certain dealer agreements governed by the Fair Practices of Equipment Manufacturers, Distributors, Wholesalers, and Dealers Act.

(viva voce vote) (30-0) (30-0)

SB 1460 (Lucio)

Relating to appointment of a bailiff to serve the 105th District Court.

(viva voce vote) (30-0) (30-0)

CSSB 1461 (Carona)

Relating to addition of certain municipalities to the territory of a regional transportation authority.

(viva voce vote) (30-0) (30-0)

SB 1473 (Deuell)

Relating to the chief executive officer of the Hopkins County Hospital District and to the delegation of certain authority by the district's board of directors to the chief executive officer.

(viva voce vote) (30-0) (30-0)

CSSB 1489 (Watson)

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

(viva voce vote) (30-0) (30-0)

SB 1509 (Seliger)

Relating to college readiness and success.

(viva voce vote) (30-0) (30-0)

CSSB 1510 (Hinojosa)

Relating to the public notice required to be provided by certain taxing units before adopting an ad valorem tax rate.

(viva voce vote) (30-0) (30-0)

CSSB 1553 (Lucio)

Relating to the Homes for Texas Heroes home loan program.

(viva voce vote) (30-0) (30-0)

CSSB 1556 (Seliger)

Relating to the establishment of the School Safety Task Force and school safety security criteria.

(viva voce vote) (30-0) (30-0)

CSSB 1596 (Zaffirini)

Relating to the annexation by a municipality of territory of an emergency services district.

(viva voce vote) (30-0) (30-0)

SB 1599 (Zaffirini)

Relating to county and municipal land development regulation.

(viva voce vote) (30-0) (30-0)

SB 1601 (Zaffirini)

Relating to the creation of the Central Laredo Municipal Management District; providing authority to impose a tax, levy an assessment, impose a fee, and issue bonds.

(viva voce vote) (30-0) (30-0)

SB 1610 (Schwertner)

Relating to the notification of individuals following a breach of security of computerized data.

(viva voce vote) (30-0) (30-0)

SB 1612 (Zaffirini)

Relating to the authority of certain municipalities to provide water and sewer service to areas within the municipal boundaries without obtaining a certificate of public convenience and necessity.

(viva voce vote) (30-0) (30-0)

SB 1620 (Paxton)

Relating to certified Communication Access Realtime Translation providers.

(viva voce vote) (30-0) (30-0)

(Senator Garcia in Chair)

CSSB 1630 (West)

Relating to the protection of defendants against vexatious litigants.

(viva voce vote) (30-0) (30-0)

CSSB 1636 (Deuell)

Relating to the facilitation and operation of space flight activities in this state.
(viva voce vote) (30-0) (30-0)

SB 1640 (Deuell)

Relating to the allocation of enterprise project designations during a biennium.
(viva voce vote) (30-0) (30-0)

CSSB 1658 (Paxton)

Relating to the effect of certain state aid on school districts required to take action to equalize wealth under the school finance system.
(viva voce vote) (30-0) (30-0)

CSSB 1741 (Zaffirini)

Relating to training for and complaints regarding members of the governing board of a public institution of higher education.
(viva voce vote) (30-0) (30-0)

CSSB 1771 (Campbell)

Relating to the expansion of the boundaries of the Cibolo Creek Municipal Authority.
(viva voce vote) (30-0) (30-0)

SB 1820 (Hegar)

Relating to the creation of Waller County Improvement District No. 1; providing authority to impose an assessment, impose a tax, and issue bonds.
(viva voce vote) (30-0) (30-0)

SB 1821 (Hegar)

Relating to the creation of Waller County Improvement District No. 2; providing authority to impose an assessment, impose a tax, and issue bonds.
(viva voce vote) (30-0) (30-0)

CSSB 1828 (Deuell)

Relating to the creation of Mesquite Medical Center Management District; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.
(viva voce vote) (30-0) (30-0)

SB 1837 (Hancock)

Relating to the appointment of directors for the Viridian Municipal Management District.
(viva voce vote) (30-0) (30-0)

SB 1838 (Zaffirini)

Relating to the creation of the Cotton Center Municipal Utility District No. 2 of Caldwell County; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.
(viva voce vote) (30-0) (30-0)

CSSB 1839 (Whitmire)

Relating to the detention of certain juvenile offenders.
(viva voce vote) (30-0) (30-0)

CSSB 1840 (Nichols)

Relating to the creation of the Deep East Texas Groundwater Conservation District; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

(viva voce vote) (30-0) (30-0)

SB 1841 (Taylor)

Relating to the creation of the Harris County Water Control and Improvement District No. 161; granting the power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

(viva voce vote) (30-0) (30-0)

SB 1852 (Paxton)

Relating to the powers and duties of the Collin County Water Control and Improvement District No. 3; providing authority to issue bonds.

(viva voce vote) (30-0) (30-0)

SB 1855 (Eltife)

Relating to the Texarkana College District.

(viva voce vote) (30-0) (30-0)

SCR 26 (Hinojosa)

Designating November as COPD Awareness Month for a 10-year period beginning in 2013, and directing the Texas Department of State Health Services to include COPD as a chronic health condition in their public awareness and educational efforts.

(30-0)

**BILLS REMOVED FROM
LOCAL AND UNCONTESTED CALENDAR**

Senator Carona and Senator Eltife requested in writing that **SB 693** be removed from the Local and Uncontested Calendar.

Senator Uresti and Senator Eltife requested in writing that **SB 773** be removed from the Local and Uncontested Calendar.

Senator Schwertner and Senator Eltife requested in writing that **SB 1233** be removed from the Local and Uncontested Calendar.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 8:30 a.m. adjourned until 10:00 a.m. today

SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FORTY-SEVENTH DAY

(Thursday, April 25, 2013)

The Senate met at 10:12 a.m. pursuant to adjournment and was called to order by the President.

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

Absent-excused: Carona, West.

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

Pastor Ken Hicks, Heights Community Church, San Antonio, was introduced by Senator Campbell and offered the invocation as follows:

Our most gracious and loving heavenly Father, we come to You this morning humbled as we live in an incredible nation with freedom to come before You in prayer as we begin this meeting of the Senate. God, events in our nation within the last week have reminded us both individually and as a nation how blessed we are, and our prayer this morning is that You would continue to guide our individual lives, which overflows into our careers and overflows into our nation, and we thank You for the many ways we have seen so many Texans this last week serve as Your hands and feet. This morning, Father, I ask that Your presence reside amongst our time together, that You light a path for these 31 leaders and their families that represent our entire state, and special prayers for Mr. Dewhurst as he leads this team to make decisions for our state as we endeavor to remain one nation under God. Thank You in advance for hearing our prayer. In the precious name of Your son, Jesus. Amen.

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

The motion prevailed without objection.

LEAVES OF ABSENCE

On motion of Senator Whitmire, Senator Carona was granted leave of absence for today on account of important business.

On motion of Senator Whitmire, Senator West was granted leave of absence for today on account of important business.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

April 24, 2013
Austin, Texas

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

On April 11, 2013, I submitted the name of Annette P. Raggette for appointment to the Texas Board of Criminal Justice for a term to expire February 1, 2019.

I hereby withdraw her nomination and request that the Senate return the appointment to me.

Respectfully submitted,
/s/Rick Perry
Governor

PHYSICIANS OF THE DAY

Senator Schwertner was recognized and presented Dr. Alfred Wettermark III of Cedar Park as the Physician of the Day.

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

Senator Taylor was recognized and presented Dr. Presley Joe Mock, Jr., of La Porte as the Physician of the Day.

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

GUESTS PRESENTED

Senator Nichols was recognized and introduced to the Senate a San Jacinto County delegation.

The Senate welcomed its guests.

GUEST PRESENTED

Senator Ellis was recognized and introduced to the Senate Adeline Hinderer, Trade Counsellor for the European Union Delegation in Washington, D.C.

The Senate welcomed its guest.

GUESTS PRESENTED

Senator Taylor was recognized and introduced to the Senate the Leadership Friendswood class.

The Senate welcomed its guests.

SENATE CONCURRENT RESOLUTION 34

The President laid before the Senate the following resolution:

WHEREAS, The Legislature of the State of Texas is proud to pay tribute to the citizens of West for the exceptional community spirit and resolve they have shown in responding to the recent disaster; and

WHEREAS, On April 17, 2013, the McLennan County community of West was devastated by a massive explosion and fire at the West Fertilizer Company; and

WHEREAS, West is a close-knit, historic community of some 2,800 residents; known as the Czech Heritage Capital of Texas and famous for its kolaches, the town has for more than 130 years demonstrated the confident, positive outlook that has allowed its citizens to withstand this terrible tragedy with courage and strength, and their extraordinary spirit of communal goodwill has served as an inspiration to people everywhere; and

WHEREAS, Even before the last reverberations of the blast had faded, the people of West were converging on the area to provide assistance and comfort to their fellow citizens; those who had lost everything they owned set aside their own needs to join the first responders as they rushed toward the scene of the disaster; and

WHEREAS, People from around the world have offered condolences and support to the citizens of West as they deal with the aftermath of this tragedy; and

WHEREAS, The people of West have demonstrated true Texas spirit as they have pulled together to offer one another support and aid, and it is truly fitting that they be recognized for their determination and fortitude in the face of unfathomable loss; now, therefore, be it

RESOLVED, That the 83rd Legislature of the State of Texas hereby commend the citizens of West on their courage and resilience of spirit and extend to them sincere sympathy on their loss and heartfelt wishes for recovery and healing after this tragic event; and, be it further

RESOLVED, That a copy of this resolution be prepared in honor of the citizens of West and as an expression of admiration and esteem from the Texas Legislature.

BIRDWELL

SCR 34 was again read.

The resolution was previously adopted on Wednesday, April 24, 2013.

SENATE RESOLUTION 755

Senator Lucio offered the following resolution:

SR 755, Recognizing April 25, 2013, as Texas Meningitis Awareness Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate Jamie Schanbaum; her mother, Patsy Schanbaum; Greg Williams; Tammy Futterman; and Maureen Moore.

The Senate welcomed its guests.

MESSAGE FROM THE HOUSE**HOUSE CHAMBER**

Austin, Texas

Thursday, April 25, 2013 - 1

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 166 McClendon

Relating to the creation of a commission to investigate convictions after exoneration and to prevent wrongful convictions.

HB 432 Riddle

Relating to charitable contributions by state employees to assist domestic victims of human trafficking.

HB 502 Hernandez Luna

Relating to the practice of dentistry.

HB 511 Murphy

Relating to the registration of token trailers.

HB 740 Crownover

Relating to newborn screening for critical congenital heart disease and other disorders.

HB 833 Giddings

Relating to certain procedures regarding an application for a writ of habeas corpus filed in a noncapital felony case.

HB 1029 Bonnen, Greg

Relating to a home loan program operated by the Texas State Affordable Housing Corporation.

HB 1160 Geren

Relating to the transfer of a certificate of convenience and necessity in certain municipalities.

HB 1284 Johnson

Relating to the offense of making or causing a false alarm or report involving a public or private institution of higher education.

HB 1972 Kleinschmidt

Relating to the provision of 9-1-1 services; providing criminal penalties.

HB 2051 Villalba

Relating to the authority of public institutions of higher education to make certain investments to support technology commercialization.

HB 2197

Anchia

Relating to the continuation and functions of the Texas Lottery Commission; providing penalties; imposing and changing fees.

HB 2720

Ritter

Relating to the applicability of the law governing emergency authorizations by the Texas Commission on Environmental Quality for the use of state water to certain emergency orders concerning water rights issued by the executive director of the commission.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE RESOLUTION 741

Senator Campbell offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize April 25, 2013, as Pay It Forward Day and to honor Jaxon Reese Davis of Bexar County as the third inductee into the Pay It Forward Hall of Fame; and

WHEREAS, Pay It Forward Day was established by Catherine Ryan Hyde, who wrote the book *Pay It Forward*, and it promotes the power and positive energy of giving; and

WHEREAS, One of the most striking examples of this concept was five-year-old Jaxon Davis, who tragically passed away from the effects of brain cancer and whose family formed a charity that benefits children who are suffering from cancer; and

WHEREAS, Jaxon himself was a driving force behind the idea of raising funds to buy items for other children in his cancer clinic; he raised \$1,200 on his own by selling bracelets and was so successful and so enthusiastic about being able to help others that the family continued raising funds, and Team Jaxon has, to date, given more than \$10,000 to childhood cancer research and donated an additional \$10,000 worth of toys to treatment facilities throughout Texas; and

WHEREAS, For his heartwarming generosity, Jaxon was named as the third inductee into the Pay It Forward Hall of Fame; the memory of this incredible young boy continues to inspire his family and friends, and his Team Jaxon has touched the lives of thousands of strangers; his sense of compassion and altruism embody the essence of Pay It Forward Day; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby commemorate the life of young Jaxon Reese Davis and recognize April 25, 2013, as Pay It Forward Day; and, be it further

RESOLVED, That a copy of this Resolution be prepared by the Texas Senate in honor of Jaxon Davis and Pay It Forward Day.

SR 741 was again read.

The resolution was previously adopted on Monday, April 22, 2013.

GUESTS PRESENTED

Senator Campbell was recognized and introduced to the Senate Lenzie and Cory Davis, parents of Jaxon Reese Davis.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Nichols was recognized and introduced to the Senate delegations from Shelby County and San Augustine County.

The Senate welcomed its guests.

**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.

NOMINATION RETURNED

On motion of Senator Hegar and by unanimous consent, the Senate agreed to grant the request of the Governor to return the following nomination:

Member, Texas Board of Criminal Justice: Annette P. Raggette, Williamson County.

CONCLUSION OF MORNING CALL

The President at 10:46 a.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE
SENATE BILL 1609 ON SECOND READING**

On motion of Senator Schwertner 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 training of employees of certain covered 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: Carona, West.

**COMMITTEE SUBSTITUTE
SENATE BILL 1609 ON THIRD READING**

Senator Schwertner 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 0.

Absent-excused: Carona, West.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1432 ON SECOND READING**

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1432** at this time on its second reading:

CSSB 1432, Relating to the punishment for violating certain rules or permit terms under a permit to trap, transport, and transplant certain animals.

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: Carona, West.

**COMMITTEE SUBSTITUTE
SENATE BILL 1432 ON THIRD READING**

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1432** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Carona, West.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate Alberto Kreimerman, owner of Hermes Music Stores, accompanied by family and friends.

The Senate welcomed its guests.

RESOLUTIONS SIGNED

The President announced the signing of the following enrolled resolutions in the presence of the Senate: **HCR 85, HCR 91, HCR 94.**

**COMMITTEE SUBSTITUTE
SENATE BILL 1046 ON SECOND READING**

On motion of Senator Rodríguez and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1046** at this time on its second reading:

CSSB 1046, Relating to the authority of certain municipalities and counties to regulate subdivisions in the exterritorial jurisdiction of a municipality by agreement.

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: Carona, West.

**COMMITTEE SUBSTITUTE
SENATE BILL 1046 ON THIRD READING**

Senator Rodríguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1046** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Carona, West.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1508 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 1508** at this time on its second reading:

CSSB 1508, Relating to the rendition of certain property for ad valorem tax purposes.

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: Carona, West.

**COMMITTEE SUBSTITUTE
SENATE BILL 1508 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 1508** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Carona, West.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

LEAVE OF ABSENCE

On motion of Senator Whitmire, Senator Birdwell was granted leave of absence for the remainder of the day on account of important business.

COMMITTEE SUBSTITUTE
SENATE BILL 1643 ON SECOND READING

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1643** at this time on its second reading:

CSSB 1643, Relating to the monitoring of prescriptions for certain controlled substances; providing penalties.

The bill was read second time.

Senator Williams offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1643** (Senate Committee Printing) as follows:

(1) In SECTION 1 of the bill, strike added Section 481.002(54), Health and Safety Code (page 1, lines 33 through 40), and substitute the following:

(54) "Health information exchange" means an organization that:

(A) assists in the transmission or receipt of health-related information among organizations transmitting or receiving the information according to nationally recognized standards and under an express written agreement;

(B) as a primary business function, compiles or organizes health-related information that is designed to be securely transmitted by the organization among physicians, health care providers, or entities within a region, state, community, or hospital system; or

(C) assists in the transmission or receipt of electronic health-related information among physicians, health care providers, or entities within:

(i) a hospital system;

(ii) a physician organization;

(iii) a health care collaborative, as defined by Section 848.001,

Insurance Code;

(iv) an accountable care organization participating in the Pioneer Model under the initiative by the Innovation Center of the Centers for Medicare and Medicaid Services; or

(v) an accountable care organization participating in the Medicare Shared Savings Program under 42 U.S.C. Section 1395jjj.

(2) In the recital to SECTION 3 (page 2, line 39), between "Subsections (a)" and "and (e)", strike ", (d),".

(3) In SECTION 3 of the bill, in added Section 481.076(a-1), Health and Safety Code (page 3, line 3), between "exchange" and the underlined period, insert ", subject to proper security measures to ensure against disclosure to unauthorized persons".

(4) In SECTION 3 of the bill, strike amended Section 481.076(d), Health and Safety Code (page 3, lines 4 through 18).

(5) In SECTION 5 of the bill, in added Section 481.352(3), Health and Safety Code (page 3, line 48), after the underlined semicolon, strike "and".

(6) In SECTION 5 of the bill, in added Section 481.352(4), Health and Safety Code (page 3, line 50), between "designee" and the underlined period, insert the following:

; and

(5) the executive director of the Texas Board of Nursing or the executive director's designee

The amendment to **CSSB 1643** 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: Birdwell, Carona, West.

Senator Van de Putte offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1643** (Senate Committee Printing) as follows:

(1) In the recital to SECTION 1 of the bill (page 1, line 25), strike "Subdivision (32)" and substitute "Subdivisions (20) and (32)".

(2) In SECTION 1 of the bill, between the recital and amended Section 481.002(32), Health and Safety Code (page 1, between lines 26 and 27), insert the following:

(20) "Hospital" means:

(A) a general or special hospital as defined by Section 241.003 [~~Texas Hospital Licensing Law~~]; [~~or~~]

(B) an ambulatory surgical center licensed under Chapter 243 [~~by the Texas Department of Health~~] and approved by the federal government to perform surgery paid by Medicaid on patients admitted for a period of not more than 24 hours;

or

(C) a freestanding emergency medical care facility licensed under Chapter 254.

The amendment to **CSSB 1643** 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: Birdwell, Carona, West.

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

CSSB 1643 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: Birdwell, Carona, West.

**COMMITTEE SUBSTITUTE
SENATE BILL 1643 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 **CSSB 1643** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Thursday, April 25, 2013 - 2

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

SCR 34 Birdwell Sponsor: Kacal
Recognizing the citizens of West.

Respectfully,
/s/Robert Haney, Chief Clerk
House of Representatives

**COMMITTEE SUBSTITUTE
SENATE BILL 929 ON SECOND READING**

Senator Paxton moved to suspend the regular order of business to take up for consideration **CSSB 929** at this time on its second reading:

CSSB 929, Relating to equal opportunity for access by home-schooled students to University Interscholastic League-sponsored activities; authorizing a fee.

The motion prevailed.

Senators Garcia, Rodríguez, Schwertner, Seliger, Uresti, Watson, 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: Garcia, Rodríguez, Schwertner, Seliger, Uresti, Watson, Zaffirini.

Absent-excused: Birdwell, Carona, West.

**COMMITTEE SUBSTITUTE
SENATE BILL 929 ON THIRD READING**

Senator Paxton moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 929** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 23, Nays 5.

Yeas: Campbell, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Garcia, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Patrick, Paxton, Taylor, Van de Putte, Watson, Whitmire, Williams.

Nays: Rodríguez, Schwertner, Seliger, Uresti, Zaffirini.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 21, Nays 7.

Yeas: Campbell, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Patrick, Paxton, Taylor, Van de Putte, Whitmire, Williams.

Nays: Garcia, Rodríguez, Schwertner, Seliger, Uresti, Watson, Zaffirini.

Absent-excused: Birdwell, Carona, West.

**COMMITTEE SUBSTITUTE
SENATE BILL 592 ON SECOND READING**

Senator Ellis moved to suspend the regular order of business to take up for consideration **CSSB 592** at this time on its second reading:

CSSB 592, Relating to the representation of indigent defendants in criminal cases.

The motion prevailed.

Senator Hancock 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: Hancock.

Absent-excused: Birdwell, Carona, West.

**COMMITTEE SUBSTITUTE
SENATE BILL 592 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 592** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Hancock.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 1. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1589 ON SECOND READING**

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **CSSB 1589** at this time on its second reading:

CSSB 1589, Relating to assistance and education regarding personal finance for certain children in foster care.

The motion prevailed.

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

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

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

Nays: Campbell, Schwertner.

Absent-excused: Birdwell, Carona, West.

**COMMITTEE SUBSTITUTE
SENATE BILL 1589 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 **CSSB 1589** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 2.

Yeas: Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Garcia, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Patrick, Paxton, Rodríguez, Seliger, Taylor, Uresti, Van de Putte, Watson, Whitmire, Williams, Zaffirini.

Nays: Campbell, Schwertner.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 2. (Same as previous roll call)

SENATE BILL 780 ON THIRD READING

Senator Hinojosa moved to suspend the regular order of business to take up for consideration **SB 780** at this time on its third reading and final passage:

SB 780, Relating to the prioritization of certain available legal defense services when appointing representation for an indigent defendant in a criminal case.

The motion prevailed by the following vote: Yeas 20, Nays 8.

Yeas: Campbell, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Garcia, Hegar, Hinojosa, Lucio, Patrick, Rodríguez, Seliger, Uresti, Van de Putte, Watson, Whitmire, Zaffirini.

Nays: Hancock, Huffman, Nelson, Nichols, Paxton, Schwertner, Taylor, Williams.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 17, Nays 11.

Yeas: Campbell, Davis, Deuell, Duncan, Ellis, Eltife, Garcia, Hegar, Hinojosa, Lucio, Rodríguez, Seliger, Uresti, Van de Putte, Watson, Whitmire, Zaffirini.

Nays: Estes, Fraser, Hancock, Huffman, Nelson, Nichols, Patrick, Paxton, Schwertner, Taylor, Williams.

Absent-excused: Birdwell, Carona, West.

(Senator Eltife in Chair)

SENATE BILL 1133 ON SECOND READING

On motion of Senator Rodríguez and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1133** at this time on its second reading:

SB 1133, Relating to contributions to certain fire and police pension funds.

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: Birdwell, Carona, West.

SENATE BILL 1133 ON THIRD READING

Senator Rodríguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1133** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 878 ON SECOND READING**

On motion of Senator Patrick and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 878** at this time on its second reading:

CSSB 878, Relating to the disposition of proceeds and property from criminal asset forfeiture.

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: Birdwell, Carona, West.

**COMMITTEE SUBSTITUTE
SENATE BILL 878 ON THIRD READING**

Senator Patrick moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 878** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1189 ON SECOND READING**

On motion of Senator Huffman and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1189** at this time on its second reading:

CSSB 1189, Relating to the disposition of certain firearms seized by a law enforcement agency.

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: Birdwell, Carona, West.

**COMMITTEE SUBSTITUTE
SENATE BILL 1189 ON THIRD READING**

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1189** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1368 ON SECOND READING**

Senator Davis moved to suspend the regular order of business to take up for consideration **CSSB 1368** at this time on its second reading:

CSSB 1368, Relating to contracts by certain state governmental entities that involve the exchange or creation of public information.

The motion prevailed.

Senators Campbell, Nichols, Schwertner, and Uresti asked to be recorded as voting "Nay" on suspension of the regular order of business.

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

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

Nays: Campbell, Nichols, Schwertner, Uresti.

Absent-excused: Birdwell, Carona, West.

**COMMITTEE SUBSTITUTE
SENATE BILL 1368 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 1368** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 4.

Yeas: Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Garcia, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nelson, Patrick, Paxton, Rodríguez, Seliger, Taylor, Van de Putte, Watson, Whitmire, Williams, Zaffirini.

Nays: Campbell, Nichols, Schwertner, Uresti.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 4. (Same as previous roll call)

SENATE BILL 1854 ON SECOND READING

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1854** at this time on its second reading:

SB 1854, Relating to certain project powers and duties of the Fort Bend County Levee Improvement District No. 7; providing authority to impose a tax and issue bonds.

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: Birdwell, Carona, West.

SENATE BILL 1854 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 **SB 1854** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

COMMITTEE SUBSTITUTE

SENATE BILL 1598 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1598** at this time on its second reading:

CSSB 1598, Relating to the authority of the chief appraiser of an appraisal district or a representative of the chief appraiser to photograph the premises of a business, trade, or profession for ad valorem tax appraisal purposes.

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: Birdwell, Carona, West.

COMMITTEE SUBSTITUTE

SENATE BILL 1598 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 **CSSB 1598** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

COMMITTEE SUBSTITUTE
SENATE BILL 835 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 835** at this time on its second reading:

CSSB 835, Relating to the application of the limit on appraised value of a residence homestead for ad valorem tax purposes to an improvement that is a replacement structure for a structure that was rendered uninhabitable or unusable by a casualty or by wind or water damage.

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: Birdwell, Carona, West.

COMMITTEE SUBSTITUTE
SENATE BILL 835 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 835** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

COMMITTEE SUBSTITUTE
SENATE BILL 1158 ON THIRD READING

Senator Van de Putte moved to suspend the regular order of business to take up for consideration **CSSB 1158** at this time on its third reading and final passage:

CSSB 1158, Relating to higher education for veterans and their families.

The motion prevailed by the following vote: Yeas 19, Nays 9.

Yeas: Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Garcia, Hinojosa, Lucio, Rodríguez, Seliger, Taylor, Uresti, Van de Putte, Watson, Whitmire, Williams, Zaffirini.

Nays: Campbell, Hancock, Hegar, Huffman, Nelson, Nichols, Patrick, Paxton, Schwertner.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 19, Nays 9. (Same as previous roll call)

SENATE BILL 853 ON SECOND READING

On motion of Senator Taylor and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 853** at this time on its second reading:

SB 853, Relating to notice of a premium increase for certain health insurance policies.

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: Birdwell, Carona, West.

SENATE BILL 853 ON THIRD READING

Senator Taylor moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 853** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1757 ON SECOND READING**

On motion of Senator Uresti and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1757** at this time on its second reading:

CSSB 1757, Relating to the manufacture, sale, distribution, purchase, or possession of a license plate flipper; creating an offense.

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: Birdwell, Carona, West.

**COMMITTEE SUBSTITUTE
SENATE BILL 1757 ON THIRD READING**

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1757** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1585 ON SECOND READING**

On motion of Senator Rodríguez and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1585** at this time on its second reading:

CSSB 1585, Relating to the authority of certain counties to impose a county hotel occupancy tax.

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: Birdwell, Carona, West.

**COMMITTEE SUBSTITUTE
SENATE BILL 1585 ON THIRD READING**

Senator Rodríguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1585** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1176 ON SECOND READING**

Senator Deuell moved to suspend the regular order of business to take up for consideration **CSSB 1176** at this time on its second reading:

CSSB 1176, Relating to the regulation of medical waste.

The motion prevailed.

Senator Campbell asked to be recorded as "Present-not voting" on suspension of the regular order of business.

The bill was read second time.

Senator Deuell offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1176** (senate committee report) as follows:

(1) In SECTION 2 of the bill, in the heading to added Section 361.0905, Health and Safety Code (page 1, line 38), strike "MANAGEMENT".

(2) In SECTION 2 of the bill, in added Section 361.0905(a), Health and Safety Code (page 1, line 40), strike "management" and substitute "regulation of the handling, transportation, storage, and disposal".

(3) In SECTION 2 of the bill, in added Section 361.0905(b), Health and Safety Code (page 1, line 42), strike "or registration" and substitute ", registration, or other authorization".

(4) In SECTION 2 of the bill, in added Section 361.0905(b), Health and Safety Code (page 1, line 43), strike "collection, treatment" and substitute "handling".

(5) In SECTION 2 of the bill, in added Section 361.0905(c), Health and Safety Code (page 1, line 46), strike "management" and substitute "regulation".

(6) In SECTION 2 of the bill, in added Section 361.0905(d), Health and Safety Code (page 1, line 49), strike "management" and substitute "regulation".

(7) In SECTION 2 of the bill, in added Section 361.0905(e), Health and Safety Code (page 1, line 53), strike "municipal solid waste" and substitute "the operation of municipal solid waste storage and processing units".

(8) In SECTION 2 of the bill, in added Section 361.0905(e)(20), Health and Safety Code (page 2, line 35), after the semicolon, add "and".

(9) In SECTION 2 of the bill, in added Section 361.0905(e)(21), Health and Safety Code (page 2, line 37), strike "; and" and substitute an underlined period.

(10) In SECTION 2 of the bill, strike Section 361.0905(e)(22), Health and Safety Code (page 2, lines 38 through 43).

(11) In SECTION 2 of the bill, strike added Section 361.0905(f), Health and Safety Code (page 2, lines 44 through 50), and substitute the following:

(f) In a facility that handles medical waste, processing equipment and transfer activities shall be located not less than 25 feet from the facility boundary. A medical waste storage unit is not subject to this subsection, provided that medical waste contained in transport vehicles is refrigerated below 45 degrees if the waste is in the vehicle longer than 72 hours. The commission may adopt alternatives to the requirements of this subsection for permitted, registered, or otherwise authorized medical waste processing facilities.

(12) In SECTION 2 of the bill, strike added Section 361.0905(h), Health and Safety Code (page 2, lines 58 through 62), and substitute the following:

(h) The commission by rule shall exempt from notice and public comment requirements certain modifications to a permit, registration, or other authorization for a facility that handles medical waste, including modifications relating to operating hours and other minor modifications, as determined by the commission.

(13) Strike SECTION 5 of the bill (page 3, lines 7 through 10) and substitute the following:

SECTION 5. A facility that has a permit, registration, or other authorization that allows the handling of medical waste is not required to comply with the changes in law made by this Act until rules adopted by the Texas Commission on Environmental Quality to implement the changes in law made by this Act take effect.

The amendment to **CSSB 1176** 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:

Present-not voting: Campbell.

Absent-excused: Birdwell, Carona, West.

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

CSSB 1176 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:

Present-not voting: Campbell.

Absent-excused: Birdwell, Carona, West.

**COMMITTEE SUBSTITUTE
SENATE BILL 1176 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 1176** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0, Present-not voting 1.

Present-not voting: Campbell.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0, Present-not voting 1. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1882 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1882** at this time on its second reading:

CSSB 1882, Relating to information for legislative purposes requested under the Public Information Act.

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: Birdwell, Carona, West.

**COMMITTEE SUBSTITUTE
SENATE BILL 1882 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 **CSSB 1882** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

REMARKS ORDERED PRINTED

On motion of Senator Van de Putte and by unanimous consent, the remarks by Senator Zaffirini regarding **CSSB 1882** were ordered reduced to writing and printed in the *Senate Journal* as follows:

The Texas Public Information Act clearly grants legislators greater access to information from a governmental body for legislative purposes. Occasionally, however, there has been confusion regarding the scope of information accessible to legislators and whether the 10-day time frame clearly applicable to private citizen requests also applies to a legislator's request. As filed, SB 1882 would have ensured that confidential information, including attorney work product and attorney-client privileged communications, are required to be disclosed by a governmental body to a legislator requestor under the Public Information Act. Testimony from the Attorney General's Office; Buck Wood, an author of the Texas Public Information Act; and other experts, however, confirm that legislators have the right to access all confidential information from state agencies, including those types specified in the introduced bill. To avoid the risk of anyone arguing that this right didn't exist before or that any type of information not specifically listed would not be included in the future, our committee substitute omitted that section. Generally then, the Committee Substitute for SB 1882 which is before us would clarify that the 10-day time frame for providing information found in other parts of the Public Information Act also applies to a legislator's request. It also would provide that upon the request of the legislator, information must be submitted as it is available and not held until all information is available for release.

COMMITTEE SUBSTITUTE SENATE BILL 1192 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 1192** at this time on its second reading:

CSSB 1192, Relating to the rights of certain victims of sexual assault.

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: Birdwell, Carona, West.

**COMMITTEE SUBSTITUTE
SENATE BILL 1192 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 1192** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1403 ON SECOND READING**

Senator Patrick moved to suspend the regular order of business to take up for consideration **CSSB 1403** at this time on its second reading:

CSSB 1403, Relating to public school teachers.

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.

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1403** (senate committee printing) as follows:

(1) In SECTION 2 of the bill, strike added Section 21.0441(a)(2), Education Code (page 2, lines 35-49) and substitute the following:

(2) if the person is seeking initial certification:

(A) has successfully completed at least:

(i) 15 semester credit hours in the subject-specific content area in which the person is seeking certification, if the person is seeking certification to teach mathematics or science at or above grade level seven; or

(ii) 12 semester credit hours in the subject-specific content area in which the person is seeking certification, if the person is not seeking certification to teach mathematics or science at or above grade level seven; or

(B) has achieved a satisfactory level of performance on a content certification examination, which may be a content certification examination administered by a vendor approved by the commissioner for purposes of administering such an examination for the year for which the person is applying for admission to the program.

(2) In SECTION 2 of the bill, strike added Section 21.0441(c), Education Code (page 2, line 63, through page 3, line 2).

The amendment to **CSSB 1403** 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: Birdwell, Carona, West.

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1403** (senate committee printing) as follows:

(1) In SECTION 5 of the bill, strike amended Section 21.352(c), Education Code (page 4, lines 1-17), and substitute the following:

(c) Except as otherwise provided by this subsection, appraisal must be done at least once during each school year. A teacher may be appraised less frequently if the teacher agrees in writing and the teacher's most recent evaluation rated the teacher as at least proficient, or the equivalent, and did not identify any area of deficiency. A teacher who is appraised less frequently than annually must be appraised at least once during each period of five school years. The district shall maintain a written copy of the evaluation of each teacher's performance in the teacher's personnel file. Each teacher is entitled to receive a written copy of the evaluation promptly on its completion. After receiving a written copy of the evaluation, a teacher is entitled to a second appraisal by a different appraiser or to submit a written rebuttal to the evaluation to be attached to the evaluation in the teacher's personnel file. The evaluation and any rebuttal may be given to another school district at which the teacher has applied for employment at the request of that district.

(2) In SECTION 5 of the bill, in added Section 21.352(c-1), Education Code (page 4, lines 18 and 19), strike "annual appraisal" and substitute "appraisal as frequently as required by Subsection (c)".

The amendment to **CSSB 1403** 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: Birdwell, Carona, West.

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 1403** (senate committee printing) by striking SECTION 10 of the bill (page 5, line 69, through page 6, line 6) and substituting the following appropriately numbered SECTION:

SECTION _____. Not later than September 1, 2014, the Texas Education Agency, the State Board for Educator Certification, and the Texas Higher Education Coordinating Board shall jointly review existing standards for preparation and admission that are applicable to educator preparation programs, including stakeholder input in the review and development of those standards, and develop and implement modifications necessary to reflect updated standards for the teaching profession.

The amendment to **CSSB 1403** 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: Birdwell, Carona, West.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 1403** (senate committee printing) as follows:

(1) Strike SECTION 4 of the bill, amending Section 21.351, Education Code (page 3, lines 15-56).

(2) In SECTION 5 of the bill, in the introductory language (page 3, line 58), strike "Subsections (a) and (c)" and substitute "Subsection (c)".

(3) In SECTION 5 of the bill, strike amended Section 21.352(a), Education Code (page 3, lines 60-69).

(4) Renumber SECTIONS of the bill accordingly.

The amendment to **CSSB 1403** 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: Birdwell, Carona, West.

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

CSSB 1403 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: Birdwell, Carona, West.

**COMMITTEE SUBSTITUTE
SENATE BILL 1403 ON THIRD READING**

Senator Patrick moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1403** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

REMARKS ORDERED PRINTED

On motion of Senator Davis and by unanimous consent, the remarks regarding **CSSB 1403** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Presiding Officer: Senator Patrick's recognized for a motion to suspend the regular order of business, Committee Substitute SB 1403.

Senator Patrick: Thank you, Mr. President and Members. Members, this is a bill that we had been working, once again, as a team on, the bipartisan fashion. I appreciate Senator Davis' input on this and Senator Watson and Members, all the Members of the Committee. This bill is our teacher quality bill. It will increase standards of educator preparation programs, provide a broad framework for teacher evaluations, provide a review of professional development programs to ensure effective career development of teachers, allow for more latitude, create a robust teacher mentor program, and give teachers the opportunity to offer feedback regarding their working conditions. The intent of this bill is to help teachers be successful in their positions. I want to thank Senator Seliger. He's a joint author on this bill, as well as Senator Hancock, and I move suspension of the regular order of business. There are going to be four amendments, three from me—I don't know if it's one or two from Senator Davis, I think it's one—that are agreed-to amendments and will make the bill even better.

Presiding Officer: Senator Davis, for what purpose?

Senator Davis: To ask a question of the author, please.

Presiding Officer: Senator Patrick, yield?

Senator Patrick: Yes.

Senator Davis: Senator Patrick, you've been working on this bill for quite a long time this session and have been working also with various representatives of teacher associations here in Texas to resolve some of their concerns with the bill as it was originally laid out. And there's been a consensus arrived at as a consequence of those conversations. I know that, as you said in your opening remarks, you will be including an amendment that was negotiated with TCTA. I will be rolling out an amendment that we worked on last night with your staff that reflects some of the concerns of the other teacher groups as well, and just want to make sure before we move to suspend on this that we have your commitment as the bill percolates over to the House, and we all know how things can change in the other Chamber here in the Capitol, that we will work and we will be committed to holding these amendments that were worked out and addressed with the teacher groups through the finality of this bill and that if we are unable to do that, we will not move it through for final passage in the Legislature.

Senator Patrick: You're correct, Senator. In fact, I think what's happening this session on a number of bills and several education bills, but other bills as well, is the Senate is really working hard together, and when we send a bill out of here, it's with a unified voice, for the most part, of what we support. And part of that is the amendment process, and to strip those amendments away would take away from that unified voice. So, I totally will support those, and I know you won't suggest that they be pulled off over there, so we're on the same page.

Senator Davis: Alright, very well, thank you.

Senator Patrick: I move suspension.

Presiding Officer: Senator Lucio, for what purpose?

Senator Lucio: Would my Chairman yield, please?

Senator Patrick: Absolutely, Mr. Vice-chairman.

Senator Lucio: Chairman Patrick, I, too, want to rise momentarily here just briefly and just tell you that I'm privileged to be your Vice-chair there in Education and with that Vice-chairmanship, it gives me a bird's eye view of how you're handling this Committee and how you're working with all stakeholders, and I want to thank you for doing that. I know it's not an easy task. I know there's a lot of stakeholders pulling in different directions at times, but I think the amendment that Senator Davis will be proposing is one that keeps a lot of that control at the local level, what you and I and others on this floor over the years have supported, in terms of local control. But you have, indeed, opened the doors and kept that door wide open for all stakeholders to be able to participate in the process, and, at this point, we all feel that that is the way to go. Not only on this bill but all bills for that matter. So, you're setting the trend, a great trend that I think will keep us on the right track as a Senate body. So, I wanted to thank you for that and thank you for working with us on this.

Senator Patrick: Thank you, Senator. Well, this bill comes about from the work of a special commission during the interim that had 63 recommendations, and the teacher groups were, I think, in support of 60 or 61, and we've addressed their concerns about those that they weren't in agreement with. And this has been long overdue. We have not really addressed this issue in more than a dozen years. So, I appreciate the teachers' groups, everyone, this has been a team, it's a team effort. We have a great nine-member committee plus one.

Senator Lucio: Just like we admire and respect and pay tribute to our men and women in uniform in the frontlines for us in this country, teacher groups are also on the frontlines when it comes to standing up for our children, standing up for our families. So, that's what I'm adhering to. So, I appreciate that very much, making sure that they're recognized for the efforts they're making, a total commitment and dedication to the education of our children. So, we need to, obviously, echo their sentiments, and I think we're doing that today. Thank you.

Senator Patrick: Well, one of my goals, and I know our Committee goal, but mine in particular was, I wanted to lift up teachers and let them know they had bipartisan support of the Senate. And they have a tough job, and it's the most important profession we have because our future's in their hands. So, we need to do the best we can to help them and allow them to do the best job we can, and we're allowing them more flexibility in the classroom. We're going to relieve the pressure of testing, and this new teacher quality bill will address a lot of their concerns over the years as well. So, thank you.

Presiding Officer: Thank you, Senator Lucio. Members, Senator Patrick has moved suspension of the regular order of business to take up and consider Committee Substitute SB 1403. Is there objection? Chair hears none, the rules, Chair lays out on second reading Committee Substitute SB 1403. Secretary, would you please read the caption?

Secretary of the Senate: Committee Substitute to Senate Bill 1403, relating to public school teachers.

Presiding Officer: The following amendment, Floor Amendment Number 1 by Patrick. Secretary, would you please read the amendment?

Secretary of the Senate: Floor Amendment Number 1 by Patrick.

Presiding Officer: Senator Patrick to explain Floor Amendment Number 1.

Senator Patrick: Has it been distributed?

Presiding Officer: Yes, it has been distributed.

Senator Patrick: Members, this just clarifies the education preparation requirements by increasing the credit hour requirements for those 7th- to 12th-grade teachers who would teach math and science to ensure the best qualified teachers are in our classrooms.

Presiding Officer: Senator Patrick moves adoption of Floor Amendment Number 1. Is there objection? Chair hears none, Floor Amendment Number 1 is adopted. The following amendment, Floor Amendment Number 2 by Patrick. Secretary, would you please read the amendment?

Secretary of the Senate: Floor Amendment Number 2 by Patrick.

Senator Patrick: Make sure everybody has the amendment. This amendment addresses teachers who have already received a proficient evaluation with no deficiencies, be allowed to be given the option not to have annual evaluations and instead be evaluated once every five years. And this came to us from the TCTA and we support that.

Presiding Officer: Members, Senator Patrick's now moving adoption of Floor Amendment Number 2, is there objection? Chair hears none, Floor Amendment Number 2 is adopted. The following amendment, Floor Amendment Number 3 by Patrick. Secretary, please read the amendment.

Secretary of the Senate: Floor Amendment Number 3 by Patrick.

Presiding Officer: Make sure everybody has the amendment in their hand. Senator Patrick to explain Floor Amendment Number 3.

Senator Patrick: This just clarifies language in Section 10 of the bill and allows for stakeholder input in the development of education preparation standards.

Presiding Officer: Members, Senator Patrick's now moving adoption of Floor Amendment Number 3. Is there objection? Chair hears none, Floor Amendment Number 3 is adopted. The following amendment, Floor Amendment Number 4 by Davis. Secretary would please read the amendment.

Secretary of the Senate: Floor Amendment Number 4 by Davis.

Presiding Officer: Senator Davis to explain Floor Amendment Number 4.

Senator Davis: Thank you, Mr. President. We've had numerous hearings this session about the flawed testing system currently in place and serious concerns that our parents and teachers have about the validity of the results of those test scores. Senate Bill 1403 runs the risk of placing yet higher stakes on test scores by encouraging the Commissioner of Education to develop a teacher evaluation framework based in large

part on those scores. Until we're convinced that the STAAR exams are accurately reflecting student learning and growth, we are hoping to resist modifying the current evaluation system. This amendment would strike Section 4 of the bill and Section (a) of Section 5 of the bill, removing the teacher evaluation section and leaving all other provisions related to teacher preparation programs and professional development that are currently in law in place. I move adoption of Floor Amendment Number 4.

Presiding Officer: Senator Patrick on Floor Amendment Number 4 by Davis.

Senator Patrick: It's very acceptable to the author, and it continues to leave our districts in control of these important issues.

Presiding Officer: Senator Davis moves adoption of Floor Amendment Number 4. It's acceptable to Patrick, is there any objection? Chair hears none, Floor Amendment Number 4 is adopted. Thank you, Senator Davis.

Senator Davis: Thank you.

COMMITTEE SUBSTITUTE SENATE BILL 1810 ON SECOND READING

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1810** at this time on its second reading:

CSSB 1810, Relating to the intercollegiate athletics fee at Texas Southern University.

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: Birdwell, Carona, West.

COMMITTEE SUBSTITUTE SENATE BILL 1810 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 1810** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

SENATE BILL 1162 ON SECOND READING

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1162** at this time on its second reading:

SB 1162, Relating to requirements for the purchase or acquisition of a water or sewer system.

The bill was read second time.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1162** (senate committee report) in SECTION 1 of the bill as follows:

(1) In the recital (page 1, line 26), strike "(a-3), and (e-1)" and substitute "(a-3), (a-4), (a-5), and (e-1)".

(2) In added Section 13.301(a-2), Water Code (page 1, line 41), strike "(a-2) For a proposed sale," and substitute "(a-2) Except as provided by Subsection (a-4) or (a-5), for a proposed sale,".

(3) In amended Section 13.301, Water Code (page 2, between lines 16 and 17), insert the following:

(a-4) If the notice required by Subsection (a-2) would be more than two pages long, the notice may be provided by mailing an abbreviated notice that contains:

(1) a brief description of the contents and purpose of the notice; and

(2) the exact Internet address, by uniform resource locator, of the commission's Internet website where the person can access the information required under Subsection (a-2).

(a-5) A party to the proposed transaction who is required to provide written notice to customers under Subsection (a-2) may provide electronic notice by electronic mail instead of written notice to a customer who has agreed to receive other information related to that customer's account by electronic mail.

The amendment to **SB 1162** 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: Birdwell, Carona, West.

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

SB 1162 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: Birdwell, Carona, West.

SENATE BILL 1162 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 **SB 1162** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

COMMITTEE SUBSTITUTE
SENATE BILL 1200 ON SECOND READING

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1200** at this time on its second reading:

CSSB 1200, Relating to the Texas Military Preparedness Commission and strategic planning regarding military bases and defense installations.

The bill was read second time.

Senator Van de Putte offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1200** (Senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill as appropriate:

SECTION ____ . Subchapter C, Chapter 436, Government Code, is amended by adding Section 436.105 to read as follows:

Sec. 436.105. MILITARY BASE REALIGNMENT AND CLOSURE TASK FORCE. (a) The commission may establish a task force to seek advice to prepare for possible action by the United States Department of Defense related to the realignment or closure of military installations in this state.

(b) A task force established under this section must consist of not more than seven members who have demonstrated experience or expertise in the United States Department of Defense's base realignment and closure process.

(c) A task force established under this section shall:

(1) confer with defense communities and military installations located in this state to identify strategies, policies, plans, projects, and other ways to improve base realignment scores; and

(2) advise and make recommendations to the commission and legislature on any strategy, policy, plan, project, or action the task force believes will strengthen the defense communities and military installations in the state and prevent the closure or a significant reduction of the operations of the military installations.

The amendment to **CSSB 1200** 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: Birdwell, Carona, West.

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

CSSB 1200 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: Birdwell, Carona, West.

**COMMITTEE SUBSTITUTE
SENATE BILL 1200 ON THIRD READING**

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1200** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 522 ON SECOND READING**

Senator Estes moved to suspend the regular order of business to take up for consideration **CSSB 522** at this time on its second reading:

CSSB 522, Relating to contested cases conducted under the Administrative Procedure Act.

The motion prevailed.

Senators Campbell, Huffman, Nelson, and Williams asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 522** (senate committee report), in SECTION 1 of the bill, in amended Section 2001.052(b), Government Code (page 1, line 46), after the period, by inserting "This subsection does not prohibit the state agency from filing an amendment during the hearing of a contested case provided the opposing party is granted a continuance of at least seven days to prepare its case on request of the opposing party."

The amendment to **CSSB 522** 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: Birdwell, Carona, West.

Senator Paxton offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 522** (senate committee printing) as follows:

(1) In SECTION 2 of the bill, in added Section 2001.054(c-1), Government Code (page 1, line 55), between "agency" and "determines", insert "that has been granted the power to summarily suspend a license under another statute".

(2) In SECTION 2 of the bill, in added Section 2001.054(c-1), Government Code (page 2, line 7), following the period, insert "This subsection does not grant any state agency the power to suspend a license without notice or a hearing."

(3) In SECTION 4 of the bill, in amended Section 2001.142(a)(2), Government Code (page 2, line 31), between "(2)" and "by", insert "if agreed to by the party to be notified,".

(4) In the recital to SECTION 7 of the bill (page 3, lines 19-20), strike "Sections 2001.144 and 2001.145, Government Code, are" and substitute "Section 2001.144, Government Code, is".

(5) In SECTION 7 of the bill, in amended Section 2001.144(a)(2), Government Code (page 3, line 30), strike "or".

(6) In SECTION 7 of the bill, in amended Section 2001.144(a)(3), Government Code (page 3, line 36), strike "~~[rendered; or]~~" and substitute "~~[rendered]; or~~".

(7) In SECTION 7 of the bill, strike amended Section 2001.144(a)(4), Government Code (page 3, lines 37-41), and substitute the following:

(4) on the date specified in the decision or order for a case in which all parties agree to the specified date in writing or on the record, provided that if the agreed specified date is [not] before the date the decision or order is signed, the date the decision or order is signed is the date the decision or order is final for purposes of this section ~~[or later than the 20th day after the date the order was rendered].~~

(8) In SECTION 7 of the bill, strike amended Section 2001.145, Government Code (page 3, lines 46-52), and substitute the following appropriately numbered SECTION:

SECTION _____. Section 2001.145(b), Government Code, is amended to read as follows:

(b) A decision or order that is final under Section 2001.144(a)(2), (3), or (4) is appealable.

(9) In the recital to SECTION 8 of the bill (page 3, line 55), strike "(g) and (h)" and substitute "(g), (h), and (i)".

(10) In SECTION 8 of the bill, in amended Section 2001.146(b), Government Code (page 3, line 67), between "the state agency a reply" and "to", insert ", if any,".

(11) In SECTION 8 of the bill, in added Section 2001.146(h), Government Code (page 4, lines 39-42), strike "After a state agency rules on a motion for rehearing, any subsequent motion for rehearing must be filed not later than the 20th day after the date the order disposing of the original motion for rehearing is signed, if that order:" and substitute "A subsequent motion for rehearing is not required after a state agency rules on a motion for rehearing unless the order disposing of the original motion for rehearing:".

(12) In SECTION 8 of the bill, immediately following added Section 2001.146(h), Government Code (page 4, between lines 50 and 51), insert the following:

(i) A subsequent motion for rehearing required by Subsection (h) must be filed not later than the 20th day after the date the order disposing of the original motion for rehearing is signed.

(13) Renumber SECTIONS of the bill accordingly.

The amendment to **CSSB 522** 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: Birdwell, Carona, West.

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

CSSB 522 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: Campbell, Huffman, Nelson, Williams.

Absent-excused: Birdwell, Carona, West.

COMMITTEE SUBSTITUTE SENATE BILL 522 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 522** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 4.

Yeas: Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Garcia, Hancock, Hegar, Hinojosa, Lucio, Nichols, Patrick, Paxton, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, Whitmire, Zaffirini.

Nays: Campbell, Huffman, Nelson, Williams.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 4. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 1400 ON SECOND READING

Senator Estes moved to suspend the regular order of business to take up for consideration **CSSB 1400** at this time on its second reading:

CSSB 1400, Relating to the municipal and county regulation of air guns.

The motion prevailed.

Senators Garcia and Watson 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: Garcia, Watson.

Absent-excused: Birdwell, Carona, West.

**COMMITTEE SUBSTITUTE
SENATE BILL 1400 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 1400** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 2.

Yeas: Campbell, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Patrick, Paxton, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Whitmire, Williams, Zaffirini.

Nays: Garcia, Watson.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 2. (Same as previous roll call)

SENATE BILL 1758 ON SECOND READING

On motion of Senator Uresti and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1758** at this time on its second reading:

SB 1758, Relating to the establishment of a task force to examine hiring and management practices of the Department of Family and Protective Services.

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: Birdwell, Carona, West.

SENATE BILL 1758 ON THIRD READING

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1758** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1646 ON SECOND READING**

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1646** at this time on its second reading:

CSSB 1646, Relating to the regulation of pain management services.

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: Birdwell, Carona, West.

**COMMITTEE SUBSTITUTE
SENATE BILL 1646 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 **CSSB 1646** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1864 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 1864** at this time on its second reading:

CSSB 1864, Relating to the creation of Fulshear Parkway Improvement District; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

The bill was read second time.

Senator Hegar offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1864** (senate committee report) as follows:

(1) In SECTION 1 of the bill, strike added Section 3921.113, Special District Local Laws Code (page 5, lines 1 through 7).

(2) In SECTION 1 of the bill, in added Section 3921.114, Special District Local Laws Code, strike "Sec. 3921.114" (page 5, line 8) and substitute "Sec. 3921.113".

The amendment to **CSSB 1864** 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: Birdwell, Carona, West.

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

CSSB 1864 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: Birdwell, Carona, West.

COMMITTEE SUBSTITUTE
SENATE BILL 1864 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 1864** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

COMMITTEE SUBSTITUTE
SENATE BILL 1678 ON SECOND READING

On motion of Senator Deuell and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1678** at this time on its second reading:

CSSB 1678, Relating to the events and expenses eligible for and reporting requirements concerning disbursements from the Major Events trust fund and the Events trust fund.

The bill was read second time.

Senator Deuell offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1678** (Senate Committee Report) as follows:

(1) In SECTION 1 of the bill, in amended Section 5A(a-1), Chapter 1507 (S.B. 456), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes) (page 1, line 33), between "the event" and "after", insert "to be held one time or, for an event scheduled to be held each year for a period of years under an event contract, one time each year for the period of years,".

(2) In SECTION 1 of the bill, in amended Section 5A(k), Chapter 1507 (S.B. 456), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes) (page 2, line 43), between "fund." and "A disbursement", insert "In considering whether to make a disbursement from the trust fund, the comptroller may not consider a contingency clause in an event support contract as relieving a local organizing committee's, endorsing municipality's, or endorsing county's obligation to pay a cost under the contract."

(3) In SECTION 1 of the bill, in added Section 5A(w)(5)(A), Chapter 1507 (S.B. 456), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes) (page 3, line 11), strike "and accurate".

(4) In SECTION 1 of the bill, in added Section 5A(w)(5)(B), Chapter 1507 (S.B. 456), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes) (page 3, line 15), strike "was based only on" and substitute "considered the".

(5) In SECTION 2 of the bill, in amended Section 5C(k), Chapter 1507 (S.B. 456), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes) (page 4, lines 36 through 41), strike "A contingency clause in an event support contract does not alleviate the local organizing committee's, endorsing municipality's, or endorsing county's obligation to pay a cost under the contract for purposes of a determination made by the comptroller or a disbursement from the trust fund under this section." and substitute "In considering whether to make a disbursement from the trust fund, the comptroller may not consider a contingency clause in an event support contract as relieving a local organizing committee's, endorsing municipality's, or endorsing county's obligation to pay a cost under the contract."

The amendment to **CSSB 1678** 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: Birdwell, Carona, West.

Senator Deuell offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1678** (senate committee report) in SECTION 2 of the bill, by striking added Section 5C(b-1), Chapter 1507 (S.B. 456), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes) (page 3, lines 44-53), and substituting the following:

(b-1) An endorsing county or endorsing municipality may, during any 12-month period, request funding under this section for not more than 10 events, only three of which may be nonsporting events.

The amendment to **CSSB 1678** 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: Birdwell, Carona, West.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 1678** (Senate Committee Report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . (a) The state auditor shall conduct an audit to determine the efficiency and effectiveness of funding events through an events trust fund authorized under Section 5, 5A, 5B, or 5C, Chapter 1507 (S.B. 456), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes).

(b) The audit, at a minimum, must determine whether money from an events trust fund is efficiently and effectively:

(1) disbursed in compliance with Section 5, 5A, 5B, or 5C, Chapter 1507 (S.B. 456), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes), as applicable, the Government Code, and other relevant laws or standards;

(2) monitored so that the event and the persons and entities that receive money from the fund comply with the terms of applicable agreements and with the applicable sections of Chapter 1507, the Government Code, and other relevant laws or standards; and

(3) maintained to provide adequate financial control systems and to ensure accountability for use of the money.

(c) The state auditor shall prepare a report of the audit conducted under Subsection (a). Not later than January 1, 2015, the state auditor shall electronically file a copy of the report with the lieutenant governor, the speaker of the house of representatives, and the presiding officer of each standing committee of the senate and house of representatives having primary jurisdiction over fiscal matters or matters related to tourism or recreation. The report must include details on:

(1) the process for approving the disbursement of money through an events trust fund; and

(2) the degree to which past and present recipients of money from a fund have complied with the terms of event agreements and with the applicable sections of Chapter 1507, the Government Code, and other relevant laws or standards.

(d) The comptroller of public accounts shall conduct a study to determine:

(1) the economic impact of the events that qualify for funding through an events trust fund; and

(2) whether the events would likely be held in this state in the absence of the incentives provided through the fund.

(e) The comptroller of public accounts shall prepare a report of the findings from the study conducted under Subsection (d). Not later than January 1, 2015, the comptroller shall electronically file a copy of the report with the lieutenant governor, the speaker of the house of representatives, and the presiding officer of each standing committee of the senate and house of representatives having primary jurisdiction over fiscal matters or matters related to tourism or recreation.

(f) Notwithstanding any other law, the comptroller of public accounts shall reimburse the state auditor for the cost of the audit conducted by the state auditor under Subsection (a) using any balances available in the 2014 state fiscal year from the events trust funds established under Section 5, 5A, 5B, or 5C, Chapter 1507 (S.B. 456), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes). The comptroller shall pay the audit cost proportionally from the established funds based on the maximum balances in the funds during the 2014 state fiscal year.

(g) This section expires September 1, 2015.

The amendment to **CSSB 1678** 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: Birdwell, Carona, West.

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

CSSB 1678 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: Birdwell, Carona, West.

**COMMITTEE SUBSTITUTE
SENATE BILL 1678 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 1678** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

SENATE BILL 475 ON SECOND READING

Senator Van de Putte moved to suspend the regular order of business to take up for consideration **SB 475** at this time on its second reading:

SB 475, Relating to the expiration of the municipal sales and use tax for street maintenance in certain municipalities.

The motion prevailed.

Senators Hancock, Nichols, Patrick, and Paxton 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:

Yeas: Hancock, Nichols, Patrick, Paxton.

Absent-excused: Birdwell, Carona, West.

SENATE BILL 475 ON THIRD READING

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 475** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 4.

Yeas: Campbell, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Garcia, Hegar, Hinojosa, Huffman, Lucio, Nelson, Rodriguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, Whitmire, Williams, Zaffirini.

Yeas: Hancock, Nichols, Patrick, Paxton.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 4. (Same as previous roll call)

SENATE RULE 7.07(b) SUSPENDED
(Permission to Introduce)
(Motion In Writing)

Senator Whitmire submitted the following Motion In Writing:

Mr. President:

I move suspension of Senate Rule 7.07(b) to permit the introduction of the following bills: **SB 1911**, **SB 1912**.

WHITMIRE

The Motion In Writing prevailed without objection.

SENATE BILLS ON FIRST READING

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

SB 1909 by Schwertner

Relating to the period for confirmation of the Williamson County Municipal Utility District No. 21.

To Committee on Intergovernmental Relations.

SB 1910 by Hegar

Relating to the creation of the Fulshear Municipal Utility District No. 3; providing authority to impose taxes and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

SB 1911 by Garcia

Relating to the right of a public employee to representation in certain internal investigatory interviews.

To Committee on State Affairs.

SB 1912 by Garcia

Relating to disease management practices of local mental health authorities.

To Committee on Health and Human Services.

SB 1913 by Nichols, Williams

Relating to authorizing certain special districts in Montgomery County to enter into strategic partnership agreements.

To Committee on Intergovernmental Relations.

HOUSE BILLS ON FIRST READING

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

HB 341 to Committee on Transportation.

HB 347 to Committee on Transportation.

HB 535 to Committee on Government Organization.

HB 561 to Committee on Finance.
HB 617 to Committee on Education.
HB 630 to Committee on State Affairs.
HB 1325 to Committee on State Affairs.
HB 1685 to Committee on Business and Commerce.
HB 1717 to Committee on Business and Commerce.
HB 1940 to Committee on Intergovernmental Relations.
HB 2034 to Committee on Economic Development.
HB 2095 to Committee on Business and Commerce.
HB 2462 to Committee on Business and Commerce.
HB 2637 to Committee on Criminal Justice.
HB 2683 to Committee on Health and Human Services.

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 RULES SUSPENDED
(Posting Rules)

On motion of Senator Uresti and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Agriculture, Rural Affairs and Homeland Security might meet and consider **SB 1554** today.

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

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

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 Government Organization might meet and consider the following bills today: **SB 403**, **SB 1208**.

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

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

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

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

CO-AUTHOR OF SENATE BILL 25

On motion of Senator Hegar, Senator Williams will be shown as Co-author of **SB 25**.

CO-AUTHOR OF SENATE BILL 403

On motion of Senator Zaffirini, Senator Ellis will be shown as Co-author of **SB 403**.

CO-AUTHOR OF SENATE BILL 592

On motion of Senator Ellis, Senator Garcia will be shown as Co-author of **SB 592**.

CO-AUTHOR OF SENATE BILL 780

On motion of Senator Hinojosa, Senator Garcia will be shown as Co-author of **SB 780**.

CO-AUTHOR OF SENATE BILL 1198

On motion of Senator Taylor, Senator Williams will be shown as Co-author of **SB 1198**.

CO-AUTHOR OF SENATE BILL 1316

On motion of Senator Whitmire, Senator Hinojosa will be shown as Co-author of **SB 1316**.

CO-AUTHOR OF SENATE BILL 1678

On motion of Senator Deuell, Senator Davis will be shown as Co-author of **SB 1678**.

CO-AUTHOR OF SENATE BILL 1727

On motion of Senator Deuell, Senator Garcia will be shown as Co-author of **SB 1727**.

CO-AUTHOR OF SENATE BILL 1896

On motion of Senator Garcia, Senator Ellis will be shown as Co-author of **SB 1896**.

CO-AUTHORS OF SENATE BILL 1907

On motion of Senator Hegar, Senators Nelson and Patrick will be shown as Co-authors of **SB 1907**.

CO-AUTHORS OF SENATE RESOLUTION 755

On motion of Senator Lucio, Senators Davis and Nelson will be shown as Co-authors of **SR 755**.

CO-AUTHORS OF SENATE RESOLUTION 762

On motion of Senator Campbell, Senators Nelson, Nichols, and Zaffirini will be shown as Co-authors of **SR 762**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 760 by Watson, In memory of James Raguet Irion III.

SR 766 by Birdwell, In memory of Andrew Michael Keel.

HCR 75 (Seliger), In memory of former state representative Frank Kell Cahoon of Midland.

Congratulatory Resolutions

SR 758 by Schwertner, Commending William Crockett Hughes for achieving the rank of Eagle Scout.

SR 759 by Watson, Recognizing Joseph C. Parker, Jr., for receiving the 2013 Heman Marion Sweatt Legacy Award.

SR 761 by Hinojosa, Recognizing Mario Antonio Moreno, Jr., for his achievements.

SR 762 by Campbell, Birdwell, Deuell, Duncan, Ellis, Eltife, Estes, Hancock, Hinojosa, Patrick, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson and West, Recognizing the Texas Department of Public Safety.

SR 764 by Watson, Recognizing *The Villager* newspaper on the occasion of its 40th anniversary.

HCR 99 (Fraser), Congratulating Pamela Holcomb, Burnet Consolidated Independent School District Food Service Department director, on the district's success in the HealthierUS School Challenge.

HCR 101 (Fraser), Congratulating the Burnet Consolidated Independent School District Food Service Department on its role in the district's success in the HealthierUS School Challenge.

HCR 108 (Seliger), Congratulating Kevin and Linda Hirt of St. Lawrence on their 25th wedding anniversary.

Official Designation Resolution

HCR 90 (Nelson), Designating March 2013 as Women's History Month.

REMARKS ORDERED PRINTED

On motion of Senator Williams and by unanimous consent, his remarks regarding Phillip B. Rummell were ordered reduced to writing and printed in the *Senate Journal* as follows:

Phillip B. Rummell died peacefully with family by his side on Friday, April 19th. Phillip was born in Houston, Texas, on November 30, 1938, to Vernon and Katherine Rummell. He graduated from St. Thomas High School in 1957 and the University of Houston in 1969 where he was a member of the Phi Kappa Theta fraternity. On September 14th, 1958, he married his high school sweetheart, Marisa L. Turner. Phil started in the gas compressor industry in 1959 as a shipping clerk and 22 years later was acting president. He left in 1983 to start his own compressor parts business, Productioneered Products Company. Thirty years later, now renamed Productioneered Parts Corporation, it is still running strong. In 1996 he purchased an existing company called Uni-Seal Valve located in Ventura, California, which is also running strong today. Phil didn't have many hobbies. He had such a strong love for his family, friends, and his business that he lived a very fulfilling life. Phil is survived by his wife of 54 years,

Marisa Turner Rummell; his two children, Mark Rummell and Katherine Rummell; his brother, Jerry Rummell, and wife, Nancy Rummell; and sister, Karolyn Denham, and husband, Bob Denham.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 1:13 p.m. adjourned, in memory of Phillip B. Rummell and Demetrio Rodriguez, until 2:00 p.m. Monday, April 29, 2013.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

April 25, 2013

CRIMINAL JUSTICE — SB 443, SB 1323, SB 1360, SB 1416, SB 1798, SB 1907

EDUCATION — CSSB 377

CRIMINAL JUSTICE — CSSB 1183

NATURAL RESOURCES — CSSB 514, CSSB 1482, CSSB 1574

HEALTH AND HUMAN SERVICES — CSSB 1752, CSSB 1401, CSSB 1842

AGRICULTURE, RURAL AFFAIRS AND HOMELAND SECURITY — CSSB 1904, CSSB 1427, CSSB 1750

HEALTH AND HUMAN SERVICES — CSSB 1100

STATE AFFAIRS — SB 554, HB 1187, HB 1186, HB 200

JURISPRUDENCE — CSSB 899

BILLS ENGROSSED

April 24, 2013

SB 549, SB 690, SB 722, SB 1202, SB 1285, SB 1313, SB 1317, SB 1471, SB 1531, SB 1650, SB 1680, SB 1681, SB 1806, SB 1870

RESOLUTIONS ENROLLED

April 24, 2013

SR 752, SR 753, SR 754

SIGNED BY GOVERNOR

April 24, 2013

SB 157, SCR 21

SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FORTY-EIGHTH DAY

(Monday, April 29, 2013)

The Senate met at 2:07 p.m. pursuant to adjournment and was called to order by Senator Eltife.

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

The Presiding Officer announced that a quorum of the Senate was present.

Deacon Juan Gonzales, Our Lady of Guadalupe Catholic Church, Raymondville, was introduced by Senator Lucio and offered the invocation as follows:

Heavenly Father, as we begin our labors today, we ask that You shower us with Your blessings and that Your blessings stay with us so that they will strengthen us every day. Lord, while we are many, give us the ability to provide the leadership to bond together. Almighty God, today and every day we pray that You be present in all our deliberations. Ever-living God, we pray that the light of Your divine wisdom be with us as we go forth enacting the laws that will benefit and propel the State of Texas into an economic upswing. Heavenly Father, as we begin our agenda today, we pray that our labors help the constituents we represent. We ask this in Your name. Amen.

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

The motion prevailed without objection.

MESSAGES FROM THE GOVERNOR

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

April 25, 2013
Austin, Texas

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

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

To be a member of the Texas Board of Criminal Justice for a term to expire February 1, 2019:

Thomas P. Wingate
Mission, Texas

Judge Wingate is replacing Annette Raggette of Austin whose nomination to replace J. David Nelson of Lubbock was withdrawn.

Respectfully submitted,

/s/Rick Perry
Governor

April 26, 2013
Austin, Texas

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

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

To be members of the Texas Southern University Board of Regents for terms to expire February 1, 2019:

Glenn Lewis
Fort Worth, Texas
(Representative Lewis is being reappointed)

Sarah D. Monty
Houston, Texas
(replacing Richard Holland of Plano whose term expired)

Erik D. Salwen
Houston, Texas
(Mr. Salwen is being reappointed)

To be a member of the Texas Board of Physical Therapy Examiners for a term to expire January 31, 2015:

Karen L. Gordon
Port O'Connor, Texas

Ms. Gordon is replacing Kevin Lindsey of Mission who resigned.

To be members of the Texas Public Finance Authority for terms to expire February 1, 2019:

Gerald Alley
Arlington, Texas
(Mr. Alley is being reappointed)

Walker Moody
Houston, Texas
(replacing Joe Meister of Dallas whose term expired)

Ruth Schiermeyer
Lubbock, Texas
(Ms. Schiermeyer is being reappointed)

Respectfully submitted,

/s/Rick Perry
Governor

SENATE RESOLUTION 762

Senator Campbell offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Texas Department of Public Safety for its longtime commitment to protecting and serving the citizens of Texas; and

WHEREAS, A bastion of law and order for nearly two centuries, the agency has a storied history hailing back to its inception as the Texas Rangers in 1823; the Texas Rangers and the Texas Highway Patrol were combined in 1935 in what would thereafter be known as the Department of Public Safety; and

WHEREAS, Over the years, the department's responsibilities have evolved, and today it consists of multiple divisions and units that work together to achieve the department's four primary goals: to combat crime and terrorism, to strengthen statewide emergency management, to enhance highway and public safety, and to provide licensing and regulatory services; and

WHEREAS, The Department of Public Safety employs more than 3,800 commissioned officers and over 5,000 other dedicated staff members; its divisions include Criminal Investigations, Law Enforcement Support, Aircraft Operations, Homeland Security, Emergency Management, Intelligence and Counterterrorism, Driver License, Regulatory Services, the Texas Highway Patrol, and the Texas Rangers; and

WHEREAS, Each year, the department's officers and other agents seize tons of illegal drugs and millions of dollars in drug-trade proceeds, guard against and respond to a variety of threats and disasters, and provide a myriad of licensing and regulatory services; the Texas Rangers, originally created to help protect frontier settlers, now serve as an elite force and assist in a variety of federal, state, and local investigations; and

WHEREAS, Over the last 190 years, the Department of Public Safety and its expert forces have worked tirelessly to maintain law, order, and civility in our state, and these professionals are indeed deserving of recognition; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby commend the Department of Public Safety on its long history of excellence and dedication in law enforcement and extend to its employees sincere best wishes for continued success; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the agency as an expression of esteem from the Texas Senate.

CAMPBELL	ESTES	TAYLOR
BIRDWELL	HANCOCK	URESTI
DEUELL	HINOJOSA	VAN DE PUTTE
DUNCAN	PATRICK	WATSON
ELLIS	SCHWERTNER	WEST
ELTIFE	SELIGER	

SR 762 was again read.

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

GUESTS PRESENTED

Senator Campbell was recognized and introduced to the Senate a Department of Public Safety delegation, accompanied by Steven McCraw, Director; Gary Albus, Regional Commander; Cynthia Leon; David Baker; and Cheryl MacBride.

The Senate welcomed its guests.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Monday, April 29, 2013 - 1

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 62 Guillen

Relating to a justice or judge having an interest in a business entity that owns, manages, or operates a private correctional or rehabilitation facility.

HB 139 Raymond

Relating to the exercise of urban renewal powers by certain counties.

HB 148 Burkett

Relating to aid provided to certain voters; providing criminal penalties.

HB 317 Otto

Relating to the classification of certain entities as primarily engaged in retail trade for purposes of the franchise tax.

HB 333 Guillen

Relating to requiring notice of a hotel's firearms policy and other guest policies; providing a criminal penalty.

- HB 334** Nevárez
Relating to the residency requirement for certain elective offices of certain political subdivisions.
- HB 429** Guillen
Relating to the definition of rural area for purposes of certain housing assistance administered by the Texas Department of Housing and Community Affairs.
- HB 431** Riddle
Relating to the eligibility of certain inmates convicted of injury to a child for release to mandatory supervision and to reconsideration of parole eligibility for those inmates.
- HB 480** Alvarado
Relating to the use of sick leave by state employees who are attending educational activities of their children.
- HB 654** Cortez
Relating to the ability of a tenant representative to serve as a commissioner of a local housing authority.
- HB 696** Kleinschmidt
Relating to the duties of and the application of the professional prosecutors law to the county attorney in Gonzales County and to the duties of the district attorney for the 25th Judicial District.
- HB 722** King, Tracy O.
Relating to the authority of certain counties to impose a county hotel occupancy tax.
- HB 747** Raymond
Relating to the duty of certain professionals to report child abuse or neglect.
- HB 762** Guillen
Relating to restrictions on disaster remediation contracts following a locally declared disaster.
- HB 773** Farney
Relating to a requirement that students at an open-enrollment charter school recite the pledges of allegiance to the United States flag and the state flag.
- HB 797** Thompson, Senfronia
Relating to certain written information the Windham School District must provide to a person before the person enrolls in a district vocational training program.
- HB 798** Thompson, Senfronia
Relating to certain actions taken by certain licensing authorities regarding a license holder or applicant who has been convicted of a Class C misdemeanor.
- HB 857** Lucio III
Relating to the frequency of water audits by certain retail public utilities.
- HB 870** Bell
Relating to Prairie View A&M University's eligibility to participate in the research development fund.

HB 897

Zerwas

Relating to instruction in cardiopulmonary resuscitation and the use of automated external defibrillators in secondary education curriculum.

HB 916

Orr

Relating to the amount of a chargeback for unemployment compensation benefits paid to a person who is partially unemployed.

HB 950

Thompson, Senfronia

Relating to unlawful employment practices regarding discrimination in payment of compensation.

HB 964

Murphy

Relating to the creation of the Harris County Municipal Utility District No. 529; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

HB 1023

Burkett

Relating to the creation of a task force to investigate and make recommendations regarding mental health workforce shortages.

HB 1025

Pitts

Relating to making supplemental appropriations and reductions in appropriations and giving direction and adjustment authority regarding appropriations.

HB 1090

Martinez, "Mando"

Relating to the creation of Texas Task Force 1 Type 3 Rio Grande Valley.

HB 1135

Villarreal

Relating to a study conducted by the Texas Department of Transportation regarding the production of and use of native seeds.

HB 1188

Thompson, Senfronia

Relating to limiting the liability of persons who employ persons with criminal convictions.

HB 1191

Burkett

Relating to certain information about housing for persons with mental illness provided through the Texas Information and Referral Network Internet site.

HB 1193

Guillen

Relating to the appointment of bailiffs for certain district courts.

HB 1204

Parker

Relating to designating October 1 as Influenza Awareness Day.

HB 1206

Parker

Relating to the duties of a law enforcement agency regarding certain children who are reported to be missing.

HB 1247

Clardy

Relating to the authority of the board of directors of the Nacogdoches County Hospital District to employ physicians.

HB 1294

Price

Relating to the punishment of the offense of failing to secure a child in a child passenger safety seat system and to procedures for dismissal of charges for that offense.

HB 1330

Goldman

Relating to the election of members of the board of directors of the Benbrook Water Authority.

HB 1385

Bell

Relating to the creation of the Montgomery County Municipal Utility District No. 139; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

HB 1394

King, Susan

Relating to the sunset review of certain powers and duties performed by the Department of State Health Services.

HB 1395

King, Susan

Relating to the exemption of registered dental laboratories from certain distributing and manufacturing licensing requirements.

HB 1405

Smithee

Relating to the collection of surplus lines insurance premium taxes for insurance placed with a managing underwriter.

HB 1435

Darby

Relating to certain notices, reports, and descriptions provided by or filed with court and county clerks.

HB 1487

Harper-Brown

Relating to the searchable state expenditure database maintained by the comptroller.

HB 1494

King, Tracy O.

Relating to certain regulatory programs administered by the Department of Agriculture; providing penalties; imposing fees.

HB 1503

Kuempel

Relating to the appointment of building contractors to certain trade advisory boards of the Texas Department of Licensing and Regulation.

HB 1530

King, Ken

Relating to the authority of a county clerk or district clerk to collect certain fees; imposing certain court fees.

HB 1534

Leach

Relating to the designation of a segment of U.S. Highway 75 in Collin County as the Sam Johnson Highway.

HB 1545

Allen

Relating to the eligibility of persons with disabilities to use certain public transportation services.

- HB 1553** Rodriguez, Justin
Relating to the replatting of a subdivision without vacating the preceding plat in certain municipalities.
- HB 1554** Rodriguez, Justin
Relating to the authority of a municipality to file a lien for the costs of abatement of a floodplain ordinance violation; providing a civil penalty.
- HB 1580** Reynolds
Relating to excluding certain short-term employment from unemployment compensation chargebacks and grounds for benefit disqualification.
- HB 1605** Davis, Sarah
Relating to the establishment of a pilot program in Harris County to provide maternity care management to certain women enrolled in the Medicaid managed care program.
- HB 1607** Farney
Relating to the authority of the commissioners court of a county to alter speed limits on county roads.
- HB 1624** Cortez
Relating to the assumed name of a series limited liability company.
- HB 1675** Bonnen, Dennis
Relating to governmental entities subject to the sunset review process.
- HB 1690** Fletcher
Relating to measures to prevent or control the entry into or spread in this state of certain communicable diseases; providing a penalty.
- HB 1728** Ashby
Relating to the use of an unsworn declaration, the disposition of certain court exhibits, and the seal of a constitutional county court or county clerk.
- HB 1739** Naishtat
Relating to the administration of psychoactive medications to persons receiving services in certain facilities.
- HB 1753** Patrick, Diane
Relating to authorizing the board of regents of The University of Texas System to acquire certain property in the city of Arlington.
- HB 1767** Canales
Relating to the designation of a segment of U.S. Highway 281 in Jim Wells County as the Lt. General Marc Cisneros Highway.
- HB 1768** Canales
Relating to identification requirements for certain fire hydrants and flush valves.
- HB 1777** Moody
Relating to a study regarding the effects on international trade of wait times at points of entry between the United States and the United Mexican States.
- HB 1807** King, Tracy O.
Relating to fever tick eradication; creating a penalty.

- HB 1819** Kacal
Relating to liability for injuring a trespassing sheep or goat.
- HB 1917** Rodriguez, Eddie
Relating to alcoholic beverage advertising on the outside of certain vehicles.
- HB 1920** Sheffield, J. D.
Relating to the election and authority of the board of directors of the McCulloch County Hospital District.
- HB 1952** Thompson, Senfronia
Relating to professional development training for certain public school personnel regarding student disciplinary procedures.
- HB 1953** Thompson, Senfronia
Relating to the payment for liquor by a retailer.
- HB 1970** Pickett
Relating to the authority of certain municipalities and counties to regulate subdivisions in the extraterritorial jurisdiction of a municipality by agreement.
- HB 1973** Lucio III
Relating to the provision of water by a public utility or water supply or sewer service corporation for use in fire suppression.
- HB 2058** Allen
Relating to the administration of a high school equivalency examination.
- HB 2103** Villarreal
Relating to education research centers and the sharing of educational data between state agencies; redesignating certain fees as charges.
- HB 2105** Lucio III
Relating to municipally owned utility systems; authorizing the imposition of fees by a utility board of trustees.
- HB 2137** Fletcher
Relating to eligibility of certain persons for enrollment in school district summer school courses.
- HB 2213** Guillen
Relating to the creation of the Willacy County Drainage District No. 3; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.
- HB 2252** Ashby
Relating to eligibility of charitable organizations to participate in a state employee charitable campaign.
- HB 2263** Miller, Rick
Relating to requesting a replacement voter registration certificate by telephone or electronically.
- HB 2300** Keffer
Relating to funding and donations for county transportation projects, including projects of county energy transportation reinvestment zones.

HB 2302

Hunter

Relating to signing electronic or digital court documents, to the electronic filing system established by the Texas Supreme Court, to the statewide electronic filing system fund, and to certain court fees and court costs; imposing and authorizing certain fees.

HB 2311

Kacal

Relating to an animal identification program.

HB 2392

Menéndez

Relating to the mental health program for veterans.

HB 2394

Perry

Relating to a study on the feasibility of requiring title for all trailers, semitrailers, and travel trailers not considered manufactured housing.

HB 2459

Thompson, Senfronia

Relating to the limitation on the amount that may be charged for certain debt cancellation agreements.

HB 2460

Thompson, Senfronia

Relating to the possession of stamps indicating the payment of taxes by certain permittees.

HB 2475

Miller, Rick

Relating to the oath taken by a person who assists a voter.

HB 2536

Geren

Relating to the composition of certain regional transportation authority subregional boards.

HB 2571

Keffer

Relating to the inspection of certain information regarding the production, transportation, sale, and marketing of oil and gas from state land; imposing an administrative penalty.

HB 2623

Oliveira

Relating to the authority of certain counties and the General Land Office to temporarily close a beach or beach access point.

HB 2627

Zedler

Relating to the issuance of remedial plans to resolve complaints filed with the Texas Optometry Board; authorizing a fee.

HB 2649

Herrero

Relating to the punishment for violating certain rules or permit terms under a permit to trap, transport, and transplant certain animals.

HB 2673

Price

Relating to the protection and care of individuals with intellectual and developmental disabilities.

HB 2684

Button

Relating to an exemption from the franchise tax for certain political subdivision corporations.

- HB 2725** Thompson, Senfronia
Relating to the confidentiality of certain records maintained by a victims of trafficking shelter center and the creation of minimum standards for certain facilities that provide services to victims of trafficking.
- HB 2760** Branch
Relating to partnerships between the Texas State Technical College System and public junior colleges.
- HB 2892** Raney
Relating to the authority of the board of regents of The Texas A&M University System to dispose of real property and mineral interests under its jurisdiction.
- HB 2911** Kuempel
Relating to the regulation of real estate inspectors; changing fees.
- HB 2984** Dutton
Relating to lobbying expenditures that are made jointly.
- HB 3031** Fletcher
Relating to fare enforcement officers for metropolitan rapid transit authorities.
- HB 3068** Menéndez
Relating to debit card surcharges.
- HB 3172** Bohac
Relating to the content of photographic traffic monitoring system signs.
- HB 3253** Zerwas
Relating to the notation of death on a birth certificate.
- HB 3309** Crownover
Relating to the composition and use of money in the oil and gas regulation and cleanup fund.
- HB 3314** Kuempel
Relating to instruction and continuing education requirements for certain court clerks.
- HB 3332** Keffer
Relating to junior college district territory annexation and program approval in certain counties.
- HB 3337** King, Tracy O.
Relating to the authority of certain counties to impose a county hotel occupancy tax.
- HB 3361** Dutton
Relating to the continuation and functions of the Texas Department of Housing and Community Affairs; authorizing and otherwise affecting the application of certain fees.
- HB 3378** Price
Relating to an annual term for the 47th District Court.
- HB 3407** Riddle
Relating to the assessment of juveniles who are victims of sex trafficking.

- HB 3434** Raymond
Relating to incentives for using supplemental nutrition assistance program benefits to purchase nutritious foods.
- HB 3559** Pickett
Relating to the Texas Peace Officers' Memorial Monument.
- HB 3561** Murphy
Relating to the proceedings of certain municipal courts held in the corporate limits of a contiguous incorporated municipality.
- HB 3676** Phillips
Relating to the application of restrictions on drivers under 18 years of age.
- HB 3889** Darby
Relating to the dissolution of the Lipan Creek Flood Control District.
- HB 3900** Geren
Relating to the board of directors of the Tarrant Regional Water District.
- HCR 40** Johnson
Designating the first Saturday in May as Texas Academic College Scholarship Day for a 10-year period beginning in 2014.
- HCR 41** Ashby
Designating Jewett as the Sculpture Capital of Texas and commemorating the third annual Leon County Art Trail.
- HCR 54** Harper-Brown
Designating Grand Prairie as the Purple Martin Conservation Capital of Texas.
- HCR 57** Hunter
Requesting the lieutenant governor and the speaker of the house of representatives to create a joint interim committee to study human trafficking in Texas.
- HCR 71** Bell
Urging the United States Congress to request that the U.S. Postmaster General designate a ZIP code that includes all properties within the city of Prairie View.
- HCR 84** Springer
Designating Floydada as the Pumpkin Capital of Texas.
- HCR 87** Springer
Designating the pumpkin as the official State Squash of Texas.
- HJR 87** Muñoz, Jr.
Proposing a constitutional amendment authorizing a home-rule municipality to provide in its charter the procedure to fill a vacancy on its governing body for which the unexpired term is 12 months or less.
- SB 139** Eltife Sponsor: Simpson
Relating to the designation of a segment of U.S. Highway 80 as the Sergeant Travis E. Watkins Memorial Highway.
- SB 174** Estes Sponsor: Anderson
Relating to the control of stray bison and other estrays.

- SB 192** Carona Sponsor: Phillips
Relating to access to criminal history record information by the banking commissioner.
- SB 200** Patrick Sponsor: Anchia
Relating to the continuation and functions of the State Pension Review Board.
(Committee Substitute/Amended)
- SB 223** Watson Sponsor: Cortez
Relating to designation of certain vehicles of the Texas Division of Emergency Management as authorized emergency vehicles.
- SB 228** Williams Sponsor: Otto
Relating to the regulation of the practice of public accountancy.
- SB 230** Carona Sponsor: Deshotel
Relating to the applicability of state law governing funds transfers to certain remittance transfers.
- SB 244** Carona Sponsor: Villarreal
Relating to the administration, operation, supervision, and regulation of credit unions.
- SB 293** Williams Sponsor: Ritter
Relating to the authority of certain water districts to hold meetings by teleconference or videoconference.
- SB 332** Rodríguez Sponsor: Márquez
Relating to commissioners court oversight of certain emergency services districts.
- SB 336** Rodríguez Sponsor: Moody
Relating to the qualifications for appointment as a medical examiner.
- SB 360** Watson Sponsor: Lucio III
Relating to methods used by an animal shelter to euthanize a dog or cat.
- SB 387** Nichols Sponsor: Clardy
Relating to county participation in a program for improvement of collection of court costs, fees, and fines imposed in criminal cases.
- SB 447** Fraser Sponsor: King, Tracy O.
Relating to annual and special meetings of and election procedures for members of boards of directors for water supply or sewer service corporations.
(Committee Substitute)
- SB 457** Rodríguez Sponsor: Márquez
Relating to the confidentiality of certain autopsy records.
- SB 500** Van de Putte Sponsor: Sheffield, J. D.
Relating to the Texas State Board of Pharmacy.
- SB 672** Carona Sponsor: Guillen
Relating to the regulation of industrialized housing.
- SB 698** Carona Sponsor: Eiland
Relating to the refund of unearned premium for a personal automobile or residential property insurance policy.
(Amended)

SB 840 Hancock Sponsor: Eiland
Relating to certain promotional practices not considered to be prohibited discrimination, rebates, or inducements in insurance.

SB 846 Van de Putte Sponsor: Menéndez
Relating to training, certification, and accreditation provided or regulated by the Texas Veterans Commission.

SB 974 Campbell Sponsor: Isaac
Relating to the name of Texas State University—San Marcos.

SB 1101 Van de Putte Sponsor: Larson
Relating to the Cybersecurity, Education, and Economic Development Council.

SB 1102 Van de Putte Sponsor: Larson
Relating to the appointment of a state cybersecurity coordinator.

SB 1110 Nichols Sponsor: Pickett
Relating to the purposes and designation of a transportation reinvestment zone.
(Committee Substitute)

SB 1165 Hegar Sponsor: Miller, Rick
Relating to the use of real property by the University of Houston—Sugar Land.

SB 1267 Nichols Sponsor: Clardy
Relating to the liability of individuals providing labor or assistance to the Texas Forest Service in the performance of certain fire suppression duties.

SB 1286 Williams Sponsor: Hunter
Relating to the regulation of professional employer services; authorizing fees.
(Committee Substitute)

THE HOUSE HAS REFUSED TO CONCUR IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

HB 1600 (non-record vote)

House Conferees: Cook - Chair/Harless/Menéndez/Price/Ritter

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

PHYSICIAN OF THE DAY

Senator Deuell was recognized and presented Dr. Monica Kalra of Dallas as the Physician of the Day.

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

SENATE RESOLUTION 773

Senator Patrick offered the following resolution:

SR 773, Recognizing the Spring Volunteer Fire Department.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Patrick was recognized and introduced to the Senate a Spring Volunteer Fire Department delegation, accompanied by Eric Anderson, Fire Chief; Scott Seifert, Assistant Fire Chief; Scott Schoonover, Deputy Chief; Shannon Stryk, District Chief; and Joel Crenshaw, District Chief.

The Senate welcomed its guests.

SENATE RESOLUTION 478

Senator Van de Putte offered the following resolution:

WHEREAS, The Senate of the State of Texas takes pleasure in recognizing Jane Nolasco, who was recently named Social Work Student of the Year; and

WHEREAS, Jane received the award from the National Association of Social Workers, Texas Alamo Branch; this dedicated scholar is seeking her master's degree in social work at The University of Texas at San Antonio, where she also earned her master's degree in counseling and graduated magna cum laude; she is a Licensed Professional Counselor; and

WHEREAS, Faculty members at The University of Texas at San Antonio Department of Social Work cited Jane's professionalism, her academic excellence, and her performance at her field placements as primary reasons for her nomination; and

WHEREAS, A motivated mental health specialist, Jane is known for her critical thinking, her perceptive line of questioning, and her devotion to service; her strengths include working with indigent populations, the elderly, at-risk youth, and troubled families; she is widely respected for her maturity, her counseling skills, and her commitment to helping vulnerable members of the community; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby commend Jane Nolasco for receiving the Social Work Student of the Year Award and extend to her sincere best wishes in all her future endeavors; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Jane Nolasco as an expression of high regard from the Texas Senate.

SR 478 was again read.

The resolution was previously adopted on Tuesday, March 19, 2013.

GUEST PRESENTED

Senator Van de Putte was recognized and introduced to the Senate Jane Nolasco, Social Work Student of the Year at The University of Texas at San Antonio.

The Senate welcomed its guest.

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

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

There was no objection.

CONCLUSION OF MORNING CALL

The Presiding Officer, Senator Eltife in Chair, at 2:44 p.m. announced the conclusion of morning call.

SENATE BILL 1175 ON SECOND READING

On motion of Senator Deuell and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1175** at this time on its second reading:

SB 1175, Relating to the establishment of a reuse program for durable medical equipment provided to recipients under the Medicaid program.

The bill was read second time.

Senator Deuell offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1175** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in added Section 531.0843(a), Government Code (page 1, line 26), strike "The" and substitute the following:

In this section:

(1) "Complex rehabilitation technology equipment" means equipment that is classified as durable medical equipment under the Medicare program on January 1, 2013, configured specifically for an individual to meet the individual's unique medical, physical, and functional needs and capabilities for basic and instrumental daily living activities, and medically necessary to prevent the individual's hospitalization or institutionalization. The term includes a complex rehabilitation power wheelchair, highly configurable manual wheelchair, adaptive seating and positioning system, standing frame, and gait trainer.

(2) "Durable medical equipment" means equipment, including repair and replacement parts for the equipment, but excluding complex rehabilitation technology equipment, that:

(A) can withstand repeated use;

(B) is primarily and customarily used to serve a medical purpose;

(C) generally is not useful to a person in the absence of illness or injury;

and

(D) is appropriate and safe for use in the home.

(b) If the commission determines that it is cost-effective, the

(2) In SECTION 1 of the bill, strike added Section 531.0843(b), Government Code (page 1, lines 29 through 31), and substitute the following:

(c) The program must include provisions for ensuring that:

(1) reused equipment meets applicable standards of functionality and sanitation; and

(2) a Medicaid recipient's participation in the reuse program is voluntary.

(3) In SECTION 1 of the bill, in added Section 531.0843(c), Government Code (page 1, line 32), strike "(c)" and substitute "(d)".

(4) In SECTION 1 of the bill, after added Section 531.0843(c), Government Code (page 1, between lines 37 and 38), insert the following:

(e) In accordance with Chapter 551 or 2001, as applicable, the executive commissioner shall provide notice of each proposed rule, adopted rule, and hearing that relates to establishing the program under this section.

(5) In SECTION 2 of the bill, on page 1, line 42, strike "program" and substitute "program, if the commission determines that establishing the program is cost-effective".

The amendment to **SB 1175** 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.

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

SB 1175 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1175 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 **SB 1175** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 1814 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 1814** at this time on its second reading:

CSSB 1814, Relating to a requirement that members of the Public Safety Commission hold a secret security clearance.

The bill was read second time.

Senator Birdwell offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1814** (senate committee report) in SECTION 1 of the bill, in amended Section 411.003(b), Government Code (page 1, lines 26 through 28) by adding "A member may serve on the commission upon granting of an interim secret security clearance, but may not be given access to classified information, participate in a briefing involving classified information, or vote on an issue involving classified information until a secret security clearance has been finally approved by the United States government."

The amendment to **CSSB 1814** 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.

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

CSSB 1814 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1814 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 1814** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 392 ON SECOND READING**

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 392** at this time on its second reading:

CSSB 392, Relating to notice to the attorney general of challenges to the constitutionality of Texas statutes.

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.

**COMMITTEE SUBSTITUTE
SENATE BILL 392 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 392** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1061 ON SECOND READING

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1061** at this time on its second reading:

SB 1061, Relating to parking privileges of disabled veterans on the property of institutions of higher education.

The bill was read second time.

Senator Van de Putte offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1061** (senate committee report) as follows:

(1) In the recital to SECTION 1 of the bill (line 19), strike "Subsection (a-1)" and substitute "Subsections (a-1) and (a-2)".

(2) In SECTION 1 of the bill, in added Section 681.008(a-1), Transportation Code (lines 24-26), strike "even if the vehicle has not been granted or assigned a parking permit otherwise required by the institution" and substitute "regardless of whether a permit is generally required for the use of the space or area. An institution of higher education may require a vehicle described by Subsection (a) to display a parking permit issued by the institution specifically for the purpose of implementing this subsection, but may not charge a fee for the permit".

(3) In SECTION 1 of the bill, in amended Section 681.008, Transportation Code, insert the following between lines 31 and 32:

(a-2) Subsection (a-1) does not apply to a parking space or area located in:

(1) a controlled access parking facility if at least 50 percent of the number of parking spaces or areas designated specifically for persons with physical disabilities on the property of the institution of higher education are located outside a controlled access parking facility;

(2) an area temporarily designated for special event parking; or

(3) an area where parking is temporarily prohibited for health or safety concerns.

The amendment to **SB 1061** 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.

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

SB 1061 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1061 ON THIRD READING

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1061** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 861 ON THIRD READING**

Senator Davis moved to suspend the regular order of business to take up for consideration **CSSB 861** at this time on its third reading and final passage:

CSSB 861, Relating to requiring certain notices to be posted on the premises of certain alcoholic beverage retailers.

The motion prevailed by the following vote: Yeas 21, Nays 10.

Yeas: Carona, Davis, Duncan, Ellis, Eltife, Garcia, Hegar, Hinojosa, Lucio, Nichols, Patrick, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Nays: Birdwell, Campbell, Deuell, Estes, Fraser, Hancock, Huffman, Nelson, Paxton, Williams.

The bill was read third time and was passed by the following vote: Yeas 21, Nays 10. (Same as previous roll)

**COMMITTEE SUBSTITUTE
SENATE BILL 1475 ON SECOND READING**

Senator Duncan moved to suspend the regular order of business to take up for consideration **CSSB 1475** at this time on its second reading:

CSSB 1475, Relating to a jail-based restoration of competency pilot program.

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 Duncan offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1475** (senate committee printing) in SECTION 2 of the bill as follows:

(1) In added Article 46B.090(f)(3), Code of Criminal Procedure (page 2, line 48), between "Services" and the underlined semicolon, insert ", or the provider is a local mental health authority in good standing with the department".

(2) In added Article 46B.090(f), Code of Criminal Procedure, strike Subdivision (4) of that subsection (page 2, lines 49 and 50) and substitute the following:

(4) the provider has a demonstrated history of successful jail-based competency restoration outcomes or, if the provider is a local mental health authority, a demonstrated history of successful competency restoration outcomes.

The amendment to **CSSB 1475** 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.

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

CSSB 1475 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.

COMMITTEE SUBSTITUTE
SENATE BILL 1475 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 1475** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Nichols.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

SENATE RULE 5.14(a) SUSPENDED
(Intent Calendar)
(Motion In Writing)

Senator Hegar submitted a Motion In Writing to suspend Senate Rule 5.14(a), requiring bills to be posted on the Intent Calendar by 3:00 p.m., and extend the time to 5:00 p.m. today.

The Motion In Writing prevailed without objection.

SENATE BILL 1868 ON SECOND READING

On motion of Senator Campbell and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1868** at this time on its second reading:

SB 1868, Relating to the creation of the Needmore Ranch Municipal Utility District No. 1; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

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

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1868 ON THIRD READING

Senator Campbell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1868** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1719 ON SECOND READING

On motion of Senator Rodriguez and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1719** at this time on its second reading:

SB 1719, Relating to the construction, remodeling, or rehabilitation of certain hotel projects.

The bill was read second time.

Senator Rodríguez offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1719** (senate committee printing) by adding a new appropriately numbered SECTION to read as follows:

SECTION _____. Subsection (h), Section 151.429, Tax Code, is amended to read as follows:

(h) This subsection does not apply to a qualified hotel project described by Section 2303.003(8)(B), Government Code. Notwithstanding the other provisions of this section, the owner of a qualified hotel project shall receive a rebate, refund, or payment of 100 percent of the sales and use taxes paid or collected by the qualified hotel project or businesses located in the qualified hotel project pursuant to this chapter and 100 percent of the hotel occupancy taxes paid by persons for the use or possession of or for the right to the use or possession of a room or space at the qualified hotel project pursuant to the provisions of Chapter 156 during the first 10 years after such qualified hotel project is open for initial occupancy. The comptroller shall deposit the taxes in trust in a separate suspense account of the qualified hotel project. A suspense account is outside the state treasury, and the comptroller may make a rebate, refund, or payment authorized by this section without the necessity of an appropriation. The comptroller shall rebate, refund, or pay to each qualified hotel project eligible taxable proceeds to which the project is entitled under this section at least monthly.

The amendment to **SB 1719** 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.

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

SB 1719 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1719 ON THIRD READING

Senator Rodríguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1719** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 937 ON SECOND READING**

Senator West moved to suspend the regular order of business to take up for consideration **CSSB 937** at this time on its second reading:

CSSB 937, Relating to the authority of a peace officer to apprehend a person for emergency detention and the authority of certain facilities to temporarily detain a person with mental illness.

The motion prevailed.

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

The bill was read second time.

Senator West offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 937** (senate committee printing) as follows:

(1) In SECTION 3 of the bill, in added Section 573.005, Health and Safety Code, strike added Section 573.005(e), Health and Safety Code (page 2, lines 4-6), and substitute the following:

(e) The physician shall document a decision to detain a person under this section and place that notice of detention in the person's medical record. The notice of detention must contain:

(1) a statement that the physician has reason to believe and does believe that the person evidences mental illness;

(2) a statement that the physician has reason to believe and does believe that the person evidences a substantial risk of serious harm to the person or others;

(3) a specific description of the risk of harm;

(4) a statement that the physician has reason to believe and does believe that the risk of harm is imminent unless the person is immediately restrained;

(5) a statement that the physician's beliefs are derived from specific recent behavior, overt acts, attempts, or threats that were observed by or reliably reported to the physician; and

(6) a detailed description of the specific behavior, acts, attempts, or threats.

(2) In SECTION 3 of the bill, in added Section 573.005, Health and Safety Code, immediately following added Section 573.005(f), Health and Safety Code (page 2, between lines 13 and 14), insert the following:

(g) A physician, person, or facility that detains or fails to detain a person under this section and who acts in good faith and without malice is not civilly or criminally liable for that action.

(3) Strike SECTION 4 of the bill (page 2, lines 14-24) and renumber subsequent SECTIONS accordingly.

The amendment to **CSSB 937** 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.

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

CSSB 937 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.

COMMITTEE SUBSTITUTE SENATE BILL 937 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 937** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Hegar.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

SENATE BILL 1177 ON SECOND READING

On motion of Senator Deuell and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1177** at this time on its second reading:

SB 1177, Relating to the designation of ST-segment elevation myocardial infarction facilities.

The bill was read second time.

Senator Deuell offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1177** (senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. The legislature finds that a strong system for ST segment elevation myocardial infarction survival is needed in the state's communities in order to treat ST segment elevation myocardial infarction victims in a timely manner and to build upon and coordinate the overall treatment of ST segment elevation myocardial infarction victims. It is the intent of the legislature to advance local and state efforts to improve the system for ST segment elevation myocardial infarction treatment by inviting recommendations from leaders in public health and the ST segment elevation myocardial infarction system.

SECTION 2. Section 773.012, Health and Safety Code, is amended by adding Subsection (m) to read as follows:

(m) Not later than December 1, 2014, the advisory council, with the assistance of the committee established under Subchapter I and in collaboration with the Texas Council on Cardiovascular Disease and Stroke, shall develop a statewide ST segment elevation myocardial infarction system of care plan that follows the American Heart Association and American College of Cardiology guidelines and addresses the

appropriate triage, treatment, transport, and rehabilitation of ST segment elevation myocardial infarction patients. Not later than December 1, 2014, the advisory council shall submit a report to the governor, the lieutenant governor, the speaker of the house of representatives, and the executive commissioner containing the system of care plan developed under this subsection. The executive commissioner may adopt rules to implement the system of care plan contained in the report.

SECTION 3. Chapter 773, Health and Safety Code, is amended by adding Subchapter I to read as follows:

SUBCHAPTER I. ST SEGMENT ELEVATION MYOCARDIAL INFARCTION COMMITTEE

Sec. 773.251. DEFINITIONS. In this subchapter:

(1) "Advisory council" means the advisory council established under Section 773.012.

(2) "Committee" means the cardiac ST segment elevation myocardial infarction committee created under this subchapter.

Sec. 773.252. ST SEGMENT ELEVATION MYOCARDIAL INFARCTION COMMITTEE. (a) The committee is composed of the following 10 members appointed by the advisory council:

(1) one member who is a representative of the Texas chapter of the American College of Cardiology;

(2) one member who is a representative of the Texas Hospital Association;

(3) one member who is a representative of the Texas Organization of Rural & Community Hospitals;

(4) one member who is a representative of the Texas College of Emergency Physicians;

(5) one member who is a representative of the Texas Medical Association;

(6) one member who is a representative of the American Heart Association;

(7) one member who is a representative of the Texas EMS, Trauma, & Acute Care Foundation;

(8) one member who is a representative of the Texas Emergency Nurses Association; and

(9) two members who are ST segment elevation myocardial infarction survivors or patient advocates.

(b) The committee shall assist the advisory council in developing the statewide ST segment elevation myocardial infarction system of care plan required by Section 773.012(m).

Sec. 773.253. EXPIRATION. The committee is abolished and this subchapter expires June 30, 2015.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

The amendment to **SB 1177** 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.

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

SB 1177 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1177 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 **SB 1177** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 950 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 950** at this time on its second reading:

CSSB 950, Relating to requiring certain alcoholic beverage permittees to be the primary American source of supply for certain alcoholic beverages.

The bill was read second time.

Senator Carona offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 950** (senate committee printing) as follows:

(1) In SECTION 2 of the bill, in amended Section 101.671(a), Alcoholic Beverage Code (page 1, line 49), strike "The" and substitute "Except for rare or vintage wine that is acquired at auction and for which no certificate is available, the ~~The~~".

(2) In SECTION 2 of the bill, at the end of amended Section 101.671(a), Alcoholic Beverage Code (page 1, line 51), immediately following the period, insert the following:

Rare or vintage wine purchased at auction and registered by the commission under this subsection must comply with all other provisions of this code, including provisions regarding the sale, purchase, importation, and distribution of that wine.

The amendment to **CSSB 950** 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.

Senator Carona offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 950** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in amended Section 37.10(b), Alcoholic Beverage Code (page 1, line 40), strike "A" and substitute "Except as provided by Subsection (c), a".

(2) In SECTION 1 of the bill, after amended Section 31.10(b), Alcoholic Beverage Code (page 1, between lines 41 and 42), insert the following:

(c) A product may have more than one primary American source of supply to Texas if the product is a wine that is bottled or produced outside of the United States.

The amendment to **CSSB 950** 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.

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

CSSB 950 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 950 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 950** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 1536 ON SECOND READING

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1536** at this time on its second reading:

CSSB 1536, Relating to the Texas military; imposing criminal penalties; authorizing fees.

The bill was read second time.

Senator Van de Putte offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1536** (senate committee printing) as follows:

(1) In SECTION 1.01 of the bill, in added Section 437.001(6), Government Code (page 1, line 40), between "department" and the period, insert "who is responsible for managing the department".

(2) In SECTION 1.01 of the bill, strike added Section 437.229(b), Government Code (page 22, lines 44-46), and substitute the following:

(b) The uniforms of the officers and enlisted personnel of the Texas State Guard are the uniforms prescribed for the United States armed forces with any modifications the governor, or the adjutant general if delegated the authority by the governor, considers necessary to distinguish the Texas State Guard from the Texas National Guard.

(3) In SECTION 1.01 of the bill, strike added Section 437.308(b), Government Code (page 24, lines 53-57), and substitute the following:

(b) The governor may request for use of the Texas State Guard arms and equipment that the United States government possesses and can spare. The governor, or the adjutant general if delegated the authority by the governor, shall make available to the Texas State Guard state armories and available state property.

The amendment to **CSSB 1536** 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.

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

CSSB 1536 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1536 ON THIRD READING

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1536** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1896 ON SECOND READING

On motion of Senator Garcia and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1896** at this time on its second reading:

SB 1896, Relating to the confidentiality of information in ad valorem tax appraisal records that identifies the home address of certain judges.

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.

SENATE BILL 1896 ON THIRD READING

Senator Garcia moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1896** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

BILLS AND RESOLUTIONS SIGNED

The Presiding Officer, Senator Eltife in Chair, announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read: **SCR 34, HB 174, HB 701, HB 2035, HCR 43.**

COMMITTEE SUBSTITUTE SENATE BILL 1052 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 1052** at this time on its second reading:

CSSB 1052, Relating to search warrants issued in this state and other states for certain customer data, communications, and other information held in electronic storage in this state and other states by providers of electronic communications services and remote computing services.

The bill was read second time.

Senator Carona offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1052** (Senate Committee Printing) as follows:

(1) In SECTION 1 of the bill, in added Article 18.02(a)(13), Code of Criminal Procedure (page 1, line 57), strike "or" and substitute "including".

(2) In SECTION 4 of the bill, strike the text of amended Section 1(20), Article 18.20, Code of Criminal Procedure (page 2, lines 29 through 38), and substitute the following:

(20) "Electronic storage" means any storage of electronic customer data in a computer, computer network, or computer system, regardless of whether the data is subject to recall, further manipulation, deletion, or transmission, and includes any[:

~~[(A) a temporary, intermediate storage of a wire or electronic communication that is incidental to the electronic transmission of the communication; or~~

~~[(B) storage of a wire or electronic communication by an electronic communications service or a remote computing service [for purposes of backup protection of the communication].~~

(3) In SECTION 6 of the bill, in amended Sections 4(b)(2)(C) and (c)(1)(B)(iii), Article 18.21, Code of Criminal Procedure (page 3, lines 11 and 12 and line 27), strike "of this article" and substitute "[of this article]".

(4) In SECTION 6 of the bill, strike the text of amended Section 4(d), Article 18.21, Code of Criminal Procedure (page 3, lines 43 through 56), and substitute the following:

(d) An authorized peace officer may require a provider of electronic communications service or a provider of a remote computing service to disclose electronic customer data not otherwise described by ~~[records or other information~~

~~pertaining to a subscriber or customer of the service, other than communications described in Subsection (e) of] this section[;] without giving the [subscriber or] customer notice:~~

- (1) by obtaining an administrative subpoena authorized by statute;
- (2) by obtaining a grand jury subpoena;
- (3) by obtaining a warrant under Section 5A;
- (4) by obtaining the consent of the ~~[subscriber or]~~ customer to the disclosure of the ~~customer data [records or information];~~
- (5) by obtaining a court order under Section 5 ~~[of this article];~~ or
- (6) as otherwise permitted by applicable federal law.

The amendment to **CSSB 1052** 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.

Senator Carona offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1052** (Senate Committee Printing) in SECTION 7 of the bill as follows:

(1) In added Section 5A, Article 18.21, Code of Criminal Procedure (page 3, line 60, through page 4, line 10), strike Subsections (a) and (b) of the section, substitute the following, and redesignate cross-references and subsequent subsections of the section accordingly:

(a) This section applies to a warrant required under Section 4 to obtain electronic customer data, including the contents of a wire communication or electronic communication.

(b) On the filing of an application by an authorized peace officer, a district judge may issue a search warrant under this section for electronic customer data held in electronic storage, including the contents of and records and other information related to a wire communication or electronic communication held in electronic storage, by a provider of an electronic communications service or provider of a remote computing service described by Subsection (g), regardless of whether the customer data is held at a location in this state or at a location in another state. An application made under this subsection must demonstrate probable cause for the issuance of the warrant and must be supported by the oath or affirmation of the authorized peace officer.

(c) A search warrant may not be issued under this section unless the sworn affidavit required by Article 18.01(b) sets forth sufficient and substantial facts to establish probable cause that:

- (1) a specific offense has been committed; and
- (2) the electronic customer data sought:

(A) constitutes evidence of that offense or evidence that a particular person committed that offense; and

(B) is held in electronic storage by the service provider on which the warrant is served under Subsection (h).

(d) Only the electronic customer data described in the sworn affidavit required by Article 18.01(b) may be seized under the warrant.

(e) A warrant issued under this section shall run in the name of "The State of Texas."

(f) Article 18.011 applies to an affidavit presented under Article 18.01(b) for the issuance of a warrant under this section, and the affidavit may be sealed in the manner provided by that article.

(2) In added Section 5B, Article 18.21, Code of Criminal Procedure (page 5, lines 13 and 15), redesignate the cross-references to Sections 5A(a) and (c) as Sections 5A(b) and (g), respectively.

The amendment to **CSSB 1052** 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.

Senator Carona offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 1052** (Senate Committee Printing) in SECTION 7 of the bill, in added Section 5A(e), Article 18.21, Code of Criminal Procedure, as follows:

(1) On page 4, line 38, between "the warrant" and "the", insert "that".

(2) On page 4, line 41, strike ", which may not be later than" and substitute "is".

(3) On page 4, line 48, strike "period allowed" and substitute "deadline".

(4) On page 4, lines 48 and 49, strike "four business days or less" and substitute "earlier than the 15th business day".

(5) On page 4, line 51, strike "in four business days or less" and substitute "by the earlier deadline".

The amendment to **CSSB 1052** 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.

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

CSSB 1052 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1052 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 1052** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1003 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 1003** at this time on its second reading:

CSSB 1003, Relating to a review of and report regarding the use of adult and juvenile administrative segregation in facilities in this state.

The bill was read second time.

Senator Carona offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1003**, in SECTION 1 of the bill (senate committee printing, page 1, lines 25-26), by striking "a county, a municipality, or a private vendor" and substituting "a municipality, or a private vendor on behalf of a municipality,".

The amendment to **CSSB 1003** 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.

Senator Carona offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1003**, in SECTION 1 of the bill (senate committee printing, page 1, line 31), between "The" and "shall appoint", by striking "governor" and substituting "Criminal Justice Legislative Oversight Committee".

The amendment to **CSSB 1003** 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.

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

CSSB 1003 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1003 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 1003** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1243 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 1243** at this time on its second reading:

CSSB 1243, Relating to the issuance of interest-bearing time warrants and certain notes by school districts.

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.

**COMMITTEE SUBSTITUTE
SENATE BILL 1243 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 1243** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1533 ON SECOND READING

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1533** at this time on its second reading:

SB 1533, Relating to municipal sales and use tax remittances by certain retailers.

The bill was read second time.

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1533** (Senate committee printing) in SECTION 1 of the bill as follows:

(1) In added Section 321.002(a)(3)(B), Tax Code (page 1, line 47), strike "imposed by this chapter or to rebate" and substitute "legally due under [~~imposed by~~] this chapter or exists solely to rebate".

(2) In added Section 321.002(a)(3)(B), Tax Code (page 1, line 50), strike "imposed by this chapter or to rebate" and substitute "legally due under this chapter or solely to rebate".

(3) In added Section 321.002(a)(3)(B), Tax Code (page 1, lines 51-52), strike "any rebate it contracts to receive is lower than the amount of its annual payroll and".

(4) In added Section 321.002(a)(3)(B), Tax Code (page 1, line 55), strike "and other" and substitute "or other".

The amendment to **SB 1533** 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.

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

SB 1533 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1533 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 **SB 1533** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE RULE 7.07(b) SUSPENDED (Permission to Introduce) (Motion In Writing)

Senator Whitmire submitted the following Motion In Writing:

Mr. President:

I move suspension of Senate Rule 7.07(b) to permit the introduction of the following bills: **SB 1914**, **SB 1917**, **SB 1918**, **SB 1919**.

WHITMIRE

The Motion In Writing prevailed without objection.

SENATE BILLS ON FIRST READING

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

SB 1914 by Garcia, Eltife

Relating to certain specialty license plates.

To Committee on Administration.

SB 1915 by Campbell

Relating to the creation of the Comal County Water Improvement District No. 3; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

To Committee on Natural Resources.

SB 1916 by West

Relating to the authority of the Dallas County Hospital District or a nonprofit corporation formed by the district regarding certain technology or intellectual property developed or in development by or for the district or corporation.

To Committee on Intergovernmental Relations.

SB 1917 by Birdwell

Relating to the definition of an authorized emergency vehicle.
To Committee on Intergovernmental Relations.

SB 1918 by Campbell

Relating to certain regulatory requirements placing expiration dates on land development permits and the use of land conveyed to the state or a political subdivision for a public purpose.
To Committee on State Affairs.

SB 1919 by Campbell

Relating to the condemnation of conservation easements.
To Committee on State Affairs.

HOUSE BILLS AND RESOLUTIONS ON FIRST READING

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

HB 166 to Committee on Criminal Justice.

HB 317 to Committee on Finance.

HB 332 to Committee on State Affairs.

HB 397 to Committee on Intergovernmental Relations.

HB 483 to Committee on Open Government.

HB 502 to Committee on Health and Human Services.

HB 511 to Committee on Transportation.

HB 528 to Committee on Jurisprudence.

HB 740 to Committee on Health and Human Services.

HB 773 to Committee on Education.

HB 870 to Committee on Higher Education.

HB 897 to Committee on Education.

HB 964 to Committee on Intergovernmental Relations.

HB 1025 to Committee on Finance.

HB 1061 to Committee on Higher Education.

HB 1128 to Committee on Government Organization.

HB 1160 to Committee on Natural Resources.

HB 1247 to Committee on Intergovernmental Relations.

HB 1264 to Committee on Education.

HB 1284 to Committee on Criminal Justice.

HB 1348 to Committee on Finance.

HB 1385 to Committee on Intergovernmental Relations.

HB 1445 to Committee on State Affairs.

HB 1494 to Committee on Agriculture, Rural Affairs and Homeland Security.

HB 1534 to Committee on Transportation.

HB 1553 to Committee on Administration.

HB 1554 to Committee on Intergovernmental Relations.

HB 1580 to Committee on Economic Development.

HB 1690 to Committee on Health and Human Services.

HB 1753 to Committee on Higher Education.

HB 1768 to Committee on Natural Resources.
HB 1864 to Committee on Natural Resources.
HB 1920 to Committee on Intergovernmental Relations.
HB 1952 to Committee on Education.
HB 1960 to Committee on Veteran Affairs and Military Installations.
HB 1972 to Committee on Business and Commerce.
HB 2051 to Committee on Higher Education.
HB 2105 to Committee on Natural Resources.
HB 2197 to Committee on State Affairs.
HB 2254 to Committee on Veteran Affairs and Military Installations.
HB 2302 to Committee on Jurisprudence.
HB 2311 to Committee on Administration.
HB 2387 to Committee on Finance.
HB 2623 to Committee on Administration.
HB 2684 to Committee on Finance.
HB 2720 to Committee on Natural Resources.
HB 2725 to Committee on Health and Human Services.
HB 3361 to Committee on Intergovernmental Relations.
HB 3889 to Committee on Intergovernmental Relations.
HCR 23 to Committee on Administration.
HCR 56 to Committee on Economic Development.
HJR 79 to Committee on Higher Education.

(President in Chair)

**COMMITTEE SUBSTITUTE
HOUSE BILL 4 ON SECOND READING**

Senator Fraser moved to suspend the regular order of business to take up for consideration **CSHB 4** at this time on its second reading:

CSHB 4, Relating to the administration and functions of the Texas Water Development Board; authorizing the issuance of revenue bonds.

The motion prevailed.

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

The bill was read second time.

Senator Fraser offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 4** (senate committee printing) as follows:

(1) In Section 2.02 of the bill, strike proposed Section 15.432(a), Water Code (page 3, lines 29 through 37), and substitute the following:

(a) The state water implementation fund for Texas is a special fund in the state treasury outside the general revenue fund to be used by the board for the purpose of implementing the state water plan as provided by this subchapter. The board may establish separate accounts in the fund. The fund and the accounts in the fund are managed by the trust company.

(2) In Section 2.02 of the bill, strike proposed Section 15.472(a), Water Code (page 9, line 63, through page 10, line 2), and substitute the following:

(a) The state water implementation revenue fund for Texas is a special fund in the state treasury outside the general revenue fund to be used by the board only for the purpose of providing financing for projects included in the state water plan that are authorized under Subchapter E, Q, or R of this chapter, Subchapter E or F, Chapter 16, or Subchapter J, Chapter 17. The board may establish separate accounts in the fund.

(3) In Section 2.02 of the bill, in proposed Section 15.473(c), Water Code (page 10, line 30), strike "kept and held in escrow and in trust" and substitute "managed".

(4) In Section 2.02 of the bill, in proposed Section 15.473(d), Water Code (page 10, lines 36 and 37), strike "as custodian, shall administer" and substitute "shall manage".

(5) In Section 2.02 of the bill, at the end of proposed Section 15.474, Water Code (page 11, between lines 1 and 2), add the following:

(d) The board, or comptroller or corporate trustee managing the fund at the direction of the board as provided by Section 15.473(c), shall withdraw from the fund and forward to another person any amounts, as determined by the board, for timely payment of:

(1) the principal of and interest on bonds described by Subsection (c)(1)(A) of this section that mature or become due; and

(2) any cost related to bonds described by Subsection (c)(1)(A) of this section that become due, including payments under related credit agreements or bond enhancement agreements.

(6) In Section 2.12 of the bill, in proposed Section 17.853(c)(7), Water Code (page 14, line 40), strike "created under Section 15.472".

(7) At the end of Article 2 of the bill add an appropriately numbered section to the bill to read as follows:

SECTION 2. __. Sections 2.01-2.06, 2.12-2.15, and 2.18-2.23 of this article take effect on the date on which the constitutional amendment proposed by the 83rd Legislature, Regular Session, 2013, adding Sections 49-d-12 and 49-d-13, Article III, Texas Constitution, creating the state water implementation fund for Texas and the state water implementation revenue fund for Texas takes effect. If that amendment is not approved by the voters, those sections of this article have no effect.

(8) Strike Section 3.01 of the bill and substitute the following:

SECTION 3.01. Except as otherwise provided by this Act, this Act takes effect September 1, 2013.

The amendment to **CSHB 4** 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.

Senator Fraser offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSHB 4** (senate committee printing) as follows:

(1) In SECTION 2.02 of the bill, in added Section 15.434(b), Water Code (page 4, lines 55 through 61), strike Subdivision (2) of the subsection and substitute the following:

(2) 20 percent to support projects described by Section 15.435, including agricultural irrigation projects, that are designed for water conservation or reuse.

(2) In SECTION 2.02 of the bill, in added Section 15.435(a), Water Code (page 4, line 68, through page 5, line 5), strike the last two sentences of the subsection and substitute the following:

An obligation to disburse money from the fund, or from a special account established by the board, in accordance with a bond enhancement agreement is a special obligation of the board payable solely from designated income and receipts of the fund or of the account, as determined by the board. An obligation to disburse money from the fund, or from a special account established by the board, in accordance with a bond enhancement agreement does not constitute indebtedness of the state.

(3) In SECTION 2.02 of the bill, at the end of added Section 15.435, Water Code (page 6, following line 52), add the following:

(1) At the direction of the board, the trust company shall make disbursements from the fund, or from a special account established by the board, in accordance with a bond enhancement agreement in the amounts the board determines are needed for debt service payments on, or for security provisions of, general obligation bonds or revenue bonds issued by the board the proceeds of the sale of which have been deposited in another fund administered by the board, or in an account in that other fund, for use in accordance with this subchapter, after the board considers all other sources available for those purposes in that other fund or account. Money transferred under this subsection may be deposited into that other fund or into a special account established by the trust company or a corporate trustee that is a trust company or a bank that has the powers of a trust company, as determined by the board.

(4) In SECTION 2.02 of the bill, in added Section 15.436(a), Water Code (page 6, line 55), strike "planning area" and substitute "plan".

(5) In SECTION 2.02 of the bill, in added Section 15.472(c), Water Code, at the end of Subdivision (5) of the subsection (page 10, line 20), strike "and".

(6) In SECTION 2.02 of the bill, in added Section 15.472(c), Water Code (page 10, lines 21 and 22), strike Subdivision (6) of the subsection and substitute the following:

(6) repayments of loans made from the fund;

(7) money from the sale, transfer, or lease of a project acquired, constructed, reconstructed, developed, or enlarged with money from the fund; and

(8) money disbursed to the fund from the state water implementation fund for Texas as authorized by Section 15.434.

(7) In SECTION 2.02 of the bill, in added Section 15.474, Water Code (page 10, lines 45 through 58), strike Subsection (b) of the section and substitute the following:

(b) Financing or refinancing of projects described by Subsection (a) may be provided by using money in the fund to make loans to eligible political subdivisions or to purchase bonds or other obligations of eligible political subdivisions bearing interest at a rate or rates determined by the board, including a rate or rates below prevailing market rates.

(8) In SECTION 2.02 of the bill, in added Section 15.474(c), Water Code, at the end of Subdivision (1) of the subsection (page 10, line 67), strike "or".

(9) In SECTION 2.02 of the bill, in added Section 15.474(c), Water Code (page 10, line 68, through page 11, line 1), strike Subdivision (2) of the subsection and substitute the following:

(2) to acquire loans or other assets from another fund or account administered by the board, including political subdivision bonds sold or disposed of under Section 15.978 or 17.968; or

(3) to pay the necessary and reasonable expenses of paying agents, bond counsel, and financial advisory services and similar costs incurred by the board in administering the fund.

(10) In SECTION 2.02 of the bill, in added Section 15.475(c), Water Code, between "fund," and "including" (page 11, line 9), insert "or of one or more accounts in the fund.".

(11) Between SECTIONS 2.04 and 2.05 of the bill (page 12, between lines 35 and 36), insert the following appropriately numbered SECTION:

SECTION 2. __. Section 15.978(c), Water Code, is amended to read as follows:

(c) Notwithstanding other provisions of this chapter, the board may sell to the Texas Water Resources Finance Authority or to the state water implementation revenue fund for Texas any political subdivision bonds purchased with money in the water infrastructure fund and may apply the proceeds of a sale in the manner provided by this section.

(12) Between SECTIONS 2.15 and 2.16 of the bill (page 15, between lines 20 and 21), insert the following appropriately numbered SECTIONS:

SECTION 2. __. Subchapter L, Chapter 17, Water Code, is amended by adding Section 17.9617 to read as follows:

Sec. 17.9617. TRANSFERS TO STATE WATER IMPLEMENTATION REVENUE FUND FOR TEXAS. (a) The board may direct the comptroller to transfer money or other assets from an account in the fund, including from the financial assistance account or from the state participation account, to the state water implementation revenue fund for Texas to provide financial assistance under this subchapter and Subchapter H, Chapter 15.

(b) A transfer of money or other assets from an account in the fund may not cause general obligation bonds that are payable from the fund or from an account in the fund to no longer be self-supporting for purposes of Section 49-j(b), Article III, Texas Constitution, as determined by the board.

(c) The board shall use the state water implementation revenue fund for Texas, or an account in that fund, as a source of revenue to be deposited in accordance with this subchapter for the payment of principal and interest on water financial assistance bonds issued by the board, the proceeds of which are to be deposited into the state water implementation revenue fund for Texas, or the account in that fund, and to be used to make payments under a bond enhancement agreement with respect to principal or interest on the water financial assistance bonds.

SECTION 2. __. Section 17.968, Water Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) The board may sell or dispose of political subdivision bonds or other assets purchased with money in the fund to any person, including the Texas Water Resources Finance Authority, or to another fund administered by the board, including the state water implementation revenue fund for Texas, and the board, in such manner as it shall determine, may apply the proceeds of the sale of political subdivision bonds or other assets held by the board to:

(1) pay debt service on water financial assistance bonds issued under this subchapter; or

(2) provide financial assistance to political subdivisions for any one or more of the purposes authorized by Section 49-d-8, Article III, Texas Constitution.

(a-1) A sale or disposition of political subdivision bonds or other assets may not cause general obligation bonds that are payable from the fund or from an account in the fund to no longer be self-supporting for purposes of Section 49-j(b), Article III, Texas Constitution, as determined by the board.

(13) In SECTION 2.16 of the bill, in added Section 49.153(e)(1)(E), Water Code (page 15, line 31), between "facilities" and the semicolon, insert the following:

, provided that the district that executes the note is located wholly in a county that:

(i) does not contain a municipality that has a population of more than 750,000; and

(ii) is not adjacent to a county described by Subparagraph (i)

(14) In SECTION 2.17 of the bill, in amended Section 49.181(a), Water Code (page 15, lines 46 through 51), strike Subdivision (3) of the subsection and substitute the following:

(3) bonds issued to and approved by:

(A) the Farmers Home Administration;

(B) [5] the United States Department of Agriculture;

(C) [5] the North American Development Bank;

(D) [~~5~~] the Texas Water Development Board; or

(E) a federally chartered instrumentality of the United States authorized under 12 U.S.C. Section 2128(f) to finance such a project, provided that the district that issues the bonds is located wholly in a county that:

(i) does not contain a municipality that has a population of more than 750,000; and

(ii) is not adjacent to a county described by Subparagraph (i);

(15) Renumber the SECTIONS of ARTICLE 2 of the bill accordingly.

The amendment to **CSHB 4** 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.

Senator Eltife offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSHB 4** (senate committee report) as follows:

(1) In SECTION 2.02 of the bill, in added Section 15.435(b), Water Code, between Subdivisions (1) and (2) of the subsection (page 5, between lines 16 and 17),

insert the following subdivision and renumber the subsequent subdivisions of the subsection accordingly:

(2) the storage acquisition fund;

(2) In SECTION 2.02 of the bill, in added Section 15.438(h)(3), Water Code (page 8, line 58), strike "Q" and substitute "E, Q,".

(3) In SECTION 2.02 of the bill, at the end of added Section 15.438, Water Code (page 9, between lines 20 and 21), add the following:

(n) The advisory committee shall evaluate and may provide comments or recommendations on the feasibility of the state owning, constructing, and operating water supply projects, including reservoirs and major water supply conveyance infrastructure, through existing financial assistance programs under Subchapter E of this chapter, Subchapter E or F, Chapter 16, or other mechanisms.

(4) In SECTION 2.02 of the bill, in added Section 15.474(a), Water Code (page 10, line 43), strike "Q" and substitute "E, Q,".

(5) Add the following appropriately numbered SECTIONS to ARTICLE 2 of the bill and renumber subsequent SECTIONS of the ARTICLE accordingly:

SECTION 2. __. Section 15.301, Water Code, is amended to read as follows:

Sec. 15.301. FUND CREATED. There is created a fund in the state treasury to be known as the storage acquisition fund which is to be funded by:

(1) direct appropriations;

(2) ~~[and by]~~ transfers from the fund at the discretion of the board; and

(3) money disbursed to the fund from the state water implementation fund for Texas as authorized by Section 15.434.

SECTION 2. __. Section 15.302, Water Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) The board may use the storage acquisition fund for projects including the design, acquisition, lease, construction, reconstruction, development, or enlargement in whole or part of any existing or proposed water storage or conveyance project.

(c) The board shall transfer back to the state water implementation fund for Texas any money disbursed to the storage acquisition fund as described by Section 15.301(3) if the requirements of Section 15.435 are satisfied.

The amendment to **CSHB 4** 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.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 4

Amend proposed **CSHB 4** in SECTION 2.02 of the bill, in added Section 15.437(c)(6), Water Code, between "funds" and "to" (page 16, line 27), by inserting "already used or".

The amendment to **CSHB 4** 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: Seliger.

Senator Uresti offered the following amendment to the bill:

Floor Amendment No. 5

Amend **CSHB 4** (senate committee printing) as follows:

(1) In SECTION 2.02 of the bill, in proposed Section 15.431, Water Code (page 3, between lines 26 and 27), insert the following:

(3) "Historically underutilized business" has the meaning assigned by Section 2161.001, Government Code.

(2) In SECTION 2.02 of the bill, in proposed Section 15.431(3), Water Code (page 3, line 27), strike "(3)" and substitute "(4)".

(3) In SECTION 2.02 of the bill, in proposed Section 15.435, Water Code, between Subsections (g) and (h) of the section (page 6, between lines 11 and 12), insert the following:

(h) The board may not direct the trust company to enter into a bond enhancement agreement with respect to bonds issued by the board the proceeds of which may be used to provide financial assistance to an applicant unless at the time of the request the applicant has acknowledged its legal obligation to comply with any applicable requirements of:

(1) federal law relating to contracting with disadvantaged business enterprises; and

(2) state law relating to contracting with historically underutilized businesses.

(4) Reletter the subsequent subsections of proposed Section 15.435, Water Code, and cross-references to those subsections accordingly.

(5) In SECTION 2.02 of the bill, at the end of proposed Section 15.438, Water Code (page 9, between lines 20 and 21), add the following:

(n) The executive administrator shall provide an annual report to the advisory committee on:

(1) the board's compliance with statewide annual goals relating to historically underutilized businesses; and

(2) the participation level of historically underutilized businesses in projects that receive funding related to a bond enhancement agreement under this subchapter.

(o) If the aggregate level of participation by historically underutilized businesses in projects that receive funding related to a bond enhancement agreement under this subchapter does not meet statewide annual goals adopted under Chapter 2161, Government Code, the advisory committee shall make recommendations to the board to improve the participation level.

The amendment to **CSHB 4** 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:

Nays: Seliger.

Senator Hegar offered the following amendment to the bill:

Floor Amendment No. 6

Amend **CSHB 4** (senate committee report) in SECTION 2.02 of the bill, in added Section 15.438(h)(7), Water Code, between "state" and the semicolon (page 9, line 2), by inserting "or that employ a significant number of residents of this state".

The amendment to **CSHB 4** 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:

Nays: Seliger.

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

CSHB 4 as amended was passed to third reading by a viva voce vote.

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

Nays: Seliger.

**COMMITTEE SUBSTITUTE
HOUSE BILL 4 ON THIRD READING**

Senator Fraser moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 4** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Seliger.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

STATEMENT OF LEGISLATIVE INTENT

Senator Fraser submitted the following statement of legislative intent for **CSHB 4**:

House Bill 4 is designed to benefit the entire state, and the Legislature is counting on Texas Water Development Board to ensure that the implementation reaches all parts of the state.

House Bill 4 includes a provision directing the Texas Water Development Board to undertake applying not less than 10 percent of the money from the SWIFT to support projects for rural political subdivisions as defined by Texas Water Code Section 15.992 or for agriculture water conservation. I want to send a clear message to the Texas Water Development Board that they need to do their utmost to achieve this goal and to provide the appropriate outreach, financial and technical assistance to assist rural political subdivisions in using financing from the SWIFT through the Rural Water Assistance Fund.

House Bill 4 also includes provisions regarding the prioritization of projects within the regional water plans and the state water plan. It is my intent that these provisions are intended to provide a level playing field so that a variety of projects may ultimately be eligible for funding, including projects serving smaller rural communities – not just projects to benefit a particular area or population density of the state. Again, House Bill 4 is designed to provide benefits to all parts of Texas – rural and urban.

FRASER

**COMMITTEE SUBSTITUTE
SENATE BILL 4 ON SECOND READING**

Senator Fraser moved to suspend the regular order of business to take up for consideration **CSSB 4** at this time on its second reading:

CSSB 4, Relating to the administration and functions of the Texas Water Development Board; authorizing the issuance of revenue bonds.

The motion prevailed.

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

The bill was read second time.

Senator Fraser offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 4** (senate committee printing) as follows:

(1) In Section 2.02 of the bill, strike proposed Section 15.432(a), Water Code (page 3, lines 29 through 37), and substitute the following:

(a) The state water implementation fund for Texas is a special fund in the state treasury outside the general revenue fund to be used by the board for the purpose of implementing the state water plan as provided by this subchapter. The board may establish separate accounts in the fund. The fund and the accounts in the fund are managed by the trust company.

(2) In Section 2.02 of the bill, strike proposed Section 15.472(a), Water Code (page 9, line 63, through page 10, line 2), and substitute the following:

(a) The state water implementation revenue fund for Texas is a special fund in the state treasury outside the general revenue fund to be used by the board only for the purpose of providing financing for projects included in the state water plan that are authorized under Subchapter E, Q, or R of this chapter, Subchapter E or F, Chapter 16, or Subchapter J, Chapter 17. The board may establish separate accounts in the fund.

(3) In Section 2.02 of the bill, in proposed Section 15.473(c), Water Code (page 10, line 30), strike "kept and held in escrow and in trust" and substitute "managed".

(4) In Section 2.02 of the bill, in proposed Section 15.473(d), Water Code (page 10, lines 36 and 37), strike "as custodian, shall administer" and substitute "shall manage".

(5) In Section 2.02 of the bill, at the end of proposed Section 15.474, Water Code (page 11, between lines 1 and 2), add the following:

(d) The board, or comptroller or corporate trustee managing the fund at the direction of the board as provided by Section 15.473(c), shall withdraw from the fund and forward to another person any amounts, as determined by the board, for timely payment of:

(1) the principal of and interest on bonds described by Subsection (c)(1)(A) of this section that mature or become due; and

(2) any cost related to bonds described by Subsection (c)(1)(A) of this section that become due, including payments under related credit agreements or bond enhancement agreements.

(6) In Section 2.12 of the bill, in proposed Section 17.853(c)(7), Water Code (page 14, line 40), strike "created under Section 15.472".

(7) At the end of Article 2 of the bill add an appropriately numbered section to the bill to read as follows:

SECTION 2. Sections 2.01-2.06, 2.12-2.15, and 2.18-2.23 of this article take effect on the date on which the constitutional amendment proposed by the 83rd Legislature, Regular Session, 2013, adding Sections 49-d-12 and 49-d-13, Article III, Texas Constitution, creating the state water implementation fund for Texas and the state water implementation revenue fund for Texas takes effect. If that amendment is not approved by the voters, those sections of this article have no effect.

(8) Strike Section 3.01 of the bill and substitute the following:

SECTION 3.01. Except as otherwise provided by this Act, this Act takes effect September 1, 2013.

The amendment to **CSSB 4** 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.

Senator Fraser offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 4** (senate committee printing) as follows:

(1) In SECTION 2.02 of the bill, in added Section 15.434(b), Water Code (page 4, lines 55 through 61), strike Subdivision (2) of the subsection and substitute the following:

(2) 20 percent to support projects described by Section 15.435, including agricultural irrigation projects, that are designed for water conservation or reuse.

(2) In SECTION 2.02 of the bill, in added Section 15.435(a), Water Code (page 4, line 68, through page 5, line 5), strike the last two sentences of the subsection and substitute the following:

An obligation to disburse money from the fund, or from a special account established by the board, in accordance with a bond enhancement agreement is a special obligation of the board payable solely from designated income and receipts of the fund or of the account, as determined by the board. An obligation to disburse money from the fund, or from a special account established by the board, in accordance with a bond enhancement agreement does not constitute indebtedness of the state.

(3) In SECTION 2.02 of the bill, at the end of added Section 15.435, Water Code (page 6, following line 52), add the following:

(1) At the direction of the board, the trust company shall make disbursements from the fund, or from a special account established by the board, in accordance with a bond enhancement agreement in the amounts the board determines are needed for debt service payments on, or for security provisions of, general obligation bonds or revenue bonds issued by the board the proceeds of the sale of which have been deposited in another fund administered by the board, or in an account in that other fund, for use in accordance with this subchapter, after the board considers all other sources available for those purposes in that other fund or account. Money transferred under this subsection may be deposited into that other fund or into a special account established by the trust company or a corporate trustee that is a trust company or a bank that has the powers of a trust company, as determined by the board.

(4) In SECTION 2.02 of the bill, in added Section 15.436(a), Water Code (page 6, line 55), strike "planning area" and substitute "plan".

(5) In SECTION 2.02 of the bill, in added Section 15.472(c), Water Code, at the end of Subdivision (5) of the subsection (page 10, line 20), strike "and".

(6) In SECTION 2.02 of the bill, in added Section 15.472(c), Water Code (page 10, lines 21 and 22), strike Subdivision (6) of the subsection and substitute the following:

(6) repayments of loans made from the fund;

(7) money from the sale, transfer, or lease of a project acquired, constructed, reconstructed, developed, or enlarged with money from the fund; and

(8) money disbursed to the fund from the state water implementation fund for Texas as authorized by Section 15.434.

(7) In SECTION 2.02 of the bill, in added Section 15.474, Water Code (page 10, lines 45 through 58), strike Subsection (b) of the section and substitute the following:

(b) Financing or refinancing of projects described by Subsection (a) may be provided by using money in the fund to make loans to eligible political subdivisions or to purchase bonds or other obligations of eligible political subdivisions bearing interest at a rate or rates determined by the board, including a rate or rates below prevailing market rates.

(8) In SECTION 2.02 of the bill, in added Section 15.474(c), Water Code, at the end of Subdivision (1) of the subsection (page 10, line 67), strike "or".

(9) In SECTION 2.02 of the bill, in added Section 15.474(c), Water Code (page 10, line 68, through page 11, line 1), strike Subdivision (2) of the subsection and substitute the following:

(2) to acquire loans or other assets from another fund or account administered by the board, including political subdivision bonds sold or disposed of under Section 15.978 or 17.968; or

(3) to pay the necessary and reasonable expenses of paying agents, bond counsel, and financial advisory services and similar costs incurred by the board in administering the fund.

(10) In SECTION 2.02 of the bill, in added Section 15.475(c), Water Code, between "fund," and "including" (page 11, line 9), insert "or of one or more accounts in the fund,".

(11) Between SECTIONS 2.04 and 2.05 of the bill (page 12, between lines 35 and 36), insert the following appropriately numbered SECTION:

SECTION 2. __. Section 15.978(c), Water Code, is amended to read as follows:

(c) Notwithstanding other provisions of this chapter, the board may sell to the Texas Water Resources Finance Authority or to the state water implementation revenue fund for Texas any political subdivision bonds purchased with money in the water infrastructure fund and may apply the proceeds of a sale in the manner provided by this section.

(12) Between SECTIONS 2.15 and 2.16 of the bill (page 15, between lines 20 and 21), insert the following appropriately numbered SECTIONS:

SECTION 2. __. Subchapter L, Chapter 17, Water Code, is amended by adding Section 17.9617 to read as follows:

Sec. 17.9617. TRANSFERS TO STATE WATER IMPLEMENTATION REVENUE FUND FOR TEXAS. (a) The board may direct the comptroller to transfer money or other assets from an account in the fund, including from the financial assistance account or from the state participation account, to the state water implementation revenue fund for Texas to provide financial assistance under this subchapter and Subchapter H, Chapter 15.

(b) A transfer of money or other assets from an account in the fund may not cause general obligation bonds that are payable from the fund or from an account in the fund to no longer be self-supporting for purposes of Section 49-j(b), Article III, Texas Constitution, as determined by the board.

(c) The board shall use the state water implementation revenue fund for Texas, or an account in that fund, as a source of revenue to be deposited in accordance with this subchapter for the payment of principal and interest on water financial assistance bonds issued by the board, the proceeds of which are to be deposited into the state water implementation revenue fund for Texas, or the account in that fund, and to be used to make payments under a bond enhancement agreement with respect to principal or interest on the water financial assistance bonds.

SECTION 2. __. Section 17.968, Water Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) The board may sell or dispose of political subdivision bonds or other assets purchased with money in the fund to any person, including the Texas Water Resources Finance Authority, or to another fund administered by the board, including the state water implementation revenue fund for Texas, and the board, in such manner as it shall determine, may apply the proceeds of the sale of political subdivision bonds or other assets held by the board to:

(1) pay debt service on water financial assistance bonds issued under this subchapter; or

(2) provide financial assistance to political subdivisions for any one or more of the purposes authorized by Section 49-d-8, Article III, Texas Constitution.

(a-1) A sale or disposition of political subdivision bonds or other assets may not cause general obligation bonds that are payable from the fund or from an account in the fund to no longer be self-supporting for purposes of Section 49-j(b), Article III, Texas Constitution, as determined by the board.

(13) In SECTION 2.16 of the bill, in added Section 49.153(e)(1)(E), Water Code (page 15, line 31), between "facilities" and the semicolon, insert the following: , provided that the district that executes the note is located wholly in a county that:

(i) does not contain a municipality that has a population of more than 750,000; and

(ii) is not adjacent to a county described by Subparagraph (i)

(14) In SECTION 2.17 of the bill, in amended Section 49.181(a), Water Code (page 15, lines 46 through 51), strike Subdivision (3) of the subsection and substitute the following:

(3) bonds issued to and approved by:

(A) the Farmers Home Administration;

(B) [;] the United States Department of Agriculture;

(C) [;] the North American Development Bank;

(D) [~~;~~] the Texas Water Development Board; or

(E) a federally chartered instrumentality of the United States authorized under 12 U.S.C. Section 2128(f) to finance such a project, provided that the district that issues the bonds is located wholly in a county that:

(i) does not contain a municipality that has a population of more than 750,000; and

(ii) is not adjacent to a county described by Subparagraph (i);

(15) Renumber the SECTIONS of ARTICLE 2 of the bill accordingly.

The amendment to **CSSB 4** 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.

Senator Eltife offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 4** (senate committee report) as follows:

(1) In SECTION 2.02 of the bill, in added Section 15.435(b), Water Code, between Subdivisions (1) and (2) of the subsection (page 5, between lines 16 and 17), insert the following subdivision and renumber the subsequent subdivisions of the subsection accordingly:

(2) the storage acquisition fund;

(2) In SECTION 2.02 of the bill, in added Section 15.438(h)(3), Water Code (page 8, line 58), strike "Q" and substitute "E, Q,".

(3) In SECTION 2.02 of the bill, at the end of added Section 15.438, Water Code (page 9, between lines 20 and 21), add the following:

(n) The advisory committee shall evaluate and may provide comments or recommendations on the feasibility of the state owning, constructing, and operating water supply projects, including reservoirs and major water supply conveyance infrastructure, through existing financial assistance programs under Subchapter E of this chapter, Subchapter E or F, Chapter 16, or other mechanisms.

(4) In SECTION 2.02 of the bill, in added Section 15.474(a), Water Code (page 10, line 43), strike "Q" and substitute "E, Q,".

(5) Add the following appropriately numbered SECTIONS to ARTICLE 2 of the bill and renumber subsequent SECTIONS of the ARTICLE accordingly:

SECTION 2. __. Section 15.301, Water Code, is amended to read as follows:

Sec. 15.301. FUND CREATED. There is created a fund in the state treasury to be known as the storage acquisition fund which is to be funded by:

- (1) direct appropriations;
- (2) ~~and by~~ transfers from the fund at the discretion of the board; and
- (3) money disbursed to the fund from the state water implementation fund for Texas as authorized by Section 15.434.

SECTION 2. __. Section 15.302, Water Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) The board may use the storage acquisition fund for projects including the design, acquisition, lease, construction, reconstruction, development, or enlargement in whole or part of any existing or proposed water storage or conveyance project.

(c) The board shall transfer back to the state water implementation fund for Texas any money disbursed to the storage acquisition fund as described by Section 15.301(3) if the requirements of Section 15.435 are satisfied.

The amendment to **CSSB 4** 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.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 4

Amend proposed **CSSB 4** in Section 2.02 of the bill, in added Section 15.437(c)(6), Water Code, between "funds" and "to", by inserting "already used or".

The amendment to **CSSB 4** 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: Seliger.

Senator Uresti offered the following amendment to the bill:

Floor Amendment No. 5

Amend **CSSB 4** (senate committee printing) as follows:

(1) In SECTION 2.02 of the bill, in proposed Section 15.431, Water Code (page 3, between lines 26 and 27), insert the following:

(3) "Historically underutilized business" has the meaning assigned by Section 2161.001, Government Code.

(2) In SECTION 2.02 of the bill, in proposed Section 15.431(3), Water Code (page 3, line 27), strike "(3)" and substitute "(4)".

(3) In SECTION 2.02 of the bill, in proposed Section 15.435, Water Code, between Subsections (g) and (h) of the section (page 6, between lines 11 and 12), insert the following:

(h) The board may not direct the trust company to enter into a bond enhancement agreement with respect to bonds issued by the board the proceeds of which may be used to provide financial assistance to an applicant unless at the time of the request the applicant has acknowledged its legal obligation to comply with any applicable requirements of:

(1) federal law relating to contracting with disadvantaged business enterprises; and

(2) state law relating to contracting with historically underutilized businesses.

(4) Reletter the subsequent subsections of proposed Section 15.435, Water Code, and cross-references to those subsections accordingly.

(5) In SECTION 2.02 of the bill, at the end of proposed Section 15.438, Water Code (page 9, between lines 20 and 21), add the following:

(n) The executive administrator shall provide an annual report to the advisory committee on:

(1) the board's compliance with statewide annual goals relating to historically underutilized businesses; and

(2) the participation level of historically underutilized businesses in projects that receive funding related to a bond enhancement agreement under this subchapter.

(o) If the aggregate level of participation by historically underutilized businesses in projects that receive funding related to a bond enhancement agreement under this subchapter does not meet statewide annual goals adopted under Chapter 2161, Government Code, the advisory committee shall make recommendations to the board to improve the participation level.

The amendment to **CSSB 4** 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:

Nays: Seliger.

Senator Hegar offered the following amendment to the bill:

Floor Amendment No. 6

Amend **CSSB 4** (senate committee report) in SECTION 2.02 of the bill, in added Section 15.438(h)(7), Water Code, between "state" and the semicolon (page 9, line 2), by inserting "or that employ a significant number of residents of this state".

The amendment to **CSSB 4** 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:

Nays: Seliger.

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

CSSB 4 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: Seliger.

**COMMITTEE SUBSTITUTE
SENATE BILL 4 ON THIRD READING**

Senator Fraser moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 4** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Seliger.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

STATEMENT OF LEGISLATIVE INTENT

Senator Fraser submitted the following statement of legislative intent for **CSSB 4**:

Senate Bill 4 is designed to benefit the entire state, and the Legislature is counting on Texas Water Development Board to ensure that the implementation reaches all parts of the state.

Senate Bill 4 includes a provision directing the Texas Water Development Board to undertake applying not less than 10 percent of the money from the SWIFT to support projects for rural political subdivisions as defined by Texas Water Code Section 15.992 or for agriculture water conservation. I want to send a clear message to the Texas Water Development Board that they need to do their utmost to achieve this goal and to provide the appropriate outreach, financial and technical assistance to assist rural political subdivisions in using financing from the SWIFT through the Rural Water Assistance Fund.

Senate Bill 4 also includes provisions regarding the prioritization of projects within the regional water plans and the state water plan. It is my intent that these provisions are intended to provide a level playing field so that a variety of projects may ultimately be eligible for funding, including projects serving smaller rural communities – not just projects to benefit a particular area or population density of the state. Again, Senate Bill 4 is designed to provide benefits to all parts of Texas – rural and urban.

FRASER

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Fraser and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Natural Resources might meet and consider the following bills today:

SB 468, SB 1560, SB 1561.

CO-AUTHOR OF SENATE BILL 4

On motion of Senator Fraser, Senator Campbell will be shown as Co-author of **SB 4**.

CO-AUTHORS OF SENATE BILL 25

On motion of Senator Hegar, Senators Patrick and Paxton will be shown as Co-authors of **SB 25**.

CO-AUTHOR OF SENATE BILL 101

On motion of Senator Patrick, Senator Paxton will be shown as Co-author of **SB 101**.

CO-AUTHOR OF SENATE BILL 377

On motion of Senator Lucio, Senator West will be shown as Co-author of **SB 377**.

CO-AUTHORS OF SENATE BILL 675

On motion of Senator Hancock, Senators Patrick and Paxton will be shown as Co-authors of **SB 675**.

CO-AUTHOR OF SENATE BILL 1003

On motion of Senator Carona, Senator Van de Putte will be shown as Co-author of **SB 1003**.

CO-AUTHORS OF SENATE BILL 1198

On motion of Senator Taylor, Senators Patrick and Paxton will be shown as Co-authors of **SB 1198**.

CO-AUTHOR OF SENATE BILL 1258

On motion of Senator Hinojosa, Senator West will be shown as Co-author of **SB 1258**.

CO-AUTHOR OF SENATE BILL 1656

On motion of Senator Williams, Senator Paxton will be shown as Co-author of **SB 1656**.

CO-AUTHOR OF SENATE BILL 1799

On motion of Senator Watson, Senator West will be shown as Co-author of **SB 1799**.

CO-AUTHOR OF SENATE BILL 1907

On motion of Senator Hegar, Senator Birdwell will be shown as Co-author of **SB 1907**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 10

On motion of Senator Patrick, Senator Paxton will be shown as Co-author of **SJR 10**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 61

On motion of Senator Schwertner, Senator Deuell will be shown as Co-author of **SJR 61**.

CO-SPONSOR OF HOUSE BILL 63

On motion of Senator Zaffirini, Senator Seliger will be shown as Co-sponsor of **HB 63**.

CO-SPONSOR OF HOUSE BILL 915

On motion of Senator Nelson, Senator Uresti will be shown as Co-sponsor of **HB 915**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 772 by Taylor, In memory of Lilian Norman Keeney.

SR 774 by Uresti, In memory of James Dominguez.

Congratulatory Resolutions

SR 767 by Ellis, Recognizing Maye Frances Hainsworth-Hutson on the occasion of her 100th birthday.

SR 769 by Fraser, Recognizing the history of Bandera.

SR 775 by Nelson, Recognizing Kenneth Cooper on the 45th anniversary of his book *Aerobics*.

SR 776 by Watson, Recognizing The University of Texas at Austin men's golf team for winning a national championship.

SR 779 by West, Recognizing Christene Redden on the occasion of her 90th birthday.

HCR 100 (Carona), Commending retired Texas Supreme Court chief justice Jack Pope for his service and congratulating him on his 100th birthday.

Official Designation Resolutions

SR 770 by Watson, Recognizing April 30, 2013, as Autism Awareness Day.

HCR 98 (Nelson), Designating May 2013 as Amyotrophic Lateral Sclerosis Awareness Month in Texas.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 4:24 p.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

April 29, 2013

CRIMINAL JUSTICE — **CSSB 1451, CSSB 1769**

EDUCATION — **SB 38, SB 39, CSSB 1725**

CRIMINAL JUSTICE — **CSSB 1191, CSSB 1439, CSSB 1440**

FINANCE — **SB 1606**

TRANSPORTATION — **CSSB 854**

INTERGOVERNMENTAL RELATIONS — **SB 438, SB 171, SB 1217, CSSB 1690, CSSB 1867, CSSB 1877, SB 1878, SB 1879, SB 1883, SB 1897, SB 1898, SB 1900, SB 1901, SB 1902, SB 1903, SJR 54**

TRANSPORTATION — **CSSB 1488**

GOVERNMENT ORGANIZATION — **CSSB 1208, CSSB 403**

JURISPRUDENCE — **CSSB 977**

FINANCE — **CSSB 1662, CSSJR 16, CSSJR 10, CSSB 101, CSSB 163**

CRIMINAL JUSTICE — **CSSB 368, CSSB 1517, CSSB 1522**

ECONOMIC DEVELOPMENT — **HB 1550, CSSB 1391**

FINANCE — **CSSJR 61**

AGRICULTURE, RURAL AFFAIRS AND HOMELAND SECURITY — **CSSB 1554**

HIGHER EDUCATION — **CSSB 1258**

EDUCATION — **CSSB 783**

STATE AFFAIRS — **CSSB 644, CSSB 1216, CSSB 1436**

ADMINISTRATION — **HCR 31, HB 407, HB 477, HB 2304, HB 2377**

HEALTH AND HUMAN SERVICES — **CSSB 1375, CSSB 1542, CSSB 1836**

INTERGOVERNMENTAL RELATIONS — **CSSB 1087, CSSB 1383, CSSB 1893**

STATE AFFAIRS — **HB 13, HB 278, HB 487, HB 1325, SB 338, SB 1503**

INTERGOVERNMENTAL RELATIONS — **CSSB 461, CSSB 1890**

FINANCE — **CSSB 1808**

BILLS ENGROSSED

April 25, 2013

SB 27, SB 94, SB 238, SB 316, SB 357, SB 475, SB 522, SB 591, SB 592, SB 593, SB 620, SB 651, SB 659, SB 667, SB 780, SB 835, SB 853, SB 872, SB 878, SB 893, SB 906, SB 913, SB 922, SB 929, SB 1046, SB 1079, SB 1086, SB 1095, SB 1098, SB 1106, SB 1116, SB 1133, SB 1158, SB 1162, SB 1167, SB 1176, SB 1189, SB 1192, SB 1200, SB 1221, SB 1234, SB 1240, SB 1268, SB 1312, SB 1368, SB 1400, SB 1402, SB 1403, SB 1415, SB 1432, SB 1460, SB 1461, SB 1473, SB 1489, SB 1508, SB 1509, SB 1510, SB 1553, SB 1556, SB 1585,

SB 1589, SB 1596, SB 1598, SB 1599, SB 1601, SB 1609, SB 1610, SB 1612, SB 1620, SB 1630, SB 1636, SB 1640, SB 1643, SB 1646, SB 1658, SB 1678, SB 1741, SB 1757, SB 1758, SB 1771, SB 1810, SB 1820, SB 1821, SB 1828, SB 1837, SB 1838, SB 1839, SB 1840, SB 1841, SB 1852, SB 1854, SB 1855, SB 1864, SB 1882

RESOLUTIONS ENROLLED

April 25, 2013

SCR 34, SR 755, SR 758, SR 759, SR 760, SR 761, SR 762, SR 764, SR 766

SENT TO GOVERNOR

April 29, 2013

SCR 34

SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FORTY-NINTH DAY

(Tuesday, April 30, 2013)

The Senate met at 11:11 a.m. pursuant to adjournment and was called to order by Senator Eltife.

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

The Presiding Officer announced that a quorum of the Senate was present.

Pastor Joshua Richards, Cornerstone Community Church, Springtown, offered the invocation as follows:

Dear heavenly Father, I thank You for this day. Today is a day that You have given us. Lord, we seek Your wisdom and Your guidance, for we do not want to waste a moment of today. The psalmist proclaimed, and I, too, proclaim, The Lord is my strength and my shield; my heart trusts in Him and I am helped. Help us today, Lord. We seek direction in decisions that must be made. Just as the prophet Isaiah heard Your call to come and reason, so do we hear Your call this morning. Help us to reason together and make wise choices to lead our state to better education, job creation, and peaceful lives. Help us to be a beacon of hope in a world that is filled with hopelessness. Guide each person in this room today with wisdom from You. Lord, thank You for granting me this opportunity today. As per Your instructions to Aaron, I pray blessings on those gathered here today and all across our state. May the Lord bless you and keep you. May the Lord make His face shine on you and be gracious to you. May the Lord lift up His countenance on you and give you peace. Amen.

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

The motion prevailed without objection.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

April 29, 2013

Austin, Texas

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

On January 16, 2013, I submitted the name of James H. "Jim" Lee for appointment to the Texas Higher Education Coordinating Board for a term to expire August 31, 2013.

Because he resigned, I hereby withdraw his nomination and request that the Senate return the appointment to me.

Respectfully submitted,

/s/Rick Perry

Governor

PHYSICIAN OF THE DAY

Senator Watson was recognized and presented Dr. William Medrano of Austin as the Physician of the Day.

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

SENATE RESOLUTIONS

Senator Deuell offered the following resolution:

SR 683, Congratulating the 2013 Texas Commission on the Arts honorees.

The resolution was read.

Senator Deuell offered the following resolution:

SR 684, Congratulating the 2014 Texas Commission on the Arts honorees.

The resolution was read.

SR 683 and **SR 684** were adopted without objection.

GUESTS PRESENTED

Senator Deuell was recognized and introduced to the Senate a Texas Commission on the Arts delegation, accompanied by honorees Rosemary Catacalos, Craig Hella Johnson, Jim Woodson, Joseph Havel, Dean Young, Flaco Jimenez, and Ken Little.

The Senate welcomed its guests.

SENATE RESOLUTION 770

Senator Watson offered the following resolution:

SR 770, Recognizing April 30, 2013, as Autism Awareness Day.

The resolution was again read.

The resolution was previously adopted on Monday, April 29, 2013.

GUESTS PRESENTED

Senator Watson, joined by Senators Davis and Lucio, was recognized and introduced to the Senate representatives of Autism Awareness Day: Judith Ursitti, Director, State Government Affairs, Autism Speaks; Scott Badesch, President, Autism Society of Greater Austin; Rebecca Yearly; and Jon and Sam Hockenyos.

The Senate welcomed its guests.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Tuesday, April 30, 2013 - 1

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HCR 1

Branch

Directing the Texas Facilities Commission to rename the State Insurance Building Annex in the Capitol Complex the John G. Tower State Office Building.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE RESOLUTION 778

Senator Hinojosa offered the following resolution:

SR 778, Recognizing April 30, 2013, as County Government Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Hinojosa was recognized and introduced to the Senate a Texas Association of Counties delegation, accompanied by Connie Hickman, President; Donnie Allred, President-elect; and Joyce Hudman, Vice-president.

The Senate welcomed its guests.

SENATE RESOLUTION 771

Senator Duncan offered the following resolution:

SR 771, In memory of Giles W. Dalby.

DUNCAN
WHITMIRE

On motion of Senator Duncan, the resolution was read and was adopted by a rising vote of the Senate.

In honor of the memory of Giles W. Dalby, the text of the resolution is printed at the end of today's *Senate Journal*.

Senator Duncan was recognized and introduced to the Senate the family of Giles W. Dalby: Lee Norman, Giles Dalby III, Mendy Dalby, Liz Elliott, Whitney Whitmire, Becki Whitmire, Charlcie Mosser, Giles Wilson Dalby, Jr., and Shianne Miller.

The Senate welcomed its guests and extended its sympathy.

SENATE RESOLUTION 777

Senator Zaffirini offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to welcome the citizens of San Patricio County and to recognize April 30, 2013, as San Patricio County Day at the State Capitol; and

WHEREAS, San Patricio County covers a 693-square mile area in the Coastal Prairies Region; its colonization began in the early 1800s, and the county was established in 1836 by the Congress of the new Republic of Texas; in 1894, Sinton, the site of a railroad stop, became the county seat; located in the center of the county, Sinton is referred to as the "Gateway to the Gulf Coast"; and

WHEREAS, Ranching was the foundation of the county's early economy, and the area's mild, moist climate made it a prime region for agribusiness; the arrival of the railroad in 1885 and the discovery of oil and gas in the early 1900s further gave rise to a more diversified economy; and

WHEREAS, San Patricio County supports a wide variety of wildlife species, and the Rob and Bessie Welder Wildlife Foundation and Refuge provides opportunities for research and education in wildlife conservation; the county is the site of numerous events and festivals, including the annual World Champion Rattlesnake Races held in San Patricio; and

WHEREAS, San Patricio County Day at the State Capitol provides an opportunity for families and friends to honor the county's history and to celebrate its many assets, which are enjoyed today by its residents and vacationers of all ages; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby declare April 30, 2013, San Patricio County Day at the State Capitol and extend best wishes to all attending this event; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the residents of San Patricio County as a memento of this occasion.

SR 777 was read and was adopted without objection.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate a San Patricio County delegation, accompanied by Terry Simpson, County Judge; Fred Nardini, County Commissioner; Pete Perkins, Ingleside Mayor; Armando Ortiz, City of Odem Alderman; and Larry Whittington, City of Mathis City Manager.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate students and teachers from the Good Shepherd Episcopal School of Austin's four-year-old class.

The Senate welcomed its guests.

SENATE RESOLUTION 790

Senator Lucio offered the following resolution:

SR 790, In memory of Alberto Alfonso Besteiro.

On motion of Senator Lucio, the resolution was read and was adopted by a rising vote of the Senate.

In honor of the memory of Alberto Alfonso Besteiro, the text of the resolution is printed at the end of today's *Senate Journal*.

Senator Lucio was recognized and introduced to the Senate Olivia "Ollie" Besteiro, Sonya Besteiro, Dylan Besteiro, Carmela Nelson, and Imelda Alamia.

The Senate welcomed its guests and extended its sympathy.

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

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

There was no objection.

CONCLUSION OF MORNING CALL

The Presiding Officer at 12:16 p.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE
SENATE BILL 1892 ON SECOND READING**

On motion of Senator Garcia and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1892** at this time on its second reading:

CSSB 1892, Relating to the composition of the Texas Coordinating Council for Veterans Services and coordinating workgroups established by the 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.

**COMMITTEE SUBSTITUTE
SENATE BILL 1892 ON THIRD READING**

Senator Garcia moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1892** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1360 ON SECOND READING

On motion of Senator Rodríguez and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1360** at this time on its second reading:

SB 1360, Relating to the punishment for the offense of tampering with a witness and the evidence that may be offered to show that offense.

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.

SENATE BILL 1360 ON THIRD READING

Senator Rodríguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1360** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1151 ON SECOND READING**

Senator Hinojosa moved to suspend the regular order of business to take up for consideration **CSSB 1151** at this time on its second reading:

CSSB 1151, Relating to sales and use tax treatment of certain snack items.

The motion prevailed.

Senators Birdwell, Deuell, Nelson, Nichols, Patrick, and Paxton 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: Birdwell, Deuell, Nelson, Nichols, Patrick, Paxton.

**COMMITTEE SUBSTITUTE
SENATE BILL 1151 ON THIRD READING**

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1151** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Campbell, Carona, Davis, Duncan, Ellis, Eltife, Estes, Fraser, Garcia, Hancock, Hegar, Hinojosa, Huffman, Lucio, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Deuell, Nelson, Nichols, Patrick, Paxton.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 6. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1348 ON SECOND READING**

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1348** at this time on its second reading:

CSSB 1348, Relating to certain criminal offenses concerning the unlawful transfer or purchase of certain weapons.

The bill was read second time.

Senator Paxton offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1348** (senate committee printing) as follows:

(1) In SECTION 2 of the bill (page 1, line 34) in proposed Section 46.06(a)(2), Penal Code, strike "offers" and substitute "attempts".

(2) In SECTION 2 of the bill (page 1, line 36) in proposed Section 46.06(a)(2), Penal Code, between "intends to" and "use", insert "possess the firearm unlawfully or to".

(3) In SECTION 2 of the bill (page 2, between lines 8 and 9) in amended Section 46.06, Penal Code, insert the following new subsection and amend the introductory language of SECTION 2 accordingly:

(c-1) The renunciation defense described by Section 15.04(a) is available as an affirmative defense to prosecution under Subsection (a)(2) of this section.

PAXTON
BIRDWELL
WEST

The amendment to **CSSB 1348** 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.

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

CSSB 1348 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1348 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1348** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1798 ON SECOND READING

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1798** at this time on its second reading:

SB 1798, Relating to the prosecution of the offense of obstruction or retaliation; providing penalties.

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.

SENATE BILL 1798 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 **SB 1798** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1799 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 1799** at this time on its second reading:

CSSB 1799, Relating to the period of time allowed for issuance of decisions by the commissioner of education in certain appeals against school districts.

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.

**COMMITTEE SUBSTITUTE
SENATE BILL 1799 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 1799** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1842 ON SECOND READING**

On motion of Senator Deuell and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1842** at this time on its second reading:

CSSB 1842, Relating to restraint and seclusion procedures and reporting at certain facilities.

The bill was read second time.

Senator Deuell offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1842** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in added Section 322.052(b-1)(1), Health and Safety Code (page 1, line 32), immediately after "577", insert "or in a state mental hospital, as defined by Section 571.003,".

(2) In SECTION 1 of the bill, in added Section 322.052(b-1)(2), Health and Safety Code (page 1, line 36), immediately after "577", insert "or in a state mental hospital, as defined by Section 571.003,".

The amendment to **CSSB 1842** 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.

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

CSSB 1842 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1842 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 1842** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1308 ON SECOND READING

On motion of Senator Davis and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1308** at this time on its second reading:

SB 1308, Relating to auditing and monitoring of performance under contracts for state-adopted assessment instruments administered to public school students.

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.

SENATE BILL 1308 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 **SB 1308** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE

SENATE BILL 110 ON SECOND READING

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 110** at this time on its second reading:

CSSB 110, Relating to eligibility for compensation of persons wrongfully imprisoned.

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.

COMMITTEE SUBSTITUTE

SENATE BILL 110 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 110** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1907 ON SECOND READING

Senator Hegar moved to suspend the regular order of business to take up for consideration **SB 1907** at this time on its second reading:

SB 1907, Relating to the transportation and storage of concealed handguns and ammunition by students in vehicles on the campuses of institutions of higher education.

The motion prevailed.

Senators Garcia, Lucio, Rodríguez, and Zaffirini asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Hegar offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1907** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 411.2032(b), Government Code (page 1, lines 34-35), between "other provision" and "prohibiting" insert "or take any other action, including posting notice under Section 30.06, Penal Code,".

(2) In SECTION 1 of the bill, in added Section 411.2032(b), Government Code (page 1, line 39), between "leased by" and "the" insert "or for".

The amendment to **SB 1907** 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: Garcia, Lucio, Rodríguez, Zaffirini.

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

SB 1907 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: Garcia, Lucio, Rodríguez, Zaffirini.

SENATE BILL 1907 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 **SB 1907** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Birdwell, Campbell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Hancock, Hegar, Hinojosa, Huffman, Nelson, Nichols, Patrick, Paxton, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams.

Nays: Garcia, Lucio, Rodríguez, Zaffirini.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 4. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1484 ON SECOND READING**

Senator Watson moved to suspend the regular order of business to take up for consideration **CSSB 1484** at this time on its second reading:

CSSB 1484, Relating to health benefit plan coverage for enrollees diagnosed with autism spectrum disorder.

The motion prevailed by the following vote: Yeas 21, Nays 10.

Yeas: Campbell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Garcia, Hinojosa, Lucio, Patrick, Rodríguez, Schwertner, Seliger, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Nays: Birdwell, Fraser, Hancock, Hegar, Huffman, Nelson, Nichols, Paxton, Taylor, Williams.

The bill was read second time.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1484** (senate committee printing) as follows:

(1) In Subsection (a) of SECTION 3 of the bill, in the first sentence of that subsection (page 1, line 45), strike "(a) Subsection (a),".

(2) Strike Subsection (b) of SECTION 3 of the bill (page 1, lines 53-60).

The amendment to **CSSB 1484** 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.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1484** (senate committee printing) as follows:

(1) In the recital to SECTION 1 of the bill, amending Section 1355.015, Insurance Code (page 1, line 25), strike "Subsection (f)" and substitute "Subsections (c-1) and (f)".

(2) In SECTION 1 of the bill, immediately following amended Section 1355.015(a), Insurance Code (page 1, between lines 34 and 35), insert the following:

(c-1) The health benefit plan is not required to provide coverage under Subsection (b) for benefits for an enrollee 10 years of age or older for applied behavior analysis in an amount that exceeds \$36,000 per year.

The amendment to **CSSB 1484** 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.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 1484** (senate committee printing) as follows:

(1) In Subsection (a) of SECTION 1 of the bill, between "diagnosis" and "~~until the~~" (page 1, line 29), insert ", only if the diagnosis was in place prior to the child's 10th birthday."

The amendment to **CSSB 1484** 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.

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

CSSB 1484 as amended was passed to engrossment by the following vote: Yeas 18, Nays 13.

Yeas: Campbell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Garcia, Hinojosa, Lucio, Rodríguez, Seliger, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Nays: Birdwell, Estes, Fraser, Hancock, Hegar, Huffman, Nelson, Nichols, Patrick, Paxton, Schwertner, Taylor, Williams.

GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate Diego Carrisalez from St. George Episcopal School, serving today as an Honorary Senate Page, joined by his teacher, Lisa Coats, and Head of School Rob Devlin, and his parents, Hector and Carrie Carrisalez.

The Senate welcomed its guests.

HOUSE BILLS ON FIRST READING

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

HB 62 to Committee on Jurisprudence.

HB 139 to Committee on Intergovernmental Relations.

HB 148 to Committee on State Affairs.

HB 333 to Committee on Criminal Justice.

HB 429 to Committee on Intergovernmental Relations.

HB 480 to Committee on State Affairs.

HB 654 to Committee on Intergovernmental Relations.

HB 696 to Committee on Jurisprudence.

HB 722 to Committee on Economic Development.

HB 747 to Committee on Health and Human Services.

HB 762 to Committee on Economic Development.

HB 797 to Committee on Criminal Justice.

HB 798 to Committee on Business and Commerce.

HB 857 to Committee on Natural Resources.

HB 916 to Committee on Economic Development.

HB 1023 to Committee on Health and Human Services.

HB 1090 to Committee on Agriculture, Rural Affairs and Homeland Security.

HB 1135 to Committee on Transportation.

HB 1188 to Committee on State Affairs.

HB 1191 to Committee on Health and Human Services.
HB 1193 to Committee on Jurisprudence.
HB 1204 to Committee on Health and Human Services.
HB 1206 to Committee on Criminal Justice.
HB 1294 to Committee on Criminal Justice.
HB 1394 to Committee on Health and Human Services.
HB 1395 to Committee on Health and Human Services.
HB 1405 to Committee on Business and Commerce.
HB 1435 to Committee on Jurisprudence.
HB 1487 to Committee on Finance.
HB 1503 to Committee on Business and Commerce.
HB 1530 to Committee on Criminal Justice.
HB 1545 to Committee on Transportation.
HB 1605 to Committee on Health and Human Services.
HB 1607 to Committee on Transportation.
HB 1624 to Committee on Business and Commerce.
HB 1728 to Committee on Jurisprudence.
HB 1739 to Committee on Health and Human Services.
HB 1819 to Committee on Agriculture, Rural Affairs and Homeland Security.
HB 1917 to Committee on Business and Commerce.
HB 1953 to Committee on Business and Commerce.
HB 1970 to Committee on Intergovernmental Relations.
HB 1973 to Committee on Natural Resources.
HB 2058 to Committee on Education.
HB 2103 to Committee on Higher Education.
HB 2137 to Committee on Education.
HB 2213 to Committee on Intergovernmental Relations.
HB 2252 to Committee on Government Organization.
HB 2263 to Committee on State Affairs.
HB 2392 to Committee on Veteran Affairs and Military Installations.
HB 2459 to Committee on Business and Commerce.
HB 2475 to Committee on State Affairs.
HB 2536 to Committee on Transportation.
HB 2627 to Committee on Health and Human Services.
HB 2673 to Committee on Health and Human Services.
HB 2892 to Committee on Higher Education.
HB 2984 to Committee on State Affairs.
HB 3031 to Committee on Transportation.
HB 3172 to Committee on Transportation.
HB 3253 to Committee on Health and Human Services.
HB 3314 to Committee on Jurisprudence.
HB 3332 to Committee on Higher Education.
HB 3337 to Committee on Economic Development.
HB 3378 to Committee on Jurisprudence.
HB 3434 to Committee on Health and Human Services.
HB 3559 to Committee on Administration.

HB 3561 to Committee on Intergovernmental Relations.

HB 3676 to Committee on Transportation.

HB 3900 to Committee on Natural Resources.

BILLS AND RESOLUTIONS SIGNED

The Presiding Officer, Senator Eltife in Chair, announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

SB 139, SB 174, SB 192, SB 223, SB 228, SB 230, SB 244, SB 293, SB 332, SB 336, SB 360, SB 387, SB 457, SB 500, SB 672, SB 840, SB 846, SB 974, SB 1101, SB 1102, SB 1165, SB 1267, HCR 75, HCR 90, HCR 98, HCR 99, HCR 100, HCR 101, HCR 108.

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

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

CO-AUTHOR OF SENATE BILL 212

On motion of Senator Nichols, Senator Patrick will be shown as Co-author of **SB 212**.

CO-AUTHOR OF SENATE BILL 287

On motion of Senator Nichols, Senator Nelson will be shown as Co-author of **SB 287**.

CO-AUTHOR OF SENATE BILL 376

On motion of Senator Lucio, Senator Ellis will be shown as Co-author of **SB 376**.

CO-AUTHOR OF SENATE BILL 550

On motion of Senator Uresti, Senator Garcia will be shown as Co-author of **SB 550**.

CO-AUTHOR OF SENATE BILL 1150

On motion of Senator Hinojosa, Senator Schwertner will be shown as Co-author of **SB 1150**.

CO-AUTHOR OF SENATE BILL 1171

On motion of Senator Hegar, Senator West will be shown as Co-author of **SB 1171**.

CO-AUTHORS OF SENATE BILL 1198

On motion of Senator Taylor, Senators Campbell and Hegar will be shown as Co-authors of **SB 1198**.

CO-AUTHOR OF SENATE BILL 1427

On motion of Senator Hinojosa, Senator Zaffirini will be shown as Co-author of **SB 1427**.

CO-AUTHOR OF SENATE BILL 1583

On motion of Senator Ellis, Senator Garcia will be shown as Co-author of **SB 1583**.

CO-AUTHOR OF SENATE BILL 1586

On motion of Senator Rodríguez, Senator Van de Putte will be shown as Co-author of **SB 1586**.

CO-AUTHOR OF SENATE BILL 1808

On motion of Senator Schwertner, Senator Deuell will be shown as Co-author of **SB 1808**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 4

On motion of Senator Campbell, Senator Huffman will be shown as Co-author of **SJR 4**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 12

On motion of Senator Ellis, Senator Campbell will be shown as Co-author of **SJR 12**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 16

On motion of Senator Van de Putte, Senator Patrick will be shown as Co-author of **SJR 16**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 20

On motion of Senator Nichols, Senator Nelson will be shown as Co-author of **SJR 20**.

CO-AUTHOR OF SENATE RESOLUTION 638

On motion of Senator Birdwell, Senator Fraser will be shown as Co-author of **SR 638**.

CO-AUTHOR OF SENATE RESOLUTION 770

On motion of Senator Watson, Senator Davis will be shown as Co-author of **SR 770**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 782 by Davis, In memory of Virgil Lee Norrell, Sr.

SR 783 by Davis, In memory of Bobbie Lucille Epperson Kilpatrick.

SR 786 by Davis, In memory of Frances June Ginsberg Klotzman.

SR 788 by Zaffirini, In memory of Wayland Coats Rivers Jr.

SR 793 by Ellis, In memory of Adrienne Keen McFarland.

SR 795 by Lucio, In memory of Robert L. Marquardt.

SR 796 by Lucio, In memory of Nicholas Antonio Benavides.

SR 797 by Lucio, In memory of Juan B. Sanchez.

SR 799 by Lucio, In memory of Homer W. Lear.

Congratulatory Resolutions

SR 784 by Davis, Recognizing the dedication of Forest Hill Memorial Park.

SR 785 by Davis, Recognizing Dominic J. Yurk for his achievements.

SR 787 by Davis, Recognizing Michael Joseph Costello for his service to his country.

SR 791 by Eltife, Recognizing Sidney Garton for his achievements.

SR 792 by Watson, Recognizing Keith Perry on the occasion of his retirement.

SR 794 by Lucio, Commending Gilbert Oliver Sanchez for achieving the rank of Eagle Scout.

SR 798 by Lucio, Recognizing Aurora Angela Garza on the occasion of her retirement.

HCR 47 (Hinojosa), Commending Ciro Treviño on his legacy of public service.

HCR 105 (Hinojosa), Honoring Judge Noe Gonzalez of the 370th District Court in Hidalgo County for his professional achievements and civic contributions.

HCR 107 (Williams), Congratulating George P. Mitchell on his receipt of a History-Making Texan Award from the Texas State History Museum Foundation.

Official Designation Resolutions

SR 566 by Huffman, Recognizing May 2, 2013, as Missouri City Day.

SR 781 by Fraser, Recognizing May 1, 2013, as Texas Environmental Excellence Awards Day.

SR 789 by Carona, Recognizing May 8, 2013, as Texas-Israel Day.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 1:16 p.m. adjourned, in memory of Giles W. Dalby and Alberto Alfonso Besteiro, until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

April 30, 2013

TRANSPORTATION — **CSSB 1350**

STATE AFFAIRS — **CSSB 1322**

INTERGOVERNMENTAL RELATIONS — CSSB 1863, CSSB 1551**BILLS ENGROSSED**April 29, 2013**SB 4, SB 392, SB 861, SB 937, SB 950, SB 1003, SB 1052, SB 1061, SB 1175, SB 1177, SB 1243, SB 1475, SB 1533, SB 1536, SB 1719, SB 1814, SB 1868, SB 1896****RESOLUTIONS ENROLLED**April 29, 2013**SR 767, SR 769, SR 770, SR 772, SR 773, SR 774, SR 775, SR 776, SR 779**

In Memory
of
Giles W. Dalby

Senate Resolution 771

WHEREAS, A life made rich through meaningful service drew to a close with the passing of Giles W. Dalby, of Post on April 12, 2013, at the age of 80; and

WHEREAS, The son of Arno and Blanche Connell Dalby, Giles W. Dalby was born on September 1, 1932, in Lubbock, and he graduated from Post High School in 1951; he began his college studies at Kennedy Western University, where he earned a bachelor's degree in public administration; and

WHEREAS, Mr. Dalby married the love of his life, Nell Floyd, on June 2, 1952, beginning 60 years of wonderful marriage, and Mr. and Mrs. Dalby later became the parents of four children, Elizabeth, Rebecca, Charlcie, and Giles; and

WHEREAS, Mr. Dalby was a key figure in the success of PlainsCapital bank, as originally a member of the Lubbock bank's board of directors and eventually a member of the Plains National Bank board in 1980; serving on the board for 22 years, Mr. Dalby was highly respected by his professional peers, and he became the second person to receive PlainsCapital's Lifetime Achievement Award, PlainsCapital's highest honor; and

WHEREAS, Mr. Dalby was first elected as Garza County Judge in 1971 and at the time of his retirement in 2007 was the longest-tenured constitutional county judge in Texas history, a testament to his dedication and commitment to the men and women he dutifully served for more than three decades; and

WHEREAS, Mr. Dalby also contributed to his state and community by serving as President of the Texas Association of Counties from 1983 to 1984 and as president of the County Judges and Commissioners Association of Texas and of the West Texas County Judges and Commissioners Association, which recognized him as Man of the Year in 1975 and 2000; and

WHEREAS, Mr. Dalby also earned the first Giles W. Dalby Award for Judicial Leadership, an award that was established to honor his character and integrity and his service to the judiciary, to county government and to the community; and

WHEREAS, Mr. Dalby continued to serve his community upon retirement as Chairman of Post Economic Development Corporation, as Chairman of the Garza Central Appraisal District, and as a board member of both The Lubbock Club and The Garza Historical Museum; and

WHEREAS, Mr. Dalby's name will continue to live on through the Giles W. Dalby Correctional Facility named after him in Post, Texas; and

WHEREAS, A lifelong man of faith, he served as an elder at First Presbyterian Church of Post, where he stood as a positive example of faith in action; and

WHEREAS, Although the passing of Giles W. Dalby has brought great sorrow to those who knew him, his life stands as a shining example of positive community involvement, and his achievements will be remembered and admired for years to come; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby pay tribute to the memory of Giles W. Dalby and extend deepest sympathy to the members of his family: to his wife, Nell; to his daughters and sons-in-law, Elizabeth and Robert Elliott, Charlcie and Johnny Mosser, and Rebecca Dalby; to his son, Giles W. Dalby, Jr., and his wife, Mendy; to his 10 grandchildren and four great-grandchildren; and to his other relatives and friends; and, be it further

RESOLVED, That a copy of this Resolution be prepared for his family, and that when the Senate adjourns this day, it do so in memory of Giles W. Dalby.

DUNCAN
WHITMIRE

In Memory
of
Alberto Alfonso Besteiro
Senate Resolution 790

WHEREAS, The Senate of the State of Texas honors and commemorates the life of noted educator and civic leader Dr. Alberto Alfonso Besteiro, who died March 17, 2012, at the age of 82; and

WHEREAS, Albert Besteiro was born December 10, 1929, in Brownsville; he was a graduate of Saint Joseph Academy, where he was the captain of the football team; he served the nation with distinction in the United States Army during the Korean War; and

WHEREAS, He graduated from Texas A&M University with a bachelor's degree in geology; in 1968, he earned a master's degree in education from Texas A&I University, and in 1982, he received a doctorate from the University of New Mexico; Dr. Besteiro was married for 50 years to his loving wife, Olivia, and the couple was blessed with three children and a grandson; and

WHEREAS, Dr. Besteiro enjoyed a long and fulfilling career in education; he always expected the best from his students, for whom he was a constant source of encouragement and empowerment; a gifted teacher and administrator, he served for eight years as president of Texas Southmost College and was executive director of the Border College Consortium; and

WHEREAS, He was passionate about his hometown and served as a member of the Brownsville City Council, where he made a particular effort to seek out the views of the poor and disenfranchised; he also served as president of the board of the Brownsville Independent School District; and

WHEREAS, A man of courage, strength, and compassion, he gave unselfishly to others, and his generous spirit, his sense of humor, and his enthusiasm for living each day to the fullest will not be forgotten; and

WHEREAS, He was a devoted husband, father, and grandfather, and he leaves behind memories that will be cherished forever by his family and countless friends; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby extend sincere condolences to the bereaved family of Dr. Alberto Alfonso Besteiro; and, be it further

RESOLVED, That a copy of this Resolution be prepared for his family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Albert Besteiro.

LUCIO

SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTIETH DAY

(Wednesday, May 1, 2013)

The Senate met at 11:10 a.m. pursuant to adjournment and was called to order by the President.

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

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

Pastor Lynn Starnes, Mooreville United Methodist Church, Chilton, was introduced by Senator Birdwell and offered the invocation as follows:

God, when we look at the world around us that was created, we realize that we are small. Sometimes that makes us think that we are unimportant or insignificant. Yet You tell us to stand up and be who we are created to be. We come here today to do the work we have been called to do. Please prepare our minds to tackle this task. Guide and direct the decisions made here today. Watch over this great state of ours and help us see our significance, and may that self-image help us to know who we are, whose we are, and what we are about. We pray. Amen.

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

The motion prevailed without objection.

PHYSICIAN OF THE DAY

Senator Hegar was recognized and presented Dr. Jorge Duchicela of Weimar as the Physician of the Day.

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

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Wednesday, May 1, 2013 - 1

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 52 Flynn
Relating to the sale of a cemetery plot; providing penalties; authorizing a fee.

HB 346 Deshotel
Relating to the electronic storage of personal identification information obtained from driver's licenses or personal identification certificates.

HB 394 Thompson, Senfronia
Relating to limits on prizes for bingo games.

HB 671 Ratliff
Relating to the calculation of the rollback tax rate of a school district.

HB 885 Murphy
Relating to the guarantee of refinanced open-enrollment charter school bonds by the permanent school fund.

HB 1231 Giddings
Relating to the application of the offenses of disrupting public school classes or transportation to persons younger than 12 years of age.

HB 1310 Button
Relating to the exclusion from total revenue of the cost of certain vaccines for purposes of the franchise tax.

HB 1548 Callegari
Relating to the effect of certain agreements with a collective bargaining organization on certain state-funded public work contracts.

HB 1762 Price
Relating to workers' compensation and other remedies available to an injured temporary employee.

HB 1791 Davis, John
Relating to the facilitation and operation of space flight activities in this state.

HB 2439 Parker
Relating to the review of certain contracts by the state auditor.

HB 2811

Toth

Relating to programs provided by volunteer and faith-based organizations to inmates in the Texas Department of Criminal Justice.

HB 2836

Ratliff

Relating to the administration of certain state-adopted or state-developed assessment instruments to public school students.

HB 3188

Otto

Relating to directing payment, after approval, of certain miscellaneous claims and judgments against the state out of funds designated by this Act; making appropriations.

SB 120

Rodríguez

Sponsor: Gonzalez, Naomi

Relating to the creation of the Texas Tech University Health Sciences Center at El Paso as a component institution of the Texas Tech University System.

(Amended)

SB 202

Huffman

Sponsor: Price

Relating to the continuation and functions of the Texas Commission on the Arts.

(Amended)

SB 297

Carona

Sponsor: Flynn

Relating to prepaid funeral benefits contracts.

SB 312

Hegar

Sponsor: Laubenberg

Relating to the regulation of speech-language pathology and audiology and the fitting and dispensing of hearing instruments.

SB 900

Fraser

Sponsor: Wu

Relating to the amounts of the administrative, civil, and criminal penalties for violating certain statutes under the jurisdiction of, rules or orders adopted by, or licenses, permits, or certificates issued by the Railroad Commission of Texas.

(Amended)

SB 945

Nelson

Sponsor: Davis, Sarah

Relating to the identification requirements of certain health care providers associated with a hospital.

(Amended)

SB 966

West

Sponsor: Perry

Relating to creation of the Judicial Branch Certification Commission and the consolidation of judicial profession regulation; imposing penalties; authorizing fees.

SB 1730

Nichols

Sponsor: Phillips

Relating to comprehensive development agreements of the Texas Department of Transportation or a regional mobility authority.

(Committee Substitute/Amended)

SB 1815

Zaffirini

Sponsor: Zerwas

Relating to voluntary donations to the Glenda Dawson Donate Life-Texas Registry.

(Amended)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE RESOLUTION 698

Senator Nelson offered the following resolution:

SR 698, Recognizing the Leadership Flower Mound Class of 2013 on the occasion of its visit to Austin.

The resolution was again read.

The resolution was previously adopted on Thursday, April 18, 2013.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate a Leadership Flower Mound delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 803

Senator Williams offered the following resolution:

SR 803, Recognizing May 12, 2013, as Miller Outdoor Theatre Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Williams was recognized and introduced to the Senate a Miller Outdoor Theatre delegation, accompanied by Cissy Segall Davis, Managing Director; Rodney Nathan, Immediate Past Chair, Advisory Board; Shawn Hauptmann, Facility Manager; Norma Mendoza, Vice-chair, Advisory Board; and David Bustillos, Advisory Board.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate a medical laboratory scientists delegation, joined by members from the Texas Association for Clinical Laboratory Science and faculty and students from Texas State University, Austin Community College, and McLennan Community College.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Schwertner was recognized and introduced to the Senate members of the Leon High School Lady Cougars volleyball team.

The Senate welcomed its guests.

GUEST PRESENTED

Senator Zaffirini was recognized and introduced to the Senate Christopher Ray

Barba, serving today as an Honorary Senate Page. Christopher is the grandson of one of the Senate doorkeepers, Steve Gamboa.

The Senate welcomed its guest.

(Senator Eltife in Chair)

SENATE RESOLUTION 756

Senator Seliger offered the following resolution:

SR 756, In memory of Harlow L. Sprouse.

On motion of Senator Seliger, the resolution was read and was adopted by a rising vote of the Senate.

In honor of the memory of Harlow L. Sprouse, the text of the resolution is printed at the end of today's *Senate Journal*.

Senator Seliger was recognized and introduced to the Senate the family of Harlow L. Sprouse: Jerre Sprouse, wife; Laurie Sprouse Cole, daughter; and Lisa Wells, daughter.

The Senate welcomed its guests and extended its sympathy.

(President in Chair)

GUESTS PRESENTED

Senator Eltife was recognized and introduced to the Senate employees of Texas Bank and Trust of Longview.

The Senate welcomed its guests.

SENATE RESOLUTION 804

Senator West offered the following resolution:

SR 804, Recognizing May 1, 2013, as DeSoto Independent School District Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate a DeSoto ISD delegation, accompanied by David Harris, Superintendent; Jo Green-Rucker, Assistant Superintendent; Debbye Garner, Director, Parent Engagement; Rhonda Dalfonso, Coordinator, Health Services; and Levatta Levels, Assistant Superintendent, Student Support Services.

The Senate welcomed its guests.

SENATE RESOLUTION 584

Senator West offered the following resolution:

SR 584, Congratulating the Duncanville High School Pantherettes basketball team for winning a state championship title.

The resolution was again read.

The resolution was previously adopted on Tuesday, April 2, 2013.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate the Duncanville High School Pantherettes 2013 UIL 5A state championship basketball team, accompanied by Cathy Self-Morgan, Head Coach; Elesha Walker, Assistant Coach; and team members Kiara Perry, Ariel Atkins, and Tasia Foman.

The Senate welcomed its guests.

CONCLUSION OF MORNING CALL

The President at 11:43 a.m. announced the conclusion of morning call.

COMMITTEE SUBSTITUTE SENATE BILL 1662 ON SECOND READING

On motion of Senator Eltife and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1662** at this time on its second reading:

CSSB 1662, Relating to expedited binding arbitration of appraisal review board orders.

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.

COMMITTEE SUBSTITUTE SENATE BILL 1662 ON THIRD READING

Senator Eltife moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1662** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 1877 ON SECOND READING

Senator Estes moved to suspend the regular order of business to take up for consideration **CSSB 1877** at this time on its second reading:

CSSB 1877, Relating to the creation of the Venable Ranch Municipal Utility District No. 1 of Denton County; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

The motion prevailed.

Senator Nelson 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: Nelson.

**COMMITTEE SUBSTITUTE
SENATE BILL 1877 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 1877** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Nelson.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

SENATE BILL 38 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 38** at this time on its second reading:

SB 38, Relating to determining a child's eligibility for a school district's special education program on the basis of a visual impairment.

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.

SENATE BILL 38 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 38** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

(Senator Eltife in Chair)

SENATE BILL 1878 ON SECOND READING

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1878** at this time on its second reading:

SB 1878, Relating to the creation of Highway 380 Municipal Management District No. 1; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

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

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1878 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 1878** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1750 ON SECOND READING**

On motion of Senator Uresti and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1750** at this time on its second reading:

CSSB 1750, Relating to a criminal penalty for failure to handle certain animals in accordance with rules of the Texas Animal Health Commission.

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.

**COMMITTEE SUBSTITUTE
SENATE BILL 1750 ON THIRD READING**

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1750** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1883 ON SECOND READING

On motion of Senator Schwertner and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1883** at this time on its second reading:

SB 1883, Relating to the creation of the Leander TODD Municipal Utility District No. 1 of Williamson 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.

SENATE BILL 1883 ON THIRD READING

Senator Schwertner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1883** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1484 ON THIRD READING**

Senator Watson moved to suspend the regular order of business to take up for consideration **CSSB 1484** at this time on its third reading and final passage:

CSSB 1484, Relating to health benefit plan coverage for enrollees diagnosed with autism spectrum disorder.

The motion prevailed by the following vote: Yeas 21, Nays 10.

Yeas: Campbell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Garcia, Hinojosa, Lucio, Patrick, Rodriguez, Schwertner, Seliger, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Nays: Birdwell, Fraser, Hancock, Hegar, Huffman, Nelson, Nichols, Paxton, Taylor, Williams.

The bill was read third time and was passed by the following vote: Yeas 18, Nays 13.

Yeas: Campbell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Garcia, Hinojosa, Lucio, Rodriguez, Seliger, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Nays: Birdwell, Estes, Fraser, Hancock, Hegar, Huffman, Nelson, Nichols, Patrick, Paxton, Schwertner, Taylor, Williams.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Wednesday, May 1, 2013 - 2

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

SB 283 Estes Sponsor: King, Phil
Relating to the number of members of the Texas Historical Commission.

SB 294 Van de Putte Sponsor: Menéndez
Relating to extending a local behavioral health intervention pilot project.

SB 367 Whitmire Sponsor: Murphy
Relating to the disposition of abandoned or unclaimed property seized at the time of certain arrests.
(Amended)

SB 618

Carona

Sponsor: Vo

Relating to the elimination of the licensing and registration requirements for ringside physicians and timekeepers for combative sports events.

SB 1248

Carona

Sponsor: Flynn

Relating to the documentary fee charged in connection with the sale of certain recreational vehicles and boats.

SB 1792

Watson

Sponsor: Phillips

Relating to remedies for nonpayment of tolls for the use of toll projects; authorizing a fee; creating an offense.

(Amended)

Respectfully,

/s/Robert Haney, Chief Clerk

House of Representatives

SENATE JOINT RESOLUTION 54 ON SECOND READING

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **SJR 54** at this time on its second reading:

SJR 54, Proposing a constitutional amendment repealing the constitutional provision authorizing the creation of a hospital district in Hidalgo County.

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.

SENATE JOINT RESOLUTION 54 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 **SJR 54** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The resolution was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE

SENATE BILL 854 ON SECOND READING

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 854** at this time on its second reading:

CSSB 854, Relating to the regulation of motor vehicle dealers, manufacturers, distributors, and representatives.

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.

**COMMITTEE SUBSTITUTE
SENATE BILL 854 ON THIRD READING**

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 854** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

REMARKS ORDERED PRINTED

On motion of Senator Nichols and by unanimous consent, the remarks by Senators Van de Putte and Nichols regarding **CSSB 854** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Nichols: First of all, let me congratulate you for working the compromise that you were able to work out. You did a lot of work. There was a lot of give on both sides, and I know it's a very difficult thing. So, everybody appreciates your efforts, but I had a couple of questions as the bill came through our Committee. Senator Van de Putte, the term "necessary real estate" as defined in the bill, my question is, is necessary real estate different for dealerships depending on the manufacturer's, distributor's, or a representative's facility requirements?

Senator Van de Putte: Senator Nichols, the answer is, yes. Necessary real estate is a term that varies for different dealership brands. For instance, a dealership that sells Mini Coopers or smaller vehicles has a different necessary real estate definition than the dealership that sells only pickup trucks. The definition of necessary real estate should be treated with flexibility because of the differing facility requirements each manufacturer or distributor facility policies.

Senator Nichols: There's a provision in the bill that states that a specific use agreement expires if a manufacturer distributor ceases doing business in the state or discontinues all line makes that the dealer sells. Is this provision intended to include situations in which a company may go into bankruptcy or shut down operations due to the economy?

Senator Van de Putte: Yes.

**COMMITTEE SUBSTITUTE
SENATE BILL 1427 ON SECOND READING**

Senator Hinojosa moved to suspend the regular order of business to take up for consideration **CSSB 1427** at this time on its second reading:

CSSB 1427, Relating to the administration of the citrus budwood certification program and the creation of the citrus nursery stock certification program; providing civil, criminal, and administrative penalties and authorizing fees.

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 Hinojosa offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1427** (senate committee printing), as follows:

- (1) In SECTION 2 of the bill, in amended Section 19.001(2), Agriculture Code (page 1, line 34), strike "or into".
- (2) In SECTION 5 of the bill, in added Section 19.0041(c), Agriculture Code (page 2, line 20), strike "or into".
- (3) In SECTION 6 of the bill, in amended Section 19.006(3), Agriculture Code (page 2, line 43), strike "into" and substitute "in".
- (4) In SECTION 7 of the bill, in amended Section 19.008(b), Agriculture Code (page 3, line 33), strike "or into".
- (5) In SECTION 7 of the bill, in added Section 19.011(a-1), Agriculture Code (page 4, line 5), strike "or into".
- (6) In SECTION 8 of the bill, in amended Section 19.012(a)(3), Agriculture Code (page 4, line 43), strike "or into".
- (7) In SECTION 8 of the bill, in amended Section 19.012(a)(5), Agriculture Code (page 4, line 51), strike "into" and substitute "in".
- (8) In SECTION 10 of the bill, in amended Section 19.014(4), Agriculture Code (page 5, lines 21 through 22), strike "or into".
- (9) In SECTION 10 of the bill, in amended Section 19.014(6), Agriculture Code (page 5, line 29), strike "into" and substitute "in".

The amendment to **CSSB 1427** 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.

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

CSSB 1427 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.

**COMMITTEE SUBSTITUTE
SENATE BILL 1427 ON THIRD READING**

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1427** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Nichols.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1522 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 1522** at this time on its second reading:

CSSB 1522, Relating to the procedures applicable to the revocation of a person's release on parole or to mandatory supervision.

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.

**COMMITTEE SUBSTITUTE
SENATE BILL 1522 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 1522** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE JOINT RESOLUTION 16 ON SECOND READING**

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSJR 16** at this time on its second reading:

CSSJR 16, Proposing a constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of all or part of the market value of the residence homestead of the surviving spouse of a member of the armed services of the United States who is killed in action.

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.

**COMMITTEE SUBSTITUTE
SENATE JOINT RESOLUTION 16 ON THIRD READING**

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSJR 16** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The resolution was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE
SENATE BILL 163 ON SECOND READING

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 163** at this time on its second reading:

CSSB 163, Relating to an exemption from ad valorem taxation of the residence homestead of the surviving spouse of a member of the armed services of the United States who is killed in action.

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.

COMMITTEE SUBSTITUTE
SENATE BILL 163 ON THIRD READING

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 163** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1606 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 1606** at this time on its second reading:

SB 1606, Relating to ad valorem tax liens on personal property.

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.

SENATE BILL 1606 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 1606** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE
SENATE BILL 1812 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 1812** at this time on its second reading:

CSSB 1812, Relating to the determination of state contributions for participation by certain junior college employees in the state employees group benefits program, the Teacher Retirement System of Texas, and the Optional Retirement Program.

The bill was read second time.

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1812** by Duncan as follows:

(1) In the recital to SECTION 1 of the bill (page 1, line 26), strike "Subsection (b)."

(2) In the recital to SECTION 1 of the bill (page 1, line 27), between "amended" and "to", insert "by amending Subsections (a) and (b) and adding Subsections (a-1) and (b-1)".

(3) In SECTION 1 of the bill, strike amended Section 825.404(b), Government Code, and added Sections 825.404(b-1) and (b-2), Government Code (page 1, lines 28-47), and substitute the following:

(a) Except as provided by Subsection (a-1), during [During] each fiscal year, the state shall contribute to the retirement system an amount equal to at least six and not more than 10 percent of the aggregate annual compensation of all members of the retirement system during that fiscal year. The amount of the state contribution made under this section may not be less than the amount contributed by members during that fiscal year in accordance with Section 825.402.

(a-1) In computing the amount owed by the state under Subsection (a), the compensation of members who are employed by public junior colleges or public junior college districts shall be included in the aggregate annual compensation as follows:

(1) 50 percent of the eligible creditable compensation of employees who:

(A) otherwise are eligible for membership in the retirement system; and

(B) are instructional or administrative employees whose salaries may be fully paid from funds appropriated under the General Appropriations Act, regardless of whether such salaries are actually paid from appropriated funds; and

(2) none of the eligible creditable compensation of all other employees who:

(A) do not meet the requirements of Subdivision (1)(B) but are otherwise eligible for membership in the retirement system; or

(B) cannot be included as a qualifying employee under Subdivision (1) by application of Subsection (b-1).

(b) Before November 2 of each even-numbered year, the board of trustees, in coordination with the Legislative Budget Board, shall certify to the comptroller of public accounts for review and adoption an estimate of the amount necessary to pay the state's contributions to the retirement system for the following biennium. For qualifying employees under Subsection (a-1)(1), the board of trustees shall include only the amount payable by the state under Subsection (a-1)(1) in determining the amount to be certified.

(b-1) In determining the amount described by Subsection (b), the number of qualifying employees under Subsection (a-1)(1) whose compensation may be included for each public junior college or public junior college district in each

biennium may not be adjusted in a proportion greater than the change in student enrollment at each college during the reporting period except that a college that experiences a decline in student enrollment may petition the Legislative Budget Board to maintain the number of eligible employees up to 98 percent of the level of the prior biennium.

(4) Strike SECTION 2 of the bill, amending Section 825.407, Government Code (page 1, line 48, through page 2, line 48), and substitute the following:

SECTION 2. Subchapter E, Chapter 825, Government Code, is amended by adding Section 825.4071 to read as follows:

Sec. 825.4071. COLLECTION OF CONTRIBUTIONS FROM EMPLOYERS THAT ARE PUBLIC JUNIOR COLLEGES OR PUBLIC JUNIOR COLLEGE DISTRICTS. (a) This section applies to an employer that is a public junior college or a public junior college district.

(b) An employer described by Subsection (a) shall contribute monthly to the retirement system:

(1) an amount equal to the state contribution rate then in effect multiplied by 50 percent of the aggregate eligible creditable compensation of members who are qualifying employees under Section 825.404(a-1)(1) that the employer reports to the retirement system; and

(2) an amount equal to the state contribution rate then in effect multiplied by 100 percent of the aggregate eligible creditable compensation of all other members under Section 825.404(a-1)(2) that the employer reports to the retirement system.

(c) The designated disbursing officer of each public junior college and each public junior college district shall:

(1) submit to the retirement system, at a time and in the manner prescribed by the retirement system, a monthly report containing a certification that includes:

(A) the total amount of compensation paid;

(B) the total amount of employer contributions due under this section for the payroll period; and

(C) any other information the retirement system determines is necessary to administer this section; and

(2) maintain and retain the following information:

(A) the name of each member employed by the public junior college or public junior college district;

(B) the amount of the member's salary for the most recent payroll period;

(C) whether the member is a qualifying employee under Section 825.404(a-1)(1); and

(D) any other information the retirement system determines is necessary to administer this section.

(d) A monthly report required under Subsection (c) shall be accompanied by payment of the amount of employer contributions certified in Subsection (c)(1).

(e) Not later than the 90th day after the date each school year ends, the retirement system shall certify to the comptroller the names of any public junior colleges or public junior college districts that have failed to remit, within the period required by Section 825.408, all contributions required under this section for the school year and the amounts of the unpaid contributions.

(f) If the comptroller receives a certification under Subsection (e), the comptroller shall withhold the amount certified, plus interest computed at the rate and in the manner provided by Section 825.408, from the first state money payable to the public junior college or public junior college district. The amount withheld shall be deposited to the credit of the appropriate accounts of the retirement system.

(g) The retirement system shall deposit all money it receives under this section in the state contribution account.

(5) In SECTION 3 of the bill, strike added Sections 830.201(g), (h), and (i), Government Code (page 2, lines 51-66), and substitute the following:

(g) In computing the amount owed by the state under Subsection (a), the compensation of members who are employed by public junior colleges or public junior college districts shall be included in the aggregate annual compensation as follows:

(1) 50 percent of the eligible creditable compensation of employees who:

(A) otherwise are eligible for membership in the retirement system; and

(B) are instructional or administrative employees whose salaries may be fully paid from funds appropriated under the General Appropriations Act, regardless of whether such salaries are actually paid from appropriated funds; and

(2) none of the eligible creditable compensation of all other employees who:

(A) do not meet the requirements of Subdivision (1)(B) but are otherwise eligible for membership in the retirement system; or

(B) cannot be included as a qualifying employee under Subdivision (1) by application of Subsection (i).

(h) Before November 2 of each even-numbered year, the board of trustees, in coordination with the Legislative Budget Board, shall certify to the comptroller for review and adoption an estimate of the amount necessary to pay the state's contributions to the retirement system for the following biennium. For qualifying employees under Subsection (g)(1), the board of trustees shall include only the amount payable by the state under Subsection (g)(1) in determining the amount to be certified.

(i) In determining the amount described by Subsection (h), the number of qualifying employees under Subsection (g)(1) whose compensation may be included for each public junior college or public junior college district in each biennium may not be adjusted in a proportion greater than the change in student enrollment at each college during the reporting period except that a college that experiences a decline in student enrollment may petition the Legislative Budget Board to maintain the number of eligible employees up to 98 percent of the level of the prior biennium.

(6) In SECTION 4 of the bill, strike added Section 1551.3111, Insurance Code (page 2, line 69, through page 3, line 16), and substitute the following:

Sec. 1551.3111. AMOUNT OF STATE CONTRIBUTION FOR CERTAIN JUNIOR COLLEGE EMPLOYEES. (a) In computing the amount to be certified under Section 1551.311, for participants who are employed by public junior colleges or public junior college districts, the board of trustees shall include:

(1) 50 percent of the cost associated with eligible employees who:

(A) otherwise are eligible to participate in the group benefits program;

and

(B) are instructional or administrative employees whose salaries may be fully paid from funds appropriated under the General Appropriations Act, regardless of whether such salaries are actually paid from appropriated funds; and

(2) none of the cost associated with employees who:

(A) do not meet the requirements of Subdivision (1)(B) but are otherwise eligible to participate in the group benefits program; or

(B) cannot be included as a qualifying employee under Subdivision (1) by application of Subsection (c).

(b) For qualifying employees under Subsection (a)(1), the board of trustees shall include only the amount payable by the state under Subsection (a)(1) in determining the amount to be certified under Section 1551.311.

(c) In determining the amount described by Subsection (b), the number of qualifying employees under Subsection (a)(1) whose group benefits program costs may be included for each public junior college or public junior college district in each biennium may not be adjusted in a proportion greater than the change in student enrollment at each college during the reporting period except that a college that experiences a decline in student enrollment may petition the Legislative Budget Board to maintain the number of eligible employees up to 98 percent of the level of the prior biennium.

(7) Add the following appropriately numbered SECTIONS to the bill and renumber remaining SECTIONS of the bill accordingly:

SECTION ____ . Section 1551.311(a), Insurance Code, is amended to read as follows:

(a) Not later than November 1 preceding each regular session of the legislature, the board of trustees, in coordination with ~~[shall certify to]~~ the Legislative Budget Board, shall certify to ~~[and]~~ the budget division of the governor's office for information and review the amount necessary to pay the contributions of the state to the board for the coverages provided under this chapter during the following biennium.

SECTION ____ . (a) The legislature finds that all governmental acts and proceedings of the board of trustees of a public junior college or of an officer or employee of the college to comply with demands for payment of retirement contributions by the comptroller or the Teacher Retirement System of Texas for fiscal years 2012 and 2013 are valid as of the dates on which they occurred.

(b) This section does not apply to any matter that on the effective date of this section:

(1) is involved in litigation if the litigation ultimately results in the matter being held invalid by a final judgment of a court of competent jurisdiction; or

(2) has been held invalid by a final judgment of a court of competent jurisdiction.

The amendment to **CSSB 1812** 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.

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

CSSB 1812 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1812 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 1812** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1718 ON SECOND READING**

Senator West moved to suspend the regular order of business to take up for consideration **CSSB 1718** at this time on its second reading:

CSSB 1718, Relating to state interventions and sanctions against public school campuses with unacceptable performance and the establishment of the Texas Achievement School District for educating students at certain low-performing campuses.

The motion prevailed.

Senators Deuell, Garcia, Nichols, Rodríguez, and Seliger asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator West offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1718** (Senate Committee Report) as follows:

(1) In SECTION 1 of the bill, in added Section 11.405, Education Code (page 3, lines 22 through 25), strike Subsection (f) and substitute the following:

(f) For purposes of calculating the amount of the prior system's obligations and entitlements under Chapters 41 and 42, students transferred to the achievement school district who would otherwise have attended the prior system are not counted in calculating the average daily attendance of the prior system.

(2) In SECTION 1 of the bill, immediately following added Section 11.405(f), Education Code (page 3, between lines 25 and 26), insert the following:

(f-1) For purposes of calculating the prior system's allotments under Chapter 46, students transferred to the achievement school district who would otherwise have attended the prior system are counted in calculating the average daily attendance of the prior system.

The amendment to **CSSB 1718** 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, Seliger.

Present-not voting: Deuell.

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

CSSB 1718 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: Deuell, Garcia, Nichols, Rodríguez, Seliger.

**COMMITTEE SUBSTITUTE
SENATE BILL 1718 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1718** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Birdwell, Campbell, Carona, Davis, Duncan, Ellis, Eltife, Estes, Fraser, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nelson, Patrick, Paxton, Schwertner, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Deuell, Garcia, Nichols, Rodríguez, Seliger.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 5. (Same as previous roll call)

(Senator Eltife in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 1391 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 1391** at this time on its second reading:

CSSB 1391, Relating to a requirement that the comptroller perform a study of the Texas Economic Development Act.

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.

**COMMITTEE SUBSTITUTE
SENATE BILL 1391 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 1391** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1401 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 1401** at this time on its second reading:

CSSB 1401, Relating to the eligibility of certain providers of laboratory services to participate in programs administered by health and human services agencies or the Health and Human Services Commission.

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.

**COMMITTEE SUBSTITUTE
SENATE BILL 1401 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 1401** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1482 ON SECOND READING**

Senator Watson moved to suspend the regular order of business to take up for consideration **CSSB 1482** at this time on its second reading:

CSSB 1482, Relating to the issuance of a public security by certain special districts.

The motion prevailed.

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

Senator Ellis asked to be recorded as "Present-not voting" 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.

Present-not voting: Ellis.

**COMMITTEE SUBSTITUTE
SENATE BILL 1482 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 1482** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1, Present-not voting 1.

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

Nays: Williams.

Present-not voting: Ellis.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1, Present-not voting 1. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 377 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 377** at this time on its second reading:

CSSB 377, Relating to the determination of certain exemptions from the administration of state assessment instruments to public school students and to the consideration of the performance of certain students on state assessment instruments.

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.

**COMMITTEE SUBSTITUTE
SENATE BILL 377 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 377** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 39 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 39** at this time on its second reading:

SB 39, Relating to the evaluation and instruction of public school students with visual 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.

SENATE BILL 39 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 39** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1163 ON SECOND READING

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1163** at this time on its second reading:

SB 1163, Relating to requirements for consolidating water and sewer utilities.

The bill was read second time.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1163**, in SECTION 2 of the bill (senate committee report, page 1, line 26) by striking "September 1, 2013" and substituting "December 31, 2014".

The amendment to **SB 1163** 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.

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

SB 1163 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1163 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 **SB 1163** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1451 ON SECOND READING**

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1451** at this time on its second reading:

CSSB 1451, Relating to the prosecution of the offense of money laundering and to the forfeiture of certain contraband.

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.

**COMMITTEE SUBSTITUTE
SENATE BILL 1451 ON THIRD READING**

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1451** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1100 ON SECOND READING**

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1100** at this time on its second reading:

CSSB 1100, Relating to the licensing and inspection of certain out-of-state pharmacies by the Texas State Board of Pharmacy; authorizing fees.

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.

**COMMITTEE SUBSTITUTE
SENATE BILL 1100 ON THIRD READING**

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1100** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1018 ON SECOND READING**

Senator Carona moved to suspend the regular order of business to take up for consideration **CSSB 1018** at this time on its second reading:

CSSB 1018, Relating to the agreements, costs, revenues, and finances of regional tollway authorities; authorizing taxes, fees, and assessments.

The motion prevailed.

Senators Hancock, Nelson, Patrick, Paxton, Taylor, and Williams asked to be recorded as voting "Nay" on suspension of the regular order of business.

Senator Davis asked to be recorded as "Present-not voting" 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: Hancock, Nelson, Patrick, Paxton, Taylor, Williams.

Present-not voting: Davis.

**COMMITTEE SUBSTITUTE
SENATE BILL 1018 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 1018** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 6, Present-not voting 1.

Yeas: Birdwell, Campbell, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Garcia, Hegar, Hinojosa, Huffman, Lucio, Nichols, Rodríguez, Schwertner, Seliger, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Nays: Hancock, Nelson, Patrick, Paxton, Taylor, Williams.

Present-not voting: Davis.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 6, Present-not voting 1. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1191 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 1191** at this time on its second reading:

CSSB 1191, Relating to the duties of health care facilities, health care providers, and the Department of State Health Services with respect to care provided to a sexual assault survivor in an emergency department of a health care facility.

The bill was read second time.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1191** (Senate Committee Printing) as follows:

(1) In SECTION 3 of the bill, in added Section 323.0045(b), Health and Safety Code (page 2, line 40), between "continuing medical" and "education", insert "or nursing".

(2) In SECTION 3 of the bill, in added Section 323.0045(b), Health and Safety Code (page 2, line 41), between "approved" and "by", insert "or recognized".

(3) In SECTION 3 of the bill, strike added Section 323.0045(c), Health and Safety Code (page 2, lines 44-46).

(4) In SECTION 3 of the bill, redesignate added Section 323.0045(d), Health and Safety Code (page 2, lines 47-52), as Subsection (c).

(5) In SECTION 4 of the bill, in added Section 323.007, Health and Safety Code (page 2, lines 56-58), strike "the working protocols set forth by multidisciplinary teams under Subchapter E, Chapter 264, Family Code," and substitute "participating entities of children's advocacy centers under Subchapter E, Chapter 264, Family Code, or the working protocols set forth by their multidisciplinary teams".

The amendment to **CSSB 1191** 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.

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

CSSB 1191 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1191 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 1191** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Wednesday, May 1, 2013 - 3

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 118 Craddick
Honoring the Fasken family on the 100th anniversary of Fasken Oil and Ranch, Ltd.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

**COMMITTEE SUBSTITUTE
SENATE BILL 1752 ON SECOND READING**

On motion of Senator Uresti and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1752** at this time on its second reading:

CSSB 1752, Relating to declarations for mental health treatment.

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.

**COMMITTEE SUBSTITUTE
SENATE BILL 1752 ON THIRD READING**

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1752** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1517 ON SECOND READING**

Senator Van de Putte moved to suspend the regular order of business to take up for consideration **CSSB 1517** at this time on its second reading:

CSSB 1517, Relating to the collection of data regarding the placement of a child in disciplinary seclusion in a juvenile facility.

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.

Senator Van de Putte offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1517** (senate committee report) in SECTION 1 of the bill by striking added Section 203.016(a), Human Resources Code (page 1, lines 25-34), and substituting the following:

(a) In this section:

(1) "Disciplinary seclusion" means the separation of a resident from other residents for disciplinary reasons and the placement of the resident alone in an area from which egress is prevented for more than 90 minutes.

(2) "Juvenile facility" means a facility that serves juveniles under juvenile court jurisdiction and that is operated as a pre-adjudication secure detention facility, a short-term detention facility, or a post-adjudication secure correctional facility.

The amendment to **CSSB 1517** 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.

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

CSSB 1517 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: Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 1517 ON THIRD READING**

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1517** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Williams.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 1062 ON SECOND READING**

Senator West moved to suspend the regular order of business to take up for consideration **CSSB 1062** at this time on its second reading:

CSSB 1062, Relating to transportation of certain students entitled to a public education grant.

The motion prevailed.

Senators Duncan and 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: Duncan, Nichols.

COMMITTEE SUBSTITUTE SENATE BILL 1062 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1062** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

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

Nays: Duncan, Nichols.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

HOUSE BILL 200 ON SECOND READING

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 200** at this time on its second reading:

HB 200, Relating to liability of certain electric utilities that allow certain uses of land that the electric utility owns, occupies, or leases.

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

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 200 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 **HB 200** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

STATEMENT OF LEGISLATIVE INTENT

Senator Ellis submitted the following statement of legislative intent for **HB 200**:

House Bill 200 is a carefully negotiated bill with stakeholders in Harris County that thoughtfully takes into account the unique relationship that exists between the local electric utility and the City of Houston giving rise to this extraordinary piece of legislation. It would be imprudent to expand H.B. 200 any further without substantial study and consideration of the different circumstances that exists in other counties in the state. I support careful consideration of the consequences of taking this policy statewide and want to be a part of any discussion or workgroup to expand H.B. 200 any further than what this bill allows.

ELLIS

REMARKS ORDERED PRINTED

On motion of Senator Fraser and by unanimous consent, the remarks by Senators Ellis and Fraser regarding **HB 200** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Fraser: Senator, this is an issue we've had a lot of conversations about, and my understanding that the bill that you're offering today only applies to the electric utility corridors in Harris County. Is that correct?

Senator Ellis: That is correct.

Senator Fraser: Under Section 3 of the bill you've added, of the Civil Practice and Remedies Codes, it applies only to that utility in Harris County. That utility will get some limited liability protection, which I'm very much in agreement with. My concern is that if we're doing it for Houston, why should we not be doing this for the rest of state, and more especially, you know, I think the Dallas Members should have a concern on this, because I think the intent of what you're doing, the goal of the bill is a very good one. It's encouraging these hike and bike trails. And, I think if they're going to put the hike and bike trails in it, you know, it's appropriate that we should give them some protections. Guess my concern is that you're just doing this just for Houston.

Senator Ellis: Senator, you raise a good point, and what I'm hoping it'll do is create a pilot, if you will. Previously, there was a statewide bill introduced, and they couldn't pass the House or the Senate. So, what I did was work together during the interim to get TLR, trial lawyers, the city, everyone to come to agreement on some fairly unique language. If it works well, I would certainly be supportive of when we come back expanding that.

Senator Fraser: So it, so it is your intent if we do this with Houston, the intent is to extend it to the rest of the state?

Senator Ellis: Yes, Sir, it is.

Senator Fraser: So, that is the intent of the bill, and we've got a commitment that if we do this, then over the interim we'll move that direction?

Senator Ellis: Yes, Sir, you do. I didn't want to scare you with that term recreational use. I know you have gone to California during the interim. I didn't want to throw you off trying to put this statewide right away.

Senator Fraser: And this bill is, that you got it bracketed where it's just bracketed just for Harris?

Senator Ellis: Harris County.

Senator Fraser: Well, if the intent is to include the rest of the state, why would it not be a good idea to put an amendment in here that says that this bracket will be enforced during 2014 but then 2015 the bracket would be removed?

Senator Ellis: Because it would kill the bill. In fact, I made a commitment that I would try this out for Harris County, and even I would pull my own bill down. And, as you know, because we've talked about it previously, there have been attempts for at least two sessions to encourage more recreational use of these pathways. So, this is an attempt to come up with a consensus to get something done, and if it works well, then I would certainly be amenable and would hope to be one of the people trying to sponsor it to make it statewide.

Senator Fraser: And I want to emphasize again, I support what you're doing. The concept you're working on, I think, is very appropriate, and it's a good concept encouraging these hike and bike trails. I guess, again, I would ask for a commitment, to you, we're going to do this for Harris right now, but it is the intent of the Legislature and your intention that we'd work toward in making sure we extend this to the rest of the state next legislative session.

Senator Ellis: That's my intent, and we'd have to do a separate bill, obviously, to do that, but I'm committed to doing that, and I'm hoping this'll work so well during this interim that we'll have broad-based support to do it all around the state. But, if not, clearly the urban areas, I think.

Senator Fraser: And I just want to make sure that it wouldn't be misunderstood that there's a message there that we had excluded the rest of the state. We're just starting with Houston. We're going to extend it, get it started there, and then during the interim move to include the rest of the state.

Senator Ellis: That's my intent, Senator. I know—

Senator Fraser: Including Dallas.

Senator Ellis: —I know most things start in your district; this will be a good thing that starts in mine.

Senator Fraser: Okay. Thank you.

ACKNOWLEDGMENT

Senator Ellis was recognized and acknowledged Senator Zaffirini for being a 25-year member of the Senate Ladies Club.

COMMITTEE SUBSTITUTE
SENATE BILL 1769 ON SECOND READING

On motion of Senator Rodríguez and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1769** at this time on its second reading:

CSSB 1769, Relating to the creation of an advisory committee to examine the fingerprinting practices of juvenile probation departments.

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.

COMMITTEE SUBSTITUTE
SENATE BILL 1769 ON THIRD READING

Senator Rodríguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1769** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

CONFERENCE COMMITTEE ON HOUSE BILL 1600

Senator Nichols called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 1600** and moved that the request be granted.

The motion prevailed without objection.

The President asked if there were any motions to instruct the conference committee on **HB 1600** before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate: Senators Nichols, Chair; Watson, Eltife, Whitmire, and Carona.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Ellis and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Open Government might meet and consider **SB 1563** today.

**NOTICE GIVEN FOR
LOCAL AND UNCONTESTED CALENDAR**

Senator Uresti announced that a Local and Uncontested Calendar had been furnished to each Member of the Senate. He then gave notice that the Local and Uncontested Calendar Session would be held at 8:00 a.m. tomorrow and that all bills and resolutions would be considered on second and third reading in the order in which they were listed.

**SENATE RULE 11.13 SUSPENDED
(Consideration of Bills in Committees)**

On motion of Senator Uresti and by unanimous consent, Senate Rule 11.13 was suspended to grant all committees permission to meet while the Senate was meeting today.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Nichols and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Transportation might meet and consider **HB 1642** today.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Estes and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Agriculture, Rural Affairs and Homeland Security might meet and consider **SB 524** today.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 2:35 p.m. agreed to adjourn, in memory of Harlow L. Sprouse, upon conclusion of the Local and Uncontested Calendar Session, until 11:00 a.m. tomorrow.

CO-AUTHORS OF SENATE BILL 675

On motion of Senator Hancock, Senators Hegar, Taylor, and Williams will be shown as Co-authors of **SB 675**.

CO-AUTHOR OF SENATE BILL 1062

On motion of Senator West, Senator Davis will be shown as Co-author of **SB 1062**.

CO-AUTHOR OF SENATE BILL 1191

On motion of Senator Davis, Senator Zaffirini will be shown as Co-author of **SB 1191**.

CO-AUTHOR OF SENATE BILL 1198

On motion of Senator Taylor, Senator Hancock will be shown as Co-author of **SB 1198**.

CO-AUTHOR OF SENATE BILL 1361

On motion of Senator Rodríguez, Senator Zaffirini will be shown as Co-author of **SB 1361**.

CO-AUTHOR OF SENATE BILL 1752

On motion of Senator Uresti, Senator Zaffirini will be shown as Co-author of **SB 1752**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 805 by Van de Putte, In memory of Ariel Hernandez, Jr.

SR 806 by Van de Putte, In memory of Robert D. Tome.

Congratulatory Resolutions

SR 763 by Ellis, Recognizing 25-year and 50-year members of the Senate Ladies Club.

SR 800 by Hancock and Davis, Recognizing Gene Buinger on the occasion of his retirement.

SR 801 by Uresti, Recognizing Placido Salazar for his service to his country.

SR 802 by Uresti, Recognizing the San Antonio Alamo Chapter of the 1st Marine Division Association.

SR 807 by Watson, Recognizing William Edward Brown, Jr., on the occasion of his 91st birthday.

SR 808 by Watson, Recognizing Larry A. Schilhabel on the occasion of his retirement.

SR 809 by Watson, Recognizing Wallace Lee Reynolds, Sr., on the occasion of his 75th birthday.

Official Designation Resolution

HCR 67 (Zaffirini), Recognizing March 2013 as Child Nutrition Month.

RECESS

On motion of Senator Whitmire, the Senate at 2:36 p.m. recessed until 8:00 a.m. tomorrow for the Local and Uncontested Calendar Session.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

May 1, 2013

BUSINESS AND COMMERCE — HB 584, HB 2095, HB 2548, HB 994, HB 1305, HB 1685

ECONOMIC DEVELOPMENT — CSSB 1392

BUSINESS AND COMMERCE — CSSB 883, CSSB 1040, CSSB 1334, CSSB 1478, CSSB 1567, CSSB 1351

EDUCATION — CSSB 1555

NATURAL RESOURCES — SB 1561

GOVERNMENT ORGANIZATION — CSHB 2738, CSHB 1994, CSHB 535, HB 1968

JURISPRUDENCE — SB 1891, SB 1908, SB 1083

BILLS ENGROSSED

April 30, 2013

SB 110, SB 1151, SB 1308, SB 1348, SB 1360, SB 1798, SB 1799, SB 1842, SB 1892, SB 1907

BILLS AND RESOLUTIONS ENROLLED

April 30, 2013

SB 139, SB 174, SB 192, SB 223, SB 228, SB 230, SB 244, SB 293, SB 332, SB 336, SB 360, SB 387, SB 457, SB 500, SB 672, SB 840, SB 846, SB 974, SB 1101, SB 1102, SB 1165, SB 1267, SR 566, SR 683, SR 684, SR 771, SR 777, SR 778, SR 781, SR 782, SR 783, SR 784, SR 785, SR 786, SR 787, SR 788, SR 789, SR 790, SR 791, SR 792, SR 793, SR 794, SR 795, SR 796, SR 797, SR 798, SR 799

SENT TO GOVERNOR

May 1, 2013

SB 139, SB 174, SB 192, SB 223, SB 228, SB 230, SB 244, SB 293, SB 332, SB 336, SB 360, SB 387, SB 457, SB 500, SB 672, SB 840, SB 846, SB 974, SB 1101, SB 1102, SB 1165, SB 1267

In Memory
of
Harlow L. Sprouse
Senate Resolution 756

WHEREAS, The Senate of the State of Texas honors and commemorates the life of Harlow L. Sprouse, who died April 5, 2013, at the age of 82; and

WHEREAS, This proud Texan was a towering figure in legal ethics and jurisprudence; as a civil trial lawyer, as a leader in the State Bar of Texas, and as an author, he made a profound and lasting impact on Texas law; and

WHEREAS, Harlow Sprouse was born March 19, 1931, in Vega, Texas; he served in the United States Air Force in the early 1950s and graduated from the University of North Texas in 1956; he then attended The University of Texas School of Law, where he participated in the school's first annual Moot Court; he won Moot Court in 1959, was named the Outstanding Senior Student, and graduated third in his class with a doctorate in jurisprudence; in 1960, he received the second-highest score on the bar exam; and

WHEREAS, Harlow joined the Underwood Law Firm in Amarillo, and in 1966, he became a partner; he was certified by the Texas Board of Legal Specialization in Civil Trial Law and served as president of the Amarillo Bar and as director of the State Bar of Texas; and

WHEREAS, In 1980, Harlow had the distinct honor of being elected a Fellow of the American College of Trial Lawyers; he coauthored the *Texas Trial Notebook* in 1984, and he was the cowriter of the Texas Lawyer's Creed, the Supreme Court-approved guide in civility and professionalism for all attorneys; and

WHEREAS, For more than 20 years, Harlow served as a board member for the Texas Center for Legal Ethics and Professionalism, and his colleagues in the law profession honored him by asking him to run for president of the State Bar of Texas seven times; and

WHEREAS, This venerable gentleman had a far-reaching influence on the Texas legal system, and his firm, Sprouse Shrader Smith, is today one of the foremost law firms in the Southwest; and

WHEREAS, Harlow was proud of his family and was devoted to his wife of almost 55 years, Jerre; he was a doting father and grandfather and was noted for his warmth and wit, and he leaves behind memories that will forever be cherished by all who had the good fortune to know him; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby extend sincere condolences to the bereaved family of Harlow L. Sprouse; and, be it further

RESOLVED, That a copy of this Resolution be prepared for his family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Harlow Sprouse.

SELIGER

SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTIETH DAY

(Continued)

(Thursday, May 2, 2013)

AFTER RECESS

The Senate met at 8:00 a.m. and was called to order by Senator Eltife.

SESSION HELD FOR LOCAL AND UNCONTESTED CALENDAR

The Presiding Officer announced that the time had arrived to consider bills and resolutions placed on the Local and Uncontested Calendar. Notice of consideration of the local calendar was given by Senator Uresti yesterday.

Pursuant to Senate Rule 9.03(d), the following bills and resolutions were laid before the Senate in the order listed, read second time, amended where applicable, passed to engrossment or third reading, read third time, and passed. The votes on passage to engrossment or third reading, suspension of the Constitutional Three-day Rule, and final passage are indicated after each caption. All Members are deemed to have voted "Yea" on viva voce votes unless otherwise indicated.

HB 407 (Birdwell)

Relating to the Weatherford College District service area.

(viva voce vote) (31-0) (31-0)

HB 477 (Taylor)

Relating to the authority of a county to advertise on leased vehicles.

(viva voce vote) (31-0) (31-0)

CSHB 893 (Hancock)

Relating to consumption of alcoholic beverages in certain public entertainment facilities.

(viva voce vote) (31-0) (31-0)

HB 2377 (Eltife)

Relating to the use of legislatively produced audio or visual materials; providing penalties.

(viva voce vote) (31-0) (31-0)

HB 2472 (Birdwell)

Relating to the continuation and functions of the Department of Information Resources and certain procurement functions of the comptroller of public accounts.

(viva voce vote) (31-0) (31-0)

CSSB 44 (Zaffirini)

Relating to maintaining and reporting certain information regarding certain child abuse or neglect cases and the provision of mental health services for children in those cases.

(viva voce vote) (31-0) (31-0)

CSSB 460 (Deuell)

Relating to inclusion of instruction in the detection and education of students with mental or emotional disorders in the requirements for educator training programs.

(viva voce vote) (31-0) (31-0)

CSSB 495 (Huffman)

Relating to the creation of a task force to study maternal mortality and severe maternal morbidity.

(viva voce vote) (31-0) (31-0)

CSSB 691 (Eltime)

Relating to the intercollegiate athletics fee at Texas A&M University–Texarkana; authorizing a fee.

(viva voce vote) (31-0) (31-0)

CSSB 947 (Nelson)

Relating to adverse possession of real property as a defense to certain offenses against property.

(viva voce vote) (31-0) (31-0)

CSSB 1010 (Taylor)

Relating to access to certain facilities by search and rescue dogs and their handlers; providing a criminal penalty.

(viva voce vote) (31-0) (31-0)

(Senator Uresti in Chair)**CSSB 1145** (Hegar)

Relating to the intercollegiate athletics fee at Prairie View A&M University; authorizing an increase in the fee.

(viva voce vote) (31-0) (31-0)

CSSB 1207 (Van de Putte)

Relating to parking and the movement of vehicles in the Capitol complex.

(viva voce vote) (31-0) (31-0)

SB 1384 (Hancock)

Relating to the authority of an independent school district to invest in local water projects.

(viva voce vote) (31-0) (31-0)

CSSB 1479 (Watson)

Relating to the provision of emergency services in the Williamson-Travis Counties Water Control and Improvement District No. 1F.

(viva voce vote) (31-0) (31-0)

CSSB 1480 (Watson)

Relating to the provision of emergency services in the Williamson-Travis Counties Water Control and Improvement District No. 1G.

(viva voce vote) (31-0) (31-0)

SB 1481 (Watson)

Relating to the provision of emergency services in the Bella Vista Municipal Utility District.

(viva voce vote) (31-0) (31-0)

SB 1525 (Zaffirini)

Relating to including disability awareness training in risk management programs required for members and advisors of student organizations at postsecondary educational institutions.

(viva voce vote) (31-0) (31-0)

SB 1535 (West)

Relating to increased oversight by the Department of State Health Services of hospitals that commit certain violations.

(viva voce vote) (31-0) (31-0)

CSSB 1557 (Lucio)

Relating to business and nonprofit organization participation in supporting early college high schools.

(viva voce vote) (31-0) (31-0)

CSSB 1576 (Zaffirini)

Relating to a study and report of issues affecting persons with disabilities at state agencies and postsecondary educational institutions.

(viva voce vote) (31-0) (31-0)

SB 1590 (Zaffirini)

Relating to requirements for personal financial literacy training offered by public school districts and public universities.

(viva voce vote) (31-0) (31-0)

CSSB 1604 (Zaffirini)

Relating to asset management and acquisition by institutions of higher education.

(viva voce vote) (31-0) (31-0)

SB 1638 (Deuell)

Relating to information included in the report of the Texas Economic Development Bank regarding the enterprise zone program.

(viva voce vote) (31-0) (31-0)

CSSB 1664 (Nichols)

Relating to commercial driver's licenses and commercial learner's permits and the operation of commercial motor vehicles; creating an offense.

(viva voce vote) (31-0) (31-0)

CSSB 1772 (Huffman)

Relating to the offenses of the violation of civil rights of and improper sexual activity with individuals in custody; imposing a criminal penalty.

(viva voce vote) (31-0) (31-0)

(Senator Hancock in Chair)**SB 1827** (Deuell)

Relating to an additional fee for filing civil cases in certain Rockwall County courts.

(viva voce vote) (31-0) (31-0)

CSSB 1856 (Eltife)

Relating to the election of board members for emergency services districts in certain counties.

(viva voce vote) (31-0) (31-0)

SB 1858 (Huffman)

Relating to the creation of the Fort Bend County Municipal Utility District No. 184; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

(viva voce vote) (31-0) (31-0)

SB 1859 (Huffman)

Relating to the creation of the Harris County Municipal Utility District No. 529; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

(viva voce vote) (31-0) (31-0)

SB 1861 (Taylor)

Relating to the Angleton-Danbury Hospital District of Brazoria County, Texas.

(viva voce vote) (31-0) (31-0)

SB 1862 (Zaffirini)

Relating to the creation of the Crosswinds Municipal Utility District; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

(viva voce vote) (31-0) (31-0)

SB 1869 (Campbell)

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

(viva voce vote) (31-0) (31-0)

SB 1872 (Zaffirini)

Relating to the creation of Onion Creek Metro Park District; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

(viva voce vote) (31-0) (31-0)

CSSB 1884 (Taylor)

Relating to the creation of the Westwood Management District; providing authority to issue bonds; providing authority to impose fees or taxes.

(viva voce vote) (31-0) (31-0)

SB 1889 (Eltife)

Relating to the transport of a mental health patient who is not a resident of this state.

(viva voce vote) (31-0) (31-0)

**BILL REMOVED FROM
LOCAL AND UNCONTESTED CALENDAR**

Senator Watson, sponsor of the bill, requested in writing that **HB 2304** be removed from the Local and Uncontested Calendar.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 8:15 a.m. adjourned, in memory of Harlow L. Sprouse, until 11:00 a.m. today.

SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTY-FIRST DAY
(Thursday, May 2, 2013)

The Senate met at 11:22 a.m. pursuant to adjournment and was called to order by Senator Eltife.

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

The Presiding Officer announced that a quorum of the Senate was present.

Pastor Ryan Rush, Bannockburn Baptist Church, Austin, was introduced by Senator Campbell and offered the invocation as follows:

Heavenly Father, on this National Day of Prayer, it feels like we should ask great things of You. And so, this morning, I ask that this would be the most productive day of the year in these Chambers. I pray that these fine men and women would recall the noble reasons they made the sacrifices to be here representing the people of our state. Give them insight into our greatest needs. Give them humility to look beyond any prejudice. And give them courage to act. You are a magnificent God, and we ask for magnificent blessings today. I pray this, Lord, in Jesus' name. Amen.

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

The motion prevailed without objection.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

May 1, 2013
Austin, Texas

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

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

To be a member of the Texas Department of Motor Vehicles Board for a term to expire February 1, 2015:

Joseph O. Slovacek
Houston, Texas

Mr. Slovacek is replacing Victor Vandergriff of Arlington who resigned.

Respectfully submitted,
/s/Rick Perry
Governor

SENATE RESOLUTION 810

Senator Hinojosa offered the following resolution:

SR 810, Recognizing Juan "Johnny" Canales for his contributions to Tejano music.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Hinojosa was recognized and introduced to the Senate Juan "Johnny" Canales, Nora Canales, Miroslava Canales, Seleste Canales, and Eva Canales Perez.

The Senate welcomed its guests.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Thursday, May 2, 2013 - 1

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 21 Martinez Fischer

Relating to a central database containing information about offenders who have committed certain offenses against children or offenses involving family or dating violence.

HB 127 Raymond

Relating to electioneering on the premises of certain privately owned polling places.

HB 259 Simmons

Relating to electioneering conducted near a polling place.

- HB 489** Menéndez
Relating to rights and responsibilities of persons with disabilities, including with respect to the use of service animals that provide assistance to those persons; providing penalties.
- HB 517** Pitts
Relating to the eligibility of inmates convicted of certain intoxication offenses for release on parole or mandatory supervision and to a biennial study regarding driving while intoxicated prevention.
- HB 545** Davis, John
Relating to the authority of a municipality to authorize the creation of a spaceport development corporation.
- HB 580** Howard
Relating to use of compensatory education allotment funding to provide assistance with child care to students at risk of dropping out of school.
- HB 642** Patrick, Diane
Relating to continuing education requirements for certain educators.
- HB 697** Springer
Relating to a sales and use tax exemption for certain items sold by school booster clubs and support organizations; authorizing a sales and use tax exemption.
- HB 717** Kolkhorst
Relating to the duties of and the application of the professional prosecutors law to the county attorney in Lavaca County and to the duties of the district attorney for the 25th Judicial District.
- HB 824** Callegari
Relating to reporting requirements for accidental sanitary sewer overflows.
- HB 827** King, Ken
Relating to an agreement between the Department of Public Safety and certain counties for the provision of renewal and duplicate driver's license and other identification certificate services; authorizing a fee.
- HB 939** Davis, John
Relating to the transfer of certain amounts from the employment and training investment holding fund and the training stabilization fund.
- HB 1086** Rodriguez, Eddie
Relating to interruption of electric service by a residential landlord.
- HB 1372** Muñoz, Jr.
Relating to filling certain vacancies on the governing body of certain home-rule municipalities.
- HB 2259** Moody
Relating to circumstances under which a vacancy on the governing body occurs in certain municipalities.
- HB 2442** Parker
Relating to a pre-suit deposition in inmate litigation.

HB 2443 Parker
Relating to the composition of the Texas Juvenile Justice Board.

HB 2961 Huberty
Relating to the social security numbers of school district employees.

HB 3176 Bohac
Relating to the appointment of a board member of a property owners' association to fill a vacancy.

HJR 147 Guerra
Proposing a constitutional amendment repealing the constitutional provision authorizing the creation of a hospital district in Hidalgo County.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

GUESTS PRESENTED

Senator Birdwell was recognized and introduced to the Senate eighth-grade students from Lorena ISD, accompanied by Principal Celia Drews and student, Steely Priest, niece of Senator Hancock.

The Senate welcomed its guests.

PHYSICIAN OF THE DAY

Senator Fraser was recognized and presented Dr. James McCurdy of Marble Falls as the Physician of the Day.

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

SENATE RESOLUTION 566

Senator Huffman offered the following resolution:

SR 566, Recognizing May 2, 2013, as Missouri City Day.

The resolution was again read.

The resolution was previously adopted on Tuesday, April 30, 2013.

GUESTS PRESENTED

Senator Huffman was recognized and introduced to the Senate a City of Missouri City delegation.

The Senate welcomed its guests.

HOUSE BILLS AND RESOLUTIONS ON FIRST READING

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

HB 52 to Committee on Business and Commerce.

HB 346 to Committee on Business and Commerce.

HB 394 to Committee on State Affairs.

HB 671 to Committee on Finance.
HB 885 to Committee on Education.
HB 950 to Committee on Economic Development.
HB 1231 to Committee on Education.
HB 1310 to Committee on Finance.
HB 1548 to Committee on Government Organization.
HB 1762 to Committee on State Affairs.
HB 1767 to Committee on Transportation.
HB 1777 to Committee on Intergovernmental Relations.
HB 2300 to Committee on Transportation.
HB 2394 to Committee on Transportation.
HB 2439 to Committee on State Affairs.
HB 2460 to Committee on Business and Commerce.
HB 2571 to Committee on Natural Resources.
HB 3188 to Committee on Finance.
HB 3309 to Committee on Natural Resources.
HCR 1 to Committee on Administration.
HCR 54 to Committee on Administration.
HCR 57 to Committee on Criminal Justice.

CONCLUSION OF MORNING CALL

The Presiding Officer at 11:47 a.m. announced the conclusion of morning call.

NOMINATION RETURNED

On motion of Senator Hegar and by unanimous consent, the Senate agreed to grant the request of the Governor to return the following nomination:

Member, Texas Higher Education Coordinating Board: James H. Lee, Harris County.

COMMITTEE SUBSTITUTE SENATE BILL 644 ON SECOND READING

On motion of Senator Huffman and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 644** at this time on its second reading:

CSSB 644, Relating to the creation of a standard request form for prior authorization of prescription drug benefits.

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.

COMMITTEE SUBSTITUTE SENATE BILL 644 ON THIRD READING

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 644** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE
SENATE BILL 1890 ON SECOND READING

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1890** at this time on its second reading:

CSSB 1890, Relating to procedures for the dissolution of the Hidalgo County Water Improvement District No. 3.

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.

COMMITTEE SUBSTITUTE
SENATE BILL 1890 ON THIRD READING

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1890** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 338 ON SECOND READING

On motion of Senator Rodríguez and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 338** at this time on its second reading:

SB 338, Relating to the liability of certain social workers who provide volunteer health care services to charitable organizations.

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.

SENATE BILL 338 ON THIRD READING

Senator Rodríguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 338** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 171 ON SECOND READING

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 171** at this time on its second reading:

SB 171, Relating to the establishment of a workgroup to study the use by state agencies of a uniform application form following disasters.

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.

SENATE BILL 171 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 171** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1258 ON SECOND READING**

Senator Hinojosa moved to suspend the regular order of business to take up for consideration **CSSB 1258** at this time on its second reading:

CSSB 1258, Relating to improving access to nursing education programs.

The motion prevailed.

Senators Campbell, Hancock, Paxton, and Seliger asked to be recorded as voting "Nay" on suspension of the regular order of business.

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

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

Nays: Campbell, Hancock, Paxton, Seliger.

**COMMITTEE SUBSTITUTE
SENATE BILL 1258 ON THIRD READING**

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1258** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 4.

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

Nays: Campbell, Hancock, Paxton, Seliger.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 4. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1836 ON SECOND READING**

On motion of Senator Deuell and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1836** at this time on its second reading:

CSSB 1836, Relating to the funding of the Texas Home Visiting Program; authorizing voluntary contributions.

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.

**COMMITTEE SUBSTITUTE
SENATE BILL 1836 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 1836** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**MOTION TO PLACE
COMMITTEE SUBSTITUTE
SENATE BILL 1554 ON SECOND READING**

Senator Lucio moved to suspend the regular order of business to take up for consideration **CSSB 1554** at this time on its second reading:

CSSB 1554, Relating to the establishment of a matching grant program for community development in certain municipalities and counties.

Senator Lucio withdrew the motion to suspend the regular order of business.

**COMMITTEE SUBSTITUTE
SENATE BILL 1436 ON SECOND READING**

Senator Paxton moved to suspend the regular order of business to take up for consideration **CSSB 1436** at this time on its second reading:

CSSB 1436, Relating to the service retirement annuity of certain members of the Judicial Retirement System of Texas Plan One.

The motion prevailed.

Senator Schwertner 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: Schwertner.

**COMMITTEE SUBSTITUTE
SENATE BILL 1436 ON THIRD READING**

Senator Paxton moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1436** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Schwertner.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 514 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 514** at this time on its second reading:

CSSB 514, Relating to the installation, maintenance, operation, and relocation of saltwater pipeline facilities.

The bill was read second time.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 514** (senate committee report) as follows:

(1) In SECTION 1 of the bill, at the end of added Section 91.904(1), Natural Resources Code (page 2, line 21), strike "or".

(2) In SECTION 1 of the bill, in added Section 91.904(2)(B), Natural Resources Code, between "Code" and the period (page 2, line 26), insert the following:

; or

(3) require a county or municipality to grant a prescriptive right or other right to a saltwater pipeline operator that applies to a public road or right-of-way and that is broader than the county's or municipality's legal interest in the public road or right-of-way

The amendment to **CSSB 514** 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.

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

CSSB 514 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 514 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 514** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1727 ON SECOND READING**

Senator Deuell moved to suspend the regular order of business to take up for consideration **CSSB 1727** at this time on its second reading:

CSSB 1727, Relating to the use of the Texas emissions reduction plan fund.

The motion prevailed.

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

Senator Fraser asked to be recorded as "Present-not voting" on suspension of the regular order of business.

The bill was read second time.

Senator Deuell offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1727** (senate committee report) in SECTION 2 of the bill, in amended Section 386.106, Health and Safety Code, by striking added Subsection (d) (page 3, lines 4 through 9).

The amendment to **CSSB 1727** 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.

Senator Hegar offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1727** (Senate Committee Report) as follows:

On page 2, strike lines 4-5, and renumber remaining subsections accordingly.

On page 7, strike lines 14-16, and renumber remaining subsections accordingly.

On page 8, line 45 - page 9, line 25, strike SECTION 13, and renumber remaining sections accordingly.

The amendment to **CSSB 1727** 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.

Senator Williams offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 1727** (senate committee printing), in SECTION 17 of the bill, amended Section 394.010(d), Health and Safety Code, by striking the last sentence of the subsection (page 10, line 68, through page 11, line 4) and substituting the following:

The commission shall give preference to:

- (1) stations providing both liquefied natural gas and compressed natural gas at a single location; ~~and~~
- (2) stations located not more than one mile from an interstate highway system; and
- (3) stations located in the triangular area between the Houston, San Antonio, and Dallas-Fort Worth areas.

The amendment to **CSSB 1727** 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.

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

CSSB 1727 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: Hancock.

Present-not voting: Fraser.

**COMMITTEE SUBSTITUTE
SENATE BILL 1727 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 1727** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1, Present-not voting 1.

Yeas: Birdwell, Campbell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Garcia, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Patrick, Paxton, Rodriguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Hancock.

Present-not voting: Fraser.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1, Present-not voting 1. (Same as previous roll call)

COMMITTEE SUBSTITUTE
SENATE BILL 1801 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 1801** at this time on its second reading:

CSSB 1801, Relating to the adoption of fire hydrant requirements for a wildland-urban interface in certain municipalities.

The bill was read second time.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1801** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, immediately following proposed Section 797.001(1), Health and Safety Code (between lines 31 and 32), insert the following:

(1-a) "Municipal utility" means a retail public utility, as defined by Section 13.002, Water Code, that is owned by a municipality.

(2) In SECTION 1 of the bill, in proposed Section 797.002(b), Health and Safety Code (line 45), strike "A" and substitute "Except as otherwise provided by Subsection (d), a".

(3) In SECTION 1 of the bill, immediately following proposed Section 797.002(c), Health and Safety Code (between lines 49 and 50), insert the following:

(d) A municipality may not adopt an ordinance under Subsection (b) unless the municipality makes a reasonably diligent effort to:

(1) consider other available options for reducing the threat of wildfires;

(2) estimate the probable cost to consumers of an ordinance adopted under Subsection (b); and

(3) consider any available method for reducing the cost described by Subdivision (2).

(e) If the municipality owns a municipal utility, an ordinance adopted under Subsection (b) may not require another utility located in the municipality or the municipality's extraterritorial jurisdiction to provide water flow and pressure in a fire hydrant at a level greater than that provided by the municipal utility.

The amendment to **CSSB 1801** 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.

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

CSSB 1801 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1801 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 1801** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 977 ON SECOND READING**

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 977** at this time on its second reading:

CSSB 977, Relating to the procedure used to petition for an order of nondisclosure of criminal history record information.

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.

**COMMITTEE SUBSTITUTE
SENATE BILL 977 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 977** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

(Senator Whitmire in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 1216 ON SECOND READING**

Senator Eltife moved to suspend the regular order of business to take up for consideration **CSSB 1216** at this time on its second reading:

CSSB 1216, Relating to the creation of a standard request form for prior authorization of medical care or health care services.

The motion prevailed.

Senator Estes 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: Estes.

**COMMITTEE SUBSTITUTE
SENATE BILL 1216 ON THIRD READING**

Senator Eltife moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1216** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Estes.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

(Senator Eltife in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 1775 ON SECOND READING**

Senator West moved to suspend the regular order of business to take up for consideration **CSSB 1775** at this time on its second reading:

CSSB 1775, Relating to school campus information, student transfers, and the public education grant program.

The motion prevailed.

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

The bill was read second time.

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1775** (senate committee printing) as follows:

(1) In SECTION 3 of the bill, amending Section 25.031, Education Code (page 2, line 25), between "commissioner" and the comma, insert "in accordance with this subchapter".

(2) In SECTION 3 of the bill, adding Section 25.031(c), Education Code (page 2, line 39), following the period, insert "The board may adopt a policy that establishes admissions criteria for a campus or program that limits admission to students of a single gender.".

(3) In SECTION 3 of the bill, adding Section 25.031(d), Education Code (page 2, line 40), strike "Subsection (b) or (c)" and substitute "this section".

(4) In SECTION 3 of the bill, adding Section 25.031(f), Education Code (page 2, line 46), strike "A" and substitute "Except as otherwise provided by this section, a".

(5) In SECTION 3 of the bill, amending Section 25.031, Education Code (page 2, between lines 49 and 50), insert the following:

(g) The board of trustees of a school district may adopt a policy that provides for the exclusion or removal of a student requesting or receiving a transfer under this section who has a documented history of a criminal offense, juvenile court adjudication, failure to attend school, or misconduct or discipline problem under Subchapter A, Chapter 37, including a violation of a student code of conduct.

(h) Commissioner rules may not require a school district to accept a transfer to a school facility if projected student enrollment growth within an attendance zone of the facility will cause the facility to exceed available capacity within three years.

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

SECTION _____. Section 25.035, Education Code, is amended to read as follows:

Sec. 25.035. TRANSFERS BETWEEN DISTRICTS OR COUNTIES. The boards of trustees of two or more adjoining school districts or the boards of county school trustees of two or more adjoining counties may, by agreement [~~and in accordance with Sections 25.032, 25.033, and 25.034~~], arrange for the transfer and assignment of any student from the jurisdiction of one board to that of another. In the case of the transfer and assignment of a student under this section, the participating governing boards shall also agree to the transfer of school funds or other payments proportionate to the transfer of attendance.

SECTION _____. Section 25.036, Education Code, is amended by amending Subsection (a) and adding Subsections (c), (d), (e), (f), (g), and (h) to read as follows:

(a) Subject to Subsections (d), (f), (g), and (h), any [Any] child, other than a high school graduate, who is younger than 21 years of age and eligible for enrollment on September 1 of any school year may transfer [annually] from the child's school district of residence to another district in this state if [both the receiving district and] the applicant parent or guardian or person having lawful control of the child requests the transfer [jointly approve and timely agree] in writing [to the transfer].

(c) A transfer made under this section is effective until the student decides to attend a school in a different district or graduates from high school.

(d) The board of trustees of a school district shall adopt a policy that establishes the standards by which the district will determine whether positions are available at a school campus.

(e) A school district that has more applicants for attendance under Subsection (a) than available positions must fill the available positions by lottery.

(f) The board of trustees of a school district may adopt a policy that provides for:

(1) the exclusion of a student requesting a transfer under this section who has a documented history of a criminal offense, juvenile court adjudication, or discipline problem under Subchapter A, Chapter 37; and

(2) the removal of a transfer student at the end of the school year based on the student's attendance, discipline issues, or class performance.

(g) A school campus located in a fast-growth school district is not required to allow transfer of students as provided by this section if the student enrollment at the campus is 85 percent or more of the campus student capacity. A fast-growth school district is a district in which:

(1) student enrollment in the previous school year was not less than 2,500 students and enrollment growth over the previous five years was not less than 10 percent; or

(2) a net increase of 3,500 or more students occurred during the previous five years.

(h) A school district is not required to allow transfer of students to a school campus, as provided by this section, during the first three school years after the campus was originally opened.

SECTION _____. Section 26.003, Education Code, is amended to read as follows:

Sec. 26.003. RIGHTS CONCERNING ACADEMIC PROGRAMS. (a) A parent is entitled to:

(1) ~~[petition the board of trustees designating the school in the district that the parent's child will attend, as provided by Section 25.033;~~

[(2)] reasonable access to the school principal, or to a designated administrator with the authority to reassign a student, to request a change in the class or teacher to which the parent's child has been assigned, if the reassignment or change would not affect the assignment or reassignment of another student;

(2) [(3)] request, with the expectation that the request will not be unreasonably denied:

(A) the addition of a specific academic class in the course of study of the parent's child in keeping with the required curriculum if sufficient interest is shown in the addition of the class to make it economically practical to offer the class;

(B) that the parent's child be permitted to attend a class for credit above the child's grade level, whether in the child's school or another school, unless the board or its designated representative expects that the child cannot perform satisfactorily in the class; or

(C) that the parent's child be permitted to graduate from high school earlier than the child would normally graduate, if the child completes each course required for graduation; and

(3) [(4)] have a child who graduates early as provided by Subdivision (2)(C) [(3)(C)] participate in graduation ceremonies at the time the child graduates.

(b) The decision of the board of trustees concerning a request described by Subsection (a)(1) or (2) [(a)(2) or (3)] is final and may not be appealed.

SECTION _____. The following sections of the Education Code are repealed:

(1) Section 25.032;

(2) Section 25.033; and

(3) Section 25.034.

(7) Strike SECTION 7 of the bill (page 3, lines 28-29) and substitute the following:

SECTION _____. (a) Except as provided by Subsection (b) of this section, this Act applies beginning with the 2014-2015 school year.

(b) Sections 8.051(e) and 25.0012, Education Code, as added by this Act, apply beginning with the 2013-2014 school year.

The amendment to **CSSB 1775** 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.

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

CSSB 1775 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, Nichols, Taylor.

Absent: Williams.

COMMITTEE SUBSTITUTE SENATE BILL 1775 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1775** be placed on its third reading and final passage.

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

Yeas: Birdwell, Campbell, Carona, Davis, Deuell, Ellis, Eltife, Estes, Fraser, Garcia, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nelson, Patrick, Paxton, Rodríguez, Schwertner, Seliger, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Nays: Duncan, Nichols, Taylor.

Absent: Williams.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 3. (Same as previous roll call)

HOUSE CONCURRENT RESOLUTION 31 ON SECOND READING

On motion of Senator Taylor and by unanimous consent, the regular order of business was suspended to take up for consideration **HCR 31** at this time on its second reading:

HCR 31, Designating the Kemp's ridley sea turtle as the official State Sea Turtle of Texas.

The resolution was read second time and was adopted by the following vote: Yeas 31, Nays 0.

SENATE BILL 873 ON SECOND READING

Senator Hegar moved to suspend the regular order of business to take up for consideration **SB 873** at this time on its second reading:

SB 873, Relating to the authority of a groundwater conservation district to require a permit for the drilling or operation of a water well used to supply water for the performance of a hydraulic fracturing treatment on an oil or gas well.

The motion prevailed.

Senators Campbell, Huffman, Nichols, Seliger, and Uresti asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Hegar offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 873** by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter D, Chapter 36, Water Code, is amended by adding Section 36.1133 to read as follows:

Sec. 36.1133. WELLS RELATED TO OIL AND GAS. (a) This section applies to a water well that is to be used solely to supply water for an activity associated with the drilling, exploration, or production of oil or gas.

(b) An applicant for a permit, permit amendment, or permit renewal for a water well under this section shall submit to the district in which the well is to be located an application that:

(1) is written and sworn to; and

(2) contains:

(A) the information required by the district for permit applications for wells used for other purposes; and

(B) the application filing fee adopted by the district under Section 36.205(a), if applicable.

(c) An application filed under Subsection (b) is considered administratively complete if it conforms to the requirements under Subsection (b). An application for which no determination of administrative completeness is made within 6 days after receipt of the application is considered administratively complete.

(d) Not later than the fifth business day after the date the district finds that an application for a water well permit under this section is administratively complete, the district by rule shall provide an interim authorization to the applicant. No further district action or approval is required before the applicant may drill, equip, operate, complete, or otherwise use the water well under the terms of the interim authorization and district rules during the period the district is considering the application. The interim authorization is valid until the district makes a final determination on the application.

(e) Except as provided in Subsections (c) and (d), the district shall process and make a final determination on an application under this section in the same manner that the district processes and makes a final determination on a water well used for another purpose.

(f) A district may apply to the owner or operator of a water well to which this section applies the district's rules, requirements, terms, conditions, or restrictions to the extent that the rules, requirements, terms, conditions, or restrictions are applied to owners and operators of water wells that are permitted by the district and used for other purposes. A district may enforce its rules adopted under this chapter or other law applicable to the district against a water well to which this section applies in the same manner as the district enforces its rules against water wells used for other purposes.

SECTION 2. Sections 36.117(b) and (d), Water Code, are amended to read as follows:

(b) Except as provided by this section, a district shall provide an exemption from the district requirement to obtain a permit for:

(1) drilling or operating a well used solely for domestic use or for providing water for livestock or poultry if the well is:

(A) located or to be located on a tract of land larger than 10 acres; and

(B) drilled, completed, or equipped so that it is incapable of producing more than 25,000 gallons of groundwater a day; or

~~(2) [drilling a water well used solely to supply water for a rig that is actively engaged in drilling or exploration operations for an oil or gas well permitted by the Railroad Commission of Texas provided that the person holding the permit is responsible for drilling and operating the water well and the water well is located on the same lease or field associated with the drilling rig; or~~

~~[(3)]~~ drilling a water well authorized under a permit issued by the Railroad Commission of Texas under Chapter 134, Natural Resources Code, or for production from the well to the extent the withdrawals are required for mining activities regardless of any subsequent use of the water.

(d) A district may cancel a previously granted exemption, and may require an operating permit for or restrict production from a well, if:

(1) the well is located in the Hill Country Priority Groundwater Management Area and the groundwater withdrawals that were exempted under Subsection (b)(1) are no longer used solely for domestic use or to provide water for livestock or poultry;

~~[(2) the groundwater withdrawals that were exempted under Subsection (b)(2) are no longer used solely to supply water for a rig that is actively engaged in drilling or exploration operations for an oil or gas well permitted by the Railroad Commission of Texas;] or~~

~~[(3)]~~ the groundwater withdrawals that were exempted under Subsection (b)(2) ~~[(b)(3)]~~ are no longer necessary for mining activities or are greater than the amount necessary for mining activities specified in the permit issued by the Railroad Commission of Texas under Chapter 134, Natural Resources Code.

SECTION 3. Section 36.117(g), Water Code, is amended as follows:

(g) A district may not deny an application for a permit to drill and produce water for hydrocarbon ~~drilling, exploration or production~~ activities if the application meets all applicable rules as promulgated by the district.

SECTION 4. Section 36.1133, Water Code, as added by this Act, and Section 36.117, Water Code, as amended by this Act, apply only to a water well for which drilling is begun on or after the effective date of this Act. A water well for which drilling was begun before the effective date of this Act is governed by the law in effect at the time drilling was begun, and the former law is continued in effect for that purpose.

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

The amendment to **SB 873** 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.

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

SB 873 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: Campbell, Huffman, Nichols, Seliger, Uresti.

SENATE BILL 873 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 **SB 873** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Garcia, Hancock, Hegar, Hinojosa, Lucio, Nelson, Patrick, Paxton, Rodríguez, Schwertner, Taylor, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Campbell, Huffman, Nichols, Seliger, Uresti.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 5. (Same as previous roll call)

SENATE BILL 212 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 212** at this time on its second reading:

SB 212, Relating to the continuation, functions, and name of the Railroad Commission of Texas; providing for the imposition of fees, the repeal of provisions for the suspension of the collection of fees, and the elimination of a fee.

The bill was read second time.

Senator Uresti offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 212** (senate committee printing) in SECTION 5 of the bill, in added Section 81.010045, Natural Resources Code, immediately following Subsection (f) of the section (page 2, between lines 57 and 58), by inserting the following:

(g) A commissioner may use a political contribution accepted under this section only in connection with a campaign for or the holding of the office of commissioner.

The amendment to **SB 212** was read.

On motion of Senator Nichols, Floor Amendment No. 1 was tabled by the following vote: Yeas 22, Nays 6.

Yeas: Birdwell, Campbell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Hancock, Hegar, Huffman, Lucio, Nelson, Nichols, Patrick, Paxton, Schwertner, Seliger, Taylor, Whitmire, Williams, Zaffirini.

Nays: Ellis, Garcia, Hinojosa, Rodríguez, Uresti, Watson.

Absent: Davis, Van de Putte, West.

Senator Estes offered the following amendment to the bill:

Floor Amendment No. 2

Amend **SB 212** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in the heading to Chapter 81, Natural Resources Code (page 1, line 28), strike "RESOURCES".

(2) In SECTION 2 of the bill, in amended Section 81.001(1), Natural Resources Code (page 1, line 33), strike "Resources".

(3) In SECTION 2 of the bill, in amended Section 81.001(2), Natural Resources Code (page 1, line 36), strike "Resources".

(4) In SECTION 3 of the bill (page 1, lines 39 through 47), strike added Section 81.003, Natural Resources Code, and substitute the following:

Sec. 81.003. TEXAS ENERGY COMMISSION. (a) The Railroad Commission of Texas is renamed the Texas Energy Commission.

(b) A reference in law to:

(1) the Railroad Commission of Texas means the Texas Energy Commission; and

(2) a railroad commissioner or a member of the Railroad Commission of Texas means a member of the Texas Energy Commission.

(5) In SECTION 4 of the bill, in amended Section 81.01001, Natural Resources Code (page 1, line 51), strike "Resources".

(6) Between SECTIONS 4 and 5 of the bill (page 1, between lines 54 and 55), insert the following:

SECTION 4A. Section 81.01001, Natural Resources Code, is amended to read as follows:

Sec. 81.01001. SUNSET PROVISION. The Railroad Commission of Texas is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished September 1, 2023 [~~2013~~].

(7) In the recital to SECTION 5 of the bill (page 1, line 56), strike "81.010015, 81.010045," and substitute "81.010045".

(8) In SECTION 5 of the bill, strike added Section 81.010015, Natural Resources Code (page 1, line 58, through page 2, line 4).

(9) In SECTION 6 of the bill, in amended Section 81.01005(a), Natural Resources Code (page 2, line 69), strike "Resources".

(10) In SECTION 6 of the bill, in amended Section 81.01005(b), Natural Resources Code (page 3, line 3), strike "Resources".

(11) In SECTION 17 of the bill, in amended Section 52.092(c)(7), Election Code (page 6, line 56), strike "resources".

(12) In SECTION 18 of the bill, in amended Section 756.126, Health and Safety Code (page 6, line 64), strike "Resources".

(13) Between SECTIONS 18 and 19 of the bill (page 6, after line 69), insert the following:

SECTION 18A. Section 756.126, Health and Safety Code, is amended to read as follows:

Sec. 756.126. SAFETY STANDARDS AND BEST PRACTICES. The Railroad Commission of Texas shall adopt and enforce safety standards and best practices, including those described by 49 U.S.C. Section 6105 et seq., relating to the prevention of damage by a person to a facility, including an interstate or intrastate pipeline facility, under the jurisdiction of the commission.

(14) In the first sentence of SECTION 22 of the bill (page 7, line 58), strike "Resources".

(15) Strike SECTION 23 of the bill (page 8, line 1) and substitute the following:

SECTION 23. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2013.

(b) Sections 1, 2, 3, 4, 6, 7, 17, 18, and 22 of this Act take effect on the date on which the constitutional amendment proposed by the 83rd Legislature, Regular Session, 2013, to rename the Railroad Commission of Texas as the Texas Energy Commission takes effect. If that amendment is not approved by the voters, those sections of this Act have no effect.

The amendment to **SB 212** was read.

Senator Estes withdrew Floor Amendment No. 2.

Senator Estes offered the following amendment to the bill:

Floor Amendment No. 3

Amend **SB 212** (senate committee printing) in SECTION 5 of the bill as follows:

(1) Strike added Sections 81.010045(b) and (c), Natural Resources Code (page 2, lines 9-30).

(2) In added Section 81.010045(d), Natural Resources Code (page 2, line 31), strike "(d)" and substitute "(b)".

(3) In added Section 81.010045(e), Natural Resources Code (page 2, line 45), strike "(e)" and substitute "(c)".

(4) In added Section 81.010045(e), Natural Resources Code (page 2, line 46), strike "(d)" and substitute "(b)".

(5) In added Section 81.010045(f), Natural Resources Code (page 2, line 48), strike "(f)" and substitute "(d)".

(6) In added Section 81.010045(f), Natural Resources Code (page 2, line 49), strike "(d) and (e)" and substitute "(b) and (c)".

(7) In added Section 81.010045(f), Natural Resources Code (page 2, line 57), strike "(d)" and substitute "(b)".

The amendment to **SB 212** was read.

On motion of Senator Nichols, Floor Amendment No. 3 was tabled by the following vote: Yeas 18, Nays 13.

Yeas: Campbell, Carona, Davis, Duncan, Ellis, Garcia, Hancock, Huffman, Lucio, Nelson, Nichols, Rodríguez, Seliger, Taylor, Uresti, Watson, West, Whitmire.

Nays: Birdwell, Deuell, Eltife, Estes, Fraser, Hegar, Hinojosa, Patrick, Paxton, Schwertner, Van de Putte, Williams, Zaffirini.

Senator Hegar offered the following amendment to the bill:

Floor Amendment No. 4

Amend **SB 212** (senate committee printing) as follows:

(1) In SECTION 1 of the bill (page 1, lines 28 and 29), strike the amended heading to Chapter 81, Natural Resources Code, and substitute the following:

CHAPTER 81. TEXAS DEPARTMENT OF OIL AND GAS [~~RAILROAD COMMISSION OF TEXAS~~]

(2) In SECTION 2 of the bill (page 1, lines 32 through 36), strike amended Section 81.001, Natural Resources Code, and substitute the following:

Sec. 81.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Texas Department of Oil and Gas [~~Railroad Commission of Texas~~].

(2) "Commissioner" means any member of the Texas Department of Oil and Gas [~~Railroad Commission of Texas~~].

(3) In SECTION 3 of the bill (page 1, lines 39 through 47), strike added Section 81.003, Natural Resources Code, and substitute the following:

Sec. 81.003. TEXAS DEPARTMENT OF OIL AND GAS. (a) The Railroad Commission of Texas is renamed the Texas Department of Oil and Gas.

(b) A reference in law to:

(1) the Railroad Commission of Texas means the Texas Department of Oil and Gas; and

(2) a railroad commissioner or a member of the Railroad Commission of Texas means a member of the Texas Department of Oil and Gas.

(4) In SECTION 4 of the bill, in amended Section 81.01001, Natural Resources Code (page 1, lines 50 and 51), strike "Energy Resources [~~Railroad~~] Commission [~~of Texas~~]" and substitute "Department of Oil and Gas [~~Railroad Commission of Texas~~]".

(5) In SECTION 6 of the bill (page 2, line 68, through page 3, line 4), strike amended Section 81.01005, Natural Resources Code, and substitute the following:

Sec. 81.01005. NAME AND SEAL. (a) The commissioners are known collectively as the "Texas Department of Oil and Gas [~~Railroad Commission of Texas~~]."

(b) The seal of the commission contains a star of five points with the words "Texas Department of Oil and Gas [~~Railroad Commission of Texas~~]" engraved on it.

(6) In SECTION 17 of the bill, in amended Section 52.092(c)(7), Election Code (page 6, line 56), strike "energy resources" and substitute "oil and gas".

(7) In SECTION 18 of the bill, in amended Section 756.126, Health and Safety Code (page 6, line 64), strike "Energy Resources [~~Railroad~~] Commission [~~of Texas~~]" and substitute "Department of Oil and Gas [~~Railroad Commission of Texas~~]".

(8) In SECTION 22 of the bill (page 7, lines 57 and 58), strike "Energy Resources Commission" and substitute "Department of Oil and Gas".

The amendment to **SB 212** was read.

On motion of Senator Nichols, Floor Amendment No. 4 was tabled by the following vote: Yeas 18, Nays 13.

Yeas: Birdwell, Campbell, Carona, Davis, Deuell, Eltife, Garcia, Huffman, Nelson, Nichols, Patrick, Paxton, Seliger, Taylor, Uresti, Watson, Whitmire, Williams.

Nays: Duncan, Ellis, Estes, Fraser, Hancock, Hegar, Hinojosa, Lucio, Rodríguez, Schwertner, Van de Putte, West, Zaffirini.

Senator Williams offered the following amendment to the bill:

Floor Amendment No. 5

Amend **SB 212** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 81.068, Natural Resources Code, is amended to read as follows:

Sec. 81.068. PURPOSES [PURPOSE] OF OIL AND GAS REGULATION AND CLEANUP FUND. Money in the oil and gas regulation and cleanup fund may be used by the commission or its employees or agents for any purpose related to the regulation of oil and gas development, including oil and gas monitoring and inspections, oil and gas remediation, and oil and gas well plugging, alternative fuels programs under Section 81.0681, public information and services related to those activities, and administrative costs and state benefits for personnel involved in those activities.

SECTION _____. Subchapter C, Chapter 81, Natural Resources Code, is amended by adding Section 81.0681 to read as follows:

Sec. 81.0681. ALTERNATIVE FUELS PROGRAMS. (a) The commission may adopt all necessary rules relating to activities regarding the use of alternative fuels that are or have the potential to be effective in improving the air quality, energy security, or economy of this state.

(b) The commission may use the oil and gas regulation and cleanup fund to pay for activities relating to the use of alternative fuels, including direct and indirect costs relating to:

(1) researching all possible uses of liquefied petroleum gas and natural gas as alternative fuels;

(2) researching, developing, and implementing marketing, advertising, and informational programs relating to alternative fuels to make alternative fuels more understandable and readily available to consumers;

(3) developing and implementing conservation and distribution plans to minimize the frequency and severity of disruptions in the supply of alternative fuels;

(4) developing a public information plan that will provide advisory services relating to alternative fuels to consumers;

(5) developing voluntary participation plans to promote the use of alternative fuels by federal, state, and local agencies; and

(6) other functions the commission determines are necessary to add a program established by the commission for the purpose of promoting the use of liquefied petroleum gas, natural gas, or other alternative fuels.

The amendment to **SB 212** 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.

Senator Williams offered the following amendment to the bill:

Floor Amendment No. 6

Amend **SB 212** (senate committee printing) as follows:

(1) Add the following appropriately numbered SECTION to the bill:

SECTION _____. Section 81.067(b), Natural Resources Code, is amended to read as follows:

(b) The commission shall certify to the comptroller the date on which the balance in the fund equals or exceeds \$30 [~~\$20~~] million. The oil-field cleanup regulatory fees on oil and gas shall not be collected or required to be paid on or after the first day of the second month following the certification, except that the comptroller shall resume collecting the fees on receipt of a commission certification that the fund has fallen below \$25 [~~\$10~~] million. The comptroller shall continue collecting the fees until collections are again suspended in the manner provided by this subsection.

(2) Strike SECTIONS 12 and 13 of the bill (page 5, line 58, through page 6, line 1).

(3) In SECTION 20 of the bill (page 7, line 28), strike Subdivision (1) of the SECTION and renumber the subsequent subdivisions of the SECTION accordingly.

(4) Renumber the SECTIONS of the bill accordingly.

The amendment to **SB 212** 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.

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 7

Amend **SB 212** (Senate committee printing) in SECTION 5 of the bill, in added Section 81.010045, Natural Resources Code (page 2, between lines 57 and 58), immediately following Subsection (f), by inserting the following:

(g) A commissioner or a candidate for the office of commissioner may not knowingly accept political contributions from a person that in the aggregate exceed \$5,000 during a period in which the commissioner or candidate may accept political contributions as provided by Subsections (b) and (c).

(h) A person who receives a political contribution that violates Subsection (g) shall return the contribution to the contributor not later than the 30th day after the date the person received the contribution.

(i) A person who violates Subsection (g) is liable for a civil penalty not to exceed three times the amount of the political contributions accepted in violation of that subsection.

The amendment to **SB 212** was read.

Senator Ellis withdrew Floor Amendment No. 7.

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

SB 212 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 212 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 212** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

BILLS AND RESOLUTIONS SIGNED

The Presiding Officer, Senator Eltife in Chair, announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

SB 283, SB 294, SB 297, SB 312, SB 618, SB 966, SB 1248, HB 200, HCR 47, HCR 67, HCR 105, HCR 107.

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

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

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

On motion of Senator Hegar and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Finance Subcommittee on Fiscal Matters might meet today.

CO-AUTHOR OF SENATE BILL 786

On motion of Senator Hinojosa, Senator Estes will be shown as Co-author of **SB 786**.

CO-AUTHORS OF SENATE BILL 1153

On motion of Senator Davis, Senators Ellis and Hinojosa will be shown as Co-authors of **SB 1153**.

CO-AUTHOR OF SENATE BILL 1208

On motion of Senator Zaffirini, Senator Davis will be shown as Co-author of **SB 1208**.

CO-AUTHOR OF SENATE BILL 1303

On motion of Senator Davis, Senator Lucio will be shown as Co-author of **SB 1303**.

CO-AUTHOR OF SENATE BILL 1775

On motion of Senator West, Senator Patrick will be shown as Co-author of **SB 1775**.

CO-AUTHOR OF SENATE RESOLUTION 566

On motion of Senator Huffman, Senator Ellis will be shown as Co-author of **SR 566**.

CO-AUTHOR OF SENATE RESOLUTION 810

On motion of Senator Hinojosa, Senator Lucio will be shown as Co-author of **SR 810**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 812 by Duncan, In memory of Joseph Eltidge Thigpen.

SR 813 by Watson, In memory of Monty Graham Goff.

SR 815 by Watson, In memory of James Raymond Viramontes.

SR 817 by Watson, In memory of Tim Carlton Thatcher.

SR 819 by Nichols and Schwertner, In memory of Wade Wilson.

Welcome and Congratulatory Resolutions

SR 811 by Ellis, Recognizing the 20th anniversary of diplomatic relations between the Republic of Angola and the United States.

SR 814 by Watson, Welcoming members of the U.S. State Department's Experience America program to the Capitol.

SR 816 by Watson, Recognizing Albert Rodriguez on the occasion of his retirement.

SR 818 by Schwertner, Recognizing G. Kemble Bennett for his contributions to the Texas Board of Professional Engineers.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 1:52 p.m. adjourned, in memory of Santana Lopez, Jr., until 10:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

May 2, 2013

BUSINESS AND COMMERCE — CSHB 949, CSSB 1239, CSSB 1586

EDUCATION — CSSB 681

NATURAL RESOURCES — CSSB 1560

INTERGOVERNMENTAL RELATIONS — SB 482, SB 1635, SB 1873, SB 1899, SB 1910, SB 1913, SB 1916

AGRICULTURE, RURAL AFFAIRS AND HOMELAND SECURITY — **HB 597, HB 1493, HB 1521**

BILLS AND RESOLUTIONS ENGROSSED

May 1, 2013

SB 38, SB 39, SB 163, SB 377, SB 854, SB 1018, SB 1062, SB 1100, SB 1163, SB 1191, SB 1391, SB 1401, SB 1427, SB 1451, SB 1482, SB 1484, SB 1517, SB 1522, SB 1606, SB 1662, SB 1718, SB 1750, SB 1752, SB 1769, SB 1812, SB 1877, SB 1878, SB 1883, SJR 16, SJR 54

BILLS AND RESOLUTIONS ENROLLED

May 1, 2013

SB 283, SB 294, SB 297, SB 312, SB 618, SB 966, SB 1248, SR 756, SR 763, SR 800, SR 801, SR 802, SR 803, SR 804, SR 805, SR 806, SR 807, SR 808, SR 809

SENT TO GOVERNOR

May 2, 2013

SB 283, SB 294, SB 297, SB 312, SB 618, SB 966, SB 1248

SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTY-SECOND DAY

(Friday, May 3, 2013)

The Senate met at 10:12 a.m. pursuant to adjournment and was called to order by Senator Eltife.

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

Absent-excused: Carona.

The Presiding Officer announced that a quorum of the Senate was present.

Pastor Marc Rylander, Prestonwood Baptist Church, Plano, was introduced by Senator Paxton and offered the invocation as follows:

God, our creator and lord, we thank You for the opportunity to live in this great State of Texas. As the men and women of this Senate gather today to work for the people they serve, may Your blessing be upon their efforts, Your presence in their lives, Your truth in their decisions, Your law in their legislation, Your care over their families, and Your strength in their character. May the words of their mouths and the meditations of their hearts be pleasing in Your sight, O Lord, our rock and our redeemer. And in times like these, may You faithfully protect and defend the people of Texas—our homes, our lives, our resources, and those we most cherish and love. With respect to all beliefs, I humbly offer this prayer in the name of Jesus Christ the Lord. Amen.

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

The motion prevailed without objection.

LEAVE OF ABSENCE

On motion of Senator Whitmire, Senator Carona was granted leave of absence for today on account of important business.

MESSAGES FROM THE GOVERNOR

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

May 2, 2013

Austin, Texas

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

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

To be members of the Texas Board of Licensure for Professional Medical Physicists for terms to expire February 1, 2019:

Geoffrey "Geoff" Clarke

Boerne, Texas

(replacing Richard Wendt, III of Bellaire whose term expired)

Douglas A. Johnson

College Station, Texas

(Mr. Johnson is being reappointed)

John R. Leahy

Austin, Texas

(Dr. Leahy is being reappointed)

To be members of the Coastal Water Authority Board of Directors for terms to expire April 1, 2015:

Zebulun Nash

Houston, Texas

Douglas E. Walker

Beach City, Texas

The individuals listed above are being reappointed.

To be members of the State Board of Dental Examiners for terms to expire February 1, 2019:

Steven J. Austin

Amarillo, Texas

(Dr. Austin is being reappointed)

Kirby Bunel, Jr.

Texarkana, Texas

(replacing Maxwell Finn of Dallas whose term expired)

Timothy J. O'Hare

Farmers Branch, Texas

(replacing Ann Pauli of El Paso who is deceased)

Lois M. Palermo

League City, Texas

(replacing Alicia Grant of Richardson whose term expired)

Lewis M. White
Humble, Texas
(Mr. White is being reappointed)

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

Charles Crenshaw
Spicewood, Texas
(Mr. Crenshaw is being reappointed)

D. Wade Hayden
San Antonio, Texas
(replacing Doris Washington of Grapevine whose term expired)

To be a member of the Correctional Managed Health Care Committee for a term to expire February 1, 2017:

Harold Berenzweig
Fort Worth, Texas

Dr. Berenzweig is being reappointed.

To be a member of the Commission on Jail Standards for a term to expire January 31, 2015:

Dennis D. Wilson
Groesbeck, Texas

Sheriff Wilson is replacing Sheriff Franklin Terry of White Deer who resigned.

To be a member of the Texas Higher Education Coordinating Board for a term to expire August 31, 2013:

Christopher M. Huckabee
Fort Worth, Texas

Mr. Huckabee is replacing James Lee of Houston who resigned.

Respectfully submitted,

/s/Rick Perry

Governor

PHYSICIAN OF THE DAY

Senator Deuell, on behalf of Senator Nelson, was recognized and presented Dr. Elizabeth Seymour of Corinth as the Physician of the Day.

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

GUESTS PRESENTED

Senator Birdwell was recognized and introduced to the Senate seventh- and eighth-grade students from the Malone Independent School District.

The Senate welcomed its guests.

SENATE RESOLUTION 821

Senator Seliger offered the following resolution:

SR 821, Recognizing May 3, 2013, as GenTX Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Seliger was recognized and introduced to the Senate a GenTX program delegation, accompanied by students from Rodriguez Elementary School, Houston Elementary School, Mendez Middle School, and Travis High School in the Austin Independent School District.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Campbell was recognized and introduced to the Senate high school students from Fischer representing Junior State of America.

The Senate welcomed its guests.

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

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

There was no objection.

CONCLUSION OF MORNING CALL

The Presiding Officer at 10:42 a.m. announced the conclusion of morning call.

SENATE BILL 1413 ON SECOND READING

On motion of Senator Deuell and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1413** at this time on its second reading:

SB 1413, Relating to the administration of retirement systems for paid, partly paid, or volunteer firefighters.

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: Carona.

SENATE BILL 1413 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 **SB 1413** be placed on its third reading and final passage.

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

Absent-excused: Carona.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1322 ON SECOND READING**

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1322** at this time on its second reading:

CSSB 1322, Relating to the provision of durable medical equipment and home health care services through informal and voluntary networks in the workers' compensation system; providing penalties.

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: Carona.

**COMMITTEE SUBSTITUTE
SENATE BILL 1322 ON THIRD READING**

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1322** be placed on its third reading and final passage.

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

Absent-excused: Carona.

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

**MOTION TO PLACE
COMMITTEE SUBSTITUTE
SENATE BILL 1383 ON SECOND READING**

Senator Hancock moved to suspend the regular order of business to take up for consideration **CSSB 1383** at this time on its second reading:

CSSB 1383, Relating to requiring municipalities to reimburse the Texas Department of Transportation for compensation paid for certain signs required to be relocated due to road construction.

Senator Hancock withdrew the motion to suspend the regular order of business.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate a Young Women's Alliance of Austin delegation.

The Senate welcomed its guests.

SENATE BILL 554 ON SECOND READING

Senator Campbell moved to suspend the regular order of business to take up for consideration **SB 554** at this time on its second reading:

SB 554, Relating to the penalty for theft of an official ballot or official carrier envelope for an election.

The motion prevailed.

Senator Rodríguez 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: Rodríguez.

Absent-excused: Carona.

SENATE BILL 554 ON THIRD READING

Senator Campbell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 554** be placed on its third reading and final passage.

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

Nays: Rodríguez.

Absent-excused: Carona.

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

**MOTION TO PLACE
COMMITTEE SUBSTITUTE
SENATE BILL 767 ON SECOND READING**

Senator Patrick moved to suspend the regular order of business to take up for consideration **CSSB 767** at this time on its second reading:

CSSB 767, Relating to the creation of DNA records for the DNA database system.

Senator Patrick withdrew the motion to suspend the regular order of business.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
Friday, May 3, 2013 - 1

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

- HB 29** Branch
Relating to requiring certain general academic teaching institutions to offer a four-year fixed tuition price plan to undergraduate students.
- HB 124** Anderson
Relating to the addition of Salvia divinorum and its derivatives and extracts to Penalty Group 3 of the Texas Controlled Substances Act.
- HB 137** Raymond
Relating to the information reported to the comptroller by a coin-operated machine license holder, the penalty for failure to report that information, the penalty for gambling promotion, and the prosecution of certain gambling offenses.
- HB 294** Rodriguez, Eddie
Relating to the exemption from ad valorem taxation of certain property owned by a charitable organization and used in providing housing and related services to certain homeless individuals.
- HB 693** Phillips
Relating to the authority of a water and sewer utility to collect voluntary contributions on behalf of a local library.
- HB 800** Murphy
Relating to a sales and use tax exemption and a franchise tax credit related to certain research and development activities.
- HB 843** Lucio III
Relating to persons entitled to notice of and to participation in certain hearings regarding a child in the conservatorship of the state.
- HB 955** Isaac
Relating to the penalty for the offense of reckless driving.
- HB 1044** Eiland
Relating to the operation of all-terrain vehicles and recreational off-highway vehicles; creating an offense.
- HB 1079** Smith
Relating to the procedural requirements for action by the Texas Commission on Environmental Quality on applications for production area authorizations.
- HB 1224** Hilderbran
Relating to continuing education requirements and a registration exemption for county tax assessor-collectors.
- HB 1358** Hunter
Relating to procedures for certain audits of pharmacists and pharmacies.

HB 1376

Kolkhorst

Relating to advertising by certain facilities that provide emergency services; providing an administrative penalty.

HB 1448

Kuempel

Relating to the use of money deposited to a justice court technology fund in certain counties.

HB 1492

Bell

Relating to the creation of the Montgomery County Municipal Utility District No. 140; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

HB 1506

Bell

Relating to the creation of the Montgomery County Municipal Utility District No. 106; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

HB 1520

Bonnen, Dennis

Relating to the liability of certain persons for damages arising from training exercises to prepare the persons to respond to certain emergencies.

HB 1563

King, Tracy O.

Relating to fees of office for directors of groundwater conservation districts.

HB 1586

Creighton

Relating to municipal consent provisions applicable to the Montgomery County Municipal Utility District No. 126.

HB 1781

King, Ken

Relating to a limitation on sanctions imposed on school districts for the sale of foods of minimal nutritional value.

HB 1800

Huberty

Relating to the powers and duties of the Harris County Municipal Utility District No. 422; providing authority to issue bonds; providing authority to impose fees and taxes.

HB 1803

Callegari

Relating to the renewal of a controlled substance registration by physicians; changing the payment schedule for a fee.

HB 2112

Raymond

Relating to financial disclosure reports made by a member of a county planning commission.

HB 2293

Kuempel

Relating to the use of certain types of steel slag in road construction by the Texas Department of Transportation.

HB 2407

Naishtat

Relating to restoration of a person's right to purchase a firearm on termination of a guardianship.

HB 2409

Naishtat

Relating to a court administrator hired by a statutory probate court.

- HB 2424** Martinez, "Mando"
Relating to the designation of the part of U.S. Highway 83 Business in Hidalgo and Cameron Counties as a portion of the national Purple Heart Trail.
- HB 2454** Frank
Relating to reimbursement of health care services rendered by a health care provider for an inmate of a county jail or another county correctional facility.
- HB 2509** Anchia
Relating to the business leave time account for a police officer employee organization in certain municipalities.
- HB 2549** Patrick, Diane
Relating to the periodic review and revision of college and career readiness standards in public education.
- HB 2550** Patrick, Diane
Relating to the consolidation of the Higher Education Enrollment Assistance Program and the Higher Education Assistance Plan and the transfer of certain enrollment assistance duties to institutions of higher education.
- HB 2585** Harper-Brown
Relating to the reimbursement of utilities for relocation of utility facilities following improvement or construction of certain tolled highways.
- HB 2874** Harper-Brown
Relating to the designation by the Texas Department of Motor Vehicles of the registration year for certain vehicles sold by a dealer.
- HB 2918** Thompson, Senfronia
Relating to statutory durable powers of attorney.
- HB 2947** Harper-Brown
Relating to the notice provided by a purchaser of a motor vehicle of the designated county of title issuance.
- HB 3070** Simpson
Relating to the designation of U.S. Highway 80 as a historic highway.
- HB 3106** Morrison
Relating to compensatory payments made in connection with the issuance of certain title insurance policies.
- HB 3116** Cook
Relating to the recovery of uniform statewide accounting project costs from state agencies and vendors.
- HB 3209** Alonzo
Relating to the designation of May 9 as Willie Velasquez Day.
- HB 3212** Phillips
Relating to the Red River Boundary Compact and the creation of the Red River Boundary Commission.
- HB 3413** Flynn
Relating to the operation and movement of authorized emergency vehicles.

- HB 3567** Kleinschmidt
Relating to the composition of the structural pest control advisory committee.
- HB 3659** Reynolds
Relating to the Houston Community College System District service area.
- HB 3677** Farney
Relating to the issuance of Foundation School Program license plates.
- HB 3748** Farrar
Relating to the costs associated with proceedings regarding cruelly treated animals; authorizing fees and costs.
- HB 3795** Coleman
Relating to the creation of a county assistance district.
- HB 3831** Herrero
Relating to the designation of a portion of State Highway 358 as the Peace Officers Memorial Highway.
- HB 3905** Bonnen, Dennis
Relating to the Angleton-Danbury Hospital District of Brazoria County, Texas.
- HB 3925** Smith
Relating to the dissolution of the Harris County Municipal Utility District No. 213; the creation of the Harris County Municipal Utility District No. 213-A; the creation of the Harris County Municipal Utility District No. 213-B; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.
- HB 3935** Thompson, Senfronia
Relating to the territory of the East Aldine Management District.
- HCR 51** King, Ken
Designating March 5 as Charles Goodnight Day for a 10-year period beginning in 2013.
- HCR 62** Kleinschmidt
Designating October 2 as "Come and Take It" Day for a 10-year period beginning in 2013.
- HCR 68** Farney
Designating the first full week of May as Texas Teacher Appreciation Week for a 10-year period beginning in 2013.
- HCR 82** Hunter
Requesting the creation of a joint interim committee to study education policy as it relates to developing a skilled workforce.
- HCR 89** Hunter
Requesting the creation of a joint interim committee to study recruiting firearms and ammunition manufacturers to Texas.
- HCR 96** Button
Designating Garland as the Cowboy Hat Capital of Texas.

- SB 162** Van de Putte Sponsor: Flynn
Relating to the occupational licensing of spouses of members of the military and the eligibility requirements for certain occupational licenses issued to applicants with military experience.
- SB 166** Deuell Sponsor: Larson
Relating to the use by certain health care providers of electronically readable information from a driver's license or personal identification certificate.
(Committee Substitute)
- SB 181** Hegar Sponsor: Guillen
Relating to verification of motor vehicle financial responsibility information.
(Committee Substitute)
- SB 265** Huffman Sponsor: Thompson,
Senfronia
Relating to bond requirements for county officers and employees, district attorneys, and criminal district attorneys.
(Committee Substitute)
- SB 274** Williams Sponsor: Eiland
Relating to permits for oversize and overweight vehicles in a certain county.
(Amended)
- SB 276** Watson Sponsor: Crownover
Relating to the authority of certain transportation authorities to create a local government corporation.
- SB 330** Huffman Sponsor: Thompson,
Senfronia
Relating to certain information to which a social study evaluator is entitled in a suit affecting the parent-child relationship; providing a criminal penalty.
- SB 334** Rodríguez Sponsor: Márquez
Relating to preliminary review of complaints filed with a county ethics commission.
- SB 349** Nichols Sponsor: Creighton
Relating to standards for power lines.
- SB 365** Carona Sponsor: Parker
Relating to expedited credentialing for certain podiatrists and therapeutic optometrists providing services under a managed care plan.
(Committee Substitute)
- SB 366** Taylor Sponsor: Callegari
Relating to the authority of political subdivisions to offer certain deferred compensation plans to employees.
- SB 411** Carona Sponsor: Eiland
Relating to insurers' duty to provide information in a fraud investigation.
- SB 412** Seliger Sponsor: Lewis
Relating to the authority of certain counties to impose a hotel occupancy tax for the maintenance, operation, and promotion of and improved access to a coliseum in the county; authorizing a tax.
(Amended)

SB 458 Rodríguez Sponsor: Márquez
Relating to certain motor vehicle records excepted from disclosure under the Public Information Act.

SB 466 Hinojosa Sponsor: Harper-Brown
Relating to the authority of the Texas Department of Transportation to participate in certain federal transportation programs.

SB 471 Ellis Sponsor: Harper-Brown
Relating to technological efficiencies in the recording of certain open meetings.

SB 506 Watson Sponsor: Thompson,
Senfronia
Relating to an exemption from registration and regulation requirements for steam cookers.

SB 595 Hegar Sponsor: Zerwas
Relating to the power of the North Fort Bend Water Authority to impose a charge on certain wells or classes of wells.

SB 611 Lucio Sponsor: Lucio III
Relating to the irrigation powers and functions of certain water districts; providing authority for a district by rule to change fees; clarifying a district's authority to impose certain assessments.
(Committee Substitute/Amended)

SB 649 Rodríguez Sponsor: Thompson,
Senfronia
Relating to the exemption of certain property from seizure by creditors.

SB 655 Birdwell Sponsor: King, Phil
Relating to the exercise of the power of eminent domain by certain authorized entities.

SB 686 Huffman Sponsor: Villalba
Relating to the change of the name of the Commission on Law Enforcement Officer Standards and Education to the Texas Commission on Law Enforcement.

SB 733 Carona Sponsor: Sheets
Relating to the Texas Automobile Insurance Plan Association.

SB 748 Nelson Sponsor: Geren
Relating to the use of certain tax revenue to enhance and upgrade convention center facilities, multipurpose arenas, venues, and related infrastructure in certain municipalities.
(Committee Substitute)

SB 777 Ellis Sponsor: Naishtat
Relating to the terms of the public members of the Texas Holocaust and Genocide Commission.

SB 795 Lucio Sponsor: Oliveira
Relating to the composition and powers of a governing body in certain municipalities.

SB 820 Williams Sponsor: Guillen
Relating to the management, breeding, and destruction of deer and to procedures regarding certain deer permits.
(Committee Substitute)

- SB 849** Carona Sponsor: Oliveira
Relating to social purposes of a for-profit corporation and the consideration of social purposes and other interests by officers and directors of a for-profit corporation.
- SB 852** Taylor Sponsor: Smithee
Relating to availability of certain property and casualty insurance forms.
- SB 866** Paxton Sponsor: Elkins
Relating to authorizing local governments to participate in statewide technology centers.
(Committee Substitute)
- SB 885** Hinojosa Sponsor: Harper-Brown
Relating to notice of utility rate increases.
- SB 901** Fraser Sponsor: Paddie
Relating to safety standards and practices applicable to the transportation by pipeline of certain substances.
(Amended)
- SB 902** Fraser Sponsor: Callegari
Relating to the operation, powers, and duties of certain water districts.
- SB 905** Van de Putte Sponsor: Kuempel
Relating to the sale of distilled spirits to ultimate consumers by the holder of a distiller's and rectifier's permit.
- SB 920** Eltife Sponsor: Reynolds
Relating to the requirement that an unemployed individual be actively seeking work to be eligible for unemployment compensation benefits.
- SB 965** Williams Sponsor: Bohac
Relating to the correction of employment termination reports for law enforcement officers.
(Committee Substitute)
- SB 971** Williams Sponsor: Deshotel
Relating to the purposes, designation, and funding of a transportation reinvestment zone for port projects; providing authority to issue bonds; authorizing an assessment.
(Committee Substitute)
- SB 972** Carona Sponsor: Thompson, Senfronia
Relating to the repeal of certain offenses relating to certain occupations regulated by the Texas Department of Licensing and Regulation.
- SB 1019** Estes Sponsor: Frank
Relating to the investment of funds by the governing boards of certain institutions of higher education.
- SB 1026** Duncan Sponsor: Ritter
Relating to the nonsubstantive revision of certain local laws concerning special districts, including conforming amendments.
- SB 1041** Zaffirini Sponsor: Lozano
Relating to authorizing certain counties to impose a hotel occupancy tax.

SB 1093

West

Sponsor: Harper-Brown

Relating to nonsubstantive additions to and corrections in enacted codes, to the nonsubstantive codification or disposition of various laws omitted from enacted codes, and to conforming codifications enacted by the 82nd Legislature to other Acts of that legislature.

(Amended)

SB 1157

Schwertner

Sponsor: Otto

Relating to the transfer of certain state property in Walker County from the Texas Board of Criminal Justice to the board of regents of the Texas State University System.

SB 1236

West

Sponsor: Gonzalez, Naomi

Relating to the extension of an emergency order for protective services for certain persons who are elderly or have disabilities.

SB 1489

Watson

Sponsor: Phillips

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

(Committee Substitute)

SB 1537

Deuell

Sponsor: Cortez

Relating to certain required notices under the Texas Unemployment Compensation Act, including employer liability arising from failure to provide the notice.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE RESOLUTION 824

Senator West offered the following resolution:

SR 824, Congratulating the Triple A Academy Stallions boys' basketball team on winning a state championship.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate the Triple A Academy boys' basketball team, accompanied by Jeremiah Jefferson, King McClure, Tyler Singleton, Gary Breaux, Harrison Henderson, and Head Coach Timothy Singleton.

The Senate welcomed its guests.

COMMITTEE SUBSTITUTE**SENATE BILL 1478 ON SECOND READING**

Senator Rodríguez moved to suspend the regular order of business to take up for consideration **CSSB 1478** at this time on its second reading:

CSSB 1478, Relating to the satisfaction of annual renewable energy requirements by certain utilities.

The motion prevailed by the following vote: Yeas 20, Nays 10.

Yeas: Campbell, Davis, Duncan, Ellis, Eltife, Garcia, Hancock, Hegar, Hinojosa, Lucio, Nelson, Rodríguez, Schwertner, Seliger, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Nays: Birdwell, Deuell, Estes, Fraser, Huffman, Nichols, Patrick, Paxton, Taylor, Williams.

Absent-excused: Carona.

The bill was read second time.

Senator Rodríguez offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1478** (senate committee printing) in SECTION 1 of the bill, in added Section 39.904(c-1), Utilities Code, as follows:

(1) On page 1, line 34, strike "in the utility's Texas or New Mexico service area" and substitute "from facilities connected to the utility's transmission or distribution systems located in Texas or New Mexico".

(2) On page 1, strike lines 42 and 43 and substitute the following: and verified from facilities connected to the utility's transmission or distribution systems located in Texas or New Mexico;

(2) the electric utility must be permitted to recover, through the rate-making process, all reasonable costs of complying with the goals for renewable energy provided by this section;

(3) the electric utility must be permitted to recover, through its fuel factor, its costs for the purchase of renewable energy credits to comply with this section, provided that before the utility's next base rate proceeding filed after May 1, 2013, the amount that may be recovered through the fuel factor is limited to the amount by which the cost of the purchase of renewable energy credits exceeds the amount requested by the utility in its most recent rate proceeding filed before May 1, 2013;

(4) regulatory authorities may not exclude from the electric utility's invested capital the electric utility's reasonable investment in interconnection and transmission facilities made to deliver to its retail customers in Texas renewable energy procured to comply with this subsection;

(5) the maximum amount per renewable energy credit

(3) On page 1, line 51, strike "(3)" and substitute "(6)".

(4) On page 1, strike lines 54 and 55 and substitute the following:

(A) are physically metered and verified from facilities connected to the utility's transmission or distribution systems located in New Mexico; and

The amendment to **CSSB 1478** was read and was adopted by the following vote: Yeas 16, Nays 14.

Yeas: Davis, Duncan, Ellis, Eltife, Garcia, Hinojosa, Lucio, Nelson, Rodríguez, Seliger, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Nays: Birdwell, Campbell, Deuell, Estes, Fraser, Hancock, Hegar, Huffman, Nichols, Patrick, Paxton, Schwertner, Taylor, Williams.

Absent-excused: Carona.

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

CSSB 1478 as amended was passed to engrossment by the following vote: Yeas 16, Nays 14.

Yeas: Davis, Duncan, Ellis, Eltife, Garcia, Hinojosa, Lucio, Nelson, Rodríguez, Seliger, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Nays: Birdwell, Campbell, Deuell, Estes, Fraser, Hancock, Hegar, Huffman, Nichols, Patrick, Paxton, Schwertner, Taylor, Williams.

Absent-excused: Carona.

**COMMITTEE SUBSTITUTE
SENATE BILL 1439 ON SECOND READING**

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1439** at this time on its second reading:

CSSB 1439, Relating to evidence technician training and the disposition of certain evidence in a criminal case.

The bill was read second time.

Senator West offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1439** (senate committee printing) as follows:

In Section 2 of the bill, in added Article 38.48, Code of Criminal Procedure, on page 1, line 59, strike "60th" and substitute "30th".

The amendment to **CSSB 1439** 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: Carona.

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

CSSB 1439 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: Carona.

**COMMITTEE SUBSTITUTE
SENATE BILL 1439 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1439** be placed on its third reading and final passage.

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

Absent-excused: Carona.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1555 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 1555** at this time on its second reading:

CSSB 1555, Relating to requirements for state educator certification examinations.

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: Carona.

**COMMITTEE SUBSTITUTE
SENATE BILL 1555 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 1555** be placed on its third reading and final passage.

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

Absent-excused: Carona.

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

SENATE BILL 1900 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 1900** at this time on its second reading:

SB 1900, Relating to the creation of the LaSalle Municipal Utility District No. 2; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

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

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

Absent-excused: Carona.

SENATE BILL 1900 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 1900** be placed on its third reading and final passage.

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

Absent-excused: Carona.

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

SENATE BILL 1901 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 1901** at this time on its second reading:

SB 1901, Relating to the creation of the LaSalle Municipal Utility District No. 3; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

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

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

Absent-excused: Carona.

SENATE BILL 1901 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 1901** be placed on its third reading and final passage.

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

Absent-excused: Carona.

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

SENATE BILL 1902 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 1902** at this time on its second reading:

SB 1902, Relating to the creation of the LaSalle Municipal Utility District No. 4; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

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

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

Absent-excused: Carona.

SENATE BILL 1902 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 1902** be placed on its third reading and final passage.

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

Absent-excused: Carona.

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

SENATE BILL 1903 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 1903** at this time on its second reading:

SB 1903, Relating to the creation of the LaSalle Municipal Utility District No. 5; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

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

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

Absent-excused: Carona.

SENATE BILL 1903 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 1903** be placed on its third reading and final passage.

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

Absent-excused: Carona.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 461 ON SECOND READING**

Senator Rodríguez moved to suspend the regular order of business to take up for consideration **CSSB 461** at this time on its second reading:

CSSB 461, Relating to development regulations for certain unincorporated areas located near the Tornillo-Guadalupe Port of Entry; providing a penalty.

The motion prevailed by the following vote: Yeas 20, Nays 9.

Yeas: Davis, Deuell, Duncan, Ellis, Eltife, Garcia, Hegar, Hinojosa, Lucio, Nelson, Nichols, Rodríguez, Schwertner, Seliger, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Campbell, Estes, Fraser, Hancock, Huffman, Patrick, Paxton, Taylor.

Absent: Uresti.

Absent-excused: Carona.

The bill was read second time and was passed to engrossment by the following vote: Yeas 19, Nays 10.

Yeas: Davis, Duncan, Ellis, Eltife, Garcia, Hegar, Hinojosa, Lucio, Nelson, Nichols, Rodríguez, Schwertner, Seliger, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Campbell, Deuell, Estes, Fraser, Hancock, Huffman, Patrick, Paxton, Taylor.

Absent: Uresti.

Absent-excused: Carona.

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate Barton Hills Elementary School fourth-grade students.

The Senate welcomed its guests.

COMMITTEE SUBSTITUTE SENATE BILL 883 ON SECOND READING

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 883** at this time on its second reading:

CSSB 883, Relating to promotional items provided by manufacturers, wholesalers, and distributors of alcoholic beverages to retailers.

The bill was read second time.

Senator Van de Putte offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 883** (senate committee report), in SECTION 1 of the bill, in added Section 108.036(a), Alcoholic Beverage Code (page 1, line 29), between "distributor tier" and "may", by inserting ", other than a local distributor who holds a permit issued under Chapter 23,".

The amendment to **CSSB 883** 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: Carona.

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

CSSB 883 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: Carona.

**COMMITTEE SUBSTITUTE
SENATE BILL 883 ON THIRD READING**

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 883** be placed on its third reading and final passage.

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

Absent-excused: Carona.

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

RECESS

On motion of Senator Hegar, the Senate at 11:56 a.m. recessed until 12:30 p.m. today.

AFTER RECESS

The Senate met at 2:51 p.m. and was called to order by the President.

BILLS SIGNED

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

HB 407, HB 477, HB 2377, HB 2472.

(Senator Estes in Chair)

**SENATE RULE 7.07(b) SUSPENDED
(Permission to Introduce)
(Motion In Writing)**

Senator Whitmire submitted the following Motion In Writing:

Mr. President:

I move suspension of Senate Rule 7.07(b) to permit the introduction of the following bill: **SB 221**.

WHITMIRE

The Motion In Writing prevailed without objection.

SENATE BILL ON FIRST READING

The following bill was introduced, read first time, and referred to the committee indicated:

SB 221 by Zaffirini

Relating to the composition and employees of the Texas Funeral Service Commission. To Committee on Government Organization.

HOUSE BILLS AND RESOLUTION ON FIRST READING

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

- HB 127** to Committee on State Affairs.
- HB 489** to Committee on Health and Human Services.
- HB 517** to Committee on Criminal Justice.
- HB 545** to Committee on Economic Development.
- HB 580** to Committee on Education.
- HB 633** to Committee on Veteran Affairs and Military Installations.
- HB 642** to Committee on Education.
- HB 697** to Committee on Finance.
- HB 717** to Committee on Jurisprudence.
- HB 802** to Committee on Intergovernmental Relations.
- HB 824** to Committee on Natural Resources.
- HB 939** to Committee on Economic Development.
- HB 995** to Committee on Intergovernmental Relations.
- HB 1000** to Committee on Higher Education.
- HB 1086** to Committee on Business and Commerce.
- HB 1372** to Committee on Intergovernmental Relations.
- HB 1791** to Committee on Economic Development.
- HB 1807** to Committee on Agriculture, Rural Affairs and Homeland Security.
- HB 2259** to Committee on Intergovernmental Relations.
- HB 2442** to Committee on State Affairs.
- HB 2443** to Committee on Criminal Justice.
- HB 2649** to Committee on Agriculture, Rural Affairs and Homeland Security.
- HB 2760** to Committee on Higher Education.
- HB 2961** to Committee on Education.
- HB 3176** to Committee on Intergovernmental Relations.
- HB 3905** to Committee on Administration.
- HJR 87** to Committee on Intergovernmental Relations.

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 1392 ON SECOND READING**

Senator Davis moved to suspend the regular order of business to take up for consideration **CSSB 1392** at this time on its second reading:

CSSB 1392, Relating to an audit by the state auditor and a study by the comptroller of the events trust funds.

The motion prevailed.

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

The bill was read second time.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1392** (senate committee printing) by striking SECTION 3 of the bill (page 2, lines 12-21) and substituting the following:

SECTION 3. (a) Notwithstanding any other law, the comptroller of public accounts shall reimburse the state auditor for the cost of the audit conducted under Section 1 of this Act. The comptroller may reimburse the state auditor from the funds described by Subsection (b) of this section or the money collected in the manner described by Subsection (c) of this section, or with a combination of the funds and money.

(b) The comptroller may reimburse the state auditor using any balances available in the 2014 state fiscal year from the events trust funds established under Section 5, 5A, 5B, or 5C, Chapter 1507 (S.B. 456), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes). The comptroller shall pay the audit cost proportionally from the established funds based on the maximum balances in the funds during the 2014 state fiscal year.

(c) The comptroller may reimburse the state auditor using money collected by deducting an administrative fee not to exceed three percent from amounts disbursed from the funds. The comptroller may deduct this fee until the comptroller has collected an amount sufficient to reimburse the state auditor under this section.

The amendment to **CSSB 1392** 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: Carona.

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

CSSB 1392 as amended was passed to engrossment by the following vote: Yeas 29, Nays 1.

Nays: Campbell.

Absent-excused: Carona.

**COMMITTEE SUBSTITUTE
SENATE BILL 1392 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 1392** be placed on its third reading and final passage.

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

Nays: Campbell.

Absent-excused: Carona.

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

GUEST PRESENTED

Senator West was recognized and introduced to the Senate Marc Morial, President of the National Urban League and former Mayor of New Orleans.

The Senate welcomed its guest.

HOUSE BILL 1642 RECOMMITTED

On motion of Senator Eltife and by unanimous consent, **HB 1642** was recommitted to the Committee on Administration.

CO-AUTHOR OF SENATE BILL 1494

On motion of Senator Hinojosa, Senator Lucio will be shown as Co-author of **SB 1494**.

CO-AUTHOR OF SENATE BILL 1908

On motion of Senator West, Senator Paxton will be shown as Co-author of **SB 1908**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 10

On motion of Senator Patrick, Senator Nichols will be shown as Co-author of **SJR 10**.

CO-SPONSOR OF HOUSE BILL 1160

On motion of Senator Nelson, Senator Eltife will be shown as Co-sponsor of **HB 1160**.

CO-SPONSOR OF HOUSE BILL 3064

On motion of Senator Campbell, Senator Schwertner will be shown as Co-sponsor of **HB 3064**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 825 by Uresti, In memory of the life of Oliver Prince Smith.

SR 826 by Watson, In memory of Nell Schotz.

SR 827 by Watson, In memory of John A. Limon.

SR 833 by Van de Putte, In memory of Ruth McLean Bowman Bowers.

Congratulatory Resolutions

SR 768 by West, Recognizing John Ellis Price for his service as president of the University of North Texas at Dallas.

SR 822 by Seliger, Recognizing the restoration of the home of Charles and Mary Ann Goodnight.

SR 828 by Watson, Recognizing Ananias Bustos Perez on the occasion of his 100th birthday.

SR 829 by Zaffirini, Recognizing the 20th anniversary of the Young Women's Alliance.

SR 830 by West, Recognizing Bradie Gene James for his humanitarian pursuits.

SR 831 by West, Recognizing Harold Boyd on the occasion of his 100th birthday.

SR 832 by Van de Putte, Recognizing the San Antonio Scorpions soccer franchise.

SR 835 by Watson, Recognizing Kerry and Brad Heilman on the occasion of their 13th wedding anniversary.

HCR 118 (Zaffirini), Honoring the Fasken family on the 100th anniversary of Fasken Oil and Ranch, Ltd.

Official Designation Resolutions

SR 823 by Nelson, Recognizing September 23, 2013, as National Restless Legs Syndrome–Willis-Ekbom Disease Awareness Day.

SR 834 by Van de Putte, Recognizing May 6 through 12, 2013, as STEM Education Week.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 3:07 p.m. adjourned until 11:00 a.m. Monday, May 6, 2013.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

May 3, 2013

TRANSPORTATION — **CSHB 1642**

STATE AFFAIRS — **HB 1422, SB 103, HB 666, HB 1016, HB 1164**

AGRICULTURE, RURAL AFFAIRS AND HOMELAND SECURITY — **CSSB 524, CSHB 1818**

OPEN GOVERNMENT — **CSSB 1563**

NATURAL RESOURCES — **CSSB 619**

INTERGOVERNMENTAL RELATIONS — **CSSB 628, CSSB 930, CSSB 1906**

STATE AFFAIRS — **CSHB 1445**

HEALTH AND HUMAN SERVICES — **SB 807**

BILLS ENGROSSEDMay 2, 2013

SB 44, SB 171, SB 212, SB 338, SB 460, SB 495, SB 514, SB 644, SB 691, SB 873, SB 947, SB 977, SB 1010, SB 1145, SB 1207, SB 1216, SB 1258, SB 1384, SB 1436, SB 1479, SB 1480, SB 1481, SB 1525, SB 1535, SB 1557, SB 1576, SB 1590, SB 1604, SB 1638, SB 1664, SB 1727, SB 1772, SB 1775, SB 1801, SB 1827, SB 1836, SB 1856, SB 1858, SB 1859, SB 1861, SB 1862, SB 1869, SB 1872, SB 1884, SB 1889, SB 1890

RESOLUTIONS ENROLLEDMay 2, 2013

SR 810, SR 811, SR 812, SR 813, SR 814, SR 815, SR 816, SR 817, SR 818, SR 819

SIGNED BY GOVERNORMay 2, 2013

SB 422, SB 510, SB 530, SB 543, SB 847, SB 953

SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTY-THIRD DAY

(Monday, May 6, 2013)

The Senate met at 11:14 a.m. pursuant to adjournment and was called to order by Senator Eltife.

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

The Presiding Officer announced that a quorum of the Senate was present.

Pastor Kevin Lentz, Bethany Lutheran Church, Austin, was introduced by Senator Campbell and offered the invocation as follows:

Lord God, we ask You to watch over all the servants of Texas, our police, firefighters, EMS, the teachers of all our schools. May all who serve be a blessing to all for whom they care. Guide and direct all who govern us: our elected officials on the national level, Senators Cornyn and Cruz and those who represent us in Washington, as well as all who govern our state, Governor Perry, Lieutenant Governor Dewhurst, as well as our state's Senate and House of Representatives. Bless them all in their various capacities with a willingness to serve and be of one heart and mind. Dear Father, watch over the people of Texas that we be concerned not only about ourselves but of our neighbors, all who call Texas home. And we ask You to bless this meeting and all decisions made that You be honored by the wisdom You have given. Acknowledging the variety of ways people here approach or do not approach God, I offer this prayer for all in the name of Jesus Christ. Amen.

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

The motion prevailed without objection.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Monday, May 6, 2013 - 1

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 6

Otto

Relating to the creation and re-creation of funds and accounts in the state treasury, the dedication and rededication of revenue, and the exemption of unappropriated money from use for general governmental purposes.

HB 7

Darby

Relating to the amounts, availability, and use of certain statutorily dedicated revenue and accounts; reducing or affecting the amounts or rates of certain statutorily dedicated fees and assessments; imposing certain court costs.

HB 31

Branch

Relating to certain requirements applicable to meetings of the governing board of a general academic teaching institution or a state university system.

HB 138

Raymond

Relating to funding for certain commercial service airport projects.

HB 154

Taylor, Van

Relating to the termination of the parent-child relationship and the duty to pay child support in circumstances involving mistaken paternity.

HB 205

McClendon

Relating to the allocation of outpatient mental health services and beds in certain mental health facilities and the commitment of certain persons to receive mental health services.

HB 213

Hilderbran

Relating to the \$1 million total revenue exemption for the franchise tax.

HB 274

Alvarado

Relating to reporting requirements related to school districts that obtain exceptions from class size limits.

HB 316

Otto

Relating to the pilot program authorizing a property owner to appeal to the State Office of Administrative Hearings regarding certain appraisal review board determinations.

- HB 318** Giddings
Relating to employer access to the personal accounts of certain employees and job applicants through electronic communication devices; establishing an unlawful employment practice.
- HB 339** Laubenberg
Relating to the authority to propose the creation of a fire control, prevention, and emergency medical services district.
- HB 340** Rodriguez, Eddie
Relating to the power of the Texas Commission on Environmental Quality to authorize certain injection wells that transect or terminate in the Edwards Aquifer.
- HB 343** Márquez
Relating to the filing of financial disclosure statements by trustees of certain independent school districts; providing criminal and civil penalties.
- HB 367** Martinez, "Mando"
Relating to the disclosure by a member of the legislature or the lieutenant governor of certain information concerning a resident of this state to a governmental body.
- HB 376** Strama
Relating to the regulation of child-care providers by the Texas Workforce Commission and local workforce development boards.
- HB 396** Thompson, Senfronia
Relating to providing a federal postcard applicant with a ballot for certain elections in which the applicant is eligible to vote.
- HB 438** Dutton
Relating to the courts authorized to issue an occupational driver's license.
- HB 439** Dutton
Relating to the restoration of certain rights to a criminal defendant.
- HB 585** Villarreal
Relating to ad valorem taxation; creating an offense.
- HB 590** Naishtat
Relating to determining a child's eligibility for a school district's special education program on the basis of a visual impairment.
- HB 595** Kolkhorst
Relating to certain health programs and councils.
- HB 655** Cortez
Relating to exempting defense base development authorities from certain contracting requirements.
- HB 658** Sheets
Relating to postjudgment interest on damages subject to Medicare subrogation.
- HB 746** Ashby
Relating to the registration of volunteer health practitioners and the services of volunteer health practitioners during disasters.

- HB 772** Howard
Relating to the immunization data included in and excluded from the immunization registry.
- HB 796** Thompson, Senfronia
Relating to the regulation of electrical contracting, including the licensing of a journeyman lineman.
- HB 826** Harless
Relating to the definitions of certain terms for purposes of the ad valorem taxation of certain dealer's heavy equipment inventory.
- HB 842** Bell
Relating to requiring public school districts to provide certain opportunities to career and technical students under the college credit program.
- HB 852** Lucio III
Relating to the sale and purchase of shark fins or products derived from shark fins; creating an offense.
- HB 866** Huberty
Relating to the administration to public school students in certain grades of state-administered assessment instruments.
- HB 894** Kolkhorst
Relating to the use of dealer's license plates on vehicles by independent motor vehicle dealers to transport vehicles to or from a point of sale.
- HB 932** Turner, Sylvester
Relating to the notification of certain legislators of the death of a child in foster care.
- HB 983** Elkins
Relating to the eligibility of temporary election officers for unemployment compensation.
- HB 985** Elkins
Relating to the deadlines by which provisional ballots must be processed and the state canvass must be conducted for certain elections.
- HB 1010** King, Susan
Relating to the penalty for causing certain assaultive physical contact with a child.
- HB 1018** Patrick, Diane
Relating to the establishment of community partnerships and the development of policy recommendations for increasing physical activity and improving fitness among public school students.
- HB 1020** Reynolds
Relating to the certification of alcohol awareness programs required for minors convicted of or receiving deferred disposition for certain alcohol offenses.
- HB 1047** Sheets
Relating to the regulation of certain surety companies.

- HB 1081** González, Mary
Relating to a study regarding the prohibition of dairy farming in certain areas of the state.
- HB 1134** Darby
Relating to performance and payment security for certain comprehensive development agreements.
- HB 1147** Gonzalez, Naomi
Relating to the collection of information regarding trafficking of persons.
- HB 1185** Thompson, Senfronia
Relating to the retention of certain records in a suit affecting the parent-child relationship by a child's attorney ad litem, guardian ad litem, or amicus attorney.
- HB 1198** Raymond
Relating to authorizing an optional county fee for vehicle registration in certain counties.
- HB 1249** Nevárez
Relating to the designation of portions of State Highway 17 and United States Highway 67 as the General Alfred Valenzuela Highway.
- HB 1324** Davis, John
Relating to exclusion of land from certain water districts that fail to provide service to the land; clarifying and limiting the authority of those districts with outstanding bonds payable from ad valorem taxes to impose taxes on excluded land.
- HB 1337** Bonnen, Dennis
Relating to the release of an inmate on parole.
- HB 1354** Farney
Relating to the creation of the Leander Hills Municipal Utility District of Williamson County; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.
- HB 1355** Farney
Relating to the creation of the North San Gabriel Municipal Utility District of Williamson County; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.
- HB 1442** Fletcher
Relating to the authority of a county to deposit fees collected by a county bail bond board in a separate county fund.
- HB 1454** Gonzalez, Naomi
Relating to events to educate students about Type 2 diabetes in certain school districts.
- HB 1458** Gooden
Relating to the designation of U.S. Highway 175 in Kaufman County as the Veterans Memorial Highway.
- HB 1472** Rodriguez, Eddie
Relating to jurisdiction over the removal of remains.

- HB 1501** Raymond
Relating to the commemoration of September 11, 2001, at public schools.
- HB 1544** Allen
Relating to the authority of a county to contract with a private vendor for the operation of a detention facility.
- HB 1562** Harless
Relating to notice provided when a bail bond surety is in default.
- HB 1593** Huberty
Relating to the powers and duties of the Harris County Municipal Utility District No. 505; providing authority to issue bonds; providing authority to impose fees and taxes.
- HB 1594** Huberty
Relating to the powers and duties of the Harris County Municipal Utility District No. 504; providing authority to issue bonds; providing authority to impose fees and taxes.
- HB 1606** Moody
Relating to the prosecution of the offenses of harassment and stalking.
- HB 1632** Fletcher
Relating to the confidentiality of certain identifying information of peace officers, county jailers, security officers, employees of the Texas Department of Criminal Justice or a prosecutor's office, or judges and their spouses.
- HB 1645** Riddle
Relating to the monitoring of the Internet access of certain sex offenders placed on community supervision or released on parole or to mandatory supervision.
- HB 1662** Price
Relating to the use of local hotel occupancy tax revenue to conduct an audit.
- HB 1678** Frullo
Relating to the issuance of specialty license plates for surviving spouses of disabled veterans of the United States armed forces; authorizing a fee.
- HB 1692** Gutierrez
Relating to the regulation of motor vehicle dealers, manufacturers, and distributors.
- HB 1724** Bohac
Relating to the statute of limitations on municipal and county hotel occupancy taxes and interest on delinquent payments of municipal hotel occupancy taxes.
- HB 1751** Patrick, Diane
Relating to the public school educator excellence innovation program.
- HB 1759** Hunter
Relating to a correction, clarification, or retraction of incorrect information published.
- HB 1801** Huberty
Relating to the powers and duties of the Harris County Municipal Utility District No. 423; providing authority to issue bonds; providing authority to impose fees and taxes.
- HB 1824** Harper-Brown
Relating to the operation of master mixed-use property owners' associations.

- HB 1846** Carter
Relating to suspension or denial of issuance or renewal of a license for failure to pay child support.
- HB 1874** Lewis
Relating to an appeal from an interlocutory order of certain courts.
- HB 1875** Lewis
Relating to a case transferred from one district court to another district court.
- HB 1888** Anchia
Relating to low income housing tax credits awarded to at-risk developments.
- HB 1895** King, Phil
Relating to the dissolution of the Parker County Utility District No. 1.
- HB 1903** Eiland
Relating to the allocation of amounts deposited into the oyster sales account and the abolishment of the oyster advisory committee.
- HB 1926** King, Ken
Relating to the operation of the state virtual school network and courses provided through other distance learning arrangements.
- HB 1947** Burkett
Relating to the criteria for commitment of a person with mental illness.
- HB 1967** Deshotel
Relating to use of sales and use tax proceeds by certain economic development corporations for certain job-related skills training.
- HB 1971** Davis, John
Relating to a pilot program conducted by the Department of Aging and Disability Services to authorize certain accreditation surveys of assisted living facilities.
- HB 1982** Murphy
Relating to the enterprise zone program.
- HB 2000** Thompson, Senfronia
Relating to the qualification of certain nonprofit schools and educational institutions for exemption from state laws regulating career schools and colleges and to complaints made against those entities.
- HB 2015** Davis, John
Relating to the proper classification of workers performing services in connection with governmental contracts; providing a penalty.
- HB 2020** Crownover
Relating to the adoption of wellness policies and programs by state agencies.
- HB 2025** Capriglione
Relating to the concurrent jurisdiction of the municipal courts of certain neighboring municipalities to hear criminal cases.
- HB 2028** Turner, Chris
Relating to the eligibility requirements for plumbing licenses issued to applicants with military service.

- HB 2029** Turner, Chris
Relating to the eligibility requirements for electrician licenses issued to applicants with military service.
- HB 2049** Huberty
Relating to a qualifying cogeneration facility's ability to sell electric energy to multiple purchasers.
- HB 2055** Phillips
Relating to the authority to issue bonds of the Marilee Special Utility District.
- HB 2062** Davis, John
Relating to the regulation of plumbing.
- HB 2094** Muñoz, Jr.
Relating to the regulation of roadside vendors and solicitors in certain counties.
- HB 2099** Guillen
Relating to improving access to nursing education programs.
- HB 2111** Strama
Relating to the transitional living services program for certain youth in foster care.
- HB 2127** Howard
Relating to the eligibility of certain employees of public institutions of higher education to participate in a state group benefits program.
- HB 2135** Cortez
Relating to waivers and grants of credit for the requirements to obtain certain private security licenses to individuals who hold security credentials from the United States armed forces.
- HB 2152** Callegari
Relating to fees charged to certain recreational vehicle parks.
- HB 2155** Callegari
Relating to eligibility of certain dependents for coverage under the state employee group benefits program.
- HB 2202** Pickett
Relating to the disposition of fees collected by or on behalf of the Texas Department of Motor Vehicles; authorizing fees.
- HB 2204** Pickett
Relating to the authority of the Texas Transportation Commission to establish variable speed limits.
- HB 2267** Larson
Relating to the confidentiality of certain home address information in ad valorem tax appraisal records.
- HB 2290** Lozano
Relating to the use for administrative costs of a portion of money received by certain entities to implement a supplemental environmental project.

- HB 2294** Kuempel
Relating to an exemption from air conditioning and refrigeration contracting regulation for installation of a thermostat.
- HB 2312** Kacal
Relating to the membership of and the beef marketing, education, research, and promotion programs of the Texas Beef Council.
- HB 2318** Aycock
Relating to public school educator preparation and alternative certification programs.
- HB 2356** White
Relating to the designation of a portion of Recreational Road 255 in Jasper County as Sam Rayburn Parkway.
- HB 2362** Keffer
Relating to the efficiency review of river authorities.
- HB 2380** Davis, Sarah
Relating to a provision in a will or trust that would cause a forfeiture of or void an interest for bringing any court action, including contesting the will or trust.
- HB 2383** Eiland
Relating to life settlement contracts for the payment of long-term care services under the medical assistance program and the consideration of a life insurance policy in determining eligibility for medical assistance.
- HB 2388** Menéndez
Relating to the application of certain contracting laws to a defense base development authority.
- HB 2414** Button
Relating to requirements for open meetings held by videoconference call.
- HB 2448** Turner, Sylvester
Relating to tuition for certain students residing outside of a junior college district.
- HB 2451** King, Tracy O.
Relating to the exclusion by taxable entities engaged in providing services as an agricultural aircraft operation of certain costs in determining total revenue for purposes of the franchise tax.
- HB 2473** Deshotel
Relating to use of sales and use tax proceeds by economic development corporations in connection with housing facilities for certain institutions of higher education.
- HB 2474** King, Phil
Relating to taxes and bonds for a junior college district branch campus.
- HB 2478** Alvarado
Relating to the collection, study, and reporting by the Texas Workforce Commission of certain information regarding shortages in high-wage, high-demand occupations.
- HB 2482** Alvarado
Relating to a study to determine the reasons major manufacturers have chosen to invest in other states after considering development in this state.

- HB 2485** Sheffield, J. D.
Relating to Air Medal and Air Medal with Valor specialty license plates.
- HB 2501** Bohac
Relating to an identifying number assigned to a notary public by the secretary of state.
- HB 2503** Bohac
Relating to the territory that may be included in a single county election precinct.
- HB 2512** Miller, Rick
Relating to the disclosure of certain information to the secretary of state for use in voter registration or the administration of elections.
- HB 2537** Geren
Relating to production requirements for holders of winery permits.
- HB 2562** Farias
Relating to an annual report on the Public Assistance Reporting Information System.
- HB 2580** Harper-Brown
Relating to the authority of municipalities to create freight rail districts that have the powers of rural rail transportation districts; granting the power of eminent domain.
- HB 2607** Huberty
Relating to the representation through a telephone conference call of a school district employee under a district grievance policy.
- HB 2610** Pitts
Relating to the issuance of interest-bearing time warrants and certain notes by school districts.
- HB 2615** Johnson
Relating to reporting and information availability requirements for persons impounding, diverting, or otherwise using state water; providing a penalty.
- HB 2619** Naishtat
Relating to the educational needs of children in the conservatorship of the Department of Family and Protective Services.
- HB 2620** Collier
Relating to the creation of a task force on domestic violence.
- HB 2621** Creighton
Relating to disclaimers of estate property by certain beneficiaries.
- HB 2645** Turner, Chris
Relating to certification and operation of independent review organizations.
- HB 2662** Farney
Relating to a personal financial literacy credit for high school programs.
- HB 2688** Perry
Relating to Seminole Hospital District of Gaines County, Texas.
- HB 2704** Callegari
Relating to bids for construction contracts for certain conservation and reclamation districts.

- HB 2718** Guillen
Relating to the cultural and fine arts district program administered by the Texas Commission on the Arts.
- HB 2732** Workman
Relating to the authorization, regulation, and function of dedicated personal insurers; creating offenses; imposing a fee.
- HB 2741** Phillips
Relating to the regulation of motor vehicles by counties and the Texas Department of Motor Vehicles and to certain vehicles purchased outside this state; authorizing a fee; creating an offense.
- HB 2749** Parker
Relating to promulgation by the supreme court of standard forms for use in certain expedited foreclosure proceedings.
- HB 2757** Bonnen, Dennis
Relating to authorizing a municipality to file a lien on homestead property for the costs incurred by the municipality related to a dangerous structure on the property.
- HB 2766** Hunter
Relating to the exclusion of certain flow-through funds in determining total revenue for purposes of the franchise tax.
- HB 2772** Rodriguez, Justin
Relating to an interim study regarding the method by which district judges and appellate justices and judges are selected.
- HB 2782** Smithee
Relating to the authority of the commissioner of insurance to disapprove rate changes for certain health benefit plans.
- HB 2806** Geren
Relating to delinquent payment of an alcoholic beverage retailer's account for liquor.
- HB 2825** King, Ken
Relating to the authority of a county to establish a centralized sex offender registration authority.
- HB 2840** Giddings
Relating to the urban land bank demonstration program in certain municipalities.
- HB 2873** Harper-Brown
Relating to the development of a model contract management process for use with low-risk state procurements.
- HB 2877** Sheffield, J. D.
Relating to the applicability of the Texas Theft Liability Act to certain claims by inmates for lost, damaged, or confiscated property.
- HB 2883** Muñoz, Jr.
Relating to the establishment of a regional center for public safety excellence in the Rio Grande Valley.

- HB 2912** Thompson, Senfronia
Relating to decedents' estates.
- HB 2913** Thompson, Senfronia
Relating to trusts.
- HB 2935** Hunter
Relating to the interlocutory appeal of a denial of a motion to dismiss in an action involving the exercise of certain constitutional rights.
- HB 2962** Harper-Brown
Relating to the use of a credit or charge card by certain state agencies to make certain purchases.
- HB 2978** Parker
Relating to service of citation in connection with an expedited judicial foreclosure proceeding.
- HB 3028** Davis, John
Relating to the use of the skills development fund and other funds available to the Texas Workforce Commission to support certain joint credit courses offered by school districts under agreements with public junior colleges.
- HB 3063** Menéndez
Relating to the qualification of an area inside a defense base development authority as an enterprise zone.
- HB 3066** Menéndez
Relating to the qualification of an area inside a base defense authority as an enterprise zone.
- HB 3067** Menéndez
Relating to the composition of an administrative authority for a defense economic readjustment zone.
- HB 3085** Walle
Relating to the regulation of automotive wrecking and salvage yards in certain counties; increasing the civil penalty.
- HB 3093** Elkins
Relating to the powers and duties of the Department of Information Resources and the Legislative Budget Board regarding information resources technologies of state agencies.
- HB 3096** Thompson, Senfronia
Relating to an exemption from the use of an emergency notification system by certain public service providers.
- HB 3097** Lewis
Relating to the election of directors of the board of the Ector County Hospital District.
- HB 3105** Morrison
Relating to availability of certain benefits under individual accident and health insurance policies.

- HB 3125** Lucio III
Relating to route designation for the issuance of a permit for the movement of oversize and overweight vehicles in certain counties.
- HB 3137** Lucio III
Relating to limiting the amount of a fee or assessment imposed by the Rio Grande Regional Water Authority.
- HB 3158** Zerwas
Relating to Medicaid managed care pilot programs for contracts with provider-directed managed care organizations, including organizations that delegate to health care collaboratives, and to the establishment of those collaboratives.
- HB 3178** Phillips
Relating to the Texas Statewide Mutual Aid System.
- HB 3201** Kolkhorst
Relating to the practice of dentistry; imposing surcharges and fees.
- HB 3241** Thompson, Senfronia
Relating to the civil prosecution of racketeering related to trafficking of persons; providing penalties.
- HB 3256** Kacal
Relating to the eligibility of certain vehicles to be operated as farm vehicles on a road or highway in this state.
- HB 3296** Raney
Relating to the rates of municipal and county hotel occupancy taxes in certain municipalities and counties and the use of certain revenue from those taxes; changing the rates of taxes.
- HB 3307** Geren
Relating to the manufacture of malt beverages, including under alternating brewery proprietorship and contract brewing arrangements.
- HB 3355** Cook
Relating to cable operators' attachments on distribution poles owned or controlled by electric cooperatives.
- HB 3357** Callegari
Relating to the administration of and benefits payable by the Teacher Retirement System of Texas.
- HB 3390** Hilderbran
Relating to the Texas Economic Development Act and the Tax Increment Financing Act; authorizing a fee.
- HB 3397** Bonnen, Dennis
Relating to comprehensive reviews of certain special districts.
- HB 3412** Flynn
Relating to the qualifications for certain positions with the Department of Public Safety of the State of Texas.

- HB 3422** Lavender
Relating to donations of landscape materials and services to the Texas Department of Transportation.
- HB 3433** Fletcher
Relating to the regulation of certain private security companies and occupations; creating an offense.
- HB 3436** Cook
Relating to formal action of responsible governmental entities on certain proposals or bids for certain projects.
- HB 3447** Gutierrez
Relating to the establishment and functions of certain urban land bank demonstration programs.
- HB 3460** Eiland
Relating to the requirement that certain information be reported to the Texas Department of Insurance and the confidentiality of that information.
- HB 3483** Fletcher
Relating to requirements for a driver education course and the eligibility of persons under 18 years of age to operate a motor vehicle at certain times.
- HB 3511** Ritter
Relating to the adjudication of claims arising under certain written contracts with local governmental entities.
- HB 3523** Lewis
Relating to punishment for the offense of driving a commercial motor vehicle without a commercial driver's license.
- HB 3556** Kolkhorst
Relating to the licensing and regulation of emergency medical services providers and a moratorium on the issuance of emergency medical services provider licenses.
- HB 3572** Hilderbran
Relating to the administration, collection, and enforcement of taxes on mixed beverages; imposing a tax on sales of mixed beverages; decreasing the rate of the current tax on mixed beverages.
- HB 3578** Davis, John
Relating to the allocation of Texas Economic Development Bank resources.
- HB 3589** Gutierrez
Relating to the use of tax increment financing by certain municipalities.
- HB 3604** Burnam
Relating to the implementation of a water conservation plan and drought contingency plan, as applicable, by certain entities.
- HB 3605** Burnam
Relating to the evaluation by the Texas Water Development Board of applications for financial assistance for certain retail public utilities.

- HB 3613** Elkins
Relating to the release of delinquent tax liens on manufactured homes.
- HB 3640** Pitts
Relating to the creation of an extension center of the Texas State Technical College System.
- HB 3662** Clardy
Relating to the Texas Workforce Innovation Needs Program; authorizing a fee.
- HB 3674** Muñoz, Jr.
Relating to eligibility of municipalities to participate in the historic courthouse preservation and maintenance programs administered by the Texas Historical Commission.
- HB 3729** Coleman
Relating to licensing requirements for newly constructed assisted living facilities.
- HB 3739** Burnam
Relating to the continued employment of municipal employees who become candidates for public office.
- HB 3756** Farrar
Relating to the construction of detention ponds by the Texas Department of Transportation.
- HB 3761** Guerra
Relating to a feasibility report on the creation of a border agricultural inspection training program.
- HB 3762** Coleman
Relating to legal services provided by a district or county attorney to county and precinct officials.
- HB 3764** Coleman
Relating to audit requirements of certain emergency services districts.
- HB 3787** Perry
Relating to the determination of an applicant's eligibility for any program administered by the Health and Human Services Commission.
- HB 3798** Coleman
Relating to expenditures made by emergency services districts.
- HB 3800** Coleman
Relating to the recording and indexing of property owners' association management certificates in the county real property records.
- HB 3813** Howard
Relating to municipal fire suppression standards in certain municipalities.
- HB 3874** Raney
Relating to the creation of Rock Prairie Management District No. 2; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

HB 3875

Raney

Relating to the creation of Rock Prairie Management District No. 1; providing authority to issue bonds; providing authority to impose assessments or fees.

HB 3896

Springer

Relating to the Jack County Hospital District; authorizing the imposition of a tax.

HCR 59

Hunter

Requesting the speaker and lieutenant governor to create a joint interim committee to study seawater desalination on the Texas coast.

SB 60

Nelson

Sponsor: Giddings

Relating to authorizing the placement of a security freeze on the consumer file or other record created or maintained by a consumer reporting agency regarding a person under 16 years of age.

SB 186

Carona

Sponsor: Giddings

Relating to the abatement of mosquitoes in stagnant water located on certain uninhabited residential property.

SB 275

Watson

Sponsor: Fletcher

Relating to the penalty for the offense of leaving the scene of an accident that involves personal injury or death.

SB 567

Watson

Sponsor: Geren

Relating to rates for water service, to the transfer of functions relating to the economic regulation of water and sewer service from the Texas Commission on Environmental Quality to the Public Utility Commission of Texas, and to the duties of the Office of Public Utility Counsel regarding the economic regulation of water and sewer service.
(Amended)

SB 1312

Schwertner

Sponsor: Aycock

Relating to the regulation and practice of veterinary medicine; authorizing a fee.
(Amended)

SB 1546

Eltife

Sponsor: Guillen

Relating to the management and use of the Texas preservation trust fund.
(Amended)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE RESOLUTION 780

Senator Rodríguez offered the following resolution:

SR 780, Recognizing May of 2013 as Elder Abuse Prevention Month.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Rodríguez was recognized and introduced to the Senate an Adult Protective Services delegation, accompanied by Michael Melson, Immediate Past President of Texas Partners for Adult Protective Services; Gabriella Reed, President of Adult Protective Services Silver Star Board; and Beth Engelking, Assistant Commissioner for Adult Protective Services.

The Senate welcomed its guests.

PHYSICIAN OF THE DAY

Senator Zaffirini was recognized and presented Dr. Luis Benavides of Laredo as the Physician of the Day.

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

SENATE RESOLUTION 837

Senator Zaffirini offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Press Women of Texas on the occasion of the organization's 120th anniversary; and

WHEREAS, Press Women of Texas was founded May 10, 1893, in Dallas; originally known as the Texas Women's Press Association, it began with 34 charter members from 18 cities across the state; and

WHEREAS, Through the years, the organization has adhered to its motto of "Lofty Aims and High Ideals"; only two years after its founding, it received the highest honor awarded by the World's Columbian Commission for its exhibit of books and literature by women authors and journalists of Texas, and three of its members have been named to the National Hall of Fame of the National Federation of Press Women; and

WHEREAS, From its 1913 endorsement of women's suffrage to its creation of a scholarship for women communications majors at The University of Texas to its work in promoting a Status of Women Commission, the organization has played a vital role in supporting important women's issues; and

WHEREAS, Today, its members continue to be active at the local, state, and national levels, sponsoring scholarships and participating in competitions; they are truly deserving of recognition for their many contributions in the arena of professional journalism and communications; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby commend the members of Press Women of Texas on their exemplary work in promoting and supporting journalism by women and extend best wishes for a memorable celebration of the organization's 120th anniversary; and, be it further

RESOLVED, That a copy of this Resolution be prepared for this exemplary organization as an expression of esteem from the Texas Senate.

SR 837 was read and was adopted without objection.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate a Press Women of Texas delegation, accompanied by Larry Arnold, member; Bonnie Arnold, Past President; Angela Smith, Past President; and Janet McDaniel, Past President.

The Senate welcomed its guests.

Senator Zaffirini was again recognized and introduced to the Senate Nick Papachristou and Enrique Gonzalez.

The Senate welcomed its guests.

SENATE RESOLUTION 836

Senator Deuell offered the following resolution:

SR 836, In memory of Ralph Harris Poteet.

On motion of Senator Deuell, the resolution was read and was adopted by a rising vote of the Senate.

In honor of the memory of Ralph Harris Poteet, the text of the resolution is printed at the end of today's *Senate Journal*.

Senator Deuell was recognized and introduced to the Senate Anne Poteet, Steve Tipton, Carol Tipton, Zach Tipton, Bob Thomas, Margie Thomas, and Linda Henry.

The Senate welcomed its guests and extended its sympathy.

INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

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

There was no objection.

CONCLUSION OF MORNING CALL

The Presiding Officer at 11:36 a.m. announced the conclusion of morning call.

COMMITTEE SUBSTITUTE SENATE BILL 1351 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 1351** at this time on its second reading:

CSSB 1351, Relating to demand-side electric energy resources in the competitive electric market.

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.

COMMITTEE SUBSTITUTE
SENATE BILL 1351 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 1351** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 443 ON SECOND READING

On motion of Senator Birdwell and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 443** at this time on its second reading:

SB 443, Relating to leave for reserve law enforcement officers for required training.

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.

SENATE BILL 443 ON THIRD READING

Senator Birdwell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 443** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE
SENATE BILL 1893 ON SECOND READING

On motion of Senator Birdwell and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1893** at this time on its second reading:

CSSB 1893, Relating to the creation of the Chisholm Trails Municipal Utility District No. 1; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

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

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1893 ON THIRD READING**

Senator Birdwell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1893** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1542 ON SECOND READING**

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1542** at this time on its second reading:

CSSB 1542, Relating to clinical initiatives to improve the quality of care and cost-effectiveness of the Medicaid program.

The bill was read second time.

Senator Van de Putte offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1542** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in added Section 538.002(2), Government Code (page 1, line 41), strike "or".

(2) In SECTION 1 of the bill, in added Section 538.002(3), Government Code (page 1, line 44), strike the underlined period and substitute the following:

; or

(4) implement any initiative that would expand eligibility for benefits under the Medicaid program.

(3) In SECTION 1 of the bill, in added Section 538.052(a)(1), Government Code (page 2, lines 11 and 12), strike "or a holder of an office of state government that is voted on statewide".

(4) In SECTION 1 of the bill, in added Section 538.052(b)(1), Government Code (page 2, line 30), strike "and" and substitute "or".

(5) In SECTION 1 of the bill, strike added Section 538.057(1), Government Code (page 4, lines 11 through 27), and substitute the following:

(1) if the commission has determined that the initiative is cost-effective and will improve the quality of care under the Medicaid program, the commission may:

(A) implement the initiative if implementation of the initiative is not otherwise prohibited by law; or

(B) if implementation requires a change in law, submit a copy of the final report together with recommendations relating to the initiative's implementation to the standing committees of the senate and house of representatives having jurisdiction over the Medicaid program; and

The amendment to **CSSB 1542** 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.

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

CSSB 1542 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1542 ON THIRD READING**

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1542** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1586 ON SECOND READING**

Senator Rodríguez moved to suspend the regular order of business to take up for consideration **CSSB 1586** at this time on its second reading:

CSSB 1586, Relating to distributed renewable generation of electricity.

The motion prevailed.

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

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

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

Nays: Hancock, Patrick.

**COMMITTEE SUBSTITUTE
SENATE BILL 1586 ON THIRD READING**

Senator Rodríguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1586** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

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

Nays: Hancock, Patrick.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

SENATE BILL 1908 ON SECOND READING

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1908** at this time on its second reading:

SB 1908, Relating to a study conducted by the Office of Court Administration of the Texas Judicial System and the repeal of certain court fees and costs.

The bill was read second time.

Senator West offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1908** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in the heading to added Section 72.031, Government Code (line 23), strike "REPEAL OF", and substitute "STUDY TO REPEAL".

(2) In SECTION 1 of the bill, in added Section 72.031(a), Government Code (line 24), strike "December 1, 2015" and substitute "September 1, 2014".

(3) In SECTION 1 of the bill, in added Section 72.031(a)(2), Government Code (line 29), between "necessary" and the semicolon, insert "to accomplish the stated statutory purpose".

(4) In SECTION 1 of the bill, in added Section 72.031(a)(3), Government Code (line 31), following the semicolon, strike "and".

(5) In SECTION 1 of the bill, in added Section 72.031(a)(4), Government Code (line 33), between "Register" and the period, insert the following:

; and

(5) provide a copy of the list and determinations to the governor, lieutenant governor, and speaker of the house of representatives

(6) In SECTION 1 of the bill, strike added Sections 72.031(b) and (c), Government Code (lines 34-42), and substitute the following:

(b) In conducting the study required under Subsection (a), the office shall consult with local government representatives as the office determines appropriate.

(c) The Texas Legislative Council shall prepare for consideration by the 84th Legislature, Regular Session, a revision of the statutes of this state as necessary to reflect the court costs and fees identified by the office as not necessary in the study conducted under Subsection (a).

(d) This section expires January 1, 2016.

The amendment to **SB 1908** 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.

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

SB 1908 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1908 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1908** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate Jacklyn Lynch and Justice Luz Elena D. Chapa.

The Senate welcomed its guests.

SENATE BILL 1916 ON SECOND READING

Senator West moved to suspend the regular order of business to take up for consideration **SB 1916** at this time on its second reading:

SB 1916, Relating to the authority of the Dallas County Hospital District or a nonprofit corporation formed by the district regarding certain technology or intellectual property developed or in development by or for the district or corporation.

The motion prevailed.

Senator Schwertner 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: Schwertner.

SENATE BILL 1916 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1916** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Schwertner.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

SENATE BILL 1416 ON SECOND READING

On motion of Senator Deuell and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1416** at this time on its second reading:

SB 1416, Relating to the determination of whether a use of force against another is justified.

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.

SENATE BILL 1416 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 **SB 1416** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**MOTION TO PLACE
COMMITTEE SUBSTITUTE
SENATE BILL 783 ON SECOND READING**

Senator Hinojosa moved to suspend the regular order of business to take up for consideration **CSSB 783** at this time on its second reading:

CSSB 783, Relating to inclusion in school district improvement plans of policies to prevent dating violence and bullying.

The motion was lost by the following vote: Yeas 19, Nays 12. (Not receiving two-thirds vote of Members present)

Yeas: Carona, Davis, Duncan, Ellis, Garcia, Hancock, Hegar, Hinojosa, Lucio, Patrick, Rodríguez, Seliger, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Campbell, Deuell, Eltife, Estes, Fraser, Huffman, Nelson, Nichols, Paxton, Schwertner, Taylor.

**COMMITTEE SUBSTITUTE
SENATE BILL 1350 ON SECOND READING**

Senator West moved to suspend the regular order of business to take up for consideration **CSSB 1350** at this time on its second reading:

CSSB 1350, Relating to the motor vehicle inspection program; creating an offense; changing the collection method for certain fees.

The motion prevailed.

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

The bill was read second time.

Senator West offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1350** (senate committee report) as follows:

- (1) In the recital to SECTION 5 of the bill (page 2, line 15), strike ", (i)".
- (2) In SECTION 5 of the bill, strike amended Section 382.202(i), Health and Safety Code (page 2, lines 31-42).
- (3) Strike SECTION 6 of the bill, amending Section 382.203(b), Health and Safety Code (page 2, lines 52-65).
- (4) In SECTION 27 of the bill, strike added Section 548.252(c), Transportation Code (page 7, lines 32-33).
- (5) In SECTION 40 of the bill, in amended Section 548.504(b), Transportation Code (page 10, line 20), strike "department" and substitute "state".
- (6) In SECTION 52 of the bill, strike "January" and substitute "March" in the following places:
 - (A) page 13, line 49;
 - (B) page 13, line 50; and
 - (C) page 13, line 53.
- (7) In SECTION 53 of the bill, strike "January" and substitute "March" in the following places:
 - (A) page 13, line 55; and
 - (B) page 13, line 60.
- (8) In SECTION 55(a) of the bill (page 14, line 1), strike "January" and substitute "March".

The amendment to **CSSB 1350** 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.

Senator West offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1350** (senate committee report) as follows:

- (1) Strike SECTION 11 of the bill, amending Section 502.0023, Transportation Code (page 4, lines 11 through 20).
- (2) Insert the following appropriately numbered SECTIONS and renumber subsequent SECTIONS accordingly:

SECTION _____. The heading to Section 502.0023, Transportation Code, is amended to read as follows:

Sec. 502.0023. [EXTENDED] REGISTRATION OF COMMERCIAL FLEET VEHICLES.

SECTION _____. Sections 502.0023(a) and (b), Transportation Code, are amended to read as follows:

(a) ~~The [Notwithstanding Section 502.044(c), the]~~ department shall develop and implement a system of registration to allow an owner of a commercial fleet to register the motor vehicles, semitrailers, and trailers in the commercial fleet ~~[for an extended registration period of not less than one year or more than eight years. The owner may select the number of years for registration under this section within that range and register the commercial fleet for that period. Payment for all registration fees for the entire registration period selected is due at the time of registration].~~

(b) A system of fleet ~~[extended]~~ registration under this section must allow the owner of a commercial fleet to register:

- (1) an entire commercial fleet in the county of the owner's residence or principal place of business; or
- (2) the motor vehicles in a commercial fleet that are operated most regularly in the same county.

The amendment to **CSSB 1350** 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.

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

CSSB 1350 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1350 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1350** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

(President in Chair)

RESOLUTIONS SIGNED

The President announced the signing of the following enrolled resolutions in the presence of the Senate: **HCR 31, HCR 118.**

RECESS

On motion of Senator Whitmire, the Senate at 12:40 p.m. recessed until 1:15 p.m. today.

AFTER RECESS

The Senate met at 2:04 p.m. and was called to order by the President.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Monday, May 6, 2013 - 2

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

SB 213 Whitmire Sponsor: Price
Relating to the continuation and functions of the Texas Board of Criminal Justice, the Texas Department of Criminal Justice, and the Windham School District and to the functions of the Board of Pardons and Paroles and the Correctional Managed Health Care Committee.
(Committee Substitute/Amended)

SB 299 Estes Sponsor: Sheets
Relating to the intentional display of a handgun by a person licensed to carry a concealed handgun.

SB 864 Campbell Sponsor: Flynn
Relating to a handgun proficiency course that is taken to obtain or renew a concealed handgun license.
(Committee Substitute/Amended)

THE HOUSE HAS CONCURRED IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

HB 893 (144 Yeas, 0 Nays, 1 Present, not voting)

THE HOUSE HAS REFUSED TO CONCUR IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

HB 4 (non-record vote)

House Conferees: Ritter - Chair/Callegari/Keffer/Lucio III/Miller, Doug

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

HOUSE CONCURRENT RESOLUTION 85

The President laid before the Senate the following resolution:

HCR 85, In memory of Officer Jaime Padron of the Austin Police Department.

WATSON

The resolution was again read.

HCR 85 was previously adopted on Wednesday, April 24, 2013.

In honor of the memory of Jaime Padron, the text of the resolution is printed at the end of today's *Senate Journal*.

Senator Watson was recognized and introduced to the Senate family members of Jaime Padron: Juan and Zoila Padron, parents; Johnny and Gloria Padron, brother and sister-in-law; Joe Padron, brother; Linda and Steve Diaz, sister and brother-in-law; and Steven Diaz, nephew.

The Senate welcomed its guests and extended its sympathy.

**COMMITTEE SUBSTITUTE
HOUSE BILL 5 ON SECOND READING**

Senator Patrick moved to suspend the regular order of business to take up for consideration **CSHB 5** at this time on its second reading:

CSHB 5, Relating to public school accountability, assessment and curriculum requirements for high school graduation, and funding in support of certain curriculum authorized for graduation; providing a criminal penalty.

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.

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 5** (senate committee printing) as follows:

(1) Strike the recital to SECTION 6 of the bill (page 2, lines 67-69) and substitute the following:

SECTION 6. (a) Section 28.002, Education Code, is amended by amending Subsections (a), (c), and (f) and adding Subsections (o) and (t) to read as follows:

(a) Each school district that offers kindergarten through grade 12 shall offer, as a required curriculum:

(1) a foundation curriculum that includes:

(A) English language arts;

(B) mathematics;

(C) science; and

(D) social studies, consisting of Texas, United States, and world history, government, ~~[economics, with emphasis on the free enterprise system and its benefits, and]~~ geography, and personal financial literacy; and

(2) an enrichment curriculum that includes:

(A) to the extent possible, languages other than English;

(B) health, with emphasis on the importance of proper nutrition and exercise;

(C) physical education;

(D) fine arts;

(E) career and technology education;

(F) technology applications; and

(G) religious literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature.

(2) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Section 28.0021(b), Education Code, is amended to read as follows:

(b) Each school district and each open-enrollment charter school that offers a high school program shall provide to a student instruction in personal financial literacy in a ~~[any]~~ course meeting the requirements for a social studies ~~[an economics]~~ credit under Section 28.025, using materials approved by the State Board of Education. The instruction in personal financial literacy must include instruction on completing the application for federal student aid provided by the United States Department of Education. In fulfilling the requirement to provide financial literacy instruction under this section, a school district or open-enrollment charter school may use an existing state, federal, private, or nonprofit program that provides students without charge the instruction described under this section. ~~[Each district and each open-enrollment charter school that offers a high school program shall ensure that a district or charter school student enrolled at an institution of higher education in a dual credit course meeting the requirements for an economics credit under Section 28.025 receives the instruction described under this subsection.]~~

(b) This section applies beginning with the 2014-2015 school year.

(3) In SECTION 12 of the bill, in amended Section 28.025(b-1), Education Code (page 7, line 27), strike "economics ~~[to meet the social studies requirement]~~" and substitute "personal financial literacy ~~[economics to meet the social studies requirement]~~".

(Senator Eltife in Chair)

The amendment to **CSHB 5** 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.

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSHB 5** (senate committee report) as follows:

(1) Strike SECTION 8 of the bill, amending Section 28.014, Education Code (page 3, line 63, through page 5, line 25), and substitute the following:

SECTION 8. (a) Sections 28.014(b), (c), and (f), Education Code, are amended to read as follows:

(b) A student who successfully completes a course developed under this section may use the credit earned in the course toward satisfying the applicable mathematics or science curriculum requirement for the foundation ~~[recommended or advanced]~~ high school program under Section 28.025.

~~[(e) The agency, in consultation with the Texas Higher Education Coordinating Board, shall adopt an end-of-course assessment instrument for each course developed under this section to ensure the rigor of the course. A school district shall, in accordance with State Board of Education rules, administer the end-of-course assessment instrument to a student enrolled in a course developed under this section. [Each school district shall adopt a policy that requires a student's performance on the end-of-course assessment instrument to account for 15 percent of the student's final grade for the course.] A student's performance on an end-of-course assessment instrument administered under this subsection may be used, on a scale of 0-40, in calculating whether the student satisfies the graduation requirements established under Section 39.025.]~~

(f) To the extent applicable, the commissioner shall draw from curricula and instructional materials developed under Section ~~[Sections]~~ 28.008 ~~[and 61.0763]~~ in developing a course and related instructional materials under this section. Not later than September 1, 2010, the State Board of Education shall adopt essential knowledge and skills for each course developed under this section. The State Board of Education shall make each course developed under this section and the related instructional materials available to school districts not later than the 2014-2015 school year. ~~[As required by Subsection (e), a school district shall adopt a policy requiring a student's performance on an end-of-course assessment instrument administered under that subsection to account for 15 percent of the student's grade for a course developed under this section not later than the 2014-2015 school year.]~~ This subsection expires September 1, 2015.

(b) This section applies beginning with the 2013-2014 school year.

(2) Strike SECTION 22 of the bill, amending 31.0211(c), Education Code, and SECTION 23 of the bill, adding Section 31.031, Education Code (page 13, line 41, through page 14, line 20).

(3) In the recital to SECTION 29(a) of the bill, amending Section 39.025, Education Code (page 17, line 19), strike "and (b)" and substitute "(b), and (b-2)".

(4) In SECTION 29 of the bill, strike amended Section 39.025(a-1), Education Code (page 17, line 53, through page 18, line 21), and substitute the following:

(a-1) The commissioner ~~[by rule]~~ shall determine a method by which a student's satisfactory performance on an advanced placement test, an international baccalaureate examination, an SAT Subject Test, the SAT, the ACT, or any nationally recognized norm-referenced ~~[another]~~ assessment instrument used by institutions of higher education to award course credit based on satisfactory performance on the ~~[determined by the commissioner to be at least as rigorous as an end-of-course]~~ assessment instrument shall ~~[adopted under Section 39.023(e) may]~~ be used to satisfy ~~[as a factor in determining whether the student satisfies]~~ the requirements concerning an end-of-course assessment instrument in an equivalent course as prescribed by ~~[of]~~ Subsection (a) ~~[, including the cumulative score requirement of that subsection]~~. The commissioner shall ~~[by rule may]~~ determine a method by which a student's satisfactory performance on the PSAT or the ACT-Plan shall ~~[a Preliminary Scholastic Assessment Test (PSAT) assessment or a preliminary American College Test (ACT)]~~

~~assessment may] be used to satisfy [as a factor in determining whether the student satisfies] the requirements concerning an end-of-course assessment instrument in an equivalent course as prescribed by [of] Subsection (a). A student who fails to perform satisfactorily on a test or other assessment instrument authorized under this subsection, other than the PSAT or the ACT-Plan, may retake that test or other assessment instrument for purposes of this subsection or may take the appropriate end-of-course assessment instrument. A student who fails to perform satisfactorily on the PSAT or the ACT-Plan must take the appropriate end-of-course assessment instrument. The commissioner shall adopt rules as necessary for the administration of this subsection.~~

(5) In SECTION 29 of the bill, amending Section 39.025, Education Code, immediately following amended Section 39.025(b), Education Code (page 18, between lines 57 and 58), insert the following:

(b-2) If a school district determines that a student, on completion of grade 11, is unlikely to achieve the ~~[cumulative] score requirement under Subsection (a) [requirements]~~ for one or more end-of-course assessment instruments administered to the student as provided ~~[subjects prescribed]~~ by Subsection (a) for receiving a high school diploma, the district shall require the student to enroll in a corresponding content-area college preparatory course for which an end-of-course assessment instrument has been adopted, if available. A student who enrolls in a college preparatory course described by this subsection shall be administered an end-of-course assessment instrument for the course, with the end-of-course assessment instrument scored on a scale as determined by the commissioner ~~[not to exceed 20 percent of the cumulative score requirements required to graduate as determined under Subsection (a)]~~. A student may use the student's score on the end-of-course assessment instrument for the college preparatory course towards satisfying the ~~[cumulative] score requirement [requirements]~~ prescribed by Subsection (a).

(6) In the recital to SECTION 52(a) of the bill, amending Section 51.3062, Education Code (page 27, lines 60-61), strike "Section 51.3062, Education Code, is amended by amending Subsection (i) and adding Subsection (q-3)" and substitute "Section 51.3062(i), Education Code, is amended".

(7) In SECTION 52 of the bill, strike added Section 51.3062(q-3), Education Code (page 28, lines 7-12).

(8) In SECTION 66(a) of the bill (page 34, line 43), strike Subdivision (5) and substitute the following:

(5) Section 39.025(a-3); and

(9) Renumber SECTIONS of the bill appropriately.

The amendment to **CSHB 5** 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.

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSHB 5** (senate committee report) as follows:

(1) In the recital to SECTION 6 of the bill, amending Section 28.002, Education Code (page 2, lines 68 and 69), strike "Subsections (o) and (t)" and substitute "Subsection (o)".

(2) In SECTION 6 of the bill, strike added Section 28.002(t), Education Code (page 3, lines 34-41).

(3) Strike SECTION 51 of the bill, amending Section 42.154, Education Code (page 27, lines 35-59), and renumber subsequent SECTIONS of the bill accordingly.

The amendment to **CSHB 5** 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.

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSHB 5** (senate committee printing) as follows:

(1) In the recital to SECTION 12 of the bill, amending Section 28.025, Education Code (page 6, line 32), between "(b-12)," and "(c-1),", insert "(b-13)".

(2) In SECTION 12 of the bill, in amended Section 28.025(b-1)(5), Education Code (page 7, line 28), between "Subsection (b-12)" and the bracket, insert "or (b-13)".

(3) In SECTION 12 of the bill, in amended Section 28.025, Education Code (page 9, between lines 14 and 15), insert the following:

(b-13) In adopting rules under Subsection (b-1), the State Board of Education shall allow a student to substitute credit in another appropriate course for the second credit in the same language in a language other than English otherwise required by Subsection (b-1)(5) if the student, in completing the first credit required under Subsection (b-1)(5), demonstrates that the student is unlikely to be able to complete the second credit. The board rules must establish:

(1) the standards and, as applicable, the appropriate school personnel for making a determination under this subsection; and

(2) appropriate substitute courses for purposes of this subsection.

The amendment to **CSHB 5** 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.

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 5

Amend **CSHB 5** (senate committee printing) in SECTION 12 of the bill by striking amended Section 28.025(b-9), Education Code (page 8, lines 23-34), and substituting the following:

(b-9) A school district, with the approval of the commissioner, may allow ~~[The agency shall establish a pilot program allowing]~~ a student ~~[attending school in a county with a population of more than one million and in which more than 75 percent of the population resides in a single municipality]~~ to satisfy the fine arts credit required under Subsection (b-1)(8) ~~[(b-1)(3)(A)]~~ by participating in a community-based fine arts program not provided by the school district in which the student is enrolled. The fine arts program must provide instruction in the essential knowledge and skills identified for fine arts by the State Board of Education under Section 28.002(c). The fine arts program may be provided on or off a school campus and outside the regular school day. ~~[Not later than December 1, 2010, the agency shall provide to the legislature a report regarding the pilot program, including the feasibility of expanding the pilot program statewide.]~~

The amendment to **CSHB 5** 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.

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 6

Amend **CSHB 5** (senate committee printing) as follows:

- (1) Strike SECTION 18 of the bill (page 12, lines 20 through 25).
- (2) Strike SECTION 19 of the bill (page 12, lines 26 through 56).
- (3) In SECTION 66(a) of the bill, strike Subdivision (1) repealing Sections 29.190(b) and (e), Education Code (page 34, line 38), and renumber subsequent subdivisions of SECTION 66(a) accordingly.

The amendment to **CSHB 5** was read.

Senator Patrick temporarily withdrew Floor Amendment No. 6.

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 7

Amend **CSHB 5** (senate committee report) by striking SECTION 31 of the bill, amending Section 39.0261(a), Education Code (page 19, lines 27-55), and substituting the following:

SECTION 31. (a) Section 39.0261, Education Code, is amended by amending Subsections (a) and (e) and adding Subsection (a-1) to read as follows:

(a) In addition to the assessment instruments otherwise authorized or required by this subchapter:

(1) ~~[each school year and at state cost, a school district shall administer to students in the spring of the eighth grade an established, valid, reliable, and nationally norm referenced preliminary college preparation assessment instrument for the purpose of diagnosing the academic strengths and deficiencies of students before entrance into high school;~~

[(2)] each school year and at state cost, a school district shall administer to high school students, in the spring or fall of the 10th grade, either the PSAT or the ACT-Plan, as determined by the district [an established, valid, reliable, and nationally

~~norm-referenced preliminary college preparation assessment instrument for the purpose of measuring a student's progress toward readiness for college and the workplace]; and~~

(2) each school year and at state cost, a school district may administer to ~~[(2)]~~ high school students, in the spring of the 11th grade, either the SAT or the ACT, as determined by the district and at the student's option, to determine college readiness ~~[or during the 12th grade may select and take once, at state cost, one of the valid, reliable, and nationally norm-referenced assessment instruments used by colleges and universities as part of their undergraduate admissions processes].~~

(a-1) Testing under Subsection (a) must meet standards adopted by commissioner rule, including standards concerning:

- (1) test administration, scheduling, and accommodations;
- (2) data collection;
- (3) reporting; and
- (4) maximum costs.

(e) Subsection (a)(2) ~~[(a)(3)]~~ does not prohibit a high school student in the spring of the 11th grade or during the 12th grade from selecting and taking, at the student's own expense, one of the valid, reliable, and nationally norm-referenced assessment instruments used by colleges and universities as part of their undergraduate admissions processes more than once.

(b) This section applies beginning with the 2013-2014 school year.

The amendment to **CSHB 5** 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.

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 8

Amend **CSHB 5** (senate committee printing) by striking SECTION 39 of the bill, adding Section 39.0541, Education Code (page 22, lines 40 through 60), and renumbering subsequent SECTIONS of the bill accordingly.

The amendment to **CSHB 5** 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.

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 9

Amend **CSHB 5** (senate committee report) as follows:

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

SECTION _____. (a) Section 130.008(d), Education Code, is amended to read as follows:

(d) A ~~[Except as provided by Subsection (d-1), a]~~ public junior college may enter into an agreement with a school district, organization, or other person that operates a high school to offer a course as provided by this section regardless of whether the high school is located within the service area of the junior college district.

(b) This section applies beginning with the 2013-2014 school year.

(2) In SECTION 66(a) of the bill, strike Subdivisions (5) and (6) (page 34, lines 43 and 44), and substitute the following:

- (5) Section 39.025(a-3);
- (6) Section 51.3062(q-1); and
- (7) Section 130.008(d-1).

The amendment to **CSHB 5** 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.

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 10

Amend **CSHB 5** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Section 39.054(a), Education Code, is amended to read as follows:

(a) The commissioner shall adopt rules to evaluate school district and campus performance and, not later than August 8 of each year, assign each district ~~and campus~~ a performance rating of A, B, C, D, or F. In adopting rules under this subsection, the commissioner shall determine the criteria for each designated letter performance rating. A district performance rating of A, B, or C ~~that~~ reflects acceptable performance and a district performance rating of D or F reflects ~~of~~ unacceptable performance. Not later than August 8 of each year, the commissioner shall also assign each campus a performance rating of exemplary, recognized, acceptable, or unacceptable. A campus performance rating of exemplary, recognized, or acceptable reflects acceptable performance, and a campus performance rating of unacceptable reflects unacceptable performance. If a district or campus received a performance rating that reflected ~~of~~ unacceptable performance for the preceding school year, the commissioner shall notify the district of a subsequent such designation on or before June 15.

(b) This section applies beginning with the 2013-2014 school year.

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The amendment to **CSHB 5** was read and was adopted by the following vote: Yeas 23, Nays 8.

Yeas: Campbell, Carona, Davis, Duncan, Ellis, Estes, Fraser, Garcia, Hancock, Hinojosa, Huffman, Lucio, Nichols, Patrick, Paxton, Rodriguez, Seliger, Taylor, Uresti, Watson, West, Whitmire, Williams.

Nays: Birdwell, Deuell, Eltife, Hegar, Nelson, Schwertner, Van de Putte, Zaffirini.

Senator Van de Putte offered the following amendment to the bill:

Floor Amendment No. 11

Amend **CSHB 5** (senate committee printing) as follows:

(1) In the recital to SECTION 6 of the bill, amending Section 28.002, Education Code (page 2, line 68), strike "(o) and" and substitute "(f-1), (o), and".

(2) In SECTION 6 of the bill, immediately following amended Section 28.002(f), Education Code (page 3, between lines 29 and 30), insert the following:

(f-1) The commissioner may approve for credit for high school graduation a discipline-based course in the foundation or enrichment curriculum submitted for approval by a school district or open-enrollment charter school if the district or school demonstrates to the satisfaction of the commissioner that the proposed course is academically challenging and addresses documented student needs.

(3) In SECTION 10 of the bill, in amended Section 28.0212(a), Education Code (page 5, line 49), immediately following the period, insert "In developing a student's personal graduation plan, the designated individual shall advise the student and provide the student with written information concerning the curriculum requirements that the student must complete to qualify for automatic college admission under Section 51.803."

(4) In the recital to SECTION 12 of the bill, amending Section 28.025, Education Code (page 6, line 30), strike "(b-4), (b-5)," and substitute "(b-3), (b-4), (b-5), (b-6),".

(5) In the recital to SECTION 12 of the bill, amending Section 28.025, Education Code (page 6, line 32), strike "(c-1), (c-2), (c-3), (c-4)," and substitute "(b-13), (b-14), (c-1), (c-2), (c-3),".

(6) In SECTION 12 of the bill, strike amended Sections 28.025(b), (b-1), (b-2), (b-4) and (b-5), Education Code (page 6, line 47, through page 8, line 13), and substitute the following:

(b) A school district shall ensure that each student enrolls in the courses necessary to complete the curriculum requirements identified by the State Board of Education under Subsection (a) for the foundation [~~recommended or advanced~~] high school program unless the student, the student's parent or other person standing in parental relation to the student, and a school counselor or school administrator, in consultation with a committee established by the district composed of persons with appropriate knowledge concerning the student, agree in writing signed by each party that the student should be permitted to substitute [~~take~~] courses offered under Section 28.002(f), as determined under Subsection (b-6), [~~the minimum high school program~~] and the student:

(1) performs on the English I or Algebra I end-of-course assessment instrument under Section 39.023 at a level that, as established by commissioner rule, is below the seventh grade level [~~at least 16 years of age~~];

(2) has [~~completed~~] two or more times failed to achieve satisfactory performance, as determined by the commissioner under Section 39.024(a), on an end-of-course assessment instrument required for graduation under Section 39.025 [~~credits required for graduation in each subject of the foundation curriculum under Section 28.002(a)(1)~~]; or

(3) has failed to be promoted to the tenth grade one or more times as determined by the school district.

(b-1) The State Board of Education by rule shall require that [:

~~(1) except as provided by Subsection (b-2),]~~ the curriculum requirements for the foundation ~~[recommended and advanced]~~ high school program ~~[programs]~~ under Subsection (a) include a requirement that students successfully complete:

~~(1) [(A)]~~ four credits in English language arts ~~[each subject of the foundation curriculum]~~ under Section 28.002(a)(1)(A), including:

- (A) one credit in English I;
- (B) one credit in English II;
- (C) one credit in English III; and
- (D) one credit in:

(i) English IV;

(ii) an advanced English language arts course authorized under Subsection (b-2); or

(iii) an English language arts course recognized by an institution of higher education, as defined by Section 61.003, as a course for which the institution would award course credit or as a prerequisite for a course for which the institution would award course credit;

(2) four credits in mathematics under Section 28.002(a)(1)(B), including:

- (A) one credit in Algebra I;
- (B) one credit in geometry; and
- (C) a total of two credits in any of the following courses:

(i) Algebra II;

(ii) an advanced mathematics course authorized under Subsection

(b-2); and

(iii) a mathematics course recognized by an institution of higher education, as defined by Section 61.003, as a course for which the institution would award course credit or as a prerequisite for a course for which the institution would award course credit;

(3) four credits in science under Section 28.002(a)(1)(C), including:

- (A) one credit in biology;
- (B) one credit in:

(i) chemistry; or

(ii) integrated physics and chemistry; and

(C) a total of two credits in any of the following courses:

(i) physics;

(ii) an advanced science course authorized under Subsection (b-2);

and

(iii) a science course recognized by an institution of higher education, as defined by Section 61.003, as a course for which the institution would award course credit or as a prerequisite for a course for which the institution would award course credit;

(4) three credits in social studies under Section 28.002(a)(1)(D) [28.002(a)(1)], including:

- (A) one credit in United States history;

(B) at least one-half credit in government and at least one-half credit in economics; and

(C) one credit in:

(i) world geography; or

(ii) world history [to meet the social studies requirement];

(5) except as provided under Subsection (b-12) [(B) for the recommended high school program], two credits in the same language in a language other than English under Section 28.002(a)(2)(A) or, at the option of the student, two credits in computer programming [and, for the advanced high school program, three credits in the same language in a language other than English under Section 28.002(a)(2)(A)]; [and]

(6) seven [(C) for the recommended high school program, six] elective credits [and, for the advanced high school program, five elective credits];

(7) [(2) one or more credits offered in the required curriculum for the recommended and advanced high school programs include a research writing component; and

[(3) the curriculum requirements for the minimum, recommended, and advanced high school programs under Subsection (a) include a requirement that students successfully complete:

[(A)] one credit in fine arts under Section 28.002(a)(2)(D); and

(8) [(B)] except as provided by Subsection (b-11), one credit in physical education under Section 28.002(a)(2)(C).

(b-2) In adopting rules under Subsection (b-1), the State Board of Education shall provide for [allow] a student to comply with the curriculum requirements for an advanced English language arts course under Subsection (b-1)(1) taken after successful completion of English I, English II, and English III, for an advanced [a] mathematics course under Subsection (b-1)(2), [(b-1)(1) taken after the successful completion of Algebra I and geometry] and for an advanced [either after the successful completion of or concurrently with Algebra II or a] science course under Subsection (b-1)(3) [(b-1)(1) taken after the successful completion of biology and chemistry and either after the successful completion of or concurrently with physics] by successfully completing a course in the appropriate content area that has been approved as an advanced course under Section 28.002(f-1) [career and technical course designated by the State Board of Education as containing substantively similar and rigorous academic content. A student may use the option provided by this subsection for not more than two courses].

(b-3) In adopting rules for purposes of Subsection (b-2) [to provide students with the option described by Subsection (b-1)(1)(A)], the State Board of Education must approve a variety of advanced English language arts, mathematics, and science courses that may be taken [after the completion of Algebra II and physics] to comply with the foundation high school [recommended] program requirements, provided that each approved course prepares students to enter the workforce successfully or postsecondary education without remediation.

(b-4) A school district may offer the curriculum described in Subsections (b-1)(1) through (4) [Subsection (b-1)(1)(A)] in an applied manner. Courses delivered in an applied manner must cover the essential knowledge and skills, and the student shall be administered the applicable end-of-course assessment instrument as provided by Sections 39.023(c) and 39.025.

(b-5) ~~Credit for a [A school district may offer a mathematics or science] course recognized by an institution of higher education under Subsection (b-1)(1), (2), or (3) is transferable from one school district to another and from one school to another [to be taken by a student after completion of Algebra II and physics to comply with the recommended program requirements in Subsection (b-1)(1)(A). A course approved under this subsection must be endorsed by an institution of higher education as a course for which the institution would award course credit or as a prerequisite for a course for which the institution would award course credit].~~

(b-6) The committee established under Subsection (b) shall provide a student and the [Before a] student's parent or other person standing in parental relation to the student who [may] agree that the student be permitted to substitute [take] courses offered under Section 28.002(f), [the minimum high school program] as provided by Subsection (b), with options for choosing among various alternative personal graduation plans under Section 28.0212 that include the substitute courses [a school district must provide written notice to the parent or person standing in parental relation explaining the benefits of the recommended high school program. The notice shall be developed by the agency and must:

[1] be printed in English and Spanish; and

[2] require that the student's parent or person standing in parental relation to the student sign a confirmation of receipt and return the confirmation to the student's campus].

(7) In SECTION 12 of the bill, in amended Section 28.025(b-9), Education Code (page 8, line 27), strike "(b-1)(8)" and substitute "(b-1)(7)".

(8) In SECTION 12 of the bill, in amended Section 28.025(b-10), Education Code (page 8, line 38), strike "(b-1)(9)" and substitute "(b-1)(8)".

(9) In SECTION 12 of the bill, in amended Section 28.025(b-11), Education Code (page 8, line 46), strike "(b-1)(9)" and substitute "(b-1)(8)".

(10) In SECTION 12 of the bill, in added Section 28.025(b-12), Education Code (page 8, line 67), between "(b-1)(5)," and "to," insert "or a student who substitutes under Subsection (b) two courses for two courses in the same language in a language other than English".

(11) In SECTION 12 of the bill, in added Section 28.025(b-12)(1), Education Code (page 9, line 10), strike "or".

(12) In SECTION 12 of the bill, in added Section 28.025(b-12)(2), Education Code (page 9, line 14), strike the period and substitute the following:

; or

(3) if neither Subdivision (1) or (2) applies to the student but the student substitutes courses under Subsection (b), the committee described by that subsection.

(13) In SECTION 12 of the bill, strike added Sections 28.025(c-1) and (c-2), Education Code (page 9, lines 15-67), and substitute the following:

(b-13) Beginning with the 2017-2018 school year, a school district may not allow more than 10 percent of a district high school graduation cohort to substitute courses under Subsection (b).

(b-14) This subsection expires September 1, 2017. A school district may not allow:

(1) for the 2013-2014 school year, more than 25 percent of a district high school graduation cohort to substitute courses under Subsection (b);

(2) for the 2014-2015 school year, more than 20 percent of a district high school graduation cohort to substitute courses under Subsection (b); and

(3) for the 2015-2016 and 2016-2017 school years, more than 15 percent of a district high school graduation cohort to substitute courses under Subsection (b).

(c-1) A student may earn an endorsement on the student's transcript by successfully completing curriculum requirements for that endorsement adopted by the State Board of Education by rule. An endorsement under this subsection may be earned in any of the following categories:

(1) science, technology, engineering, and mathematics (STEM), which includes courses directly related to science, including environmental science, technology, including computer science, engineering, and advanced mathematics;

(2) business and industry, which includes courses directly related to database management, information technology, communications, accounting, finance, marketing, graphic design, architecture, construction, welding, logistics, automotive technology, agricultural science, and heating, ventilation, and air-conditioning;

(3) public services, which includes courses directly related to health sciences and occupations, education and training, law enforcement, and culinary arts and hospitality; and

(4) arts and humanities, which includes courses directly related to political science, world languages, cultural studies, English literature, history, and fine arts.

(c-2) In adopting rules under Subsection (c-1), the State Board of Education shall develop additional curriculum requirements for each endorsement with the direct participation of educators and business, labor, and industry representatives, and shall require each school district to report to the agency the categories of endorsements under Subsection (c-1) for which the district offers all courses for curriculum requirements, as determined by board rule.

(14) In SECTION 12 of the bill, strike added Section 28.025(c-4), Education Code (page 10, lines 4-5).

(15) Strike SECTIONS 53 through 55 of the bill, amending Sections 51.803, 51.805, and 51.807, Education Code (page 28, line 15, through page 29, line 56), and substitute the following SECTIONS, appropriately numbered:

SECTION ____. (a) Section 51.803, Education Code, is amended by amending Subsections (a) and (d) and adding Subsections (m) and (n) to read as follows:

(a) Subject to Subsection (a-1), each general academic teaching institution shall admit an applicant for admission to the institution as an undergraduate student if the applicant graduated with a grade point average in the top 10 percent of the student's high school graduating class in one of the two school years preceding the academic year for which the applicant is applying for admission and:

(1) the applicant graduated from a public or private high school in this state accredited by a generally recognized accrediting organization or from a high school operated by the United States Department of Defense;

(2) the applicant:

(A) successfully completed:

(i) at a public high school, the curriculum requirements established under Section 28.025 for the foundation [~~recommended or advanced~~] high school program; or

(ii) at a high school to which Section 28.025 does not apply, a curriculum that is equivalent in content and rigor to the foundation [~~recommended or advanced~~] high school program; or

(B) satisfied ACT's College Readiness Benchmarks on the ACT assessment applicable to the applicant or earned on the SAT assessment a score of at least 1,500 out of 2,400 or the equivalent; and

(3) if the applicant graduated from a high school operated by the United States Department of Defense, the applicant is a Texas resident under Section 54.052 or is entitled to pay tuition fees at the rate provided for Texas residents under Section 54.241(d) [~~54.058(d)~~] for the term or semester to which admitted.

(d) For purposes of Subsection (c)(2), a student's official transcript or diploma must, not later than the end of the student's junior year, indicate:

[~~(+)~~] whether the student has satisfied or is on schedule to satisfy the requirements of Subsection (a)(2)(A)(i) or (ii), as applicable; ~~or~~

[~~(2)~~] if Subsection (b) applies to the student, whether the student has completed the portion of the recommended or advanced curriculum or of the curriculum equivalent in content and rigor, as applicable, that was available to the student].

(m) Notwithstanding any other provision of this section, a general academic teaching institution is not required to admit under this section an applicant for admission to the institution whose high school transcript reflects that the student substituted courses as provided by Section 28.025(b).

(n) The Texas Higher Education Coordinating Board and the commissioner of education shall jointly adopt rules to establish eligibility requirements for admission under this section for students participating in the minimum, recommended, or advanced high school program. This subsection expires September 1, 2020.

(b) This section applies beginning with the 2014-2015 school year.

SECTION _____. (a) Section 51.804, Education Code, is amended to read as follows:

Sec. 51.804. **ADDITIONAL AUTOMATIC ADMISSIONS: SELECTED INSTITUTIONS.** For each academic year, the governing board of each general academic teaching institution shall determine whether to adopt an admissions policy under which an applicant to the institution as a first-time freshman student, other than an applicant eligible for admission under Section 51.803, shall be admitted to the institution if the applicant:

(1) graduated from a public or private high school in this state accredited by a generally recognized accrediting organization with a grade point average in the top 25 percent of the applicant's high school graduating class; and

(2) satisfies the requirements of:

(A) Section 51.803(a)(2)(A) or (B) [~~51.803(b), as applicable to the student, or Section 51.803(a)(2)(B)~~]; and

(B) Sections 51.803(c)(2) and 51.803(d).

(b) This section applies beginning with the 2014-2015 school year.

SECTION _____. (a) Section 51.805, Education Code, is amended by amending Subsection (a) and adding Subsection (g) to read as follows:

(a) A graduating student who does not qualify for admission under Section 51.803 or 51.804 may apply to any general academic teaching institution if the student satisfies the requirements of:

(1) Section 51.803(a)(2)(A) or (B) [~~51.803(b), as applicable to the student, or Section 51.803(a)(2)(B)~~]; and

(2) Sections 51.803(c)(2) and 51.803(d).

(g) The Texas Higher Education Coordinating Board and the commissioner of education shall jointly adopt rules to establish eligibility requirements for admission under this section as to curriculum requirements for high school graduation under Subsection (a) for students participating in the minimum, recommended, or advanced high school program regarding high school curriculum completion. This subsection expires September 1, 2020.

(b) This section applies beginning with the 2014-2015 school year.

SECTION _____. (a) Section 51.807(b), Education Code, is amended to read as follows:

(b) The Texas Higher Education Coordinating Board, after consulting with the Texas Education Agency, by rule shall establish standards for determining for purposes of this subchapter:

(1) whether a private high school is accredited by a generally recognized accrediting organization; and

(2) whether a person completed a high school curriculum that is equivalent in content and rigor to the curriculum requirements established under Section 28.025 for the foundation [~~recommended or advanced~~] high school program.

(b) This section applies beginning with the 2014-2015 school year.

(16) In SECTION 66(b)(3) of the bill, repealing provisions of the Education Code (page 34, line 49), strike "Sections 28.025(b-3), (b-6), (b-8)," and substitute "Sections 28.025(b-8)".

(17) In SECTION 66(b)(4) of the bill, repealing provisions of the Education Code (page 34, line 50), strike "and".

(18) In SECTION 66(b)(5) of the bill, repealing provisions of the Education Code (page 34, line 51), strike the period and substitute "; and

(6) Section 51.803(b)."

(19) Renumber SECTIONS of the bill appropriately.

The amendment to **CSHB 5** was read.

(President in Chair)

Senator Van de Putte withdrew Floor Amendment No. 11.

Senator Van de Putte offered the following amendment to the bill:

Floor Amendment No. 12

Amend **CSHB 5** (senate committee printing), in SECTION 6 of the bill, immediately following amended Section 28.002(f), Education Code (page 3, between lines 29 and 30), insert the following:

(f-1) The commissioner may approve for credit for high school graduation a discipline-based course in the foundation or enrichment curriculum submitted for approval by a school district or open-enrollment charter school if the district or school demonstrates to the satisfaction of the commissioner that the proposed course is academically challenging and addresses documented student needs.

The amendment to **CSHB 5** 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. 12.

Senator Van de Putte offered the following amendment to the bill:

Floor Amendment No. 13

Amend **CSHB 5** (senate committee printing) as follows:

(1) Add the following appropriately numbered SECTION to the bill (page 1, between lines 25 and 26):

SECTION _____. (a) Section 7.010(c), Education Code, is amended to read as follows:

(c) The electronic student records system must permit an authorized state or district official or an authorized representative of an institution of higher education to electronically transfer to and from an educational institution in which the student is enrolled and retrieve student transcripts, including information concerning a student's:

(1) course or grade completion;

(2) teachers of record;

(3) assessment instrument results;

(4) receipt of special education services, including placement in a special education program and the individualized education program developed; and

(5) personal graduation plan as described by Section 28.0212 or 28.02121, as applicable.

(b) This section applies beginning with the 2014-2015 school year.

(2) Add the following appropriately numbered SECTION to the bill (page 1, between lines 59 and 60):

SECTION _____. (a) Section 12.111(b), Education Code, is amended to read as follows:

(b) A charter holder of an open-enrollment charter school shall consider including in the school's charter a requirement that the school develop and administer personal graduation plans under Sections [Section] 28.0212 and 28.02121.

(b) This section applies beginning with the 2014-2015 school year.

(3) Add the following appropriately numbered SECTION to the bill (page 5, between lines 38 and 39):

SECTION _____. (a) The heading to Section 28.0212, Education Code, is amended to read as follows:

Sec. 28.0212. JUNIOR HIGH OR MIDDLE SCHOOL PERSONAL GRADUATION PLAN.

(b) This section applies beginning with the 2014-2015 school year.

(4) Strike SECTION 10 of the bill (page 5, line 39, through page 6, line 16) and substitute the following:

SECTION _____. (a) Sections 28.0212(a) and (b), Education Code, are amended to read as follows:

(a) A principal of a junior high or middle school shall designate a guidance counselor, teacher, or other appropriate individual to develop and administer a personal graduation plan for each student enrolled in the [a] junior high or [r] middle[; or high] school who:

(1) does not perform satisfactorily on an assessment instrument administered under Subchapter B, Chapter 39; or

(2) is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade level nine, as determined by the district.

(b) A personal graduation plan under this section must:

(1) identify educational goals for the student;

(2) include diagnostic information, appropriate monitoring and intervention, and other evaluation strategies;

(3) include an intensive instruction program described by Section 28.0213;

(4) address participation of the student's parent or guardian, including consideration of the parent's or guardian's educational expectations for the student; and

(5) provide innovative methods to promote the student's advancement, including flexible scheduling, alternative learning environments, on-line instruction, and other interventions that are proven to accelerate the learning process and have been scientifically validated to improve learning and cognitive ability.

(b) This section applies beginning with the 2014-2015 school year.

(5) Add the following appropriately numbered SECTION to the bill (page 6, between lines 16 and 17):

SECTION _____. (a) Subchapter B, Chapter 28, Education Code, is amended by adding Section 28.02121 to read as follows:

Sec. 28.02121. HIGH SCHOOL PERSONAL GRADUATION PLAN. (a) The agency, in consultation with the Texas Workforce Commission and the Texas Higher Education Coordinating Board, shall prepare and make available to each school district in English and Spanish information that explains the advantages of each endorsement described by Section 28.025(c-1).

(b) A school district shall publish the information provided to the district under Subsection (a) on the Internet website of the district and ensure that the information is available to students in grades nine and above and the parents or legal guardians of those students.

(c) A principal of a high school shall designate a guidance counselor or school administrator to review personal graduation plan options with each student entering grade nine together with that student's parent or guardian. The personal graduation

plan options reviewed must include the endorsements described by Section 28.025(c-1). Before the conclusion of the school year, the student and the student's parent or guardian must confirm and sign a personal graduation plan for the student.

(d) A personal graduation plan under Subsection (c) must identify a course of study that:

(1) promotes:

(A) college and workforce readiness; and

(B) career placement and advancement; and

(2) facilitates the student's transition from secondary to postsecondary education.

(e) A school district may not prevent a student and the student's parent or guardian from confirming a personal graduation plan that includes pursuit of an endorsement.

(f) A student may amend the student's personal graduation plan after the initial confirmation of the plan under this section.

(b) This section applies beginning with the 2014-2015 school year.

(6) Add the following appropriately numbered SECTION to the bill (page 25, between lines 66 and 67):

SECTION _____. (a) Section 39.235(b), Education Code, is amended to read as follows:

(b) Before awarding a grant under this section, the commissioner may require a campus or school district to:

(1) obtain local matching funds; or

(2) meet other conditions, including developing a personal graduation plan under Section 28.0212 for each student enrolled at the campus or in a district middle or [;] junior high [~~or high~~] school.

(7) In SECTION 66(b) of the bill (page 34, line 48), strike "Section 28.0212(g)" and substitute "Sections 28.0212(e) and (g)".

(8) Renumber SECTIONS of the bill accordingly.

The amendment to **CSHB 5** 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. 13.

Senator Patrick again offered the following amendment to the bill:

Floor Amendment No. 6

Amend **CSHB 5** (senate committee printing) as follows:

(1) Strike SECTION 18 of the bill (page 12, lines 20 through 25).

(2) Strike SECTION 19 of the bill (page 12, lines 26 through 56).

(3) In SECTION 66(a) of the bill, strike Subdivision (1) repealing Sections 29.190(b) and (e), Education Code (page 34, line 38), and renumber subsequent subdivisions of SECTION 66(a) accordingly.

The amendment to **CSHB 5** was again 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.

Senator Uresti offered the following amendment to the bill:

Floor Amendment No. 14

Amend **CSHB 5** (senate committee printing) as follows:

(1) In SECTION 7 of the bill, adding Section 28.00222, Education Code (page 3, line 46), strike "CAREER AND TECHNOLOGY EDUCATION" and substitute "ADVANCED TECHNOLOGY AND CAREER-RELATED".

(2) In SECTION 7 of the bill, adding Section 28.00222(a), Education Code (page 3, line 49), between "education" and "courses", insert "or technology applications".

(3) In SECTION 7 of the bill, adding Section 28.00222(b), Education Code (page 3, line 58), between "education" and "curriculum", insert "or technology applications".

(4) In SECTION 12 of the bill, adding Section 28.025(b-12), Education Code (page 9, line 1), between "education" and "or", insert ", technology applications".

(5) In SECTION 12 of the bill, adding Section 28.025(c-1)(1)(D), Education Code (page 9, line 24), between "education" and the semicolon, insert "or technology applications".

(6) In SECTION 12 of the bill, adding Section 28.025(c-1)(2)(C), Education Code (page 9, line 33), between "education" and the semicolon, insert "or technology applications".

(7) In SECTION 12 of the bill, adding Section 28.025(c-1)(3)(C), Education Code (page 9, line 42), between "education" and the semicolon, insert "or technology applications".

(8) In SECTION 57 of the bill, amending Section 56.3041(a)(2)(A)(iv), Education Code (page 30, line 41), before "course", insert "or technology applications".

(9) In SECTION 64 of the bill, amending Section 78.10(b)(1)(B), Education Code (page 33, line 46), between "critical" and "thinking", insert "and computational".

The amendment to **CSHB 5** 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. 14.

Senator Estes offered the following amendment to the bill:

Floor Amendment No. 15

Amend **CSHB 5** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Subchapter Z, Chapter 25, Education Code, is amended by adding Section 25.902 to read as follows:

Sec. 25.902. CERTAIN MANDATORY STUDENT IDENTIFICATION METHODS PROHIBITED. (a) In this section, "radio frequency identification technology" means a wireless identification system that uses a battery or other active

power source to broadcast a constant electromagnetic radio frequency signal to transmit data without physical contact between a card, badge, or tag and another device.

(b) Except as provided by Subsection (c), a school district may require a student to use an identification device that uses radio frequency identification technology or similar technology to identify the student, transmit information regarding the student, or track the location of the student only if authorized by resolution adopted by the board of trustees of the district.

(c) On the timely written request of a student's parent or guardian, a school district shall permit the student to opt out of use of an identification device described by Subsection (b). If a student's parent or guardian requests that the student opt out of the use of the device, the district shall provide an alternative method of identification for the student.

(d) A school district may not penalize a student using an alternative method of identification under Subsection (c), including restricting or prohibiting the student from participating in school or district activities.

(b) This section applies beginning with the 2013-2014 school year.

ESTES
PAXTON

The amendment to **CSHB 5** 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. 15.

Senator West offered the following amendment to the bill:

Floor Amendment No. 16

Amend **CSHB 5** (senate committee printing) in SECTION 9 of the bill as follows:

(1) In the recital to amended Section 28.0211, Education Code (page 5, line 26), strike "Section 28.0211(m), Education Code, is amended" and substitute "Section 28.0211, Education Code, is amended by amending Subsection (m) and adding Subsections (m-1) and (m-2)".

(2) Strike amended Section 28.0211(m), Education Code (page 5, lines 28-38), and substitute the following:

(m) The commissioner shall certify, not later than July 1 of each school year or as soon as practicable thereafter, whether sufficient funds have been appropriated statewide for the purposes of this section and Section 28.0217. A determination by the commissioner is final and may not be appealed. For purposes of certification, the commissioner shall consider:

(1) the average cost per student per assessment instrument administration;

(2) the number of students that require accelerated instruction because the student failed to perform satisfactorily on an assessment instrument;

(3) whether sufficient funds have been appropriated to provide support to students in grades three through 12 identified as being at risk of dropping out of school, as defined in Section 29.081(d); and

(4) whether sufficient funds have been appropriated to provide instructional materials that are aligned with the assessment instruments under Sections 39.023(a) and (c).

(m-1) For purposes of certification under Subsection (m), the commissioner may not consider Foundation School Program funds. This section may be implemented only if the commissioner certifies that sufficient funds have been appropriated during a school year for administering the accelerated instruction programs specified under this section and Section 28.0217, including teacher training for that purpose.

(m-2) For each school year for which the commissioner does not certify that sufficient funds have been appropriated statewide for purposes of this section and Section 28.0217, the commissioner shall suspend the assignment of performance ratings for campuses under Section 39.054.

The amendment to **CSHB 5** was read and was adopted by the following vote: Yeas 16, Nays 15.

Yeas: Carona, Davis, Ellis, Eltife, Garcia, Hinojosa, Huffman, Lucio, Patrick, Rodriguez, Seliger, Uresti, Van de Putte, Watson, West, Whitmire.

Nays: Birdwell, Campbell, Deuell, Duncan, Estes, Fraser, Hancock, Hegar, Nelson, Nichols, Paxton, Schwertner, Taylor, Williams, Zaffirini.

Senator Van de Putte offered the following amendment to the bill:

Floor Amendment No. 17

Amend **CSHB 5** (senate committee printing), Section 28.025, On page 6, line 6-49, strike "may" and substitute "shall"

The amendment to **CSHB 5** 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. 17.

Senator Seliger offered the following amendment to the bill:

Floor Amendment No. 18

Amend **CSHB 5** (senate committee printing) as follows:

(1) Between SECTION 13 of the bill, amending Section 28.0253(e), Education Code and SECTION 14 of the bill, amending Sections 28.027(a) and (b), Education Code (page 10, between lines 52 and 53), insert an appropriately numbered new SECTION to read as follows:

SECTION _____. (a) Section 28.026, Education Code, is amended to read as follows:

Sec. 28.026. NOTICE OF REQUIREMENTS FOR AUTOMATIC COLLEGE ADMISSION AND FINANCIAL AID. (a) The board of trustees of a school district and the governing body of each open-enrollment charter school that provides a high school shall require each high school in the district or provided by the charter school, as applicable, to post appropriate signs in each counselor's office, in each principal's office, and in each administrative building indicating the substance of Section 51.803

regarding automatic college admission and stating the curriculum requirements for financial aid authorized under Title 3. To assist in the dissemination of that [this] information, the [school] district or charter school shall:

(1) require that each high school counselor and class advisor be provided a detailed explanation of the substance of Section 51.803 and the curriculum requirements for financial aid authorized under Title 3;

(2) provide each district or school student, at the time the student first registers for one or more classes required for high school graduation, with a written notification, including a detailed explanation in plain language, of the substance of Section 51.803, the curriculum requirements for financial aid authorized under Title 3, and the benefits of completing the requirements for that automatic admission and financial aid;

(3) require that each high school counselor and senior class advisor explain to eligible students the substance of Section 51.803; and

(4) not later than the 14th day after the last day of classes for the fall semester or an equivalent date in the case of a school operated on a year-round system under Section 25.084, provide each [eligible] senior student eligible under Section 51.803 and each student enrolled in the junior year of high school who has a grade point average in the top 10 percent of the student's high school class, and the student's parent or guardian, with a written notification of the student's eligibility with a detailed explanation in plain language of the substance of Section 51.803.

(b) The commissioner shall adopt forms, including specific language, to use in providing notice under Subsections (a)(2) and (4). In providing notice under Subsection (a)(2) or (4), a school district or open-enrollment charter school shall use the appropriate form adopted by the commissioner. The notice to a student and the student's parent or guardian under Subsections (a)(2) and [Subsection] (a)(4) must be on a single form that contains [may contain one or more] signature lines to indicate receipt of notice by the student and [or] the student's parent or guardian. The notice under Subsection (a)(2) must be signed by the student's counselor in addition to being signed by the student and the student's parent or guardian.

(b) This section applies beginning with the 2014-2015 school year.

(2) In SECTION 53 of the bill, strike amended Sections 51.803(a), (b), and (d), Education Code, and added Section 51.803(m), Education Code (page 28, line 18, through page 29, line 10), and substitute the following:

(a) Subject to Subsection (a-1), each general academic teaching institution shall admit an applicant for admission to the institution as an undergraduate student if the applicant graduated with a grade point average in the top 10 percent of the student's high school graduating class in one of the two school years preceding the academic year for which the applicant is applying for admission and:

(1) the applicant graduated from a public or private high school in this state accredited by a generally recognized accrediting organization or from a high school operated by the United States Department of Defense;

(2) the applicant:

(A) successfully completed:

(i) at a public high school, the curriculum requirements established under Section 28.025 for the foundation ~~[recommended or advanced]~~ high school program plus one additional science credit and one additional mathematics credit, which must be an Algebra II credit if an Algebra II credit is not used to satisfy the curriculum requirements for the foundation high school program; or

(ii) at a high school to which Section 28.025 does not apply, a curriculum that is equivalent in content and rigor to the curriculum prescribed by Subparagraph (i) ~~[recommended or advanced high school program];~~ or

(B) satisfied ACT's College Readiness Benchmarks on the ACT assessment applicable to the applicant or earned on the SAT assessment a score of at least 1,500 out of 2,400 or the equivalent; and

(3) if the applicant graduated from a high school operated by the United States Department of Defense, the applicant is a Texas resident under Section 54.052 or is entitled to pay tuition fees at the rate provided for Texas residents under Section 54.241(d) ~~[54.058(d)]~~ for the term or semester to which admitted.

(b) An applicant who does not satisfy the curriculum requirements prescribed by Subsection (a)(2)(A)(i) or (ii) is considered to have satisfied those requirements if the student completed the portion of the ~~[recommended or advanced]~~ curriculum requirements prescribed by Subsection (a)(2)(A)(i) or (ii) ~~[or of the curriculum equivalent in content and rigor]~~, as applicable, that was available to the student but was unable to complete the remainder of the curriculum solely because courses necessary to complete the remainder were unavailable to the student at the appropriate times in the student's high school career as a result of course scheduling, lack of enrollment capacity, or another cause not within the student's control.

(d) For purposes of Subsection (c)(2), a student's official transcript or diploma must, not later than the end of the student's junior year, indicate:

(1) whether the student has satisfied or is on schedule to satisfy the curriculum requirements prescribed by ~~[of]~~ Subsection (a)(2)(A)(i) or (ii), as applicable; or

(2) if Subsection (b) applies to the student, whether the student has completed the portion of the ~~[recommended or advanced]~~ curriculum requirements prescribed by Subsection (a)(2)(A)(i) or (ii) ~~[or of the curriculum equivalent in content and rigor]~~, as applicable, that was available to the student.

(m) The Texas Higher Education Coordinating Board and the commissioner of education shall jointly adopt rules to establish eligibility requirements for admission under this section as to the curriculum for high school graduation under Subsections (a)(2)(A) and (b) for students participating in the recommended or advanced high school program so that the admission of those students under this section is not affected by their participation in the recommended or advanced high school program. This subsection expires September 1, 2020.

(3) In SECTION 54 of the bill, strike added Section 51.805(g), Education Code (page 29, lines 33-39), and substitute the following:

(g) The Texas Higher Education Coordinating Board and the commissioner of education shall jointly adopt rules to establish eligibility requirements for admission under this section as to the curriculum for high school graduation under Subsection (a)(1) for students participating in the minimum, recommended, or advanced high

school program so that the admission requirements for those students under this section are not more stringent than the admission requirements under this section for students participating in the foundation high school program. This subsection expires September 1, 2020.

(4) In SECTION 55 of the bill, amending Section 51.807(b), Education Code (page 29, lines 52-54), strike "or under Section 28.025(c-1)(4) for a distinguished achievement endorsement, as applicable".

(5) In SECTION 56 of the bill, strike added Section 56.009, Education Code (page 29, lines 59-69), and substitute the following:

Sec. 56.009. ELIGIBILITY FOR FINANCIAL AID BASED ON GRADUATION UNDER CERTAIN HIGH SCHOOL PROGRAMS. (a) Notwithstanding any other provision of this title, to the extent that a person's eligibility to receive financial aid, including a grant, scholarship, or loan, authorized under this chapter or under any other provision of this title, is contingent on graduation under the recommended or advanced high school program, as those programs existed before the adoption of H.B. No. 5, 83rd Legislature, Regular Session, 2013, the Texas Higher Education Coordinating Board and the commissioner of education shall jointly adopt rules to modify affected eligibility requirements regarding completion of any specific high school programs to require successful completion of the foundation high school program under Section 28.025 plus successful completion of one additional science course and one additional mathematics course, which must be an Algebra II course if an Algebra II course is not used to complete the foundation high school program.

(b) For purposes of Subsection (a), a student who graduated under the recommended or advanced high school program is considered to have successfully completed the curriculum required under Subsection (a), including the additional courses required under that subsection. This subsection expires September 1, 2020.

(6) In SECTION 57 of the bill, in amended Section 56.3041(a)(2)(A), Education Code (page 30, lines 16-18), strike "foundation [recommended] high school program established under Section 28.025 or its equivalent" and substitute "curriculum requirements prescribed by Section 51.803(a)(2)(A)(i) or (ii), as applicable, [recommended high school program established under Section 28.025 or its equivalent]".

(7) In SECTION 57 of the bill, strike added Section 56.3041(b), Education Code (page 31, lines 4-10), and substitute the following:

(b) For purposes of Subsection (a)(2)(A), a student who graduated under the recommended or advanced high school program is considered to have successfully completed the curriculum requirements prescribed by Section 51.803(a)(2)(A)(i). This subsection expires September 1, 2020.

(8) Renumber SECTIONS of the bill appropriately.

SELIGER
WEST

The amendment to **CSHB 5** was read.

Senator Davis offered the following amendment to Floor Amendment No. 18:

Floor Amendment No. 19

Amend Floor Amendment No. 18 by Seliger to **CSHB 5**, on page 3, line 19 and on page 6, line 9, by inserting after "program" the phrase "or the commissioner may approve a locally developed Algebra II equivalent for credit for high school graduation."

WEST
DAVIS

The amendment to Floor Amendment No. 18 to **CSHB 5** was read and was adopted by the following vote: Yeas 25, Nays 6.

Yeas: Campbell, Carona, Davis, Deuell, Ellis, Eltife, Estes, Garcia, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Patrick, Rodríguez, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Duncan, Fraser, Hancock, Paxton, Schwertner.

Question recurring on the adoption of Floor Amendment No. 18 to **CSHB 5**, the amendment as amended was adopted by the following vote: Yeas 23, Nays 8.

Yeas: Campbell, Carona, Davis, Duncan, Ellis, Eltife, Estes, Garcia, Hegar, Hinojosa, Huffman, Lucio, Nichols, Patrick, Rodríguez, Seliger, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Deuell, Fraser, Hancock, Nelson, Paxton, Schwertner, Taylor.

Senator Van de Putte offered the following amendment to the bill:

Floor Amendment No. 20

Amend **CSHB 5**, Section 28.025, page 6, line 6-49, after "earn." Insert the following and adjust accordingly:

Should a student elect the business and industry endorsement under (c-1)(1), the student shall be informed of the following at that time of the election: "In electing this endorsement you should know that in order to be eligible for Top Ten percent admissions, you must successfully complete Algebra II. This endorsement does not require Algebra II. In order to be eligible you must elect Algebra II as one of your math requirements."

The amendment to **CSHB 5** was read.

Senator Van de Putte temporarily withdrew Floor Amendment No. 20.

Senator Van de Putte offered the following amendment to the bill:

Floor Amendment No. 21

Amend **CSHB 5** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. (a) Subchapter B, Chapter 28, Education Code, is amended by adding Section 28.0256 to read as follows:

Sec. 28.0256. TEXAS STATE SEAL OF BILINGUALISM AND BILITERACY. (a) In this section, "seal" means the Texas State Seal of Bilingualism and Biliteracy established under Subsection (b).

(b) The agency shall establish a seal to recognize high school graduates who have attained a high level of proficiency in comprehending, speaking, reading, and writing in both English and a language other than English.

(c) The agency shall:

(1) determine minimum requirements for earning the seal; and

(2) prepare and deliver to a participating school district an insignia that can be affixed or stamped on the diploma or transcript of a student who has satisfied requirements for earning the seal.

(d) The board of trustees of a school district may choose whether to offer the seal to students who satisfy the requirements for earning the seal as determined by the agency.

(e) Each school district that offers the seal to an eligible student shall:

(1) maintain appropriate records to identify students who have earned the seal; and

(2) affix the seal's insignia to the diploma or transcript of each student who has satisfied requirements for earning the seal.

(b) This section applies beginning with the 2013-2014 school year.

The amendment to **CSHB 5** 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. 21 except as follows:

Nays: Birdwell, Nelson.

Senator Seliger offered the following amendment to the bill:

Floor Amendment No. 22

Amend **CSHB 5** (Senate Committee Printing) by adding the following SECTION and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 31.0215, Education Code. INSTRUCTIONAL MATERIAL ALLOTMENT PURCHASES.

(a) The commissioner shall, as soon as practicable, notify each school district and open-enrollment charter of an estimated amount to which the district or charter would be entitled under Section 31.0211 during the next fiscal year.

(b) The commissioner may allow school districts and open enrollment charter schools to place orders for instructional materials prior to the beginning of a fiscal year and to receive instructional materials prior to payment. The commissioner shall limit orders placed under this section to eighty per cent of the estimated amount to which a district or open-enrollment charter would be entitled and shall first credit any balance in a district or charter school instructional materials account to pay for orders under this section. The commissioner shall make payments of orders placed under this section as funds become available to the instructional materials fund and shall prioritize orders placed under this section over reimbursement of purchases made directly by a district or charter.

(c) The commissioner shall ensure that publishers of instructional materials are informed of any potential delay in payment and that payment is subject to the availability of appropriated funds. A publisher may decline to accept an order placed under this section.

(d) The commissioner may make rules to implement this section. Chapter 2251, Government Code, does not apply to purchases of instructional materials under this section.

The amendment to **CSHB 5** 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. 22.

Senator Van de Putte offered the following amendment to the bill:

Floor Amendment No. 23

Amend **CSHB 5** (senate committee printing) as follows:

Insert the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS accordingly:

SECTION __. Subchapter C, Chapter 39, Education Code, is amended by adding Section 39.0542 to read as follows:

Sec. 39.0542. STANDARDS FOR EVALUATING DROPOUT RECOVERY SCHOOLS. (a) For purposes of evaluating performance under Section 39.053(c), the commissioner shall designate as a dropout recovery school a school district or an open-enrollment charter school or a campus of a district or of an open-enrollment charter school:

(1) that serves students in grades 9 through 12 and has an enrollment of which at least 50 percent of the students are 17 years of age or older as of September 1 of the school year as reported for the fall semester Public Education Information Management System (PEIMS) submission; and

(2) that meets the eligibility requirements for and is registered under alternative education accountability procedures adopted by the commissioner.

(b) Notwithstanding Section 39.053(c)(2), the commissioner shall use the alternative completion rate under this subsection to determine the student achievement indicator under Section 39.053(c)(2) for a dropout recovery school. The alternative completion rate shall be the ratio of the total number of students who graduate, continue attending school into the next academic year, or receive a high school equivalency certificate to the total number of students in the longitudinal cohort of students.

(c) Notwithstanding Section 39.053(c)(2), in determining the performance rating under Section 39.054 of a dropout recovery school, the commissioner shall include any student described by Section 39.053(g-1) who graduates or receives a high school equivalency certificate.

(d) For a dropout recovery school, only the best result from the primary administration and any retake of an assessment instrument administered to a student in the school year evaluated under the accountability procedures adopted by the commissioner may be considered in determining the performance rating of the school under Section 39.054.

The amendment to **CSHB 5** 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. 23.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 24

Amend **CSHB 5** (senate committee printing) as follows:

(1) In the recital to SECTION 26(a) of the bill, amending Section 39.023, Education Code (page 14, line 69), between "Subsections" and "(b)", insert "(a),".

(2) In SECTION 26(a) of the bill, amending Section 39.023, Education Code (page 15, between lines 1 and 2), insert the following:

(a) The agency shall adopt or develop appropriate criterion-referenced assessment instruments. Those assessment instruments may be used only for purposes for which the assessment instruments are designed and for which it has been empirically established the assessment instruments are valid and reliable, including to assess student understanding of essential knowledge and skills in reading, writing, mathematics, social studies, and science. Except as provided by Subsection (a-2), all students, other than students assessed under Subsection (b) or (l) or exempted under Section 39.027, shall be assessed in:

(1) mathematics, annually in grades three through seven without the aid of technology and in grade eight with the aid of technology on any assessment instrument that includes algebra;

(2) reading, annually in grades three through eight;

(3) writing, including spelling and grammar, in grades four and seven;

(4) social studies, in grade eight;

(5) science, in grades five and eight; and

(6) any other subject and grade required by federal law.

The amendment to **CSHB 5** 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. 24.

Senator Williams offered the following amendment to the bill:

Floor Amendment No. 25

Amend **CSHB 5** (senate committee report) as follows:

(1) Add the following appropriately numbered SECTION to the bill:

SECTION _____. Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.0238 to read as follows:

Sec. 39.0238. ADOPTION AND ADMINISTRATION OF POSTSECONDARY READINESS ASSESSMENT INSTRUMENTS. (a) In addition to other assessment instruments adopted and developed under this subchapter, the agency shall adopt or develop appropriate postsecondary readiness assessment instruments for Algebra II and English III that a school district may administer at the district's option.

(b) To the extent practicable, the agency shall ensure that each postsecondary readiness assessment instrument:

(1) assesses essential knowledge and skills and growth;

(2) is developed in a manner that measures a student's performance under the college readiness standards established under Section 28.008; and

(3) is validated by national postsecondary education experts for college readiness content and performance standards.

(c) In adopting a schedule for the administration of postsecondary readiness assessment instruments under this section, the State Board of Education shall require the annual administration of the postsecondary readiness assessment instruments to occur not earlier than the second full week in May.

(d) The agency shall adopt a policy requiring each school district that elects to administer postsecondary readiness assessment instruments under Subsection (a) to annually:

(1) administer the applicable postsecondary readiness assessment instrument to each student enrolled in a course for which a postsecondary readiness assessment instrument is adopted or developed under Subsection (a), including applied Algebra II; and

(2) report the results of the postsecondary readiness assessment instruments to the agency.

(e) The agency shall annually deliver a report to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officers of the standing committees of the legislature with jurisdiction over public education. The report must include a summary of student performance on the preceding year's postsecondary readiness assessment instruments.

(f) The results of a postsecondary readiness assessment instrument administered under this section shall not be used by:

(1) the agency for accountability purposes for a school campus or school district;

(2) a school district for teacher evaluation purposes; or

(3) an institution of higher education for admission purposes.

(g) The agency shall acknowledge a school district that elects to administer the postsecondary readiness assessment instruments as provided by Subsection (a).

(2) In SECTION 52 of the bill, in the recital (page 27, line 61), strike "Subsection (i)" and substitute "Subsections (i) and (q-1)".

(3) In SECTION 52 of the bill, in amended Section 51.3062, Education Code (page 28, between lines 6 and 7), insert the following:

(q-1) A student who has ~~[completed a recommended or advanced high school program as determined under Section 28.025 and]~~ demonstrated the performance standard for college readiness as provided by Section 39.024 on the postsecondary readiness assessment instruments adopted under Section 39.0238 for Algebra II and English III ~~[end of course assessment instruments]~~ is exempt from the requirements of this section with respect to those content areas. The commissioner of higher education by rule shall establish the period for which an exemption under this subsection is valid.

(4) In SECTION 57 of the bill, in amended Section 56.3041(a)(2)(A)(ii), Education Code (page 30, line 32), strike "or[;] (q)~~[-or-(q-1)]~~" and substitute ", (q), or (q-1)".

(5) In SECTION 66 of the bill, at the end of Subsection (a)(4), repealing Section 39.0242, Education Code (page 34, line 42), insert "and".

(6) In SECTION 66 of the bill, in Subsection (a)(5), repealing Sections 39.025(a-3) and (b-2), Education Code (page 34, line 43), strike "; and" and insert a period.

(7) In SECTION 66 of the bill, strike Subsection (a)(6), repealing Section 51.3062(q-1), Education Code (page 34, line 44).

(8) Renumber SECTIONS of the bill accordingly.

The amendment to **CSHB 5** was read.

Senator Van de Putte offered the following amendment to Floor Amendment No. 25:

Floor Amendment No. 26

Amend Floor Amendment No. 25 by Williams to **CSHB 5** (senate committee report), Section 39.0238, as follows:

On page 2, line 20, strike subsection (f)(2) and (3) and substitute the following:

(2) A school district:

(a) for the purpose of teacher evaluations, or

(b) in determining a student's final course grade or determining a student's class rank for the purpose of high school graduation.

(3) an institution of higher education:

(a) for admission purposes, or

(b) to determine eligibility for a TEXAS grant.

The amendment to Floor Amendment No. 25 to **CSHB 5** 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. 26 except as follows:

Nays: Birdwell.

Question recurring on the adoption of Floor Amendment No. 25 to **CSHB 5**, Senator Williams temporarily withdrew Floor Amendment No. 25 as amended.

Senator Seliger offered the following amendment to the bill:

Floor Amendment No. 27

Amend **CSHB 5** (senate committee printing) as follows:

(1) In SECTION 12 of the bill, in amended Section 28.025(b-1)(5), Education Code (page 7, lines 31-32), strike "or, at the option of the student, two credits in computer programming".

(2) In SECTION 12 of the bill, in added Section 28.025(c-1)(4)(B)(iv), Education Code (page 9, lines 60-63), strike ", or one additional credit in computer programming if the student earned two credits in computer programming for purposes of Subsection (b-1)(5), as applicable".

(Senator Eltife in Chair)

The amendment to **CSHB 5** 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. 27 except as follows:

Nays: Nelson.

The Presiding Officer announced that Senator Van de Putte withdrew Floor Amendment No. 20.

(President in Chair)

Senator Van de Putte offered the following amendment to the bill:

Floor Amendment No. 28

Amend **CSHB 5**, Section 28.025, page 6, line 6-49, after "earn." Insert the following and adjust accordingly:

Should a student elect the business and industry endorsement under (c-1)(1), the student shall be informed of the following at that time of the election: "In electing this endorsement you should know that in order to be eligible for Top Ten percent admissions, you must successfully complete Algebra II or a locally developed Algebra II equivalent. This endorsement does not require Algebra II or a locally developed Algebra II equivalent. In order to be eligible you must elect Algebra II or a locally developed Algebra II equivalent as one of your math requirements."

The amendment to **CSHB 5** was read.

Senator Patrick moved to table Floor Amendment No. 28.

Senator Patrick withdrew the motion to table Floor Amendment No. 28.

Question recurring on the adoption of Floor Amendment No. 28 to **CSHB 5**, Senator Van de Putte withdrew Floor Amendment No. 28.

Senator Williams again offered the following amendment to the bill. The amendment was previously amended by Floor Amendment No. 26 and temporarily withdrawn:

Floor Amendment No. 25

Amend **CSHB 5** (senate committee report) as follows:

(1) Add the following appropriately numbered SECTION to the bill:

SECTION _____. Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.0238 to read as follows:

Sec. 39.0238. ADOPTION AND ADMINISTRATION OF POSTSECONDARY READINESS ASSESSMENT INSTRUMENTS. (a) In addition to other assessment instruments adopted and developed under this subchapter, the agency shall adopt or develop appropriate postsecondary readiness assessment instruments for Algebra II and English III that a school district may administer at the district's option.

(b) To the extent practicable, the agency shall ensure that each postsecondary readiness assessment instrument:

(1) assesses essential knowledge and skills and growth;

(2) is developed in a manner that measures a student's performance under the college readiness standards established under Section 28.008; and

(3) is validated by national postsecondary education experts for college readiness content and performance standards.

(c) In adopting a schedule for the administration of postsecondary readiness assessment instruments under this section, the State Board of Education shall require the annual administration of the postsecondary readiness assessment instruments to occur not earlier than the second full week in May.

(d) The agency shall adopt a policy requiring each school district that elects to administer postsecondary readiness assessment instruments under Subsection (a) to annually:

(1) administer the applicable postsecondary readiness assessment instrument to each student enrolled in a course for which a postsecondary readiness assessment instrument is adopted or developed under Subsection (a), including applied Algebra II; and

(2) report the results of the postsecondary readiness assessment instruments to the agency.

(e) The agency shall annually deliver a report to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officers of the standing committees of the legislature with jurisdiction over public education. The report must include a summary of student performance on the preceding year's postsecondary readiness assessment instruments.

(f) The results of a postsecondary readiness assessment instrument administered under this section shall not be used by:

(1) the agency for accountability purposes for a school campus or school district;

(2) a school district for teacher evaluation purposes; or

(3) an institution of higher education for admission purposes.

(g) The agency shall acknowledge a school district that elects to administer the postsecondary readiness assessment instruments as provided by Subsection (a).

(2) In SECTION 52 of the bill, in the recital (page 27, line 61), strike "Subsection (i)" and substitute "Subsections (i) and (q-1)".

(3) In SECTION 52 of the bill, in amended Section 51.3062, Education Code (page 28, between lines 6 and 7), insert the following:

(q-1) A student who has [~~completed a recommended or advanced high school program as determined under Section 28.025 and~~] demonstrated the performance standard for college readiness as provided by Section 39.024 on the postsecondary readiness assessment instruments adopted under Section 39.0238 for Algebra II and English III [~~end-of-course assessment instruments~~] is exempt from the requirements of this section with respect to those content areas. The commissioner of higher education by rule shall establish the period for which an exemption under this subsection is valid.

(4) In SECTION 57 of the bill, in amended Section 56.3041(a)(2)(A)(ii), Education Code (page 30, line 32), strike "or [(q) [~~or (q-1)~~]" and substitute ", (q), or (q-1)".

(5) In SECTION 66 of the bill, at the end of Subsection (a)(4), repealing Section 39.0242, Education Code (page 34, line 42), insert "and".

(6) In SECTION 66 of the bill, in Subsection (a)(5), repealing Sections 39.025(a-3) and (b-2), Education Code (page 34, line 43), strike "; and" and insert a period.

(7) In SECTION 66 of the bill, strike Subsection (a)(6), repealing Section 51.3062(q-1), Education Code (page 34, line 44).

(8) Renumber SECTIONS of the bill accordingly.

The amendment to **CSHB 5** was again read.

Senator Patrick offered the following amendment to Floor Amendment No. 25:

Floor Amendment No. 29

Amend Floor Amendment No. 25 by Williams to **CSHB 5** in proposed Section 39.0238, Education Code (page 2, between lines 23 and 24 of the amendment) by inserting the following:

(f-1) A school district may not administer an additional benchmark assessment instrument solely for the purpose of preparing for a postsecondary readiness assessment instrument administered under this section. In this subsection, "benchmark assessment instrument" means a district-required assessment designed to prepare students for a postsecondary readiness assessment instrument administered under this section.

The amendment to Floor Amendment No. 25 to **CSHB 5** 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. 29.

Question recurring on the adoption of Floor Amendment No. 25 to **CSHB 5**, the amendment as again amended was adopted by the following vote: Yeas 22, Nays 9.

Yeas: Campbell, Carona, Deuell, Duncan, Eltife, Estes, Garcia, Hancock, Hegar, Hinojosa, Nelson, Patrick, Paxton, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, West, Whitmire, Williams.

Nays: Birdwell, Davis, Ellis, Fraser, Huffman, Lucio, Nichols, Watson, Zaffirini.

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

CSHB 5 as amended was passed to third reading by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE HOUSE BILL 5 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 **CSHB 5** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

REMARKS ORDERED PRINTED

On motion of Senator West and by unanimous consent, the remarks by Senators Patrick and West regarding **CSHB 5** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator West: Senator Patrick, we have an agreement, and I just want to make certain that we verify that agreement and we spread it on the Journal. This is a letter that you have authored that says, "I agree to not accept any other amendments on the top ten percent issue and the A-F issue. I will also keep these amendments through the conference committee process." And it's signed by Dan Patrick. Is that correct?

Senator Patrick: Yes. I was going to wear three pairs of suspenders today, just in case, but we're good.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Monday, May 6, 2013 - 3

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 78 Simpson

Relating to the exemption from the sales and use tax for certain coins and precious metals.

HB 698 Springer

Relating to certain procedures for submitting legible and classifiable fingerprints with an application for a license to carry a concealed handgun.

HB 970 Rodriguez, Eddie

Relating to regulation of cottage food products and cottage food production operations.

HB 1349 Larson

Relating to information that may be requested by the Department of Public Safety from a person applying for or renewing a concealed handgun license.

HB 1421 Perry

Relating to the disposition of certain seized weapons.

HB 1913

Bohac

Relating to the waiver of penalties and interest on certain delinquent ad valorem taxes.

HB 2072

Rodriguez, Eddie

Relating to services for persons who are deaf or hard of hearing and licensing requirements for interpreters for persons who are deaf or hard of hearing; providing an administrative penalty; requiring a fee and changing the rate of a fee.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

**COMMITTEE SUBSTITUTE
HOUSE BILL 1994 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1994** at this time on its second reading:

CSHB 1994, Relating to the purchase of certain commodity items by a state agency.

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

All Members are deemed to have voted "Yea" on the passage to third reading.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1994 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 **CSHB 1994** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL ON FIRST READING

The following bill was introduced, read first time, and referred to the committee indicated:

SB 1920 by Hinojosa

Relating to the creation of the Hidalgo County Hospital District; granting the authority to impose a tax and issue bonds; granting the power of eminent domain.

To Committee on Intergovernmental Relations.

HOUSE BILLS AND RESOLUTIONS ON FIRST READING

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

HB 29 to Committee on Higher Education.

HB 124 to Committee on Criminal Justice.

HB 294 to Committee on Finance.

HB 693 to Committee on Natural Resources.
HB 800 to Committee on Finance.
HB 812 to Committee on State Affairs.
HB 843 to Committee on Jurisprudence.
HB 955 to Committee on Criminal Justice.
HB 1044 to Committee on Transportation.
HB 1079 to Committee on Natural Resources.
HB 1376 to Committee on Health and Human Services.
HB 1448 to Committee on Jurisprudence.
HB 1492 to Committee on Intergovernmental Relations.
HB 1506 to Committee on Intergovernmental Relations.
HB 1520 to Committee on State Affairs.
HB 1563 to Committee on Natural Resources.
HB 1586 to Committee on Intergovernmental Relations.
HB 1800 to Committee on Intergovernmental Relations.
HB 1803 to Committee on Health and Human Services.
HB 2112 to Committee on Intergovernmental Relations.
HB 2293 to Committee on Transportation.
HB 2407 to Committee on Criminal Justice.
HB 2409 to Committee on Jurisprudence.
HB 2424 to Committee on Transportation.
HB 2454 to Committee on Intergovernmental Relations.
HB 2509 to Committee on Intergovernmental Relations.
HB 2549 to Committee on Education.
HB 2550 to Committee on Higher Education.
HB 2874 to Committee on Transportation.
HB 2918 to Committee on Jurisprudence.
HB 2947 to Committee on Transportation.
HB 3070 to Committee on Transportation.
HB 3106 to Committee on Business and Commerce.
HB 3116 to Committee on Government Organization.
HB 3209 to Committee on Administration.
HB 3212 to Committee on Natural Resources.
HB 3413 to Committee on Transportation.
HB 3567 to Committee on Agriculture, Rural Affairs and Homeland Security.
HB 3659 to Committee on Higher Education.
HB 3677 to Committee on Transportation.
HB 3748 to Committee on Criminal Justice.
HB 3831 to Committee on Transportation.
HB 3925 to Committee on Intergovernmental Relations.
HB 3935 to Committee on Intergovernmental Relations.
HCR 41 to Committee on Administration.
HCR 51 to Committee on Administration.
HCR 62 to Committee on Administration.
HCR 68 to Committee on Administration.
HCR 71 to Committee on Intergovernmental Relations.

HCR 82 to Committee on Economic Development.

HCR 84 to Committee on Administration.

HCR 87 to Committee on Administration.

HCR 89 to Committee on Agriculture, Rural Affairs and Homeland Security.

HCR 96 to Committee on Administration.

BILLS SIGNED

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

SB 162, SB 276, SB 330, SB 334, SB 349, SB 366, SB 411, SB 458, SB 466, SB 471, SB 506, SB 595, SB 649, SB 655, SB 686, SB 733, SB 777, SB 795, SB 849, SB 852, SB 885, SB 902, SB 905, SB 920, SB 972, SB 1019, SB 1026, SB 1041, SB 1157, SB 1236, SB 1537.

COMMITTEE SUBSTITUTE

SENATE BILL 1567 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 1567** at this time on its second reading:

CSSB 1567, Relating to coverage of certain persons under an automobile insurance policy.

The bill was read second time.

Senator Estes offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1567** (senate committee printing) in SECTION 1 of the bill, in added Section 1952.0545, Insurance Code, by inserting new Subsection (e) between lines 56 and 57, page 1, to read as follows:

(e) The agent or insurer shall require the applicant or insured to confirm contemporaneously in writing the provision of oral disclosure pursuant to Subsection (b).

The amendment to **CSSB 1567** 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.

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

CSSB 1567 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE

SENATE BILL 1567 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 1567** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Hegar and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Finance might meet and consider the following bills tomorrow: **SB 14, SB 1494, SB 1648.**

**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.

CO-AUTHOR OF SENATE BILL 101

On motion of Senator Patrick, Senator Campbell will be shown as Co-author of **SB 101.**

CO-AUTHOR OF SENATE BILL 140

On motion of Senator Ellis, Senator Garcia will be shown as Co-author of **SB 140.**

CO-AUTHOR OF SENATE JOINT RESOLUTION 10

On motion of Senator Patrick, Senator Campbell will be shown as Co-author of **SJR 10.**

CO-SPONSOR OF HOUSE BILL 5

On motion of Senator Patrick, Senator Schwertner will be shown as Co-sponsor of **HB 5.**

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 840 by Rodríguez, In memory of Paul Strelzin.

HCR 35 (Huffinan), In memory of Sergeant Jimmie DeVeril Norman of the Bellaire Police Department.

Congratulatory Resolutions

SR 838 by Campbell, Recognizing the New Braunfels Regional Airport for receiving the 2013 General Aviation Airport of the Year award.

SR 839 by Eltife, Recognizing Fort Sherman in Titus County on the occasion of its 175th anniversary.

SR 841 by Nichols, Recognizing Bob McDonald for his stewardship of the Athens Cemetery.

SR 842 by Schwertner, Recognizing the HEARTS Veterans Museum of Texas.

SR 843 by Van de Putte, Recognizing Longfellow Middle School and Thomas Jefferson High School in San Antonio.

Official Designation Resolutions

SR 844 by Van de Putte, Recognizing May 18 through 24, 2013, as Safe Boating Week in Texas.

SR 845 by Taylor, Recognizing May 18 to 24, 2013, as National Safe Boating Week.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 5:54 p.m. adjourned, in memory of Ralph Harris Poteet and Jaime Padron, until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

May 6, 2013

BUSINESS AND COMMERCE — CSSB 241, CSSB 582

ADMINISTRATION — CSHB 1642, SB 1914, HCR 23, HCR 36, HB 419, HB 1553

HIGHER EDUCATION — CSSB 414, CSSB 1720

HEALTH AND HUMAN SERVICES — CSSB 191

STATE AFFAIRS — CSHB 630

HEALTH AND HUMAN SERVICES — CSSB 1150

BILLS ENGROSSED

May 3, 2013

SB 554, SB 883, SB 1322, SB 1392, SB 1413, SB 1439, SB 1555, SB 1900, SB 1901, SB 1902, SB 1903

BILLS AND RESOLUTIONS ENROLLED

May 3, 2013

SB 162, SB 276, SB 330, SB 334, SB 349, SB 366, SB 411, SB 458, SB 466, SB 471, SB 506, SB 595, SB 649, SB 655, SB 686, SB 733, SB 777, SB 795, SB 849, SB 852, SB 885, SB 902, SB 905, SB 920, SB 972, SB 1019, SB 1026, SB 1041, SB 1157, SB 1236, SB 1537, SR 768, SR 821, SR 822, SR 823, SR 824, SR 825, SR 826, SR 827, SR 828, SR 829, SR 830, SR 831, SR 832, SR 833, SR 834, SR 835

In Memory
of
Ralph Harris Poteet
Senate Resolution 836

WHEREAS, The Lone Star State lost a respected educator with the death of former Mesquite Independent School District superintendent Dr. Ralph Harris Poteet, who passed away on September 23, 2012, at the age of 86; and

WHEREAS, Born in Desdemona on July 12, 1926, to Sybil and William Poteet, Ralph Poteet attended Stephenville High School and graduated from Southwestern University in Georgetown; he served his country in World War II and continued his education with graduate studies at The University of Texas at Austin and The University of Texas at Arlington; he received his doctorate from East Texas State University; and

WHEREAS, Dr. Poteet began his career in education in Bartlett in 1949, serving as a teacher, coach, and principal; he moved to Mesquite in 1955 to work as the head football coach, and five years later he was appointed business manager for the district; he served as assistant superintendent before being named district superintendent in 1964; and

WHEREAS, For 22 years, Dr. Poteet oversaw the Mesquite Independent School District, ably guiding district schools through a period of significant growth; during his tenure, the district expanded to include 29 schools, and 30 new buildings were constructed on area campuses; Dr. Poteet was an energetic and visionary administrator who emphasized discipline and hard work, and he helped the district become one of the most innovative school systems in Texas, establishing the first public school radio station, along with a public school television station and a planetarium that were also among the earliest in the state; he also created a school-community partnership program that established a park along with each new school; and

WHEREAS, Dr. Poteet was recognized with numerous awards for his leadership, including a Texas Superintendent of the Year regional award, the National Leadership Award from the National School Development Council, and the Outstanding Leadership Award from Phi Delta Kappa International, and he was named Mesquite Citizen of the Year twice; for his retirement in 1986, President Ronald Reagan, Texas Governor Mark White, and many other elected officials sent congratulatory letters; moreover, a new high school, the fourth in the district, was named for him, and his initials of RHP inspired the school's motto, "Respect, Honor, and Pride"; and

WHEREAS, Following his retirement, Dr. Poteet continued to serve as a consultant with the district; he published articles on education in several magazines and served as an adjunct professor at East Texas State University; he further shared his time and talents as the chair of Keep Mesquite Beautiful,

as a director of the Dallas County Appraisal District and the Christian Care Center, and as a member of the local Lions Club and chamber of commerce and the North Texas Council of Governments; and

WHEREAS, A man of faith, Dr. Poteet belonged to the Church of Christ and served his congregation as a deacon and elder; in all of his endeavors, he enjoyed the love and support of his wife of 65 years, Anne Thomas Poteet, and he took great pride in their daughter, Carol Anne Tipton, and her husband, Steve, and in their grandsons, Casey, Jake, and Zach Tipton; and

WHEREAS, Deeply devoted to his family, his profession, and his community, Dr. Ralph Poteet made a positive difference in the lives of countless area Texans, and he leaves behind a legacy that will resonate for years to come; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby pay tribute to the memory of Dr. Ralph Poteet and extend deepest sympathy to his friends and loved ones; and, be it further

RESOLVED, That a copy of this Resolution be prepared for his family, and that when the Texas Senate adjourns this day, it do so in memory of Dr. Ralph Poteet.

DEUELLE

In Memory
of
Jaime Padron

House Concurrent Resolution 85

WHEREAS, The citizens of Austin lost a courageous and admirable public servant with the death of senior police officer Jaime Padron, who was killed in the line of duty on April 6, 2012, at the age of 40; and

WHEREAS, The son of Juan and Zoila Padron, Jaime Padron was born on July 5, 1971, in San Angelo and was raised on the family's dairy farm in Knickerbocker; in 1989, he graduated from Christoval High School, where he played on the football team, and he joined the U.S. Marine Corps the following summer; he was deployed overseas during the Gulf War and won numerous awards and decorations for his exemplary service; and

WHEREAS, On completing his military duty, Mr. Padron spent a year working for his father and was subsequently employed as a corrections officer at the Eden Detention Center; seeking to continue his career in law enforcement, he completed training at the San Angelo Police Academy in 1995 and became a member of the city's police department; and

WHEREAS, He served the citizens of San Angelo for 14 years, distinguishing himself as a patrol officer, a member of the gang unit, and a narcotics investigator; in September 2008, he joined the Austin Airport Police Department, and he became an officer with the Austin Police Department four months later; in the course of ably handling the wide range of challenges inherent in his profession, he performed numerous acts of heroism, and during one incident in San Angelo, he rescued two children and a fellow officer from a burning home; despite the risks that he faced each day, he was known for his positive attitude and for greeting others with a smile; and

WHEREAS, Highly regarded for the passion and dedication he brought to his job, Officer Padron built strong friendships with his colleagues in San Angelo and Austin; he was a member of several professional organizations and received myriad commendations during his career; these included recognition from Crime Stoppers of San Angelo as well as the Master Peace Officer, Academic Achievement, Military Service, and Safe Driving Ribbons from the Austin Police Department, and he was posthumously awarded the Purple Heart with Valor Medal; and

WHEREAS, This warm-hearted Texan delighted in his role as a father to his two young daughters, Olivia and Ariana; in addition to working a full-time job and raising a family, he earned a bachelor's degree in psychology and a supporting degree in criminal justice from Angelo State University, graduating with honors in 2004; in his leisure time, he enjoyed playing golf and riding his motorcycle, and he was an avid runner who took part in a number of charity marathon events; and

WHEREAS, Selflessly devoted to the safety and well-being of his fellow citizens, Officer Jaime Padron exemplified the highest ideals of the law enforcement profession, and the compassion and integrity with which he lived his life will forever inspire all those who had the good fortune to know him; now, therefore, be it

RESOLVED, That the 83rd Legislature of the State of Texas hereby pay tribute to the life of Officer Jaime Padron and extend sincere sympathy to the members of his family: to his daughters, Olivia and Ariana Padron, and their mother, Amy Padron; to his parents, Juan and Zoila Padron; to his brothers, Joe Padron and Johnny Padron and his wife, Gloria, and their children, John and Gabby; to his sister, Linda Diaz, and her husband, Steve, and their children, Christina and Steven; and to his other relatives and many friends; and, be it further

RESOLVED, That an official copy of this resolution be prepared for his family and that when the Texas House of Representatives and Senate adjourn this day, they do so in memory of Officer Jaime Padron.

WATSON

SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTY-FOURTH DAY

(Tuesday, May 7, 2013)

The Senate met at 11:14 a.m. pursuant to adjournment and was called to order by the President.

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

Absent-excused: Van de Putte.

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

Pastor Robert Emmitt, Community Bible Church, San Antonio, was introduced by Senator Campbell and offered the invocation as follows:

Lord, we praise You for every day. Especially for days like this, blue skies and sunshine. Thank You for life and breath and friendship and the ability to make decisions and the ability to enjoy the freedoms we have in this country. Father, I pray for Leticia right now and for Samantha and the heartache they are going through. I pray that Your grace and Your mercy will be sufficient. All of us who are parents or grandparents can appreciate the pain and the shock that they are going through this morning so, please, by Your grace, get them through it. Lord, I pray for all of the Senators in this room that You would give them wisdom to make the right decisions. You have given each of us a moral compass on this Earth that guides us. Help us to make those decisions accordingly. May they have knowledge of the bills and the decisions they make, and may they come together as one as they represent millions and millions of Texans. We praise You for the privilege to gather. With respect to all faiths, I pray in Jesus' name. Amen.

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

The motion prevailed without objection.

LEAVE OF ABSENCE

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

REMARKS ORDERED PRINTED

On motion of Senator Huffman and by unanimous consent, the remarks by the Senators and the Lieutenant Governor regarding the death of Rex Neal Van de Putte, Senator Van de Putte's grandson, were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Watson: Thank you, Mr. President. Members, the Lieutenant Governor and I, we spoke briefly before we all came on the floor about how best to recognize this moment, this tragic and sad moment. And we decided that one of the ways to do that would be for those on the Senate floor that felt they wanted to say something to say something, but then that we as a Senate, the 32 Members that are here, would be in a, I guess 31 today, because of Senator Van de Putte not being here, but those of us, on behalf of Senator Van de Putte and her family, pausing before we start the day with a moment of silence, just us. And I think it's entirely appropriate that we do that. This session, we have enjoyed great success as a Senate, where we've come together on a variety of very hard issues. And that is symbolic, I think, of what this body is. There's not a Member on this floor or the Lieutenant Governor that doesn't, when we pause for just a moment, recognize that we're part of something very special, not so much because we're here getting to deal with issues of public policy, not so much just because we're here getting to touch other lives, but in large part because of the relationships we have with each other. We're in a situation where we become close personal friends with people that we have very disparate points of view from time to time, people that come from different backgrounds. Those friendships become so deep that we are, and we say this frequently, but it bears repeating, we become like family with each other. And so, we experience the high highs that families experience with each other—just this past weekend for Senator Van de Putte and her Governor for the Day ceremony, where we got to enjoy one of the high moments of her life and one of the high moments of her family's life. And then, today, we get this very tragic news. We are a family, and it's moments like this that I think we probably ought to pause, recognize what we mean one to each other, and at the end of this moment, we pause on behalf of Senator Van de Putte, her children, her grandchild, and we recognize that she's part of our family. Her family is part of our family. And we recognize her loss, we mourn for her loss, we pray for her loss, but we also hold her to each of ourselves and try to pass strength on to her. So, Mr. President, thank you for this opportunity. God bless all of you, and God bless Senator Van de Putte and her family.

President: Well said, thank you, Senator Watson. You know your comments brought to mind when one of our colleagues, Senator West, lost his son. I was in his office, we grew closer just being there. Chair recognizes Senator Lucio.

Senator Lucio: Thank you, Governor. Thank you, Senator Watson. Little Rex is now an angel that's in heaven, that's what Leticia texted me with earlier this morning. And I broke down because it's like Senator Watson said, a family member, 31 of us, and all these beautiful people sitting around here we call staff. Mother Teresa reminded us of that before she passed away. She said the reason we're not at peace in the world is because we forget we belong to one another. Well, little Rex, this little angel in heaven, has brought us together in the realization that we do belong to one another, and when a member of this family hurts, we all hurt, and we all are

considerate, and we all are understanding, and we all feel. I just got off the phone prior to our Governor gaveling us in, with Leticia, and it's very heartbreaking to hear someone you love and respect, over the phone, hurting as much as she's hurting. She told me to pray for her family, which I intend to do continuously today. You all are welcome to join with us upon adjournment, a few minutes afterwards, right up there in the Civil Rights Room, where we will pray the Glorious Mysteries of the Rosary for that little angel. But it is just very hard to understand at times why things happen the way they do. The celebration this weekend, as Chairman Watson pointed out, and celebrating life and all the wonderful things that life has to offer, and now, we have to turn around and celebrate death, life in that child, that was given to us for about nine months, I believe. And it's just hard to understand and sometimes accept that. Those things happen to some of us, and I know that for those of us that are deep in faith, we can place ourselves in Leticia's position and Pete's position as grandparents and feel an inward pain that's indescribable. So, I think it's time that we should take right now, in finding out who we are and where we're going from here and why we should continue to reach out and embrace one another, truly embracing one another in what's truly right in this life we live. That's what my faith has taught me, and I'm sure that that's what everyone's faith has taught them on the Senate floor. I was privileged to be at a Bible study one morning where we prayed for little John Mark, the baby in Senator Hancock's office that was born about that big, fit in your hand. He's still struggling, fighting for his life. Senator Hancock, Senator Estes, myself took part in a Bible study, and we spoke about what we are speaking about on this floor right now, right before little Rex passed away. So, I guess we're all hurting right now, and it's a time to meditate, and it's a time to reflect. As Senator Watson said, we truly belong to one another, and it's time that we completely embrace each other and be totally understanding that we need to rise to the occasion every minute of every day so that we can make a difference for those that follow. Thank you, Mr. President. Thank you.

President: Thank you so much, Senator Lucio. Senator Campbell, did you wish to say something? You're recognized.

Senator Campbell: Thank you. This morning when I talked to Senator Van de Putte, she did ask for our prayers, wanted me to ask for that for her. And, you know, prayers are the first thing we should reach for because that's where the true comfort's going to lie. And while we go about our daily life, walk in the light, those of us with our faith and belief in God, times like this make us, sometimes there are questions. But I think what would be, what is good, something I've heard in the past is, especially when we have dark times like this, is never doubt in the dark what we've learned in the light. And we knew, do know, that to be absent in the body is to be present with the Lord for those who know the Lord and for our innocents, such as our babies. So, we'll pray peace for her, and she appreciates that, so I wanted to share that with you. Thank you.

President: Thank you, Senator Campbell. Chair recognizes Senator Nelson to speak.

Senator Nelson: Thank you, Mr. President. We are family, Senator Watson, and my heart aches for our sister this morning. You know, Senator Van de Putte and I talked all the time about our proudest caucus that we belong to was the grandparent caucus. And we reminded each other that we do what we do here in the Texas Senate for our grandchildren and our children and all of our children and grandchildren in Texas.

And I think the greatest tribute that we can pay to Senator Van de Putte is to continue on with our business of passing legislation. In fact, this morning in Health and Human Services Committee, I was, I'd just found out about Rex and was going down the list of bills to hear, and the first bill that the Senator was there to take up the bill was Senator Deuell. And it just happened that that bill was a newborn screening bill, and we had testimony from parents who lost children, who asked us to pass that legislation. And we're going to hear many, many other pieces of legislation that will help our children and our grandchildren, and I think the thing that we can do best for Senator Van de Putte is to carry on about our business. And I want Senator Van de Putte and her family to know that our thoughts and prayers are with her and her family and that we're going to carry on and make this state a good place for our kids. Thank you, Mr. President.

President: Thank you, Senator Nelson. I'm going to go to Senator Deuell. Senator Deuell, thanks for trying to reach out to me this morning and, Senator Zaffirini, thanks for reaching out. Just to pick up on what you all just said, when I spoke to Senator Van de Putte a little while ago, she said, Senator Campbell, she was feeling our prayers, she was feeling our love. And it's tough for her, but she was looking forward to seeing Rex in the future. So, she thanks all of her colleagues for picking up her legislation this week, and she said she plans to be back on Monday, as tough as that may be, because she needs to get on. But, Chair recognizes Senator Deuell.

Senator Deuell: Thank you, Mr. President. As our founding fathers used the word providence that, as we had come to order in the Health and Human Services Committee, we did a newborn screening bill for congenital heart disease. And we don't know yet why Rex passed away, but congenital heart disease, undetected congenital heart disease is a reason that children die unexpectedly. You know, Leticia's a very special person. I helped her, along with many others, celebrate her Governor of the Day Saturday, and that child was there. And we've always had a special bond. Her daughter, my son, one of our sons graduated from medical school at the same time, and we follow their residencies. And her daughter practices in San Antonio. Our son is finishing up and getting ready to move to San Antonio. And our first grandson was born November 16. Rex was born November 19. And we exchanged pictures through the telephone of those kids, and we talked about a day when they'd both have their photographs on the composite, and they'd perhaps come here as adults and look at our pictures up there and, you know, Rex won't participate in that dream now. And that's pretty tough. But I go back and think about this state we call Texas and this nation. And Senator West and I grew up in South Oak Cliff in different worlds, and I think about the fact that the memorial service, the celebration of his son's life, was at a church across the street from the elementary school that I attended in the early '60s. It was segregated. And I think about where Leticia and our other Latino Members were and African American Members were as children and how things have changed. And I think, much as Abraham Lincoln asked the people of Gettysburg when he gave the Gettysburg Address, to dedicate their lives to the nation, recognizing that the men who died at that battle were really the ones that consecrated the land. And I would just hope that we can dedicate our work in the next three weeks to the State of Texas and to Rex. Thank you.

President: Chair recognizes Senator Patrick.

Senator Patrick: I was sitting here thinking, yesterday, our spirited debate and our embrace at the end, we do come together. I was thinking what Senator Watson said about times like this, we need to pause for her family. And I think this is maybe a message for all of us to pause to, you know, we're all one phone call away from being on our knees. And we get so wrapped up in life, of what we think is important, until something really important happens. And so, as we all are very busy and we spend time away from our families, this is a good time to know how blessed we are every day when tragedy does not strike us, when our hearts are not broken. And before we leave to embrace our life or embrace our children or my grandson, who, and I think all of us who have children and grandchildren, you know, it's not supposed to be that they leave before we do from this world. But it's a time for us to really reflect as individuals what's really important in life. And the work we do here is important, I understand that, and we'll go on with the work, and I know she would want us to. But her heart is broken today, and it will probably never heal, but God's grace and His promise and His peace and His comfort. And so many, we've had a number of funerals here just since I've been here in 2007 for Members' parents or Members' children. And so, as I pray for Leticia today, it hit me like a brick, like it hit Eddie when we were in the Committee this morning, and others. I just think we also have to pause for our own family and our own blessings, Governor, and pray for each other on a daily basis and really, really mean it, Senator Lucio, really care about each other, not just as Senators but everyone we come across, our staff and our neighbors and our friends. Because people hurt every day, and this is going to be a visible hurt, and we're going to know, but we have to pray for others who are hurting that we don't see that pain that's so obvious. And so, I just think it's a time for us to pause and reflect on what's really important and, today, what's really important is our friend and our colleague and that we should pray for her.

President: I agree. Chair recognizes Senator Whitmire.

Senator Whitmire: Thank you, Mr. President, Members, and I really don't think I can add to the sincere comments that have been made. Senator Watson, your remarks were very revealing. About all I can add, maybe, is a historical perspective, which I'll do before I sit down. But from a personal standpoint, to amplify what has been said, I was sitting in conference working with the House and Sylvester Turner, and we got a text from Dr. Deuell, and things just came to a complete halt so we could see what was transpiring. It's amazing, this is kind of the grandchildren's corner over here with the Nelsons and Senator Deuell. And, of course, I'm not supposed to tell anybody, but Whitney's three months pregnant. So, I think it does make us all pause, and what I would like to say on behalf of Senator Van de Putte, she would probably, because she's so caring, is we need to recognize that there are Texans who are experiencing heartache this morning and loss that do not have the support system that Senator Van de Putte will have. There's probably an undocumented mother somewhere alone in this state that's not going to have the kind of support system that the Van de Putte family appreciates this morning. I think it's also appropriate to point out again how we care for one another. It was Senator Campbell that took Senator Garcia to the hospital last week, and, once again, she's administering and caring for Senator Van de Putte as

a Senator, but certainly as a medical doctor. I will close by saying, when I got to the Senate in '83, I often mention how the Senators were good people, kind of crusty back in those days, and I could give you a lineup of Oscar Mauzy and others, came on the Senate for a couple of hours, did their business, and got out of here. It's a different body now. I don't want to judge those gentlemen and, I think, a lady back in '83, but the fellowship and the caring that Senator Watson, Nelson, Campbell, Deuell, Dan mentioned is so genuine that I really don't think we could ever describe it adequately to where our constituents and people of Texas do it, and I would also suggest there's probably not another governing body that enjoys that. I know in Congress they don't have it because they don't even know the person next door to them. I don't know how they survive in that environment, but the greatest thing about serving in this body, as we all know, and we're witnessing it today, is the personal relationships and the family that'll be relationships that last a lifetime. Senator Van de Putte knows that. She described it Saturday in her Governor for the Day. And I'm just thankful to be able to be present today and watch this outreach of love and caring for our colleague that we would not enjoy if we were not blessed to be Members of the State Senate. Thank you, Mr. President.

President: Thank you, Senator Whitmire. Chair recognizes Senator Zaffirini.

Senator Zaffirini: Mr. President and Members, it's unbelievable that only this weekend we celebrated the love, the joy, the pride, the excitement of Senator Van de Putte and her family. Baby Rex was at all the festivities, such a beautiful child, one of six grandchildren that Pete and Leticia Van de Putte loved so very much. She was so incredibly proud of her family, and they were so incredibly proud of her, and we thank God that she has not only our support system in the Texas Senate but that she also has that strong support system of an extended family. For all of you who were here, you witnessed that love and that joy. Today, we are witnessing the disruption of the natural order of things. Children expect to bury their parents and their grandparents and worry about it. And parents' greatest fear, grandparents' greatest fear is to bury a child or a grandchild. Senator Van de Putte feels that agony today. This morning when she called me, I was presiding over Government Organization, I saw her name on my caller ID, and something just told me that something was wrong, and I walked out immediately. Senator Schwertner, thank you so much for taking over the meeting with no advance notice, you did a beautiful job I know, but the agony in her voice was just incredible. It just breaks your heart to know that she has gone from such a wonderful high to such a depth of heartbreak, and each of us feels that with her. I've communicated with her several times today, and repeatedly I have said that we will all handle her bills in committee and on the floor. I repeatedly said that all of us are ready to help, and she knows that. And all she has asked for is this, that we pray for her and for her family. And I know that we will, and I know that it will be heartfelt. And I know that Senator Van de Putte is so incredibly strong and such a woman of deep faith that somehow, somehow, I can't tell you how, somehow she will be able to bear this, only because of her love for others and their love for her, because truly, she is loved so very much, because she is so loving. It is her love and her strength that will help her cope. I don't know how she's going to handle coming back Monday, but each of us needs to reach out before she comes to the floor and try to interact before, so that she will have a slower emotional transition into this body. But

trust me, Senator Van de Putte will rely on her faith, and she will pray, and she will be supported by her family, and she will come back to continue her great work for the people of Texas, the people who love her, the people who need her. Thank you, Mr. President and Members.

President: Thank you, Senator Zaffirini, and thank you, Members, for those heartfelt and beautiful words. If you would, let's all bow our heads in a moment of silence, please.

MOMENT OF SILENCE OBSERVED

At the request of the President, the Senate observed a moment of silence in honor of Senator Van de Putte and her family.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Tuesday, May 7, 2013 - 1

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 48

Flynn

Relating to the procedure under which a person may renew a license to carry a concealed handgun.

HB 485

Davis, Sarah

Relating to the amount of the fees paid by certain peace officers, correctional officers, members of the state military forces, and veterans of the armed forces for a license to carry a concealed handgun and to the issuance of such a license to certain peace officers and members of the state military forces; authorizing a fee.

HB 508

Guillen

Relating to certain offenses relating to carrying concealed handguns on property owned or leased by a governmental entity; providing a civil penalty.

HB 777

White

Relating to oversize or overweight vehicles transporting timber or timber products; authorizing fees and civil penalties.

HB 801

Muñoz, Jr.

Relating to the discharge of a firearm across the property line of a school.

HB 972

Fletcher

Relating to the carrying of concealed handguns on the premises of and certain other locations associated with institutions of higher education.

HB 1009

Villalba

Relating to the creation of a new category of law enforcement officer who shall be designated a school marshal, the training and appointment of certain employees of a school district or open-enrollment charter school as school marshals, and the rights, restrictions, limitations, and responsibilities of school marshals; authorizing the imposition of a fee.

HB 1076

Toth

Relating to certain firearms, firearm accessories, and firearm ammunition within the State of Texas; providing an exemption from federal regulation and providing penalties.

HB 1245

Turner, Sylvester

Relating to the allocation of money in the judicial and court personnel training fund.

HB 1314

Creighton

Relating to the unlawful seizure of a firearm by a governmental officer or employee; providing penalties.

HB 1869

Price

Relating to contractual subrogation and other recovery rights of certain insurers and benefit plan issuers.

HB 3077

Miller, Rick

Relating to display of the Honor and Remember flag.

HJR 86

Ritter

Proposing a constitutional amendment authorizing the legislature to exempt from ad valorem taxation real property leased to certain schools organized and operated primarily for the purpose of engaging in educational functions.

HJR 133

Harper-Brown

Proposing a constitutional amendment to authorize a political subdivision of this state to extend the number of days that aircraft parts that are exempt from ad valorem taxation due to their location in this state for a temporary period may be located in this state for purposes of qualifying for the tax exemption.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

PHYSICIAN OF THE DAY

Senator Davis was recognized and presented Dr. Joane Baumer of Fort Worth as the Physician of the Day.

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

GUESTS PRESENTED

Senator Estes was recognized and introduced to the Senate a Harrold Independent School District delegation.

The Senate welcomed its guests.

BILLS AND RESOLUTION SIGNED

The President announced the signing of the following enrolled bills and resolution in the presence of the Senate after the captions had been read:

SB 60, SB 186, SB 275, SB 299, HB 893, HCR 35.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

May 6, 2013
Austin, Texas

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

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

To be members of the Parks and Wildlife Commission for terms to expire February 1, 2019:

Ralph H. Duggins, III
Fort Worth, Texas
(Mr. Duggins is being reappointed)

James H. Lee
Houston, Texas
(replacing Karen Hixon of San Antonio whose term expired)

Respectfully submitted,
/s/Rick Perry
Governor

SENATE RESOLUTION 846

Senator Zaffirini offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to join the citizens of Caldwell County and Texans across the state in celebrating May 7, 2013, as Caldwell County Day at the State Capitol; and

WHEREAS, Caldwell County was formed in 1848 out of territory from Bastrop and Gonzales Counties and is named for Mathew Caldwell, a signer of the Texas Declaration of Independence; and

WHEREAS, For many years, the county's economy was based on agriculture; thousands of cattle were driven north on the Chisholm Trail and other trails in the county and cotton became a major crop in the 1890s after A. D. Mebane developed strains of cotton that could flourish in less fertile soils; and

WHEREAS, The 1922 discovery of oil in the Luling and Prairie Lea area served to diversify the county's economy; today, the production of oil and gas continues to play an important role, along with farming, ranching, and manufacturing in driving the region's economy; and

WHEREAS, Caldwell County offers residents and visitors ample outdoor recreational opportunities and features a wide variety of architectural attractions, including a beautifully restored courthouse and the oldest Episcopal church in Texas; the people of Caldwell County eagerly look forward to a bright future while continuing to cherish their rich and colorful past; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby commend the citizens of Caldwell County on their many contributions to our state and extend to them best wishes for a memorable Caldwell County Day at the State Capitol; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of this special occasion.

SR 846 was read and was adopted without objection.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate a Caldwell County delegation, accompanied by Tom Bonn, County Judge, and County Commissioners Alfredo Munoz, Fred Buchholtz, Ernest Madrigal, and Joe Roland.

The Senate welcomed its guests.

SENATE RESOLUTION 830

Senator West offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Bradie Gene James for his ongoing philanthropic efforts and his outstanding leadership; and

WHEREAS, This renowned football player has made a priority of giving back to the community, whether in his hometown of Monroe, Louisiana, or in his adopted city of Dallas, Texas; and

WHEREAS, A standout linebacker for the Dallas Cowboys, Bradie James launched Foundation 56 in 2007 in honor of his late mother, Etta James; and

WHEREAS, Foundation 56 is dedicated to expanding and enhancing the quality of life of women, men, and families who have been directly or indirectly affected by breast cancer; since its founding, it has served some 25,000 individuals; and

WHEREAS, The organization has helped to fund mobile mammogram units in South Louisiana and North Texas, and in 2010, it unveiled the Bradie James Resource Center in the Women's Imaging Center at Methodist Dallas Medical Center; and

WHEREAS, Bradie James is also a much-respected mentor to young people; he works with the Heroes Foundation to encourage at-risk children through sports, and he has sponsored summer football camps for youngsters in his hometown of Monroe; and

WHEREAS, This star athlete also holds a degree in criminology and was named a National Scholar Athlete by the National Football Foundation; he is an inspiring role model to people of all ages, and his many accomplishments and his heartfelt philanthropic efforts are truly worthy of recognition and praise; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby commend Bradie Gene James for his exceptional leadership and his tireless humanitarian pursuits and extend to him best wishes for continued success in all his endeavors; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Bradie James as an expression of high regard from the Texas Senate.

SR 830 was again read.

The resolution was previously adopted on Friday, May 3, 2013.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate Bradie James, NFL player and founder of Foundation 56, breast cancer outreach program, accompanied by Governor Rick Perry.

The Senate welcomed its guests.

SENATE RESOLUTION 834

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

WHEREAS, The Senate of the State of Texas is pleased to join the many dedicated partners in the Texas Science, Technology, Engineering, and Mathematics Initiative in celebrating May 6 through 12, 2013, as STEM Education Week; and

WHEREAS, During this time, participating schools, centers, and networks highlight the accomplishments and consider the future goals of this laudable educational initiative; and

WHEREAS, Texas currently has 65 Science, Technology, Engineering, and Mathematics Academies, which serve more than 35,000 students; these T-STEM Academies serve as learning laboratories and demonstration schools in the statewide effort to improve science and mathematics education; and

WHEREAS, Over the past several years, the State of Texas has made significant investments in STEM education, and those efforts have resulted in notable gains in student achievement and have attracted national attention; and

WHEREAS, The growth of T-STEM Academies and centers reflects an awareness of the need to better educate students in disciplines that will help them thrive in a changing world, and to that end, the T-STEM Initiative strives to empower teachers, inspire pupils, and prepare the youth of today for the many employment opportunities of tomorrow; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby commend the many partners and participants in the Texas Science, Technology, Engineering, and Mathematics Initiative and extend to them sincere best wishes as they celebrate STEM Education Week; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of STEM Education Week.

SR 834 was again read.

The resolution was previously adopted on Friday, May 3, 2013.

GUESTS PRESENTED

Senator Zaffirini, on behalf of Senator Van de Putte, was recognized and introduced to the Senate students from the Austin Independent School District representing STEM Education Week.

The Senate welcomed its guests.

SENATE RESOLUTION 817

Senator Watson offered the following resolution:

SR 817, In memory of Tim Carlton Thatcher.

The resolution was again read.

The resolution was previously adopted on Thursday, May 2, 2013.

In honor of the memory of Tim Carlton Thatcher, the text of the resolution is printed at the end of today's *Senate Journal*.

Senator Watson was recognized and introduced to the Senate Cristiana Thatcher, widow, and children, Cristopher Alan, Nicolas Andres, and Sofia Loree.

The Senate welcomed its guests and extended its sympathy.

SENATE RESOLUTION 149

Senator Huffman offered the following resolution:

SR 149, In memory of Jimmie DeVeril Norman.

On motion of Senator Huffman, the resolution was read and was adopted by a rising vote of the Senate.

In honor of the memory of Jimmie DeVeril Norman, the text of the resolution is printed at the end of today's *Senate Journal*.

Senator Huffman was recognized and introduced to the Senate Byron Holloway; Jeffrey Cotton; Mitzie Norman, widow; Dallas Norman, daughter; Daniel Norman, son; and Hillary Norman, daughter-in-law.

The Senate welcomed its guests and extended its sympathy.

LEAVE OF ABSENCE

On motion of Senator Whitmire, Senator Williams was granted leave of absence for the remainder of the day on account of important business.

**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 12:29 p.m. announced the conclusion of morning call.

SENATE BILL 202 WITH HOUSE AMENDMENT

Senator Huffman called **SB 202** from the President's table for consideration of the House amendment to the bill.

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

Floor Amendment No. 1 on Third Reading

Amend **SB 202** (house committee report) on third reading as follows:

(1) In Subsection (c) of SECTION 5 of the bill, directing the governor to appoint members to the Texas Commission on the Arts for terms scheduled to begin September 1, 2015, immediately following the period (page 2, line 23), insert the following:

Two of the three members appointed to the commission for terms expiring August 31, 2021, must be residents of a county with a population of less than 50,000, as provided by Section 444.003, Government Code.

(2) Add the following appropriately lettered subsection to SECTION 5 of the bill and reletter subsequent subsections accordingly:

() To the extent that the reduction in positions on the Texas Commission on the Arts under this Act causes the composition of the commission to violate the residency requirement of Section 444.003(a), Government Code, that provision of law is suspended from the effective date of this Act until September 1, 2015.

The amendment was read.

Senator Huffman moved to concur in the House amendment to **SB 202**.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Van de Putte, Williams.

SENATE BILL 1110 WITH HOUSE AMENDMENT

Senator Nichols called **SB 1110** from the President's table for consideration of the House amendment to the bill.

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

Amendment

Amend **SB 1110** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to the purposes and designation of a transportation reinvestment zone.

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

SECTION 1. Subchapter E, Chapter 222, Transportation Code, is amended by adding Section 222.1001 to read as follows:

Sec. 222.1001. DEFINITION. In this subchapter, "transportation project" has the meaning assigned by Section 370.003.

SECTION 2. Section 222.105, Transportation Code, is amended to read as follows:

Sec. 222.105. PURPOSES. The purposes of Sections 222.106 and 222.107 are to:

- (1) promote public safety;
- (2) facilitate the improvement, development, or redevelopment of property;
- (3) facilitate the movement of traffic; and
- (4) enhance a local entity's ability to sponsor a transportation project

[~~authorized under Section 222.104~~].

SECTION 3. Sections 222.106(b), (c), (g), (i), (i-1), (i-2), and (j), Transportation Code, are amended to read as follows:

(b) This section applies only to a municipality in which a transportation project is to be developed under Section 222.104 or 222.108.

(c) If the governing body determines an area to be unproductive and underdeveloped and that action under this section will further the purposes stated in Section 222.105, the governing body of the municipality by ordinance may designate a contiguous geographic area in the jurisdiction of the municipality to be a transportation reinvestment zone to promote one or more [a] transportation projects [project].

(g) The ordinance designating an area as a transportation reinvestment zone must:

(1) describe the boundaries of the zone with sufficient definiteness to identify with ordinary and reasonable certainty the territory included in the zone;

(2) provide that the zone takes effect immediately on passage of the ordinance and that the base year shall be the year of passage of the ordinance or some year in the future;

(3) assign a name to the zone for identification, with the first zone designated by a municipality designated as "Transportation Reinvestment Zone Number One, (City or Town, as applicable) of (name of municipality)," and subsequently designated zones assigned names in the same form, numbered consecutively in the order of their designation;

(4) designate the base year for purposes of establishing the tax increment base of the municipality;

(5) establish a tax increment account for the zone; and

(6) contain findings that promotion of the transportation project or projects will cultivate the improvement, development, or redevelopment of the zone.

(i) All or the portion specified by the municipality of the money deposited to a tax increment account must be used to fund the transportation project or projects for which the zone was designated, as well as aesthetic improvements within the zone. Any remaining money deposited to the tax increment account may be used for other purposes as determined by the municipality. A municipality may issue bonds to pay all or part of the cost of a [the] transportation project and may pledge and assign all or a specified amount of money in the tax increment account to secure repayment of those bonds.

(i-1) The governing body of a municipality may contract with a public or private entity to develop, redevelop, or improve a transportation project in a transportation reinvestment zone and may pledge and assign all or a specified amount of money in the tax increment account to that entity. After a pledge or assignment is made, [~~if the entity that received the pledge or assignment has itself pledged or assigned that amount to secure bonds or other obligations issued to obtain funding for the transportation project,~~] the governing body of the municipality may not rescind its pledge or assignment until the contractual commitments that are the subject of [~~bonds or other obligations secured by~~] the pledge or assignment have been satisfied [~~paid or discharged~~].

(i-2) To accommodate changes in the limits of a [the] project for which a reinvestment zone was designated, the boundaries of a zone may be amended at any time, except that property may not be removed or excluded from a designated zone if

any part of the tax increment account has been assigned or pledged directly by the municipality or through another entity to secure bonds or other obligations issued to obtain funding or development of a ~~the~~ project, and property may not be added to a designated zone unless the governing body of the municipality complies with Subsections (e) and (g).

(j) Except as provided by Subsections (i-1) and (k), a transportation reinvestment zone terminates on December 31 of the year in which the municipality completes:

(1) all [a] contractual requirements ~~[requirement, if any,]~~ that included the pledge or assignment of all or a portion of money deposited to a tax increment account; or

(2) the repayment of money owed under an agreement for development, redevelopment, or improvement of the project or projects for which the zone was designated.

SECTION 4. Sections 222.107(b), (c), (e), (f), (k-1), and (l), Transportation Code, are amended to read as follows:

(b) This section applies only to a county in which a transportation project is to be developed under Section 222.104 or 222.108.

(c) The commissioners court of the county, after determining that an area is unproductive and underdeveloped and that action under this section would further the purposes described by Section 222.105, by order or resolution may designate a contiguous geographic area in the jurisdiction of the county to be a transportation reinvestment zone to promote one or more [a] transportation projects ~~[project and for the purpose of abating ad valorem taxes or granting other relief from taxes imposed by the county on real property located in the zone]~~.

(e) Not later than the 30th day before the date the commissioners court proposes to designate an area as a transportation reinvestment zone under this section, the commissioners court must hold a public hearing on the creation of the zone, its benefits to the county and to property in the proposed zone, and the possible abatement of ad valorem taxes or the grant of other relief from ad valorem taxes imposed by the county on real property located in the zone. At the hearing an interested person may speak for or against the designation of the zone, its boundaries, or the possible abatement of or the relief from county taxes on real property in the zone. Not later than the seventh day before the date of the hearing, notice of the hearing and the intent to create a zone must be published in a newspaper having general circulation in the county.

(f) The order or resolution designating an area as a transportation reinvestment zone must:

(1) describe the boundaries of the zone with sufficient definiteness to identify with ordinary and reasonable certainty the territory included in the zone;

(2) provide that the zone takes effect immediately on adoption of the order or resolution and that the base year shall be the year of passage of the order or resolution or some year in the future;

(3) assign a name to the zone for identification, with the first zone designated by a county designated as "Transportation Reinvestment Zone Number One, County of (name of county)," and subsequently designated zones assigned names in the same form numbered consecutively in the order of their designation;

(4) designate the base year for purposes of establishing the tax increment base of the county; ~~and~~

(5) establish an ad valorem tax increment account for the zone; and

(6) contain findings that promotion of the transportation project or projects will cultivate the improvement, development, or redevelopment of the zone.

(k-1) To accommodate changes in the limits of a [the] project for which a reinvestment zone was designated, the boundaries of a zone may be amended at any time, except that property may not be removed or excluded from a designated zone if any part of the tax increment or assessment has been assigned or pledged directly by the county or through another entity to secure bonds or other obligations issued to obtain funding or development of a [the] project, and property may not be added to a designated zone unless the commissioners court of the county complies with Subsections (e) and (f).

(l) Except as provided by Subsection (m), a transportation reinvestment zone, a tax abatement agreement entered into under Subsection (h), or an order or resolution on the abatement of taxes or the grant of relief from taxes under that subsection[-] terminates on December 31 of the year in which the county completes:

(1) all [any] contractual requirements [requirement] that included the pledge or assignment of all or a portion of:

(A) money deposited to a tax increment account; or

(B) the assessments collected under this section; or

(2) the repayment of money owed under an agreement for the development, redevelopment, or improvement of the project or projects for which the zone was designated.

SECTION 5. Section 222.107(h), Transportation Code, as amended by Chapters 475 (H.B. 563) and 1345 (S.B. 1420), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted to read as follows:

(h) The commissioners court may:

(1) from taxes collected on property in a zone, pay into a tax increment account for the zone an amount equal to the tax increment produced by the county less any amounts allocated under previous agreements, including agreements under Section 381.004, Local Government Code, or Chapter 312, Tax Code;

(2) by order or resolution enter into an agreement with the owner of any real property located in the transportation reinvestment zone to abate all or a portion of the ad valorem taxes or to grant other relief from the taxes imposed by the county on the owner's property in an amount not to exceed the amount calculated under Subsection (a)(1) for that year;

(3) by order or resolution elect to abate all or a portion of the ad valorem taxes imposed by the county on all real property in a zone; or

(4) grant other relief from ad valorem taxes on property in a zone.

SECTION 6. Section 222.107(h-1), Transportation Code, as added by Chapter 1345 (S.B. 1420), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted and amended to conform to Section 222.107(h), Transportation Code, as amended by Chapter 475 (H.B. 563), Acts of the 82nd Legislature, Regular Session, 2011, to read as follows:

(h-1) All abatements or other relief granted by the commissioners court in a transportation reinvestment zone must be equal in rate. In any ad valorem tax year, the total amount of the taxes abated or the total amount of relief granted under this section may not exceed the amount calculated under Subsection (a)(1) for that year, less any amounts allocated under previous agreements, including agreements under Chapter 381 [Section 381.004], Local Government Code, or Chapter 312, Tax Code.

SECTION 7. Section 222.107(h-1), Transportation Code, as added by Chapter 475 (H.B. 563), Acts of the 82nd Legislature, Regular Session, 2011, is redesignated as Section 222.107(h-2), Transportation Code, and amended to read as follows:

(h-2) ~~(h-1)~~ To further the development of the transportation project or projects for which the transportation reinvestment zone was designated, a county may assess all or part of the cost of the transportation project or projects against property within the zone. The assessment against each property in the zone may be levied and payable in installments in the same manner as provided by Sections 372.016-372.018, Local Government Code, provided that the installments do not exceed the total amount of the tax abatement or other relief granted under Subsection (h). The county may elect to adopt and apply the provisions of Sections 372.015-372.020 and 372.023, Local Government Code, to the assessment of costs and Sections 372.024-372.030, Local Government Code, to the issuance of bonds by the county to pay the cost of a transportation project. The commissioners court of the county may contract with a public or private entity to develop, redevelop, or improve a transportation project in the transportation reinvestment zone, including aesthetic improvements, and may pledge and assign to that entity all or a specified amount of the revenue the county receives from the tax increment or the installment payments of the assessments for the payment of the costs of that transportation project. After a pledge or assignment is made, ~~[if the entity that received the pledge or assignment has itself pledged or assigned that amount to secure bonds or other obligations issued to obtain funding for the transportation project,]~~ the commissioners court of the county may not rescind its pledge or assignment until the contractual commitments that are the subject of ~~[bonds or other obligations secured by]~~ the pledge or assignment have been satisfied ~~[paid or discharged]~~. Any amount received from the tax increment or the installment payments of the assessments not pledged or assigned in connection with a ~~[the]~~ transportation project may be used for other purposes as determined by the commissioners court ~~[associated with the transportation project or in the zone]~~.

SECTION 8. Section 222.108(a), Transportation Code, is amended to read as follows:

(a) ~~A~~ ~~[Notwithstanding the requirement in Sections 222.106(b) and 222.107(b) that a transportation reinvestment zone be established in connection with a project under Section 222.104, a]~~ municipality or county may establish a transportation reinvestment zone for one or more ~~[any]~~ transportation projects ~~[project]~~. If all or part of a ~~[the]~~ transportation project is subject to oversight by the department, at the option

of the governing body of the municipality or county, the department, to the extent permitted by law, shall delegate full responsibility for the development, design, letting of bids, and construction of the project, including project inspection, to the municipality or county. After assuming responsibility for a project under this subsection, a municipality or county shall enter into an agreement with the department that prescribes:

- (1) the development process;
- (2) the roles and responsibilities of the parties; and
- (3) the timelines for any required reviews or approvals.

SECTION 9. Section 222.110(e), Transportation Code, is amended to read as follows:

(e) The sales and use taxes to be deposited into the tax increment account under this section may be disbursed from the account only to:

(1) pay for projects authorized under Section 222.104 or 222.108 [~~including the repayment of amounts owed under an agreement entered into under that section~~]; and

(2) notwithstanding Sections 321.506 and 323.505, Tax Code, satisfy claims of holders of tax increment bonds, notes, or other obligations issued or incurred for projects authorized under Section 222.104 or 222.108.

SECTION 10. Subchapter E, Chapter 222, Transportation Code, is amended by adding Section 222.111 to read as follows:

Sec. 222.111. TRANSPORTATION REINVESTMENT ZONES FOR PROJECTS LOCATED IN OTHER JURISDICTIONS. Notwithstanding any other law, the governing body of a county or municipality may designate a transportation reinvestment zone for a transportation project located outside the boundaries of the county or municipality if:

(1) the county or municipality finds that:

(A) the project will benefit the property and residents located in the zone; and

(B) the creation of the zone will serve a public purpose of that county or municipality;

(2) a zone has been designated for the same project by one or more counties or municipalities in whose boundaries the project is located; and

(3) an agreement for joint support of the designated zones is entered into under this section by:

(A) the county or municipality whose boundaries do not contain the project; and

(B) one or more of the counties or municipalities that have designated a zone for the project and in whose boundaries the project is located.

SECTION 11. Sections 222.107(i-1) and 222.108(d), Transportation Code, are repealed.

SECTION 12. This Act takes effect September 1, 2013.

The amendment was read.

Senator Nichols moved to concur in the House amendment to **SB 1110**.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Van de Putte, Williams.

SENATE BILL 120 WITH HOUSE AMENDMENT

Senator Rodríguez called **SB 120** from the President's table for consideration of the House amendment to the bill.

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

Floor Amendment No. 1

Amend **SB 120** (house committee printing) in SECTION 4 of the bill, by striking added Section 110.36, Education Code (page 3, lines 9 through 13), and substituting the following:

Sec. 110.36. TEACHING HOSPITAL. A teaching hospital considered suitable by the board of regents for the Texas Tech University Health Sciences Center at El Paso may be provided by a public or private entity. The hospital may not be constructed, maintained, or operated with state funds.

The amendment was read.

Senator Rodríguez moved to concur in the House amendment to **SB 120**.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Van de Putte, Williams.

SENATE BILL 447 WITH HOUSE AMENDMENT

Senator Fraser called **SB 447** from the President's table for consideration of the House amendment to the bill.

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

Amendment

Amend **SB 447** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to annual and special meetings of and election procedures for members of boards of directors for water supply or sewer service corporations.

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

SECTION 1. Section 67.0052, Water Code, is amended by amending Subsections (a) and (b) and adding Subsection (d) to read as follows:

(a) To be listed on the ballot as a candidate for a director's position, a person must file an application with the corporation that includes:

(1) the director's position sought, including any position number or other distinguishing number;

(2) if the corporation has 1,500 or more members or shareholders, a petition~~[-]~~ signed by ~~[the lesser of]~~ 20 members or shareholders ~~[or five percent of the members or shareholders,]~~ requesting that the person's name be placed on the ballot as a candidate for that position;

(3) the person's written consent to serve, if elected;

(4) biographical information about the person; and

(5) a statement of the person's qualifications, including a statement that the person has the qualifications prescribed by Section 67.0051.

(b) The application must be filed with the corporation not later than the 45th day before the date of the annual meeting. The corporation shall notify the members or shareholders of the application deadline not later than the 30th day before the deadline.

(d) This section applies only to a corporation that provides retail water or sewer service.

SECTION 2. Section 67.0053, Water Code, is amended by adding Subsection (c) to read as follows:

(c) This section:

(1) applies only to a corporation that provides retail water or sewer service;
and

(2) does not apply to an election in relation to a candidate for a director's position for which the board has adopted a resolution under Section 67.0055.

SECTION 3. Section 67.0054, Water Code, is amended by amending Subsection (c) and adding Subsection (g) to read as follows:

(c) For each director's position, the candidate who receives the highest number of votes or who is the subject of a resolution described by Section 67.0055 is elected.

(g) This section applies only to a corporation that provides retail water or sewer service.

SECTION 4. Subchapter A, Chapter 67, Water Code, is amended by adding Section 67.0055 to read as follows:

Sec. 67.0055. ELECTION OF UNOPPOSED CANDIDATE. (a) This section applies only to an election for a director's position on a board of a corporation that provides retail water or sewer service in which a candidate who is to appear on the ballot for the position is unopposed.

(b) The board by resolution may declare a candidate elected to a director's position if the board certifies in writing that the candidate is unopposed for the position. A copy of the resolution shall be posted at the corporation's main office.

(c) If a declaration is made under Subsection (b), the election for that position is not held.

(d) If the election for the unopposed candidate would have been held with an annual meeting of the members or shareholders of the corporation, the text of the declaration described by Subsection (b) shall be read into the record at the annual meeting.

(e) The ballots used at a separate election that is held at the same time as an election for an unopposed candidate would have been held shall include after measures or contested races the position and name of a candidate declared elected under this section, under the heading "Unopposed Candidates Declared Elected."

(f) A person may not, by intimidation or by means of coercion, influence or attempt to influence a person to withdraw as a candidate or not to file an application for a place on the ballot so that an election may be canceled.

(g) The board may adopt necessary rules or bylaws to implement this section, including rules or bylaws to ensure the fairness, integrity, and openness of the process.

SECTION 5. The heading to Section 67.007, Water Code, is amended to read as follows:

Sec. 67.007. ANNUAL OR SPECIAL MEETING OF RETAIL CORPORATION.

SECTION 6. Section 67.007, Water Code, is amended by adding Subsection (e) to read as follows:

(e) This section applies only to a corporation that provides retail water or sewer service.

SECTION 7. Subchapter A, Chapter 67, Water Code, is amended by adding Section 67.0075 to read as follows:

Sec. 67.0075. ANNUAL OR SPECIAL MEETING OF OTHER CORPORATION. A corporation to which Section 67.007 does not apply shall comply with the annual meeting and director election provisions prescribed by Chapter 22, Business Organizations Code.

SECTION 8. The change in law made by this Act applies only to an annual or special meeting or a director election held on or after the 75th day after the effective date of this Act. A meeting or an election held before the 75th day after the effective date of this Act is governed by the law in effect when the meeting or election was held, and that law is continued in effect for that purpose.

SECTION 9. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

The amendment was read.

Senator Fraser moved to concur in the House amendment to **SB 447**.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Van de Putte, Williams.

GUEST PRESENTED

Senator Hancock was recognized and introduced to the Senate his father, Dean Hancock.

The Senate welcomed its guest.

SENATE BILL 1815 WITH HOUSE AMENDMENTS

Senator Zaffirini called **SB 1815** 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 **SB 1815** (house committee printing) as follows:

(1) On page 1, line 9, strike "department" and substitute "Department of Public Safety".

(2) On page 3, line 12, strike "department" and substitute "Department of Public Safety".

(3) On page 6, line 7, strike "county assessor-collector" and substitute "department".

(4) On page 6, lines 11-12, strike "county assessor-collector" and substitute "department".

(5) On page 6, line 22, strike "county assessor-collector" and substitute "department".

Floor Amendment No. 2

Amend **SB 1815** (house committee printing) as follows:

(1) On page 3, line 17, strike "521.421(g)," and substitute "[~~521.421(g)~~]".

(2) Insert the following appropriately numbered SECTION and renumber subsequent SECTIONS accordingly:

SECTION ____ . Section 521.427(b), Transportation Code, is amended to read as follows:

(b) Subsection (a) does not apply to:

(1) the portion of a fee collected under Section 521.421(b) or Section 521.421(f), as added by Chapter 1156, Acts of the 75th Legislature, Regular Session, 1997, that is required by Section 662.011 to be deposited to the credit of the motorcycle education fund account;

(2) a fee collected under Section 521.421(j);
~~[(3) a fee collected under Section 521.421(g);]~~ or

(3) [(4)] a fee collected under Section 521.422(b) or (c).

(3) On page 9, line 6, insert "(a)" between the period and "Sections".

(4) On page 9, between lines 7 and 8, insert the following:

(b) Effective September 1, 2014, Section 521.421(g), Transportation Code, is repealed.

The amendments were read.

Senator Zaffirini moved to concur in the House amendments to **SB 1815**.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Van de Putte, Williams.

SENATE BILL 945 WITH HOUSE AMENDMENT

Senator Nelson called **SB 945** from the President's table for consideration of the House amendment to the bill.

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

Floor Amendment No. 1

Amend **SB 945** (house committee report) on page 1, line 24, by striking "the provider's title, as assigned by the hospital" and substituting "the type of license held by the provider, if the provider holds a license under Title 3, Occupations Code".

The amendment was read.

Senator Nelson moved to concur in the House amendment to **SB 945**.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Van de Putte, Williams.

SENATE BILL 412 WITH HOUSE AMENDMENT

Senator Seliger called **SB 412** from the President's table for consideration of the House amendment to the bill.

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

Floor Amendment No. 1

Amend **SB 412** (house committee report) in SECTION 3 of the bill as follows:

- (1) In added Section 352.1038(1), Tax Code, after the semicolon, insert "and".
- (2) In added Section 352.1038(2), Tax Code, strike "; and" and substitute ":",
- (3) Strike added Section 352.1038(3), Tax Code.

The amendment was read.

Senator Seliger moved to concur in the House amendment to **SB 412**.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Van de Putte, Williams.

SENATE BILL 307 WITH HOUSE AMENDMENTS

Senator Huffman called **SB 307** 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.

Amendment

Amend **SB 307** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to the transfer of adult education and literacy programs from the Texas Education Agency to the Texas Workforce Commission.

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

ARTICLE 1. CHANGES TO LABOR CODE

SECTION 1.01. Subtitle B, Title 4, Labor Code, is amended by adding Chapter 315 to read as follows:

CHAPTER 315. ADULT EDUCATION AND LITERACY PROGRAMS

Sec. 315.001. DEFINITIONS. In this chapter:

(1) "Adult" means any individual who is over the age of compulsory school attendance prescribed by Section 25.085, Education Code.

(2) "Adult education" means services and instruction provided below the college level for adults by public school districts, public junior colleges, regional education service centers, nonprofit agencies, or community-based organizations.

(3) "Community-based organization" has the meaning assigned by 20 U.S.C. Section 7801.

Sec. 315.002. COMMISSION DUTIES. (a) The commission shall:

(1) provide adequate staffing, including by hiring a director, to develop, administer, and support a comprehensive statewide adult education program and coordinate related federal and state programs for the education and training of adults;

(2) develop the mechanism and guidelines for the coordination of comprehensive adult education and related skill training services for adults with other entities, including public agencies and private organizations, in planning, developing, and implementing related programs;

(3) administer all state and federal funds for adult education and related skill training services in this state, other than funds that another entity is specifically authorized to administer under other law;

(4) prescribe and administer standards and accrediting policies for adult education;

(5) prescribe and administer rules for teacher certification for adult education;

(6) accept and administer grants, gifts, services, and funds from available sources for use in adult education;

(7) adopt or develop and administer a standardized assessment mechanism for assessing all adult education program participants who need literacy instruction, adult basic education, or secondary education leading to an adult high school diploma or the equivalent; and

(8) monitor and evaluate educational and employment outcomes of students who participate in the commission's adult education and literacy programs.

(b) The assessment mechanism prescribed by Subsection (a)(7) must include an initial basic skills screening instrument and must provide comprehensive information concerning baseline student skills before and student progress after participation in an adult education program.

(c) Not later than December 1 of each even-numbered year, the commission shall report to the legislature regarding the educational and employment outcomes of students who participate in the commission's adult education and literacy programs.

(d) The commission may adopt rules for the administration of this chapter.

Sec. 315.003. PROVISION OF ADULT EDUCATION PROGRAMS. Adult education programs must be provided by public school districts, public junior colleges, regional education service centers, nonprofit agencies, and community-based organizations approved in accordance with state statutes and rules adopted by the commission. The programs must be designed to meet the education and training needs of adults to the extent possible using available public and private resources. Bilingual education may be used to instruct students who do not function satisfactorily in English whenever it is appropriate for those students' optimum development.

Sec. 315.004. ADULT EDUCATION ASSESSMENT. The commission shall, in consultation with the Texas Higher Education Coordinating Board and the Texas Education Agency, review the standardized assessment mechanism required under Section 315.002(a)(7) and recommend any changes necessary to align the assessment with the assessments designated under Section 51.3062, Education Code, to allow for the proper placement of a student in an adult basic education course or to provide the student with the proper developmental or English as a second language coursework, as appropriate.

Sec. 315.005. ADULT EDUCATION AND LITERACY ADVISORY COMMITTEE. (a) In this section, "advisory committee" means the adult education and literacy advisory committee created under this section.

(b) The commission shall establish an adult education and literacy advisory committee composed of not more than nine members appointed by the commission. Members of the advisory committee must have expertise in the field of adult education and literacy and may include adult educators, providers, advocates, current or former adult education and literacy program students, and leaders in the nonprofit community engaged in literacy promotion efforts. The advisory committee's membership must include at least one representative of the business community and at least one representative of a local workforce development board.

(c) The advisory committee shall:

(1) meet at least quarterly;

(2) report to the commission at least annually; and

(3) advise the commission on:

(A) the development of:

(i) policies and program priorities that support the development of an educated and skilled workforce in this state;

(ii) statewide curriculum guidelines and standards for adult education and literacy services that ensure a balance of education and workplace skill development;

(iii) a statewide strategy for improving student transitions to postsecondary education and career and technical education training; and

(iv) a centralized system for collecting and tracking comprehensive data on adult basic education and literacy program performance outcomes;

(B) the exploration of potential partnerships with entities in the nonprofit community engaged in literacy promotion efforts, entities in the business community, and other appropriate entities to improve statewide literacy programs; and

(C) any other issue the commission considers appropriate.

(d) Chapter 2110, Government Code, does not apply to the size, composition, or duration of the advisory committee.

Sec. 315.006. STATE FUNDING. (a) Funds shall be appropriated to implement statewide adult basic education, adult bilingual education, high school equivalency, and high school credit programs to eliminate illiteracy in this state and to implement and support a statewide program to meet the total range of adult needs for adult education and related skill training. The commission shall ensure that public school districts, public junior colleges, regional education service centers, nonprofit agencies, and community-based organizations have direct and equitable access to those funds.

(b) In addition to any amount appropriated under Subsection (a), the legislature may appropriate an additional amount to the commission for the purpose of skill training in direct support of industrial expansion and new business development in locations, industries, and occupations designated by the commission, if the training supports the basic purposes of this chapter. To support the basic purposes of this chapter, the legislature may also appropriate an additional amount to the commission for skill training that is conducted to support the expansion of civilian employment opportunities on United States military reservations.

Sec. 315.007. PERFORMANCE INCENTIVE FUNDING. (a) The commission by rule shall develop and establish a performance-based process for annually awarding funds to entities that deliver adult education and literacy services under this chapter. The process must be designed to reward those entities demonstrating exemplary performance in the delivery of services.

(b) In developing the process for awarding funds under this section, the commission shall prescribe:

(1) criteria, including fiscal and programmatic performance criteria, to be used to evaluate the performance by the entities described by Subsection (a); and

(2) procedures for taking corrective action, including contract termination or the discontinuation of an award of funds, against an entity for the entity's failure to satisfy the performance criteria prescribed under Subdivision (1).

Sec. 315.008. SERVICE PROVIDER CONTRACTS: COMPETITIVE PROCUREMENT REQUIREMENT. The commission shall use a competitive procurement process to award a contract to a service provider of an adult education program.

SECTION 1.02. Section 302.004, Labor Code, is amended to read as follows:

Sec. 302.004. FUNDS FOR JOB TRAINING, EMPLOYMENT SERVICES, ADULT EDUCATION AND LITERACY ACTIVITIES, AND CHILD CARE. In providing job training, ~~and~~ employment services, adult education and literacy services, and child care to eligible persons, the commission, notwithstanding the provisions in this chapter or other law, may establish a need-based formula to allocate funds available under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. No. 104-193) and the Workforce Investment Act of 1998 (29 U.S.C. Section 2801 et seq.) for job training, ~~and~~ employment services, adult education and literacy activities, and child care to local workforce development areas so as to:

(1) ensure compliance with federal participation rates and requirements and full utilization of the funding; and

(2) achieve integrated education and training.

SECTION 1.03. Section 302.062(g), Labor Code, is amended to read as follows:

(g) Block grant funding under this section does not apply to:

(1) the work and family policies program under Chapter 81;

(2) a program under the skills development fund created under Chapter 303;

(3) the job counseling program for displaced homemakers under Chapter 304;

(4) the Communities In Schools program under Subchapter E, Chapter 33, Education Code, to the extent that funds are available to the commission for that program;

(5) the reintegration of offenders program under Chapter 306;

(6) apprenticeship programs under Chapter 133, Education Code;

(7) the continuity of care program under Section 501.095, Government Code;

(8) employment programs under Chapter 31, Human Resources Code;

(9) the senior citizens employment program under Chapter 101, Human Resources Code;

(10) the programs described by Section 302.021(b)(2);

(11) the community service program under the National and Community Service Act of 1990 (42 U.S.C. Section 12501 et seq.);

(12) the trade adjustment assistance program under Part 2, Subchapter II, Trade Act of 1974 (19 U.S.C. Section 2271 et seq.);

(13) the programs to enhance the employment opportunities of veterans;

[and]

(14) the functions of the State Occupational Information Coordinating Committee; and

(15) the adult education and literacy programs under Chapter 315.

**ARTICLE 2. TEXAS EDUCATION AGENCY RESPONSIBILITY FOR
COMMUNITY EDUCATION PROGRAMS; CONFORMING CHANGES TO
EDUCATION CODE**

SECTION 2.01. Section 7.021(b)(8), Education Code, is amended to read as follows:

(8) The agency shall carry out powers and duties relating to ~~[adult and]~~ community education as required under Subchapter H, Chapter 29.

SECTION 2.02. The heading to Subchapter H, Chapter 29, Education Code, is amended to read as follows:

**SUBCHAPTER H. ~~[ADULT AND]~~ COMMUNITY
EDUCATION PROGRAMS**

SECTION 2.03. Section 29.251(4), Education Code, is amended to read as follows:

(4) "Community education" means the process by which the citizens in a school district, using the resources and facilities of the district, organize to support each other and to solve their mutual educational problems and meet their mutual lifelong needs. Community education may include:

(A) educational programs, including programs relating to ~~[for occupational and technological skills training, retraining of displaced workers,]~~ cultural awareness, parenting skills education and parental involvement in school programs, and multilevel adult education and personal growth;

(B) community involvement programs, including programs for community economic development, school volunteers, partnerships between schools and businesses, coordination with community agencies, school-age child care, family ~~[and workplace]~~ literacy, and community use of facilities; and

(C) programs for youth enrolled in schools, including programs for dropout prevention and recovery programs, drug-free school programs, school-age parenting programs, and academic enhancement.

SECTION 2.04. Section 29.252, Education Code, is amended to read as follows:

Sec. 29.252. **AGENCY ~~[STATE]~~ ROLE IN ~~[ADULT AND]~~ COMMUNITY EDUCATION.** (a) The agency shall:

(1) ~~[provide adequate staffing to develop, administer, and support a comprehensive statewide adult education program and coordinate related federal and state programs for education and training of adults;~~

~~[(2)] develop, implement, and regulate a comprehensive statewide program for community [level] education services [to meet the special needs of adults];~~

~~(2) [(3) develop the mechanism and guidelines for coordination of comprehensive adult education and related skill training services for adults with other agencies, both public and private, in planning, developing, and implementing related programs, including community education programs;~~

~~[(4)] administer all state and federal funds for community [adult] education [and related skill training] in this state, other than funds that [except in programs for which] another entity is specifically authorized to administer [do so] under other law; and~~

~~(3) [(5) prescribe and administer standards and accrediting policies for adult education;~~

~~[(6) prescribe and administer rules for teacher certification for adult education;~~

~~[(7)] accept and administer grants, gifts, services, and funds from available sources for use in community [adult] education[;]~~

~~[(8) adopt or develop and administer a standardized assessment mechanism for assessing all adult education program participants who need literacy instruction, adult basic education, or secondary education leading to an adult high school diploma or the equivalent;~~

~~[(9) collaborate with the Texas Workforce Commission to improve the coordination and implementation of adult education and literacy services in this state; and~~

~~[(10) monitor and evaluate educational and employment outcomes of students who participate in the agency's adult education and literacy programs].~~

(b) The agency may adopt rules for the administration of this subchapter ~~[assessment mechanism prescribed under Subsection (a)(8) must include an initial basic skills screening instrument and must provide comprehensive information concerning baseline student skills before and student progress after participation in an adult education program].~~

SECTION 2.05. Section 29.255, Education Code, is amended to read as follows:

Sec. 29.255. STATE FUNDING. ~~[(a)]~~ Funds shall be appropriated to implement statewide community [adult basic] education ~~[, adult bilingual education, high school equivalency, and high school credit] programs, including [to eliminate illiteracy in this state and to implement and support a statewide program to meet the total range of adult needs for adult education, related skill training, and] pilot programs to demonstrate the effectiveness of the community education concept. The agency shall ensure that public local education agencies, public nonprofit agencies, and community-based organizations have direct and equitable access to those funds. [An additional sum of money may be appropriated to the Texas Department of Commerce for the purpose of skill training in direct support of industrial expansion and start up, and those locations, industries, and occupations designated by the Texas~~

~~Department of Commerce, when such training is also in support of the basic purposes of this subchapter. To fulfill the basic purposes of this subchapter, an additional sum of money may be appropriated for skill training that is conducted to support the expansion of civilian employment opportunities on United States military reservations.~~

~~[(b) The agency, in conjunction with the Texas Department of Commerce, may adopt rules to administer skill training programs for which the agency is responsible, and the Texas Department of Commerce may adopt rules to administer skill training programs for which it is responsible.]~~

SECTION 2.06. (a) The following provisions of the Education Code are repealed:

- (1) Section 7.102(c)(16);
- (2) Sections 29.251(1), (2), and (3);
- (3) Section 29.253;
- (4) Section 29.2531;
- (5) Section 29.2535; and
- (6) Section 29.254.

(b) Chapter 312, Labor Code, is repealed.

ARTICLE 3. TRANSITION PROVISIONS; EFFECTIVE DATE

SECTION 3.01. (a) Not later than January 1, 2014:

(1) the administration of adult education and literacy programs shall be transferred from the Texas Education Agency to the Texas Workforce Commission;

(2) all rules, policies, procedures, and decisions of the Texas Education Agency relating to the administration of adult education and literacy programs are continued in effect as rules, policies, procedures, and decisions of the Texas Workforce Commission until superseded by a rule or other appropriate action by the Texas Workforce Commission; and

(3) a reference in law or administrative rule to the Texas Education Agency relating to the administration of adult education and literacy programs means the Texas Workforce Commission.

(b) Not later than the 60th day before the date of the transfer of the administration of adult education and literacy programs from the Texas Education Agency to the Texas Workforce Commission under Subsection (a) of this section, the Texas Education Agency and the Texas Workforce Commission shall enter into a memorandum of understanding relating to that transfer. The memorandum must include:

(1) a timetable and specific steps and methods for the transfer of all powers, duties, obligations, rights, contracts, leases, records, real or personal property, and unspent and unobligated appropriations and other funds relating to the administration of adult education and literacy programs from the Texas Education Agency to the Texas Workforce Commission on the date of the transfer; and

(2) measures to ensure against any unnecessary disruption to adult education and literacy services provided at the local level.

SECTION 3.02. This Act takes effect September 1, 2013.

Floor Amendment No. 1 on Third Reading

Amend CSSB 307, on third reading, as follows:

(1) On page 2, line 20, strike "and".

(2) On page 2, line 23, between "programs" and the period, insert:
; and

(9) provide, within the context of administering adult education and literacy programs, training opportunities for parents regarding how to be the primary teachers for their children and full partners in the their children's education

The amendments were read.

Senator Huffman moved to concur in the House amendments to **SB 307**.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Van de Putte, Williams.

SENATE BILL 900 WITH HOUSE AMENDMENT

Senator Fraser called **SB 900** from the President's table for consideration of the House amendment to the bill.

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

Floor Amendment No. 1

Amend **SB 900** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Section 121.007, Utilities Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) A person who owns or operates [~~operating~~] a natural gas pipeline, a liquefied natural gas pipeline, or an underground storage facility is not a gas utility if the person certifies to the railroad commission that the person uses the pipeline or underground storage facility solely to deliver natural gas or liquefied natural gas or the constituents of natural gas or liquefied natural gas:

(1) to a liquefied natural gas marine terminal;

(2) from a liquefied natural gas marine terminal to the owner of the gas or another person on behalf of the owner of the gas;

(3) that is acquired, liquefied, or sold by the person as necessary for the operation or maintenance of its facility that is excluded as a gas utility under this section; or

(4) that has been stored for export.

(c) This section does not create an exception to the applicability of a pipeline safety requirement provided under this chapter or a penalty for a violation of such a requirement.

The amendment was read.

Senator Fraser moved to concur in the House amendment to **SB 900**.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Van de Putte, Williams.

(Senator Eltife in Chair)

SENATE BILL 1913 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 1913** at this time on its second reading:

SB 1913, Relating to authorizing certain special districts in Montgomery County to enter into strategic partnership agreements.

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

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

Absent-excused: Van de Putte, Williams.

SENATE BILL 1913 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 1913** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Van de Putte, Williams.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

HOUSE BILL 666 ON SECOND READING

On motion of Senator Huffman and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 666** at this time on its second reading:

HB 666, Relating to the elections to which certain applications for a ballot to be voted by mail are applicable.

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

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

Absent-excused: Van de Putte, Williams.

HOUSE BILL 666 ON THIRD READING

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 666** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Van de Putte, Williams.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

SENATE BILL 1899 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 1899** at this time on its second reading:

SB 1899, Relating to the creation of the LaSalle Municipal Utility District No. 1; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

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

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

Absent-excused: Van de Putte, Williams.

SENATE BILL 1899 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 1899** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Van de Putte, Williams.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

SENATE BILL 807 ON SECOND READING

On motion of Senator Deuell and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 807** at this time on its second reading:

SB 807, Relating to the authority of the Department of State Health Services to admit certain nonresident tuberculosis patients to a state chest hospital.

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

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

Absent-excused: Van de Putte, Williams.

SENATE BILL 807 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 **SB 807** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Van de Putte, Williams.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

SENATE BILL 1910 ON SECOND READING

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1910** at this time on its second reading:

SB 1910, Relating to the creation of the Fulshear Municipal Utility District No. 3; providing authority to impose taxes 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: Van de Putte, Williams.

SENATE BILL 1910 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 **SB 1910** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Van de Putte, Williams.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

SENATE BILL 1873 ON SECOND READING

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1873** at this time on its second reading:

SB 1873, Relating to the authority to issue bonds of the Mustang Special Utility 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: Van de Putte, Williams.

SENATE BILL 1873 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 1873** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Van de Putte, Williams.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 628 ON SECOND READING**

Senator Watson moved to suspend the regular order of business to take up for consideration **CSSB 628** at this time on its second reading:

CSSB 628, Relating to the creation of regional emergency communications districts; authorizing the issuance of bonds; authorizing a fee.

The motion prevailed.

Senator Schwertner 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: Schwertner.

Absent-excused: Van de Putte, Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 628 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 628** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Schwertner.

Absent-excused: Van de Putte, Williams.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 1. (Same as previous roll call)

SENATE BILL 1635 ON SECOND READING

On motion of Senator Deuell and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1635** at this time on its second reading:

SB 1635, Relating to the transfer of the assets of and the dissolution of the Dallas County Water Control and Improvement District No. 6.

The bill was read second time.

Senator Deuell offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1635** (senate committee report), in SECTION 4 of the bill, by striking the effective date provision (page 1, lines 49-53), and substituting:

SECTION 4. EFFECTIVE DATE. This Act takes effect October 1, 2013.

The amendment to **SB 1635** was read and was adopted by a viva voce vote.

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

Absent-excused: Van de Putte, Williams.

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

SB 1635 as amended was passed to engrossment by a viva voce vote.

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

Absent-excused: Van de Putte, Williams.

SENATE BILL 1635 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 **SB 1635** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Van de Putte, Williams.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 1563 ON SECOND READING

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1563** at this time on its second reading:

CSSB 1563, Relating to the definition of and access to public information.

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

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

Absent-excused: Van de Putte, Williams.

COMMITTEE SUBSTITUTE SENATE BILL 1563 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 1563** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Van de Putte, Williams.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

SENATE BILL 1312 WITH HOUSE AMENDMENTS
(Motion In Writing)

Senator Schwertner submitted a Motion In Writing to call **SB 1312** from the President's table for consideration of the House amendments to the bill.

The Motion In Writing prevailed without objection.

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

Floor Amendment No. 1

Amend **SB 1312** (house committee printing) on page 8, line 10, by striking "direct or".

Floor Amendment No. 2

Amend **SB 1312** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter H, Chapter 801, Occupations Code, is amended by adding Section 801.363 to read as follows:

Sec. 801.363. ANIMAL CHIROPRACTIC. (a) In this section, "animal chiropractor" means a person who holds a certification in animal chiropractic from the American Veterinary Chiropractic Association.

(b) An animal chiropractor may only provide chiropractic services for an animal under the supervision of a veterinarian licensed under this chapter.

(c) The board shall adopt rules governing the supervision requirements described by Subsection (b).

The amendments were read.

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

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 1312** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Schwertner, Chair; Campbell, Deuell, Huffman, and Hegar.

SENATE BILL 200 WITH HOUSE AMENDMENTS
(Motion In Writing)

Senator Patrick submitted a Motion In Writing to call **SB 200** from the President's table for consideration of the House amendments to the bill.

The Motion In Writing prevailed without objection.

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

Amendment

Amend **SB 200** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to the continuation and functions of the State Pension Review Board.

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

SECTION 1. Subsection (a), Section 801.102, Government Code, is amended to read as follows:

(a) The board is composed of seven ~~nine~~ members.

SECTION 2. Section 801.1021, Government Code, is amended to read as follows:

Sec. 801.1021. CONFLICT PROVISIONS. (a) In this section, "Texas trade association" means a cooperative and voluntarily joined statewide association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

(b) A person is not eligible for appointment as a member of the board if the person or the person's spouse:

(1) is employed by or participates in the management of a business entity or other organization receiving funds from the board;

(2) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization receiving funds from the board; or

(3) uses or receives a substantial amount of tangible goods, services, or funds from the board, other than compensation or reimbursement authorized by law for board membership, attendance, or expenses.

(c) ~~(b)~~ A person may not serve as a member of the board or act as the general counsel to the board if the person is required to register as a lobbyist under Chapter 305 because of the person's activities for compensation on behalf of a profession related to the operation of the board.

(d) A person may not be a member of the board and may not be a board employee employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.), if:

(1) the person is an officer, employee, or paid consultant of a Texas trade association in the field of pensions; or

(2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of pensions.

SECTION 3. Section 801.106, Government Code, is amended to read as follows:

Sec. 801.106. TERMS OF OFFICE. Members of the board hold office for staggered terms of six years, with the terms of two or three members, as appropriate, expiring on January 31 of each odd-numbered year.

SECTION 4. Subsection (a), Section 801.1061, Government Code, is amended to read as follows:

(a) It is a ground for removal from the board that a member:

(1) does not have at the time of taking office the qualifications required by Section 801.103 [~~or 801.104~~];

(2) does not maintain during service on the board the qualifications required by Section 801.103 [~~or 801.104~~];

(3) is ineligible for membership under Section 801.1021;

(4) cannot, because of illness or disability, discharge the member's duties for a substantial part of the member's term; or

(5) is absent from more than half of the regularly scheduled board meetings that the member is eligible to attend during a calendar year without an excuse approved by a majority vote of the board.

SECTION 5. Section 801.107, Government Code, is amended to read as follows:

Sec. 801.107. SUNSET PROVISION. The State Pension Review Board is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished and this chapter expires September 1, 2025 [~~2013~~].

SECTION 6. Subchapter C, Chapter 801, Government Code, is amended by adding Section 801.2012 to read as follows:

Sec. 801.2012. NEGOTIATED RULEMAKING AND ALTERNATIVE DISPUTE RESOLUTION PROCEDURES. (a) The board shall develop and implement a policy to encourage the use of:

(1) negotiated rulemaking procedures under Chapter 2008 for the adoption of board rules; and

(2) appropriate alternative dispute resolution procedures under Chapter 2009 to assist in the resolution of internal and external disputes under the board's jurisdiction.

(b) The board's procedures relating to alternative dispute resolution must conform, to the extent possible, to any model guidelines issued by the State Office of Administrative Hearings for the use of alternative dispute resolution by state agencies.

(c) The board shall:

(1) coordinate the implementation of the policy adopted under Subsection (a);

(2) provide training as needed to implement the procedures for negotiated rulemaking or alternative dispute resolution; and

(3) collect data concerning the effectiveness of those procedures.

SECTION 7. Subchapter C, Chapter 801, Government Code, is amended by adding Section 801.208 to read as follows:

Sec. 801.208. EDUCATION AND TRAINING. As authorized by Section 801.113(e), the board may develop and conduct training sessions and other educational activities for trustees and administrators of public retirement systems. In exercising the board's authority under this section, the board may:

(1) conduct live training seminars on an Internet website at intervals the board considers necessary to keep trustees and administrators reasonably informed;

(2) maintain archives of previous seminars reasonably accessible to trustees and administrators on the Internet website; and

(3) use technologies and innovations the board considers appropriate to educate the greatest practicable number of trustees and administrators.

SECTION 8. Section 802.001, Government Code, is amended by adding Subdivision (1-a) to read as follows:

(1-a) "Defined contribution plan" means a plan provided by the governing body of a public retirement system that provides for an individual account for each participant and for benefits based solely on the amount contributed to the participant's account, and any income, expenses, gains and losses, and any forfeitures of accounts of other participants that may be allocated to the participant's account.

SECTION 9. Section 802.002, Government Code, is amended by amending Subsection (b) and adding Subsections (c) and (d) to read as follows:

(b) If a public ~~[an exempt]~~ retirement system or program that is exempt under Subsection (a) is required by law to make an actuarial valuation of the assets of the system or program and publish actuarial information about the system or program, the actuary making the valuation and the governing body publishing the information must include the information required by Section 802.101(b).

(c) Notwithstanding any other law, a defined contribution plan is exempt from Sections 802.101, 802.1012, 802.1014, 802.103, 802.104, and 802.202(d). This subsection may not be construed to exempt any plan from Section 802.105 or 802.106(h).

(d) Notwithstanding any other law, a retirement system that is organized under the Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes) for a fire department consisting exclusively of volunteers as defined by that Act is exempt from Sections 802.101, 802.1012, 802.1014, 802.102, 802.103, 802.104, and 802.202(d). This subsection may not be construed to exempt any plan from Section 802.105 or 802.106(h).

SECTION 10. Subchapter B, Chapter 802, Government Code, is amended by adding Section 802.1014 to read as follows:

Sec. 802.1014. ACTUARIAL EXPERIENCE STUDY. (a) In this section, "actuarial experience study" means a study in which actuarial assumptions are reviewed in light of relevant experience factors, important trends, and economic projections with the purpose of determining whether actuarial assumptions require adjustment.

(b) Except as provided by Subsection (c), a public retirement system that conducts an actuarial experience study shall submit to the board a copy of the actuarial experience study before the 31st day after the date of the study's adoption.

(c) This section does not apply to the Employees Retirement System of Texas, the Teacher Retirement System of Texas, the Texas County and District Retirement System, the Texas Municipal Retirement System, or the Judicial Retirement System of Texas Plan Two.

SECTION 11. Section 802.102, Government Code, is amended to read as follows:

Sec. 802.102. AUDIT. The governing body of a public retirement system shall have the accounts of the system audited at least annually by a certified public accountant in accordance with generally accepted auditing standards. A general audit of a governmental entity, as defined by Section 802.1012, does not satisfy the requirement of this section.

SECTION 12. Section 802.103, Government Code, is amended by adding Subsection (d) to read as follows:

(d) A general audit of a governmental entity, as defined by Section 802.1012, does not satisfy the requirement of this section.

SECTION 13. Subsection (h), Section 802.106, Government Code, is amended to read as follows:

(h) A public retirement system shall submit to the board [~~State Pension Review Board~~] copies of the summarized information required by Subsections (a) and (b) [~~—A system shall submit a copy of the information required by Subsection (a) before the 31st day after the date of publication or [and a copy of the information required by Subsection (b) before the 271st day after]~~ the date a change is adopted, as appropriate.

SECTION 14. Section 801.104 and Subsection (c), Section 802.103, Government Code, are repealed.

SECTION 15. (a) The change in law made by this Act to Section 801.1021, Government Code, regarding prohibitions on members of the State Pension Review Board does not affect the entitlement of a member serving on the board immediately before September 1, 2013, to continue to serve and function as a member of the board for the remainder of the member's term. The change in law made to that section applies only to a member appointed on or after September 1, 2013.

(b) Section 802.1014, Government Code, as added by this Act, applies only to an actuarial experience study conducted on or after the effective date of this Act. An actuarial experience study conducted before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

(c) Section 802.102, Government Code, as amended by this Act, is intended to clarify existing law with respect to the audit required by that section.

(d) Subsection (d), Section 802.103, Government Code, as added by this Act, is intended to clarify existing law with respect to the annual financial report required by Section 802.103, Government Code.

(e) Subsection (h), Section 802.106, Government Code, as amended by this Act, applies only to a change in statutes or ordinances governing a retirement system described by Subsection (b), Section 802.106, Government Code, that is adopted on or after the effective date of this Act. A change in statutes or ordinances that is adopted before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

SECTION 16. (a) A person who is serving as a member of the State Pension Review Board appointed under Section 801.103, Government Code, on the effective date of this Act continues to serve until the person's term expires.

(b) The governor shall make appointments to fill vacancies on the State Pension Review Board so that board members' terms of office expire in compliance with Section 801.106, Government Code, as amended by this Act, and, if necessary for compliance with that section, a person may be appointed to a term of office that expires in less than six years.

(c) The term of a person who is serving as a member of the State Pension Review Board appointed under Section 801.104, Government Code, expires January 31, 2017.

SECTION 17. This Act takes effect September 1, 2013.

Floor Amendment No. 1

Amend **CSSB 200** by adding the following appropriately numbered SECTIONS to the bill and renumbering other SECTIONS of the bill accordingly:

SECTION _____. Section 28(h), Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Civil Statutes), is amended to read as follows:

(h) A retirement system established under this Act is exempt from Subchapter C, Chapter 802, Government Code, except Sections 802.202, 802.205, and 802.207.

SECTION _____. (a) Contingent on the failure of **HB 3148**, **SB 220**, or similar legislation by the 83rd Legislature, Regular Session, 2013, providing for the abolition of the office of the fire fighters' pension commissioner and the transfer and disposition of its functions relating to the Texas Emergency Services Retirement System and the Texas local firefighters retirement systems, to become law:

(1) the State Pension Review Board shall provide any necessary assistance, including educational training, technical assistance, and other information to retirement systems organized under the Texas Local Fire Fighters' Retirement Act; and

(2) a person aggrieved by a decision of a board of trustees of a retirement system organized under the Texas Local Fire Fighters' Retirement Act relating to eligibility for or the amount of benefits payable by a retirement system may appeal the decision to the State Office of Administrative Hearings in the manner described by Subsection (b) of this section.

(b) An appeal under Subsection (a)(2) of this section is begun by delivering a notice of appeal to the State Pension Review Board in the manner established under Subsection (c) of this section. As soon as practicable after receiving a notice of appeal, the State Pension Review Board shall refer the matter to the State Office of Administrative Hearings by submitting notice of the appeal to that office.

(c) As soon as practicable after the effective date of this Act, and contingent on the failure of the measures described by Subsection (a) of this section to become law, the State Pension Review Board shall adopt rules to establish the manner in which an aggrieved person may provide notice of appeal under Subsection (b) of this section.

Floor Amendment No. 2

Amend Floor Amendment No. 1 by Callegari amending **CSSB 200** as follows:

(1) On page 1, lines 10-11, strike "**HB 3148**, **SB 220**, or similar".

(2) On page 1, line 16, strike "systems, to become law:" and substitute "systems to become law,".

(3) On page 1, line 17, strike "(1)".

(4) On page 1, line 20, strike the semicolon and substitute a period.

(5) On page 1, strike lines 21-29.

(6) On page 2, strike lines 1-11 and substitute the following:

SECTION _____. (a) Sections 22 and 22A, Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes), are amended to read as follows:

Sec. 22. APPEALS FROM LOCAL BOARD DECISIONS. (a) A person aggrieved by a decision of a board of trustees relating to eligibility for or amount of benefits payable by a retirement system may appeal the decision to the State Office of Administrative Hearings [~~fire fighters' pension commissioner~~].

(b) An appeal under this section is begun by delivering a notice of appeal with the chairman, secretary, or secretary-treasurer of the board of trustees that made the decision. The notice must be delivered not later than the 20th day after the date of the decision and contain a brief description of the reasons or grounds for appeal. The aggrieved person must file a copy of the notice with the State Pension Review Board [~~fire fighters' pension commissioner~~].

(b-1) As soon as practicable after receiving a notice of appeal under Subsection (b) of this section the State Pension Review Board shall refer the matter to the State Office of Administrative Hearings by submitting notice of the appeal to that office.

(c) An appeal under this section [~~to the fire fighters' pension commissioner~~] is held in Austin and is a contested case under Chapter 2001, Government Code, [~~the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes)~~] conducted as a de novo hearing by the State Office of Administrative Hearings.

Sec. 22A. ATTORNEY. A board of trustees may employ an attorney to represent the board in one or all legal matters, including a hearing on appeal to the State Office of Administrative Hearings [~~fire fighters' pension commissioner~~]. At the request of a board of trustees, the city attorney of the municipality of which the board is a part shall, without additional compensation, represent the board in one or all legal matters.

(b) Subsection (a) of this section takes effect only on the failure of legislation by the 83rd Legislature, Regular Session, 2013, providing for the abolition of the office of the fire fighters' pension commissioner and the transfer and disposition of its functions relating to the Texas Emergency Services Retirement System and the Texas local firefighters retirement systems to become law.

Floor Amendment No. 1 on Third Reading

Amend **CSSB 200** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering other SECTIONS of the bill accordingly:

SECTION _____. (a) Subtitle A, Title 8, Government Code, is amended by adding Chapter 807 to read as follows:

CHAPTER 807. PROHIBITION ON INVESTMENT IN IRAN

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 807.001. DEFINITIONS. In this chapter:

(1) "Active business operations" means all business operations that are not inactive business operations.

(2) "Board" means the State Pension Review Board.

(3) "Business operations" means engaging in commerce in any form in Iran, including by acquiring, developing, maintaining, owning, selling, possessing, leasing, or operating equipment, facilities, personnel, products, services, personal property, real property, or any other apparatus of business or commerce.

(4) "Company" means a sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company, or other entity or business association whose securities are publicly traded, including a wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of those entities or business associations, that exists to make a profit.

(5) "Direct holdings" means, with respect to a company, all securities of that company held directly by a state governmental entity in an account or fund in which a state governmental entity owns all shares or interests.

(6) "Inactive business operations" means the mere continued holding or renewal of rights to property previously operated to generate revenue but not presently deployed to generate revenue.

(7) "Indirect holdings" means, with respect to a company, all securities of that company held in an account or fund, such as a mutual fund, managed by one or more persons not employed by a state governmental entity, in which the state governmental entity owns shares or interests together with other investors not subject to the provisions of this chapter. The term does not include money invested under a plan described by Section 401(k) or 457 of the Internal Revenue Code of 1986.

(8) "Listed company" means a company listed by the board under Section 807.051.

(9) "Military equipment" means weapons, arms, military supplies, and equipment that readily may be used for military purposes, including radar systems and military-grade transport vehicles.

(10) "Scrutinized company" means a company that engages in scrutinized business operations described by Section 807.002.

(11) "State governmental entity" means:

(A) the Employees Retirement System of Texas, including a retirement system administered by that system;

(B) the Teacher Retirement System of Texas;

(C) the Texas Municipal Retirement System;

(D) the Texas County and District Retirement System; and

(E) the Texas Emergency Services Retirement System.

Sec. 807.002. SCRUTINIZED BUSINESS OPERATIONS. A company engages in scrutinized business operations if:

(1) the company has business operations that involve contracts with or providing supplies or services to the government of Iran, a company in which the government of Iran has any direct or indirect equity share, a consortium or project commissioned by the government of Iran, or a company involved in a consortium or project commissioned by the government of Iran; or

(2) the company supplies military equipment to Iran.

Sec. 807.003. EXCEPTION. Notwithstanding any provision of this chapter, a company that the United States government affirmatively declares to be excluded from its federal sanctions regime relating to Iran is not subject to divestment or the investment prohibition under this chapter.

Sec. 807.004. OTHER LEGAL OBLIGATIONS. With respect to actions taken in compliance with this chapter, including all good faith determinations regarding companies as required by this chapter, a state governmental entity is exempt from any conflicting statutory or common law obligations, including any obligations with respect to making investments, divesting from any investment, preparing or maintaining any list of companies, or choosing asset managers, investment funds, or investments for the state governmental entity's securities portfolios.

Sec. 807.005. INDEMNIFICATION OF STATE GOVERNMENTAL ENTITIES, EMPLOYEES, AND OTHERS. In a cause of action based on an action, inaction, decision, divestment, investment, company communication, report, or other determination made or taken in connection with this chapter, the state shall, without regard to whether the person performed services for compensation, indemnify and hold harmless for actual damages, court costs, and attorney's fees adjudged against, and defend:

(1) an employee, a member of the governing body, or any other officer of a state governmental entity;

(2) a contractor of a state governmental entity;

(3) a former employee, a former member of the governing body, or any other former officer of a state governmental entity who was an employee or officer when the act or omission on which the damages are based occurred;

(4) a former contractor of a state governmental entity who was a contractor when the act or omission on which the damages are based occurred; and

(5) a state governmental entity.

Sec. 807.006. NO PRIVATE CAUSE OF ACTION. (a) A person, including a member, retiree, or beneficiary of a retirement system to which this chapter applies, an association, a research firm, a company, or any other person may not sue or pursue a private cause of action against the state, a state governmental entity, an employee, a member of the governing body, or any other officer of a state governmental entity, or a contractor of a state governmental entity, for any claim or cause of action, including breach of fiduciary duty, or for violation of any constitutional, statutory, or regulatory requirement in connection with any action, inaction, decision, divestment, investment, company communication, report, or other determination made or taken in connection with this chapter.

(b) A person who files suit against the state, a state governmental entity, an employee, a member of the governing body, or any other officer of a state governmental entity, or a contractor of a state governmental entity, is liable for paying the costs and attorney's fees of a person sued in violation of this section.

Sec. 807.007. INAPPLICABILITY OF REQUIREMENTS INCONSISTENT WITH FIDUCIARY RESPONSIBILITIES AND RELATED DUTIES. A state governmental entity is not subject to a requirement of this chapter if the state governmental entity determines that the requirement would be inconsistent with its

fiduciary responsibility with respect to the investment of entity assets or other duties imposed by law relating to the investment of entity assets, including the duty of care established under Section 67, Article XVI, Texas Constitution.

Sec. 807.008. RELIANCE ON COMPANY RESPONSE. The board and a state governmental entity may rely on a company's response to a notice or communication made under this chapter without conducting any further investigation, research, or inquiry.

SUBCHAPTER B. DUTIES REGARDING INVESTMENTS

Sec. 807.051. LISTED COMPANIES. (a) The board shall prepare and maintain, and provide to each state governmental entity, a list of all scrutinized companies. In maintaining the list, the board may review and rely, as appropriate in the board's judgment, on publicly available information regarding companies with business operations in Iran, including information provided by the state, nonprofit organizations, research firms, international organizations, and governmental entities.

(b) The board shall update the list annually or more often as the board considers necessary, but not more often than quarterly, based on information from, among other sources, those listed in Subsection (a).

(c) Not later than the 30th day after the date the list of scrutinized companies is first provided or updated, the board shall file the list with the presiding officer of each house of the legislature and the attorney general.

Sec. 807.052. IDENTIFICATION OF INVESTMENT IN LISTED COMPANIES. Not later than the 14th day after the date a state governmental entity receives the list provided under Section 807.051, the state governmental entity shall notify the board of the listed companies in which the state governmental entity owns direct holdings or indirect holdings.

Sec. 807.053. NOTICE TO LISTED COMPANY ENGAGED IN INACTIVE BUSINESS OPERATIONS. For each listed company identified under Section 807.052 that is engaged in only scrutinized inactive business operations, the state governmental entity shall send a written notice informing the company of this chapter and encouraging the company to continue to refrain from initiating active business operations in Iran until it is able to avoid being considered a listed company. The state governmental entity shall continue the correspondence as the entity, in its sole discretion, considers necessary, but is not required to initiate correspondence more often than semiannually.

Sec. 807.054. ACTIONS RELATING TO LISTED COMPANY ENGAGED IN ACTIVE BUSINESS OPERATIONS. (a) For each listed company identified under Section 807.052 that is engaged in scrutinized active business operations, the state governmental entity shall send a written notice informing the company of its listed company status and warning the company that it may become subject to divestment by state governmental entities.

(b) The notice must offer the company the opportunity to clarify its Iran-related activities and must encourage the company, not later than the 90th day after the date the company receives notice under this section, to either cease its scrutinized business operations or convert the operations to inactive business operations in order to avoid qualifying for divestment by state governmental entities.

(c) If, during the time provided by Subsection (b), the company ceases scrutinized business operations, the board shall remove the company from the list maintained under Section 807.051 and this chapter will no longer apply to the company unless it resumes scrutinized business operations.

(d) If, during the time provided by Subsection (b), the company converts its scrutinized active business operations to inactive business operations, the company is subject to all provisions of this chapter relating to inactive business operations.

(e) If, after the time provided by Subsection (b) expires, the company continues to have scrutinized active business operations, the state governmental entity shall sell, redeem, divest, or withdraw all publicly traded securities of the company, except securities described by Section 807.056, according to the schedule provided by Section 807.055.

Sec. 807.055. DIVESTMENT OF ASSETS. (a) A state governmental entity required to sell, redeem, divest, or withdraw all publicly traded securities of a listed company shall comply with the following schedule:

(1) at least 50 percent of those assets must be removed from the state governmental entity's assets under management not later than the 270th day after the date the company receives notice under Section 807.054 or Subsection (b) unless the state governmental entity determines, based on a good faith exercise of its fiduciary discretion and subject to Subdivision (2), that a later date is more prudent; and

(2) 100 percent of those assets must be removed from the state governmental entity's assets under management not later than the 450th day after the date the company receives notice under Section 807.054 or Subsection (b).

(b) If a company that ceased scrutinized active business operations after receiving notice under Section 807.054 resumes scrutinized active business operations, the state governmental entity shall send a written notice to the company informing it that the state governmental entity will sell, redeem, divest, or withdraw all publicly traded securities of the scrutinized company according to the schedule in Subsection (a).

(c) Except as provided by Subsection (a), a state governmental entity may delay the schedule for divestment under that subsection only to the extent that the state governmental entity determines, in the state governmental entity's good faith judgment, that divestment from listed companies will likely result in a loss in value or a benchmark deviation described by Section 807.057(a). If a state governmental entity delays the schedule for divestment, the state governmental entity shall submit a report to the presiding officer of each house of the legislature and the attorney general stating the reasons and justification for the state governmental entity's delay in divestment from listed companies. The report must include documentation supporting its determination that the divestment would result in a loss in value or benchmark deviation described by Section 807.057(a), including objective numerical estimates. The state governmental entity shall update the report every six months.

Sec. 807.056. INVESTMENTS EXEMPTED FROM DIVESTMENT. A state governmental entity is not required to divest from any indirect holdings in actively or passively managed investment funds or private equity funds. The state governmental entity shall submit letters to the managers of investment funds containing listed companies requesting that they consider removing those companies from the fund or

create a similar actively or passively managed fund with indirect holdings devoid of listed companies. If the manager creates a similar fund with substantially the same management fees and same level of investment risk and anticipated return, the state governmental entity may replace all applicable investments with investments in the similar fund in a time frame consistent with prudent fiduciary standards.

Sec. 807.057. AUTHORIZED INVESTMENT IN LISTED COMPANIES. (a) A state governmental entity may cease divesting from or may reinvest in one or more listed companies if clear and convincing evidence shows that:

(1) the state governmental entity has suffered or will suffer a loss in the hypothetical value of all assets under management by the state governmental entity as a result of having to divest from listed companies under this chapter; or

(2) an individual portfolio that uses a benchmark-aware strategy would be subject to an aggregate expected deviation from its benchmark as a result of having to divest from listed companies under this chapter.

(b) A state governmental entity may cease divesting from or may reinvest in a listed company as provided by this section only to the extent necessary to ensure that the state governmental entity does not suffer a loss in value or deviate from its benchmark as described by Subsection (a).

(c) Before a state governmental entity may cease divesting from or may reinvest in a listed company under this section, the state governmental entity must provide a written report to the presiding officer of each house of the legislature and the attorney general setting forth the reason and justification, supported by clear and convincing evidence, for its decisions to cease divestment, to reinvest, or to remain invested in a listed company.

(d) The state governmental entity shall update the report required by Subsection (c) semiannually, as applicable.

(e) This section does not apply to reinvestment in a company that is no longer a listed company.

Sec. 807.058. PROHIBITED INVESTMENTS. Except as provided by Sections 807.003 and 807.057, a state governmental entity may not acquire securities of a listed company.

SUBCHAPTER C. EXPIRATION; REPORT; ENFORCEMENT

Sec. 807.101. EXPIRATION OF CHAPTER. This chapter expires on the earlier of:

(1) the date the United States revokes its sanctions against the government of Iran; or

(2) the date the United States Congress or the president of the United States, through legislation or executive order, declares that mandatory divestment of the type provided for in this chapter interferes with the conduct of United States foreign policy.

Sec. 807.102. REPORT. Not later than December 31 of each year, each state governmental entity shall file a publicly available report with the presiding officer of each house of the legislature and the attorney general that:

(1) identifies all securities sold, redeemed, divested, or withdrawn in compliance with Section 807.055;

(2) identifies all prohibited investments under Section 807.058; and

(3) summarizes any changes made under Section 807.056.

Sec. 807.103. ENFORCEMENT. The attorney general may bring any action necessary to enforce this chapter.

(b) Not later than January 1, 2014, the State Pension Review Board shall prepare and provide to each state governmental entity, as defined by Section 807.001, Government Code, as added by this Act, the list of scrutinized companies required by Section 807.051, Government Code, as added by this Act.

(c) Notwithstanding any other provision of this Act, this section takes effect January 1, 2014.

The amendments were read.

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

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 200** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Patrick, Chair; Nichols, Whitmire, Huffman, and Duncan.

COMMITTEE SUBSTITUTE SENATE BILL 930 ON SECOND READING

Senator Zaffirini, on behalf of Senator Van de Putte, moved to suspend the regular order of business to take up for consideration **CSSB 930** at this time on its second reading:

CSSB 930, Relating to the sale and use of certain land used for a world exposition.

The motion prevailed.

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

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

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

Nays: Campbell.

Absent-excused: Van de Putte, Williams.

COMMITTEE SUBSTITUTE SENATE BILL 930 ON THIRD READING

Senator Zaffirini, on behalf of Senator Van de Putte, moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 930** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Campbell.

Absent-excused: Van de Putte, Williams.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 1. (Same as previous roll call)

SENATOR ANNOUNCED PRESENT

Senator Williams, who had previously been recorded as "Absent-excused," was announced "Present."

COMMITTEE SUBSTITUTE HOUSE BILL 535 ON SECOND READING

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

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

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

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

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

Absent-excused: Van de Putte.

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

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

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

Absent-excused: Van de Putte.

SENATE BILL 1286 WITH HOUSE AMENDMENT

Senator Williams called **SB 1286** from the President's table for consideration of the House amendment to the bill.

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

Amendment

Amend **SB 1286** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to the regulation of professional employer services; authorizing fees.

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

SECTION 1. The heading to Chapter 91, Labor Code, is amended to read as follows:

CHAPTER 91. PROFESSIONAL EMPLOYER ORGANIZATIONS [~~STAFF LEASING SERVICES~~]

SECTION 2. Section 91.001, Labor Code, is amended by amending Subdivisions (1), (2-a), (3), (7), (11), (14), (15), (16), and (17) and adding Subdivisions (3-a), (3-b), and (7-a) to read as follows:

(1) "Applicant" means a person ~~[business entity]~~ applying for a license or the renewal of a license under this chapter.

(2-a) "Assurance organization" means an independent entity approved by the commission that:

(A) provides a national program of accreditation and financial assurance for professional employer organizations ~~[staff leasing services companies]~~;

(B) has documented qualifications, standards, and procedures acceptable to the department; and

(C) agrees to provide information, compliance monitoring services, and financial assurance useful to the department in accomplishing the provisions of this chapter.

(3) "Client ~~[company]~~" means any [a] person who enters into a professional employer services agreement [that contracts] with a license holder [and is assigned employees by the license holder under that contract].

(3-a) "Coemployer" means a professional employer organization or a client that is a party to a coemployment relationship.

(3-b) "Coemployment relationship" means a contractual relationship between a client and a professional employer organization that involves the sharing of employment responsibilities with or allocation of employment responsibilities to covered employees in accordance with the professional employer services agreement and this chapter.

(7) "Controlling person" means an individual who:

(A) possesses direct or indirect control of 25 percent or more of the voting securities of a business entity ~~[corporation]~~ that offers or proposes to offer professional employer [staff leasing] services;

(B) possesses the authority to set policy and direct management of a business entity ~~[company]~~ that offers or proposes to offer professional employer [staff leasing] services;

(C) is employed, appointed, or authorized by a business entity ~~[company]~~ that offers or proposes to offer professional employer [staff leasing] services to enter into a professional employer services agreement [contract] with a client [company] on behalf of the business entity [company]; or

(D) a person who is an officer or director of a corporation or a general partner of a partnership that offers or proposes to offer professional employer [staff leasing] services.

(7-a) "Covered employee" means an individual having a coemployment relationship with a professional employer organization and a client.

(11) "License holder" means a person licensed under this chapter to provide professional employer [staff leasing] services.

(14) "Professional employer services" means the services provided through coemployment relationships in which all or a majority of the employees providing services to a client or to a division or work unit of a client are covered employees. ["Staff leasing services" means an arrangement by which employees of a license holder are assigned to work at a client company and in which employment responsibilities are in fact shared by the license holder and the client company, the employee's assignment is intended to be of a long term or continuing nature, rather than temporary or seasonal in nature, and a majority of the work force at a client company worksite or a specialized group within that work force consists of assigned employees of the license holder. The term includes professional employer organization services.] The term does not include:

(A) temporary help;

(B) an independent contractor;

(C) the provision of services that otherwise meet the definition of "professional employer ["staff leasing] services" by one person solely to other persons who are related to the service provider by common ownership; or

(D) a temporary common worker employer as defined by Chapter 92.

(15) "Professional employer organization" ["Staff leasing services company"] means a business entity that offers professional employer [staff leasing] services. [The term includes a professional employer organization.]

(16) "Temporary help" means an arrangement by which an organization hires its own employees and assigns them to a company [client] to support or supplement the company's [client's] work force in a special work situation, including:

(A) an employee absence;

(B) a temporary skill shortage;

(C) a seasonal workload; or

(D) a special assignment or project.

(17) "Wages" means:

(A) compensation for labor or services rendered by a covered [an assigned] employee, whether computed on a time, task, piece, or other basis; and

(B) vacation pay, holiday pay, sick leave pay, parental leave pay, severance pay, bonuses, commissions, stock option grants, or deferred compensation owed to a covered [an assigned] employee under a written agreement.

SECTION 3. Chapter 91, Labor Code, is amended by adding Sections 91.0011 and 91.0012 to read as follows:

Sec. 91.0011. COEMPLOYMENT RELATIONSHIP. (a) A coemployment relationship is intended to be an ongoing relationship rather than a temporary or specific one, in which the rights, duties, and obligations of an employer that arise out of an employment relationship are allocated between coemployers under a professional employer services agreement. Coemployment is not a joint employment arrangement.

(b) In a coemployment relationship:

(1) the professional employer organization may enforce only those employer rights and is subject to only those obligations specifically allocated to the professional employer organization by the professional employer services agreement or this chapter;

(2) the client may enforce any right and is obligated to perform those employer obligations allocated to the client by the professional employer services agreement or this chapter; and

(3) the client may enforce any right and is obligated to perform any obligation of an employer not specifically allocated to the professional employer organization by the professional employer services agreement or this chapter.

Sec. 91.0012. COVERED EMPLOYEE. (a) A covered employee must meet all the following criteria:

(1) the individual must receive written notice of the coemployment relationship with the professional employer organization; and

(2) the individual's coemployment relationship must be under a professional employer services agreement subject to this chapter.

(b) An individual who is an executive employee, as described by Section 406.097, of the client is a covered employee, except to the extent the professional employer organization and the client expressly agree in the professional employer services agreement that the individual is not a covered employee.

SECTION 4. Sections 91.002(b) and (c), Labor Code, are amended to read as follows:

(b) Each person who offers professional employer [~~staff leasing~~] services is subject to this chapter and the rules adopted by the commission.

(c) Notwithstanding any other provision of this chapter, nothing in this chapter preempts the existing statutory or rulemaking authority of any other state agency or entity to regulate professional employer [~~staff leasing~~] services in a manner consistent with the statutory authority of that state agency or entity.

SECTION 5. Section 91.003(a), Labor Code, is amended to read as follows:

(a) Each state agency that in performing duties under other law affects the regulation of professional employer [~~staff leasing~~] services shall cooperate with the department and other state agencies as necessary to implement and enforce this chapter.

SECTION 6. Sections 91.004, 91.005, 91.006, 91.007, 91.011, and 91.012, Labor Code, are amended to read as follows:

Sec. 91.004. EFFECT OF OTHER LAW ON CLIENTS AND EMPLOYEES.

(a) This chapter does not exempt a client of a license holder, or any covered [~~assigned~~] employee, from any other license requirements imposed under local, state, or federal law.

(b) A covered [~~An~~] employee who is licensed, registered, or certified under law [~~and who is assigned to a client company~~] is considered to be an employee of the client [~~company~~] for the purpose of that license, registration, or certification.

(c) A license holder is not engaged in the unauthorized practice of an occupation, trade, or profession that is licensed, certified, or otherwise regulated by a governmental entity solely by entering into a professional employer services [~~staff leasing~~] agreement with a client [~~company~~] and covered [~~assigned~~] employees.

Sec. 91.005. APPLICATION OF CERTAIN PROCUREMENT LAWS. With respect to a bid, contract, purchase order, or agreement entered into with the state or a political subdivision of the state, a client's [~~client company's~~] status or certification as a small, minority-owned, disadvantaged, or woman-owned business enterprise or as a

historically underutilized business is not affected because the client [~~company~~] has entered into a professional employer services [~~an~~] agreement with a license holder or uses the services of a license holder.

Sec. 91.006. WORKERS' COMPENSATION COVERAGE. (a) A certificate of insurance coverage or other evidence of coverage showing that either a license holder or a client maintains ~~[a policy of]~~ workers' compensation insurance coverage constitutes proof of workers' compensation insurance coverage for the license holder and the client [~~company~~] with respect to all covered employees of the license holder and [assigned to] the client [~~company~~]. The state and a political subdivision of the state shall accept a certificate of insurance coverage or other evidence of coverage described by this section as proof of workers' compensation coverage under Chapter 406.

(b) For a client [~~company~~] that has employees who are not covered ~~[assigned]~~ employees under a professional employer [~~staff leasing~~] services agreement, the state or a political subdivision of the state may require the client [~~company~~] to furnish separate proof of workers' compensation insurance coverage for those employees.

Sec. 91.007. APPLICATION OF LABOR RELATIONS LAWS. This chapter does not relieve a client [~~company~~] of a right, obligation, or duty under:

- (1) Chapter 101;
- (2) the federal National Labor Relations Act (29 U.S.C. Section 151 et seq.);
- (3) the federal Railway Labor Act (45 U.S.C. Section 151 et seq.); or
- (4) any other law governing labor relations.

Sec. 91.011. LICENSE REQUIRED. A person may not engage in or offer professional employer [~~staff leasing~~] services in this state unless the person holds a license issued under this chapter.

Sec. 91.012. GENERAL LICENSE REQUIREMENTS. To be qualified to serve as a controlling person of a license holder under this chapter, that person must be at least 18 years of age and have educational, managerial, or business experience relevant to:

- (1) operation of a business entity offering professional employer [~~staff leasing~~] services; or
- (2) service as a controlling person of a professional employer organization [~~staff leasing services company~~].

SECTION 7. Sections 91.014(a) and (c), Labor Code, are amended to read as follows:

(a) An applicant for an original or renewal license must demonstrate positive working capital in the following amounts:

- (1) \$50,000 if the applicant employs fewer than 250 covered [~~assigned~~] employees;
- (2) \$75,000 if the applicant employs at least 250 but not more than 750 covered [~~assigned~~] employees; and
- (3) \$100,000 if the applicant employs more than 750 covered [~~assigned~~] employees.

(c) Information submitted to or maintained by the department is subject to Chapter 552, Government Code, other than information related to:

- (1) identification of clients [~~client companies~~];
- (2) working capital;
- (3) financial statements; or
- (4) federal tax returns.

SECTION 8. Section 91.015(a), Labor Code, is amended to read as follows:

(a) To receive a professional employer organization [~~staff leasing services company~~] original license, a person shall file with the department a written application accompanied by the application fee.

SECTION 9. Sections 91.017(a) and (c), Labor Code, are amended to read as follows:

(a) Each applicant for an original or renewal professional employer organization [~~staff leasing services company~~] license shall pay to the department before the issuance of the license or license renewal a fee set by the commission by rule.

(c) Fees collected by the department under this chapter may [~~shall~~] be used only to implement this chapter.

SECTION 10. Sections 91.018(e) and (f), Labor Code, are amended to read as follows:

(e) A license holder offering professional employer [~~staff leasing~~] services in more than one state may advertise in this state using the name of its parent company or under a trade name, trademark, or service mark. The trade name, trademark, service mark, or parent company name must be listed on the license in addition to the licensed name used by the license holder in this state.

(f) Each written proposal provided to a prospective client [~~company~~] and each contract between a license holder and a client [~~company~~] or covered [~~assigned~~] employee shall clearly identify the name of the license holder. A proposal or contract may also identify the trade name, trademark, service mark, or parent company name of the license holder. A license holder may use written materials including forms, benefit information, letterhead, and business cards that bear only the trade name, trademark, service mark, or parent company name of the license holder.

SECTION 11. Sections 91.019(a), (b), and (c), Labor Code, are amended to read as follows:

(a) The commission by rule shall provide for the issuance of a limited license to a person who seeks to offer limited professional employer [~~staff leasing~~] services in this state.

(b) For purposes of this section, a professional employer organization [~~staff leasing services company~~] is considered to be offering limited professional employer [~~staff leasing~~] services if the professional employer organization [~~staff leasing services company~~]:

- (1) employs fewer than 50 covered [~~assigned~~] employees in this state at any one time;
- (2) does not provide covered [~~assigned~~] employees to a client [~~company~~] based or domiciled in this state; and
- (3) does not maintain an office in this state or solicit clients [~~client companies~~] located or domiciled in this state.

(c) A professional employer organization [~~staff leasing services company~~] that offers limited professional employer [~~staff leasing~~] services shall complete the application forms and pay the fees for a limited license as prescribed by the department. A limited license is valid for one year from the date of issuance and may be renewed annually on submission of a renewal application and payment of the required fees.

SECTION 12. Section 91.020, Labor Code, is amended to read as follows:

Sec. 91.020. GROUNDS FOR DISCIPLINARY ACTION. The department may take disciplinary action against a license holder on any of the following grounds:

(1) engaging in professional employer [~~staff leasing~~] services or offering to engage in the provision of professional employer [~~staff leasing~~] services without a license;

(2) transferring or attempting to transfer a license issued under this chapter;

(3) violating this chapter or any order or rule issued by the executive director or commission under this chapter;

(4) failing after the 31st day after the date on which a felony conviction of a controlling person is final to notify the department in writing of the conviction;

(5) failing to cooperate with an investigation, examination, or audit of the license holder's records conducted by the license holder's insurance company or the insurance company's designee, as allowed by the insurance contract or as authorized by law by the Texas Department of Insurance;

(6) failing after the 31st day after the effective date of a change in ownership, principal business address, or the address of accounts and records to notify the department and the Texas Department of Insurance of the change;

(7) failing to correct any tax filings or payment deficiencies within a reasonable time as determined by the executive director;

(8) refusing, after reasonable notice, to meet reasonable health and safety requirements within the license holder's control and made known to the license holder by a federal or state agency;

(9) being delinquent in the payment of the license holder's insurance premiums other than those subject to a legitimate dispute;

(10) being delinquent in the payment of any employee benefit plan premiums or contributions other than those subject to a legitimate dispute;

(11) knowingly making a material misrepresentation to an insurance company or to the department or other governmental agency;

(12) failing to maintain the working capital required under Section 91.014;

or
(13) using professional employer [~~staff leasing~~] services to avert or avoid an existing collective bargaining agreement.

SECTION 13. Section 91.021(b), Labor Code, is amended to read as follows:

(b) A professional employer organization [~~staff leasing services company~~] may authorize an assurance organization that is qualified and approved by the commission to act on its behalf in complying with the licensing requirements of this chapter, including the electronic filing of information and the payment of application and licensing fees. Use of an assurance organization is optional and is not mandatory for a professional employer organization [~~staff leasing services company~~].

SECTION 14. Subchapter C, Chapter 91, Labor Code, is amended to read as follows:

SUBCHAPTER C. PROFESSIONAL EMPLOYER SERVICES [~~STAFF LEASING SERVICES~~] AGREEMENT

Sec. 91.031. AGREEMENT; NOTICE. (a) A license holder shall establish the terms of a professional employer [~~staff leasing~~] services agreement by a written contract between the license holder and the client [~~company~~].

(b) The license holder shall give written notice of the agreement as it affects covered [~~assigned~~] employees to each covered employee [~~assigned to a client company worksite~~].

(c) The written notice required by Subsection (b) must be given to each covered [~~assigned~~] employee not later than the first payday after the date on which that individual becomes a covered [~~an assigned~~] employee.

Sec. 91.032. CONTRACT REQUIREMENTS. (a) A professional employer services agreement [~~contract~~] between a license holder and a client [~~company~~] must provide that the license holder:

(1) shares, as provided by Subsection (b), with the client [~~company~~] the right of direction and control over covered employees [~~assigned to a client's worksites~~];

(2) assumes responsibility for the payment of wages to the covered [~~assigned~~] employees without regard to payments by the client to the license holder;

(3) assumes responsibility for the payment of payroll taxes and collection of taxes from payroll on covered [~~assigned~~] employees;

(4) shares, as provided by Subsection (b), with the client [~~company~~] the right to hire, fire, discipline, and reassign the covered [~~assigned~~] employees; and

(5) shares, as provided by Subsection (b), with the client [~~company~~] the right of direction and control over the adoption of employment and safety policies and the management of workers' compensation claims, claim filings, and related procedures.

(b) Notwithstanding any other provision of this chapter, a client [~~company~~] retains sole responsibility for:

(1) the direction and control of covered [~~assigned~~] employees as necessary to conduct the client's [~~client company's~~] business, discharge any applicable fiduciary duty, or comply with any licensure, regulatory, or statutory requirement;

(2) goods and services produced by the client [~~company~~]; and

(3) the acts, errors, and omissions of covered [~~assigned~~] employees committed within the scope of the client's [~~client company's~~] business.

(c) Notwithstanding Subsection (a)(2), a client [~~company~~] is solely obligated to pay any wages for which:

(1) obligation to pay is created by an agreement, contract, plan, or policy between the client [~~company~~] and the covered [~~assigned~~] employee; and

(2) the professional employer organization [~~staff leasing services company~~] has not contracted to pay.

(d) Each professional employer organization [~~staff leasing services company~~] shall disclose the requirements of Subsection (c) in writing to each covered [~~assigned~~] employee.

SECTION 15. Section 91.041, Labor Code, is amended by amending Subsections (a) and (b) and adding Subsections (a-1) and (a-2) to read as follows:

(a) A client and license holder are each considered an employer under the laws of this state for purposes of sponsoring retirement and welfare benefit plans for covered employees. [A license holder may sponsor and maintain employee benefit plans for the benefit of assigned employees. A client company may include assigned employees in any benefit plan sponsored by the client company.]

(a-1) A license holder may sponsor a single welfare benefit plan under which eligible covered employees of one or more clients may elect to participate.

(a-2) A fully insured welfare benefit plan offered to the covered employees of a license holder and provided by an insurance company authorized to provide that insurance in this state or a self-funded health benefit plan sponsored by a license holder as provided by Section 91.0411 shall be treated for purposes of state law as a single employer welfare benefit plan.

(b) With respect to any insurance or benefit plan provided by a license holder for the benefit of its assigned employees, a license holder shall disclose the following information to the department, each client [~~company~~], and its covered [~~assigned~~] employees:

- (1) the type of coverage;
- (2) the identity of each insurer for each type of coverage;
- (3) the amount of benefits provided for each type of coverage and to whom or in whose behalf benefits are to be paid;
- (4) the policy limits on each insurance policy; and
- (5) whether the coverage is fully insured, partially insured, or fully self-funded.

SECTION 16. Subchapter D, Chapter 91, Labor Code, is amended by adding Section 91.0411 to read as follows:

Sec. 91.0411. SELF-FUNDED HEALTH BENEFIT PLAN. (a) In this section, "commissioner" means the commissioner of insurance.

(b) A license holder may sponsor a benefit plan that is not fully insured if the license holder meets the requirements of this section and is approved to sponsor the plan by the commissioner.

(c) The commissioner may, on notice and opportunity for all interested persons to be heard, adopt rules and issue orders reasonably necessary to augment and implement the regulation of benefit plans sponsored by a license holder that are not fully insured. The commissioner may not adopt a rule that requires clients or covered employees to be members of an association or group in the same trade or industry in order to be covered by a license holder-sponsored benefit plan that is not fully insured. The rules must include all requirements that must be met by the license holder and the plan, including:

- (1) initial and final approval requirements;
- (2) authority to prescribe forms and items to be submitted to the commissioner by the license holder;
- (3) a fidelity bond;
- (4) use of an independent actuary;
- (5) use of a third-party administrator;

(6) authority for the commissioner to examine an application or a plan;

(7) the minimum number of clients and covered employees covered by the plan;

(8) standards for those natural persons managing the plan;

(9) the minimum amount of gross contributions;

(10) the minimum amount of written commitment, binder, or policy for stop-loss insurance;

(11) the minimum amount of reserves; and

(12) a fee in an amount reasonable and necessary to defray the costs of administering this section to be deposited to the credit of the operating fund of the Texas Department of Insurance.

(d) Information submitted under this section is confidential and not subject to disclosure under Chapter 552, Government Code.

(e) Each license holder under this section shall appoint the commissioner as its resident agent for purposes of service of process. The fee for that service is \$50, payable at the time of appointment.

(f) The commissioner may examine the affairs of any plan and shall have access to the records of the plan. The commissioner may examine under oath a manager or employee of the license holder in connection with the plan.

(g) In addition to any requirement or remedy under a law, the commissioner may suspend, revoke, or limit the authorization of a plan if the commissioner determines, after notice and hearing, that the plan does not comply with this section. The commissioner may notify the attorney general of a violation of this section, and the attorney general may apply to a district court in Travis County for leave to file suit in the nature of quo warranto or for injunctive relief or both.

(h) A plan under this section is subject to Chapters 401, 404, 441, and 443, Insurance Code.

SECTION 17. Section 91.042, Labor Code, is amended by amending Subsections (a) through (h) and adding Subsections (a-1), (a-2), and (c-1) to read as follows:

(a) A license holder or client may elect to obtain workers' compensation insurance coverage for covered ~~[the license holder's assigned]~~ employees through an insurance company as defined under Section 401.011(28) or through self-insurance as provided under Chapter 407.

(a-1) The client and the professional employer organization shall specify in the professional employer services agreement whether the parties have elected to obtain workers' compensation insurance coverage for the covered employees and shall specify which party must maintain coverage. If the license holder maintains workers' compensation insurance coverage for the client, an individual who is an executive employee, as described by Section 406.097, of the client is eligible to be treated as an executive employee for premium calculation and classification purposes. A copy of the professional employer services agreement must be provided to the Texas Department of Insurance on request. Information obtained by the Texas Department of Insurance under this section is confidential and not subject to disclosure under Chapter 552, Government Code.

(a-2) If the client elects to maintain workers' compensation insurance coverage for the covered employees under the client's policy or other coverage, the client shall pay workers' compensation insurance premiums for the covered employees based on the experience rating of the client.

(b) If a license holder maintains workers' compensation insurance coverage for covered employees, the license holder shall pay workers' compensation insurance premiums for the covered employees based on the experience rating of the client [company] for the first two years the covered employees are covered under the professional employer organization's policy [~~client company has a contract with the license holder~~] and as further provided by rule by the Texas Department of Insurance.

(c) For workers' compensation insurance purposes, a license holder and the license holder's client [company] shall be coemployers. If either a license holder or a client elects to obtain workers' compensation insurance coverage for covered employees, the client [company] and the license holder are subject to Sections 406.005, 406.034, [~~and~~] 408.001, and 411.032.

(c-1) Notwithstanding Subsection (c), for purposes of Section 462.308(a)(2), Insurance Code, the client is considered to be the insured employer.

(d) If a license holder or a client does not elect to obtain workers' compensation insurance coverage for covered employees, both the license holder and the client [company] are subject to Sections 406.004, 406.005, [~~and~~] 406.033, and 411.032.

(e) After the expiration of the two-year period under Subsection (b), if the client elects to obtain [~~company obtains a new~~] workers' compensation insurance coverage for covered employees through coverage maintained by the client, or if the professional employer services agreement is terminated and the client elects to maintain, through coverage maintained by the client or through coverage maintained by a successor professional employer organization, workers' compensation insurance coverage for employees previously covered by the former professional employer organization's policy [~~policy in the company's own name or adds the company's former assigned workers to an existing policy~~], the premium for the workers' compensation insurance coverage for the client [~~policy of the company~~] shall be based on the lower of:

(1) the experience modifier of the client [company] before being covered under the professional employer organization's coverage [~~entering into the staff leasing arrangement~~]; or

(2) the experience modifier of the license holder at the time the client's coverage under the professional employer organization's coverage is [~~staff leasing arrangement~~] terminated.

(f) On request, an insurer [~~the Texas Department of Insurance~~] shall provide the necessary computations to the prospective workers' compensation insurer of the client [company] to comply with Subsection (e).

(g) On the written request of a client [company], a license holder that elects to provide workers' compensation insurance for covered [~~assigned~~] employees shall provide to the client [company] a list of:

(1) claims associated with that client [company] made against the license holder's workers' compensation policy; and

(2) payments made and reserves established on each claim.

(h) The license holder shall provide the information described by Subsection (g) in writing from the license holder's own records, if the license holder is a qualified self-insurer, or from information the license holder received from the license holder's workers' compensation insurance provider following the license holder's request under Section 2051.151, Insurance Code, not later than the 60th day after the date the license holder receives the client's [~~client company's~~] written request. For purposes of this subsection, information is considered to be provided to the client [~~company~~] on the date the information is:

- (1) received by the United States Postal Service; or
- (2) personally delivered to the client [~~company~~].

SECTION 18. Sections 91.044, 91.046, 91.048, 91.050, 91.061, 92.012, and 201.030, Labor Code, are amended to read as follows:

Sec. 91.044. UNEMPLOYMENT TAXES; PAYROLL. (a) A license holder is the employer of a covered [~~an assigned~~] employee for purposes of Subtitle A, Title 4, and, except for wages subject to Section 91.032(c), for purposes of Chapter 61. In addition to any other reports required to be filed by law, a license holder shall report quarterly to the Texas Workforce Commission on a form prescribed by the Texas Workforce Commission the name, address, telephone number, federal income tax identification number, and classification code as described in the "Standard Industrial Classification Manual" published by the United States Office of Management and Budget of each client [~~company~~].

(b) For purposes of Subtitle A, Title 4, in the event of the termination of a contract between a license holder and a client [~~company~~] or the failure by a professional employer organization [~~staff leasing entity~~] to submit reports or make tax payments as required by that subtitle, the contracting client [~~company~~] shall be treated as a new employer without a previous experience record unless that client [~~company~~] is otherwise eligible for an experience rating.

Sec. 91.046. CONTRACTUAL DUTIES. Each license holder is responsible for the license holder's contractual duties and responsibilities to manage, maintain, collect, and make timely payments for:

- (1) insurance premiums;
- (2) benefit and welfare plans;
- (3) other employee withholding; and
- (4) any other expressed responsibility within the scope of the professional employer services agreement [~~contract~~] for fulfilling the duties imposed under this

section and Sections 91.032, 91.047, and 91.048.

Sec. 91.048. REQUIRED INFORMATION. Each license holder shall:

(1) maintain adequate books and records regarding the license holder's duties and responsibilities;

(2) maintain and make available at all times to the executive director the following information, which shall be treated as proprietary and confidential and is exempt from disclosure to persons other than other governmental agencies having a reasonable, legitimate purpose for obtaining the information:

(A) the correct name, address, and telephone number of each client [~~company~~];

(B) each professional employer services agreement with a client [~~company contract~~]; and

(C) a listing by classification code as described in the "Standard Industrial Classification Manual" published by the United States Office of Management and Budget, of each client [~~company~~];

(3) notify the department of any addition or deletion of a controlling person as listed on the license application or renewal form by providing the name of the person not later than the 45th day after the date on which the person is added or deleted as a controlling person; and

(4) provide a biographical history to the department in connection with the addition of a new controlling person.

Sec. 91.050. TAX CREDITS AND OTHER INCENTIVES. (a) For the purpose of determining tax credits, grants, and other economic incentives provided by this state or other governmental entities that are based on employment, covered [~~assigned~~] employees are considered employees of the client and the client is solely entitled to the benefit of any tax credit, economic incentive, or other benefit arising from the employment of covered [~~assigned~~] employees of the client. This subsection applies even if the professional employer organization [~~staff leasing services company~~] is the reporting employer for federal income tax purposes.

(b) If a grant or the amount of any incentive described by Subsection (a) is based on the number of employees, each client shall be treated as employing only those [~~assigned~~] employees coemployed [~~co-employed~~] by the client. Covered [~~Assigned~~] employees working for other clients of the professional employer organization [~~staff leasing services company~~] may not be included in the computation.

(c) Each professional employer organization [~~staff leasing services company~~] shall provide, on the request of a client or an agency of this state, employment information reasonably required by the state agency responsible for the administration of any tax credit or economic incentive described by Subsection (a) and necessary to support a request, claim, application, or other action by a client seeking the tax credit or economic incentive.

Sec. 91.061. PROHIBITED ACTS. A person may not:

(1) engage in or offer professional employer [~~staff leasing~~] services without holding a license under this chapter as a professional employer organization [~~staff leasing services company~~];

(2) use the name, ~~or~~ title, or designation "professional employer organization," "PEO," "staff leasing company," "employee leasing company," "licensed professional employer organization," "professional employer organization services company," "professional employer organization company," [~~"licensed staff leasing company," "staff leasing services company," "professional employer organization,"~~] or "administrative employer" or otherwise represent that the entity is licensed under this chapter unless the entity holds a license issued under this chapter;

(3) represent as the person's own the license of another person or represent that a person is licensed if the person does not hold a license;

(4) give materially false or forged evidence to the department in connection with obtaining or renewing a license or in connection with disciplinary proceedings under this chapter; or

(5) use or attempt to use a license that has expired or been revoked.

Sec. 92.012. EXEMPTIONS FROM LICENSING REQUIREMENT. This chapter does not apply to:

- (1) a temporary skilled labor agency;
- (2) a professional employer organization [~~staff leasing services company~~];
- (3) an employment counselor;
- (4) a talent agency;
- (5) a labor union hiring hall;
- (6) a temporary common worker employer that does not operate a labor

hall;

(7) a labor bureau or employment office operated by a person for the sole purpose of employing an individual for the person's own use; or

(8) an employment service or labor training program provided by a governmental entity.

Sec. 201.030. PROFESSIONAL EMPLOYER ORGANIZATION [~~STAFF LEASING SERVICES COMPANY~~]. For the purposes of this subtitle, "professional employer organization" [~~"staff leasing services company"~~] has the meaning assigned by Section 91.001.

SECTION 19. Section 207.045(i), Labor Code, is amended to read as follows:

(i) A covered [~~An assigned~~] employee of a professional employer organization [~~staff leasing services company~~] is considered to have left the covered [~~assigned~~] employee's last work without good cause if the professional employer organization [~~staff leasing services company~~] demonstrates that:

(1) at the time the employee's assignment to a client [~~company~~] concluded, the professional employer organization [~~staff leasing services company~~], or the client [~~company~~] acting on the professional employer organization's [~~staff leasing services company's~~] behalf, gave written notice and written instructions to the covered [~~assigned~~] employee to contact the professional employer organization [~~staff leasing services company~~] for a new assignment; and

(2) the covered [~~assigned~~] employee did not contact the professional employer organization [~~staff leasing services company~~] regarding reassignment or continued employment; provided that the covered [~~assigned~~] employee may show that good cause existed for the covered [~~assigned~~] employee's failure to contact the professional employer organization [~~staff leasing services company~~].

SECTION 20. The heading to Section 415.011, Labor Code, is amended to read as follows:

Sec. 415.011. NOTICE OF PROFESSIONAL EMPLOYER ORGANIZATION [~~STAFF LEASING SERVICES COMPANY~~] WORKERS' COMPENSATION CLAIM AND PAYMENT INFORMATION; ADMINISTRATIVE VIOLATION.

SECTION 21. Section 415.011, Labor Code, is amended by amending Subsections (a) and (c) and adding Subsection (a-1) to read as follows:

(a) In this section, "license holder" has the meaning assigned by Section 91.001.

(a-1) Except as provided by Subsection (c), a [~~staff leasing services company~~] license holder commits a violation if the license holder fails to provide the information required by Sections 91.042(g) and (h).

(c) A ~~[staff leasing services company]~~ license holder does not commit an administrative violation under this section if the license holder requested the information required by Sections 91.042(g) and (h) from the license holder's workers' compensation insurance provider and the provider does not provide the information to the license holder within the required time. A license holder shall notify the Texas Department of Insurance of a provider's failure to comply with the requirements of Section 2051.151, Insurance Code.

SECTION 22. Section 151.057, Tax Code, is amended to read as follows:

Sec. 151.057. SERVICES BY EMPLOYEES. The following services are not taxable under this chapter:

(1) a service performed by an employee for his employer in the regular course of business, within the scope of the employee's duties, and for which the employee is paid his regular wages or salary;

(2) a service performed by an employee of a temporary employment service as defined by Section 93.001, Labor Code, for an employer to supplement the employer's existing work force on a temporary basis, when the service is normally performed by the employer's own employees, the employer provides all supplies and equipment necessary, and the help is under the direct or general supervision of the employer to whom the help is furnished; or

(3) a service performed by covered ~~[assigned]~~ employees of a professional employer organization ~~[staff leasing company]~~, either licensed under Chapter 91, Labor Code, or exempt from the licensing requirements of that chapter, for a client ~~[company]~~ under a written contract that provides for shared employment responsibilities between the professional employer organization ~~[staff leasing company]~~ and the client ~~[company]~~ for the covered ~~[assigned]~~ employees, most of whom must have been previously employed by the client ~~[company]~~. The comptroller shall prescribe by rule the minimum percentage of covered ~~[assigned]~~ employees that must have been previously employed by the client ~~[company]~~, the minimum time period the covered ~~[assigned]~~ employees must have been employed by the client ~~[company]~~ prior to the commencement of its contract, and such other criteria as the comptroller may deem necessary to properly implement this section.

SECTION 23. Section 171.0001, Tax Code, is amended by amending Subdivisions (6) and (15) and adding Subdivision (8-a) to read as follows:

(6) "Client ~~[company]~~" means:

(A) a client as that term is defined by Section 91.001 ~~[person that contracts with a license holder under Chapter 91]~~, Labor Code~~[- and is assigned employees by the license holder under that contract];~~ or

(B) a client of a temporary employment service, as that term is defined by Section 93.001(2), Labor Code, to whom individuals are assigned for a purpose described by that subdivision.

(8-a) "Covered employee" has the meaning assigned by Section 91.001, Labor Code.

(15) "Professional employer organization" ~~["Staff leasing services company"]~~ means:

(A) a business entity that offers professional employer ~~[staff leasing]~~ services, as that term is defined by Section 91.001, Labor Code; or

(B) a temporary employment service, as that term is defined by Section 93.001, Labor Code.

SECTION 24. Section 171.101(b), Tax Code, is amended to read as follows:

(b) Notwithstanding Subsection (a)(1)(B)(ii), a professional employer organization [~~staff leasing services company~~] may subtract only compensation as determined under Section 171.1013.

SECTION 25. Section 171.1011(k), Tax Code, is amended to read as follows:

(k) A taxable entity that is a professional employer organization [~~staff leasing services company~~] shall exclude from its total revenue payments received from a client [~~company~~] for wages, payroll taxes on those wages, employee benefits, and workers' compensation benefits for the covered [~~assigned~~] employees of the client [~~company~~].

SECTION 26. Sections 171.1013(d) and (e), Tax Code, are amended to read as follows:

(d) A taxable entity that is a professional employer organization [~~staff leasing services company~~]:

(1) may not include as wages or cash compensation payments described by Section 171.1011(k); and

(2) shall determine compensation as provided by this section only for the taxable entity's own employees that are not covered [~~assigned~~] employees.

(e) Subject to the other provisions of this section, in determining compensation, a taxable entity that is a client [~~company~~] that contracts with a professional employer organization [~~staff leasing services company~~] for covered [~~assigned~~] employees:

(1) shall include payments made to the professional employer organization [~~staff leasing services company~~] for wages and benefits for the covered [~~assigned~~] employees as if the covered [~~assigned~~] employees were actual employees of the entity;

(2) may not include an administrative fee charged by the professional employer organization [~~staff leasing services company~~] for the provision of the covered [~~assigned~~] employees; and

(3) may not include any other amount in relation to the covered [~~assigned~~] employees, including payroll taxes.

SECTION 27. Section 171.2125, Tax Code, is amended to read as follows:

Sec. 171.2125. CALCULATING COST OF GOODS OR COMPENSATION IN PROFESSIONAL EMPLOYER SERVICES [~~STAFF LEASING~~] ARRANGEMENTS. In calculating cost of goods sold or compensation, a taxable entity that is a client [~~company~~] of a professional employer organization [~~staff leasing services company~~] shall rely on information provided by the professional employer organization [~~staff leasing services company~~] on a form promulgated by the comptroller or an invoice.

SECTION 28. The following laws are repealed:

- (1) Section 91.001(2), Labor Code;
- (2) Section 91.043, Labor Code; and
- (3) Section 171.0001(2), Tax Code.

SECTION 29. (a) Not later than January 1, 2014, the Texas Commission of Licensing and Regulation shall adopt any rules necessary to administer Chapter 91, Labor Code, as amended by this Act.

(b) The changes in law made by this Act apply only to a professional employer services agreement entered into on or after the effective date of this Act. An agreement entered into before the effective date of this Act is governed by the law in effect on the date the agreement is entered into, and the former law is continued in effect for that purpose.

(c) Section 91.042(c-1), Labor Code, as added by this Act, is not intended to change the interpretation of Section 462.308, Insurance Code, but is intended to clarify the application of that section.

(d) In adopting rules to implement Section 91.0411, Labor Code, as added by this Act, the commissioner of insurance shall consider rules adopted with respect to similar benefit plans.

SECTION 30. This Act takes effect September 1, 2013.

The amendment was read.

Senator Williams moved to concur in the House amendment to **SB 1286**.

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

Absent-excused: Van de Putte.

SENATE BILL 482 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 482** at this time on its second reading:

SB 482, Relating to the creation of the Montgomery County Municipal Utility District No. 136; granting a limited power of eminent domain; providing authority to issue bonds and impose a tax.

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

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

Absent-excused: Van de Putte.

SENATE BILL 482 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 482** be placed on its third reading and final passage.

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

Absent-excused: Van de Putte.

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

HOUSE BILL 1016 ON SECOND READING

Senator Williams moved to suspend the regular order of business to take up for consideration **HB 1016** at this time on its second reading:

HB 1016, Relating to legal representation for civil suits against peace officers employed by a school district.

The motion prevailed.

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

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

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

Nays: Birdwell, Nichols, Patrick.

Absent-excused: Van de Putte.

HOUSE BILL 1016 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 **HB 1016** be placed on its third reading and final passage.

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

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

Nays: Birdwell, Nichols, Patrick.

Absent-excused: Van de Putte.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 3. (Same as previous roll call)

HOUSE BILLS AND RESOLUTION ON FIRST READING

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

HB 6 to Committee on Finance.

HB 7 to Committee on Finance.

HB 21 to Committee on Criminal Justice.

HB 31 to Committee on Higher Education.

HB 45 to Committee on Veteran Affairs and Military Installations.

HB 78 to Committee on Finance.

HB 138 to Committee on Transportation.

HB 154 to Committee on Jurisprudence.

HB 205 to Committee on Health and Human Services.

HB 213 to Committee on Finance.

HB 274 to Committee on Education.

- HB 316** to Committee on Finance.
HB 318 to Committee on Business and Commerce.
HB 339 to Committee on Intergovernmental Relations.
HB 343 to Committee on Education.
HB 367 to Committee on Open Government.
HB 376 to Committee on Health and Human Services.
HB 396 to Committee on State Affairs.
HB 438 to Committee on Transportation.
HB 439 to Committee on Criminal Justice.
HB 590 to Committee on Education.
HB 595 to Committee on Health and Human Services.
HB 658 to Committee on State Affairs.
HB 698 to Committee on Criminal Justice.
HB 699 to Committee on Business and Commerce.
HB 746 to Committee on Health and Human Services.
HB 772 to Committee on Health and Human Services.
HB 776 to Committee on Natural Resources.
HB 796 to Committee on Business and Commerce.
HB 826 to Committee on Finance.
HB 827 to Committee on Transportation.
HB 834 to Committee on Economic Development.
HB 842 to Committee on Education.
HB 852 to Committee on Natural Resources.
HB 866 to Committee on Education.
HB 894 to Committee on Transportation.
HB 932 to Committee on Health and Human Services.
HB 970 to Committee on Health and Human Services.
HB 983 to Committee on Economic Development.
HB 985 to Committee on State Affairs.
HB 1010 to Committee on Criminal Justice.
HB 1018 to Committee on Health and Human Services.
HB 1020 to Committee on Criminal Justice.
HB 1029 to Committee on Intergovernmental Relations.
HB 1047 to Committee on Business and Commerce.
HB 1081 to Committee on Agriculture, Rural Affairs and Homeland Security.
HB 1098 to Committee on Health and Human Services.
HB 1134 to Committee on Transportation.
HB 1147 to Committee on Criminal Justice.
HB 1185 to Committee on Jurisprudence.
HB 1198 to Committee on Transportation.
HB 1268 to Committee on Criminal Justice.
HB 1278 to Committee on Jurisprudence.
HB 1324 to Committee on Natural Resources.
HB 1330 to Committee on Natural Resources.
HB 1337 to Committee on Criminal Justice.
HB 1354 to Committee on Intergovernmental Relations.

HB 1355 to Committee on Intergovernmental Relations.
HB 1390 to Committee on Jurisprudence.
HB 1421 to Committee on Criminal Justice.
HB 1442 to Committee on Intergovernmental Relations.
HB 1454 to Committee on Education.
HB 1458 to Committee on Transportation.
HB 1472 to Committee on Health and Human Services.
HB 1501 to Committee on Education.
HB 1544 to Committee on Criminal Justice.
HB 1562 to Committee on Criminal Justice.
HB 1593 to Committee on Intergovernmental Relations.
HB 1594 to Committee on Intergovernmental Relations.
HB 1606 to Committee on Criminal Justice.
HB 1632 to Committee on State Affairs.
HB 1646 to Committee on Business and Commerce.
HB 1662 to Committee on Economic Development.
HB 1664 to Committee on Business and Commerce.
HB 1678 to Committee on Veteran Affairs and Military Installations.
HB 1692 to Committee on Transportation.
HB 1721 to Committee on Business and Commerce.
HB 1751 to Committee on Education.
HB 1759 to Committee on State Affairs.
HB 1801 to Committee on Intergovernmental Relations.
HB 1846 to Committee on Jurisprudence.
HB 1874 to Committee on Jurisprudence.
HB 1875 to Committee on Jurisprudence.
HB 1888 to Committee on Intergovernmental Relations.
HB 1895 to Committee on Intergovernmental Relations.
HB 1903 to Committee on Finance.
HB 1913 to Committee on Finance.
HB 1926 to Committee on Education.
HB 1947 to Committee on Health and Human Services.
HB 1967 to Committee on Economic Development.
HB 1971 to Committee on Health and Human Services.
HB 1978 to Committee on Business and Commerce.
HB 1979 to Committee on Business and Commerce.
HB 1982 to Committee on Economic Development.
HB 2015 to Committee on Economic Development.
HB 2028 to Committee on Veteran Affairs and Military Installations.
HB 2029 to Committee on Veteran Affairs and Military Installations.
HB 2049 to Committee on Business and Commerce.
HB 2055 to Committee on Intergovernmental Relations.
HB 2062 to Committee on Business and Commerce.
HB 2072 to Committee on Health and Human Services.
HB 2099 to Committee on Higher Education.
HB 2111 to Committee on Health and Human Services.

- HB 2127** to Committee on State Affairs.
HB 2134 to Committee on Business and Commerce.
HB 2155 to Committee on State Affairs.
HB 2202 to Committee on Finance.
HB 2204 to Committee on Transportation.
HB 2267 to Committee on Open Government.
HB 2294 to Committee on Business and Commerce.
HB 2312 to Committee on Agriculture, Rural Affairs and Homeland Security.
HB 2318 to Committee on Education.
HB 2356 to Committee on Transportation.
HB 2380 to Committee on State Affairs.
HB 2383 to Committee on Health and Human Services.
HB 2414 to Committee on Open Government.
HB 2448 to Committee on Higher Education.
HB 2451 to Committee on Finance.
HB 2473 to Committee on Economic Development.
HB 2474 to Committee on Higher Education.
HB 2478 to Committee on Economic Development.
HB 2503 to Committee on State Affairs.
HB 2512 to Committee on State Affairs.
HB 2537 to Committee on Business and Commerce.
HB 2562 to Committee on Veteran Affairs and Military Installations.
HB 2580 to Committee on Transportation.
HB 2585 to Committee on Business and Commerce.
HB 2607 to Committee on Education.
HB 2615 to Committee on Natural Resources.
HB 2619 to Committee on Health and Human Services.
HB 2620 to Committee on Health and Human Services.
HB 2621 to Committee on Jurisprudence.
HB 2645 to Committee on State Affairs.
HB 2662 to Committee on Education.
HB 2688 to Committee on Intergovernmental Relations.
HB 2704 to Committee on Natural Resources.
HB 2718 to Committee on Government Organization.
HB 2732 to Committee on Business and Commerce.
HB 2741 to Committee on Transportation.
HB 2749 to Committee on Jurisprudence.
HB 2757 to Committee on Intergovernmental Relations.
HB 2758 to Committee on Business and Commerce.
HB 2766 to Committee on Finance.
HB 2782 to Committee on State Affairs.
HB 2806 to Committee on Business and Commerce.
HB 2825 to Committee on Criminal Justice.
HB 2840 to Committee on Intergovernmental Relations.
HB 2911 to Committee on Business and Commerce.
HB 2912 to Committee on Jurisprudence.

HB 2913 to Committee on Jurisprudence.
HB 2935 to Committee on State Affairs.
HB 2962 to Committee on Business and Commerce.
HB 2978 to Committee on Jurisprudence.
HB 3063 to Committee on Veteran Affairs and Military Installations.
HB 3066 to Committee on Veteran Affairs and Military Installations.
HB 3067 to Committee on Veteran Affairs and Military Installations.
HB 3068 to Committee on Business and Commerce.
HB 3096 to Committee on Business and Commerce.
HB 3097 to Committee on Intergovernmental Relations.
HB 3105 to Committee on State Affairs.
HB 3125 to Committee on Transportation.
HB 3137 to Committee on Natural Resources.
HB 3201 to Committee on Health and Human Services.
HB 3241 to Committee on Criminal Justice.
HB 3256 to Committee on Transportation.
HB 3307 to Committee on Business and Commerce.
HB 3357 to Committee on State Affairs.
HB 3390 to Committee on Economic Development.
HB 3422 to Committee on Transportation.
HB 3447 to Committee on Intergovernmental Relations.
HB 3483 to Committee on Transportation.
HB 3556 to Committee on Health and Human Services.
HB 3572 to Committee on Finance.
HB 3604 to Committee on Natural Resources.
HB 3605 to Committee on Natural Resources.
HB 3729 to Committee on Health and Human Services.
HB 3756 to Committee on Transportation.
HB 3787 to Committee on Health and Human Services.
HB 3800 to Committee on Intergovernmental Relations.
HB 3813 to Committee on Intergovernmental Relations.
HB 3874 to Committee on Intergovernmental Relations.
HB 3875 to Committee on Intergovernmental Relations.
HB 3896 to Committee on Intergovernmental Relations.
HCR 59 to Committee on Natural Resources.

REPORT OF COMMITTEE ON NOMINATIONS

Senator Hegar submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed:

Judge, 113th Judicial District Court, Harris County: Michael Lee Landrum, Harris County.

Members, Automobile Burglary and Theft Prevention Authority: Ashley Maurene Hunter, Travis County; Linda Walters Kinney, Hays County.

Members, Board of Trustees, Employees Retirement System of Texas: Cydney C. Donnell, Gillespie County; Frederick Rowe, Dallas County.

Member, Board of Directors, Evergreen Underground Water Conservation District: Jason Byron Peeler, Wilson County.

Member, Finance Commission of Texas: William M. Lucas, Shelby County.

Commissioner, Public Utility Commission of Texas: Kenneth Ward Anderson, Dallas County.

Members, Texas Board of Chiropractic Examiners: Elaine Anne Boatright, Bastrop County; John Henry Riggs, Midland County; John W. Steinberg, Guadalupe County; Cynthia L. Tays, Travis County.

Members, Texas Board of Criminal Justice: John Eric Gambrell, Dallas County; Thomas P. Wingate, Hidalgo County.

Members, Texas Board of Physical Therapy Examiners: Karen Lynn Gordon, Calhoun County; Jeffrey Arron Tout, Hood County; Philip Avery Vickers, Tarrant County; Shari Cathryn Waldie, Travis County.

Members, Texas Diabetes Council: Carley Gomez-Meade, Travis County; Alicia Gracia, Cameron County; Jason Michael Ryan, Harris County; Curtis Lee Triplitt, Bexar County.

Members, Board of Directors, Texas Public Finance Authority: Gerald Byron Alley, Tarrant County; Walker Nelson Moody, Harris County; Ruth Corry Schiermeyer, Lubbock County.

Members, Board of Regents, Texas Southern University: Glenn Oliver Lewis, Tarrant County; Sarah D. Monty, Harris County; Erik Daniel Salwen, Harris County.

Members, Board of Regents, University of North Texas System: Milton B. Lee, Bexar County; Donald Cullen Potts, Dallas County; Alfredo Silva, Bexar County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Hegar gave notice that he would tomorrow submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

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

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

**NOTICE GIVEN FOR
LOCAL AND UNCONTESTED CALENDAR**

Senator Uresti announced that a Local and Uncontested Calendar had been furnished to each Member of the Senate. He then gave notice that the Local and Uncontested Calendar Session would be held at 8:00 a.m. tomorrow and that all bills and resolutions would be considered on second and third reading in the order in which they were listed.

**SENATE RULE 11.13 SUSPENDED
(Consideration of Bills in Committees)**

On motion of Senator Uresti and by unanimous consent, Senate Rule 11.13 was suspended to grant all committees permission to meet while the Senate is meeting tomorrow.

**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 Education might meet today.

MOTION TO ADJOURN

On motion of Senator Watson and by unanimous consent, the Senate at 1:32 p.m. agreed to adjourn, in memory of Tim Carlton Thatcher and Jimmie DeVeril Norman, upon conclusion of the Local and Uncontested Calendar Session, until 11:00 a.m. tomorrow.

CO-AUTHOR OF SENATE BILL 741

On motion of Senator Rodríguez, Senator Garcia will be shown as Co-author of **SB 741**.

CO-AUTHOR OF SENATE BILL 1239

On motion of Senator Rodríguez, Senator Garcia will be shown as Co-author of **SB 1239**.

CO-AUTHOR OF SENATE BILL 1350

On motion of Senator West, Senator Uresti will be shown as Co-author of **SB 1350**.

CO-AUTHOR OF SENATE BILL 1503

On motion of Senator Lucio, Senator Garcia will be shown as Co-author of **SB 1503**.

CO-SPONSOR OF HOUSE BILL 1738

On motion of Senator Zaffirini, Senator West will be shown as Co-sponsor of **HB 1738**.

RESOLUTION OF RECOGNITION

The following resolution was adopted by the Senate:

Congratulatory Resolution

SR 847 by Deuell, Recognizing the dedication of a Texas Historical Marker honoring George Washington Tull, Sr.

RECESS

On motion of Senator Watson, the Senate at 1:33 p.m. recessed until 8:00 a.m. tomorrow for the Local and Uncontested Calendar Session.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

May 7, 2013

STATE AFFAIRS — **HB 403, HB 480, HB 1871, HB 2263, HB 2475**

GOVERNMENT ORGANIZATION — **SB 221, HB 2252, HB 2710**

BUSINESS AND COMMERCE — **HB 458, HB 1624, HB 1717, HB 1972, HB 2459**

STATE AFFAIRS — **CSHB 1762**

BILLS ENGROSSED

May 6, 2013

SB 443, SB 1350, SB 1351, SB 1416, SB 1542, SB 1567, SB 1586, SB 1893, SB 1908, SB 1916

BILLS AND RESOLUTIONS ENROLLED

May 6, 2013

SB 60, SB 186, SB 275, SB 299, SR 780, SR 836, SR 837, SR 838, SR 839, SR 840, SR 841, SR 842, SR 843, SR 844, SR 845

SENT TO GOVERNOR

May 7, 2013

SB 60, SB 162, SB 186, SB 275, SB 276, SB 299, SB 330, SB 334, SB 349, SB 366, SB 411, SB 458, SB 466, SB 471, SB 506, SB 595, SB 649, SB 655, SB 686, SB 733, SB 777, SB 795, SB 849, SB 852, SB 885, SB 902, SB 905, SB 920, SB 972, SB 1019, SB 1026, SB 1041, SB 1157, SB 1236, SB 1537

In Memory
of
Tim Carlton Thatcher
Senate Resolution 817

WHEREAS, The Senate of the State of Texas honors and commemorates the life of Tim Carlton Thatcher, who died May 7, 2012, at the age of 41; and

WHEREAS, Tim Thatcher was born June 14, 1970, in Corvallis, Oregon; he grew up in Sequim, Washington, and was a 1988 honors graduate of Sequim High School; and

WHEREAS, He attended the University of Puget Sound, and he worked for a brief stint with the Boeing Company before joining the Peace Corps; assigned to three years of service in Nicaragua by the Peace Corps, he traveled extensively throughout Central and South America, and during that time he developed a lifelong love for all things Latin; and

WHEREAS, He met his beloved wife, Cristiana, in San Salvador in 1995, and they were married April 4, 1998, in Managua, Nicaragua; they raised three children together, Christopher Alan, Nicolas Andres, and Sofia Loree, who were a source of much pride and joy; and

WHEREAS, Tim was blessed with many talents and interests; in addition to his successful 11-year career with Dell, Incorporated, he was a skilled woodworker who crafted numerous gifts for those he loved; he was also an avid baseball fan who amassed an impressive collection of the sport's memorabilia, and he was noted for the great enjoyment he derived from camping and fishing; and

WHEREAS, Tim was a man of strength and determination, and his courage in the face of his illness was an inspiration to all who knew him; he gave unselfishly to others, and his warm smile, his dry sense of humor, and his enthusiasm for living each day to the fullest will not be forgotten; and

WHEREAS, He was a devoted husband and father, and he leaves behind memories that will be treasured forever by his family and countless friends; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby extend sincere condolences to the bereaved family of Tim Carlton Thatcher; and, be it further

RESOLVED, That a copy of this Resolution be prepared for his family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Tim Thatcher.

WATSON

In Memory
of
Jimmie DeVeril Norman
Senate Resolution 149

WHEREAS, The Senate of the State of Texas joins the residents of Houston and Bellaire, Texas, in mourning the loss of Sergeant Jimmie DeVeril Norman of the Bellaire Police Department, who died in the line of duty on December 24, 2012, at the age of 53; and

WHEREAS, Sergeant Norman proudly served the Bellaire Police Department for more than two decades and was known for his steadfast bravery; he made the ultimate sacrifice to keep his community safe from harm, and his life is a testament to all Texans of the service that men and women in uniform perform daily; and

WHEREAS, Jimmie Norman was born November 17, 1959, in Dallas, to James and Billie Norman; he began his career at the Bellaire Police Department as a communications specialist; he later served in various positions, including patrolman, investigator, supervisor, and training officer; and

WHEREAS, Sergeant Norman received numerous awards during his service in the Houston-area community of Bellaire; they include the Bellaire Police Life Saving Commendation, the Exemplary Service Commendation, the Master Peace Officer award, the Bellaire Police Officer of the Year award, the Outstanding Police Officer of the Year award, and the Home Town Hero award from the Greater Southwest Chamber of Commerce; and

WHEREAS, He also received a commendation from the Federal Bureau of Investigation recognizing Sergeant Norman and 13 other Bellaire officers for helping to end a series of violent bank robberies in 2009; and

WHEREAS, Known by his colleagues and loved ones as a doting father, a family man, a mentor, and a problem solver, Sergeant Norman had a passion for police work; he was admired as a deft communicator inside and outside the precinct; he will be remembered for his warmth, wisdom, wise counsel, and sacrifice; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby extend sincere condolences to the bereaved family of Jimmie DeVeril Norman; and, be it further

RESOLVED, That a copy of this Resolution be prepared for his family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Jimmie Norman.

HUFFMAN

SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTY-FOURTH DAY

(Continued)

(Wednesday, May 8, 2013)

AFTER RECESS

The Senate met at 8:00 a.m. and was called to order by Senator Uresti.

SESSION HELD FOR LOCAL AND UNCONTESTED CALENDAR

The Presiding Officer announced that the time had arrived to consider bills and resolutions placed on the Local and Uncontested Calendar. Notice of consideration of the local calendar was given by Senator Uresti yesterday.

Pursuant to Senate Rule 9.03(d), the following bills and resolutions were laid before the Senate in the order listed, read second time, amended where applicable, passed to engrossment or third reading, read third time, and passed. The votes on passage to engrossment or third reading, suspension of the Constitutional Three-day Rule, and final passage are indicated after each caption. All Members are deemed to have voted "Yea" on viva voce votes unless otherwise indicated.

("Absent-excused" Van de Putte)

HB 278 (Seliger)

Relating to the liability of a municipality for certain space flight activities.
(viva voce vote) (30-0) (30-0)

HB 419 (Watson)

Relating to designating the first Friday in November as Texas Arbor Day.
(viva voce vote) (30-0) (30-0)

HB 487 (Nichols)

Relating to liability of certain persons assisting in man-made or natural disasters.
(viva voce vote) (30-0) (30-0)

HB 584 (Rodríguez)

Relating to the posting of a notice of foreclosure sale on a county's Internet website.
(viva voce vote) (30-0) (30-0)

HB 994 (Hegar)

Relating to the applicability of state law regulating the decommissioning costs of certain newly constructed commercial nuclear-powered electric generating facilities.
(viva voce vote) (30-0) (30-0)

HB 1187 (Duncan)

Relating to the power of stewards or judges to impose penalties under the Texas Racing Act; providing penalties.

(viva voce vote) (30-0) (30-0)

HB 1305 (Carona)

Relating to the criminal penalty for acting as an agent after suspension or revocation of the agent's license.

(viva voce vote) (30-0) (30-0)

HB 1325 (Duncan)

Relating to the dismissal of certain actions arising from exposure to asbestos and silica.

(viva voce vote) (30-0) (30-0)

(Senator Taylor in Chair)**HB 1550** (Van de Putte)

Relating to unemployment compensation chargebacks regarding certain persons who are involuntarily separated from employment.

(viva voce vote) (30-0) (30-0)

HB 1553 (Uresti)

Relating to the replatting of a subdivision without vacating the preceding plat in certain municipalities.

(viva voce vote) (30-0) (30-0)

CSHB 1642 (Whitmire)

Relating to the Port of Houston Authority.

(viva voce vote) (28-2) "Nays" Garcia, Taylor (28-2) "Nays" Garcia, Taylor

HB 1968 (Williams)

Relating to the transfer of certain state property from the Texas Juvenile Justice Department to Jefferson County.

(viva voce vote) (30-0) (30-0)

HB 2095 (Carona)

Relating to the regulation of barbering and cosmetology; authorizing fees.

(viva voce vote) (30-0) (30-0)

HB 2548 (Carona)

Relating to the enforcement of a provision regarding the imposition of a surcharge for the use of a credit card.

(viva voce vote) (30-0) (30-0)

HCR 23 (Eltife)

Designating Gregg County the Balloon Race Capital of Texas and commemorating the 36th anniversary of the Great Texas Balloon Race.

(30-0)

HCR 36 (Ellis)

Designating February 16 as Texas Homemade Pie Day for a 10-year period beginning in 2013.

(30-0)

CSSB 1040 (Taylor)

Relating to automated dial announcing devices.

(viva voce vote) (30-0) (30-0)

SB 1172 (West)

Relating to the eligibility of certain criminal defendants for an order of nondisclosure; authorizing a fee.

(viva voce vote) (30-0) (30-0)

CSSB 1183 (Huffman)

Relating to testing of a juvenile for a sexually transmitted disease or human immunodeficiency virus (HIV) on the filing of a petition alleging delinquent conduct that includes certain sexual offenses.

(viva voce vote) (29-1) "Nay" Hancock (29-1) "Nay" Hancock

CSSB 1440 (West)

Relating to adjudication and disposition of juvenile conduct.

(viva voce vote) (30-0) (30-0)

CSSB 1551 (Lucio)

Relating to the provision of affordable housing and other services in the Lower Rio Grande Valley.

(viva voce vote) (27-3) "Nays" Huffman, Patrick, Paxton (27-3) "Nays" Huffman, Patrick, Paxton

CSSB 1863 (Hinojosa)

Relating to use of district funds by the Nueces County Hospital District.

(viva voce vote) (30-0) (30-0)

CSSB 1867 (Campbell)

Relating to the creation of the Cascades Municipal Utility District No. 1; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

(viva voce vote) (30-0) (30-0)

SB 1879 (Eltife)

Relating to the powers of the TexAmericas Center.

(viva voce vote) (30-0) (30-0)

SB 1891 (Watson)

Relating to the imposition of an additional fee for filing civil cases in certain Travis County courts.

(viva voce vote) (30-0) (30-0)

SB 1914 (Garcia)

Relating to certain specialty license plates.

(viva voce vote) (30-0) (30-0)

**BILLS REMOVED FROM
LOCAL AND UNCONTESTED CALENDAR**

Senator Van de Putte and Senator Eltife requested in writing that **SB 899** be removed from the Local and Uncontested Calendar.

Senator Huffman and Senator Eltife requested in writing that **SB 1186** be removed from the Local and Uncontested Calendar.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 8:13 a.m. adjourned, in memory of Tim Carlton Thatcher and Jimmie DeVeril Norman, until 11:00 a.m. today.

SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTY-FIFTH DAY
(Wednesday, May 8, 2013)

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

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

Absent-excused: Van de Putte.

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

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

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

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

The motion prevailed without objection.

LEAVE OF ABSENCE

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

PHYSICIAN OF THE DAY

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

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

SENATE RESOLUTION 757

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

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

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

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

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

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

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

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

GUESTS PRESENTED

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

The Senate welcomed its guests.

(Senator Eltife in Chair)

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Wednesday, May 8, 2013 - 1

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

- HB 26** Martinez Fischer
Relating to unemployment compensation eligibility and chargebacks regarding certain persons who are victims or whose immediate family members are victims of sexual assault.
- HB 167** McClendon
Relating to the establishment, operation, and funding of victim-offender mediation programs; authorizing a fee.
- HB 170** Alonzo
Relating to the coverage by certain health benefit plans of mammograms performed by certain health care providers.
- HB 462** Huberty
Relating to state control of teacher appraisal criteria, curriculum standards, and assessment instruments.
- HB 555** Callegari
Relating to certain criminal offenses for violations of the law regulating metal recycling entities.
- HB 626** Harper-Brown
Relating to the number of hours certain employees must work to be eligible to participate in the Texas Municipal Retirement System.
- HB 899** Perry
Relating to certain rights of victims, guardians of victims, and close relatives of deceased victims in the criminal justice system.
- HB 928** Krause
Relating to the enforcement of certain federal laws regulating firearms, firearm accessories, and firearm ammunition within the State of Texas.
- HB 990** Thompson, Senfronia
Relating to the establishment of a sentencing policy, accountability, and review council to develop means to assess the effect of sentencing practices and policies on state correctional resources and improve the efficiency of the state criminal justice system, to develop a plan regarding the prosecution of certain child offenders, and to review certain penal laws.
- HB 1050** Callegari
Relating to purchasing and other contracts by certain governmental entities.
- HB 1129** White
Relating to a program allowing certain military voters on active duty overseas to cast a ballot electronically.

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

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

HB 2859

Harless

Relating to the amount of money authorized to be used for Clean Air Act local initiative projects related to vehicles.

HB 2887

Davis, John

Relating to the establishment and expansion of community collaboratives by entities to provide services to and coordinate the care of persons who are homeless, persons with mental illness, and persons with substance abuse problems.

HB 3101

Morrison

Relating to filing deadlines to become a write-in candidate in elections.

HB 3103

Morrison

Relating to the administration of primary elections, the nomination of candidates by convention, and voting by certain military and overseas voters.

HB 3121

Harper-Brown

Relating to the qualifications for the exemption from ad valorem taxation for aircraft parts located in this state for a limited time.

HB 3152

Giddings

Relating to the payment of and contracts with health care providers by certain entities under contract with a certified workers' compensation network.

HB 3162

Davis, John

Relating to the Texas emerging technology fund; redesignating the fund as the Texas Research Technology Fund.

HB 3196

Price

Relating to licensing and certification requirements for certain health facilities and to the allocation of Medicaid beds in certain of those facilities; increasing fees.

HB 3233

Ritter

Relating to interbasin transfers of state water.

HB 3234

Ritter

Relating to the procedure for action by the Texas Commission on Environmental Quality on an application for a water right.

HB 3285

Davis, Yvonne

Relating to the reporting of health care associated infections.

HB 3327

Coleman

Relating to a list of mental health, substance abuse, and suicide prevention programs that may be selected for implementation by public schools.

HB 3370

Craddick

Relating to the authority of certain retired peace officers to carry certain firearms.

HB 3459

Eiland

Relating to the determination of the boundaries of, and the enforcement of the law governing access to, public beaches.

HB 3536

Otto

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

HB 3566

Kleinschmidt

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

HB 3668

Naishtat

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

HB 3671

Cook

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

HB 3805

Gonzales, Larry

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

HJR 24

Perry

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

SB 348

Schwertner

Sponsor: Kolkhorst

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

SB 354

West

Sponsor: Giddings

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

SB 743

Nelson

Sponsor: Lucio III

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

SB 1251

Carona

Sponsor: Villarreal

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

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

GUESTS PRESENTED

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

The Senate welcomed its guests.

SENATE RESOLUTION 820

Senator Hegar offered the following resolution:

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

HEGAR	LUCIO
DEUELL	NELSON
FRASER	SCHWERTNER
HANCOCK	SELIGER
HINOJOSA	

The resolution was read and was adopted without objection.

GUESTS PRESENTED

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

The Senate welcomed its guests.

SENATE RESOLUTION 760

Senator Watson offered the following resolution:

SR 760, In memory of James Raguet Irion III.

The resolution was again read.

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

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

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

The Senate welcomed its guests and extended its sympathy.

SENATE RESOLUTION 765

Senator West offered the following resolution:

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

The resolution was read and was adopted without objection.

GUEST PRESENTED

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

The Senate welcomed its guest.

MESSAGES FROM THE GOVERNOR

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

May 7, 2013
Austin, Texas

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

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

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

Susan Fletcher
Frisco, Texas
(replacing John Steinberg of Marion whose term expired)

Donna J. Hugly Franks
Addison, Texas
(replacing David King of Lago Vista whose term expired)

William "Bill" Lawrence
Highland Village, Texas
(replacing Evelyn Huron of San Antonio whose term expired)

Stephen "Steve" Pena
Georgetown, Texas
(Mr. Pena is being reappointed)

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

Nina Almasy
Austin, Texas

Patricia "Patti" Clapp
Dallas, Texas

Marilyn Davis
Sugar Land, Texas

The individuals listed above are being reappointed.

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

Michael L. Allen
Ingram, Texas
(Mr. Allen is being reappointed)

Claudell Kercheville
Kerrville, Texas
(Ms. Kercheville is being reappointed)

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

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

Rebecca L. Davio
Austin, Texas

Dr. Davio is being reappointed.

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

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

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

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

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

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

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

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

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

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

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

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

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

Lee Chayes

El Paso, Texas

(Ms. Chayes is being reappointed)

Donald "Don" Roy

Mt. Pleasant, Texas

(Mr. Roy is being reappointed)

Amanda B. Davis

Buffalo, Texas

(replacing David Coco of Austin whose term expired)

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

To Expire February 1, 2015:

Sheri Harmonson

El Paso, Texas

(replacing Carolyn Harvey of Tyler who resigned)

To Expire February 1, 2019:

Barry L. Anderson

Grand Prairie, Texas

(replacing Gary Newsom of Austin whose term expired)

J. Russell Shannon

Andrews, Texas

(Mr. Shannon is being reappointed)

Donna Stauber

Waco, Texas

(Dr. Stauber is being reappointed)

Respectfully submitted,

/s/Rick Perry

Governor

BILLS SIGNED

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

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

INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

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

There was no objection.

CONCLUSION OF MORNING CALL

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

SENATE BILL 166 WITH HOUSE AMENDMENT

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

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

Amendment

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

A BILL TO BE ENTITLED AN ACT

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

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

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

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

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

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

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

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

The amendment was read.

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

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

Absent-excused: Van de Putte.

SENATE BILL 611 WITH HOUSE AMENDMENTS

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

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

Amendment

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

A BILL TO BE ENTITLED
AN ACT

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

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

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

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

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

Sec. 51.302. CONTRACTS WITH PERSON USING IRRIGATION WATER.

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

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

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

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

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

Sec. 51.303. AUTHORITY TO DETERMINE RULES AND REGULATIONS.

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

(1) methods, terms, and conditions of water service;

(2) applications for water;

(3) assessments, charges, fees, rentals, or deposits for maintenance and operation;

(4) payment and the enforcement of payment of the assessments, charges, fees, rentals, or deposits;

(5) furnishing irrigation water to persons who did not apply for it before the date of assessment if required; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 55.358. CONTRACTS WITH PERSON USING IRRIGATION WATER.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 58.302. CONTRACTS WITH PERSON USING IRRIGATION WATER.

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

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

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

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

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

Sec. 58.303. **AUTHORITY TO DETERMINE RULES AND REGULATIONS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Floor Amendment No. 1

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

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

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

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

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

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

(e) This section expires September 1, 2039.

The amendments were read.

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

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

Absent-excused: Van de Putte.

COMMITTEE SUBSTITUTE SENATE BILL 1375 ON SECOND READING

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

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

The motion prevailed.

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

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

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

Nays: Campbell, Patrick.

Absent-excused: Van de Putte.

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

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

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

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

Nays: Campbell, Patrick.

Absent-excused: Van de Putte.

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

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

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

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

The motion prevailed.

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

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

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

Nays: Campbell.

Absent-excused: Van de Putte.

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

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

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

Nays: Campbell.

Absent-excused: Van de Putte.

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

SENATE BILL 365 WITH HOUSE AMENDMENT

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

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

Amendment

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

A BILL TO BE ENTITLED

AN ACT

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

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

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

SUBCHAPTER D. EXPEDITED CREDENTIALING PROCESS
FOR CERTAIN PODIATRISTS

Sec. 1452.151. DEFINITIONS. In this subchapter:

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

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

(3) "Health care provider" means:

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

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

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

(A) a health maintenance organization;

(B) a preferred provider benefit plan issuer; or

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

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

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

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

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

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

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

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

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

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

(2) making payments to the applicant podiatrist.

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

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

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

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

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

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

SUBCHAPTER E. EXPEDITED CREDENTIALING PROCESS
FOR CERTAIN THERAPEUTIC OPTOMETRISTS

Sec. 1452.201. DEFINITIONS. In this subchapter:

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) making payments to the applicant therapeutic optometrist.

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

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

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

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

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

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

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

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

The amendment was read.

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

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

Absent-excused: Van de Putte.

SENATE BILL 698 WITH HOUSE AMENDMENT

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

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

Floor Amendment No. 1

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

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

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

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

The amendment was read.

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

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

Absent-excused: Van de Putte.

COMMITTEE SUBSTITUTE SENATE BILL 1720 ON SECOND READING

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

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

The bill was read second time.

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 1

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

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

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

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

Absent-excused: Van de Putte.

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 2

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

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

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

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

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

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

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

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

Absent-excused: Van de Putte.

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

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

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

Absent-excused: Van de Putte.

COMMITTEE SUBSTITUTE SENATE BILL 1720 ON THIRD READING

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

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

Absent-excused: Van de Putte.

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

COMMITTEE SUBSTITUTE SENATE BILL 1906 ON SECOND READING

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

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

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

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

Absent-excused: Van de Putte.

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

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

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

Absent-excused: Van de Putte.

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

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

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

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

The bill was read second time.

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1458** as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Except as provided in Subsection (c), for each member the employer reports to the retirement system and for whom the employer is not making contributions to the federal Old-Age, Survivors and Disability Insurance program, the employer shall contribute monthly to the retirement system for each such member:

(1) for the period beginning with the report month of September 2014 and ending with the report month of August 2015, an amount equal to 1.5 percent of the member's compensation; and

(2) beginning with the report month for September 2015, an amount equal to the lesser of:

(A) 1.5 percent of the member's compensation; or

(B) a percentage of the member's compensation equal to 1.5 percent reduced by one-tenth of one percent for each one-tenth of one percent that the state contribution rate for the fiscal year to which the report month relates, is less than the state contribution rate established for the 2015 fiscal year.

(c) If a member is entitled to the minimum salary for certain school personnel under Section 21.402, Education Code, or if a member would have been entitled to the minimum salary for certain school personnel under former Section 16.056, Education Code, as that section existed on January 1, 1995, the employer shall, in addition to any contributions required under Section 825.405, contribute monthly to the retirement system for each such member:

(1) for the period beginning with the report month of September 2014 and ending with the report month of August 2015, an amount equal to 1.5 percent of the statutory minimum salary determined under Section 825.405(b); and

(2) beginning with the report month for September 2015, an amount equal to the lesser of:

(A) 1.5 percent of the statutory minimum salary determined under Section 825.405(b); or

(B) a percentage of the statutory minimum salary determined under Section 825.405(b) equal to 1.5 percent reduced by one-tenth of one percent for each one-tenth of one percent that the state contribution rate for the fiscal year to which the report month relates, is less than the state contribution rate established for the 2015 fiscal year.

(d) Contributions under this section:

(1) are subject to the requirements of Section 825.408; and

(2) must be used to fund the normal cost of the retirement system.

(5) On page 4, between lines 57 and 58, insert the following appropriately numbered SECTION:

SECTION _____. Subsection (a), Section 825.404, Government Code, is amended to read as follows:

(a) During each fiscal year, the state shall contribute to the retirement system an amount equal to at least six and not more than 10 percent of the aggregate annual compensation of all members of the retirement system during that fiscal year. ~~[The amount of the state contribution made under this section may not be less than the amount contributed by members during that fiscal year in accordance with Section 825.402.]~~

(6) Strike SECTION 10 of the bill, repealing certain provisions of the Government Code and Insurance Code (page 5, lines 12 through 15), and substitute the following appropriately numbered SECTION:

SECTION _____. Section 1579.103, Insurance Code, is repealed.

(7) Strike SECTION 11 of the bill, adding a transition provision for the changes in law made by the bill to Section 824.202, Government Code (page 5, lines 16 through 58), and substitute the following appropriately numbered SECTION:

SECTION _____. For purposes of determining whether a member has at least five years of service on or before August 31, 2014 under Section 824.202(a-2), (b-2), or (d-2), Government Code, as amended by this Act, only service actually credited in the Teacher Retirement System of Texas, the Employees Retirement System of Texas, or a retirement system participating in the proportionate retirement program under Chapter 803, Government Code, on or before August 31, 2014, may be counted. Purchased service credit in the retirement system is:

(a) not considered actually credited in the retirement system if the service credit is established only after completion of an installment payment plan under which any installment payment is made after August 31, 2014; and

(b) considered actually credited in the retirement system if:

(1) payment in full for the purchase of service credit is made by a direct rollover or otherwise on or before August 31, 2014; or

(2) payment in full by direct rollover or otherwise is made after August 31, 2014, if:

(A) the member's request to purchase service credit occurred on or before August 31, 2014; and

(B) payment to purchase the service credit is made in accordance with uniform administrative requirements, including payment deadlines, established by the retirement system.

(8) Strike SECTION 14 of the bill, providing effective dates for the Act and certain provisions of the Act (page 6, lines 28 through 32), and substitute the following appropriately numbered SECTION:

SECTION _____. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2014.

(b) Section 825.402, Government Code, as amended by this Act, and the repeal by this Act of Section 1579.103, Insurance Code, take effect September 1, 2013.

(9) Renumber SECTIONS of the bill accordingly.

The amendment to **CSSB 1458** was read.

Senator Watson offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 2

Amend Floor Amendment No. 1 to **CSSB 1458** by striking subdivision (3) (page 5, line 15 through page 7, line 14) that was substituting SECTION 5 of C.S.S.B. 1458, and replace with the following:

(3) Strike SECTION 5 of the bill, amending Section 825.402, Government Code (page 3, line 39 through page 4, line 19), and substitute the following appropriately numbered SECTION:

SECTION 5. Section 825.402, Government Code, is amended to read as follows:

Sec. 825.402. RATE OF MEMBER CONTRIBUTIONS. ~~[(a)]~~ The rate of contributions for each member of the retirement system is:

- (1) five percent of the member's annual compensation or \$180, whichever is less, for service rendered after August 31, 1937, and before September 1, 1957;
- (2) six percent of the first \$8,400 of the member's annual compensation for service rendered after August 31, 1957, and before September 1, 1969;
- (3) six percent of the member's annual compensation for service rendered after August 31, 1969, and before the first day of the 1977-78 school year;
- (4) 6.65 percent of the member's annual compensation for service rendered after the last day of the period described by Subdivision (3) and before September 1, 1985~~;~~ ~~and]~~
- (5) 6.4 percent of the member's annual compensation for service rendered after August 31, 1985, and before September 1, 2014;
- (6) 6.7 percent of the member's annual compensation for service rendered after August 31, 2014, and before September 1, 2015;
- (7) 7.2 percent of the member's annual compensation for service rendered after August 31, 2015, and before September 1, 2016;
- (8) 7.7 percent of the member's annual compensation for service rendered after August 31, 2016, and before September 1, 2017; and
- (9) for service rendered on or after September 1, 2017, the lesser of:
 - (A) 7.7 percent of the member's annual compensation; or
 - (B) a percentage of the member's annual compensation equal to 7.7 percent reduced by one-tenth of one percent for each one-tenth of one percent that the state contribution rate for the fiscal year to which the service relates, is less than the state contribution rate established for the 2015 fiscal year [; subject to Subsection (b)].

~~[(b) Subject to Subsection (c), the board of trustees may by order require that the rate of contributions for each member of the retirement system under Subsection (a) is increased to not more than 6.58 percent of the member's annual compensation for service rendered after the date of the order if:~~

- ~~(1) the legislature by law requires or authorizes the board of trustees to pay a supplemental payment to specified annuitants; and~~
- ~~(2) the board of trustees finds, as of the time the payment is to be made, that after the payment is made the amortization period for the unfunded actuarial liabilities of the retirement system would exceed 30 years by one or more years.~~

~~(c) Notwithstanding any other law, the board of trustees may not make a supplemental payment required or authorized by the legislature by law, and may not impose an increase in the rate of contributions under Subsection (b), if the board of~~

~~trustees finds that after making the payment and imposing the increase the amortization period for the unfunded actuarial liabilities of the retirement system would exceed 30 years by one or more years.~~

~~(d) Notwithstanding any other law, the board of trustees may delay making a supplemental payment required or authorized by the legislature by law as necessary to make the determinations required under Subsections (b) and (c).]~~

WATSON
DAVIS
WEST

The amendment to Floor Amendment No. 1 to **CSSB 1458** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2 except as follows:

Absent-excused: Van de Putte.

Question recurring on the adoption of Floor Amendment No. 1 to **CSSB 1458**, the amendment as amended was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 as amended except as follows:

Absent-excused: Van de Putte.

On motion of Senator Duncan and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1458 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Van de Putte.

COMMITTEE SUBSTITUTE SENATE BILL 1458 ON THIRD READING

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1458** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Van de Putte.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

COMMITTEE SUBSTITUTE HOUSE BILL 535 ON THIRD READING

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **CSHB 535** at this time on its third reading and final passage:

CSHB 535, Relating to the preference given by state agencies to goods offered by bidders in this state or manufactured, produced, or grown in this state or in the United States.

The motion prevailed by the following vote: Yeas 23, Nays 7.

Yeas: Birdwell, Campbell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Garcia, Hegar, Hinojosa, Lucio, Nelson, Nichols, Rodríguez, Seliger, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Hancock, Huffman, Patrick, Paxton, Schwertner, Taylor, Williams.

Absent-excused: Van de Putte.

The bill was read third time and was passed by the following vote: Yeas 23, Nays 7. (Same as previous roll call)

SENATE BILL 866 WITH HOUSE AMENDMENT

Senator Paxton called **SB 866** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 866** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to authorizing local governments to participate in statewide technology centers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 2054.375, Government Code, is amended to read as follows:

Sec. 2054.375. DEFINITIONS [~~DEFINITION~~]. In this subchapter:

(1) "Governmental entity" means a state agency or local government.

(2) "Statewide[, "~~statewide~~] technology center" means a statewide technology center established or operated under this subchapter.

SECTION 2. Section 2054.376(a), Government Code, is amended to read as follows:

(a) This subchapter applies to all information resources technologies, other than telecommunications service [~~services~~], advanced communications services, or information service, as those terms are defined by 47 U.S.C. Section 153, that are:

(1) obtained by a state agency using state money; [~~or~~]

(2) used by a state agency; or

(3) used by a participating local government.

SECTION 3. Subchapter L, Chapter 2054, Government Code, is amended by adding Section 2054.3771 to read as follows:

Sec. 2054.3771. LOCAL GOVERNMENTS. The department may establish or expand a statewide technology center to include participation by a local government. The executive director and the department have all the powers necessary or appropriate, consistent with this chapter, to accomplish that purpose.

SECTION 4. Section 2054.378(a), Government Code, is amended to read as follows:

(a) The department may operate statewide technology centers to provide two or more governmental entities [~~state agencies~~], on a cost-sharing basis, services relating to:

- (1) information resources and information resources technology; and
- (2) the deployment, [~~and~~] development, and maintenance of software [~~statewide~~] applications.

SECTION 5. Section 2054.380(a), Government Code, is amended to read as follows:

(a) The department shall set and charge a fee to each governmental entity [~~state agency~~] that receives a service from a statewide technology center in an amount sufficient to cover the direct and indirect cost of providing the service.

SECTION 6. Subchapter L, Chapter 2054, Government Code, is amended by adding Section 2054.3851 to read as follows:

Sec. 2054.3851. LOCAL GOVERNMENT PARTICIPATION AND SELECTION. (a) A local government may submit a request to the department to receive services or operations through a statewide technology center. The local government shall identify its particular requirements, operations costs, and requested service levels.

(b) On receipt of the request, the department shall conduct a cost and requirements analysis for the local government.

(c) If the department selects the local government for participation in a statewide technology center, the department shall provide notice to the local government that includes:

- (1) the scope of the services to be provided to the local government;
- (2) a schedule of anticipated costs for the local government; and
- (3) the implementation schedule for the local government.

(d) If selected to participate in a statewide technology center, a local government may contract with the department to receive the identified services and have the identified operations performed through the statewide technology center.

(e) Two or more local governments that are parties to an interlocal agreement, acting through the entity designated by the parties to supervise performance of the interlocal agreement under Section 791.013, may apply to the department and participate in a statewide technology center.

SECTION 7. Section 2054.387, Government Code, is amended to read as follows:

Sec. 2054.387. INTERAGENCY CONTRACT; COMPLIANCE WITH SERVICE LEVELS. The department shall ensure compliance with service levels agreed to in an interagency contract or intergovernmental contract, as appropriate, executed under this subchapter.

SECTION 8. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

The amendment was read.

Senator Paxton moved to concur in the House amendment to **SB 866**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Van de Putte.

SENATE BILL 901 WITH HOUSE AMENDMENT
(Motion In Writing)

Senator Fraser submitted a Motion In Writing to call **SB 901** from the President's table for consideration of the House amendment to the bill.

The Motion In Writing prevailed without objection.

The Presiding Officer laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 901** (committee report) as follows on page 7, between line 7-19 and line 7-20, insert the following and renumber subsequent sections appropriately:

SECTION 14. Section 26.360, Water Code, is amended to read as follows:

26.360. Privatization of Program. Notwithstanding other provisions of this subchapter, the commission by rule may authorize the privatization of any part of the program established under this subchapter. Any entity that is authorized to participate or enforce the provisions under this subchapter or other Chapters of this Code acts on behalf of the commission and has only those powers available to it.

The amendment was read.

Senator Fraser moved that the Senate do not concur in the House amendment, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 901** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Fraser, Chair; Deuell, Eltife, Hinojosa, and Estes.

SENATE BILL 820 WITH HOUSE AMENDMENT

Senator Williams called **SB 820** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 820** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to the management, breeding, and destruction of deer and to procedures regarding certain deer permits.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 12.501(b), Parks and Wildlife Code, is amended to read as follows:

(b) The director may suspend or revoke an original or renewal permit or license issued under this code if it is found, after notice and hearing, that:

(1) the permittee or licensee has been finally convicted of a violation of this code or proclamation or regulation adopted under this code relating to the permit or license to be suspended or revoked;

(2) the permittee or licensee violated a provision of this code or proclamation or regulation adopted under this code relating to the permit or license to be suspended or revoked;

(3) the permittee or licensee made a false or misleading statement in connection with the permittee's or licensee's [his] original or renewal application, either in the formal application itself or in any other written instrument relating to the application submitted to the commission or its officers or employees;

(4) the permittee or licensee is indebted to the state for taxes, fees, or payment of penalties imposed by this code or by a commission rule relating to a permit or license to be suspended or revoked; or

(5) the permittee or licensee is liable to the state under Section 12.301.

SECTION 2. Section 12.506, Parks and Wildlife Code, is amended by adding Subsection (c) to read as follows:

(c) This section does not apply to the appeal of a decision by the department refusing to issue or renew a permit to which Subchapter G applies.

SECTION 3. Chapter 12, Parks and Wildlife Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. REFUSAL TO ISSUE OR RENEW CERTAIN PERMITS
RELATING TO THE CONTROL, BREEDING, OR MANAGEMENT OF DEER;
APPEAL OF CERTAIN DECISIONS

Sec. 12.601. APPLICABILITY OF SUBCHAPTER. This subchapter applies only to the following permits:

(1) a trap, transport, and transplant permit under Section 43.061 or 43.0611;

(2) a trap, transport, and process permit under Section 43.0612;

(3) a deer breeder's permit under Subchapter L, Chapter 43;

(4) a white-tailed deer management permit under Subchapter R, Chapter 43;

and

(5) a mule deer management permit under Subchapter R-1, Chapter 43.

Sec. 12.602. DEFINITIONS. In this subchapter:

(1) "Applicant" means a person who has applied for a new or renewal permit.

(2) "Final conviction" means a final judgment of guilt, the granting of deferred adjudication or pretrial diversion, or the entering of a plea of guilty or nolo contendere.

Sec. 12.603. GENERAL CIRCUMSTANCES FOR REFUSAL TO ISSUE OR RENEW PERMIT. The department may refuse to issue or renew a permit if the applicant fails to submit in a timely manner the following:

(1) a completed application on a form supplied by the department and all application materials required by the department;
(2) the required permit fee;
(3) accurate reports as applicable; and
(4) any additional information that the department determines is necessary to process the application.

Sec. 12.604. CONSIDERATIONS FOR ISSUANCE OR RENEWAL OF PERMIT; APPLICANT WITH PRIOR PENALTIES OR CONVICTIONS. (a) This section applies only to a determination of whether to issue a permit to or renew a permit for an applicant who has a final conviction or has been assessed an administrative penalty for a violation of:

(1) Subchapter C, E, L, R, or R-1, Chapter 43;
(2) a provision of this code not described by Subdivision (1) that is punishable as a Class A or B Parks and Wildlife Code misdemeanor, a Parks and Wildlife Code state jail felony, or a Parks and Wildlife Code felony;
(3) Section 63.002; or
(4) the Lacey Act (16 U.S.C. Sections 3371-3378).

(b) In determining whether to issue a permit to or renew a permit for an applicant who has a final conviction or has been assessed an administrative penalty, the department shall consider:

(1) the number of final convictions or administrative penalties;
(2) the seriousness of the conduct on which the final conviction or administrative penalty is based;
(3) the existence, number, and seriousness of offenses or violations other than offenses or violations that resulted in a final conviction or administrative penalty described by Subsection (a);
(4) the length of time between the most recent final conviction or administrative penalty and the permit application;
(5) whether the final conviction, administrative penalty, or other offense or violation was the result of negligence or intentional conduct;
(6) whether the final conviction or administrative penalty resulted from conduct committed or omitted by the applicant, an agent of the applicant, or both;
(7) the accuracy of the permit history information provided by the applicant;
(8) for a renewal, whether the applicant agreed to any special provisions recommended by the department as conditions to the expiring permit; and
(9) other mitigating factors.

Sec. 12.605. PROCEDURE FOR REFUSAL TO ISSUE OR RENEW PERMIT.

(a) Not later than the 10th day after the date a decision to refuse to issue or renew a permit has been made, the department shall provide to the applicant a written statement of the reasons for the decision.

(b) The commission by rule shall adopt procedures consistent with this subchapter for the department's review of a refusal to issue or renew a permit.

Sec. 12.606. REVIEW OF REFUSAL TO ISSUE OR RENEW PERMIT. In conducting a review of a decision by the department to refuse to issue or renew a permit, the department shall consider:

(1) any applicable factors listed under Section 12.604;

(2) the applicant's efforts toward rehabilitation;

(3) whether there is a substantial likelihood that the applicant would repeat the conduct on which the refusal is based;

(4) whether the conduct on which the refusal is based involved a threat to public safety; and

(5) other mitigating factors.

Sec. 12.607. APPEAL OF DEPARTMENT DECISION REFUSING TO ISSUE OR RENEW PERMIT. (a) Venue to appeal a decision of the department refusing to issue or renew a permit is a district court in Travis County.

(b) The appeal shall be by trial de novo.

SECTION 4. Section 43.352, Parks and Wildlife Code, is amended by amending Subsection (b) and adding Subsections (c) and (d) to read as follows:

(b) At the option of the person applying for the issuance or renewal of a permit under this section, the [The] department may issue a permit [~~under this section~~] that is valid for [~~longer than~~] one year, three years, or five years.

(c) A three-year or five-year permit is available only to a person who:

(1) has held a deer breeder's permit for the three consecutive permit years immediately preceding the date of the application for a three-year or five-year permit;

(2) agrees to submit the annual reports required under this subchapter electronically; and

(3) meets any other criteria established by rule of the commission.

(d) The commission may adopt rules allowing the department to revoke a three-year or five-year permit before the date specified for expiration of the permit if the permit holder fails to submit the annual reports electronically as required.

SECTION 5. Subchapter L, Chapter 43, Parks and Wildlife Code, is amended by adding Section 43.3591 to read as follows:

Sec. 43.3591. GENETIC TESTING. (a) In this section:

(1) "DNA" means deoxyribonucleic acid.

(2) "Genetic test" means a laboratory analysis of a deer's genes, gene products, or chromosomes that:

(A) analyzes the deer's DNA, RNA, proteins, or chromosomes; and

(B) is performed to determine genetically the deer's ancestral lineage or descendants.

(3) "RNA" means ribonucleic acid.

(b) After an inspection, the department shall notify a deer breeder in writing when the department has reason to believe the deer breeder possesses deer that may pose a disease risk to other deer. The notice must include an explanation of the rationale used to establish the disease risk.

(c) If genetic testing is timely conducted, the department must postpone any actions that may be affected by the test results until the test results are available.

(d) The results of genetic testing may not be used as evidence to establish a defense against a fine imposed on a deer breeder found guilty of failure to keep records of all deer in a deer breeder facility as required by this subchapter.

(e) The commission shall adopt rules as needed to implement this section.

SECTION 6. Chapter 43, Parks and Wildlife Code, is amended by adding Subchapter X to read as follows:

SUBCHAPTER X. DEER DISPOSITION PROTOCOL

Sec. 43.951. APPLICABILITY. This subchapter applies only to the disposition of the following deer:

- (1) deer held at a facility covered by a permit issued under Subchapter L;
- (2) deer on acreage covered by a permit issued under Subchapter R; and
- (3) deer on acreage covered by a permit issued under Subchapter R-1.

Sec. 43.952. DEFINITIONS. In this subchapter:

(1) "Animal health commission" means the Texas Animal Health Commission.

(2) "Permit" means a permit issued under Subchapter L, R, or R-1.

(3) "Permit holder" means a person to whom a permit is issued under Subchapter L, R, or R-1.

Sec. 43.953. DESTRUCTION OF DEER. (a) Before any deer may be destroyed under this subchapter:

(1) an agent of the animal health commission may conduct an epidemiological assessment:

(A) if the assessment can be conducted in a timely manner; and

(B) contingent on the availability of funding; and

(2) the department must consider the results of an assessment, if conducted, under Subdivision (1).

(b) To control or prevent the spread of disease, deer to which this subchapter applies may be destroyed only if the department determines that the deer pose a threat to the health of other deer or other species, including humans.

(c) The department shall carry out an order to destroy deer after notice has been provided to the permit holder under Section 43.954.

Sec. 43.954. NOTICE OF DEER DESTRUCTION. (a) The department must provide written notice of an order to destroy deer to a permit holder before the department may destroy any of the deer covered by the permit holder's permit.

(b) A notice provided under this section must be sent by certified mail to the last known address of the permit holder and must contain:

(1) the date of destruction, which may not be sooner than the 10th day after the date of the notice;

(2) an explanation of any access restrictions imposed on the facility or acreage covered by the permit during the destruction of the deer; and

(3) an explanation of the reasons for the destruction, including the results of any epidemiological assessment conducted under Section 43.953(a) applicable to the deer that are the subject of the notice.

(c) The permit holder may waive the notice requirements of this section.

Sec. 43.955. COST RECOVERY. The applicable permit holder shall pay all costs associated with:

(1) an epidemiological assessment conducted under this subchapter to the animal health commission; and

(2) the destruction of deer under this subchapter to the department.

SECTION 7. (a) Except as provided by Subsection (b) of this section, Subchapter G, Chapter 12, Parks and Wildlife Code, as added by this Act, applies only to an application for the issuance or renewal of a permit submitted to the Parks

and Wildlife Department on or after the effective date of this Act. An application submitted before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(b) Section 12.607, Parks and Wildlife Code, as added by this Act, applies only to an appeal of a decision of the Parks and Wildlife Department refusing to issue or renew a permit that is filed on or after the effective date of this Act. An appeal filed before the effective date of this Act is governed by the law in effect on the date the appeal was filed, and that law is continued in effect for that purpose.

SECTION 8. Section 43.3591(d), Parks and Wildlife Code, as added by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 9. Not later than September 1, 2014, the Parks and Wildlife Commission shall adopt rules as needed to implement Subchapter G, Chapter 12, Parks and Wildlife Code, as added by this Act.

SECTION 10. This Act takes effect September 1, 2013.

The amendment was read.

Senator Williams moved to concur in the House amendment to **SB 820**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Van de Putte.

SENATE BILL 965 WITH HOUSE AMENDMENT

Senator Williams called **SB 965** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 965** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to the correction of employment termination reports for law enforcement officers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Section 1701.4525, Occupations Code, is amended to read as follows:

Sec. 1701.4525. PETITION FOR CORRECTION OF REPORT; HEARING[; ADMINISTRATIVE PENALTY].

SECTION 2. Section 1701.4525(e), Occupations Code, is amended to read as follows:

(e) In a proceeding to contest information in an employment termination report for a report based on alleged misconduct, an administrative law judge shall determine if the alleged misconduct occurred by a preponderance of the evidence regardless of

whether the person who is the subject of the report was terminated or the person resigned, retired, or separated in lieu of termination. If the alleged misconduct is not supported by a preponderance of the evidence, the administrative law judge shall order the commission to change the report [to be changed]. The commission shall send the changed report to the law enforcement agency that prepared the original employment termination report. The law enforcement agency shall replace the original employment termination report with the changed report.

SECTION 3. Section 1701.4525(e-1), Occupations Code, is repealed.

SECTION 4. The changes in law made by this Act to Section 1701.4525, Occupations Code, apply only to a petition for a correction of an employment termination report submitted on or after the effective date of this Act. A petition submitted before the effective date of this Act is governed by the law in effect on the date the petition was submitted, and the former law is continued in effect for that purpose.

SECTION 5. This Act takes effect September 1, 2013.

The amendment was read.

Senator Williams moved to concur in the House amendment to **SB 965**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Van de Putte.

SENATE BILL 1489 WITH HOUSE AMENDMENT

Senator Watson called **SB 1489** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 1489** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to the powers and jurisdiction of a regional mobility authority.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 370.003(14), Transportation Code, is amended to read as follows:

- (14) "Transportation project" means:
 - (A) a turnpike project;
 - (B) a system;
 - (C) a passenger or freight rail facility, including:
 - (i) tracks;
 - (ii) a rail line;
 - (iii) switching, signaling, or other operating equipment;
 - (iv) a depot;
 - (v) a locomotive;
 - (vi) rolling stock;
 - (vii) a maintenance facility; and

(viii) other real and personal property associated with a rail operation;

(D) a roadway with a functional classification greater than a local road or rural minor collector;

(D-1) a bridge;

(E) a ferry;

(F) an airport, other than an airport that on September 1, 2005, was served by one or more air carriers engaged in scheduled interstate transportation, as those terms were defined by 14 C.F.R. Section 1.1 on that date;

(G) a pedestrian or bicycle facility;

(H) an intermodal hub;

(I) an automated conveyor belt for the movement of freight;

(J) a border crossing inspection station, including:

(i) a border crossing inspection station located at or near an international border crossing; and

(ii) a border crossing inspection station located at or near a border crossing from another state of the United States and not more than 50 miles from an international border;

(K) an air quality improvement initiative;

(L) a public utility facility;

(M) a transit system;

(M-1) a parking area, structure, or facility, or a collection device for parking fees;

(N) if applicable, projects and programs listed in the most recently approved state implementation plan for the area covered by the authority, including an early action compact; ~~and~~

(O) improvements in a transportation reinvestment zone designated under Subchapter E, Chapter 222; and

(P) port security, transportation, or facility projects eligible for funding under Section 55.002.

SECTION 2. Section 370.033, Transportation Code, is amended by amending Subsections (c) and (f) and adding Subsections (f-1) and (r) to read as follows:

(c) An authority may ~~[, if requested by the commission,]~~ perform any function not specified by this chapter to promote or develop a transportation project that the authority is authorized to develop or operate under this chapter [in the authority's area of jurisdiction].

(f) An authority ~~[and a governmental entity]~~ may enter into a contract, agreement, interlocal agreement, or other similar arrangement under which the authority may acquire, plan, design, construct, maintain, repair, or operate a transportation project on behalf of another [the] governmental entity if:

(1) the transportation project is located in the authority's area of jurisdiction or in a county adjacent to the authority's area of jurisdiction;

(2) the transportation project is being acquired, planned, constructed, designed, operated, repaired, or maintained on behalf of the department or another toll project entity, as defined by Section 372.001; or

(3) for a transportation project that is not described by Subdivision (1) or (2), the department approves the acquisition, planning, construction, design, operation, repair, or maintenance of the project by the authority.

~~(f-1) [An authority may enter into a contract or agreement with the department under which the authority will plan, develop, operate, or maintain a transportation project on behalf of the department, subject to the transportation project being in the authority's area of jurisdiction.]~~ A contract or agreement under Subsection (f) ~~[this subsection]~~ may contain terms and conditions as may be approved by an authority, including payment obligations of the governmental entity and the authority.

(r) This chapter may not be construed to restrict the ability of an authority to enter into an agreement under Chapter 791, Government Code, with another governmental entity located anywhere in this state.

SECTION 3. Section 370.161, Transportation Code, is amended to read as follows:

Sec. 370.161. TRANSPORTATION PROJECTS EXTENDING INTO OTHER COUNTIES. ~~[(*)]~~ An authority may study, evaluate, design, finance, acquire, construct, operate, maintain, repair, expand, or extend a transportation project ~~[only]~~ in:

(1) a county that is a part of the authority;

(2) a county in this state that is not a part of the authority if the county and authority enter into an agreement under Section 370.033(f)~~[-~~

~~[(A) the transportation project in that county is a continuation of a transportation project of the authority extending from a county adjacent to that county;~~

~~[(B) the county is given an opportunity to become part of the authority on terms and conditions acceptable to the authority and that county; and~~

~~[(C) the commissioners court of the county agrees to the proposed acquisition, construction, operation, maintenance, expansion, or extension of the transportation project in that county];~~ or

(3) a county in another state or the United Mexican States if:

(A) each governing body of a political subdivision in which the project will be located agrees to the proposed study, evaluation, design, financing, acquisition, construction, operation, maintenance, repair, expansion, or extension;

(B) the project will bring significant benefits to the counties in this state that are part of the authority;

(C) the county in the other state is adjacent to a county that ~~[is]~~:

(i) is part of the authority studying, evaluating, designing, financing, acquiring, constructing, operating, maintaining, repairing, expanding, or extending the transportation project; and

(ii) has a municipality with a population of 500,000 or more; and

(D) the governor approves the proposed study, evaluation, design, financing, acquisition, construction, operation, maintenance, repair, expansion, or extension.

SECTION 4. Section 370.181(b), Transportation Code, is amended to read as follows:

(b) An authority may enter into an agreement with one or more persons to provide, on terms and conditions approved by the authority, personnel and services to design, construct, operate, maintain, expand, enlarge, or extend a ~~the~~ transportation project owned or operated by ~~the~~ the authority.

SECTION 5. Subchapter E, Chapter 370, Transportation Code, is amended by adding Section 370.1911 to read as follows:

Sec. 370.1911. COMMERCIAL TRANSPORTATION PROCESSING SYSTEMS AT INSPECTION FACILITIES AT INTERSTATE BORDERS. (a) Notwithstanding Section 370.191, an authority may construct a border inspection facility to be used solely for the purpose of conducting commercial motor vehicle inspections by the Department of Public Safety, provided that the facility is located:

- (1) at or near a border crossing from another state of the United States; and
- (2) not more than 50 miles from an international border.

(b) To the extent an authority constructing a border inspection facility under this section considers appropriate to expedite commerce, the facility may include implementation of Intelligent Transportation Systems for Commercial Vehicle Operations (ITS/CVO) technology.

SECTION 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

The amendment was read.

Senator Watson moved to concur in the House amendment to **SB 1489**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Van de Putte.

SENATE BILL 213 WITH HOUSE AMENDMENTS (Motion In Writing)

Senator Whitmire submitted a Motion In Writing to call **SB 213** from the President's table for consideration of the House amendments to the bill.

The Motion In Writing prevailed without objection.

The Presiding Officer, Senator Eltife in Chair, laid the bill and the House amendments before the Senate.

Amendment

Amend **SB 213** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to the continuation and functions of the Texas Board of Criminal Justice, the Texas Department of Criminal Justice, and the Windham School District and to the functions of the Board of Pardons and Paroles and the Correctional Managed Health Care Committee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 492.012, Government Code, is amended to read as follows:

Sec. 492.012. SUNSET PROVISION. The Texas Board of Criminal Justice and the Texas Department of Criminal Justice are subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board and the department are abolished September 1, 2021 [~~2013~~].

SECTION 2. Chapter 493, Government Code, is amended by adding Section 493.031 to read as follows:

Sec. 493.031. CASE MANAGEMENT COMMITTEES. (a) Each facility under the oversight of the correctional institutions division shall establish a case management committee to assess each inmate in the facility and ensure the inmate is receiving appropriate services or participating in appropriate programs. The case management committee shall:

(1) review each individual treatment plan adopted under Section 508.152 for an inmate in the facility and, as applicable, discuss with the inmate a possible treatment plan, including participation in any program or service that may be available through the department, the Windham School District, or any volunteer organization; and

(2) meet with each inmate in the facility at the time of the inmate's initial placement in the facility and at any time in which the committee seeks to reclassify the inmate based on the inmate's refusal to participate in a program or service recommended by the committee.

(b) A case management committee must include the members of the unit classification committee. In addition to those members, a case management committee may include any of the following members, based on availability and inmate needs:

(1) an employee whose primary duty involves providing rehabilitation and reintegration programs or services;

(2) an employee whose primary duty involves providing vocational training or educational services to inmates;

(3) an employee whose primary duty involves providing medical care or mental health care treatment to inmates; or

(4) a representative of a faith-based or volunteer organization.

SECTION 3. Section 501.092, Government Code, as added by Chapter 643 (H.B. 1711), Acts of the 81st Legislature, Regular Session, 2009, is reenacted and amended to read as follows:

Sec. 501.092. COMPREHENSIVE REENTRY AND REINTEGRATION PLAN FOR OFFENDERS. (a) The department shall develop and adopt a comprehensive plan to reduce recidivism and ensure the successful reentry and reintegration of offenders into the community following an offender's release or discharge from a correctional facility.

(b) The reentry and reintegration plan adopted [~~developed~~] under this section must provide for:

(1) incorporate the use of the risk and needs assessment instrument adopted under Section 501.0921 [~~an assessment of offenders entering a correctional facility to determine which skills the offender needs to develop to be successful in the community following release or discharge~~];

(2) provide for programs that address the assessed needs of offenders;

(3) provide for a comprehensive network of transition programs to address the needs of offenders released or discharged from a correctional facility;

(4) identify and define the transition services that are to be provided by the department and which offenders are eligible for those services;

(5) coordinate the provision of reentry and reintegration services provided to offenders through state-funded and volunteer programs across divisions of the department to:

(A) target eligible offenders efficiently; and

(B) ensure maximum use of existing facilities, personnel, equipment, supplies, and other resources;

(6) provide for collecting and maintaining data regarding the number of offenders who received reentry and reintegration services and the number of offenders who were eligible for but did not receive those services, including offenders who did not participate in those services;

(7) provide for evaluating the effectiveness of the reentry and reintegration services provided to offenders by collecting, maintaining, and reporting outcome information, including recidivism data as applicable;

(8) identify [~~(4)~~ the identification of] providers of existing local programs and transitional services with whom the department may contract under Section 495.028 to implement the reentry and reintegration plan; and

(9) [~~(5)~~] subject to Subsection (f) [~~(e)~~], provide for the sharing of information between local coordinators, persons with whom the department contracts under Section 495.028, and other providers of services as necessary to adequately assess and address the needs of each offender.

(c) The department, in consultation with the Board of Pardons and Paroles and the Windham School District, shall establish the role of each entity in providing reentry and reintegration services. The reentry and reintegration plan adopted under this section must include, with respect to the department, the Board of Pardons and Paroles, and the Windham School District:

(1) the reentry and reintegration responsibilities and goals of each entity, including the duties of each entity to administer the risk and needs assessment instrument adopted under Section 501.0921;

(2) the strategies for achieving the goals identified by each entity; and

(3) specific timelines for each entity to implement the components of the reentry and reintegration plan for which the entity is responsible.

(d) The department shall regularly evaluate the reentry and reintegration plan adopted under this section. Not less than once in each three-year period following the adoption of the plan, the department shall update the plan.

(e) The department shall provide a copy of the initial reentry and reintegration plan adopted under this section and each evaluation and revision of the plan to the board, the Windham School District, and the Board of Pardons and Paroles.

(f) An offender's personal health information may be disclosed under Subsection (b)(9) [~~(b)(5)~~] only if:

(1) the offender consents to the disclosure; and

(2) the disclosure does not violate the Health Insurance Portability and Accountability Act of 1996 (Pub. L. No. 104-191) or other state or federal law.

(g) [~~(d)~~] The programs provided under Subsections (b)(2) and (3) must:

(1) be implemented by highly skilled staff who are experienced in working with inmate reentry and reintegration programs;

(2) provide offenders with:

(A) individualized case management and a full continuum of care;

(B) life-skills training, including information about budgeting, money management, nutrition, and exercise;

(C) education and, if an offender has a learning disability, special education;

(D) employment training;

(E) appropriate treatment programs, including substance abuse and mental health treatment programs; and

(F) parenting and relationship building classes; and

(3) be designed to build for former offenders post-release and post-discharge support from the community into which an offender is released or discharged, including support from agencies and organizations within that community.

(h) [~~(e)~~] In developing the reentry and reintegration plan adopted under this section, the department shall ensure that the reentry program for long-term inmates under Section 501.096 and the reintegration services provided under Section 501.097 are incorporated into the plan.

(i) Not later than September 1 of each even-numbered year, the department shall deliver a report of the results of evaluations conducted under Subsection (b)(7) to the lieutenant governor, the speaker of the house of representatives, and each standing committee of the senate and house of representatives having primary jurisdiction over the department.

SECTION 4. Subchapter C, Chapter 501, Government Code, is amended by adding Section 501.0921 to read as follows:

Sec. 501.0921. RISK AND NEEDS ASSESSMENT INSTRUMENT. (a) The department shall adopt a standardized instrument to assess, based on criminogenic factors, the risks and needs of each offender within the adult criminal justice system.

(b) The department shall make the risk and needs assessment instrument available for use by each community supervision and corrections department established under Chapter 76.

(c) The department and the Windham School District shall jointly determine the duties of each entity with respect to implementing the risk and needs assessment instrument in order to efficiently use existing assessment processes.

(d) The department shall specify a timeline for the testing, adoption, and implementation of the risk and needs assessment instrument. The department's timeline must provide for the use of the instrument to be fully implemented not later than January 1, 2015. This subsection expires January 1, 2016.

SECTION 5. Section 501.098, Government Code, as added by Chapter 643 (H.B. 1711), Acts of the 81st Legislature, Regular Session, 2009, is reenacted and amended to read as follows:

Sec. 501.098. REENTRY TASK FORCE. (a) The department shall establish a reentry task force and shall coordinate the work of the task force with the Office of Court Administration. The executive director shall ensure that the task force includes representatives of [; and by rule shall enter into a memorandum of understanding with] the following entities [to establish a reentry task force]:

- (1) the Texas Juvenile Justice Department [~~Youth Commission~~];
- (2) the Texas Workforce Commission;
- (3) the Department of Public Safety;
- (4) the Texas Department of Housing and Community Affairs;
- (5) the Texas Correctional Office on Offenders with Medical or Mental Impairments;
- (6) the Health and Human Services Commission;
- (7) the Texas Judicial Council; [~~and~~]
- (8) the Board of Pardons and Paroles;
- (9) the Windham School District;
- (10) the Texas Commission on Jail Standards;
- (11) the Department of State Health Services;
- (12) the Texas Court of Criminal Appeals;
- (13) the County Judges and Commissioners Association of Texas;
- (14) the Sheriffs' Association of Texas;
- (15) the Texas District and County Attorneys Association; and
- (16) the Texas Conference of Urban Counties.

(b) The executive director shall appoint a representative from each of the following entities to serve on the reentry task force:

(1) a community supervision and corrections department established under Chapter 76;

(2) an organization that advocates on behalf of offenders;

(3) a local reentry planning entity; and

(4) a statewide [an] organization [selected by the department] that advocates for or provides reentry or reintegration services to offenders following their release or discharge from a correctional facility.

(c) To the extent feasible, the executive director shall ensure that the membership of the reentry task force reflects the geographic diversity of this state and includes members of both rural and urban communities.

(d) The executive director may appoint additional members as the executive director determines necessary.

(e) [(b)] The reentry task force shall [established under Subsection (a) may]:

(1) identify gaps in services for offenders following their release or discharge to rural or urban communities in the areas of employment, housing, substance abuse treatment, medical care, and any other areas in which the offenders need special services; and

(2) coordinate with providers of existing local reentry and reintegration programs, including programs operated by a municipality or county, to make recommendations regarding the provision of comprehensive services to offenders following their release or discharge to rural or urban communities.

(f) In performing its duties under Subsection (e), the reentry task force shall:

(1) identify:

(A) specific goals of the task force;

(B) specific deliverables of the task force, including the method or format in which recommendations under Subsection (e)(2) will be made available; and

(C) the intended audience or recipients of the items described by Paragraph (B);

(2) specify the responsibilities of each entity represented on the task force regarding the goals of the task force; and

(3) specify a timeline for achieving the task force's goals and producing the items described by Subdivision (1)(B).

SECTION 6. Section 501.131, Government Code, is amended to read as follows:

Sec. 501.131. DEFINITIONS [~~DEFINITION~~]. In this subchapter:

(1) "Committee" [,"committee"] means the Correctional Managed Health Care Committee.

(2) "Contracting entity" means an entity that contracts with the department to provide health care services under this chapter.

(3) "Medical school" means the medical school at The University of Texas Health Science Center at Houston, the medical school at The University of Texas Health Science Center at Dallas, the medical school at The University of Texas Health Science Center at San Antonio, The University of Texas Medical Branch at Galveston, the Texas Tech University Health Sciences Center, the Baylor College of Medicine, the college of osteopathic medicine at the University of North Texas Health Science Center at Fort Worth, or The Texas A&M University System Health Science Center.

SECTION 7. Section 501.133, Government Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) The committee consists of nine [~~five~~] voting members and one nonvoting member as follows:

(1) one member employed full-time by the department, appointed by the executive director;

(2) one member who is a physician and employed full-time by The University of Texas Medical Branch at Galveston, appointed by the president of the medical branch;

(3) one member who is a physician and employed full-time by the Texas Tech University Health Sciences Center, appointed by the president of the university;

(4) two members who are physicians, each of whom is employed full-time by a medical school other than The University of Texas Medical Branch at Galveston or the Texas Tech University Health Sciences Center, appointed by the governor;

(5) two members appointed by the governor who are licensed mental health professionals;

(6) two public members appointed by the governor who are not affiliated with the department or with any contracting entity [with which the committee has contracted to provide health care services under this chapter], at least one of whom is licensed to practice medicine in this state; and

(7) [(5)] the state Medicaid director or a person employed full-time by the Health and Human Services Commission and appointed by the Medicaid director, to serve ex officio as a nonvoting member.

(c) A committee member appointed under Subsection (a)(7) shall assist the department with developing the expertise needed to accurately assess health care costs and determine appropriate rates.

SECTION 8. Section 501.136, Government Code, is amended to read as follows:

Sec. 501.136. APPOINTMENT; TERMS OF OFFICE; VACANCY [FOR PUBLIC MEMBERS]. (a) The two committee members appointed under Section 501.133(a)(4) serve concurrent four-year terms expiring on February 1 following the fourth anniversary of the date of appointment. On the expiration of the terms, the governor shall appoint one member from each of the next two medical schools that, based on an alphabetical listing of the names of the medical schools, follow the medical schools that employ the vacating members. A medical school may not be represented at any given time by more than one member appointed under Section 501.133(a)(4).

(b) The two committee members appointed under Section 501.133(a)(5) serve concurrent four-year terms expiring on February 1 following the fourth anniversary of the date of appointment.

(c) Public [Committee] members appointed under Section 501.133(a)(6) [by the governor] serve staggered four-year terms, with the term of one of those members expiring on February 1 of each odd-numbered year.

(d) Other committee members serve at the will of the appointing official or until termination of the member's employment with the entity the member represents.

(e) If a vacancy occurs, the appropriate appointing authority shall appoint a person, in the same manner as the original appointment, to serve for the remainder of the unexpired term. If a vacancy occurs in a position appointed under Section 501.133(a)(4), the governor shall appoint a physician employed by the same medical school as that of the vacating member.

SECTION 9. Section 501.146, Government Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) The committee shall develop and approve a managed health care plan for all persons confined by the department that [includes]:

(1) specifies the types and general level of care to be provided to [the establishment of a managed health care provider network of physicians and hospitals that will serve the department as the exclusive health care provider for] persons confined [in institutions operated] by the department; and

(2) ensures continued access to needed care in the correctional health care system [cost containment studies;

(3) care case management and utilization management studies performed for the department; and

~~[(4) concerning the establishment of criteria for hospitals, home health providers, or hospice providers, a provision requiring the managed health care plan to accept certification by the Medicare program under Title XVIII, Social Security Act (42 U.S.C. Section 1395 et seq.), and its subsequent amendments, as an alternative to accreditation by the Joint Commission on Accreditation of Healthcare Organizations].~~

(c) The committee shall provide expertise to the department, and may appoint subcommittees to assist the department, in developing policies and procedures for implementation of the managed health care plan.

SECTION 10. Section 501.147, Government Code, is amended to read as follows:

Sec. 501.147. POWERS AND DUTIES OF DEPARTMENT; AUTHORITY TO CONTRACT. (a) The department, in cooperation with the contracting entities, shall:

(1) establish a managed health care provider network of physicians and hospitals to provide health care to persons confined by the department; and

(2) evaluate and recommend to the board sites for new medical facilities that appropriately support the managed health care provider network.

(b) The department may:

(1) communicate with the legislature regarding the financial needs of the correctional health care system;

(2) monitor the expenditures of a contracting entity to ensure that those expenditures comply with applicable statutory and contractual requirements;

(3) address problems found through monitoring activities, including requiring corrective action if care does not meet expectations as determined by those monitoring activities;

(4) identify and address long-term needs of the correctional health care system;

(5) ~~enter into a~~ contract with any entity to fully implement the managed health care plan under this subchapter, including contracting for health care services and the integration of those services into the managed health care provider network;

(6) contract with an individual for financial consulting services and make use of financial monitoring of the managed health care plan to assist the department in determining an accurate capitation rate; and

(7) contract with an individual for actuarial consulting services to assist the department in determining trends in the health of the inmate population and the impact of those trends on future financial needs.

(c) In contracting for the implementation of the managed health care plan, the department shall:

(1) ~~[A contract entered into under this subsection must]~~ include provisions necessary to ensure that the contracting entity ~~[The University of Texas Medical Branch at Galveston]~~ is eligible for and makes reasonable efforts to participate in the purchase of prescription drugs under Section 340B, Public Health Service Act (42 U.S.C. Section 256b); and~~[-]~~

~~(2) [b] The department may contract with other governmental entities for similar health care services and integrate those services into the managed health care provider network.~~

~~[(e) In contracting for implementation of the managed health care plan, the department,] to the extent possible, [shall] integrate the managed health care provider network with the [public] medical schools [of this state] and the component and affiliated hospitals of those medical schools. [The contract must authorize The University of Texas Medical Branch at Galveston to contract directly with the Texas Tech University Health Sciences Center for the provision of health care services. The Texas Tech University Health Sciences Center shall cooperate with The University of Texas Medical Branch at Galveston in its efforts to participate in the purchase of prescription drugs under Section 340B, Public Health Service Act (42 U.S.C. Section 256b).]~~

(d) For services that a governmental entity ~~[the public medical schools and their components and affiliates]~~ cannot provide, the department shall initiate a competitive bidding process for contracts with other providers for medical care to persons confined by the department.

~~[(e) The department, in cooperation with the committee, may contract with an individual or firm for a biennial review of, and report concerning, expenditures under the managed health care plan. The review must be conducted by an individual or firm experienced in auditing the state's Medicaid expenditures and other medical expenditures. Not later than September 1 of each even numbered year, the department shall submit a copy of a report under this section to the health care providers that are part of the managed health care provider network established under this subchapter, the Legislative Budget Board, the governor, the lieutenant governor, and the speaker of the house of representatives.]~~

SECTION 11. Subchapter E, Chapter 501, Government Code, is amended by adding Section 501.1471 to read as follows:

Sec. 501.1471. REPORT. (a) Not later than the 30th day after the end of each fiscal quarter, the department shall submit to the Legislative Budget Board and the governor a report that contains, for the preceding quarter:

(1) the actual and projected expenditures for the correctional health care system, including expenditures for unit and psychiatric care, hospital and clinical care, and pharmacy services;

(2) health care utilization and acuity data;

(3) other health care information as determined by the governor and the Legislative Budget Board; and

(4) the amount of cost savings realized as a result of contracting for health care services under this subchapter with a provider other than the Texas Tech University Health Sciences Center and The University of Texas Medical Branch.

(b) A contract entered into by the department for the provision of health care services must require the contracting entity to provide the department with necessary documentation to fulfill the requirements of this section.

SECTION 12. Sections 501.148(a) and (b), Government Code, are amended to read as follows:

(a) The committee may:

(1) develop statewide policies for the delivery of correctional health care;

(2) ~~[communicate with the department and the legislature regarding the financial needs of the correctional health care system;~~

~~[(3) in conjunction with the department, monitor the expenditures of The University of Texas Medical Branch at Galveston and the Texas Tech University Health Sciences Center to ensure that those expenditures comply with applicable statutory and contractual requirements;~~

~~[(4)] serve as a dispute resolution forum in the event of a disagreement relating to inmate health care services between:~~

~~(A) the department and the health care providers; or~~

~~(B) contracting entities [The University of Texas Medical Branch at Galveston and the Texas Tech University Health Sciences Center];~~

~~[(5) address problems found through monitoring activities by the department and health care providers, including requiring corrective action if care does not meet expectations as determined by those monitoring activities;~~

~~[(6) identify and address long term needs of the correctional health care system]; and~~

~~(3) [(7)] report to the board [Texas Board of Criminal Justice] at the board's regularly scheduled meeting each quarter on the committee's policy recommendations[, the financial status of the correctional health care system, and corrective actions taken by or required of the department or the health care providers].~~

~~(b) The committee shall advise the department and the board as necessary, including providing medical expertise and assisting the department and the board in identifying system needs and resolving contract disputes [evaluate and recommend to the board sites for new medical facilities that appropriately support the managed health care provider network].~~

SECTION 13. Sections 501.1485(a) and (b), Government Code, are amended to read as follows:

(a) The department, in cooperation with any contracting entity that is a medical school [The University of Texas Medical Branch at Galveston and the Texas Tech University Health Sciences Center], shall develop and implement a training program for corrections medication aides that uses a curriculum specific to administering medication in a correctional setting.

(b) In developing the curriculum for the training program, the department and the medical school [The University of Texas Medical Branch at Galveston, and the Texas Tech University Health Sciences Center] shall:

(1) consider the content of the curriculum developed by the American Correctional Association for certified corrections nurses; and

(2) modify as appropriate the content of the curriculum developed under Chapter 242, Health and Safety Code, for medication aides administering medication in convalescent and nursing homes and related institutions to produce content suitable for administering medication in a correctional setting.

SECTION 14. Subchapter E, Chapter 508, Government Code, is amended by adding Section 508.1411 to read as follows:

Sec. 508.1411. NOTIFICATION OF PAROLE PANEL DECISION. (a) For each decision of a parole panel granting or denying the release of an inmate on parole, or denying the release of an inmate on mandatory supervision, the parole panel shall:

(1) produce a written statement, in clear and understandable language, that explains:

(A) the decision; and

(B) the reasons for the decision only to the extent those reasons relate specifically to the inmate;

(2) provide a copy of the statement to the inmate; and

(3) place a copy of the statement in the inmate's file.

(b) In a written statement produced under Subsection (a), the parole panel may withhold information that:

(1) is confidential and not subject to public disclosure under Chapter 552; or

(2) the parole panel considers to possibly jeopardize the health or safety of any individual.

(c) The board shall keep a copy of each statement produced under Subsection (a) in a central location.

SECTION 15. Section 508.144, Government Code, is amended to read as follows:

Sec. 508.144. PAROLE GUIDELINES AND RANGE OF RECOMMENDED PAROLE APPROVAL RATES. (a) The board shall:

(1) develop according to an acceptable research method the parole guidelines that are the basic criteria on which a parole decision is made;

(2) base the guidelines on the seriousness of the offense and the likelihood of a favorable parole outcome;

(3) ensure that the guidelines require consideration of an inmate's progress in any programs in which the inmate participated during the inmate's term of confinement; ~~and~~

(4) establish and maintain a range of recommended parole approval rates for each category or score within the guidelines; and

(5) implement the guidelines.

(b) ~~If a board member or parole commissioner deviates from the parole guidelines in voting on a parole decision, the member or parole commissioner shall:~~

~~(1) produce a written statement describing in detail the specific circumstances regarding the departure from the guidelines;~~

~~(2) place a copy of the statement in the file of the inmate for whom the parole decision was made; and~~

~~(3) provide a copy of the statement to the inmate.~~

~~(c) The board shall keep a copy of a statement made under Subsection (b) in a central location.~~

~~(d)~~ The board shall meet annually to review and discuss the parole guidelines and range of recommended parole approval rates ~~[developed under Subsection (a)].~~ The board may consult outside experts to assist with the review. The board shall prioritize the use of outside experts, technical assistance, and training in taking any action under Subsection (c). The board must consider:

(1) how the parole guidelines and range of recommended parole approval rates serve the needs of parole decision-making; and

(2) the extent to which ~~[how well]~~ the parole guidelines and range of recommended parole approval rates reflect parole panel decisions ~~[;]~~ and

~~(3) how well parole guidelines] predict successful parole outcomes.~~

(c) ~~(e)~~ Based on the board's review ~~[of the parole guidelines]~~ under Subsection (b) ~~(d)~~, the board may:

(1) update the guidelines by:

(A) including new risk factors; or

(B) changing the values of offense severity or risk factor scores; or

(2) modify the range of recommended parole approval rates under the guidelines, if:

(A) a modification is recommended as a result of the peer review process under Section 508.1441; or

(B) parole approval rates differ significantly from the range of recommended parole approval rates.

(d) ~~(f)~~ The board is not required to hold an open meeting to review the parole guidelines and range of recommended parole approval rates as required by Subsection (b) ~~(d)~~, but any modifications or updates to the guidelines or range of recommended parole approval rates made by the board under Subsection (c) ~~(e)~~ must occur in an open meeting.

SECTION 16. Subchapter E, Chapter 508, Government Code, is amended by adding Section 508.1441 to read as follows:

Sec. 508.1441. REVIEW OF DEVIATIONS; PEER REVIEW PANELS. (a) The board shall conduct an annual review of the voting patterns of each regional office and individual parole panel member to identify the offices or members that have actual parole approval rates in a fiscal year that deviate from the range of recommended parole approval rates for a given category or score by more than five percent either above or below the recommended range.

(b) The board shall develop and implement a peer review process by which a panel will review the parole decisions of a regional office identified by the board as deviating from the range of recommended parole approval rates as described by Subsection (a).

(c) The presiding officer shall designate the composition of each peer review panel and shall designate panels composed of any combination of board members and parole commissioners.

(d) In conducting a review, a peer review panel shall:

(1) review a reasonable sample of the cases of the regional office under review that relate to the deviation;

(2) determine whether the deviation:

(A) was justified; or

(B) indicates a need for additional training, a reexamination of the parole guidelines, or a modification of the range of recommended parole approval rates to increase the reliability, validity, or effectiveness of the guidelines or range; and

(3) make recommendations to the regional office under review to enable the office to more accurately align the office's actual parole approval rates with the range of recommended parole approval rates.

(e) A peer review panel shall provide the presiding officer with a copy of any recommendations made under Subsection (d)(3).

(f) A regional office under review shall develop and submit to the presiding officer for consideration and approval a plan to implement recommendations made to the office under Subsection (d)(3).

SECTION 17. Section 508.1445(b), Government Code, is amended to read as follows:

(b) The report must include:

(1) a brief explanation of the parole guidelines, including how the board:

(A) defines the risk factors and offense severity levels; and

(B) determines the range of recommended parole approval rates for each guideline score;

(2) a comparison of the range of recommended parole approval rates under the parole guidelines to the actual approval rates for individual parole panel members, regional offices, and the state as a whole; ~~and~~

(3) a description of instances in which the actual parole approval rates do not meet the range of recommended parole approval rates under the parole guidelines, an explanation of the variations, and a list of actions that the board has taken or will take to meet the guidelines; and

(4) a summary of each peer review panel's recommendations and the results of any approved actions taken to implement those recommendations, as described by Section 508.1441(f).

SECTION 18. The heading to Section 508.152, Government Code, is amended to read as follows:

Sec. 508.152. INDIVIDUAL TREATMENT PLAN ~~[PROPOSED PROGRAM OF INSTITUTIONAL PROGRESS]~~.

SECTION 19. Section 508.152, Government Code, is amended by amending Subsections (b) and (d) and adding Subsections (b-1) and (b-2) to read as follows:

(b) The department shall:

(1) establish for the inmate an individual treatment plan ~~[a proposed program of measurable institutional progress]~~; and

(2) submit the plan ~~[proposed program]~~ to the board at the time of the board's consideration of the inmate's case for release.

(b-1) The department shall include in an inmate's individual treatment plan:

(1) a record of the inmate's institutional progress that includes the inmate's participation in any program, including an intensive volunteer program as defined by the department;

(2) the results of any assessment of the inmate, including any assessment made using the risk and needs assessment instrument adopted under Section 501.0921 and any vocational, educational, or substance abuse assessment;

(3) the dates on which the inmate must participate in any subsequent assessment; and

(4) all of the treatment and programming needs of the inmate, prioritized based on the inmate's assessed needs.

(b-2) At least once in every 12-month period, the department shall review each inmate's individual treatment plan to assess the inmate's institutional progress and revise or update the plan as necessary.

(d) Before the inmate is approved for release on parole, the inmate must agree to participate in the programs and activities described by the individual treatment plan [~~proposed program of measurable institutional progress~~].

SECTION 20. Section 508.281, Government Code, is amended by adding Subsection (e) to read as follows:

(e) Any hearing required to be conducted by a parole panel under this chapter may be conducted by a designated agent of the board. The designated agent may make recommendations to a parole panel that has responsibility for making a final determination.

SECTION 21. Chapter 509, Government Code, is amended by adding Section 509.0041 to read as follows:

Sec. 509.0041. USE OF RISK AND NEEDS ASSESSMENT INSTRUMENT. The division shall require each department to use the risk and needs assessment instrument adopted by the Texas Department of Criminal Justice under Section 501.0921 to assess each defendant at the time of the defendant's initial placement on community supervision and at other times as required by the comprehensive reentry and reintegration plan adopted under Section 501.092.

SECTION 22. Section 509.010(b), Government Code, is amended to read as follows:

(b) Before the 30th day before the date of the meeting, the division, the department that the facility is to serve, or a vendor proposing to operate the facility shall:

(1) publish by advertisement that is not less than 3-1/2 inches by 5 inches notice of the date, hour, place, and subject of the hearing required by Subsection (a) in three consecutive issues of a newspaper of, or in newspapers that collectively have, general circulation in the county in which the proposed facility is to be located; and

(2) mail a copy of the notice to each police chief, sheriff, city council member, mayor, county commissioner, county judge, school board member, state representative, and state senator who serves or represents the area in which the proposed facility is to be located, unless the proposed facility has been previously authorized to operate at a particular location as part of a community justice plan submitted by a community justice council under Section 509.007 [~~76.003~~].

SECTION 23. Section 509.011(a), Government Code, is amended to read as follows:

(a) If the division determines that a department complies with division standards and if the community justice council has submitted a community justice plan under Section 509.007 [~~76.003~~] and the supporting information required by the division and the division determines the plan and supporting information are acceptable, the division shall prepare and submit to the comptroller vouchers for payment to the department as follows:

(1) for per capita funding, a per diem amount for each felony defendant directly supervised by the department pursuant to lawful authority;

(2) for per capita funding, a per diem amount for a period not to exceed 182 days for each defendant supervised by the department pursuant to lawful authority, other than a felony defendant; and

(3) for formula funding, an annual amount as computed by multiplying a percentage determined by the allocation formula established under Subsection (f) times the total amount provided in the General Appropriations Act for payments under this subdivision.

SECTION 24. Chapter 509, Government Code, is amended by adding Sections 509.013 and 509.014 to read as follows:

Sec. 509.013. GRANT PROGRAM ADMINISTRATION. (a) In this section, "grant program" means a grant program administered by the division through which the division awards grants to departments through an application process.

(b) The division shall:

(1) establish goals for each grant program that are consistent with the purposes described by Section 509.002 and the mission of the division;

(2) establish grant application, review, award, and evaluation processes;

(3) establish the process by which and grounds on which an applicant may appeal a decision of the division regarding a grant application;

(4) establish and maintain a system to routinely monitor grant performance;

(5) establish and make available to the public:

(A) all criteria used in evaluating grant applications; and

(B) all factors used to measure grant program performance;

(6) publish on the division's Internet website for each grant awarded:

(A) the amount awarded;

(B) the method used in scoring the grant applications and the results of that scoring; and

(C) additional information describing the methods used to make the funding determination; and

(7) require each department to submit program-specific outcome data for the division's use in making grant awards and funding decisions.

Sec. 509.014. STUDY REGARDING PERFORMANCE-BASED FUNDING.

(a) The division shall:

(1) review the funding formulas specified under Section 509.011 and study the feasibility of adopting performance-based funding formulas, including whether the formulas should take into consideration an offender's risk level or other appropriate factors in allocating funding; and

(2) make recommendations for modifying the current funding formulas.

(b) In conducting the study and making recommendations under Subsection (a), the division shall:

(1) seek input from departments, the judicial advisory council established under Section 493.003(b), and other relevant interest groups; and

(2) in consultation with the Legislative Budget Board, determine the impact of any recommendations on the allocation of the division's funds as projected by the Legislative Budget Board.

(c) The division shall include in the reports prepared under Sections 509.004(c) and 509.016(c):

(1) the findings of the study;

(2) any recommendations regarding modifying the funding formulas; and

(3) the projected impact of the recommendations on the allocation of the division's funds.

SECTION 25. Article 42.01, Code of Criminal Procedure, is amended by adding Section 11 to read as follows:

Sec. 11. In addition to the information described by Section 1, the judgment should reflect whether a victim impact statement was returned to the attorney representing the state pursuant to Article 56.03(e).

SECTION 26. Article 56.03(e), Code of Criminal Procedure, is amended to read as follows:

(e) Prior to the imposition of a sentence by the court in a criminal case, the court~~[, if it has received a victim impact statement,]~~ shall, as applicable in the case, inquire as to whether a victim impact statement has been returned to the attorney representing the state and, if a victim impact statement has been returned to the attorney representing the state, consider the information provided in the statement. Before sentencing the defendant, the court shall permit the defendant or the defendant's ~~[his]~~ counsel a reasonable time to read the statement, excluding the victim's name, address, and telephone number, comment on the statement, and, with the approval of the court, introduce testimony or other information alleging a factual inaccuracy in the statement. If the court sentences the defendant to a term of community supervision, the attorney representing the state ~~[court]~~ shall forward any victim's impact statement received in the case to the community supervision and corrections department supervising the defendant~~[, along with the papers in the case].~~

SECTION 27. Article 56.04, Code of Criminal Procedure, is amended by adding Subsection (d-1) and amending Subsection (e) to read as follows:

(d-1) The victim services division of the Texas Department of Criminal Justice, in consultation with the Board of Pardons and Paroles, law enforcement agencies, prosecutors' offices, and other participants in the criminal justice system, shall develop recommendations to ensure that completed victim impact statements are submitted to the Texas Department of Criminal Justice as provided by this chapter.

(e) On inquiry by the court, the attorney representing the state ~~[The victim assistance coordinator]~~ shall make available ~~[send]~~ a copy of a victim impact statement for consideration by ~~[to]~~ the court sentencing the defendant. If the court sentences the defendant to imprisonment in the Texas Department of Criminal Justice, the court ~~[it]~~ shall attach the copy of the victim impact statement to the commitment papers.

SECTION 28. Chapter 19, Education Code, is amended by adding Section 19.0022 to read as follows:

Sec. 19.0022. SUNSET PROVISION. The Windham School District is subject to review under Chapter 325, Government Code (Texas Sunset Act). The district shall be reviewed during the period in which the Texas Department of Criminal Justice is reviewed.

SECTION 29. Section 19.0041, Education Code, is amended to read as follows:

Sec. 19.0041. PROGRAM DATA COLLECTION AND BIENNIAL EVALUATION AND REPORT ~~[OF TRAINING SERVICES]~~. (a) To evaluate the effectiveness of its programs ~~[training services provided to persons confined or imprisoned in the department],~~ the Windham School District shall ~~[consult with the~~

~~Legislative Budget Board to~~ compile and analyze information for each of its programs, including performance-based information and data related to academic, vocational training, and life skills programs ~~[person who receives the training services]~~. This information shall include for each person who participates in district programs an evaluation of:

- (1) institutional disciplinary violations;
- (2) subsequent arrests;
- (3) subsequent convictions or confinements;
- (4) the cost of confinement;
- (5) educational achievement;
- (6) high school equivalency examination passage;
- (7) the kind of training services provided;
- (8) ~~(2)~~ the kind of employment the person obtains on release;
- (9) ~~(3)~~ whether the employment was related to training;
- (10) ~~(4)~~ the difference between the amount of the person's earnings on the date employment is obtained following release and the amount of those earnings on the first anniversary of that date; and
- (11) ~~(5)~~ the retention factors associated with the employment.

(b) The Windham School District shall use the information compiled and analyzed under Subsection (a) to biennially:

- (1) evaluate whether its programs meet the goals under Section 19.003 and make changes to the programs as necessary; and
- (2) ~~[Legislative Budget Board shall]~~ submit a ~~[an annual]~~ report to the board, the legislature, and the governor's office ~~[based on data compiled and analyzed under Subsection (a)]~~.

(c) The Windham School District may enter into a memorandum of understanding with the department, the Department of Public Safety, and the Texas Workforce Commission to obtain and share data necessary to evaluate district programs.

SECTION 30. The following provisions of the Government Code are repealed:

- (1) Section 493.009(i);
- (2) Section 501.100; and
- (3) Sections 501.148(c) and (d).

SECTION 31. Not later than October 1, 2013, each facility under the oversight of the correctional institutions division of the Texas Department of Criminal Justice shall establish a case management committee as required by Section 493.031, Government Code, as added by this Act.

SECTION 32. Not later than January 1, 2014:

- (1) the Texas Department of Criminal Justice shall adopt the comprehensive reentry and reintegration plan required by Section 501.092, Government Code, as amended by this Act; and
- (2) the executive director of the Texas Department of Criminal Justice shall appoint representatives to serve on the reentry task force as required by Section 501.098, Government Code, as amended by this Act.

SECTION 33. Not later than September 1, 2016, the Texas Department of Criminal Justice shall submit the first report required by Section 501.092(i), Government Code, as added by this Act.

SECTION 34. (a) Not later than January 31, 2014, the governor shall appoint to the Correctional Managed Health Care Committee one member from each of the first two medical schools, so as to comply with the membership requirements of Section 501.133(a)(4), Government Code, as amended by this Act, based on an alphabetical listing of the names of the medical schools.

(b) Not later than January 31, 2014, the governor shall appoint to the Correctional Managed Health Care Committee two members who are licensed health professionals, so as to comply with the membership requirements of Section 501.133(a)(5), Government Code, as added by this Act.

(c) Notwithstanding the terms of the members as provided by Section 501.136(a), Government Code, as added by this Act, the terms of the members appointed under this section expire February 1, 2017.

SECTION 35. Not later than the 30th day after the end of the first quarter of fiscal year 2014, the Texas Department of Criminal Justice shall submit the first report required by Section 501.1471, Government Code, as added by this Act.

SECTION 36. Section 508.1411, Government Code, as added by this Act, applies only to a decision of a parole panel made on or after November 1, 2013. A decision of a parole panel made before November 1, 2013, is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 37. Not later than January 1, 2014, the Board of Pardons and Paroles shall:

(1) establish the range of recommended parole approval rates required by Section 508.144(a), Government Code, as amended by this Act; and

(2) develop and begin implementation of the peer review process required by Section 508.1441, Government Code, as added by this Act.

SECTION 38. Not later than January 1, 2014, the community justice assistance division of the Texas Department of Criminal Justice shall adopt forms, establish procedures, and take other actions necessary to comply with the requirements of Section 509.013, Government Code, as added by this Act.

SECTION 39. Not later than January 1, 2017, the community justice assistance division of the Texas Department of Criminal Justice shall include in the reports submitted under Sections 509.004(c) and 509.016(c), Government Code, the findings, recommendations, and projected impact of recommendations from the first study conducted under Section 509.014, Government Code, as added by this Act.

SECTION 40. Before January 1, 2014, the victim services division of the Texas Department of Criminal Justice shall develop the recommendations required by Article 56.04(d-1), Code of Criminal Procedure, as added by this Act.

SECTION 41. This Act takes effect September 1, 2013.

Floor Amendment No. 2

Amend **CSSB 213** (house committee printing) as follows:

(1) On page 33, strike lines 15-17 and substitute the following:

(1) Section 493.009(i);

- (2) Section 497.012(e);
- (3) Section 501.100; and
- (4) Sections 501.148(c) and (d).

(2) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 497.012(b), Government Code, is amended to read as follows:

(b) If the department determines that it is economically feasible, the department shall repair or refurbish the surplus or salvage data processing equipment. The department may ~~shall~~ sell the repaired or refurbished data processing equipment to a school district, a state agency, an organization that is exempt from taxation under Section 501(c)(3), Internal Revenue Code of 1986, or a political subdivision of the state in that relative order of preference.

Floor Amendment No. 4

Amend **CSSB 213** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 495, Government Code, is amended by adding Section 495.0251 to read as follows:

Sec. 495.0251. COMMISSARY STUDY. (a) The department shall contract with an independent third party to study the department's commissary operations. The independent third party must:

(1) review the operation of the commissary in each facility operated by the department; and

(2) make recommendations to the department for decreasing the costs of, or otherwise improving the operations of, the commissaries.

(b) Not later than December 1, 2014, the department shall provide a report summarizing the results of the study to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing legislative committees with primary jurisdiction over criminal justice matters. The report must include information regarding the extent to which the department has implemented the independent third party's recommendations.

(c) This section expires January 1, 2015.

Floor Amendment No. 6

Amend **CSSB 213** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 501, Government Code, is amended by adding Section 501.023 to read as follows:

Sec. 501.023. INFORMATION CONCERNING FOSTER CARE HISTORY.

(a) The department, during the diagnostic process, shall assess each inmate with respect to whether the inmate has at any time been in the conservatorship of a state agency responsible for providing child protective services.

(b) Not later than December 31 of each year, the department shall submit a report to the governor, the lieutenant governor, the speaker of the house of representatives, and each legislative standing committee having primary jurisdiction

over the department. The report must summarize statistical information concerning the total number of inmates who have at any time been in the conservatorship of a state agency responsible for providing child protective services.

Floor Amendment No. 8

Amend **CSSB 213** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter C, Chapter 501, Government Code, is amended by adding Section 501.0971 to read as follows:

Sec. 501.0971. PROVISION OF REENTRY AND REINTEGRATION INFORMATION TO INMATES. (a) The department shall identify organizations that provide reentry and reintegration resource guides and shall collaborate with those organizations to make the resource guides available to all inmates. At a minimum, the department shall collaborate with:

- (1) nonprofit entities that specialize in criminal justice issues;
- (2) faith-based organizations; and
- (3) organizations that:
 - (A) offer pro bono legal services to inmates; or
 - (B) are composed of the families and friends of inmates.

(b) The department shall make the resource guides available in the Windham School District libraries and in each of the following areas of a correctional facility:

- (1) law libraries;
- (2) peer educator classrooms;
- (3) chapels;
- (4) reintegration specialist offices; and
- (5) any area or classroom that is used by the department for the purpose of providing information about reentry to inmates.

(c) The department shall make available a sufficient number of copies of the resource guides to ensure that each inmate is able to access a resource guide in a timely manner.

(d) The department shall identify organizations described by Subsections (a)(1) through (3) that provide information described by Subsection (e) and shall collaborate with those organizations to compile county-specific information packets for inmates. The department shall provide a county-specific information packet to an inmate not less than six months before the inmate will discharge the inmate's sentence or as soon as practicable before releasing the inmate on parole, mandatory supervision, or conditional pardon.

(e) At the minimum, a county-specific packet described by Subsection (d) must include, for the applicable county:

- (1) contact information, including telephone numbers, e-mail addresses, physical locations, and mailing addresses, as applicable, of:
 - (A) workforce offices, housing options, places of worship, support groups, peer-to-peer counseling groups, and other relevant organizations or agencies as determined by the department and the collaborating organization;

(B) agencies and organizations that offer emergency assistance, such as food and clothing banks, temporary bus passes, low-cost medical assistance, and overnight and temporary housing; and

(C) agencies and organizations that offer mental health counseling; and
(2) information necessary for the inmate to apply for governmental assistance or benefits, including Medicaid, social security benefits, or nutritional assistance programs under Chapter 33, Human Resources Code.

Floor Amendment No. 10

Amend **CSSB 213** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 501.008, Government Code, is amended by adding Subsection (g) to read as follows:

(g) Not later than December 1 of each year, the department shall submit a report to the legislature that includes:

(1) the number of inmate grievances filed or appealed during the preceding fiscal year at each facility operated by the department or under contract with the department;

(2) information regarding the resolution of the inmate grievances; and

(3) information regarding the resources needed at the facility level to enable a facility to mitigate any issues or recurring problems relating to inmate grievances.

Floor Amendment No. 11

Amend **CSSB 213** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 501, Government Code, is amended by adding Section 501.0101 to read as follows:

Sec. 501.0101. STUDY OF VISITATION POLICIES; REPORT. (a) The department shall conduct a study of the state jail division's visitation policies under Section 507.030(b) and the institutional division's visitation policies under Section 501.010(b). The study may include a review and consideration of policies to strengthen family relations, including:

(1) expanding child-friendly areas; and

(2) notifying individuals who are eligible to visit an offender when visitation has been canceled or rescheduled.

(b) Not later than December 31, 2014, the department shall report the results of the study to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing legislative committees with primary jurisdiction over the department.

(c) This section expires February 1, 2015.

Floor Amendment No. 14

Amend **CSSB 213** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Subchapter E, Chapter 499, Government Code, is amended by adding Section 499.1091 to read as follows:

Sec. 499.1091. CLOSURE OF UNIT. The board may close one or more units and transfer the inmates housed in a unit being closed to another unit if the board determines that the total capacity of the units that will remain in operation after the closure will exceed the projected needs of the department. The board shall prioritize the closure of the units that are the least cost-effective for the department to operate, based on the Legislative Budget Board's most recent edition of the Criminal Justice Uniform Cost Report, relative to units of similar capacity that house inmates of the same classification.

Floor Amendment No. 15

Amend **CSSB 213** Amendment No. 14 by P. King/Keffer on page 1 by striking lines 6-15, and substituting the following:

Sec. 499.1091. CLOSURE OF UNIT. (a) The board may close one or more privately operated units and transfer the inmates housed in a unit being closed to another unit only if state funding needed for the operations of a unit has not been appropriated.

(b) If state funding for the operations of a unit has not been appropriated, the board shall determine whether to close a unit based on the level of community support, or lack thereof, for a unit as evidenced by a letter or resolution of the commissioners court or city council of the locality in which the unit is located.

(c) If the board does not receive documented community support for a unit, the board shall make its determination of which unit to close based on consideration of the cost-effectiveness of a unit, including all costs to department; safety and security issues; staffing needs; and any other information the board and department consider relevant.

Floor Amendment No. 1 on Third Reading

Amend **CSSB 213** on third reading as follows:

(1) In the SECTION of the bill that amends Section 501.131, Government Code (house committee printing, page 10, line 10), strike added Subdivision (1) and substitute the following:

(1) "Committee" [~~"committee"~~] means the Correctional [~~Managed~~] Health Care Committee.

(2) Strike Subsections (a) and (b) of the SECTION of the bill that adds transition language pertaining to the appointment of members to the Correctional Managed Health Care Committee under amended Section 501.133(a), Government Code (house committee printing, page 34, lines 8-18), and substitute the following:

(a) Not later than January 31, 2014, the governor shall appoint to the Correctional Health Care Committee one member from each of the first two medical schools, so as to comply with the membership requirements of Section 501.133(a), Government Code, as amended by this Act, based on an alphabetical listing of the names of the medical schools.

(b) Not later than January 31, 2014, the governor shall appoint to the Correctional Health Care Committee two members who are licensed mental health professionals, so as to comply with the membership requirements of Section 501.133(a), Government Code, as added by this Act.

(3) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 15(i), Article 42.12, Code of Criminal Procedure, as added by Chapter 1308 (**SB 909**), Acts of the 80th Legislature, Regular Session, 2007, is amended to read as follows:

(i) If a defendant is convicted of a state jail felony and the sentence is executed, the judge sentencing the defendant may release the defendant to a medically suitable placement if the judge determines that the defendant does not constitute a threat to public safety and the Texas Correctional Office on Offenders with Medical or Mental Impairments:

(1) in coordination with the Correctional [Managed] Health Care Committee prepares a case summary and medical report that identifies the defendant as being elderly, physically disabled, mentally ill, terminally ill, or mentally retarded or having a condition requiring long-term care; and

(2) in cooperation with the community supervision and corrections department serving the sentencing court, prepares for the defendant a medically recommended intensive supervision and continuity of care plan that:

(A) ensures appropriate supervision of the defendant by the community supervision and corrections department; and

(B) requires the defendant to remain under the care of a physician at and reside in a medically suitable placement.

SECTION _____. Section 501.132, Government Code, is amended to read as follows:

Sec. 501.132. APPLICATION OF SUNSET ACT. The Correctional [Managed] Health Care Committee is subject to review under Chapter 325 (Texas Sunset Act) regarding the committee's role and responsibilities. The committee shall be reviewed during the period in which the Texas Department of Criminal Justice is reviewed.

SECTION _____. Section 508.146(a), Government Code, is amended to read as follows:

(a) An inmate other than an inmate who is serving a sentence of death or life without parole may be released on medically recommended intensive supervision on a date designated by a parole panel described by Subsection (e), except that an inmate with an instant offense that is an offense described in Section 3g, Article 42.12, Code of Criminal Procedure, or an inmate who has a reportable conviction or adjudication under Chapter 62, Code of Criminal Procedure, may only be considered if a medical condition of terminal illness or long-term care has been diagnosed by a physician, if:

(1) the Texas Correctional Office on Offenders with Medical or Mental Impairments, in cooperation with the Correctional [Managed] Health Care Committee, identifies the inmate as being:

(A) elderly, physically disabled, mentally ill, terminally ill, or mentally retarded or having a condition requiring long-term care, if the inmate is an inmate with an instant offense that is described in Section 3g, Article 42.12, Code of Criminal Procedure; or

(B) in a persistent vegetative state or being a person with an organic brain syndrome with significant to total mobility impairment, if the inmate is an inmate who has a reportable conviction or adjudication under Chapter 62, Code of Criminal Procedure;

(2) the parole panel determines that, based on the inmate's condition and a medical evaluation, the inmate does not constitute a threat to public safety; and

(3) the Texas Correctional Office on Offenders with Medical or Mental Impairments, in cooperation with the pardons and paroles division, has prepared for the inmate a medically recommended intensive supervision plan that requires the inmate to submit to electronic monitoring, places the inmate on super-intensive supervision, or otherwise ensures appropriate supervision of the inmate.

SECTION _____. Section 614.002(e), Health and Safety Code, is amended to read as follows:

(e) The executive head of each of the following agencies, divisions of agencies, or associations, or that person's designated representative, shall serve as a member of the committee:

(1) the correctional institutions division of the Texas Department of Criminal Justice;

(2) the Department of State Health Services;

(3) the parole division of the Texas Department of Criminal Justice;

(4) the community justice assistance division of the Texas Department of Criminal Justice;

(5) the Texas Juvenile Justice Department [~~Probation Commission~~];

(6) [~~the Texas Youth Commission~~];

[~~(7)~~] the Department of Assistive and Rehabilitative Services;

(7) [~~(8)~~] the Correctional [~~Managed~~] Health Care Committee;

(8) [~~(9)~~] the Mental Health Association in Texas;

(9) [~~(10)~~] the Board of Pardons and Paroles;

(10) [~~(11)~~] the Commission on Law Enforcement Officer Standards and Education;

(11) [~~(12)~~] the Texas Council of Community Mental Health and Mental Retardation Centers;

(12) [~~(13)~~] the Commission on Jail Standards;

(13) [~~(14)~~] the Texas Council for Developmental Disabilities;

(14) [~~(15)~~] the Texas Association for Retarded Citizens;

(15) [~~(16)~~] the National Alliance for the Mentally Ill of Texas;

(16) [~~(17)~~] the Parent Association for the Retarded of Texas, Inc.;

(17) [~~(18)~~] the Health and Human Services Commission; and

(18) [~~(19)~~] the Department of Aging and Disability Services.

SECTION _____. Section 614.017(c)(1), Health and Safety Code, is amended to read as follows:

(1) "Agency" includes any of the following entities and individuals, a person with an agency relationship with one of the following entities or individuals, and a person who contracts with one or more of the following entities or individuals:

- (A) the Texas Department of Criminal Justice and the Correctional [Managed] Health Care Committee;
- (B) the Board of Pardons and Paroles;
- (C) the Department of State Health Services;
- (D) the Texas Juvenile Justice Department;
- (E) the Department of Assistive and Rehabilitative Services;
- (F) the Texas Education Agency;
- (G) the Commission on Jail Standards;
- (H) the Department of Aging and Disability Services;
- (I) the Texas School for the Blind and Visually Impaired;
- (J) community supervision and corrections departments and local juvenile probation departments;
- (K) personal bond pretrial release offices established under Article 17.42, Code of Criminal Procedure;
- (L) local jails regulated by the Commission on Jail Standards;
- (M) a municipal or county health department;
- (N) a hospital district;
- (O) a judge of this state with jurisdiction over juvenile or criminal cases;
- (P) an attorney who is appointed or retained to represent a special needs offender or a juvenile with a mental impairment;
- (Q) the Health and Human Services Commission;
- (R) the Department of Information Resources;
- (S) the bureau of identification and records of the Department of Public Safety, for the sole purpose of providing real-time, contemporaneous identification of individuals in the Department of State Health Services client data base; and
- (T) the Department of Family and Protective Services.

Floor Amendment No. 2 on Third Reading

Amend **CSSB 213** on third reading, in proposed Section 499.1091, Government Code, as added by the King amendment as amended by the Anchia amendment, by striking all of the text of the section after "CLOSURE OF UNIT." and substituting the following:

If the board determines that the bed space capacity of the correctional institutions division exceeds the projected needs of the division, the board may close one or more units and transfer the inmate population from the units designated for closure to other units within the division. The board shall make its determination of which unit or units to close based on:

- (1) the level of community support for the continued operation of a unit as evidenced by a letter or resolution of the commissioners court or city council of the locality in which the unit is located;

(2) the cost-effectiveness of unit, including all costs to the department, utilizing the Legislative Budget Board's most recent edition of the Criminal Justice Uniform Cost Report, relative to units of similar capacity that house inmates of the same classification;

(3) the level of appropriation for unit;

(4) safety and security issues;

(5) staffing needs; and

(6) any other information the board considers relevant.

The amendments were read.

Senator Whitmire moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 213** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Whitmire, Chair; Huffman, Hinojosa, Duncan, and Nichols.

**SENATE BILL 1730 WITH HOUSE AMENDMENTS
(Motion In Writing)**

Senator Nichols submitted a Motion In Writing to call **SB 1730** from the President's table for consideration of the House amendments to the bill.

The Motion In Writing prevailed without objection.

The Presiding Officer laid the bill and the House amendments before the Senate.

Amendment

Amend **SB 1730** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to comprehensive development agreements of the Texas Department of Transportation or a regional mobility authority.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 223.201, Transportation Code, is amended by amending Subsections (a), (b), (f), (g), (i), (j), (k), and (l) and adding Subsection (j-1) to read as follows:

(a) Subject to Section 223.202, the department may enter into a comprehensive development agreement with a private entity to design, develop, finance, construct, maintain, repair, operate, extend, or expand a:

(1) toll project;

(2) state highway improvement project that includes both tolled and nontolled lanes and may include nontolled appurtenant facilities;

(3) state highway improvement project in which the private entity has an interest in the project; ~~or~~

(4) state highway improvement project financed wholly or partly with the proceeds of private activity bonds, as defined by Section 141(a), Internal Revenue Code of 1986; or

(5) nontolled state highway improvement project authorized by the legislature.

(b) In this subchapter, "comprehensive development agreement" means an agreement that, at a minimum, provides for the design and construction, reconstruction, rehabilitation, expansion, or improvement of a project described in Subsection (a) and may also provide for the financing, acquisition, maintenance, or operation of a project described in Subsection (a).

(f) The department may enter into a comprehensive development agreement only for all or part of:

(1) the State Highway 99 (Grand Parkway) project;

(2) the Interstate Highway 35E managed lanes project in Dallas and Denton Counties from Interstate Highway 635 to U.S. Highway 380;

(3) the Interstate Highway 35W project in Tarrant County from Interstate Highway 30 to State Highway 114 ~~[North Tarrant Express project in Tarrant and Dallas Counties, including:~~

~~[(A) on State Highway 183 from State Highway 121 to State Highway 161 (Segment 2E);~~

~~[(B) on Interstate Highway 35W from Interstate Highway 30 to State Highway 114 (Segments 3A, 3B, and 3C); and~~

~~[(C) on Interstate Highway 820 from State Highway 183 North to south of Randol Mill Road (Segment 4)];~~

(4) the State Highway 183 managed lanes project in Tarrant and Dallas Counties ~~[County]~~ from State Highway 121 ~~[161]~~ to Interstate Highway 35E;

(5) the Interstate Highway 35/U.S. Highway 67 Southern Gateway project in Dallas County, including:

(A) Interstate Highway 35E from 8th Street to Interstate Highway 20;
and

(B) U.S. Highway 67 from Interstate Highway 35E to Farm-to-Market Road 1382 (Belt Line Road) ~~[State Highway 249 project in Harris and Montgomery Counties from Spring Cypress Road to Farm to Market Road 1774];~~

(6) the State Highway 288 project from U.S. Highway 59 to south of State Highway 6 in Brazoria County and Harris County; ~~[and]~~

(7) the U.S. Highway 290 ~~[Hempstead]~~ managed lanes project in Harris County from Interstate Highway 610 to State Highway 99;

(8) the Interstate Highway 820 project from State Highway 183 to Randol Mill Road;

(9) the State Highway 114 project in Dallas County from State Highway 121 to State Highway 183;

(10) the Loop 12 project in Dallas County from State Highway 183 to Interstate Highway 35E;

(11) the Interstate Highway 35E project in Dallas County from State Highway 183 to the Dallas North Tollway;

(12) the Loop 9 project in Dallas and Ellis Counties from Interstate Highway 20 to U.S. Highway 67; and

(13) the U.S. Highway 181 Harbor Bridge project in Nueces County between U.S. Highway 181 at Beach Avenue and Interstate Highway 37.

(g) The department may combine in a comprehensive development agreement under this subchapter:

(1) a toll project and a rail facility as defined by Section 91.001; or

(2) two or more projects described by Subsection (f).

(i) ~~The authority to enter into a comprehensive development agreement under [for a project described by] Subsection (f)[, other than the State Highway 99 (Grand Parkway) project] expires:~~

(1) August 31, 2017; or

(2) August 31, 2015, for:

(A) the State Highway 183 managed lanes project;

(B) the State Highway 114 project; and

(C) the Loop 12 project.

(j) Before the department may enter into a comprehensive development agreement under Subsection (f), the department must:

(1) obtain[, not later than August 31, 2013,] the appropriate environmental clearance for the project or for the initial or base scope of the project if the project agreement provides for the phased construction of the project:

(A) not later than August 31, 2017; or

(B) not later than January 31, 2014, for a project described by Subsection (i)(2) [for any project other than the State Highway 99 (Grand Parkway) project]; and

(2) present to the commission a full financial plan for the project, including costing methodology and cost proposals.

(j-1) Subsections (i) and (j) do not apply to the State Highway 99 (Grand Parkway) project.

(k) Not later than December 1, 2014 ~~[2012]~~, the department shall provide ~~[present]~~ a report to the commission on the status of a project described by Subsection (f). The report must include:

(1) the status of the project's environmental clearance;

(2) an explanation of any project delays; and

(3) if the procurement is not completed, the anticipated date for the completion of the procurement.

(l) In this section, "environmental clearance" means:

(1) a finding of no significant impact has been issued for the project or, as applicable, for the initial or base scope of the project; or

(2) for a project for which an environmental impact statement is prepared, a record of decision has been issued for that project or, as applicable, for the initial or base scope of the project.

SECTION 2. Sections 223.2011(a), (c), (e), and (f), Transportation Code, are amended to read as follows:

(a) Notwithstanding Sections 223.201(f) and 370.305(c), the department or an authority under Section 370.003 may enter into a comprehensive development agreement relating to improvements to, or construction of all or part of:

(1) the Loop 1 (MoPac Improvement) project from Farm-to-Market Road 734 to Cesar Chavez Street;

(2) the U.S. 183 (Bergstrom Expressway) project from Springdale Road to Patton Avenue; ~~[or]~~

(3) a project consisting of the construction of:

(A) the Outer Parkway Project in Cameron County from U.S. Highway 77 ~~[77/83]~~ to Farm-to-Market Road 1847; and

(B) the South Padre Island Second Access Causeway Project from State Highway 100 to Park Road 100;

(4) the Loop 49 project from Interstate 20 to U.S. Highway 69 (Lindale Relief Route) and from State Highway 110 to U.S. Highway 259 (Segments 6 and 7);

(5) the Loop 375 Border Highway West project in El Paso County from Race Track Drive to U.S. Highway 54; and

(6) the Northeast Parkway project in El Paso County from Loop 375 east of the Railroad Drive overpass to the Texas-New Mexico border.

(c) Not later than December 1, 2014 ~~[2012]~~, the department or the authority, as applicable, shall provide ~~[present]~~ a report to the commission on the status of a project described by Subsection (a). The report must include:

(1) the status of the project's environmental clearance;

(2) an explanation of any project delays; and

(3) if the procurement is not completed, the anticipated date for the completion of the procurement.

(e) In this section, "environmental clearance" means:

(1) a finding of no significant impact has been issued for the project or, as applicable, for the initial or base scope of the project; or

(2) for a project for which an environmental impact statement is prepared, a record of decision has been issued for that project or, as applicable, for the initial or base scope of the project.

(f) The authority to enter into a comprehensive development agreement under this section expires August 31, 2017 ~~[2015]~~.

SECTION 3. Subchapter G, Chapter 370, Transportation Code, is amended by adding Section 370.3051 to read as follows:

Sec. 370.3051. LIMITED AUTHORITY FOR CERTAIN PROJECTS USING COMPREHENSIVE DEVELOPMENT AGREEMENTS. Notwithstanding Section 370.305(c), an authority formed by a county with a population of more than 700,000 that borders the United Mexican States may enter into a comprehensive development agreement for:

(1) the Hidalgo County Loop Project;

(2) the International Bridge Trade Corridor Project; and

(3) projects associated with commuter rail.

SECTION 4. Section 371.101, Transportation Code, is amended to read as follows:

Sec. 371.101. TERMINATION FOR CONVENIENCE. (a) A comprehensive development agreement under which a private participant receives the right to operate and collect revenue from a toll project must contain a provision authorizing the toll project entity to terminate the agreement for convenience and to purchase, under terms agreed to by the parties:

(1) the interest of the private participant in the comprehensive development agreement; and

(2) related property, including any interest in a highway or other facility designed, developed, financed, constructed, operated, or maintained under the agreement.

(b) A comprehensive development agreement described by Subsection (a) must include a price breakdown stating a specific price for the purchase of the private participant's interest at specified intervals from the date the toll project opens, of not less than two years and not more than five years, over the term of the agreement.

(c) The provision must authorize the toll project entity to terminate the comprehensive development agreement and to purchase the private participant's interest at any time during a specified interval at the lesser of:

(1) the price stated for that interval; or

(2) the greater of:

(A) the then fair market value of the private participant's interest, plus or minus any other amounts specified in the comprehensive development agreement; or

(B) an amount equal to the amount of outstanding debt specified in the comprehensive development agreement, plus or minus any other amounts specified in the comprehensive development agreement.

(d) A toll project entity shall include in a request for proposals for an agreement described by Subsection (a) a request for the proposed price breakdown described by Subsection (b) and shall assign points to and score each proposer's price breakdown in the evaluation of proposals.

(e) A private participant shall, not later than 12 months before the date that a new price interval takes effect, notify the toll project entity of the beginning of the price interval. The toll project entity must notify the private participant as to whether it will exercise the option to purchase under this section not later than six months after the date it receives notice under this subsection.

(f) A toll project entity must notify the private participant of the toll project entity's intention to purchase the private participant's interest under this section not less than six months before the date of the purchase.

(g) Subsections (b), (c), (d), (e), and (f) do not apply to a project for which a request for proposals was issued before January 1, 2013.

(h) If a project requires expansion or reconstruction in a manner that differs from the manner provided in the original project scope or schedule, the price for terminating the comprehensive development agreement may be adjusted to reflect the changes in the agreement. ~~[A toll project entity having rulemaking authority by rule and a toll project entity without rulemaking authority by official action shall develop a formula for making termination payments to terminate a comprehensive development~~

~~agreement under which a private participant receives the right to operate and collect revenue from a toll project. A formula must calculate an estimated amount of loss to the private participant as a result of the termination for convenience.~~

~~[(b) The formula shall be based on investments, expenditures, and the internal rate of return on equity under the agreed base case financial model as projected over the original term of the agreement, plus an agreed percentage markup on that amount.~~

~~[(c) A formula under Subsection (b) may not include any estimate of future revenue from the project, if not included in an agreed base case financial model under Subsection (b). Compensation to the private participant upon termination for convenience may not exceed the amount determined using the formula under Subsection (b).]~~

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

Floor Amendment No. 1

Amend **CSSB 1730** (house committee printing) as follows:

- (1) On page 3, strike lines 16-17.
- (2) On page 3, line 18, strike "(12)" and substitute "(11)".
- (3) On page 3, line 20, strike "(13)" and substitute "(12)".

Floor Amendment No. 2

Amend **CSSB 1730** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 223.202, Transportation Code, is amended to read as follows:

Sec. 223.202. LIMITATION ON DEPARTMENT FINANCIAL PARTICIPATION. (a) The amount of money disbursed by the department from the state highway fund and the Texas mobility fund during a federal fiscal year to pay the costs under comprehensive development agreements may not exceed 40 percent of the obligation authority under the federal-aid highway program that is distributed to this state for that fiscal year.

(b) The department may not increase the amount of money allocated for a project that is the subject of a comprehensive development agreement above the amount allocated for the project in the department's unified transportation program.

Floor Amendment No. 3

Amend **CSSB 1730** (house committee printing) as follows:

- (1) On page 3, line 19, strike "and".
- (2) On page 3, line 22, between "37" and the period insert:

; and

(14) the State Highway 16 widening project between Fredericksburg and Kerrville in Gillespie and Kerr Counties

Floor Amendment No. 4

Amend **CSSB 1730** (house committee printing) as follows:

- (1) On page 6, line 4, between "54;" and "and" insert:
(6) the Loop 1604 project in Bexar County;
- (2) On page 6, line 5, strike "(6)" and substitute "(7)".

The amendments were read.

Senator Nichols moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 1730** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Nichols, Chair; Watson, Patrick, Uresti, and Paxton.

CONFERENCE COMMITTEE ON HOUSE BILL 4

Senator Fraser called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 4** and moved that the request be granted.

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 4** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Fraser, Chair; Hegar, Estes, Williams, and Uresti.

SENATE BILL 265 WITH HOUSE AMENDMENT

Senator Huffman called **SB 265** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 265** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to bond requirements for county officers and employees, district attorneys, and criminal district attorneys.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 43.002, Government Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) Before assuming the duties of the office and except as provided by Subsection (c) or (d), a district attorney must give a bond that:

- (1) is payable to the governor;
- (2) is in the sum of \$5,000;
- (3) has two or more good and sufficient sureties;
- (4) is approved by the district judge; and

(5) is conditioned that the district attorney will, in the manner prescribed by law, faithfully pay over all money that he collects or that comes into his hands for the state or a county.

(d) A district attorney is not required to execute the bond required under Subsection (a) and may perform the duties of office if the commissioners court of each county in the district by order authorizes the county to self-insure against losses that would have been covered by the bond. An order adopted by a commissioners court under this subsection shall be kept and recorded by the county clerk.

SECTION 2. Section 44.002, Government Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Except as provided by Subsection (b) or (c), a criminal district attorney must meet the qualifications and give the bond required of a district attorney by the constitution and general law.

(c) A criminal district attorney is not required to execute the bond required under Subsection (a) and may perform the duties of office if the commissioners court of the county the attorney serves by order authorizes the county to self-insure against losses that would have been covered by the bond. An order adopted by a commissioners court under this subsection shall be kept and recorded by the county clerk.

SECTION 3. Chapter 88, Local Government Code, is amended by adding Section 88.008 to read as follows:

Sec. 88.008. SELF-INSURANCE INSTEAD OF BOND. (a) Notwithstanding any other law requiring a county officer or employee to execute a bond as a condition of office or employment, a county officer or employee is not required to execute the bond and may perform the duties of office or employment if:

(1) the commissioners court by order authorizes the county to self-insure against losses that would have been covered by the bond; and

(2) the county judge approves the order adopted under Subdivision (1), if the county judge was required to approve the bond under the other law.

(b) An order adopted by the commissioners court under Subsection (a) shall be kept and recorded by the county clerk.

SECTION 4. The heading to Chapter 88, Local Government Code, is amended to read as follows:

CHAPTER 88. OFFICIAL BONDS OF ~~[CERTAIN]~~ COUNTY OFFICERS AND EMPLOYEES

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

The amendment was read.

Senator Huffman moved to concur in the House amendment to **SB 265**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Van de Putte.

SENATE BILL 367 WITH HOUSE AMENDMENT

Senator Whitmire called **SB 367** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 367** (house committee report) by striking all below the enacting clause and substituting the following:

SECTION 1. Article 18.17, Code of Criminal Procedure, is amended by adding Subsections (d-1) and (d-2) to read as follows:

(d-1) Notwithstanding Subsection (a), (b), (c), or (d), if property described by Subsection (a), other than money, is seized by a peace officer at the time the owner of the property is arrested for an offense punishable as a Class C misdemeanor, the law enforcement agency may provide notice to the owner at the time the owner is taken into or released from custody. On receiving the notice, the owner must sign the notice and attach a thumbprint to the notice. The notice must include:

(1) a description of the property being held;

(2) the address where the property is being held; and

(3) a statement that if the owner does not claim the property before the 31st day after the date the owner is released from custody, the property will be disposed of and the proceeds of the property, after deducting the reasonable expense of keeping and disposing of the property, will be placed in the treasury of the municipality or county providing the notice.

(d-2) If the property for which notice is provided under Subsection (d-1) is not claimed by the owner before the 31st day after the date the owner is released from custody, the law enforcement agency holding the property shall deliver the property for disposition to a person designated by the municipality or to the purchasing agent or sheriff of the county in which the property was seized, as applicable. The person designated by the municipality, the purchasing agent, or the sheriff may sell or donate the property without mailing or publishing an additional notice as required by Subsection (b), (c), or (d). The sale proceeds, after deducting the reasonable expense of keeping and disposing of the property, must be deposited in the treasury of the municipality or county disposing of the property.

SECTION 2. Article 18.17, Code of Criminal Procedure, as amended by this Act, applies to personal property seized or taken into custody on or after the effective date of this Act. Personal property seized or taken into custody before the effective date of this Act is governed by the law in effect on the date the property is seized or taken into custody, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

The amendment was read.

Senator Whitmire moved to concur in the House amendment to **SB 367**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Van de Putte.

HOUSE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions received from the House were read first time and referred to the committees indicated:

- HB 431** to Committee on Criminal Justice.
- HB 432** to Committee on Government Organization.
- HB 655** to Committee on Economic Development.
- HB 764** to Committee on Health and Human Services.
- HB 777** to Committee on Transportation.
- HB 801** to Committee on Agriculture, Rural Affairs and Homeland Security.
- HB 833** to Committee on Jurisprudence.
- HB 860** to Committee on Veteran Affairs and Military Installations.
- HB 1245** to Committee on Jurisprudence.
- HB 1358** to Committee on State Affairs.
- HB 1724** to Committee on Economic Development.
- HB 1824** to Committee on Intergovernmental Relations.
- HB 1869** to Committee on State Affairs.
- HB 2000** to Committee on Economic Development.
- HB 2020** to Committee on State Affairs.
- HB 2025** to Committee on Jurisprudence.
- HB 2094** to Committee on Intergovernmental Relations.
- HB 2152** to Committee on Natural Resources.
- HB 2290** to Committee on Natural Resources.
- HB 2388** to Committee on Veteran Affairs and Military Installations.
- HB 2482** to Committee on Economic Development.
- HB 2485** to Committee on Transportation.
- HB 2501** to Committee on Jurisprudence.
- HB 2610** to Committee on Education.
- HB 2772** to Committee on State Affairs.
- HB 2873** to Committee on Government Organization.
- HB 2877** to Committee on Criminal Justice.
- HB 2883** to Committee on Higher Education.
- HB 3028** to Committee on Economic Development.
- HB 3093** to Committee on Government Organization.
- HB 3178** to Committee on Agriculture, Rural Affairs and Homeland Security.
- HB 3296** to Committee on Economic Development.
- HB 3355** to Committee on Business and Commerce.
- HB 3397** to Committee on Finance.
- HB 3407** to Committee on Criminal Justice.
- HB 3412** to Committee on Criminal Justice.
- HB 3436** to Committee on Economic Development.

- HB 3511** to Committee on Natural Resources.
- HB 3523** to Committee on Transportation.
- HB 3578** to Committee on Economic Development.
- HB 3640** to Committee on Higher Education.
- HB 3662** to Committee on Education.
- HB 3761** to Committee on Agriculture, Rural Affairs and Homeland Security.
- HB 3762** to Committee on Intergovernmental Relations.
- HB 3764** to Committee on Intergovernmental Relations.
- HB 3795** to Committee on Intergovernmental Relations.
- HB 3798** to Committee on Intergovernmental Relations.
- HCR 40** to Committee on Administration.
- HJR 86** to Committee on Finance.
- HJR 147** to Committee on Intergovernmental Relations.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Wednesday, May 8, 2013 - 2

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HCR 112 Gonzales, Larry
Designating April 2013 as Civitan International Awareness Month.

HCR 116 Giddings
Honoring Ambassador Ron Kirk for his service as United States Trade Representative.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

GUESTS PRESENTED

Senator Patrick was recognized and introduced to the Senate a charter school movement of Texas delegation.

The Senate welcomed its guests.

GUEST PRESENTED

Senator Lucio was recognized and introduced to the Senate Antonio Martinez, Brownsville Mayor.

The Senate welcomed its guest.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The Presiding Officer, Senator Eltife in Chair, announced the time had arrived to consider executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given yesterday by Senator Hegar.

Senator Hegar moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The Presiding Officer asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The following nominees, as reported by the Committee on Nominations, were confirmed by the following vote: Yeas 30, Nays 0.

Absent-excused: Van de Putte.

Judge, 113th Judicial District Court, Harris County: Michael Lee Landrum, Harris County.

Members, Automobile Burglary and Theft Prevention Authority: Ashley Maurene Hunter, Travis County; Linda Walters Kinney, Hays County.

Members, Board of Trustees, Employees Retirement System of Texas: Cydney C. Donnell, Gillespie County; Frederick Rowe, Dallas County.

Member, Board of Directors, Evergreen Underground Water Conservation District: Jason Byron Peeler, Wilson County.

Member, Finance Commission of Texas: William M. Lucas, Shelby County.

Commissioner, Public Utility Commission of Texas: Kenneth Ward Anderson, Dallas County.

Members, Texas Board of Chiropractic Examiners: Elaine Anne Boatright, Bastrop County; John Henry Riggs, Midland County; John W. Steinberg, Guadalupe County; Cynthia L. Tays, Travis County.

Members, Texas Board of Criminal Justice: John Eric Gambrell, Dallas County; Thomas P. Wingate, Hidalgo County.

Members, Texas Board of Physical Therapy Examiners: Karen Lynn Gordon, Calhoun County; Jeffrey Arron Tout, Hood County; Philip Avery Vickers, Tarrant County; Shari Cathryn Waldie, Travis County.

Members, Texas Diabetes Council: Carley Gomez-Meade, Travis County; Alicia Gracia, Cameron County; Jason Michael Ryan, Harris County; Curtis Lee Triplitt, Bexar County.

Members, Board of Directors, Texas Public Finance Authority: Gerald Byron Alley, Tarrant County; Walker Nelson Moody, Harris County; Ruth Corry Schiermeyer, Lubbock County.

Members, Board of Regents, Texas Southern University: Glenn Oliver Lewis, Tarrant County; Sarah D. Monty, Harris County; Erik Daniel Salwen, Harris County.

Members, Board of Regents, University of North Texas System: Milton B. Lee, Bexar County; Donald Cullen Potts, Dallas County; Alfredo Silva, Bexar County.

**NOTICE GIVEN FOR
LOCAL AND UNCONTESTED CALENDAR**

Senator Uresti announced that a Local and Uncontested Calendar had been furnished to each Member of the Senate. He then gave notice that the Local and Uncontested Calendar Session would be held at the conclusion of the Senate session tomorrow and that all bills and resolutions would be considered on second and third reading in the order in which they were listed.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Nelson and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Health and Human Services might meet and consider the following bills tomorrow:

SB 1912, HB 33, HB 376, HB 908, HB 1018, HB 1191, HB 1376, HB 1803, HB 1971, HB 2111, HB 3201, HB 3556.

**SENATE RULE 11.10(a) SUSPENDED
(Public Notice of Committee Meetings)**

On motion of Senator Seliger and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Higher Education might meet today.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Patrick and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Education might meet and consider **HB 1926** tomorrow.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Hegar and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Finance Subcommittee on Fiscal Matters might meet and consider **HB 826** tomorrow.

**SENATE RULE 11.10(a) SUSPENDED
(Public Notice of Committee Meetings)**

On motion of Senator Whitmire and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Criminal Justice might meet today.

**HOUSE BILL 3813 REREFERRED
(Motion In Writing)**

Senator Watson submitted a Motion In Writing requesting that **HB 3813** be withdrawn from the Committee on Intergovernmental Relations and rereferred to the Committee on Natural Resources.

The Motion In Writing prevailed without objection.

CO-AUTHOR OF SENATE BILL 191

On motion of Senator Birdwell, Senator Campbell will be shown as Co-author of **SB 191**.

CO-AUTHORS OF SENATE BILL 1458

On motion of Senator Duncan, Senators Campbell, Davis, Watson, and West will be shown as Co-authors of **SB 1458**.

CO-AUTHOR OF SENATE BILL 1720

On motion of Senator Patrick, Senator Campbell will be shown as Co-author of **SB 1720**.

CO-SPONSOR OF HOUSE BILL 1000

On motion of Senator Hinojosa, Senator West will be shown as Co-sponsor of **HB 1000**.

CO-SPONSOR OF HOUSE BILL 1227

On motion of Senator Williams, Senator West will be shown as Co-sponsor of **HB 1227**.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 1600**

Senator Nichols submitted the following Conference Committee Report:

Austin, Texas
May 6, 2013

Honorable David Dewhurst
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 1600** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

NICHOLS
WATSON
ELTIFE
WHITMIRE
CARONA

On the part of the Senate

COOK
RITTER
HARLESS
MENÉNDEZ
PRICE

On the part of the House

The Conference Committee Report on **HB 1600** was filed with the Secretary of the Senate.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

SR 850 by Nichols, In memory of Bannister Luther DeBerry.

Congratulatory Resolutions

SCR 35 by Taylor, Commending George Mitchell for his generous support of the Texas Capitol Vietnam Veterans Monument through the Cynthia and George Mitchell Foundation.

SR 848 by Ellis, Recognizing members of the Thierry family on the occasion of their family reunion.

SR 849 by Hinojosa, Recognizing Brian L. Owsley on the occasion of his retirement.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 2:05 p.m. adjourned, in memory of George Masso and James Raguet Irion III, until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

May 8, 2013

ADMINISTRATION — **CSHB 3559**

EDUCATION — **HB 525, HB 1264, HB 1952, HB 2016, HB 2058, HB 2137**

STATE AFFAIRS — **CSHB 1711**

BUSINESS AND COMMERCE — **CSHB 944, CSHB 1917, CSHB 2462, CSSB 1506**

ADMINISTRATION — **HCR 54, HB 1271, HB 2623, HB 2311**

BUSINESS AND COMMERCE — **CSHB 86**

FINANCE — **CSSB 14, CSSB 1648**

NATURAL RESOURCES — **HB 115, HB 622, HB 752, HB 839, HB 2571, HB 2105, SB 1915, SCR 27**

EDUCATION — **CSSB 1304, CSSB 1310**

NATURAL RESOURCES — **HCR 55, HB 878, HB 1106, HB 1718, HB 1768, HB 1973, HB 3163, HB 3900**

BILLS ENGROSSEDMay 7, 2013**SB 482, SB 628, SB 807, SB 930, SB 1563, SB 1635, SB 1873, SB 1899, SB 1910, SB 1913****BILLS AND RESOLUTIONS ENROLLED**May 7, 2013**SB 120, SB 202, SB 307, SB 412, SB 447, SB 900, SB 945, SB 1110, SB 1286, SB 1815, SR 149, SR 846, SR 847****SENT TO GOVERNOR**May 8, 2013**SB 120, SB 202, SB 307, SB 412, SB 447, SB 900, SB 945, SB 1110, SB 1286, SB 1815**

In Memory
of
James Raguet Irion III
Senate Resolution 760

WHEREAS, The Senate of the State of Texas joins the citizens of Austin in mourning the loss of James Raguet Irion III, who died April 8, 2013, at the age of 81; and

WHEREAS, Jim Irion was born February 2, 1932, in Wichita Falls into a pioneering Texas family; his great-grandfather served as Sam Houston's secretary of state and was ambassador to England and France for the Republic of Texas, and his great-grandmother designed the official seal for the Republic of Texas, which is still used today by the state; and

WHEREAS, He was married for 41 years to Veneice Matlock Irion, and the couple was blessed with four children and seven grandchildren; and

WHEREAS, Jim graduated from Texas Christian University and earned a degree from The University of Texas School of Law; he enjoyed a long and fulfilling career in the practice of law, and he spent his entire life in the State of Texas; and

WHEREAS, He was known for his engaging sense of humor and his radiant smile, and he had a unique ability to make everyone he met feel at home; and

WHEREAS, A man of courage, compassion, and exceptional kindness, he gave unselfishly to others, and his wisdom, warmth, and valued counsel will not be forgotten; and

WHEREAS, He was a loving and devoted husband, father, and grandfather, and he leaves behind memories that will be treasured forever by his family and countless friends; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby extend sincere condolences to the bereaved family of James Raguet Irion III; and, be it further

RESOLVED, That a copy of this Resolution be prepared for his family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of James Raguet Irion III.

WATSON

SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTY-SIXTH DAY
(Thursday, May 9, 2013)

The Senate met at 11:21 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Birdwell, Campbell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Garcia, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Patrick, Paxton, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Watson, West, Whitmire, Williams, Zaffirini.

Absent-excused: Van de Putte.

The President announced that a quorum of the Senate was present.

Father Albert Laforet, Saint Mary Cathedral, Austin, offered the invocation as follows:

God most high, our Father in heaven, You are the source of all love, truth, and justice. We come before You this day thanking You for all of Your good gifts to us. We ask You to bless the work of this Senate today. May all be filled with Your gifts so that all the citizens of Texas would benefit from their work. We commend to Your goodness the people of West as they mourn the loss of loved ones and rebuild their community. We ask You to bless all the people of Texas. In Your name we pray. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

LEAVE OF ABSENCE

On motion of Senator Whitmire, Senator Van de Putte was granted leave of absence for today on account of a death in the family.

PHYSICIAN OF THE DAY

Senator Campbell was recognized and presented Dr. Michael Dominguez of San Antonio as the Physician of the Day.

The Senate welcomed Dr. Dominguez and thanked him for his participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

SENATE RESOLUTION 865

Senator Zaffirini offered the following resolution:

WHEREAS, Mother's Day is a celebration of motherhood that was first observed in the United States in 1908; and

WHEREAS, Women represent the fastest-growing segment of the United States workforce and now make up 47 percent of the total civilian labor force; women of childbearing age form a large segment of the labor market, and among all women with children under age three, 60 percent are in the workforce; and

WHEREAS, Working mothers include full-time mothers, those who work from home, those who work in the public and private sectors, and, particularly, those who work at the Texas Senate; and

WHEREAS, Working mothers especially thrive in family-friendly workplaces, including workplaces that support new mothers by providing them the opportunity to achieve work-life balance, peer support, and the privacy and flexibility necessary for them to reach their breastfeeding goals; and

WHEREAS, Many organizations across the state provide information and support for working mothers, including information about achieving work-life balance, identifying peer support, and breastfeeding their infants; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby express its gratitude to all mothers, especially to those who work in the Texas Senate; extend its best wishes for a memorable Mother's Day; and commend the efforts of all who promote family-friendly work environments for mothers; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of this special occasion.

ZAFFIRINI	GARCIA	SELIGER
BIRDWELL	HINOJOSA	TAYLOR
CAMPBELL	HUFFMAN	URESTI
CARONA	NELSON	WATSON
DAVIS	RODRÍGUEZ	WHITMIRE
ELTIFE	SCHWERTNER	

SR 865 was read and was adopted without objection.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate representatives of organizations that provide information and support to mothers: Central Texas Healthy Mothers Healthy Babies Coalition, Driscoll Children's Hospital, The Lactation Foundation, La Leche League, March of Dimes, Mothers' Milk Bank, Pediatric Medical Group of San Antonio, Texas Breastfeeding Coalition, and Texas Pediatric Society.

The Senate welcomed its guests.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Thursday, May 9, 2013 - 1

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

SB 620 Van de Putte Sponsor: Allen
Relating to student loan repayment assistance for speech-language pathologists or audiologists employed by a public school or as faculty members of certain programs at public institutions of higher education.

SB 822 Schwertner Sponsor: Eiland
Relating to the regulation of certain health care provider network contract arrangements; providing an administrative penalty; authorizing a fee.
(Amended)

SB 1360 Rodríguez Sponsor: Herrero
Relating to the punishment for the offense of tampering with a witness and the evidence that may be offered to show that offense.

SB 1538 Van de Putte Sponsor: Farney
Relating to evaluating the performance, including computing dropout and completion rates, of public schools designated as dropout recovery schools.

SB 1889 Eltife Sponsor: Lavender
Relating to the transport of a mental health patient who is not a resident of this state.

THE HOUSE HAS GRANTED THE REQUEST OF THE SENATE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

SB 200 (non-record vote)
House Conferees: Anchia - Chair/Callegari/Cook/Eiland/Martinez, "Mando"

SB 1312 (non-record vote)
House Conferees: Aycock - Chair/Darby/Farney/Howard/King, Tracy O.

Respectfully,
/s/Robert Haney, Chief Clerk
House of Representatives

GUESTS PRESENTED

Senator Fraser was recognized and introduced to the Senate a Burnet County delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Deuell was recognized and introduced to the Senate an American Heart Association delegation.

The Senate welcomed its guests.

BILLS AND RESOLUTIONS SIGNED

The President announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

SB 166, SB 265, SB 348, SB 354, SB 365, SB 367, SB 611, SB 698, SB 743, SB 820, SB 866, SB 965, SB 1489, HB 278, HB 419, HB 584, HB 994, HB 1187, HB 1305, HB 1550, HB 1553, HB 1968, HB 2095, HB 2548, HCR 23, HCR 36.

GUEST PRESENTED

Senator Zaffirini was recognized and introduced to the Senate Lorenzo Martinez, serving today as an Honorary Senate Page.

The Senate welcomed Lorenzo.

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.

HOUSE BILL 749 REREFERRED (Motion In Writing)

Senator Lucio submitted a Motion In Writing requesting that **HB 749** be withdrawn from the Committee on Agriculture, Rural Affairs and Homeland Security and rereferred to the Committee on Government Organization.

The Motion In Writing prevailed without objection.

CONCLUSION OF MORNING CALL

The President at 11:50 a.m. announced the conclusion of morning call.

HOUSE BILL 1422 ON SECOND READING

Senator Eltife moved to suspend the regular order of business to take up for consideration **HB 1422** at this time on its second reading:

HB 1422, Relating to the reporting in a lobbyist registration of certain persons from whom compensation or reimbursement is received.

The motion prevailed.

Senators Birdwell, Estes, Nelson, Patrick, Paxton, and Taylor 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 third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Birdwell, Estes, Hegar, Nelson, Patrick, Paxton, Taylor.

Absent-excused: Van de Putte.

HOUSE BILL 1422 ON THIRD READING

Senator Eltife moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1422** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 6.

Yeas: Campbell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Fraser, Garcia, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nichols, Rodriguez, Schwertner, Seliger, Uresti, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Estes, Nelson, Patrick, Paxton, Taylor.

Absent-excused: Van de Putte.

The bill was read third time and was passed by the following vote: Yeas 23, Nays 7.

Yeas: Campbell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Fraser, Garcia, Hancock, Hinojosa, Huffman, Lucio, Nichols, Rodriguez, Schwertner, Seliger, Uresti, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Estes, Hegar, Nelson, Patrick, Paxton, Taylor.

Absent-excused: Van de Putte.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate the Hunger Warriors of Elsa England Elementary School.

The Senate welcomed its guests.

SENATE BILL 438 ON SECOND READING

Senator Birdwell moved to suspend the regular order of business to take up for consideration **SB 438** at this time on its second reading:

SB 438, Relating to an interlocal contract between a governmental entity and a purchasing cooperative to purchase roofing materials or services.

The motion prevailed.

Senator Hancock 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: Hancock.

Absent-excused: Van de Putte.

SENATE BILL 438 ON THIRD READING

Senator Birdwell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 438** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Hancock.

Absent-excused: Van de Putte.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 414 ON SECOND READING

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 414** at this time on its second reading:

CSSB 414, Relating to a study and report regarding authorizing certain public junior colleges to offer baccalaureate degree programs to address regional workforce needs.

The bill was read second time.

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 414** (senate committee printing) in SECTION 1 of the bill as follows:

(1) In added Section 130.0013(a), Education Code (page 1, line 27), between "shall" and "conduct", insert ", using existing funds,".

(2) Strike added Section 130.0013(b), Education Code (page 1, line 40, through page 2, line 9), and reletter the remaining subsections of added Section 130.0013, Education Code, accordingly.

(3) In added Section 130.0013(c), Education Code (page 2, line 10), strike "June" and substitute "August".

The amendment to **CSSB 414** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Absent-excused: Van de Putte.

On motion of Senator Ellis and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 414 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Van de Putte.

**COMMITTEE SUBSTITUTE
SENATE BILL 414 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 414** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Van de Putte.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE BILL 221 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 221** at this time on its second reading:

SB 221, Relating to the composition and employees of the Texas Funeral Service Commission.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Van de Putte.

SENATE BILL 221 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 221** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Van de Putte.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE BILL 925 ON SECOND READING

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 925** at this time on its second reading:

SB 925, Relating to a license requirement for licensed professional counselors employed by school districts.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Van de Putte.

SENATE BILL 925 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 **SB 925** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Van de Putte.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

(Senator Eltife in Chair)

COMMITTEE SUBSTITUTE

SENATE BILL 1150 ON SECOND READING

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1150** at this time on its second reading:

CSSB 1150, Relating to a provider protection plan that ensures efficiency and reduces administrative burdens on providers participating in a Medicaid managed care model or arrangement.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Van de Putte.

COMMITTEE SUBSTITUTE

SENATE BILL 1150 ON THIRD READING

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1150** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Van de Putte.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1506 ON SECOND READING**

On motion of Senator Schwertner and by unanimous consent, the regular order of business and Senate Rule 5.14(a) were suspended to take up for consideration **CSSB 1506** at this time on its second reading:

CSSB 1506, Relating to training regarding fire safety inspections required by law.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Van de Putte.

**COMMITTEE SUBSTITUTE
SENATE BILL 1506 ON THIRD READING**

Senator Schwertner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1506** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Van de Putte.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
Thursday, May 9, 2013 - 2

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 308 Bohac
Relating to a school district's recognition of and education regarding traditional winter celebrations.

HB 500 Hilderbran
Relating to the computation of the franchise tax, including certain exclusions from the tax.

- HB 506** Lozano
Relating to the location of early voting polling places for elections held on the November uniform election date by a political subdivision.
- HB 546** Strama
Relating to the creation of renewable energy reinvestment zones and the abatement of ad valorem taxes on property of a renewable energy company located in such a zone.
- HB 619** Gonzalez, Naomi
Relating to the requirements for issuance of certain barbering and cosmetology licenses and certificates for applicants holding licenses issued by other states; imposing fees.
- HB 647** Patrick, Diane
Relating to employment of persons by open-enrollment charter schools.
- HB 679** Hughes
Relating to the designation of a segment of State Highway 37 in Wood County as the Carolyn S. Jones Highway.
- HB 714** Kuempel
Relating to an agreement between a county and the Department of Public Safety for the joint operation of certain fixed-site facilities.
- HB 738** Crownover
Relating to the review of the creation of certain proposed municipal utility districts by county commissioners courts.
- HB 871** Davis, Sarah
Relating to certain requirements before completing mold remediation work.
- HB 887** Lucio III
Relating to safety measures to protect students participating in athletic activities sponsored or sanctioned by the University Interscholastic League.
- HB 953** Button
Relating to a franchise tax credit for research and development activities performed in conjunction with institutions of higher education; authorizing a tax credit.
- HB 1004** Gonzales, Larry
Relating to an electronic system adopted and maintained by public institutions of higher education to employ a person to track the academic progress of military veterans or their family members receiving student financial assistance.
- HB 1114** Raney
Relating to restoring the jurisdiction of the constitutional county court in Brazos County.
- HB 1122** Johnson
Relating to a pilot program for a three-year high school diploma plan and cost-neutral expansion of full-day prekindergarten programs.
- HB 1123** Herrero
Relating to discount programs for certain veterans provided by toll project entities.

- HB 1143** Strama
Relating to certain assessments for children in the conservatorship of the state.
- HB 1179** Lozano
Relating to the payment of restitution for the taking of wildlife resources without the property owner's consent.
- HB 1180** Cortez
Relating to foster care placement decisions made by the Department of Family and Protective Services.
- HB 1183** Guillen
Relating to prohibited conduct by insurance adjusters, public insurance adjusters, and roofing contractors.
- HB 1256** Stephenson
Relating to the donation of office space owned by a legislator or a legislator's business for use as the legislator's district office.
- HB 1357** Hunter
Relating to the power of the Nueces County Road District No. 4 to lease or sell land.
- HB 1361** Hunter
Relating to validating certain acts of the Lower Nueces River Water Supply District transferring real property rights.
- HB 1384** Bell
Relating to the authority of a county road department to accept donations.
- HB 1396** King, Susan
Relating to a study on alcohol and controlled substance statistics prepared by the Department of Family and Protective Services and the Department of State Health Services.
- HB 1452** Gonzalez, Naomi
Relating to an exemption for certain facilities that provide shelter and care to child victims of human trafficking from child-care licensing requirements.
- HB 1523** Guillen
Relating to the offense of money laundering.
- HB 1573** McClendon
Relating to authorizing an optional county fee on vehicle registration in certain counties.
- HB 1633** Dukes
Relating to creating an advisory committee to study child abuse and neglect fatalities.
- HB 1659** Thompson, Senfronia
Relating to certain actions taken by certain licensing authorities regarding a license holder or applicant who received deferred adjudication for certain offenses.
- HB 1726** Bohac
Relating to shipping logistics and coordination services for state agencies.

- HB 1734** Gutierrez
Relating to the authority of the mayors of certain municipalities to call a special meeting.
- HB 1755** Patrick, Diane
Relating to authorizing the appointment of a public probate administrator; authorizing fees.
- HB 1775** Thompson, Ed
Relating to the authority of the University Interscholastic League regarding activities involving sports officials.
- HB 1847** Carter
Relating to continuing legal education in ethics or professional responsibility for prosecutors.
- HB 1856** Burkett
Relating to the authority of a mental health facility to require a peace officer to transport a person apprehended for emergency detention to a medical facility to receive a medical evaluation before being transported to the mental health facility.
- HB 1866** Klick
Relating to the composition of a political party's state executive committee.
- HB 1951** Thompson, Senfronia
Relating to the licensing and regulation of telecommunicators; providing a criminal penalty.
- HB 1975** Ritter
Relating to the revocation and reinstatement of an end user number for purposes of purchasing dyed diesel fuel.
- HB 1996** Miller, Rick
Relating to certain political party officials visiting a primary election polling place for administrative purposes.
- HB 2006** Klick
Relating to eligibility for appointment as a central counting station manager.
- HB 2012** Villarreal
Relating to collection, distribution, and use of information relating to salaries of certain professional employees of school districts.
- HB 2021** Rodriguez, Eddie
Relating to the authority of a municipality or county to contract for the collection of certain amounts; authorizing a fee.
- HB 2024** Rodriguez, Eddie
Relating to a tax lien.
- HB 2036** Branch
Relating to the creation of a commission to identify future higher education and workforce needs of this state and make related recommendations to address those needs by the state's bicentennial.

HB 2038

Dukes

Relating to addressing disproportionality and disparities in the education, juvenile justice, child welfare, health, and mental health systems, the continuation and operation of the Interagency Council for Addressing Disproportionality, and the duties of the Center for Elimination of Disproportionality and Disparities.

HB 2080

Thompson, Senfronia

Relating to guardianships, including the assessment and payment of attorney's fees and other court costs in guardianships, and to court-created management trusts for persons who have physical disabilities or who are incapacitated; changing the amount of a fee and requiring the collection of a fee.

HB 2110

Kolkhorst

Relating to requirements for certain election officers.

HB 2117

King, Susan

Relating to the election of the board of directors of the Hamlin Hospital District.

HB 2118

King, Susan

Relating to procedures for the dissolution of the Hamlin Hospital District; authorizing the imposition of a tax.

HB 2123

Guillen

Relating to the regulation of game rooms in certain counties; providing penalties; authorizing a fee.

HB 2150

Nevárez

Relating to the classification of exotic and nongame animals.

HB 2153

Callegari

Relating to the abolition of wind erosion conservation districts.

HB 2211

Naishtat

Relating to the availability on the Internet of reports of political contributions and expenditures filed in connection with certain county judicial offices.

HB 2269

Morrison

Relating to authorizing certain counties to impose a county hotel occupancy tax.

HB 2305

Rodriguez, Eddie

Relating to motor vehicle inspection requirements for vehicles equipped with compressed natural gas containers.

HB 2450

Raymond

Relating to a pilot program operated by certain public or private primary or secondary or open-enrollment charter schools in Webb County concerning searches and drug testing of students with parental consent and certain disciplinary measures and other procedures that may arise from such a search or test.

HB 2483

Alvarado

Relating to including oral health education as part of the coordinated health program for public elementary, middle, and junior high school students.

- HB 2511** Thompson, Senfronia
Relating to the option of providing electronic recordings of proceedings in the municipal court of record for the City of Houston.
- HB 2539** Turner, Chris
Relating to requiring computer technicians to report images of child pornography; providing a criminal penalty.
- HB 2590** Keffer
Relating to the foreclosure sale of property subject to oil or gas lease.
- HB 2612** Flynn
Relating to prohibitions and restrictions on using county roads in certain circumstances.
- HB 2636** Frullo
Relating to the transfer of money from the tax increment fund established for a tax increment financing reinvestment zone to the fund established for an adjacent zone.
- HB 2648** Herrero
Relating to access to criminal history record information by a county tax assessor-collector.
- HB 2679** Guillen
Relating to permitting an alternative plea for a defendant detained in jail pending trial for a Class C misdemeanor.
- HB 2707** Villarreal
Relating to the form of the ballot proposition to be used in an election to approve a school district tax rate that exceeds the rollback tax rate.
- HB 2742** Phillips
Relating to the operation of a golf cart or utility vehicle on a public highway in certain counties.
- HB 2780** Elkins
Relating to the establishment of research technology corporations by institutions of higher education; providing for tax exemptions.
- HB 2781** Fletcher
Relating to rainwater harvesting and other water conservation initiatives.
- HB 2795** Raymond
Relating to enforcement of a lien against certain decedents' interests in real property.
- HB 2808** Toth
Relating to an exemption from the state hotel occupancy tax for certain members of the Texas State Guard.
- HB 2818** Sheffield, Ralph
Relating to changing the wet or dry status of a justice precinct.
- HB 2862** McClendon
Relating to procedures related to juvenile cases.

- HB 2895** Bonnen, Dennis
Relating to authorizing the sale of certain real property in Brazoria County by the Texas Board of Criminal Justice.
- HB 2902** Thompson, Ed
Relating to lost, damaged, or overdue county library property; authorizing fines; authorizing a civil penalty.
- HB 2907** Frank
Relating to the Knox County Hospital District; authorizing the imposition of a tax.
- HB 2910** Kuempel
Relating to the sale of alcoholic beverages to customers of a package store during certain hours.
- HB 2921** Orr
Relating to the composition and governance of a regional tollway authority.
- HB 2924** Sheets
Relating to military leave time accounts for police and fire departments.
- HB 2929** Sheets
Relating to health benefit plan coverage for brain injury.
- HB 2930** Miles
Relating to procedures for asserting taking claims against certain governmental entities.
- HB 2975** Gonzalez, Naomi
Relating to the merger of housing authorities in certain municipalities and counties.
- HB 2982** Keffer
Relating to the power of the Railroad Commission of Texas to adopt and enforce safety standards applicable to the transportation by pipeline of hazardous liquids, carbon dioxide, and natural gas in rural locations.
- HB 3015** Moody
Relating to a recall election for officials of certain general-law municipalities.
- HB 3017** Moody
Relating to determination of the amount of certain child support obligations.
- HB 3038** Anderson
Relating to licensing and regulation of auctioneers; authorizing a fee.
- HB 3043** Oliveira
Relating to increasing the maximum rate at which certain municipalities may impose a hotel occupancy tax and to the use of revenue from that tax.
- HB 3086** Darby
Relating to an optional exemption from the diesel fuel tax for materials blended with taxable diesel fuel.
- HB 3102** Morrison
Relating to political parties' governance and conventions.

HB 3126

Lucio III

Relating to the authorization by referendum election of an increase in optional fees imposed on vehicles registered in certain counties to fund transportation projects.

HB 3142

Bell

Relating to handguns used to demonstrate proficiency in handgun use for purposes of obtaining a concealed handgun license.

HB 3153

Lewis

Relating to the operation and administration of, and practice in courts in, the judicial branch of state government; imposing a fee.

HB 3159

Isaac

Relating to an agreement to allocate sales and use tax after a municipality annexes land in an emergency services district and to the provision of emergency services in that area.

HB 3161

Simpson

Relating to the Upshur County Juvenile Board.

HB 3169

Bohac

Relating to the imposition of the sales and use tax on taxable items sold or provided under certain contracts.

HB 3211

Cortez

Relating to the Hispanic Heritage Center of Texas.

HB 3334

Hughes

Relating to the recording of testimony before a grand jury.

HB 3385

Hilderbran

Relating to limited liability for an agritourism entity involved in an agritourism activity.

HB 3401

Raymond

Relating to nutrition and wellness education for certain recipients of certain state benefits.

HB 3438

Otto

Relating to the eligibility of a person to serve on the appraisal review board of an appraisal district.

HB 3439

Otto

Relating to the representation of a property owner by an agent in a property tax matter.

HB 3440

Otto

Relating to the authority of a member of an appraisal review board of an appraisal district to perform the duties and functions of a member.

HB 3441

Otto

Relating to the deadline for filing certain appeals of certain appraisal review board orders.

HB 3443

Otto

Relating to the persons entitled to intervene in an appeal to a district court of an ad valorem tax-related matter.

HB 3471 Deshotel

Relating to the compensation of the members of the board of port commissioners of the Port of Port Arthur Navigation District of Jefferson County.

HB 3520 Branch

Relating to the designation of a segment of U.S. Highway 75 in Dallas County as the George W. Bush Expressway.

HB 3568 Kleinschmidt

Relating to the designation of the structure on Loop 150 in the city of Bastrop connecting the east and west banks of the Colorado River as the Chief Petty Officer (SOC) Stephen "Matt" Mills Bridge.

HB 3573 Aycock

Relating to the requirements for obtaining a health science technology education teaching certificate and to the scope of courses a person may teach holding a technology applications teaching certificate.

HB 3686 Naishtat

Relating to the duties of the Council on Children and Families.

HB 3687 Naishtat

Relating to the provision of and funding for certain primary health care services; repealing a fee.

HB 3714 Guerra

Relating to the creation of the Office of Small Business Assistance Advisory Task Force.

HB 3731 Coleman

Relating to the date of a hearing on an application for an order to authorize psychoactive medication for a person receiving inpatient mental health services.

HB 3792 Coleman

Relating to the intercollegiate athletics fee at Texas Southern University.

HB 3794 Coleman

Relating to the authority of certain municipalities to impose term limits on the members of their governing bodies.

HB 3815 Carter

Relating to the suspension of a person's driver's license or permit on conviction of a fifth offense relating to the operating of a motor vehicle while intoxicated.

HB 3838 Phillips

Relating to motorcycle equipment and training requirements.

HB 3871 Smith

Relating to the powers and duties of the Gulf Coast Waste Disposal Authority.

HB 3903 Isaac

Relating to the Hays Trinity Groundwater Conservation District; providing authority to increase certain fees; authorizing a fee.

- HB 3907** Harper-Brown
Relating to consideration of certain graduates and dropouts in evaluation of school districts, campuses, and open-enrollment charter schools for accountability purposes.
- HB 3913** Parker
Relating to the powers and duties of the Canyon Falls Water Control and Improvement District No. 2 of Denton County; providing authority to issue bonds; providing authority to impose taxes.
- HB 3929** Ashby
Relating to the composition of the 12th and 369th Judicial Districts, the redesignation of the district attorney for the 12th Judicial District as the district attorney for the 369th Judicial District, and the composition of the Leon County juvenile board.
- HB 3933** González, Mary
Relating to the transfer of territory, assets, liabilities, and duties of the former Cuadrilla Improvement Corporation to the Lower Valley Water District.
- HB 3946** Gonzalez, Naomi
Relating to the designation of the Officer Angel David Garcia Memorial Interchange.
- HCR 97** Button
Designating the North Central Texas Council of Governments Metropolitan Planning Area as the official Texas Connectivity Hub.
- HCR 102** Miller, Doug
Designating peach cobbler as the official cobbler of Texas.
- HCR 104** Button
Encouraging school districts to adopt policies that promote the use of technology and technological devices in classrooms.
- HCR 111** Farney
Designating April as Texas Personal Financial Literacy Month for a 10-year period beginning in 2013.
- HCR 115** Zedler
Designating the city of Mansfield as the Pickle Capital of Texas for a 10-year period beginning in 2013.
- SB 176** Carona Sponsor: Flynn
Relating to contracts for certain professional services and the distribution of certain consultants' reports.
(Committee Substitute)
- SB 233** Patrick Sponsor: Fletcher
Relating to the use of funds of certain municipal hospital authorities.
- SB 245** West Sponsor: Otto
Relating to eligibility of children's advocacy centers for contracts to provide services for children and family members in child abuse and neglect cases and to investigations of those cases.
- SB 350** Williams Sponsor: Smith
Relating to the storage of certain imported alcoholic beverages.

- SB 385** Carona Sponsor: Keffer
Relating to authorizing assessments for water and energy improvements in regions designated by municipalities and counties; imposing a fee.
(Committee Substitute)
- SB 487** Davis Sponsor: Lavender
Relating to all-terrain vehicles and recreational off-highway vehicles.
- SB 610** Hegar Sponsor: Fletcher
Relating to the powers and duties of the Harris County Municipal Utility District No. 477; providing authority to impose a tax and issue bonds.
- SB 651** Rodríguez Sponsor: Thompson, Senfronia
Relating to a medical power of attorney.
- SB 661** Carona Sponsor: Laubenberg
Relating to cemeteries and perpetual care cemetery corporations; creating an offense.
- SB 670** Whitmire Sponsor: Turner, Sylvester
Relating to the copying of certain records and files relating to a child who is a party to a juvenile proceeding.
- SB 696** Duncan Sponsor: Frullo
Relating to the board of the Lubbock Reese Redevelopment Authority.
- SB 821** Schwertner Sponsor: Pitts
Relating to the prosecution of certain criminal offenses involving theft or involving fraud or other deceptive practices.
- SB 860** Lucio Sponsor: Farney
Relating to the provision of career and technology education courses in certain partnership programs to provide high school dropout recovery.
- SB 887** Uresti Sponsor: Orr
Relating to certain correction instruments in the conveyance of real property.
- SB 984** Ellis Sponsor: Perry
Relating to the meeting of a governmental body held by videoconference call.
- SB 1004** Carona Sponsor: Villarreal
Relating to the regulation of residential mortgage loan originators, residential mortgage loan companies, mortgage bankers, and residential mortgage loan servicers under the jurisdiction of the Department of Savings and Mortgage Lending; changing a fee.
- SB 1133** Rodríguez Sponsor: Pickett
Relating to contributions to certain fire and police pension funds.
- SB 1191** Davis Sponsor: Thompson, Senfronia
Relating to the duties of health care facilities, health care providers, and the Department of State Health Services with respect to care provided to a sexual assault survivor in an emergency department of a health care facility.
- SB 1212** Estes Sponsor: Phillips
Relating to the applicability of certain provisions concerning the transfer of exotic species to certain transfers of water that supply populous areas.

SB 1300 Eltife Sponsor: Lewis
Relating to environmental or health and safety audits under the Texas Environmental, Health, and Safety Audit Privilege Act.

SB 1427 Hinojosa Sponsor: King, Tracy O.
Relating to the administration of the citrus budwood certification program and the creation of the citrus nursery stock certification program; providing civil, criminal, and administrative penalties and authorizing fees.

SB 1487 Watson Sponsor: Fletcher
Relating to the abandonment of a county road.
(Committee Substitute)

SB 1589 Zaffirini Sponsor: Dukes
Relating to assistance and education regarding personal finance for certain children in foster care.

SB 1814 Estes Sponsor: Fletcher
Relating to a requirement that members of the Public Safety Commission hold a secret security clearance.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE BILL 864 WITH HOUSE AMENDMENTS

Senator Campbell called **SB 864** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

Amendment

Amend **SB 864** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to a handgun proficiency course that is taken to obtain or renew a concealed handgun license.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 411.185(a), Government Code, is amended to read as follows:

(a) To renew a license, a license holder must:

(1) complete a ~~[continuing education course in]~~ handgun proficiency course under Section 411.188(a) ~~[411.188(e)]~~ within the six-month period preceding:

(A) the date of application for renewal, for a first or second renewal;

and

(B) the date of application for renewal or the date of application for the preceding renewal, for a third or subsequent renewal, to ensure that the license holder is not required to complete the course more than once in any 10-year period; and

(2) submit to the department:

(A) an application for renewal on a form provided by the department;

(B) evidence of handgun proficiency, in the form and manner required by the department;

(C) payment of a nonrefundable renewal fee as set by the department; and

(D) one or more photographs of the applicant that meet the requirements of the department.

SECTION 2. Sections 411.188(a), (b), and (j), Government Code, are amended to read as follows:

(a) The director by rule shall establish minimum standards for handgun proficiency and shall develop a course to teach handgun proficiency and examinations to measure handgun proficiency. The course to teach handgun proficiency is required for each person who seeks to obtain or renew a license and must contain training sessions divided into two parts. One part of the course must be classroom instruction and the other part must be range instruction and an actual demonstration by the applicant of the applicant's ability to safely and proficiently use the applicable category of handgun. An applicant must be able to demonstrate, at a minimum, the degree of proficiency that is required to effectively operate a handgun of .32 caliber or above. The department shall distribute the standards, course requirements, and examinations on request to any qualified handgun instructor.

(b) Only [a] qualified handgun instructors [instructor] may administer the classroom instruction part or the range instruction part of the [a] handgun proficiency course. The classroom instruction part of the [handgun proficiency] course must include at least six [10] hours [and not more than 15 hours] of instruction on:

- (1) the laws that relate to weapons and to the use of deadly force;
- (2) handgun use~~[-, proficiency,]~~ and safety;
- (3) nonviolent dispute resolution; and

(4) proper storage practices for handguns with an emphasis on storage practices that eliminate the possibility of accidental injury to a child.

(j) For license holders seeking to renew their licenses, the [The] department may offer online, or allow a qualified handgun instructor to offer online, the classroom instruction part of the handgun proficiency [continuing education instruction] course and the written section of the proficiency examination [required to renew a license].

SECTION 3. Section 411.188(c), Government Code, is repealed.

SECTION 4. The change in law made by this Act applies only to an application to obtain or renew a license to carry a concealed handgun submitted on or after the effective date of this Act. An application submitted before the effective date of this Act is governed by the law in effect when the application was submitted, and the former law is continued in effect for that purpose.

SECTION 5. This Act takes effect September 1, 2013.

Floor Amendment No. 1

Amend **CSSB 864** (house committee report) on page 2, line 23 of the bill, by striking "at least six [10] hours [and not more than 15 hours]" and substituting "not less than four [at least 10] hours and not more than six [15] hours".

The amendments were read.

Senator Campbell moved to concur in the House amendments to **SB 864**.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Nelson.

Absent-excused: Van de Putte.

SENATE BILL 181 WITH HOUSE AMENDMENT

Senator Hegar called **SB 181** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 181** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to verification of motor vehicle financial responsibility information.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 601.053, Transportation Code, is amended by amending Subsections (a) and (c) and adding Subsections (d), (e), and (f) to read as follows:

(a) As a condition of operating in this state a motor vehicle to which Section 601.051 applies, the operator of the vehicle on request shall provide to a peace officer, as defined by Article 2.12, Code of Criminal Procedure, or a person involved in an accident with the operator evidence of financial responsibility by exhibiting:

(1) a motor vehicle liability insurance policy covering the vehicle that satisfies Subchapter D or a photocopy of the policy;

(2) a standard proof of motor vehicle liability insurance form prescribed by the Texas Department of Insurance under Section 601.081 and issued by a liability insurer for the motor vehicle;

(2-a) an image displayed on a wireless communication device that includes the information required by Section 601.081 as provided by a liability insurer;

(3) an insurance binder that confirms the operator is in compliance with this chapter;

(4) a surety bond certificate issued under Section 601.121;

(5) a certificate of a deposit with the comptroller covering the vehicle issued under Section 601.122;

(6) a copy of a certificate of a deposit with the appropriate county judge covering the vehicle issued under Section 601.123; or

(7) a certificate of self-insurance covering the vehicle issued under Section 601.124 or a photocopy of the certificate.

(c) Subsection (b) does not apply if the peace officer determines through use of the verification program established under Subchapter N that financial responsibility has been established for the vehicle. If a peace officer has access to the verification program, the officer may not issue a citation for a violation of Section 601.051 unless the officer attempts to verify through the program that financial responsibility has been established for the vehicle and is unable to make that verification.

(d) The display of an image that includes financial responsibility information on a wireless communication device under Subsection (a)(2-a) does not constitute effective consent for a law enforcement officer, or any other person, to access the contents of the wireless communication device except to view the financial responsibility information.

(e) The authorization of the use of a wireless communication device to display financial responsibility information under Subsection (a)(2-a) does not prevent:

(1) a court of competent jurisdiction from requiring a person to provide a paper copy of the person's evidence of financial responsibility in a hearing or trial or in connection with discovery proceedings; or

(2) the commissioner of insurance from requiring a person to provide a paper copy of the person's evidence of financial responsibility in connection with any inquiry or transaction conducted by or on behalf of the commissioner.

(f) A telecommunications provider, as defined by Section 51.002, Utilities Code, may not be held liable to the operator of the motor vehicle for the failure of a wireless communication device to display financial responsibility information under Subsection (a)(2-a).

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

The amendment was read.

Senator Hegar moved to concur in the House amendment to **SB 181**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Van de Putte.

SENATE BILL 1093 WITH HOUSE AMENDMENT

Senator West called **SB 1093** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Committee Amendment No. 1

Amend **SB 1093** (senate engrossment) by striking SECTION 20.019 (page 189, lines 3-10) and renumbering subsequent sections of the bill accordingly.

The amendment was read.

Senator West moved to concur in the House amendment to **SB 1093**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Van de Putte.

GUESTS PRESENTED

Senator Uresti was recognized and introduced to the Senate a Pecos High School delegation.

The Senate welcomed its guests.

SENATE BILL 274 WITH HOUSE AMENDMENT

Senator Williams called **SB 274** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 274** (house committee printing) on page 1, line 15, by striking "10 [~~located in the Cedar Crossing Business Park~~]" and substituting "10, including the portion of the frontage road located in the Cedar Crossing Business and Industrial Park".

The amendment was read.

Senator Williams moved to concur in the House amendment to **SB 274**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Van de Putte.

**COMMITTEE SUBSTITUTE
SENATE BILL 14 ON SECOND READING**

Senator Williams moved to suspend the regular order of business and Senate Rule 5.14(a) to take up for consideration **CSSB 14** at this time on its second reading:

CSSB 14, Relating to the fiscal transparency and accountability of certain entities responsible for public money.

The motion prevailed.

Senator Zaffirini asked to be recorded as voting "Nay" on suspension of the regular order of business and Senate Rule 5.14(a).

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: Van de Putte.

**COMMITTEE SUBSTITUTE
SENATE BILL 14 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 **CSSB 14** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Zaffirini.

Absent-excused: Van de Putte.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

HOUSE BILL 1685 ON SECOND READING

On motion of Senator Whitmire and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1685** at this time on its second reading:

HB 1685, Relating to the continuation of the self-directed and semi-independent status of the Texas State Board of Public Accountancy, the Texas Board of Professional Engineers, and the Texas Board of Architectural Examiners.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Absent-excused: Van de Putte.

HOUSE BILL 1685 ON THIRD READING

Senator Whitmire moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1685** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Van de Putte.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**SENATE RULE 11.13 SUSPENDED
(Consideration of Bills in Committees)
(Motion In Writing)**

Senator Whitmire submitted the following Motion In Writing:

Mr. President:

I move to suspend Senate Rule 11.13 so that committees may meet during the reading and referral of bills and during the Local and Uncontested Calendar.

WHITMIRE

The Motion In Writing prevailed without objection.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
Thursday, May 9, 2013 - 3
(Revised Message)

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:

- SB 376** Lucio Sponsor: Rodriguez, Eddie
Relating to breakfast for certain public school students.
- SB 654** West Sponsor: Anchia
Relating to the enforcement of water conservation and animal care and control ordinances of a municipality by civil action or quasi-judicial enforcement; providing civil penalties.
- SB 660** West Sponsor: Anchia
Relating to assessment collection in certain public improvement districts.
(Amended)
- SB 727** Taylor Sponsor: Bonnen, Greg
Relating to the eligibility for judge-ordered community supervision or for release on parole of certain defendants convicted of burglary with the intent to commit a sex offense.
- SB 878** Patrick Sponsor: Carter
Relating to the disposition of proceeds and property from criminal asset forfeiture.
- SB 1907** Hegar Sponsor: Kleinschmidt
Relating to the transportation and storage of firearms and ammunition in private vehicles on the campuses of institutions of higher education.
(Committee Substitute/Amended)
- SCR 35** Taylor Sponsor: Bonnen, Greg
Commending George Mitchell for his generous support of the Texas Capitol Vietnam Veterans Monument through the Cynthia and George Mitchell Foundation.

THE HOUSE HAS CONCURRED IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

- HB 1642** (63 Yeas, 44 Nays, 28 Present, not voting)
HB 1994 (137 Yeas, 0 Nays, 2 Present, not voting)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE BILL ON FIRST READING

The following bill was introduced, read first time, and referred to the committee indicated:

- SB 1921** by Hegar
Relating to the creation of Kendleton Improvement District; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.
To Committee on Economic Development.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Deuell and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Economic

Development might meet and consider the following bills today:

HB 1791, HB 1982, HB 3390, HB 1297, HB 1580, SB 1921.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Nichols and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Transportation might meet and consider the following bills today:

SB 1029, SB 1632.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Hegar and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Finance Subcommittee on Fiscal Matters might meet and consider the following bills tomorrow: **HB 213, HB 294, HB 1310, HB 1287, HB 2766.**

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Duncan and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on State Affairs might meet and consider the following bills today: **HB 1869, SB 220.**

MOTION TO RECESS

On motion of Senator Whitmire and by unanimous consent, the Senate at 12:47 p.m. agreed to recess, upon completion of the introduction of bills and resolutions on first reading and pending the receipt of messages and committee reports, until 11:00 a.m. tomorrow.

CO-AUTHOR OF SENATE BILL 101

On motion of Senator Patrick, Senator Estes will be shown as Co-author of **SB 101.**

CO-AUTHORS OF SENATE BILL 414

On motion of Senator Ellis, Senators Garcia and Rodríguez will be shown as Co-authors of **SB 414.**

CO-AUTHOR OF SENATE BILL 783

On motion of Senator Hinojosa, Senator Garcia will be shown as Co-author of **SB 783.**

CO-AUTHOR OF SENATE BILL 807

On motion of Senator Deuell, Senator Garcia will be shown as Co-author of **SB 807.**

CO-AUTHOR OF SENATE BILL 1458

On motion of Senator Duncan, Senator Hinojosa will be shown as Co-author of **SB 1458**.

CO-AUTHOR OF SENATE BILL 1512

On motion of Senator Ellis, Senator Zaffirini will be shown as Co-author of **SB 1512**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 10

On motion of Senator Patrick, Senator Estes will be shown as Co-author of **SJR 10**.

CO-SPONSOR OF HOUSE BILL 535

On motion of Senator Zaffirini, Senator Garcia will be shown as Co-sponsor of **HB 535**.

CO-SPONSOR OF HOUSE BILL 1271

On motion of Senator Schwertner, Senator Zaffirini will be shown as Co-sponsor of **HB 1271**.

RECESS

On motion of Senator Whitmire, the Senate at 12:48 p.m. recessed until 1:15 p.m. today for the Local and Uncontested Calendar Session.

AFTER RECESS

The Senate met at 1:19 p.m. and was called to order by the President.

SENATE BILL 748 WITH HOUSE AMENDMENT

Senator Nelson called **SB 748** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 748** by substituting in lieu thereof the following:

**A BILL TO BE ENTITLED
AN ACT**

relating to the use of certain tax revenue to enhance and upgrade convention center facilities, multipurpose arenas, venues, and related infrastructure in certain municipalities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 351, Tax Code, is amended by adding Section 351.1015 to read as follows:

Sec. 351.1015. **CERTAIN QUALIFIED PROJECTS.** (a) In this section:

(1) "Base year amount" means the amount of hotel-associated revenue collected in a project financing zone during the calendar year in which a municipality designates the zone.

(2) "Hotel-associated revenue" means the sum of:

(A) state tax revenue collected in a project financing zone from all hotels located in the zone that would be available to the owners of qualified hotel projects under Section 151.429(h) if the hotels were qualified hotel projects, excluding the amount of that revenue received by a municipality under Section 351.102(c) for a hotel project described by Section 351.102(b) and located in the zone that exists on the date the municipality designates the zone; and

(B) tax revenue collected from all permittees under Chapter 183 at hotels located in the zone, excluding revenue disbursed by the comptroller under Section 183.051(b).

(3) "Incremental hotel-associated revenue" means the amount in any calendar year by which hotel-associated revenue, including hotel-associated revenue from hotels built in the project financing zone after the year in which a municipality designates the zone, exceeds the base year amount.

(4) "Project financing zone" means an area within a municipality:

(A) that the municipality by ordinance or by agreement under Chapter 380, Local Government Code, designates as a project financing zone;

(B) the boundaries of which are within a three-mile radius of the center of a qualified project;

(C) the designation of which specifies the longitude and latitude of the center of the qualified project; and

(D) the designation of which expires not later than the 30th anniversary of the date of designation.

(5) "Qualified project" means:

(A) a convention center facility; or

(B) a multipurpose arena or venue that includes a livestock facility and is located within or adjacent to a recognized cultural district, and any related infrastructure, that is:

(i) located on land owned by a municipality or by the owner of the venue;

(ii) partially financed by private contributions that equal not less than 40 percent of the project costs; and

(iii) related to the promotion of tourism and the convention and hotel industry.

(6) "Venue" and "related infrastructure" have the meanings assigned by Section 334.001, Local Government Code.

(b) This section applies only to a qualified project located in a municipality with a population of at least 650,000 but less than 750,000 according to the most recent federal decennial census.

(c) In addition to the uses provided by Section 351.101, revenue from the municipal hotel occupancy tax may be used to fund a qualified project.

(d) A municipality may pledge the revenue derived from the tax imposed under this chapter from a hotel located in the project financing zone for the payment of bonds or other obligations issued or incurred to acquire, lease, construct, improve, enlarge, and equip the qualified project.

(e) A municipality may pledge for the payment of bonds or other obligations described by Subsection (d) the local revenue from eligible tax proceeds as defined by Section 2303.5055(e), Government Code, from hotels located in a project financing zone that would be available to the owners of qualified hotel projects under that section if the hotels were qualified hotel projects, excluding any amount received by the municipality for a hotel project described by Section 351.102(b) and located in the zone that exists on the date the municipality designates the zone.

(f) A municipality shall notify the comptroller of the municipality's designation of a project financing zone not later than the 30th day after the date the municipality designates the zone. Notwithstanding other law, the municipality is entitled to receive the incremental hotel-associated revenue from the project financing zone for the period beginning on the first day of the year after the year in which the municipality designates the zone and ending on the last day of the month during which the designation expires. The municipality may pledge the revenue for the payment of bonds or other obligations described by Subsection (d).

(g) The comptroller shall deposit incremental hotel-associated revenue collected by or forwarded to the comptroller in a separate suspense account to be held in trust for the municipality that is entitled to receive the revenue. The suspense account is outside the state treasury, and the comptroller may make a payment authorized by this section from the account without the necessity of an appropriation. The comptroller shall begin making payments from the suspense account to the municipality for which the money is held on the date the qualified project in the project financing zone is commenced. If the qualified project is not commenced by the fifth anniversary of the first deposit to the account, the comptroller shall transfer the money in the account to the general revenue fund and cease making deposits to the account.

(h) The comptroller may estimate the amount of incremental hotel-associated revenue that will be deposited to a suspense account under Subsection (g) during each calendar year. The comptroller may make deposits to the account and the municipality may request disbursements from the account on a monthly basis based on the estimate. At the end of each calendar year, the comptroller shall adjust the deposits and disbursements to reflect the amount of revenue actually deposited to the account during the calendar year.

(i) A municipality shall notify the comptroller if the qualified project in the project financing zone is abandoned. If the qualified project is abandoned, the comptroller shall transfer to the general revenue fund the amount of money in the suspense account that exceeds the amount required for the payment of bonds or other obligations described by Subsection (d).

SECTION 2. Section 351.1065(a), Tax Code, is amended to read as follows:

(a) An eligible central municipality shall use the amount of revenue from the tax that is derived from the application of the tax at a rate of more than seven percent of the cost of a room only for:

- (1) the construction of an expansion of an existing convention center facility; ~~and~~
- (2) a qualified project to which Section 351.1015 applies; and

(3) pledging payment of revenue bonds and revenue refunding bonds issued under Subchapter A, Chapter 1504, Government Code, for the construction or qualified project ~~[of the expansion]~~.

SECTION 3. This Act takes effect September 1, 2013.

The amendment was read.

Senator Nelson moved to concur in the House amendment to **SB 748**.

The motion prevailed by the following vote: Yeas 26, Nays 4.

Yeas: Birdwell, Campbell, Carona, Davis, Deuell, Ellis, Eltife, Estes, Garcia, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Paxton, Rodríguez, Seliger, Taylor, Uresti, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Duncan, Fraser, Patrick, Schwertner.

Absent-excused: Van de Putte.

(Senator Eltife in Chair)

**SESSION HELD FOR
LOCAL AND UNCONTESTED CALENDAR**

The Presiding Officer announced that the time had arrived to consider bills and resolutions placed on the Local and Uncontested Calendar. Notice of consideration of the local calendar was given by Senator Uresti yesterday.

Pursuant to Senate Rule 9.03(d), the following bills and resolutions were laid before the Senate in the order listed, read second time, amended where applicable, passed to engrossment or third reading, read third time, and passed. The votes on passage to engrossment or third reading, suspension of the Constitutional Three-day Rule, and final passage are indicated after each caption. All Members are deemed to have voted "Yea" on viva voce votes unless otherwise indicated.

("Absent-excused" Van de Putte)

CSSB 524 (Rodríguez)

Relating to a study regarding the prohibition of dairy farming in certain areas of the state.

(viva voce vote) (30-0) (30-0)

SB 1083 (Rodríguez)

Relating to an appeal from an interlocutory order of certain courts.

(viva voce vote) (30-0) (30-0)

HB 13 (Duncan)

Relating to the State Pension Review Board and public retirement systems; authorizing a fee.

(viva voce vote) (30-0) (30-0)

HB 597 (Eltife)

Relating to boater education and examinations on preventing the spread of exotic harmful or potentially harmful aquatic plants, fish, and shellfish.

(viva voce vote) (30-0) (30-0)

CSHB 949 (Watson)

Relating to continuation of automobile insurance coverage for certain motor vehicles acquired during a personal automobile insurance policy term.

(viva voce vote) (30-0) (30-0)

HB 1164 (Huffman)

Relating to the territory that may be included in a single county election precinct.

(viva voce vote) (30-0) (30-0)

HB 1186 (Duncan)

Relating to the Texas Racing Commission's ability to share investigatory information with other state regulatory agencies.

(viva voce vote) (30-0) (30-0)

HB 1271 (Schwertner)

Relating to providing links in the online text of proposed legislation to other state laws referenced in that legislation.

(viva voce vote) (30-0) (30-0)

HB 1493 (Hegar)

Relating to the transfer of programs from the Texas Department of Rural Affairs to the Department of Agriculture.

(viva voce vote) (30-0) (30-0)

HB 1521 (Nichols)

Relating to the slaughter of certain domestic or exotic fowl infected with or exposed to disease and compensation of owners of fowl infected with or exposed to disease.

(viva voce vote) (30-0) (30-0)

HB 2623 (Lucio)

Relating to the authority of certain counties and the General Land Office to temporarily close a beach or beach access point.

(viva voce vote) (30-0) (30-0)

CSHB 2738 (Ellis)

Relating to a study by the Department of Information Resources regarding state agency technology efficiency.

(viva voce vote) (30-0) (30-0)

HCR 54 (Hancock)

Designating Grand Prairie as the Purple Martin Conservation Capital of Texas.

(30-0)

**SESSION CONCLUDED FOR
LOCAL AND UNCONTESTED CALENDAR**

Senator Eltife announced that the session to consider bills and resolutions placed on the Local and Uncontested Calendar was concluded.

HOUSE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions received from the House were read first time and referred to the committees indicated:

HB 26 to Committee on Economic Development.

HB 48 to Committee on Criminal Justice.
HB 167 to Committee on Criminal Justice.
HB 170 to Committee on State Affairs.
HB 308 to Committee on Education.
HB 340 to Committee on Natural Resources.
HB 462 to Committee on Education.
HB 485 to Committee on Criminal Justice.
HB 500 to Committee on Finance.
HB 506 to Committee on State Affairs.
HB 508 to Committee on Intergovernmental Relations.
HB 546 to Committee on Finance.
HB 555 to Committee on Criminal Justice.
HB 585 to Committee on Finance.
HB 626 to Committee on State Affairs.
HB 647 to Committee on Education.
HB 679 to Committee on Transportation.
HB 871 to Committee on Business and Commerce.
HB 887 to Committee on Education.
HB 899 to Committee on Criminal Justice.
HB 928 to Committee on Agriculture, Rural Affairs and Homeland Security.
HB 953 to Committee on Finance.
HB 972 to Committee on Criminal Justice.
HB 990 to Committee on Criminal Justice.
HB 1004 to Committee on Higher Education.
HB 1009 to Committee on Education.
HB 1050 to Committee on State Affairs.
HB 1076 to Committee on Agriculture, Rural Affairs and Homeland Security.
HB 1114 to Committee on Jurisprudence.
HB 1122 to Committee on Education.
HB 1123 to Committee on Veteran Affairs and Military Installations.
HB 1129 to Committee on State Affairs.
HB 1133 to Committee on Finance.
HB 1183 to Committee on Business and Commerce.
HB 1224 to Committee on Finance.
HB 1228 to Committee on Jurisprudence.
HB 1256 to Committee on Administration.
HB 1302 to Committee on Criminal Justice.
HB 1314 to Committee on Agriculture, Rural Affairs and Homeland Security.
HB 1349 to Committee on Criminal Justice.
HB 1360 to Committee on Finance.
HB 1392 to Committee on Health and Human Services.
HB 1428 to Committee on State Affairs.
HB 1573 to Committee on Transportation.
HB 1597 to Committee on Intergovernmental Relations.
HB 1645 to Committee on Criminal Justice.
HB 1736 to Committee on Finance.
HB 1748 to Committee on Criminal Justice.

HB 1755 to Committee on Jurisprudence.
HB 1772 to Committee on Business and Commerce.
HB 1775 to Committee on Education.
HB 1781 to Committee on Agriculture, Rural Affairs and Homeland Security.
HB 1813 to Committee on Intergovernmental Relations.
HB 1847 to Committee on Jurisprudence.
HB 1856 to Committee on Criminal Justice.
HB 1862 to Committee on Criminal Justice.
HB 1866 to Committee on State Affairs.
HB 1897 to Committee on Business and Commerce.
HB 1908 to Committee on Economic Development.
HB 1931 to Committee on Agriculture, Rural Affairs and Homeland Security.
HB 1965 to Committee on Government Organization.
HB 1992 to Committee on Criminal Justice.
HB 1996 to Committee on State Affairs.
HB 2012 to Committee on Education.
HB 2080 to Committee on Jurisprudence.
HB 2110 to Committee on State Affairs.
HB 2117 to Committee on Intergovernmental Relations.
HB 2118 to Committee on Intergovernmental Relations.
HB 2123 to Committee on Intergovernmental Relations.
HB 2135 to Committee on Veteran Affairs and Military Installations.
HB 2211 to Committee on State Affairs.
HB 2268 to Committee on Criminal Justice.
HB 2280 to Committee on Criminal Justice.
HB 2305 to Committee on Transportation.
HB 2320 to Committee on Transportation.
HB 2330 to Committee on Transportation.
HB 2362 to Committee on Natural Resources.
HB 2446 to Committee on Natural Resources.
HB 2447 to Committee on Business and Commerce.
HB 2450 to Committee on Education.
HB 2483 to Committee on Education.
HB 2511 to Committee on Criminal Justice.
HB 2532 to Committee on Natural Resources.
HB 2539 to Committee on Criminal Justice.
HB 2612 to Committee on Transportation.
HB 2668 to Committee on Open Government.
HB 2679 to Committee on Criminal Justice.
HB 2691 to Committee on Transportation.
HB 2694 to Committee on Education.
HB 2712 to Committee on Finance.
HB 2733 to Committee on Criminal Justice.
HB 2742 to Committee on Transportation.
HB 2795 to Committee on Jurisprudence.
HB 2811 to Committee on Criminal Justice.

HB 2836 to Committee on Education.
HB 2851 to Committee on State Affairs.
HB 2859 to Committee on Natural Resources.
HB 2862 to Committee on Criminal Justice.
HB 2887 to Committee on Health and Human Services.
HB 2895 to Committee on Government Organization.
HB 2902 to Committee on Intergovernmental Relations.
HB 2907 to Committee on Intergovernmental Relations.
HB 2910 to Committee on Business and Commerce.
HB 2921 to Committee on Transportation.
HB 2929 to Committee on State Affairs.
HB 2930 to Committee on State Affairs.
HB 2975 to Committee on Intergovernmental Relations.
HB 3017 to Committee on Administration.
HB 3043 to Committee on Economic Development.
HB 3085 to Committee on Transportation.
HB 3101 to Committee on State Affairs.
HB 3102 to Committee on State Affairs.
HB 3103 to Committee on State Affairs.
HB 3121 to Committee on Finance.
HB 3152 to Committee on State Affairs.
HB 3153 to Committee on Jurisprudence.
HB 3161 to Committee on Criminal Justice.
HB 3162 to Committee on Economic Development.
HB 3169 to Committee on Finance.
HB 3196 to Committee on Health and Human Services.
HB 3211 to Committee on Government Organization.
HB 3233 to Committee on Natural Resources.
HB 3234 to Committee on Natural Resources.
HB 3285 to Committee on Health and Human Services.
HB 3334 to Committee on Criminal Justice.
HB 3370 to Committee on Criminal Justice.
HB 3385 to Committee on State Affairs.
HB 3401 to Committee on Health and Human Services.
HB 3460 to Committee on Business and Commerce.
HB 3471 to Committee on Transportation.
HB 3520 to Committee on Transportation.
HB 3536 to Committee on Finance.
HB 3566 to Committee on Agriculture, Rural Affairs and Homeland Security.
HB 3568 to Committee on Transportation.
HB 3613 to Committee on Intergovernmental Relations.
HB 3668 to Committee on Transportation.
HB 3671 to Committee on Criminal Justice.
HB 3674 to Committee on Government Organization.
HB 3687 to Committee on Health and Human Services.
HB 3792 to Committee on Higher Education.
HB 3805 to Committee on Criminal Justice.

HB 3871 to Committee on Intergovernmental Relations.
HB 3903 to Committee on Natural Resources.
HB 3907 to Committee on Education.
HB 3913 to Committee on Intergovernmental Relations.
HB 3929 to Committee on Jurisprudence.
HB 3933 to Committee on Natural Resources.
HB 3946 to Committee on Transportation.
HCR 97 to Committee on Intergovernmental Relations.
HCR 102 to Committee on Administration.
HCR 104 to Committee on Education.
HCR 111 to Committee on Administration.
HCR 115 to Committee on Administration.
HJR 133 to Committee on Finance.

RECESS

Pursuant to a previously adopted motion, the Senate at 6:00 p.m. recessed until 11:00 a.m. tomorrow.

AFTER RECESS (Friday, May 10, 2013)

The Senate met at 11:14 a.m. and was called to order by Senator Watson.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
 Austin, Texas
 Friday, May 10, 2013 - 1

The Honorable President of the Senate
 Senate Chamber
 Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 30 Branch
 Relating to measures to facilitate the transfer, academic progress, and timely graduation of students in public higher education; authorizing a fee.

HB 194 Farias
 Relating to considering ownership interests of certain disabled veterans in determining whether a business is a historically underutilized business for purposes of state contracting and to promoting state contract awards to historically underutilized businesses based on that ownership.

HB 628 Dale
 Relating to the right of a member of the board of trustees of a school district to obtain information, documents, and records.

HB 694 Phillips
 Relating to access by certain military personnel to juvenile and criminal history information.

- HB 705** Howard
Relating to the definition of emergency services personnel for purposes of the enhanced penalty prescribed for an assault committed against a person providing services in that capacity.
- HB 710** Callegari
Relating to the use by a peace officer of the officer's rank or status to advertise or promote certain private businesses.
- HB 724** Guillen
Relating to the creation of a commission to study unclaimed land grant mineral proceeds.
- HB 742** Strama
Relating to measures to evaluate and improve student participation and performance in public schools and open-enrollment charter schools, including a grant program for certain school districts to provide summer instruction primarily for students who are educationally disadvantaged.
- HB 793** Lozano
Relating to the prosecution and punishment of the smuggling of persons.
- HB 1021** Moody
Relating to venue for the offense of failure to attend school.
- HB 1022** Moody
Relating to venue for the offense of a parent contributing to a child's failure to attend school.
- HB 1223** Hilderbran
Relating to the temporary exemption of certain tangible personal property related to data centers from the sales and use tax.
- HB 1289** Hilderbran
Relating to the exclusion of certain service costs in determining a taxable entity's taxable margin for purposes of the franchise tax.
- HB 1318** Turner, Sylvester
Relating to the appointment of counsel to represent certain youths and indigent defendants.
- HB 1398** Murphy
Relating to the definition of and required disclosures on political advertising.
- HB 1581** Riddle
Relating to the designation of an agent or office for service of process, notice, or demand by a person doing business under an assumed name.
- HB 1773** Thompson, Ed
Relating to named driver insurance policies and certain related exclusions.
- HB 1790** Longoria
Relating to certain procedures for defendants who successfully complete a period of state jail felony community supervision.

- HB 1878** McClendon
Relating to the allocation of certain revenue to the Texas rail relocation and improvement fund and the Texas emissions reduction plan fund and for congestion mitigation projects.
- HB 1966** Deshotel
Relating to a project that may be undertaken by certain development corporations in connection with infrastructure improvements necessary for municipal area development and revitalization.
- HB 2061** Murphy
Relating to a tax credit for investment in certain communities; imposing a monetary penalty; authorizing a fee.
- HB 2075** Anchia
Relating to the operation of certain condominium unit owners' associations.
- HB 2090** Canales
Relating to a written statement made by an accused as a result of custodial interrogation.
- HB 2100** Thompson, Senfronia
Relating to the salary for certain employees of the Department of Public Safety of the State of Texas.
- HB 2133** Larson
Relating to state policies and the evaluation of practices regarding water development and conservation.
- HB 2138** Dutton
Relating to the boundaries of the Near Northside Management District and to coordination by the district with other entities in providing projects and services.
- HB 2148** Hilderbran
Relating to the motor fuel tax on compressed natural gas and liquefied natural gas; providing penalties; imposing a tax.
- HB 2158** Goldman
Relating to the period of ineligibility from participation in the Medicaid program by providers found liable for certain unlawful acts under the program.
- HB 2201** Farney
Relating to increasing the courses offered in the career and technology education curriculum.
- HB 2240** Turner, Sylvester
Relating to a study on homeless youth.
- HB 2371** Leach
Relating to creating the offense of voyeurism; providing a penalty.
- HB 2396** Bonnen, Greg
Relating to the penalty for certain family violence committed in the presence of or in proximity to a child.

- HB 2570** Miles
Relating to voter registration; creating an offense.
- HB 2595** Parker
Relating to the value of personal property that is exempt from seizure to pay a crime victim under an order of restitution.
- HB 2719** Guillen
Relating to collecting and reporting information concerning inmates who have been in the conservatorship of a state agency responsible for providing child protective services and concerning inmate parole, reentry, and integration.
- HB 2767** King, Phil
Relating to the treatment and recycling for beneficial use of certain waste arising out of or incidental to the drilling for or production of oil or gas.
- HB 2770** Branch
Relating to the investment of a portion of the economic stabilization fund balance.
- HB 2792** Elkins
Relating to the circumstances under which an appraisal review board hearing shall be closed to the public.
- HB 2824** Ratliff
Relating to the Texas High Performance Schools Consortium.
- HB 2872** Villarreal
Relating to the number of student absences that constitute a failure to attend school.
- HB 2952** Rodriguez, Justin
Relating to the period of time allowed for issuance of decisions by the commissioner of education in certain appeals against school districts.
- HB 3042** Oliveira
Relating to the allocation of state hotel occupancy tax revenue to certain municipalities for cleaning and maintenance of and erosion control for public beaches.
- HB 3240** Phillips
Relating to the penalty for delivery of certain miscellaneous substances under the Texas Controlled Substances Act.
- HB 3276** Simmons
Relating to the coverage by certain health benefit plans for the screening and treatment of autism spectrum disorder.
- HB 3454** Eiland
Relating to an exemption from the franchise tax for certain insurance entities.
- HB 3569** Kleinschmidt
Relating to activities conducted in connection with a state or federal disease control or eradication program for animals.
- HB 3574** Orr
Relating to the authority of the School Land Board to designate certain revenue for deposit in the real estate special fund account of the permanent school fund.

HB 3648 Harper-Brown
Relating to the awarding of governmental contracts.

HB 3743 Wu
Relating to the authority of a prosecutor in a juvenile case to appeal certain judicial decisions.

HJR 62 Turner, Chris
Proposing a constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of all or part of the market value of the residence homestead of the surviving spouse of a member of the armed services of the United States who is killed in action.

THE HOUSE HAS REFUSED TO CONCUR IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

HB 5 (non-record vote)
House Conferees: Aycokk - Chair/Deshotel/Gonzales, Larry/Huberty/Rodriguez, Eddie

THE HOUSE HAS GRANTED THE REQUEST OF THE SENATE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

SB 213 (non-record vote)
House Conferees: Price - Chair/Anchia/Bonnen, Dennis/Larson/Parker

SB 901 (non-record vote)
House Conferees: Paddie - Chair/Craddick/Crownover/Geren/Thompson, Senfronia

SB 1730 (non-record vote)
House Conferees: Phillips - Chair/Fletcher/Harper-Brown/Martinez, "Mando"/Pickett

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

**SENATE RULE 11.10(a) SUSPENDED
(Public Notice of Committee Meetings)**

On motion of Senator Williams and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Finance might meet today.

MOTION TO ADJOURN

On motion of Senator Lucio and by unanimous consent, the Senate at 11:19 a.m. agreed to adjourn, upon completion of the introduction of bills and resolutions on first reading and pending the receipt of messages and committee reports, until 11:00 a.m. Monday, May 13, 2013.

RECESS

On motion of Senator Lucio, the Senate at 11:20 a.m. recessed until 3:00 p.m. today.

AFTER RECESS

The Senate met at 3:08 p.m. and was called to order by Senator Watson.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Friday, May 10, 2013 - 2

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:**HB 34** Menéndez

Relating to the consumption of alcoholic beverages on certain premises; providing a penalty and authorizing a fee.

HB 97 Perry

Relating to the exemption from ad valorem taxation of part of the appraised value of the residence homestead of a partially disabled veteran or the surviving spouse of a partially disabled veteran if the residence homestead was donated to the disabled veteran by a charitable organization and to the eligibility of the surviving spouse of a person who is disabled to receive a limitation on school district ad valorem taxes on the person's residence homestead.

HB 217 Alvarado

Relating to the types of beverages that may be sold to students on public school campuses.

HB 503 Hernandez Luna

Relating to the ability of a property owners' association to contract with an association board member or certain other persons or entities associated with the board member.

HB 577 Guillen

Relating to the representation of certain applicants for writs of habeas corpus in cases involving the death penalty.

HB 581 Howard

Relating to the waiver of sovereign immunity in certain employment lawsuits by nurses and in certain employment discrimination actions in connection with a workers' compensation claim.

HB 586 Workman

Relating to the waiver of sovereign immunity for certain design and construction claims arising under written contracts with state agencies.

- HB 690** Lewis
Relating to reimbursing public institutions of higher education for tuition and fee exemptions for certain military personnel and their dependents.
- HB 709** Isaac
Relating to ad valorem tax payments and refunds.
- HB 741** Walle
Relating to the right of a public employee to express breast milk in the workplace.
- HB 862** King, Susan
Relating to the transfer of the limitation on school district, county, municipal, or junior college district ad valorem taxes on the residence homestead of a person who is elderly or disabled to a subsequent homestead of that person.
- HB 868** Villarreal
Relating to exceptions to mental health information disclosure prohibitions.
- HB 1125** Lavender
Relating to the rights of an accused person in and the written waiver of extradition proceedings.
- HB 1174** Fallon
Relating to the penalties for illegally passing a stopped school bus.
- HB 1340** Rose
Relating to consent to the immunization of certain children.
- HB 1352** Callegari
Relating to an exemption for certain persons who sell signs from the requirement to be licensed as an electrician.
- HB 1461** Aycock
Relating to customer notification of water loss by a retail public utility.
- HB 1511** Larson
Relating to the rates of sales and use taxes imposed by municipalities; authorizing an increase or decrease in the rate of those taxes.
- HB 1650** Raymond
Relating to county and municipal land development regulation.
- HB 1712** Lozano
Relating to an exemption from ad valorem and sales and use taxes for property used in connection with an offshore spill response containment system.
- HB 1843** Branch
Relating to limitations on the automatic admission of undergraduate students to general academic teaching institutions.
- HB 2224** Hilderbran
Relating to the qualifications of the chief appraiser of an appraisal district.
- HB 2314** Otto
Relating to annual training for certain members of the board of directors of an appraisal district.

HB 2373

Klick

Relating to the use of an electronic device to capture a voter's signature for the signature roster.

HB 2385

Capriglione

Relating to eliminating the requirement that a combined group include in its franchise tax report information about gross receipts of members who do not have nexus with this state.

HB 2500

Bohac

Relating to the appraisal for ad valorem tax purposes of solar energy property.

HB 2578

Larson

Relating to the development of brackish groundwater and the use of brackish water and seawater; providing a penalty.

HB 2676

Davis, Yvonne

Relating to the confidentiality of certain home address information in ad valorem tax appraisal records.

HB 2690

Elkins

Relating to the sale of a vehicle by an unlicensed seller; creating an offense.

HB 2765

Branch

Relating to the creation of the Texas competitive knowledge fund to support excellence at qualifying institutions of higher education.

HB 2869

Carter

Relating to the provision of durable medical equipment and supplies under the Medicaid program.

HB 2972

King, Ken

Relating to exempting premiums for certain insurance covering stored or in-transit baled cotton from surplus lines insurance premium taxes.

HB 3065

Menéndez

Relating to the payment of state funds by the secretary of state directly to an entity conducting a primary election under contract.

HB 3081

Wu

Relating to the requirements for a person who has recently moved to vote in the precinct of the person's former or current residence.

HB 3279

Morrison

Relating to the uprooting of seagrass plants; creating an offense.

HB 3350

Rodriguez, Eddie

Relating to homestead preservation districts and reinvestment zones.

HB 3442

Otto

Relating to the obligation of an appraisal review board to respond to a property owner's request to postpone a hearing of the board.

- HB 3498** Turner, Scott
Relating to a requirement that a student's postsecondary transcript include the average or median grade awarded in each class.
- HB 3593** Burnam
Relating to the determination that a voter is deceased.
- HB 3660** Simmons
Relating to requiring the Texas Commission on Fire Protection to conduct a study and prepare a report on administrative attachment.
- HB 3750** Farrar
Relating to the destruction of the records of businesses, state and local governments, and nonprofit entities stored on copy machines; providing a civil penalty.
- HB 3952** Nevárez
Relating to the composition of the juvenile board of Val Verde County.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Friday, May 10, 2013 - 3

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 12** Flynn
Relating to gifts and other consideration made to state agencies for state employee salary supplement or other purposes, and to publication by state agencies of staff compensation and related information.
- HB 912** Gooden
Relating to images captured by unmanned vehicles and unmanned aircraft; providing penalties.
- HB 1468** Sheets
Relating to confidential communications between an insurance carrier and a covered employer under the Texas Workers' Compensation Act.
- HB 2145** Hilderbran
Relating to apportionment of certain receipts of a broadcaster under the franchise tax.

HB 2163

Eiland

Relating to an annual assessment on insurers for the examination of insurers; imposing an assessment.

HB 2971

Alonzo

Relating to the regulation of firefighters and fire departments by the Texas Commission on Fire Protection.

HB 3005

Burkett

Relating to the authority of the Texas Workforce Commission to use certain unemployment compensation funds for reemployment activities.

HB 3013

Larson

Relating to the underground storage of water for later retrieval and beneficial use; authorizing the imposition of fees.

HB 3669

Naishtat

Relating to the recusal or disqualification of a statutory probate judge or other judge authorized to hear probate, guardianship, or mental health matters, and the subsequent assignment of another judge.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

MESSAGES FROM THE GOVERNOR

The following Messages from the Governor were read and were referred to the Committee on Nominations:

May 9, 2013
Austin, Texas

TO THE SENATE OF THE EIGHTY-THIRD LEGISLATURE, REGULAR SESSION:

On January 16, 2013, I submitted the name of Harold E. Jenkins for appointment to the Trinity River Authority Board of Directors for a term to expire March 15, 2015.

Because he resigned, I hereby withdraw his nomination and request that the Senate return the appointment to me.

Respectfully submitted,

/s/Rick Perry
Governor

May 10, 2013
Austin, Texas

TO THE SENATE OF THE EIGHTY-THIRD LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the Texas Physician Assistant Board for terms to expire February 1, 2019:

Teralea Davis Jones
Beeville, Texas
(Ms. Jones is being reappointed)

Michael Reis
Woodway, Texas
(Dr. Reis is being reappointed)

R. Blayne Rush
Frisco, Texas
(replacing James Endicott, Jr. of Harker Heights whose term expired)

To be members of the Texas Medical Board for terms to expire April 13, 2019:

Michael Arambula
San Antonio, Texas
(Dr. Arambula is being reappointed)

Devinder S. Bhatia
Houston, Texas
(replacing Melinda McMichael of Austin whose term expired)

Frank S. Denton
Conroe, Texas
(replacing Patricia Blackwell of Midland whose term expired)

J. Scott Holliday
University Park, Texas
(Dr. Holliday is being reappointed)

Margaret Carter McNeese
Houston, Texas
(Dr. McNeese is being reappointed)

Karl W. Swann
San Antonio, Texas
(replacing W. Roy Smythe of Belton whose term expired)

Timothy Webb
Houston, Texas
(Mr. Webb is being reappointed)

To be a member of the Texas Medical Board for a term to expire April 13, 2015:

Robert Simonson
Duncanville, Texas

Dr. Simonson is replacing Patrick Crocker of Austin who resigned.

Respectfully submitted,

/s/Rick Perry
Governor

HOUSE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions received from the House were read first time and referred to the committees indicated:

- HB 12** to Committee on Government Organization.
- HB 30** to Committee on Higher Education.
- HB 217** to Committee on Education.
- HB 503** to Committee on Intergovernmental Relations.
- HB 577** to Committee on Criminal Justice.
- HB 581** to Committee on State Affairs.
- HB 586** to Committee on State Affairs.
- HB 619** to Committee on Business and Commerce.
- HB 628** to Committee on Open Government.
- HB 690** to Committee on Higher Education.
- HB 694** to Committee on Criminal Justice.
- HB 705** to Committee on Criminal Justice.
- HB 709** to Committee on Finance.
- HB 710** to Committee on Criminal Justice.
- HB 714** to Committee on Transportation.
- HB 724** to Committee on State Affairs.
- HB 738** to Committee on Natural Resources.
- HB 793** to Committee on Criminal Justice.
- HB 862** to Committee on Finance.
- HB 868** to Committee on Health and Human Services.
- HB 912** to Committee on Agriculture, Rural Affairs and Homeland Security.
- HB 1021** to Committee on Jurisprudence.
- HB 1022** to Committee on Jurisprudence.
- HB 1125** to Committee on Criminal Justice.
- HB 1143** to Committee on Health and Human Services.
- HB 1174** to Committee on Transportation.
- HB 1179** to Committee on Agriculture, Rural Affairs and Homeland Security.
- HB 1180** to Committee on Health and Human Services.
- HB 1223** to Committee on Finance.
- HB 1289** to Committee on Finance.
- HB 1318** to Committee on Criminal Justice.
- HB 1340** to Committee on Health and Human Services.
- HB 1384** to Committee on Transportation.
- HB 1396** to Committee on Health and Human Services.
- HB 1452** to Committee on Health and Human Services.
- HB 1461** to Committee on Natural Resources.
- HB 1468** to Committee on State Affairs.
- HB 1511** to Committee on Finance.
- HB 1523** to Committee on Criminal Justice.
- HB 1633** to Committee on Health and Human Services.
- HB 1650** to Committee on Administration.
- HB 1659** to Committee on Criminal Justice.
- HB 1675** to Committee on Transportation.

- HB 1712** to Committee on Finance.
HB 1734 to Committee on Intergovernmental Relations.
HB 1790 to Committee on Criminal Justice.
HB 1843 to Committee on Higher Education.
HB 1878 to Committee on Transportation.
HB 1966 to Committee on Economic Development.
HB 1975 to Committee on Finance.
HB 2006 to Committee on State Affairs.
HB 2021 to Committee on Intergovernmental Relations.
HB 2024 to Committee on Intergovernmental Relations.
HB 2036 to Committee on Higher Education.
HB 2038 to Committee on Health and Human Services.
HB 2075 to Committee on Intergovernmental Relations.
HB 2090 to Committee on Criminal Justice.
HB 2100 to Committee on Finance.
HB 2133 to Committee on Natural Resources.
HB 2138 to Committee on Intergovernmental Relations.
HB 2145 to Committee on Finance.
HB 2148 to Committee on Finance.
HB 2153 to Committee on Agriculture, Rural Affairs and Homeland Security.
HB 2158 to Committee on Health and Human Services.
HB 2163 to Committee on Business and Commerce.
HB 2201 to Committee on Education.
HB 2224 to Committee on Finance.
HB 2240 to Committee on Health and Human Services.
HB 2269 to Committee on Economic Development.
HB 2371 to Committee on Criminal Justice.
HB 2373 to Committee on State Affairs.
HB 2385 to Committee on Finance.
HB 2396 to Committee on Criminal Justice.
HB 2500 to Committee on Finance.
HB 2578 to Committee on Natural Resources.
HB 2590 to Committee on Natural Resources.
HB 2595 to Committee on Criminal Justice.
HB 2636 to Committee on Finance.
HB 2648 to Committee on Transportation.
HB 2676 to Committee on Open Government.
HB 2690 to Committee on Transportation.
HB 2707 to Committee on Finance.
HB 2719 to Committee on Criminal Justice.
HB 2765 to Committee on Higher Education.
HB 2770 to Committee on Finance.
HB 2780 to Committee on Higher Education.
HB 2781 to Committee on Natural Resources.
HB 2792 to Committee on Finance.
HB 2818 to Committee on Business and Commerce.

HB 2869 to Committee on Health and Human Services.
HB 2924 to Committee on Veteran Affairs and Military Installations.
HB 2952 to Committee on Administration.
HB 2972 to Committee on Finance.
HB 2982 to Committee on Natural Resources.
HB 3005 to Committee on Economic Development.
HB 3013 to Committee on Natural Resources.
HB 3015 to Committee on State Affairs.
HB 3038 to Committee on Business and Commerce.
HB 3042 to Committee on Economic Development.
HB 3065 to Committee on State Affairs.
HB 3077 to Committee on Veteran Affairs and Military Installations.
HB 3081 to Committee on State Affairs.
HB 3086 to Committee on Finance.
HB 3126 to Committee on Transportation.
HB 3142 to Committee on Agriculture, Rural Affairs and Homeland Security.
HB 3159 to Committee on Intergovernmental Relations.
HB 3240 to Committee on Criminal Justice.
HB 3276 to Committee on State Affairs.
HB 3279 to Committee on Agriculture, Rural Affairs and Homeland Security.
HB 3327 to Committee on Education.
HB 3350 to Committee on Intergovernmental Relations.
HB 3438 to Committee on Finance.
HB 3439 to Committee on Finance.
HB 3440 to Committee on Finance.
HB 3441 to Committee on Finance.
HB 3443 to Committee on Finance.
HB 3454 to Committee on Finance.
HB 3498 to Committee on Higher Education.
HB 3569 to Committee on Agriculture, Rural Affairs and Homeland Security.
HB 3574 to Committee on Finance.
HB 3593 to Committee on State Affairs.
HB 3648 to Committee on Government Organization.
HB 3669 to Committee on Jurisprudence.
HB 3686 to Committee on Health and Human Services.
HB 3714 to Committee on Economic Development.
HB 3731 to Committee on Health and Human Services.
HB 3743 to Committee on Criminal Justice.
HB 3750 to Committee on Business and Commerce.
HB 3794 to Committee on State Affairs.
HB 3815 to Committee on Criminal Justice.
HB 3838 to Committee on Transportation.
HJR 24 to Committee on Finance.
HJR 62 to Committee on Finance.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

- SR 855** by Davis, In memory of Philip Johnson.
- SR 856** by Davis, In memory of Walter Christensen.
- SR 859** by Davis, In memory of Carroll Wright Collins.
- SR 860** by Davis, In memory of Harold Raley Dunn.
- SR 861** by Davis, In memory of Edward Keith Averitte.
- SR 863** by Duncan, In memory of Pat Young Steed.
- SR 866** by Schwertner, In memory of Adam Huckstep-LaPorte.

Welcome and Congratulatory Resolutions

- SR 857** by Davis, Recognizing Paulie Ayala for receiving the 2013 Believing in Youth Award.
- SR 858** by Davis, Recognizing Richard Crummel on the occasion of his retirement.
- SR 862** by Davis, Recognizing the Eastern Hills High School Junior Reserve Officers' Training Corps Highlanders.
- SR 864** by Hinojosa, Recognizing Norma Jean Hatch Cornejo for her career as a teacher.
- SR 867** by Watson, Recognizing the Westlake High School Mentorship Program.
- SR 869** by Ellis, Recognizing Joseph D. Jamail, Jr., for his contributions to our state.
- SR 870** by Deuell, Recognizing Van Zandt County on the occasion of its 165th anniversary.
- SR 871** by Rodríguez, Welcoming artists from the San Elizario Historic Art District to Austin.
- SR 873** by Watson, Recognizing Louise Stefan for her 50 years of service to Hastings Communication Services.
- SR 874** by Schwertner, Recognizing Round Rock on the occasion of its 100th anniversary.
- SR 875** by Taylor, Recognizing Mitch Wright on the occasion of his 90th birthday.
- SR 877** by Patrick, Recognizing the Watermelon Run for the Fallen in Hempstead.
- SR 878** by Campbell, Recognizing Gary W. Raba for his service to the Texas Board of Professional Engineers.

Official Designation Resolution

- SR 868** by Nelson, Recognizing May as National Foster Care Month in Texas.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 3:19 p.m. Friday, May 10, 2013, adjourned until 11:00 a.m. Monday, May 13, 2013.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

May 9, 2013

ECONOMIC DEVELOPMENT — HB 2256, HB 2034, HB 809, HB 768, HCR 56, HB 3337, HB 939, HB 762

TRANSPORTATION — HB 250, HB 341, HB 442, HB 511, HB 567, HB 625, HB 1347, HB 2536, HB 3031, HB 120, HB 695, HB 938, HB 1238

CRIMINAL JUSTICE — HB 144, HB 220, HB 333, HB 434, HB 570, HB 634, HB 729, HB 797, HB 799, HB 1205, HB 1272, HB 1421, HB 2637

HEALTH AND HUMAN SERVICES — CSHB 243, HB 736, HB 740, HB 748, HB 808, HB 1204, HB 1395, HB 1491, HB 1648, HB 1760, CSHB 1738

BUSINESS AND COMMERCE — CSHB 798, CSSB 1700

CRIMINAL JUSTICE — CSSB 1712, CSHB 1294

JURISPRUDENCE — CSSB 1218, HB 1334, HB 1222, HB 1043, HB 845, HB 410, HB 389

NATURAL RESOURCES — CSHB 1160, CSHB 252, CSHB 857

HIGHER EDUCATION — CSHB 1000, HJR 79, HB 1061, HB 1844, HB 2051, HB 2103, HB 2892

TRANSPORTATION — CSHB 248, CSHB 338, CSHB 347, CSHB 1534

HEALTH AND HUMAN SERVICES — CSHB 15, CSHB 2683

NATURAL RESOURCES — CSHB 788

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — HB 150, HB 402, HB 1514, HB 1589, HB 2254, HB 3064, CSHB 2392

May 10, 2013

STATE AFFAIRS — HB 1188, HB 1265, HB 1869, HB 2465

EDUCATION — HB 455, HB 617, HB 773, HB 2961

STATE AFFAIRS — SB 220

HEALTH AND HUMAN SERVICES — CSHB 915, CSHB 1227

INTERGOVERNMENTAL RELATIONS — SB 724, SB 725, SB 1909, SB 1920, SB 1917, HB 35, HB 64, HB 241, HB 242, HB 429, HB 436, HB 518, HB 654, HB 712, HB 802, HB 964, HB 995, HB 1237, HB 1247, HB 1259, HB 1385, HB 1427, HB 1492, HB 1506, HB 1920, HB 1969, HB 2213, HB 3561, HB 3889, HB 3925, HB 3935

TRANSPORTATION — CSSB 1632

CRIMINAL JUSTICE — CSSB 969

INTERGOVERNMENTAL RELATIONS — CSHB 139, CSHB 326, CSHB 1554, CSHB 3361

BILLS ENGROSSED

May 8, 2013

SB 1040, SB 1172, SB 1183, SB 1334, SB 1375, SB 1440, SB 1458, SB 1551, SB 1720, SB 1863, SB 1867, SB 1879, SB 1891, SB 1906, SB 1914

BILLS AND RESOLUTIONS ENROLLED

May 8, 2013

SB 166, SB 265, SB 348, SB 354, SB 365, SB 367, SB 611, SB 698, SB 743, SB 820, SB 866, SB 965, SB 1489, SR 757, SR 765, SR 820, SR 848, SR 849, SR 850

BILLS ENGROSSED

May 9, 2013

SB 14, SB 221, SB 414, SB 438, SB 524, SB 925, SB 1083, SB 1150, SB 1506

BILLS AND RESOLUTIONS ENROLLED

May 9, 2013

SB 181, SB 233, SB 245, SB 274, SB 350, SB 376, SB 487, SB 610, SB 620, SB 651, SB 654, SB 661, SB 670, SB 696, SB 727, SB 748, SB 821, SB 860, SB 864, SB 878, SB 887, SB 984, SB 1004, SB 1093, SB 1133, SB 1191, SB 1212, SB 1300, SB 1360, SB 1427, SB 1538, SB 1589, SB 1814, SB 1889, SCR 35, SR 855, SR 856, SR 857, SR 858, SR 859, SR 860, SR 861, SR 862, SR 863, SR 864, SR 865, SR 866, SR 867, SR 868, SR 869, SR 870, SR 871

SENT TO GOVERNOR

May 9, 2013

SB 166, SB 265, SB 348, SB 354, SB 365, SB 367, SB 611, SB 698, SB 743, SB 820, SB 866, SB 965, SB 1489

SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTY-SEVENTH DAY

(Monday, May 13, 2013)

The Senate met at 11:12 a.m. pursuant to adjournment and was called to order by Senator Eltife.

The roll was called and the following Senators were present: Birdwell, Campbell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Garcia, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Patrick, Paxton, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

The Presiding Officer announced that a quorum of the Senate was present.

Pastor Gary Smith, Fielder Road Baptist Church, Arlington, offered the invocation as follows:

Dear heavenly Father, we acknowledge this is a day You have made and we will rejoice and be glad in it. We recognize You are our creator and the source of everything good in our lives. We understand You are our provider and we desire to be good stewards of Your abundant blessings to us. You truly are our Lord and God. We ask that You are pleased with all we do and say this day. We recognize Your ways are best, and when we obey You we will experience Your grace and blessings in our lives and in this great state. We ask that those who deliberate today in this body will know Your mind and wisdom as they make decisions that will impact our state. You tell us if we lack wisdom, we can ask of You and You will give it in abundance. So, we turn our hearts and minds to You to hear Your voice. We also understand we are abundantly blessed in this great state. Help our leaders to know how to solve the many issues that face us and give direction to the people of Texas. Help them, Lord, to know how to protect us, make laws that care for our needs, and assist those who are hurting. Dear God, show us how to be generous as we live in our great prosperity. Dear Lord, we dedicate this day, these hours and minutes into Your hands. Grant us grace and mercy from Your heart. We pray this in the name of our Lord Jesus Christ. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

MESSAGE FROM THE HOUSE**HOUSE CHAMBER**

Austin, Texas

Monday, May 13, 2013 - 1

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:**HB 16** Flynn

Relating to a requirement that a state agency post its internal auditor's audit plan and audit report and other audit information on the agency's Internet website.

HB 133 Raymond

Relating to the dissemination of criminal history record information by the Department of Public Safety concerning the offense of intoxication manslaughter and to a task force to reduce habitual driving while intoxicated.

HB 315 Otto

Relating to the applicability of the law governing the ad valorem taxation of a dealer's motor vehicle inventory.

HB 382 Burnam

Relating to certain limitations on settlement agreements with a governmental unit.

HB 1199 Taylor, Van

Relating to the use of human remains for forensic science education, including the training of search and rescue animals.

HB 1382 Simpson

Relating to the regulation of food prepared, stored, distributed, or sold at farms and farmers' markets; limiting the applicability of a fee.

HB 1829 Gonzalez, Naomi

Relating to safe patient handling and movement practices at hospitals and nursing homes.

HB 2233 Simmons

Relating to signature verification on an early voting ballot voted by mail.

HB 2234 Orr

Relating to authorizing home-taught driver education course providers to administer certain examinations required to obtain a driver's license.

HB 2419 Elkins

Relating to a pilot program authorizing an administrative district judge to appoint special magistrates to assist in hearing ad valorem tax protests.

- HB 2423** Martinez, "Mando"
Relating to the creation of regional transit authorities; granting the power of eminent domain; providing authority to issue bonds.
- HB 2518** Springer
Relating to reimbursement for jury service.
- HB 2625** Coleman
Relating to disease management practices of local mental health authorities.
- HB 3029** Fletcher
Relating to new systems and technologies for the financial responsibility verification program.
- HB 3227** Coleman
Relating to coverage of certain eating disorders as serious mental illnesses under certain group health benefit plans.
- HB 3399** Raymond
Relating to the stability of placements for children in the conservatorship of the Department of Family and Protective Services.
- HB 3437** Otto
Relating to the procedure for obtaining an allocation for ad valorem tax purposes of the value of certain property that is used in this state and outside this state.
- HB 3476** Paddie
Relating to the liability of certain sports officials and organizations.
- HB 3509** Bonnen, Dennis
Relating to endangered species habitat conservation and to the creation of a committee to oversee and guide the state's coordinated response to federal actions regarding endangered species.
- HB 3552** Oliveira
Relating to the release of extraterritorial jurisdiction by certain municipalities.
- HB 3597** Burnam
Relating to application and notification requirements for a permit to drill an oil or gas well in or near an easement held by the Texas Department of Transportation.
- HB 3643** Harper-Brown
Relating to the allocation of revenue from the municipal hotel occupancy tax by certain municipalities.
- HB 3769** Coleman
Relating to the authority of a municipality to impose a civil penalty on owners of certain motor vehicles parked on a highway under the jurisdiction of the municipality that do not display a valid registration insignia or inspection certificate.
- HB 3793** Coleman
Relating to powers, duties, and services of counties and entities serving counties.
- HB 3934** Riddle
Relating to powers of the North Harris County Regional Water Authority relating to certain wells.

- SB 33** Zaffirini Sponsor: Naishtat
Relating to the electronic monitoring of residents at state supported living centers; providing criminal penalties.
- SB 61** Nelson Sponsor: Cortez
Relating to the licensing and regulation of military physicians who provide voluntary charity health care.
- SB 92** Van de Putte Sponsor: Thompson, Senfronia
Relating to the designation of a juvenile court and a program for certain juveniles who may be the victims of human trafficking.
- SB 94** Van de Putte Sponsor: Thompson, Senfronia
Relating to civil liability for compelled prostitution and certain promotion of prostitution.
- SB 160** Huffman Sponsor: Miller, Rick
Relating to the identification of a person as an election poll watcher.
- SB 169** Hegar Sponsor: Morrison
Relating to ballot language for an election to approve and finance a municipal or county venue project.
- SB 229** Davis Sponsor: Turner, Chris
Relating to an exception to the domicile requirement for issuance of a commercial driver's license for certain military personnel.
- SB 352** West Sponsor: Gonzalez, Naomi
Relating to visitation for certain children in the temporary managing conservatorship of the Department of Family and Protective Services.
- SB 353** West Sponsor: Dukes
Relating to the ability of an emergency shelter facility to provide shelter or care for an unaccompanied minor without a license.
- SB 377** Lucio Sponsor: González, Mary
Relating to the determination of certain exemptions from the administration of state assessment instruments to public school students and to the consideration of the performance of certain students on state assessment instruments.
(Amended)
- SB 425** Nelson Sponsor: Farney
Relating to foster care placement decisions made by the Department of Family and Protective Services.
- SB 560** Ellis Sponsor: Coleman
Relating to authorization for biweekly installment payments for the compensation of certain justices, judges, and district attorneys.
- SB 642** Van de Putte Sponsor: Kuempel
Relating to the sale of distilled spirits to the holder of an industrial permit.

- SB 715** Lucio Sponsor: Farney
Relating to counselors employed by school districts, including the use of consistent terminology in the Education Code to refer to school counselors and a license requirement for licensed professional counselors employed by school districts.
(Committee Substitute)
- SB 764** Watson Sponsor: King, Tracy O.
Relating to a limitation on liability for prescribed burning conducted on agricultural or conservation land.
- SB 914** Lucio Sponsor: Ratliff
Relating to a behavior improvement plan or a behavioral intervention plan adopted for certain students with an individualized education program.
(Committee Substitute)
- SB 1142** Duncan Sponsor: Davis, John
Relating to an adult high school diploma and industry certification charter school pilot program for adults 19 to 50 years of age.
(Committee Substitute)
- SB 1225** Taylor Sponsor: Smith
Relating to the facilities to which Chapter 68, Water Code, applies.
- SB 1240** Duncan Sponsor: Keffer
Relating to the partition of mineral interests of a charitable trust.
(Committee Substitute)
- SB 1332** Duncan Sponsor: Smithee
Relating to who is an employee for large and small employers for health benefit plans.
- SB 1461** Carona Sponsor: Harper-Brown
Relating to addition of certain municipalities to the territory of a regional transportation authority.
(Committee Substitute)
- SB 1541** Van de Putte Sponsor: Allen
Relating to discipline of public school students by school bus drivers.
(Committee Substitute)
- SB 1811** Hegar Sponsor: Zerwas
Relating to the Fort Bend Subsidence District.
- SB 1825** Hegar Sponsor: Zerwas
Relating to the composition of the board of directors of the Fort Bend Subsidence District.
- SB 1868** Campbell Sponsor: Isaac
Relating to the creation of the Needmore Ranch Municipal Utility District No. 1; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.
(Amended)
- SB 1896** Garcia Sponsor: Naishtat
Relating to the confidentiality of information in ad valorem tax appraisal records that identifies the home address of certain judges.

SCR 28

Uresti

Sponsor: Guillen

Designating the first Tuesday in March as Texas Assisted Living Awareness Day for a 10-year period beginning in 2013.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

PHYSICIAN OF THE DAY

Senator Davis was recognized and presented Dr. Richard Young of Fort Worth as the Physician of the Day.

The Senate welcomed Dr. Young and thanked him for his participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

SENATE RESOLUTION 545

Senator Hancock offered the following resolution:

SR 545, Recognizing James D. Spaniolo on the occasion of his retirement as president of The University of Texas at Arlington.

HANCOCK	NELSON
BIRDWELL	SELIGER
DAVIS	WEST
DUNCAN	ZAFFIRINI

The resolution was again read.

The resolution was previously adopted on Tuesday, March 26, 2013.

GUEST PRESENTED

Senator Hancock was recognized and introduced to the Senate James D. Spaniolo, President, The University of Texas at Arlington.

The Senate welcomed its guest.

SENATE RESOLUTION 766

Senator Birdwell offered the following resolution:

SR 766, In memory of Andrew Michael Keel.

The resolution was again read.

The resolution was previously adopted on Thursday, April 25, 2013.

In honor of the memory of Andrew Michael Keel, the text of the resolution is printed at the end of today's *Senate Journal*.

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

The Presiding Officer announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

There was no objection.

CONCLUSION OF MORNING CALL

The Presiding Officer at 11:31 a.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE
SENATE BILL 1512 ON SECOND READING**

Senator Ellis moved to suspend the regular order of business to take up for consideration **CSSB 1512** at this time on its second reading:

CSSB 1512, Relating to the confidentiality of certain crime scene photographs and video recordings; providing a criminal 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 Ellis moved to temporarily postpone further consideration of the bill.

The motion prevailed.

Question—Shall **CSSB 1512** be passed to engrossment?

**COMMITTEE SUBSTITUTE
SENATE BILL 1304 ON SECOND READING**

Senator Davis moved to suspend the regular order of business to take up for consideration **CSSB 1304** at this time on its second reading:

CSSB 1304, Relating to school district reports concerning corporal punishment and the issuance of citations by a peace officer.

The motion prevailed.

Senators Hancock, Nichols, and Paxton 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: Hancock, Nichols, Paxton

**COMMITTEE SUBSTITUTE
SENATE BILL 1304 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 1304** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Birdwell, Campbell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Garcia, Hegar, Hinojosa, Huffman, Lucio, Nelson, Patrick, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Hancock, Nichols, Paxton.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3. (Same as previous roll call)

HOUSE BILL 740 ON SECOND READING

On motion of Senator Deuell and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 740** at this time on its second reading:

HB 740, Relating to newborn screening for critical congenital heart disease and other disorders.

The bill was read second time.

Senator Deuell offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 740** by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. This Act shall be known as the Taryn Kennedy, Nash Sievers, and Rex Van de Putte Act.

The amendment to **HB 740** 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.

On motion of Senator Deuell and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 740 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 740 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 **HB 740** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

LEAVE OF ABSENCE

On motion of Senator Whitmire, Senator Williams was granted leave of absence for the remainder of the day on account of important business.

HOUSE BILL 1844 ON SECOND READING

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1844** at this time on its second reading:

HB 1844, Relating to the official name of The University of Texas Southwestern Medical Center.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Absent-excused: Williams.

HOUSE BILL 1844 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1844** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Williams.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

HOUSE JOINT RESOLUTION 79 ON SECOND READING

On motion of Senator Birdwell and by unanimous consent, the regular order of business was suspended to take up for consideration **HJR 79** at this time on its second reading:

HJR 79, Proposing a constitutional amendment to eliminate an obsolete requirement for a State Medical Education Board and a State Medical Education Fund.

The resolution was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Absent-excused: Williams.

HOUSE JOINT RESOLUTION 79 ON THIRD READING

Senator Birdwell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HJR 79** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Williams.

The resolution was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

HOUSE BILL 1061 ON SECOND READING

On motion of Senator Birdwell and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1061** at this time on its second reading:

HB 1061, Relating to the repeal of the statutory authority for the State Medical Education Board.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Absent-excused: Williams.

HOUSE BILL 1061 ON THIRD READING

Senator Birdwell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1061** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Williams.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

HOUSE BILL 2311 ON SECOND READING

Senator Schwertner moved to suspend the regular order of business to take up for consideration **HB 2311** at this time on its second reading:

HB 2311, Relating to an animal identification program.

The motion prevailed.

Senators Nelson and Uresti 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 third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Nelson, Uresti.

Absent-excused: Williams.

HOUSE BILL 2311 ON THIRD READING

Senator Schwertner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2311** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Birdwell, Campbell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Garcia, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nichols, Patrick, Paxton, Rodríguez, Schwertner, Seliger, Taylor, Van de Putte, Watson, West, Whitmire, Zaffirini.

Nays: Nelson, Uresti.

Absent-excused: Williams.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 2. (Same as previous roll call)

REMARKS ORDERED PRINTED

On motion of Senator Watson and by unanimous consent, the remarks by Senators Watson and Schwertner regarding **HB 2311** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Watson: Thank you, Senator, for a couple of things. One, for yielding, but also I think it's important for people to know that you had a Senate Bill that was the companion to this House Bill. You had had it on local and uncontested. You agreed to pull it off of local and uncontested and wait on this bill so that we could have this kind of conversation about the bill. And I want everybody to know that I appreciate that you did this at my request. As we discussed, I represent a number of small-scale farmers and backyard poultry owners and have heard from a number of them that have great concern and fear about this bill and what the bill may be intended to do or may not be intended to do. I'm worried that there is some confusion, so I wanted to ask you a few questions about your bill for the purpose of making sure we have clarification of legislative intent and that we are very clear about what this bill actually does and what it does not do, so that we can also be instructive to the agency.

Senator Schwertner: Absolutely. Please, absolutely.

Senator Watson: First, in your layout you used a phrase that I think is important. You indicated that it would allow for identification only in specific animal diseases. Could you repeat that and explain what you mean by that?

Senator Schwertner: Yes, Sir. It only allows for animal traceability for specific animal disease or for animal emergency management. Currently in statute, Members, the current statute allows for other commissioned programs, and this bill strikes that language in current statute allowing, again, only for control of animal disease or emergency management.

Senator Watson: In a specific instance of animal disease—

Senator Schwertner: That is correct.

Senator Watson: So, does your bill require identification of chickens that remain entirely in the State of Texas?

Senator Schwertner: No, Sir. It does not.

Senator Watson: What about pigs, goats, or sheep that are owned by local farmers?

Senator Schwertner: No, Sir. This is not about animal ID. This is about animal disease traceability in certain disease situations.

Senator Watson: So, the bill does not allow or require that there be identification for chickens that remain entirely in Texas or pigs, goats, or sheep that are owned by local farmers.

Senator Schwertner: That is correct, it does not.

Senator Watson: If an animal is raised for slaughter and is not transported over state lines, would this bill require their identification?

Senator Schwertner: No, Sir, it does not.

Senator Watson: If an individual owns chickens to have eggs, will your bill require the identification of those chickens?

Senator Schwertner: No, Sir, it does not.

Senator Watson: Would it require or allow for there to be leg bands put on those chickens, if somebody owns chickens, say, in their yard to have eggs, would it require leg bands for those chickens?

Senator Schwertner: This bill does not require leg bands on chickens.

Senator Watson: Does your bill give the Texas Animal Health Commission the authority to require the identification or leg bands on chickens?

Senator Schwertner: Senator, currently the Texas Animal Health Commission has the authority in Chapter 161 for a number of reasons, but this limits the authority only to, again, specific disease or to control animal or emergency conditions. This limits the Animal Health Commission and restricts their authority in reference to traceability.

Senator Watson: So, what you're saying is, it does not give them the authority to require there be leg bands on poultry unless there is a specific animal disease or an emergency.

Senator Schwertner: You said it better than I did. Yes, Sir.

Senator Watson: In fact, your intent is to not allow that to happen. Is that correct?

Senator Schwertner: That is correct. I would like to see our producers to have further freedoms and less restriction from the Animal Health Commission, and this bill takes a step forward in that direction.

Senator Watson: You indicated that part of your reason for the bill is to avoid unnecessary regulation. If the agency were to start adopting rules that would allow for identification or leg bands without a specific emergency or specific animal disease, you would consider that to be unnecessary regulations and—

Senator Schwertner: I would. I'd be speaking to Dr. Ellis pretty quickly about it.

Senator Watson: Very good. In your opinion, does the Animal Health Commission have the resources to require identification of animals like backyard chicken owners?

Senator Schwertner: No, Sir. They need to be concentrated on animal disease and management of disease outbreak and not tagging chickens or other interferences with our small producers.

Senator Watson: Thank you very much, Senator. These are some of the concerns I am hearing from my district, and I wanted to have some clarity about your intent for the record.

**COMMITTEE SUBSTITUTE
SENATE BILL 1512 ON SECOND READING**

The Presiding Officer laid before the Senate **CSSB 1512** by Senator Ellis on its second reading. The bill had been read second time and further consideration temporarily postponed:

CSSB 1512, Relating to the confidentiality of certain crime scene photographs and video recordings; providing a criminal penalty.

Question—Shall **CSSB 1512** be passed to engrossment?

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1512** by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter C, Chapter 552, Government Code, is amended by adding Section 552.1085 to read as follows:

Sec. 552.1085. CONFIDENTIALITY OF SENSITIVE CRIME SCENE IMAGE. (a) In this section:

(1) "Deceased person's next of kin" means:

(A) the surviving spouse of the deceased person;

(B) if there is no surviving spouse of the deceased, an adult child of the deceased person; or

(C) if there is no surviving spouse or adult child of the deceased, a parent of the deceased person.

(2) "Defendant" means a person being prosecuted for the death of the deceased person or a person convicted of an offense in relation to that death and appealing that conviction.

(3) "Expressive work" means:

(A) a fictional or nonfictional entertainment, dramatic, literary, or musical work that is a play, book, article, musical composition, audiovisual work, radio or television program, work of art, or work of political, educational, or newsworthy value;

(B) a work the primary function of which is the delivery of news, information, current events, or other matters of public interest or concern; or

(C) an advertisement or commercial announcement of a work described by Paragraph (A) or (B).

(4) "Local governmental entity" means a county, municipality, school district, charter school, junior college district, or other political subdivision of this state.

(5) "Public or private institution of higher education" means:

(A) an institution of higher education, as defined by Section 61.003, Education Code; or

(B) a private or independent institution of higher education, as defined by Section 61.003, Education Code.

(6) "Sensitive crime scene image" means a photograph or video recording taken at a crime scene, contained in or part of a closed criminal case, that depicts a deceased person in a state of dismemberment, decapitation, or similar mutilation or that depicts the deceased person's genitalia.

(7) "State agency" means a department, commission, board, office, or other agency that is a part of state government and that is created by the constitution or a statute of this state. The term includes an institution of higher education as defined by Section 61.003, Education Code.

(b) For purposes of this section, an Internet website, the primary function of which is not the delivery of news, information, current events, or other matters of public interest or concern, is not an expressive work.

(c) A sensitive crime scene image in the custody of a governmental body is confidential and excepted from the requirements of Section 552.021 and a governmental body may not permit a person to view or copy the image except as provided by this section. This section applies to any sensitive crime scene image regardless of the date that the image was taken or recorded.

(d) Notwithstanding Subsection (c) and subject to Subsection (e), the following persons may view or copy information that constitutes a sensitive crime scene image from a governmental body:

(1) the deceased person's next of kin;

(2) a person authorized in writing by the deceased person's next of kin;

(3) a defendant or the defendant's attorney;

(4) a person who establishes to the governmental body an interest in a sensitive crime scene image that is based on, connected with, or in support of the creation, in any medium, of an expressive work;

(5) a person performing bona fide research sponsored by a public or private institution of higher education with approval of a supervisor of the research or a supervising faculty member;

(6) a state agency;

(7) an agency of the federal government; or

(8) a local governmental entity.

(e) This section does not prohibit a governmental body from asserting an exception to disclosure of a sensitive crime scene image to a person identified in Subsection (d) on the grounds that the image is excepted from the requirements of Section 552.021 under another provision of this chapter or another law.

(f) Not later than the 10th business day after the date a governmental body receives a request for a sensitive crime scene image from a person described by Subsection (d)(4) or (5), the governmental body shall notify the deceased person's next of kin of the request in writing. The notice must be sent to the next of kin's last known address.

(g) A governmental body that receives a request for information that constitutes a sensitive crime scene image shall allow a person described in Subsection (d) to view or copy the image not later than the 10th business day after the date the governmental

body receives the request unless the governmental body files a request for an attorney general decision under Subchapter G regarding whether an exception to public disclosure applies to the information.

SECTION 2. (a) The change in law made by this Act applies only to the disclosure or copying of a sensitive crime scene image on or after September 1, 2013.

(b) The disclosure or copying of a sensitive crime scene image before September 1, 2013, is covered by the law in effect when the image was disclosed or copied, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2013.

The amendment to **CSSB 1512** 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: Williams.

On motion of Senator Ellis and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1512 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: Williams.

COMMITTEE SUBSTITUTE SENATE BILL 1512 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 1512** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Patrick.

Absent-excused: Williams.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 1871 ON SECOND READING

Senator Estes moved to suspend the regular order of business to take up for consideration **CSSB 1871** at this time on its second reading:

CSSB 1871, Relating to eligibility for burial in the state cemetery.

The motion prevailed.

Senators Patrick and Schwertner 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, Schwertner.

Absent-excused: Williams.

COMMITTEE SUBSTITUTE SENATE BILL 1871 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 1871** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Birdwell, Campbell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Garcia, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Paxton, Rodríguez, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Nays: Patrick, Schwertner.

Absent-excused: Williams.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 2. (Same as previous roll call)

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate Blake W. Clemens, Addison Mayor Pro Tempore, and Neil Resnik, Addison Councilmember.

The Senate welcomed its guests.

HOUSE BILL 839 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 839** at this time on its second reading:

HB 839, Relating to the powers, duties, and compensation of the board of directors of the Duval County Groundwater Conservation District.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Absent-excused: Williams.

HOUSE BILL 839 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 **HB 839** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Williams.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATOR ANNOUNCED PRESENT

Senator Williams, who had previously been recorded as "Absent-excused," was announced "Present."

COMMITTEE SUBSTITUTE HOUSE BILL 1738 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1738** at this time on its second reading:

CSHB 1738, Relating to the emergency detention by a peace officer of a person who may have mental illness, including information provided to the person subject to detention and a standard form of notification of detention to be provided to a facility by a peace officer.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

COMMITTEE SUBSTITUTE HOUSE BILL 1738 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 **CSHB 1738** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 1106 ON SECOND READING

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1106** at this time on its second reading:

HB 1106, Relating to the identification and operation of vessels in the waters of this state; authorizing a change in fees.

The bill was read second time.

Senator Estes offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1106** (senate committee report) as follows:

(1) Strike SECTION 5 of the bill (page 1, line 59, through page 2, line 27) and renumber subsequent SECTIONS of the bill accordingly.

(2) Strike the recital to SECTION 6 of the bill (page 2, lines 28 and 29), and substitute the following:

Section 31.047(b), Parks and Wildlife Code, is amended to read as follows:

(3) In SECTION 6 of the bill, in amended Section 31.047, Parks and Wildlife Code (page 2), strike lines 49 through 56.

The amendment to **HB 1106** 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.

On motion of Senator Estes and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 1106 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 1106 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 **HB 1106** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 1768 ON SECOND READING

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1768** at this time on its second reading:

HB 1768, Relating to identification requirements for certain fire hydrants and flush valves.

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1768** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in amended Section 341.0357, Health and Safety Code (page 1, lines 45 and 58, and page 2, lines 4-5, 12, 19, 27, 42, 45, and 47-48), strike "water utility" each place it appears and substitute "public water system".

(2) In SECTION 2 of the bill, in the transition language (page 2, lines 50-51), strike "water utility" and substitute "public water system".

The amendment to **HB 1768** 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.

On motion of Senator Hinojosa and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 1768 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 1768 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 **HB 1768** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 1238 ON SECOND READING

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1238** at this time on its second reading:

HB 1238, Relating to the designation of a portion of U.S. Highway 287 in Sherman and Dallam Counties as the Trooper Bobby Steve Booth Memorial Highway.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 1238 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 **HB 1238** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 1717 ON SECOND READING

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1717** at this time on its second reading:

HB 1717, Relating to the continuation and functions of the Texas Board of Architectural Examiners; changing certain fees.

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1717** (senate committee printing) in SECTION 3 of the bill, in proposed Section 1051.351(c-1), Occupations Code (page 1), as follows:

- (1) On line 58, strike each instance of "2016" and substitute "2017".
- (2) On line 60, strike "September 1, 2013" and substitute "January 1, 2014".

(3) On line 61, strike "2018" and substitute "2019".

The amendment to **HB 1717** 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.

On motion of Senator Nichols and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 1717 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 1717 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 **HB 1717** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 525 ON SECOND READING

On motion of Senator Fraser and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 525** at this time on its second reading:

HB 525, Relating to the collection of data relating to military-connected students through the Public Education Information Management System (PEIMS).

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 525 ON THIRD READING

Senator Fraser moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 525** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE HOUSE BILL 857 ON SECOND READING

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 857** at this time on its second reading:

CSHB 857, Relating to the frequency of water audits by certain retail public utilities.

The bill was read second time.

Senator Nichols offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 857** in SECTION 1 of the bill, in amended Section 16.0121(b-1), Water Code (page 1, lines 34-35), by striking "and is serving a population of 3,300 or less" and substituting "and is providing service to 3,300 or fewer connections".

The amendment to **CSHB 857** was read.

Senator Ellis offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 2

Amend Floor Amendment No. 1 to **CSHB 857** (senate committee printing) as follows by adding the following sections:

___ In SECTION 1 of the bill, page 1, line 26, after "Sections 16.0121(b)", delete ", (b-1), and (c)" and insert "and (b-1)".

___ In SECTION 1 of the bill, page 1, strike lines 38-50.

The amendment to Floor Amendment No. 1 to **CSHB 857** 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.

Question recurring on the adoption of Floor Amendment No. 1 to **CSHB 857**, the amendment as amended was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 as amended.

On motion of Senator Ellis and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSHB 857 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

**COMMITTEE SUBSTITUTE
HOUSE BILL 857 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 **CSHB 857** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**HOUSE BILL 2732 REREFERRED
(Motion In Writing)**

Senator Carona submitted a Motion In Writing requesting that **HB 2732** be withdrawn from the Committee on Business and Commerce and rereferred to the Committee on State Affairs.

The Motion In Writing prevailed without objection.

HOUSE BILL 752 ON SECOND READING

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 752** at this time on its second reading:

HB 752, Relating to the types of entities that are considered municipal water suppliers for purposes of the law governing the effect of the subdivision of certain land on certain irrigation water rights.

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 752** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Subchapter O, Chapter 49, Water Code, is amended by adding Section 49.513 to read as follows:

Sec. 49.513. ELECTION BY CERTAIN MUNICIPAL WATER SUPPLIERS TO RECEIVE WATER BY ALTERNATIVE METHOD OF DELIVERY. (a) This section applies only to a municipal water supplier that:

(1) provides service to a municipality that:

(A) has a population of 115,000 or more; and

(B) is located in a county that is adjacent to an international border; and

(2) is the source of at least 70 percent of the total revenue received by a district from the diversion of raw water during the preceding year.

(b) A municipal water supplier may elect to have water that is held by a district for use by the municipal water supplier under a water right administered by the commission and as to which a municipality has priority of allocation delivered to the municipal water supplier for the municipal water supplier's diversion and use by another supplier that has the physical capability to deliver the water if:

(1) the governor has declared, as a result of a drought, a state of disaster under Section 418.014, Government Code, for a county in which the municipal water supplier making the election is located; or

(2) the United States' share of water storage in the Amistad-Falcon reservoir system is less than 50 percent of its total capacity.

(c) A municipal water supplier may elect to receive water by an alternative means of delivery and divert the water under Subsection (b) for a period not to exceed two years after the date the election is made.

(d) The commission shall, if necessary, amend a water right to authorize the delivery to and the diversion and use of water by a municipal water supplier under Subsection (b).

(e) An event described by Subsection (b)(1) or (2) is considered to be an impairment of the public safety and welfare of a municipal water supplier.

(f) The obligations of a municipal water supplier to a district under a water supply or delivery contract involving municipal water supplies described by this section are abated following an election by the municipal water supplier under Subsection (b) during the period the election is in effect.

(g) For the purposes of a complaint filed by a municipal water supplier under Section 11.041, 12.013, or 13.043(f) that contests the contractual water and transportation rates charged to the municipal water supplier by a district, the municipal water supplier is considered to have shown that the protested rate adversely affects the public interest if the municipal water supplier presents prima facie evidence in the complaint that the district:

(1) has increased the rates charged to the municipal water supplier by 15 percent or more in the three years preceding the date the complaint is filed; or

(2) is charging rates for goods or services that are not related to the transportation and delivery of water to the municipal water supplier.

(h) On timely filing of a complaint described by Subsection (g), the commission shall refer the complaint to the State Office of Administrative Hearings to review the protested rate. The district has the burden of proof at a hearing on the complaint to establish, under applicable commission rules:

(1) the reasonableness of the district's rates; and

(2) that the rates conform with accepted ratemaking principles.

The amendment to **HB 752** 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.

On motion of Senator Hinojosa and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 752 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 752 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 **HB 752** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE RULES SUSPENDED

(Posting Rules)

On motion of Senator Nelson and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Health and Human Services might meet and consider **HB 1741** tomorrow.

SENATE RULES SUSPENDED

(Posting Rules)

On motion of Senator Patrick and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Education might meet and consider **HB 2549** today.

NOMINATION RETURNED

On motion of Senator Hegar and by unanimous consent, the Senate agreed to grant the request of the Governor to return the following nomination:

Member, Board of Directors, Trinity River Authority: Harold Jenkins, Dallas County.

SENATE RULES SUSPENDED (Posting Rules)

On motion of Senator Fraser and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Natural Resources might meet and consider the following bills today: **HB 2982, HB 2290.**

SENATE RULES SUSPENDED (Posting Rules)

On motion of Senator Estes and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Agriculture, Rural Affairs and Homeland Security might meet and consider the following bills today: **HB 1241, HB 1819, HB 2649, HB 3279.**

RECESS

On motion of Senator West, the Senate at 12:54 p.m. recessed until 1:30 p.m. today.

AFTER RECESS

The Senate met at 1:54 p.m. and was called to order by Senator Eltife.

COMMITTEE SUBSTITUTE SENATE BILL 1459 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 1459** at this time on its second reading:

CSSB 1459, Relating to the powers and duties of and contributions to and benefits from the systems and programs administered by the Employees Retirement System of Texas.

The bill was read second time.

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1459** (senate committee printing) as follows:

(1) In SECTION 15 of the bill, strike amended Section 815.402(a)(1), Government Code (page 4, lines 32-43), and substitute the following:

(1) 7.5 ~~[6.5]~~ percent of the compensation if the member is not a member of the legislature~~], provided that if the state contribution to the retirement system is computed using a percentage less than 6.5 percent, the member's contribution is computed using a percentage equal to the percentage used to compute the state contribution, which may not be less than six percent];~~ or

(2) In SECTION 24 of the bill, strike the list of provisions that are repealed under Subsections (a)(1) and (2) and (b) of that section (page 6, lines 17-27), and substitute the following:

- (1) Section 76.006(i);
- (2) Section 606.030(f);
- (3) Sections 813.509(d) and (e);
- (4) Sections 813.511(d) and (e);
- (5) Section 814.105(c);
- (6) Section 814.1075; and
- (7) Section 840.401.

(b) Section 1551.321, Insurance Code, is repealed.

(3) Strike SECTION 25 of the bill (page 6, lines 28-54), and substitute the following:

SECTION 25. The changes in law made by this Act to Sections 661.091, 813.509, 813.511, 814.105, and 814.107, Government Code, apply only to a person who is hired on or after September 1, 2013, to work in a position that requires membership in the Employees Retirement System of Texas. A person hired before September 1, 2013, to work in a position that requires membership in the Employees Retirement System of Texas is subject to those laws as they existed immediately before that date, and the former law is continued in effect for that purpose.

(4) In SECTION 28 of the bill, strike the effective date provisions in Subsections (c) and (d) of that section (page 7, lines 3-12), and substitute the following:

(c) The changes in law made by this Act to Section 1551.1055, Insurance Code, take effect September 1, 2014.

(d) Section 1551.3196, Insurance Code, as added by this Act, takes effect September 1, 2014.

(5) Add the following appropriately numbered SECTION to the bill:

SECTION _____. Subchapter E, Chapter 815, Government Code, is amended by adding Section 815.4035 to read as follows:

Sec. 815.4035. COLLECTION OF STATE RETIREMENT CONTRIBUTION.

(a) Except as provided by Section 813.201, the board of trustees shall assess each employer whose employees are members of the retirement system a state retirement contribution in an amount equal to 0.5 percent of the employer's total payroll, as determined by the General Appropriations Act.

(b) The board of trustees shall deposit the state retirement contribution to the credit of the trust fund established by Section 815.310 to be used for the purposes specified by Section 815.103.

(6) Renumber the SECTIONS of the bill appropriately.

The amendment to **CSSB 1459** was read.

Senator Watson offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 2

Amend Floor Amendment No. 1 by Duncan amending **CSSB 1459** by striking item (1) and substituting the following:

(1) In SECTION 15 of the bill, strike amended Section 815.402(a), Government Code (page 4, lines 29 through 45), and substitute the following:

(a) Except as provided by Section 813.201, each payroll period, each department or agency of the state shall cause to be deducted from each member's compensation a contribution of:

(1) 6.6 [6.5] percent of the compensation if the member is not a member of the legislature, for service rendered after August 31, 2013, and before September 1, 2014;

(2) 6.9 percent of the compensation if the member is not a member of the legislature, for service rendered after August 31, 2014, and before September 1, 2015;

(3) 7.2 percent of the compensation if the member is not a member of the legislature, for service rendered after August 31, 2015, and before September 1, 2016;

(4) 7.5 percent of the compensation if the member is not a member of the legislature, for service rendered after August 31, 2016; or

(5) for service rendered on or after September 1, 2017, the lesser of:

(A) 7.5 percent of the member's annual compensation; or

(B) a percentage of the member's annual compensation equal to 7.5 percent reduced by one-tenth of one percent for each one-tenth of one percent that the state contribution rate for the fiscal year to which the service relates, is less than the state contribution rate established for the 2015 fiscal year [provided that if the state contribution to the retirement system is computed using a percentage less than 6.5 percent, the member's contribution is computed using a percentage equal to the percentage used to compute the state contribution, which may not be less than six percent]; or

(6) ~~(2)~~ eight percent of the compensation if the member is a member of the legislature.

The amendment to Floor Amendment No. 1 to **CSSB 1459** 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.

Question recurring on the adoption of Floor Amendment No. 1 to **CSSB 1459**, the amendment as amended was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 as amended.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 1459** (senate committee printing) by striking SECTION 27 of the bill (page 6, lines 60-66), and substituting the following:

SECTION 27. Section 1551.3196, Insurance Code, as added by this Act, applies only to an individual who does not have 5 years of eligible service credit on September 1, 2014. An individual who has at least 5 years of eligible service credit, or is participating in the group benefits program as a retiree, on that date is governed by the law in effect on August 31, 2014, and the former law is continued in effect for that purpose.

The amendment to **CSSB 1459** 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.

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 1459** (senate committee printing) by adding the following appropriately numbered SECTIONS, and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 840.102(a), Government Code, is amended to read as follows:

(a) Except as provided by Subsections (g) and (h), each payroll period, a judicial officer who is a member of the retirement system is required to contribute 6.6 [six] percent of the officer's state compensation [for the period to the retirement system] for service rendered after August 31, 2013, and before September 1, 2014;

(2) 6.9 percent of the officer's state compensation for service rendered after August 31, 2014, and before September 1, 2015;

(3) 7.2 percent of the officer's state compensation for service rendered after August 31, 2015, and before September 1, 2016;

(4) 7.5 percent of the officer's state compensation for service rendered after August 31, 2016; or

(5) for service rendered on or after September 1, 2017, the lesser of:

(A) 7.5 percent of the officer's state compensation; or

(B) a percentage of the officer's state compensation equal to 7.5 percent reduced by one-tenth of one percent for each one-tenth of one percent that the state contribution rate for the fiscal year to which the service relates, is less than the state contribution rate established for the 2015 fiscal year

SECTION _____. Section 840.102(a), as amended by this Act, takes effect September 1, 2013.

The amendment to **CSSB 1459** 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.

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 5

Amend **CSSB 1459** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Notwithstanding any other law, for the 2014-2015 state fiscal biennium, it is the intent of the legislature that all state retirement assets and liabilities attributable to members and retirees of the law enforcement and custodial officer supplemental retirement fund be measured and accounted for in aggregate and separately from the retirement assets and liabilities attributable to members and retirees in any other retirement plan for purposes of determining an actuarially required contribution or making any other actuarial calculation.

(b) For purposes of Section 811.006, Government Code, the law enforcement and custodial officer supplemental retirement fund shall be considered a part of the retirement system, as that term is defined by Section 811.001(15), Government Code, and shall be subject to all other provisions of Subtitle B, Title 8, Government Code, that do not directly conflict with Subsection (a) of this section.

(c) The board of trustees of the Employees Retirement System of Texas may adopt rules necessary to implement or administer this section.

The amendment to **CSSB 1459** 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.

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 6

Amend **CSSB 1459** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. The Employees Retirement System of Texas shall conduct an interim study on the feasibility of adding custodial officers employed by the Texas Juvenile Justice Department to the class of employees eligible to participate in the law enforcement and custodial officer supplemental retirement fund as custodial officers. Not later than September 1, 2014, the retirement system shall report the findings of the study to the governor, the lieutenant governor, the speaker of the house of representatives, and each senate and house committee that has jurisdiction over the retirement system.

The amendment to **CSSB 1459** 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.

On motion of Senator Duncan and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1459 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1459 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 1459** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 458 ON SECOND READING

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 458** at this time on its second reading:

HB 458, Relating to eligibility requirements for a residential fire alarm training school instructor.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 458 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 **HB 458** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 822 WITH HOUSE AMENDMENT

Senator Schwertner called **SB 822** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 822** (house committee printing) as follows:

(1) On page 2, between lines 11 and 12, insert the following subparagraph, appropriately numbered, and renumber subsequent subparagraphs accordingly:

() a physician assistant;

(2) On page 8, line 18, strike "of" and substitute "to".

(3) On page 8, line 18, after the period, add:

The prior adequate notification may be provided in the written format specified by a provider network contract subject to this chapter.

(4) On page 8, between lines 18 and 19, insert the following subsection, appropriately lettered, and reletter subsequent subsections and cross-references to those subsections accordingly:

() A contracting entity may not provide a person access to health care services or contractual discounts under a provider network contract unless the provider network contract specifically states that the contracting entity may contract with a person to provide access to the contracting entity's rights and responsibilities under the provider network contract.

(5) On page 8, line 26, between "specify" and "a separate", insert "or reference".

(6) On page 9, lines 16-17, strike "to the provider".

The amendment was read.

Senator Schwertner moved to concur in the House amendment to **SB 822**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 567 WITH HOUSE AMENDMENTS

Senator Watson called **SB 567** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

Floor Amendment No. 1

Amend **SB 567** (house committee report) as follows:

(1) On page 62, line 18, between "unless the" and "commission has", insert "utility".

(2) Strike "Sections 11.041 and 12.013" and substitute "Section 12.013" in the following places:

- (A) page 110, lines 19 and 20;
- (B) page 111, line 20;
- (C) page 111, line 25;
- (D) page 112, line 12; and
- (E) page 114, line 3.

(3) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS accordingly:

SECTION _____. Section 8803.151(1), Special District Local Laws Code, is amended to read as follows:

(1) "Commission" means the Public Utility Commission of Texas [~~Commission on Environmental Quality~~].

SECTION _____. Section 8808.151(1), Special District Local Laws Code, is amended to read as follows:

(1) "Commission" means the Public Utility Commission of Texas [~~Commission on Environmental Quality~~].

Floor Amendment No. 1 on Third Reading

Amend **SB 567** on third reading as follows:

(1) Strike SECTION 30 (house committee printing), amending Section 13.144, Water Code, and substitute the following appropriately numbered SECTION:

SECTION _____. Section 13.144, Water Code, is amended to read as follows:

Sec. 13.144. NOTICE OF WHOLESALE WATER SUPPLY CONTRACT. A district or authority created under Section 52, Article III, or Section 59, Article XVI, Texas Constitution, a retail public utility, a wholesale water service, or other person providing a retail public utility with a wholesale water supply shall provide the utility commission and the commission with a certified copy of any wholesale water supply contract with a retail public utility within 30 days after the date of the execution of the contract. The submission must include the amount of water being supplied, term of the contract, consideration being given for the water, purpose of use, location of use, source of supply, point of delivery, limitations on the reuse of water, a disclosure of any affiliated interest between the parties to the contract, and any other condition or agreement relating to the contract.

(2) Insert the following appropriately numbered SECTIONS and renumber subsequent SECTIONS accordingly:

SECTION _____. Section 13.139(b), Water Code, is amended to read as follows:

(b) The governing body of a municipality, as the regulatory authority for public utilities operating within its corporate limits, and the utility commission or the commission as the regulatory authority for public utilities operating outside the corporate limits of any municipality, after reasonable notice and hearing on its own motion, may:

(1) ascertain and fix just and reasonable standards, classifications, regulations, service rules, minimum service standards or practices to be observed and followed with respect to the service to be furnished;

(2) ascertain and fix adequate and reasonable standards for the measurement of the quantity, quality, pressure, or other condition pertaining to the supply of the service;

(3) prescribe reasonable regulations for the examination and testing of the service and for the measurement of service; and

(4) establish or approve reasonable rules, regulations, specifications, and standards to secure the accuracy of all meters, instruments, and equipment used for the measurement of any utility service.

SECTION _____. Section 13.1395, Water Code, is amended by adding Subsection (m) to read as follows:

(m) The commission shall coordinate with the utility commission in the administration of this section.

The amendments were read.

Senator Watson moved to concur in the House amendments to **SB 567**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 1600 ADOPTED

Senator Nichols called from the President's table the Conference Committee Report on **HB 1600**. The Conference Committee Report was filed with the Senate on Wednesday, May 8, 2013.

On motion of Senator Nichols, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

BILLS AND RESOLUTIONS SIGNED

The Presiding Officer, Senator Eltife in Chair, announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

SB 181, SB 233, SB 245, SB 274, SB 350, SB 376, SB 487, SB 610, SB 620, SB 651, SB 654, SB 661, SB 670, SB 696, SB 727, SB 748, SB 821, SB 860, SB 864, SB 878, SB 887, SB 984, SB 1004, SB 1093, SB 1133, SB 1191, SB 1212, SB 1300, SB 1360, SB 1427, SB 1538, SB 1589, SB 1814, SB 1889, SCR 35, HB 13, HB 487, HB 597, HB 1164, HB 1186, HB 1271, HB 1325, HB 1422, HB 1493, HB 1521, HB 1642, HB 1685, HB 1994, HB 2623, HCR 54.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read first time and referred to the committees indicated:

- HB 16** to Committee on Open Government.
- HB 97** to Committee on Finance.
- HB 133** to Committee on Criminal Justice.
- HB 259** to Committee on State Affairs.
- HB 315** to Committee on Finance.
- HB 382** to Committee on State Affairs.
- HB 774** to Committee on Higher Education.
- HB 1357** to Committee on Intergovernmental Relations.
- HB 1361** to Committee on Natural Resources.
- HB 1382** to Committee on Agriculture, Rural Affairs and Homeland Security.
- HB 1398** to Committee on State Affairs.
- HB 1829** to Committee on Health and Human Services.
- HB 1951** to Committee on Agriculture, Rural Affairs and Homeland Security.
- HB 2234** to Committee on Transportation.
- HB 2314** to Committee on Finance.
- HB 2419** to Committee on Finance.
- HB 2423** to Committee on Transportation.
- HB 2518** to Committee on Finance.
- HB 2570** to Committee on State Affairs.
- HB 2625** to Committee on Health and Human Services.
- HB 2767** to Committee on Natural Resources.
- HB 2971** to Committee on Natural Resources.
- HB 3029** to Committee on Business and Commerce.
- HB 3158** to Committee on Health and Human Services.
- HB 3227** to Committee on State Affairs.
- HB 3399** to Committee on Health and Human Services.
- HB 3437** to Committee on Finance.
- HB 3442** to Committee on Finance.
- HB 3476** to Committee on State Affairs.
- HB 3573** to Committee on Education.
- HB 3597** to Committee on Natural Resources.
- HB 3643** to Committee on Economic Development.
- HB 3739** to Committee on Intergovernmental Relations.
- HB 3769** to Committee on Intergovernmental Relations.
- HB 3793** to Committee on Intergovernmental Relations.
- HB 3952** to Committee on Criminal Justice.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Estes and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Agriculture, Rural Affairs and Homeland Security might meet and consider **HB 912** today.

SENATE BILL 1546 WITH HOUSE AMENDMENTS
(Motion In Writing)

Senator Eltife submitted a Motion In Writing to call **SB 1546** from the President's table for consideration of the House amendments to the bill.

The Motion In Writing prevailed without objection.

The Presiding Officer laid the bill and the House amendments before the Senate.

Floor Amendment No. 1

Amend **SB 1546** (house committee printing) on page 3 of the bill as follows:

- (1) On line 8, strike "increase" and substitute "make".
- (2) On line 11, strike "seven" and substitute "six".

Floor Amendment No. 1 on Third Reading

Amend **SB 1546** on third reading, in SECTION 1 of the bill, by striking added Subsections (i) and (j), Section 442.015, Government Code, as amended by Floor Amendment No. 1 by Orr, and substituting the following:

(i) The amount of a distribution shall be determined by the comptroller in a manner intended to provide a stable and predictable stream of annual distributions and to maintain over time the purchasing power of account investments and annual distributions from the account. If the purchasing power of account investments for any 10-year period is not preserved, the comptroller may not make annual distributions from the account until the purchasing power of account investments is restored.

(j) An annual distribution made by the comptroller from the account during a fiscal year may not exceed an amount equal to six percent of the average net fair market value of the investment assets of the account as determined by the comptroller.

The amendments were read.

Senator Eltife moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 1546** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Eltife, Chair; Taylor, Watson, Seliger, and Zaffirini.

SENATE RULE 11.10(a) SUSPENDED
(Public Notice of Committee Meetings)

On motion of Senator Hegar and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Finance might meet today.

SENATE RULE 11.10(a) SUSPENDED
(Public Notice of Committee Meetings)

On motion of Senator Hegar and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Finance Subcommittee on Fiscal Matters might meet 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 RULE 11.10(a) SUSPENDED
(Public Notice of Committee Meetings)

On motion of Senator Hinojosa and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Intergovernmental Relations might meet today.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Carona and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Business and Commerce might meet and consider **HB 1183** today.

CO-AUTHORS OF SENATE BILL 1459

On motion of Senator Duncan, Senators Davis, Watson, and West will be shown as Co-authors of **SB 1459**.

CO-AUTHOR OF SENATE BILL 1700

On motion of Senator Taylor, Senator Hinojosa will be shown as Co-author of **SB 1700**.

CO-AUTHOR OF SENATE BILL 1920

On motion of Senator Hinojosa, Senator Lucio will be shown as Co-author of **SB 1920**.

CO-SPONSOR OF HOUSE BILL 15

On motion of Senator Nelson, Senator West will be shown as Co-sponsor of **HB 15**.

CO-SPONSOR OF HOUSE BILL 78

On motion of Senator Eltife, Senator Nelson will be shown as Co-sponsor of **HB 78**.

CO-SPONSOR OF HOUSE BILL 248

On motion of Senator Ellis, Senator Garcia will be shown as Co-sponsor of **HB 248**.

CO-SPONSOR OF HOUSE BILL 525

On motion of Senator Fraser, Senator Rodríguez will be shown as Co-sponsor of **HB 525**.

CO-SPONSORS OF HOUSE BILL 740

On motion of Senator Deuell, Senators Campbell, Davis, Estes, Hinojosa, Huffman, Nelson, Watson, West, and Williams will be shown as Co-sponsors of **HB 740**.

CO-SPONSOR OF HOUSE BILL 915

On motion of Senator Nelson, Senator West will be shown as Co-sponsor of **HB 915**.

CO-SPONSOR OF HOUSE BILL 1690

On motion of Senator Nelson, Senator West will be shown as Co-sponsor of **HB 1690**.

CO-SPONSOR OF HOUSE BILL 2254

On motion of Senator Van de Putte, Senator Davis will be shown as Co-sponsor of **HB 2254**.

CO-SPONSOR OF HOUSE BILL 2256

On motion of Senator Watson, Senator Zaffirini will be shown as Co-sponsor of **HB 2256**.

CO-SPONSOR OF HOUSE BILL 2304

On motion of Senator Watson, Senator Zaffirini will be shown as Co-sponsor of **HB 2304**.

CO-SPONSOR OF HOUSE BILL 2673

On motion of Senator Nelson, Senator West will be shown as Co-sponsor of **HB 2673**.

CO-SPONSOR OF HOUSE BILL 2836

On motion of Senator Patrick, Senator Nelson will be shown as Co-sponsor of **HB 2836**.

CO-SPONSOR OF HOUSE BILL 3559

On motion of Senator Eltife, Senator Zaffirini will be shown as Co-sponsor of **HB 3559**.

CO-SPONSOR OF HOUSE CONCURRENT RESOLUTION 55

On motion of Senator Hinojosa, Senator Zaffirini will be shown as Co-sponsor of **HCR 55**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 851 by Van de Putte, In memory of Gary Lynn Shaner.

SR 854 by Van de Putte, In memory of Cruz Reyna Avelar.

SR 876 by Van de Putte, In memory of Demetrio Peña Rodriguez.

SR 885 by Carona, In memory of Marion Lee Halford, Sr.

SR 886 by Schwertner, In memory of H. Frank Simpson.

Welcome and Congratulatory Resolutions

SR 852 by Van de Putte, Recognizing the Texans Can Academies for their work with struggling high school students.

SR 853 by Van de Putte, Recognizing City Year for its work to lower dropout rates.

SR 872 by Van de Putte, Recognizing Christina Galan Gonzalez on the occasion of her 90th birthday.

SR 879 by Deuell, Recognizing Scientific Sessions for its contributions to cardiovascular science.

SR 880 by Ellis, Recognizing Nancy Beatrice Pharms on the occasion of her 95th birthday.

SR 881 by West, Welcoming the touring production of *Fela!* to Dallas.

SR 882 by Hinojosa, Recognizing Monica Perez for winning a Rising Star Award.

SR 883 by Hinojosa, Recognizing Alicia N. Jasso on the occasion of her retirement.

SR 884 by Hinojosa, Recognizing the Rio Grande Valley Vipers for winning a National Basketball Association Development League championship.

SR 887 by Taylor, Recognizing Dick and Horacene Daugird for being named the 2013 Citizens of the Year.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 2:34 p.m. adjourned, in memory of Andrew Michael Keel, until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

May 13, 2013

ECONOMIC DEVELOPMENT — SB 1921, CSHB 1296, HB 722, HB 1580, HB 1791, HB 1982

JURISPRUDENCE — CSHB 616, CSHB 2302

TRANSPORTATION — CSSB 1029

HEALTH AND HUMAN SERVICES — HB 33, HB 588, HB 646, HB 908, HB 1018, CSHB 1605, HB 1690, HB 2111, HB 2276, HB 2627, HB 2673, CSHB 3253

RESOLUTIONS ENROLLED

May 10, 2013

SR 873, SR 874, SR 875, SR 877, SR 878

SIGNED BY GOVERNOR

May 10, 2013

SB 139, SB 174, SB 186, SB 223, SB 228, SB 230, SB 244, SB 293, SB 332, SB 336, SB 360, SB 387, SB 457, SB 500, SB 672, SB 840, SB 846, SB 974, SB 1101, SB 1102, SB 1165, SB 1267, SCR 34

FILED WITHOUT SIGNATURE OF GOVERNOR

May 10, 2013

SB 192

SENT TO GOVERNOR

May 13, 2013

SB 181, SB 233, SB 245, SB 274, SB 350, SB 376, SB 487, SB 610, SB 620, SB 651, SB 654, SB 661, SB 670, SB 696, SB 727, SB 748, SB 821, SB 860, SB 864, SB 878, SB 887, SB 984, SB 1004, SB 1093, SB 1133, SB 1191, SB 1212, SB 1300, SB 1360, SB 1427, SB 1538, SB 1589, SB 1814, SB 1889, SCR 35

In Memory
of
Andrew Michael Keel
Senate Resolution 766

WHEREAS, The Senate of the State of Texas pays tribute to the life of United States Army Captain Andrew Michael Keel, who died March 11, 2013, at the age of 28; and

WHEREAS, A highly decorated soldier, Captain Andrew Keel lost his life while serving in Afghanistan; he was assigned to Company B, 1st Battalion, 3rd Special Forces Group (Airborne), Fort Bragg, North Carolina, and was deployed in support of Operation Enduring Freedom; it was his second deployment to Afghanistan; and

WHEREAS, Captain Keel graduated from the United States Military Academy at West Point in 2006 and was a member of the first class to attend the academy after September 11, 2001; following his graduation, he attended the Infantry Officer Basic Course and the United States Army Ranger School at Fort Benning, Georgia, and was assigned to the 3rd Brigade Combat Team, 1st Infantry Division, at Fort Hood; and

WHEREAS, His first tour of duty in Afghanistan began in 2008; he was deployed for 12 months with the 3rd Brigade Combat Team and served as a company executive officer and platoon leader; during that time, he was promoted to the rank of captain; after his return from Afghanistan, Captain Keel volunteered for the Special Forces Assessment and Selection Course; on completion of the course, he was assigned to the 3rd Special Forces Group as a detachment commander in August of 2012, and he was later deployed with the unit to Afghanistan; he was proud to be among the world's most elite combat soldiers; and

WHEREAS, An exemplary young man and a true American hero, Captain Keel had a deep affection for the Central Texas area; he was a frequent visitor to Austin, where he enjoyed spending time with his extended family and running the Lady Bird Lake trails with his dog, Lady; he was considering moving to Texas following his military service; and

WHEREAS, Captain Keel was a devoted son and a valiant soldier who earned numerous decorations, including two Bronze Star Medals, the Army Commendation Medal, and the National Defense Service Medal; he was beloved by his family and many friends, and he leaves behind memories that will long be cherished by all who were privileged to share in his life; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby extend sincere condolences to the bereaved family of Captain Andrew Michael Keel; and, be it further

RESOLVED, That a copy of this Resolution be prepared for his family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Andrew Keel.

BIRDWELL

SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTY-EIGHTH DAY

(Tuesday, May 14, 2013)

The Senate met at 11:08 a.m. pursuant to adjournment and was called to order by Senator Eltife.

The roll was called and the following Senators were present: Birdwell, Campbell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Garcia, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Patrick, Paxton, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

The Presiding Officer announced that a quorum of the Senate was present.

The Reverend Dr. Frederick D. Lewis, Smith Chapel African Methodist Episcopal Church, Dallas, offered the invocation as follows:

Heavenly Father, before the hills in the Earth stood or the Earth received her frame, from everlasting to everlasting, Thou art God, through endless years the same. By whatever name You are called, Thou art God. God looked down the corridor of the time and saw all that was to be. God looked and knew every one of you by name, even before you were formed in your mother's womb. God looked and saw a great state called Texas, from the palm trees of the Gulf of Mexico to the Texas Hill Country, from the Oklahoma Panhandle to the Rio Grande, Texas, a great state in a great nation. God looked and saw each and every one of us here in this hallowed Chamber today. God looked and saw every one of you Senators elected by a divine process first used to elect Matthias, the 13th Apostle. God looked and saw you Senators grapple with the issues of our time, grapple with the issues of the servants of evil, terrorists, and depraved individuals lurking like predators in the shadows and on the sidelines of life waiting to pounce upon the innocent. Someone said people make you great, others say it's the time that makes you great. God's word says if you want to be great, wonderful, but to be great is to be a servant, and the greatest among you shall be servant of all. What does God expect of you Senators? God expects you to serve, even though there may be discord among those who honestly disagree. God expects you to serve, serve with purpose, serve with ethics, serve with integrity, serve the rich and the poor. This is the path God wants you on. And on judgment day, when asked by those who served here before us, what did you do with the issues of your time? You can stand and

say, let the record show we did what had to be done. We took lessons from the great ones. We learned from our mistakes. We served with purpose. We served with ethics. We served with integrity. We served the rich. We served the poor. We served all of God's people. Do this and you, too, will be servants of God. May God bless Texas and the United States of America. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
Tuesday, May 14, 2013 - 1

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS CONCURRED IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

HB 535 (145 Yeas, 0 Nays, 1 Present, not voting)

HB 2738 (144 Yeas, 0 Nays, 1 Present, not voting)

THE HOUSE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

HB 1600 (141 Yeas, 0 Nays, 1 Present, not voting)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

PHYSICIAN OF THE DAY

Senator Watson was recognized and presented Dr. Georgeanne Freeman of Austin as the Physician of the Day.

The Senate welcomed Dr. Freeman and thanked her for her participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate students from St. Mary's University School of Law.

The Senate welcomed its guests.

SENATE RESOLUTION 768

Senator West offered the following resolution:

WHEREAS, The Senate of the State of Texas takes pleasure in recognizing Dr. John Ellis Price, who is leaving his post as president of the University of North Texas at Dallas; and

WHEREAS, This outstanding administrator and distinguished scholar has provided exceptional leadership for more than a decade, from the earliest days of the university's inception up through its first years as an independent institution; and

WHEREAS, Throughout these formative years, Dr. Price has overseen the evolution of this fledgling university with great dedication and foresight; having served the University of North Texas System and the Dallas campus as executive director, vice provost, vice chancellor, and president-designate, he was named the founding president of the University of North Texas at Dallas in 2010; and

WHEREAS, Dr. Price has long been respected among his peers and students; in his prior career in business education, he served as a department chair, a dean, and a professor of accounting; he holds bachelor's and master's degrees in accounting from the University of Southern Mississippi, and he earned a doctorate in accounting from North Texas State University in Denton in 1981; and

WHEREAS, Among his many prestigious honors, Dr. Price has twice received the Outstanding Teaching Award given by the University of North Texas College of Business Administration; and

WHEREAS, Dr. Price's unwavering stewardship of the University of North Texas at Dallas will remain among his greatest distinctions, and he is indeed deserving of high praise as a visionary and as an exemplary administrator; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby commend Dr. John Ellis Price on his exceptional service as president of the University of North Texas at Dallas and extend to him sincere best wishes for the future; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Dr. Price as an expression of esteem from the Texas Senate.

SR 768 was again read.

The resolution was previously adopted on Friday, May 3, 2013.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate a University of North Texas at Dallas delegation: John Ellis Price, President; Michael Williams, Interim President, Health Science Center; and Lee Jackson, Chancellor, University of North Texas System.

The Senate welcomed its guests.

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

The Presiding Officer announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

There was no objection.

CONCLUSION OF MORNING CALL

The Presiding Officer at 11:31 a.m. announced the conclusion of morning call.

HOUSE BILL 1973 ON SECOND READING

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1973** at this time on its second reading:

HB 1973, Relating to the provision of water by a public utility or water supply or sewer service corporation for use in fire suppression.

The bill was read second time.

Senator Hegar offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1973** (senate committee printing) in SECTION 1 of the bill, in proposed Section 341.0359(e), Health and Safety Code (page 2, line 10), between "municipality" and "that", by inserting "with a population of less than 1.9 million".

The amendment to **HB 1973** 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.

On motion of Senator Hegar and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 1973 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 1973 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 **HB 1973** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate a Texas school counselors' delegation.

The Senate welcomed its guests.

HOUSE BILL 2961 ON SECOND READING

On motion of Senator Deuell and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2961** at this time on its second reading:

HB 2961, Relating to the social security numbers of school district employees.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 2961 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 **HB 2961** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 1421 ON SECOND READING

Senator Estes moved to suspend the regular order of business to take up for consideration **HB 1421** at this time on its second reading:

HB 1421, Relating to the disposition of certain seized weapons.

The motion prevailed.

Senators Garcia and Rodríguez 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 third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Garcia, Rodríguez.

HOUSE BILL 1421 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 **HB 1421** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Campbell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Patrick, Paxton, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Garcia, Rodríguez.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

HOUSE BILL 1869 ON SECOND READING

Senator Duncan moved to suspend the regular order of business to take up for consideration **HB 1869** at this time on its second reading:

HB 1869, Relating to contractual subrogation and other recovery rights of certain insurers and benefit plan issuers.

The motion prevailed.

Senator Taylor 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 third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Taylor.

HOUSE BILL 1869 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 **HB 1869** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Taylor.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 1310 ON SECOND READING

Senator Davis moved to suspend the regular order of business to take up for consideration **CSSB 1310** at this time on its second reading:

CSSB 1310, Relating to standards for school district, public school campus, and open-enrollment charter school performance ratings.

The motion prevailed.

Senators Nichols and Schwertner 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, Schwertner.

COMMITTEE SUBSTITUTE SENATE BILL 1310 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 1310** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Campbell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Garcia, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nelson, Patrick, Paxton, Rodriguez, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Nichols, Schwertner.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

HOUSE BILL 617 ON SECOND READING

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **HB 617** at this time on its second reading:

HB 617, Relating to transition and employment services for public school students enrolled in special education programs.

The motion prevailed.

Senators Campbell, Nichols, and Schwertner asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Seliger offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 617** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. This Act shall be known as the Ricky Broussard Act.

The amendment to **HB 617** 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.

On motion of Senator Zaffirini and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 617 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Campbell, Nichols, Schwertner.

HOUSE BILL 617 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 **HB 617** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Garcia, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nelson, Patrick, Paxton, Rodríguez, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Campbell, Nichols, Schwertner.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3. (Same as previous roll call)

HOUSE BILL 1272 ON SECOND READING

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1272** at this time on its second reading:

HB 1272, Relating to the continuation and duties of the Human Trafficking Prevention Task Force.

The bill was read second time.

Senator Van de Putte offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1272** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill, add Subsection (b-1) to read as follows:

(b-1) A state or local law enforcement agency, district attorney, or county attorney that assists in the prevention of human trafficking shall, at the request of the task force, cooperate and assist the task force in collecting any statistical data on the nature and extent of human trafficking in the possession of the law enforcement agency or district or county attorney.

(2) In SECTION 1 of the bill, amend Subsection (d)(2) on page 1, lines 40 to 42, to read as follows:

(2) collect, organize, and periodically publish statistical data on the nature and extent of human trafficking in this state, including data described by Subdivisions (4)(A), (B), (C), (D), and (E);

(3) In SECTION 1 of the bill, amend Subsection (d)(4) on page 1, lines 48-51, to read as follows:

(4) ensure that each state or local governmental agency and political subdivision of the state and each state or local law enforcement agency, district attorney, or county attorney that assists in the prevention of human trafficking collects statistical data related to human trafficking, including, as appropriate:

(4) In SECTION 1 of the bill, amend Subsection (d)(4)(C) on page 2, lines 1-4, to read as follows:

(C) geographic routes by which human trafficking victims are trafficked, including routes by which victims are trafficked across this state's international border, and geographic patterns in human trafficking, including the country or state of origin and the country or state of destination;

The amendment to **HB 1272** 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.

On motion of Senator Van de Putte and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 1272 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 1272 ON THIRD READING

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1272** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 1218 ON SECOND READING

Senator Campbell moved to suspend the regular order of business to take up for consideration **CSSB 1218** at this time on its second reading:

CSSB 1218, Relating to the proof of an applicant's identity and age required for the issuance of a marriage license.

The motion prevailed.

Senators Davis and Rodríguez 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: Davis, Rodríguez.

COMMITTEE SUBSTITUTE SENATE BILL 1218 ON THIRD READING

Senator Campbell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1218** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Campbell, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Garcia, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Patrick, Paxton, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Davis, Rodríguez.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

SENATE BILL 1921 ON SECOND READING

On motion of Senator Hegar and by unanimous consent, Senate Rule 5.14(a) and the regular order of business were suspended to take up for consideration **SB 1921** at this time on its second reading:

SB 1921, Relating to the creation of Kendleton Improvement District; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1921 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 **SB 1921** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 1554 ON SECOND READING

Senator Lucio moved to suspend the regular order of business to take up for consideration **CSSB 1554** at this time on its second reading:

CSSB 1554, Relating to the establishment of a matching grant program for community development in certain municipalities and counties.

The motion prevailed by the following vote: Yeas 20, Nays 10.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Garcia, Hegar, Hinojosa, Lucio, Rodríguez, Schwertner, Seliger, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Nays: Birdwell, Campbell, Fraser, Hancock, Huffman, Nelson, Nichols, Patrick, Paxton, Taylor.

Absent: Williams.

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1554** (Senate committee printing) in SECTION 1 of the bill, in added Section 23.002(a), Agriculture Code (page 1, line 28), by striking "The department" and substituting "Subject to the availability of federal and state funds, the department".

The amendment to **CSSB 1554** 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.

On motion of Senator Lucio and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1554 as amended was passed to engrossment by the following vote: Yeas 20, Nays 10.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Garcia, Hegar, Hinojosa, Lucio, Rodríguez, Schwertner, Seliger, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Nays: Birdwell, Campbell, Fraser, Hancock, Huffman, Nelson, Nichols, Patrick, Paxton, Taylor.

Absent: Williams.

HOUSE BILL 1222 ON SECOND READING

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1222** at this time on its second reading:

HB 1222, Relating to venue for certain alleged violations or offenses under the Water Safety Act.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 1222 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1222** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read first time and referred to the committees indicated:

HB 742 to Committee on Education.

HB 1199 to Committee on Agriculture, Rural Affairs and Homeland Security.

HB 1581 to Committee on Business and Commerce.

HB 2233 to Committee on State Affairs.

HB 2808 to Committee on Finance.

HB 2824 to Committee on Education.

HB 2872 to Committee on Education.

HB 3459 to Committee on Natural Resources.

HB 3934 to Committee on Natural Resources.

SENATE RULE 11.13 SUSPENDED
(Consideration of Bills in Committees)
(Motion In Writing)

Senator Uresti submitted a Motion In Writing to suspend Senate Rule 11.13 to grant all committees permission to meet while the Senate is meeting today and tomorrow.

The Motion In Writing prevailed without objection.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Ellis and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Open Government might meet and consider the following bills today:

HB 367, HB 483, HB 2267, HB 2414.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Nelson and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Health and Human Services might meet and consider the following bills today:

HB 1396, HB 932.

SENATE RULE 11.10(a) SUSPENDED
(Public Notice of Committee Meetings)

On motion of Senator Patrick and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Education might meet today.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Duncan and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on State Affairs might meet and consider the following bills tomorrow:

HB 259, HB 394, HB 581, HB 586, HB 1035, HB 1996, HB 2006, HB 2127, HB 2373, HB 2380, HB 2929, HB 3101, HB 3152.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Seliger 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 the following bills today: **HB 437, HB 3659.**

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Estes and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Agriculture, Rural Affairs and Homeland Security might meet and consider the following bills today: **HB 1807, HB 2312.**

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Deuell and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Economic Development might meet and consider **HB 2015** tomorrow.

**SENATE RULE 11.10(a) SUSPENDED
(Public Notice of Committee Meetings)**

On motion of Senator Fraser and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Natural Resources might meet today.

**SENATE RULE 11.10(a) SUSPENDED
(Public Notice of Committee Meetings)**

On motion of Senator Hegar and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Finance might meet today.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Hegar and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Finance Subcommittee on Fiscal Matters might meet and consider the following bills tomorrow:

HB 671, HB 2202, HB 3572, HB 585, HB 1133, HB 1360, HB 2712, HB 1223, HB 2419, HB 2792, HB 2148, HB 3086, HB 2636, HB 2500, HB 2770.

REPORT OF COMMITTEE ON NOMINATIONS

Senator Hegar submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed:

Members, Advisory Committee to the Texas Board of Criminal Justice on Offenders with Medical or Mental Impairments: Robb David Catalano, Tarrant County; Martin Deleon, Nueces County; Kathy Christine Flanagan, Harris County; Trenton R. Marshall, Tarrant County.

Members, Aging and Disability Services Council: Barry Lee Anderson, Dallas County; Sheri Anderson Harmonson, El Paso County; James Russell Shannon, Andrews County; Donna Beth Stauber, McLennan County.

Members, Assistive and Rehabilitative Services Council: Lee Margalit Chayes, El Paso County; Amanda Boswell Davis, Leon County; Donald Dennis Roy, Titus County.

Members, Board, Texas Department of Motor Vehicles: Robert Sim Barnwell, Montgomery County; Luanne Caraway, Hays County; Raymond Palacios, El Paso County; Joseph Osmond Slovacek, Harris County.

Members, Board of Directors, Coastal Water Authority: Alan Dee Conner, Liberty County; Zebulun Nash, Harris County; Douglas E. Walker, Chambers County.

Members, Correctional Managed Health Care Committee: Harold Karl Berenzweig, Tarrant County; Margarita de la Garza-Graham, Smith County.

Members, Governing Board, Texas School for the Blind and Visually Impaired: Bobby Dean Druesedow, Parker County; Michael Edward Garrett, Fort Bend County; Bruce Lee Sonnenberg, Lubbock County.

Administrator, Nonresident Violator Compact: Rebecca Lynn Davio, Travis County.

Members, Parks and Wildlife Commission: Ralph Hereford Duggins, Tarrant County; Billy Bobby Jones, Travis County; James H. Lee, Harris County.

Members, State Board of Dental Examiners: Steven Jack Austin, Potter County; Kirby Leon Bunel, Bowie County; Emily Willeford Christy, Bexar County; Timothy John O'Hare, Dallas County; Lois M. Palermo, Galveston County; Louis Miguel White, Harris County.

Member, State Cemetery Committee: James Leavell Bayless, Travis County.

Member, Texas Board of Criminal Justice: Robert Terrell McCombs, Bexar County.

Members, Texas Board of Licensure for Professional Medical Physicists: Geoffrey David Clarke, Kendall County; Douglas Allen Johnson, Brazos County; John Raymond Leahy, Travis County.

Members, Texas Board of Nursing: Nina Almasy, Travis County; Patricia Taylor Clapp, Dallas County; Marilyn Joyce Davis, Fort Bend County; Shelby Hoebeke Ellzey, Ellis County.

Members, Board of Trustees, Texas County and District Retirement System: Herman Charles Cazalas, Nueces County; Dorye Kristeen Roe, Brazos County.

Members, Texas Higher Education Coordinating Board: Christopher Martin Huckabee, Tarrant County; Robert W. Jenkins, Travis County; Munir A. Lalani, Wichita County; Wanda Janelle Shepard, Parker County; David D. Teuscher, Jefferson County.

Member, Texas Lottery Commission: Veronica Ann Edwards, Bexar County.

Members, Texas Military Preparedness Commission: William A. Heine, Travis County; Dennis Leamon Lewis, Bowie County.

Members, Texas Private Security Board: Charles Edward Crenshaw, Travis County; Doyle Wade Hayden, Bexar County.

Members, Board of Directors, Upper Guadalupe River Authority: Michael L. Allen, Kerr County; David Michael Hughes, Kerr County; Hugh Ritman Jons, Kerr County; Claudell Smith Kercheville, Kerr County; Brian Wright, Kerr County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Hegar gave notice that he would tomorrow submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

SENATE BILL 220 ON SECOND READING

Senator Birdwell moved to suspend the regular order of business to take up for consideration **SB 220** at this time on its second reading:

SB 220, Relating to the abolition of the office of the fire fighters' pension commissioner and the transfer and disposition of its functions relating to the Texas Emergency Services Retirement System and the Texas local firefighters retirement systems.

The motion prevailed.

Senators Hinojosa and Whitmire asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Birdwell offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 220** (senate committee printing) by striking all below the enacting clause and substituting the following:

ARTICLE 1. AMENDMENTS TO SUBTITLE H, TITLE 8, GOVERNMENT CODE
SECTION 1.01. Section 861.001, Government Code, is amended by adding Subdivision (5-a) to read as follows:

(5-a) "Executive director" means the person appointed executive director under Section 865.0095.

SECTION 1.02. Section 861.008, Government Code, is amended to read as follows:

Sec. 861.008. IMMUNITY FROM LIABILITY. The state board, executive director [~~commissioner~~], and employees of the pension system are not liable for any action taken or omission made or suffered by them in good faith in the performance of any duty or prerogative in connection with the administration of the pension system.

SECTION 1.03. Section 862.001(a), Government Code, is amended to read as follows:

(a) The governing body of a department that performs emergency services may, in the manner provided for taking official action by the body, elect to participate in the pension system. A governing body shall notify the executive director [~~commissioner~~] as soon as practicable of an election made under this subsection. Except as provided by Subsection (b), an election to participate under this subsection is irrevocable.

SECTION 1.04. Section 862.0025(a), Government Code, is amended to read as follows:

(a) Except as provided by Subsection (b), the governing body of a participating department may make an election to include all persons who provide support services for the department as members of the pension system on the same terms as all other volunteers of the department. An election under this section takes effect on the first

day of the calendar month that begins after the month in which the election is made and communicated to the executive director [~~commissioner~~]. Once made, an election under this section is irrevocable.

SECTION 1.05. Sections 864.005(a), (d), and (f), Government Code, are amended to read as follows:

(a) A local board shall require a member who is receiving temporary disability benefits to file a disability rating report every three months from a physician chosen by the local board. If a report indicates a significant improvement in condition, the local board, after notice and a hearing, may adopt an order to terminate payments. The local board shall send a copy of each order adopted under this subsection to the executive director [~~commissioner~~].

(d) If the local board has reason to believe that a ground for termination of temporary disability benefits exists, the local board may set a date for a hearing on the matter. The local board, after notice and a hearing, may adopt an order terminating temporary disability benefits if the local board determines that a ground for termination exists. The local board may not adopt an order under this subsection on the basis of a physician's previously submitted statement as to the likely duration of the disability if the local board determines, after a hearing, that the disability continues. The local board shall send a copy of each order adopted under this subsection to the executive director [~~commissioner~~].

(f) If the state board [~~commissioner~~] has reason to believe that a ground for termination of a continuing disability retirement annuity exists, the state board [~~commissioner~~] shall set a date for a hearing on continuation or termination of the annuity. The state board [~~commissioner~~], after notice and a hearing, shall adopt an order terminating the continuing disability retirement annuity if the state board [~~commissioner~~] determines that a ground for termination exists.

SECTION 1.06. Section 864.010(a), Government Code, is amended to read as follows:

(a) The executive director [~~commissioner~~] shall continue to administer benefits of the pension system for members and retirees who perform service for a formerly participating department that has withdrawn from participation in the pension system or has ceased to exist.

SECTION 1.07. Sections 864.016(a), (b), (c), (e), (f), and (g), Government Code, are amended to read as follows:

(a) A claim for disability retirement benefits or a lump-sum death benefit must be filed with the local board. A claim for service retirement benefits must be filed with the executive director [~~commissioner~~], who shall forward the claim to the appropriate local board for a hearing. A claim for a death benefit annuity must be filed with the executive director. The executive director [~~commissioner, who~~] shall make a determination of the merits of the claim for a death benefit annuity and issue a decision to the claimant. On receiving a claim under this section, the local board shall hold a hearing to decide the claim. The local board shall send a written copy of its decision to the claimant and the executive director [~~commissioner~~]. If a local board does not determine a claim for service retirement benefits and file its determination

with the executive director ~~[commissioner]~~ before the 16th day after the date the local board receives the claim, the executive director ~~[commissioner]~~ may determine the merits of the claim.

(b) A person aggrieved by a decision of a local board relating to eligibility for or the amount of benefits under this subtitle may appeal the decision to the state board ~~[commissioner]~~.

(c) An appeal of a local board decision under this section is begun by delivering a notice of appeal to the presiding officer or secretary of the local board that made the decision. The notice must be delivered not later than the 20th day after the date of the decision and contain a brief description of the reasons for the appeal. The aggrieved person must file a copy of the notice with the state board ~~[commissioner]~~.

(e) After a hearing under Subsection (d), the state board ~~[commissioner]~~ shall decide each appeal from a local board decision, issue a written opinion, and notify the local board and the claimant if the state board ~~[commissioner]~~ overrules the local board's decision.

~~(f) [A person aggrieved by a decision of the commissioner under this section may appeal the decision to the state board. The state board shall decide each appeal based on the hearing record.]~~

~~(g) A final decision of the state board under this section is subject to judicial review under Chapter 2001. The standard of review is by substantial evidence. Venue of the appeal is only in a district court in Travis County [may not be appealed to a court or be subject to any other legal process].~~

SECTION 1.08. Section 865.001, Government Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) At least five ~~[Six]~~ trustees must be active members of the pension system, one of whom must represent emergency medical services personnel.

(c) One trustee may be a retiree of the pension system.

SECTION 1.09. Chapter 865, Government Code, is amended by adding Section 865.0011 to read as follows:

Sec. 865.0011. SUNSET REVIEW. The state board of the pension system is subject to review under Chapter 325 (Texas Sunset Act) but is not abolished under that chapter. The state board shall be reviewed during the period in which state agencies scheduled to be abolished in 2025, and every 12th year after that year, are reviewed.

SECTION 1.10. Section 865.002, Government Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(c) A person may not be a trustee or an employee of the pension system employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.), if:

(1) the person is an officer, employee, or paid consultant of a Texas trade association in the field of emergency services, including firefighting, or public retirement systems; or

(2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of emergency services, including firefighting, or public retirement systems.

(d) In this section, a Texas trade association means a cooperative and voluntarily joined statewide association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

(e) A person may not serve as a trustee or act as the general counsel to the state board or the pension system if the person is required to register as a lobbyist under Chapter 305 because of the person's activities for compensation on behalf of a business or an association related to the operation of the state board.

SECTION 1.11. Chapter 865, Government Code, is amended by adding Section 865.0035 to read as follows:

Sec. 865.0035. STATE BOARD MEMBER TRAINING. (a) A person who is appointed to and qualifies for office as a member of the state board may not vote, deliberate, or be counted as a member in attendance at a meeting of the state board until the person completes a training program that complies with this section.

(b) A training program must provide the person with information regarding:

(1) this subtitle;

(2) the programs, functions, rules, and budget of the pension system;

(3) the results of the most recent formal audit of the system;

(4) the requirements of laws relating to open meetings, public information, administrative procedure, and conflicts of interest; and

(5) any applicable ethics policies adopted by the system or the Texas Ethics Commission.

(c) A person appointed to the state board is entitled to reimbursement, as provided by the General Appropriations Act, for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

SECTION 1.12. Section 865.005(c), Government Code, is amended to read as follows:

(c) If the executive director [~~commissioner~~] has knowledge that a potential ground for removal exists, the executive director [~~commissioner~~] shall notify the presiding officer of the state board of the ground. The presiding officer shall then notify the governor that a potential ground for removal exists.

SECTION 1.13. Section 865.006, Government Code, is amended by adding Subsection (c) to read as follows:

(c) The state board shall develop and implement policies that:

(1) clearly separate the policy-making responsibilities of the state board and the management responsibilities of the executive director and the staff of the pension system; and

(2) provide the public with a reasonable opportunity to appear before the state board and to speak on any issue under the jurisdiction of the state board.

SECTION 1.14. Chapter 865, Government Code, is amended by adding Section 865.0061 to read as follows:

Sec. 865.0061. WRITTEN POLICY ON MANAGING AND ADMINISTERING CONTRACTS. The state board shall adopt a written policy, including procedures, to guide staff in managing and administering contracts entered into by or on behalf of the pension system. The written policy adopted under this section must, at a minimum:

(1) address how the pension system:

- (A) plans for contracting needs and develops solicitation documents;
- (B) reviews, evaluates, and awards contract proposals;
- (C) manages and approves contract changes;
- (D) identifies performance issues and resolves contract disputes;
- (E) monitors contract expenditures; and
- (F) closes out contracts; and

(2) require the pension system to maintain a central location for filing contracts and information related to contracts entered into by or on behalf of the pension system.

SECTION 1.15. Section 865.007(c), Government Code, is amended to read as follows:

(c) The state board or the executive director [~~commissioner~~] may accept on behalf of the pension system gifts of money or other property from any public or private source.

SECTION 1.16. Chapter 865, Government Code, is amended by adding Section 865.0095 to read as follows:

Sec. 865.0095. EXECUTIVE DIRECTOR. (a) The state board, by a majority vote of all members, shall appoint a person other than a member of the board to serve at the board's will as executive director.

(b) To be eligible to serve as the executive director, a person must:

- (1) be a citizen of the United States; and
- (2) have executive ability and experience necessary to conduct the duties of executive director.

SECTION 1.17. Sections 865.010, 865.011, and 865.013, Government Code, are amended to read as follows:

Sec. 865.010. EXECUTIVE DIRECTOR'S [~~COMMISSIONER'S~~] DUTIES. (a) The executive director [~~commissioner~~] shall oversee the distribution of all benefits.

(b) The executive director [~~commissioner~~] shall collect the revenues for the fund from the governing bodies of participating departments.

(c) The executive director [~~commissioner~~] may request and administer state funds appropriated by the legislature in addition to those required by this subtitle.

(d) The state board [~~commissioner~~] is responsible for recovering any fraudulently acquired benefits. If it appears that fraud has occurred, the state board [~~commissioner~~] shall notify the appropriate local board and the claimant and hold a hearing. If after the hearing the state board [~~commissioner~~] determines that benefits have been or are being fraudulently acquired, the state board [~~commissioner~~] shall seek action in a court.

Sec. 865.011. RECORDS AND REPORTS. (a) The executive director [commissioner] may at any reasonable time examine the records and accounts of local boards.

(b) The executive director [commissioner] shall require in a timely manner periodic reports from the local boards and shall prepare necessary forms for use by local boards.

(c) The executive director [commissioner] shall prepare an annual report on the activity and status of the fund and submit the report to the governor, the lieutenant governor, and the speaker of the house of representatives.

(d) The state board shall electronically submit a report to the governor, the lieutenant governor, the speaker of the house of representatives, the Legislative Budget Board, and the State Pension Review Board if:

(1) as a result of an event or action, there is a significant change to the actuarial valuation of the pension system's assets or liabilities, including the extent to which the system's liabilities are unfunded;

(2) there is any change to the contributions made to or benefits paid from the system; or

(3) an actuarial valuation must be corrected or repeated because of the use of erroneous information or assumptions used in the valuation.

(e) A report submitted under Subsection (d)(1) must include and consider the effect alternative contributions and benefit structures would have on the actuarial valuation of the system, including changes in the state's contribution under Section 865.015, as well as state funding of administrative expenses.

(f) The state board shall determine the meaning of "significant change" for purposes of Subsection (d)(1), which must include circumstances in which there is an increase in the time required to amortize the unfunded liabilities of the pension system to a period that exceeds 30 years, assuming a maximum state contribution under Section 865.015.

(g) A report required under Subsection (d) may be combined with any other report required by this chapter or other law.

Sec. 865.013. MONITORING OF CONTRIBUTION SUBMISSION. A local board shall monitor the timely submission of required contributions to the executive director [commissioner].

SECTION 1.18. Section 865.014(c), Government Code, is amended to read as follows:

(c) Contributions required as provided by this section shall be paid at the times and in the manner that the state board prescribes by rule. Contributions required by this section shall be submitted by electronic funds transfer unless the executive director [commissioner] grants an exception based on the difficulty of a participating department's use of that payment method. Contributions that are not paid within the time required by the state board accrue interest at the most recent assumed actuarial rate of return on investments of the fund.

SECTION 1.19. Section 865.017(a), Government Code, is amended to read as follows:

(a) The pension system shall withhold payment of a monthly retirement annuity if a participating department attempts to provide information to the executive director [~~commissioner~~] relating to continued eligibility to receive the payments and the recipient fails to cooperate or provide the requested information. The state board may adopt rules to enforce this subsection.

SECTION 1.20. Section 865.018, Government Code, is amended by amending Subsection (b) and adding Subsections (c), (d), and (e) to read as follows:

(b) The executive director [~~commissioner~~] and the state board shall certify the actuarial and financial soundness of the fund every two years with the assistance of a qualified actuary.

(c) An actuarial valuation conducted under this section must include:

(1) an analysis clearly shown in the valuation based on each of the following assumptions:

(A) no state contribution to the fund, including no state funding of administrative expenses; and

(B) a maximum state contribution to the fund, including state funding of administrative expenses; and

(2) the number of years required to amortize the unfunded actuarial liabilities of the pension system under each assumption under Subdivision (1).

(d) At least once every five years, the state board, with the assistance of the actuary, shall:

(1) audit the actuarial valuation required under this section; and

(2) conduct an actuarial experience study, the contents of which are determined by the state board in consultation with the actuary.

(e) The actuarial valuation and experience study required under Subsection (d) are not required to be conducted concurrently.

SECTION 1.21. Sections 865.019(a) and (c), Government Code, are amended to read as follows:

(a) Information contained in records that are in the custody of the pension system concerning an individual member, annuitant, or beneficiary is confidential under Section 552.101 and may not be disclosed in a form identifiable with a specific individual unless:

(1) the information is disclosed to:

(A) the individual or the individual's attorney, guardian, executor, administrator, conservator, or other person who the executive director [~~commissioner~~] determines is acting in the interest of the individual or the individual's estate;

(B) a spouse or former spouse of the individual after the executive director [~~commissioner~~] determines that the information is relevant to the spouse's or former spouse's interest in member accounts, benefits, or other amounts payable by the pension system;

(C) a governmental official or employee after the executive director [~~commissioner~~] determines that disclosure of the information requested is reasonably necessary to the performance of the duties of the official or employee; or

(D) a person authorized by the individual in writing to receive the information; or

(2) the information is disclosed under a subpoena and the executive director [commissioner] determines that the individual will have a reasonable opportunity to contest the subpoena.

(c) The executive director [commissioner] may designate other employees of the pension system to make the necessary determinations under Subsection (a).

SECTION 1.22. Sections 865.020(c) and (d), Government Code, are amended to read as follows:

(c) The medical board shall:

(1) investigate essential statements and certificates made by or on behalf of a member of the pension system in connection with an application for disability retirement or, as requested by the executive director [commissioner], with an application for an on-duty death benefit; and

(2) report in writing to the executive director [commissioner] its conclusions and recommendations on all matters referred to it.

(d) The medical board is not subject to subpoena regarding findings it makes in assisting the executive director [commissioner] under this section, and its members may not be held liable for any opinions, conclusions, or recommendations made under this section.

SECTION 1.23. Chapter 865, Government Code, is amended by adding Section 865.021 to read as follows:

Sec. 865.021. COMPLAINT FILES. (a) The pension system shall maintain a system to promptly and efficiently act on complaints filed with the system. The system shall maintain information about:

(1) parties to the complaint;

(2) the subject matter of the complaint;

(3) a summary of the results of the review or investigation of the complaint;

and

(4) the disposition of the complaint.

(b) The pension system shall make information available describing its procedures for complaint investigation and resolution.

(c) The pension system shall periodically notify the complaint parties of the status of the complaint until final disposition.

ARTICLE 2. AMENDMENTS TO CIVIL STATUTES

SECTION 2.01. The Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes) is amended by adding Section 18B to read as follows:

Sec. 18B. TECHNICAL ASSISTANCE, TRAINING, AND INFORMATION FOR BOARDS OF TRUSTEES. (a) The State Pension Review Board shall provide technical assistance, training, and information to members of the boards of trustees established under this Act. The training required by this section must be designed to meet the specific needs of members of boards of trustees administering benefit plans for local fire fighters, including small-to-medium-sized benefit plans.

(b) To the extent resources are available, the board shall designate one person who specializes in providing the technical assistance, training, and information required under Subsection (a).

SECTION 2.02. Sections 22 and 22A, Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes), are amended to read as follows:

Sec. 22. APPEALS FROM LOCAL BOARD DECISIONS. (a) A person aggrieved by a decision of a board of trustees relating to eligibility for or amount of benefits payable by a retirement system may appeal the decision to the State Office of Administrative Hearings [~~fire fighters' pension commissioner~~].

(b) An appeal under this section is begun by delivering a notice of appeal with the chairman, secretary, or secretary-treasurer of the board of trustees that made the decision. The notice must be delivered not later than the 20th day after the date of the decision and contain a brief description of the reasons or grounds for appeal. The aggrieved person must file a copy of the notice with the State Pension Review Board [~~fire fighters' pension commissioner~~].

(b-1) As soon as practicable after receiving a notice of appeal under Subsection (b) of this section, the State Pension Review Board shall refer the matter to the State Office of Administrative Hearings by submitting notice of the appeal to that office.

(c) An appeal under this section [~~to the fire fighters' pension commissioner~~] is held in Austin and is a contested case under Chapter 2001, Government Code, [the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes)] conducted as a de novo hearing by the State Office of Administrative Hearings.

(d) The sole function of the State Pension Review Board with respect to an appeal under this section is to refer the appeal to the State Office of Administrative Hearings, and that office has exclusive authority to decide the appeal.

Sec. 22A. ATTORNEY. A board of trustees may employ an attorney to represent the board in one or all legal matters, including a hearing on appeal to the State Office of Administrative Hearings [~~fire fighters' pension commissioner~~]. At the request of a board of trustees, the city attorney of the municipality of which the board is a part shall, without additional compensation, represent the board in one or all legal matters.

SECTION 2.03. Section 27(d), Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes), is amended to read as follows:

(d) A board of trustees established under this Act shall adopt formal investment policies that emphasize safety and diversity as well as liquidity for benefit payments. In developing those policies, the board of trustees shall give special consideration to the preferred investment practices of the Government Financial Officers Association. [~~Not later than December 31 of each year, the board of trustees shall submit to the fire fighters' pension commissioner a copy of the investment policies adopted by the board.~~]

SECTION 2.04. Section 28(h), Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes), is amended to read as follows:

(h) A retirement system established under this Act is exempt from Subchapter C, Chapter 802, Government Code, except Sections 802.202, 802.205, and 802.207.

SECTION 2.05. Sections 30(b) and (c), Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes), are amended to read as follows:

(b) Contributions picked up as provided by this section shall be treated as employer contributions in determining tax treatment of the amounts under the Internal Revenue Code of 1986. Each municipality or other political subdivision picking up contributions shall continue, however, to compute federal income tax withholding as

if these contributions were employee wages until the first payroll period that begins after the date the ~~[fire fighters' pension commissioner files with the secretary of state a notice stating that the]~~ United States Internal Revenue Service determines ~~[has determined]~~ or a federal court rules ~~[has ruled]~~ that under Section 414(h), Internal Revenue Code of 1986 (26 U.S.C. Section 414(h)), the contributions are not includable in the gross income of a member until they are distributed or made available. Employee contributions picked up as provided by this section shall be deposited to the credit of the individual account of each affected member and shall be treated for all other purposes of this Act as if the contributions had been deducted from the compensation of members. Picked up contributions are not includable in a computation of contribution rates of the municipality or other political subdivision.

(c) A pick up of employee contributions takes effect in a municipality or other political subdivision on January 1 of the year following the year in which:

(1) the governing body of the municipality or other political subdivision by ordinance has adopted the pick up;

(2) the pick up has been approved by majority vote of the participating members of the retirement system at an election by secret ballot at which at least 50 percent of the participating members vote; and

(3) the ~~[fire fighters' pension commissioner has filed with the secretary of state a notice stating that the]~~ United States Internal Revenue Service issues ~~[has issued]~~ a determination that the plan covering employees of the municipality or other political subdivision is a qualified retirement plan under Section 401(a), Internal Revenue Code of 1986 (26 U.S.C. Section 401(a)), and that its related trust is tax exempt under Section 501(a) of that code (26 U.S.C. Section 501(a)).

ARTICLE 3. CONFORMING CHANGES TO OTHER LAW

SECTION 3.01. (a) Sections 54.353 and 54.3531, Education Code, which were added by Section 17, Chapter 359 (S.B. 32), Acts of the 82nd Legislature, Regular Session, 2011, as a nonsubstantive redesignation of the two versions of Section 54.208, Education Code, as amended by Chapters 1285 (H.B. 2013) and 1299 (H.B. 2347), Acts of the 81st Legislature, Regular Session, 2009, are reenacted to conform to the reenactment of Section 54.208, Education Code, and the addition of Section 54.2081, Education Code, by Chapter 959 (H.B. 1163), Acts of the 82nd Legislature, Regular Session, 2011, and Section 54.353, Education Code, is amended to read as follows:

Sec. 54.353. FIREFIGHTERS ENROLLED IN FIRE SCIENCE COURSES. (a) The governing board of an institution of higher education shall exempt from the payment of tuition and laboratory fees any student enrolled in one or more courses offered as part of a fire science curriculum who:

(1) is employed as a firefighter by a political subdivision of this state; or

(2) is currently, and has been for at least one year, an active member of an organized volunteer fire department participating in the Texas Emergency Services Retirement System or a retirement system established under the Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes) and [in this state, as defined by the fire fighters' pension commissioner,] who holds:

(A) an Accredited Advanced level of certification, or an equivalent successor certification, under the State Firemen's and Fire Marshals' Association of Texas volunteer certification program; or

(B) Phase V (Firefighter II) certification, or an equivalent successor certification, under the Texas Commission on Fire Protection's voluntary certification program under Section 419.071, Government Code.

(b) An exemption provided under this section does not apply to deposits that may be required in the nature of security for the return or proper care of property loaned for the use of students.

(c) Notwithstanding Subsection (a), a student who for a semester or term at an institution of higher education receives an exemption under this section may continue to receive the exemption for a subsequent semester or term at any institution only if the student makes satisfactory academic progress toward a degree or certificate at that institution as determined by the institution for purposes of financial aid.

(d) Notwithstanding Subsection (a), the exemption provided under this section does not apply to any amount of additional tuition the institution elects to charge a resident undergraduate student under Section 54.014(a) or (f).

(e) Notwithstanding Subsection (a), the exemption provided under this section does not apply to any amount of tuition the institution charges a graduate student in excess of the amount of tuition charged to similarly situated graduate students because the student has a number of semester credit hours of doctoral work in excess of the applicable number provided by Section 61.059(1)(1) or (2).

(f) The Texas Higher Education Coordinating Board shall adopt:

(1) rules governing the granting or denial of an exemption under this section, including rules relating to the determination of a student's eligibility for an exemption; and

(2) a uniform listing of degree programs covered by the exemption under this section.

Sec. 54.3531. PEACE OFFICERS ENROLLED IN CERTAIN COURSES. (a) The governing board of an institution of higher education shall exempt from the payment of tuition and laboratory fees charged by the institution for a criminal justice or law enforcement course or courses an undergraduate student who:

(1) is employed as a peace officer by this state or by a political subdivision of this state;

(2) is enrolled in a criminal justice or law enforcement-related degree program at the institution;

(3) is making satisfactory academic progress toward the student's degree as determined by the institution; and

(4) applies for the exemption at least one week before the last date of the institution's regular registration period for the applicable semester or other term.

(b) Notwithstanding Subsection (a), a student may not receive an exemption under this section for any course if the student has previously attempted a number of semester credit hours for courses taken at any institution of higher education while classified as a resident student for tuition purposes in excess of the maximum number of those hours specified by Section 61.0595(a) as eligible for funding under the formulas established under Section 61.059.

(c) Notwithstanding Subsection (a), the governing board of an institution of higher education may not provide exemptions under this section to students enrolled in a specific class in a number that exceeds 20 percent of the maximum student enrollment designated by the institution for that class.

(d) An exemption provided under this section does not apply to deposits that may be required in the nature of security for the return or proper care of property loaned for the use of students.

(e) The Texas Higher Education Coordinating Board shall adopt:

(1) rules governing the granting or denial of an exemption under this section, including rules relating to the determination of a student's eligibility for an exemption; and

(2) a uniform listing of degree programs covered by the exemption under this section.

(f) If the legislature does not specifically appropriate funds to an institution of higher education in an amount sufficient to pay the institution's costs in complying with this section for a semester, the governing board of the institution of higher education shall report to the Senate Finance Committee and the House Appropriations Committee the cost to the institution of complying with this section for that semester.

(b) Sections 54.208 and 54.2081, Education Code, are repealed.

SECTION 3.02. Section 572.003(b), Government Code, is amended to read as follows:

(b) The term means:

(1) the Banking Commissioner of The Banking Department of Texas;

(2) ~~the fire fighters' pension commissioner;~~

~~(3)~~ the administrative director of the Office of Court Administration of the Texas Judicial System;

(3) ~~(4)~~ the chief executive of the Office of Public Utility Counsel;

(4) ~~(5)~~ the executive director of the State Bar of Texas;

(5) ~~(6)~~ the director of the lottery division of the Texas Lottery Commission;

(6) ~~(7)~~ the deputy in charge of the department of security in the lottery division of the Texas Lottery Commission;

(7) ~~(8)~~ the director of the bingo division of the Texas Lottery Commission;

or

(8) ~~(9)~~ the secretary of state.

SECTION 3.03. Section 614.152(3), Government Code, is amended to read as follows:

(3) "State fire agency" means the:

(A) Office ~~of fire fighters' pension commissioner;~~

~~(B) Texas Department~~ of Rural Affairs established in the Department of Agriculture;

(B) ~~(C)~~ service;

(C) ~~(D)~~ Texas Commission on Fire Protection;

(D) ~~(E)~~ Texas A&M Engineering Extension Service ~~[of The Texas A&M University System];~~ and

(E) [(F)] Texas State Fire Marshal's Office of the Texas Department of Insurance.

SECTION 3.04. Section 2155.148, Government Code, is amended to read as follows:

Sec. 2155.148. CERTAIN PURCHASES FOR TEXAS [STATEWIDE] EMERGENCY SERVICES [PERSONNEL] RETIREMENT SYSTEM [FUND]. (a) The Texas Emergency Services Retirement System [~~fire fighters' pension commissioner~~] is delegated all purchasing functions relating to the purchase of goods or services from funds other than general revenue funds for a purpose the state board of trustees of the Texas Emergency Services Retirement System [~~statewide emergency services personnel retirement fund~~] determines relates to the fiduciary duties of the retirement system [~~fund~~].

(b) The Texas Emergency Services Retirement System [~~fire fighters' pension commissioner~~] shall acquire goods or services by any procurement method approved by the state board of trustees of the Texas Emergency Services Retirement System [~~statewide emergency services personnel retirement fund~~] that provides the best value to the retirement system [~~fund~~]. The retirement system [~~fire fighters' pension commissioner~~] shall consider the best value standards provided by Section 2155.074.

(c) The commission shall procure goods or services for the Texas Emergency Services Retirement System [~~fire fighters' pension commissioner~~] at the request of the retirement system [~~pension commissioner~~], and the retirement system [~~pension commissioner~~] may use the services of the commission in procuring goods or services.

ARTICLE 4. REPEALER

SECTION 4.01. The following statutes are repealed:

- (1) Section 802.103(c), Government Code;
- (2) Section 861.001(3), Government Code;
- (3) Section 18(g), Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes);
- (4) Section 18A, Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes);
- (5) Section 21, Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes);
- (6) Section 21A, Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes); and
- (7) Section 31(c), Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes).

ARTICLE 5. TRANSITION

SECTION 5.01. (a) Not later than September 1, 2013, the state board of trustees of the Texas Emergency Services Retirement System shall appoint an executive director under Section 865.0095, Government Code, as added by this Act.

(b) Effective September 1, 2013:

- (1) the office of the fire fighters' pension commissioner is abolished and the term of the person holding that position expires; and
- (2) all powers, duties, obligations, and rights of action of the fire fighters' pension commissioner under:

(A) Subtitle H, Title 8, Government Code, as provided by Article 1 of this Act, are transferred to the:

(i) executive director of the Texas Emergency Services Retirement System appointed under Section 865.0095, Government Code, as added by this Act; or

(ii) state board of trustees of the Texas Emergency Services Retirement System established under Section 865.001, Government Code; and

(B) Section 2155.148, Government Code, are transferred to the Texas Emergency Services Retirement System.

(c) In connection with the transfers required by Subsection (b) of this section, the furniture, computers, other property and equipment, files, and related materials used by the fire fighters' pension commissioner are transferred to the executive director of the Texas Emergency Services Retirement System.

(d) A rule adopted by or on behalf of the fire fighters' pension commissioner in connection with or relating to Subtitle H, Title 8, Government Code, in effect on September 1, 2013, continues in effect until it is amended or repealed by the state board of trustees of the Texas Emergency Services Retirement System.

(e) The unobligated and unexpended balance of any appropriation made to the fire fighters' pension commissioner in connection with or relating to Subtitle H, Title 8, Government Code, for the state fiscal biennium ending August 31, 2013, is transferred and reappropriated to the state board of trustees of the Texas Emergency Services Retirement System for the purpose of implementing the powers, duties, obligations, and rights of action transferred to that system under Subsection (b) of this section.

(f) Notwithstanding the amendment by this Act of Section 572.003(b), Government Code, Section 572.003(d), Government Code, does not apply to the abolition of the office of the fire fighters' pension commissioner by this Act.

(g) Section 864.016(f), Government Code, as amended by this Act, applies to a final decision of the state board of trustees of the Texas Emergency Services Retirement System that is rendered on or after the effective date of this Act. A decision of the state board rendered before the effective date of this Act is governed by the law in effect on the date the decision was rendered, and the former law is continued in effect for that purpose.

SECTION 5.02. The change in law made by this Act to Section 865.002, Government Code, regarding prohibitions on members of the state board of trustees of the Texas Emergency Services Retirement System does not affect the entitlement of a member serving on the board immediately before September 1, 2013, to continue to serve and function as a member of the board for the remainder of the member's term. The change in law made to that section applies only to a member appointed on or after September 1, 2013.

SECTION 5.03. (a) Effective September 1, 2013, all powers, duties, obligations, and rights of action of the fire fighters' pension commissioner under the Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes) are, except as provided by Subsection (e) of this section, terminated as provided by Article 2 of this Act.

(b) In connection with the requirements of Subsection (a) of this section, property and records other than those described by Section 5.01(c) of this article are transferred to the comptroller in accordance with Section 325.017(e), Government Code.

(c) A rule adopted by the fire fighters' pension commissioner in connection with or relating to the Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes) expires on September 1, 2013.

(d) Effective September 1, 2013, the unobligated and unexpended balance of any appropriations made to the fire fighters' pension commissioner in connection with or relating to the Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes), for the state fiscal biennium ending August 31, 2013, is transferred to the general revenue fund in accordance with Section 325.017(c), Government Code.

(e) Any administrative hearing on appeal to the fire fighters' pension commissioner under Section 22, Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes), is transferred without change in status to the State Office of Administrative Hearings.

SECTION 5.04. The attorney general shall continue any proceeding involving the office of the fire fighters' pension commissioner that is pending on the effective date of this Act in accordance with the law in effect on the date the proceeding was commenced, and the former law is continued in effect for that purpose.

SECTION 5.05. Except as provided by Section 5.03(e) of this Act, the changes in law made by this Act apply only to a proceeding involving an appeal under Section 864.016, Government Code, as amended by this Act, or Section 22, Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes), as amended by this Act, that is commenced on or after the effective date of this Act. A proceeding involving an appeal commenced before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 5.06. Sections 325.017 and 325.020, Government Code, apply in relation to the abolition of the office of the fire fighters' pension commissioner. In the event of a conflict between those sections and a provision of this Act, this Act prevails.

SECTION 5.07. If the transfers required under Sections 5.01 and 5.03 of this article are not completed by September 1, 2013, the governor shall appoint a person to complete the transfers.

SECTION 5.08. To the extent of any conflict, this Act prevails over another Act of the 83rd Legislature, Regular Session, 2013, relating to nonsubstantive additions to and corrections in enacted codes.

ARTICLE 6. EFFECTIVE DATE

SECTION 6.01. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

The amendment to **SB 220** 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.

On motion of Senator Birdwell and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

SB 220 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: Hinojosa, Whitmire.

SENATE BILL 220 ON THIRD READING

Senator Birdwell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 220** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Campbell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Garcia, Hancock, Hegar, Huffman, Lucio, Nelson, Nichols, Patrick, Paxton, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Williams, Zaffirini.

Nays: Hinojosa, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

HOUSE JOINT RESOLUTION 62 REREFERRED (Motion In Writing)

Senator Van de Putte submitted a Motion In Writing requesting that **HJR 62** be withdrawn from the Committee on Finance and rereferred to the Committee on Veteran Affairs and Military Installations.

The Motion In Writing prevailed without objection.

NOTICE GIVEN FOR LOCAL AND UNCONTESTED CALENDAR

Senator Eltife announced that a Local and Uncontested Calendar had been furnished to each Member of the Senate. He then gave notice that the Local and Uncontested Calendar Session would be held at 8:00 a.m. tomorrow and that all bills and resolutions would be considered on second and third reading in the order in which they were listed.

MOTION TO RECESS AND ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 12:40 p.m. agreed to recess, upon completion of the introduction of bills and resolutions on first reading and pending the receipt of messages and committee reports, until 8:00 a.m. tomorrow for the Local and Uncontested Calendar Session.

The Senate further agreed to adjourn, upon conclusion of the Local and Uncontested Calendar Session, until 11:00 a.m. tomorrow.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Tuesday, May 14, 2013 - 2

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 2139 Dutton

Relating to the authority of the Near Northside Management District to undertake tax increment financing.

HB 3860 Dutton

Relating to the creation of the Generation Park Management District and required notice by municipal management districts of certain actions; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

HB 3877 Pitts

Relating to the powers and duties of the Ellis County Municipal Utility District No. 1; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose taxes.

HB 3895 Toth

Relating to the name of The Woodlands Road Utility District No. 1, of Montgomery County, Texas, and to the administration, powers, and duties of the district.

HB 3898 Hilderbran

Relating to water districts in Bandera County.

HB 3910 Creighton

Relating to the boundaries of the East Montgomery County Municipal Utility Districts Nos. 6 and 7.

HB 3914 Sanford

Relating to the creation of the Old Celina Municipal Management District No. 1; providing authority to issue bonds; providing authority to impose an assessment or fee.

HB 3924 Miller, Doug

Relating to the creation of the Comal Trinity Groundwater Conservation District; providing authority to issue bonds; providing authority to impose assessments, fees, or surcharges.

HB 3932

Farney

Relating to the period for confirmation of the Williamson County Municipal Utility District No. 21.

HB 3941

Miller, Doug

Relating to the creation of the Comal County Water Improvement District No. 3; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

HB 3943

Davis, Sarah

Relating to the creation of the Harris County Municipal Utility District No. 537; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

HB 3947

Dutton

Relating to the powers and duties of the Harris County Municipal Utility District No. 402 regarding road projects.

SB 15

Seliger

Sponsor: Branch

Relating to the governance of public institutions of higher education in this state.
(Amended)

SB 201

Birdwell

Sponsor: Price

Relating to the continuation and functions of the State Preservation Board.
(Committee Substitute)

SB 329

Huffman

Sponsor: Zerwas

Relating to a prohibition on the use of a tanning facility by a minor.

SB 346

Seliger

Sponsor: Geren

Relating to reporting requirements of certain persons who do not meet the definition of political committee.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

RECESS

Pursuant to a previously adopted motion, the Senate at 2:45 p.m. recessed pending receipt of committee reports and the completion of the introduction of bills and resolutions on first reading.

AFTER RECESS

The Senate met at 3:40 p.m. and was called to order by Senator Nelson.

BILLS AND RESOLUTIONS SIGNED

The Presiding Officer announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

SB 33, SB 61, SB 92, SB 94, SB 160, SB 169, SB 229, SB 346, SB 352, SB 353, SB 425, SB 560, SB 567, SB 642, SB 764, SB 822, SB 1225, SB 1332, SB 1811, SB 1825, SB 1896, SCR 28, HB 458, HB 525, HB 535, HB 839, HB 1061, HB 1238, HB 1600, HB 1844, HB 1869, HB 2311, HB 2738, HJR 79.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read first time and referred to the committees indicated:

- HB 1352** to Committee on Business and Commerce.
- HB 2139** to Committee on Intergovernmental Relations.
- HB 3860** to Committee on Intergovernmental Relations.
- HB 3877** to Committee on Intergovernmental Relations.
- HB 3895** to Committee on Intergovernmental Relations.
- HB 3898** to Committee on Natural Resources.
- HB 3910** to Committee on Intergovernmental Relations.
- HB 3914** to Committee on Intergovernmental Relations.
- HB 3924** to Committee on Natural Resources.
- HB 3932** to Committee on Intergovernmental Relations.
- HB 3941** to Committee on Natural Resources.
- HB 3943** to Committee on Intergovernmental Relations.
- HB 3947** to Committee on Intergovernmental Relations.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 1312**

Senator Schwertner submitted the following Conference Committee Report:

Austin, Texas
May 13, 2013

Honorable David Dewhurst
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 1312** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

SCHWERTNER
CAMPBELL
DEUELL
HEGAR
HUFFMAN
On the part of the Senate

AYCOCK
DARBY
FARNEY
HOWARD
KING, TRACY O.
On the part of the House

**A BILL TO BE ENTITLED
AN ACT**

relating to the regulation and practice of veterinary medicine; authorizing a fee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 801.002, Occupations Code, is amended by adding Subdivisions (1-a), (4-b), (4-c), and (6-a) and amending Subdivision (4-a) to read as follows:

(1-a) "Certified veterinary assistant" means a person who has been certified as a certified veterinary assistant by the Texas Veterinary Medical Association and is employed by a licensed veterinarian.

(4-a) "Immediate supervision" means supervision by a person who is within audible and visual range of both the animal patient and the person under supervision.

(4-b) "Licensed equine dental provider" means a person who holds a license to practice equine dentistry issued under this chapter.

(4-c) "Licensed veterinary technician" means a person licensed as a veterinary technician by the board.

(6-a) "Veterinary assistant" means a person who:

(A) is employed by a licensed veterinarian;

(B) performs tasks related to animal care; and

(C) is not a certified veterinary assistant or a licensed veterinary technician.

SECTION 2. Subsections (c), (d), and (e), Section 801.151, Occupations Code, are amended to read as follows:

(c) The board shall adopt rules to:

(1) protect the public;

(2) ensure that alternate therapies, including ultrasound diagnosis and therapy, magnetic field therapy, holistic medicine, homeopathy, chiropractic treatment, acupuncture, and laser therapy, are performed only by a veterinarian or under the supervision of a veterinarian; ~~and~~

(3) ensure that equine dentistry is performed only by a veterinarian who is active and in good standing or by a licensed equine dental provider who is active and in good standing under the appropriate level of supervision of a veterinarian who is active and in good standing and who has established a veterinarian-client-patient relationship with the owner or other caretaker of an animal in accordance with Section 801.351; and

(4) provide for the licensing and regulation of licensed veterinary technicians.

(d) The board may adopt rules regarding the work of a person who:

~~[(1)] works under the supervision of a veterinarian; and~~

~~[(2) fulfills the requirements established by a board approved organization for registered veterinary technicians].~~

(e) The board shall adopt rules to implement a jurisprudence examination for licensed equine dental providers and licensed veterinary technicians, including rules relating to the development and administration of the examination, examination fees, guidelines for reexamination, examination grading, and provision of notice of examination results.

SECTION 3. Subchapter D, Chapter 801, Occupations Code, is amended by adding Section 801.163 to read as follows:

Sec. 801.163. ADVISORY COMMITTEES. (a) The board may appoint advisory committees to perform advisory functions as assigned by the board.

(b) An advisory committee shall provide independent expertise on board functions and policies, but may not be involved in setting board policy.

(c) The board shall adopt rules regarding the purpose, structure, and use of an advisory committee, including rules on:

(1) the purpose, role, responsibility, and goal of an advisory committee;

(2) the size and quorum requirements for an advisory committee;

(3) the composition and representation of an advisory committee;

(4) the qualifications of advisory committee members, including any experience requirements or requirements that members represent specific geographic regions of the state;

(5) the appointment procedures for an advisory committee;

(6) the terms of service for advisory committee members;

(7) the training requirements for advisory committee members, if necessary;

(8) the method the board will use to receive public input on issues addressed by an advisory committee; and

(9) the development of board policies and procedures to ensure that an advisory committee meets the requirements for open meetings under Chapter 551, Government Code, including notice requirements.

(d) To the extent of any conflict with Chapter 2110, Government Code, this section and board rules adopted under this section control.

SECTION 4. Section 801.264, Occupations Code, is amended to read as follows:

Sec. 801.264. JURISPRUDENCE EXAMINATION. (a) The board shall develop and administer a jurisprudence examination for licensed equine dental providers to determine an applicant's knowledge of this chapter, board rules, and any other applicable laws of this state affecting the applicant's [equine dentistry] practice.

(b) The board shall develop and administer a jurisprudence examination for licensed veterinary technicians to determine an applicant's knowledge of this chapter, board rules, and any other applicable laws of this state affecting the applicant's employment as a licensed veterinary technician.

SECTION 5. Subchapter F, Chapter 801, Occupations Code, is amended by adding Sections 801.265 and 801.266 to read as follows:

Sec. 801.265. LICENSED VETERINARY TECHNICIAN: APPLICATION, QUALIFICATIONS, AND ISSUANCE. (a) The board shall issue a veterinary technician license to a person who is qualified under this section. A person is qualified to be licensed as a licensed veterinary technician if the person:

(1) passes a jurisprudence examination conducted by the board in accordance with Section 801.264;

(2) is at least 18 years old;

(3) has graduated from a program accredited by the American Veterinary Medical Association;

(4) has passed the Veterinary Technician National Examination; and

(5) is not disqualified under this chapter or board rule.

(b) An applicant for a veterinary technician license must submit to the board:

(1) an application on the form prescribed by the board;

(2) information to enable the board to conduct a criminal background check if required by the board; and

(3) any other information required by the board.

Sec. 801.266. LICENSED VETERINARY TECHNICIAN LICENSE REQUIRED; DISPLAY OF LICENSE. (a) A person may not use the title "Licensed Veterinary Technician" or "LVT" or advertise or offer services in a manner to lead other people to believe that the person is licensed as a licensed veterinary technician unless the person holds a license under Section 801.265.

(b) If employed by a veterinary hospital, a licensed veterinary technician shall display at that facility the person's license issued by the board or a legible photocopy of the license.

SECTION 6. Subsection (a), Section 801.307, Occupations Code, is amended to read as follows:

(a) The board by rule shall establish a minimum number of hours of continuing education required to renew a license to practice veterinary medicine or work as a licensed veterinary technician. The board shall require six hours of continuing education annually to renew an equine dental provider license.

SECTION 7. Subchapter H, Chapter 801, Occupations Code, is amended by adding Sections 801.363 and 801.364 to read as follows:

Sec. 801.363. DELEGATION AND SUPERVISION OF ANIMAL CARE TASKS. (a) Decisions relating to the diagnosis, treatment, management, and future disposition of an animal patient must be made by a supervising veterinarian.

(b) A supervising veterinarian shall determine the appropriate level of supervision and protocol for a task that is delegated to a licensed veterinary technician, certified veterinary assistant, or veterinary assistant. In determining the appropriate level of supervision, the veterinarian must consider the level of training and experience of the person to whom the task is delegated.

(c) According to the judgment of the supervising veterinarian, a veterinarian may delegate greater responsibility to a licensed veterinary technician than to a certified veterinary assistant or a veterinary assistant. A veterinarian may provide greater supervision for a task performed by a certified veterinary assistant or a veterinary assistant than for the same task performed by a licensed veterinary technician.

(d) A satellite office or mobile facility may not be operated without a supervising veterinarian.

Sec. 801.364. SCOPE OF PRACTICE OF LICENSED VETERINARY TECHNICIANS, CERTIFIED VETERINARY ASSISTANTS, AND VETERINARY ASSISTANTS. (a) A licensed veterinary technician may:

(1) under the direct or immediate supervision of a veterinarian:

(A) suture to close existing surgical skin incisions and skin lacerations;

(B) induce anesthesia; and

(C) extract loose teeth or dental fragments of companion animals with

minimal periodontal attachments by hand and without the use of an elevator;

(2) under the direct, immediate, or general supervision of a veterinarian:

(A) draw blood; and

(B) take samples for the purpose of testing and diagnosis;

(3) perform a task assigned by the supervising veterinarian under a level of supervision determined by the supervising veterinarian; and

(4) immediately supervise a certified veterinary assistant or veterinary assistant who is performing a task described by Subdivision (1)(A) or (B) or (2) or other tasks related to animal care as assigned by the supervising veterinarian according to the protocol established by the supervising veterinarian.

(b) A licensed veterinary technician who is immediately supervising a task performed by a certified veterinary assistant or a veterinary assistant is responsible for conduct that violates laws, including board rules, related to the practice of veterinary medicine.

(c) In addition to tasks described by Subsection (a)(4), a certified veterinary assistant or veterinary assistant may:

(1) under the immediate supervision of a veterinarian:

(A) suture to close existing surgical skin incisions and skin lacerations;
and

(B) induce anesthesia; and

(2) perform other tasks assigned by the supervising veterinarian under a level of supervision determined by the supervising veterinarian.

(d) A licensed veterinary technician, certified veterinary assistant, or veterinary assistant may not:

(1) perform surgery;

(2) perform an invasive dental procedure, except as provided by Subsection (a)(1)(C);

(3) diagnose or determine a prognosis for an animal disease or condition;

(4) prescribe a drug or appliance; or

(5) initiate treatment without prior instruction by a veterinarian, except in the case of an emergency.

SECTION 8. Section 801.402, Occupations Code, is amended to read as follows:

Sec. 801.402. GENERAL GROUNDS FOR LICENSE DENIAL OR DISCIPLINARY ACTION. A person is subject to denial of a license or to disciplinary action under Section 801.401 if the person:

(1) presents to the board dishonest or fraudulent evidence of the person's qualifications;

(2) commits fraud or deception in the examination process or to obtain a license;

(3) is chronically or habitually intoxicated, chemically dependent, or addicted to drugs;

(4) engages in dishonest or illegal practices in, or connected with, the practice of veterinary medicine or the practice of equine dentistry;

(5) is convicted of a felony under the laws of this state, another state, or the United States;

(6) engages in practices or conduct that violates the board's rules of professional conduct;

(7) permits another to use the person's license to practice veterinary medicine or to practice equine dentistry in this state;

(8) fraudulently issues a health certificate, vaccination certificate, test chart, or other form used in the practice of veterinary medicine or the practice of equine dentistry that relates to the presence or absence of animal disease;

(9) issues a false certificate relating to the sale for human consumption of inedible animal products;

(10) commits fraud in connection with the application or reporting of a test of animal disease;

(11) pays or receives a kickback, rebate, bonus, or other remuneration for treating an animal or for referring a client to another provider of veterinary or equine dental services or goods;

(12) performs or prescribes unnecessary or unauthorized treatment;

(13) orders a prescription drug or controlled substance for the treatment of an animal without first establishing a veterinarian-client-patient relationship;

(14) refuses to admit a board representative to inspect the person's client and patient records and business premises during regular business hours;

(15) fails to keep the person's equipment and business premises in a sanitary condition;

(16) commits gross malpractice or a pattern of acts that indicate consistent malpractice, negligence, or incompetence in the practice of veterinary medicine or the practice of equine dentistry; ~~[or]~~

(17) is subject to disciplinary action in another jurisdiction, including the suspension, probation, or revocation of a license to practice veterinary medicine or to practice equine dentistry issued by another jurisdiction;

(18) is convicted for an offense under Section 42.09, 42.091, or 42.092,

Penal Code;

(19) represents the person as a veterinarian without a license issued under this chapter;

(20) practices veterinary medicine or assists in the practice of veterinary medicine without a license issued under this chapter; or

(21) violates Section 801.353 or a rule adopted by the board related to confidentiality.

SECTION 9. (a) Before September 1, 2014, the State Board of Veterinary Medical Examiners shall issue a veterinary technician license described by Section 801.265, Occupations Code, as added by this Act, to a person who:

(1) presents proof of registration in good standing as a registered veterinary technician with the Texas Veterinary Medical Association; and

(2) submits an application and required fee.

(b) A license issued under this section may be renewed in the same manner as a license issued to a person under Section 801.265, Occupations Code, as added by this Act.

SECTION 10. Not later than June 1, 2014, the State Board of Veterinary Medical Examiners shall adopt the rules, procedures, fees, and jurisprudence examination necessary to administer Chapter 801, Occupations Code, as amended by this Act.

SECTION 11. Notwithstanding Chapter 801, Occupations Code, as amended by this Act, a person employed as a licensed veterinary technician is not required to hold a license under that chapter to practice as a licensed veterinary technician in this state before September 1, 2014.

SECTION 12. This Act takes effect September 1, 2013.

The Conference Committee Report on **SB 1312** was filed with the Secretary of the Senate.

CO-AUTHORS OF SENATE BILL 1029

On motion of Senator Campbell, Senators Patrick and Paxton will be shown as Co-authors of **SB 1029**.

CO-AUTHOR OF SENATE BILL 1218

On motion of Senator Campbell, Senator Nelson will be shown as Co-author of **SB 1218**.

CO-AUTHOR OF SENATE BILL 1316

On motion of Senator Whitmire, Senator Garcia will be shown as Co-author of **SB 1316**.

CO-SPONSOR OF HOUSE BILL 78

On motion of Senator Eltife, Senator Paxton will be shown as Co-sponsor of **HB 78**.

CO-SPONSOR OF HOUSE BILL 740

On motion of Senator Deuell, Senator Van de Putte will be shown as Co-sponsor of **HB 740**.

CO-SPONSORS OF HOUSE BILL 1272

On motion of Senator Van de Putte, Senators Garcia and Zaffirini will be shown as Co-sponsors of **HB 1272**.

CO-SPONSOR OF HOUSE BILL 1514

On motion of Senator Campbell, Senator Zaffirini will be shown as Co-sponsor of **HB 1514**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 898 by Rodríguez and Van de Putte, In memory of Francis Gene Phillips IV.

SR 899 by Rodríguez and Van de Putte, In memory of Kevin Cardoza.

SR 900 by Rodríguez and Van de Putte, In memory of Thomas Paige Murach.

SR 901 by Rodríguez and Van de Putte, In memory of Brandon James Landrum.

SR 902 by Rodríguez and Van de Putte, In memory of Brandon Joseph Prescott.

Congratulatory Resolutions

SR 889 by Ellis, Recognizing Robert L. Spangenberg on the occasion of his 80th birthday.

SR 890 by Fraser, Recognizing Roger Todd Moore for his contributions to cartoon art and Texana.

SR 892 by Estes, Recognizing the Buick Achievers Scholarship Program of the General Motors Foundation.

SR 893 by Campbell, Recognizing the Comal County Tax Office for earning a 2013 County Best Practices Award.

SR 894 by Taylor, Recognizing Wayne Riddle on the occasion of his retirement.

SR 895 by Hinojosa, Recognizing Richard F. Cortez on the occasion of his retirement.

SR 896 by Hinojosa, Recognizing the *Tejano Gold Countdown* radio program.

SR 897 by Hinojosa, Recognizing Marcus C. Barrera on the occasion of his retirement.

SR 903 by Watson, Recognizing Arthur Murillo for winning first place as a bus operator in the Texas State Rodeo.

HCR 92 (Schwertner), Commemorating the 125th anniversary of the founding of Alcoa Inc.

Official Designation Resolution

SR 891 by Garcia, Recognizing May 15, 2013, as East Aldine District Legislative Day at the State Capitol.

RECESS

Pursuant to a previously adopted motion, the Senate at 6:35 p.m. recessed until 8:00 a.m. tomorrow for the Local and Uncontested Calendar Session.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

May 14, 2013

TRANSPORTATION — **HB 1607, HB 2356, HB 3676, HB 1458**

STATE AFFAIRS — **HB 148, HB 985, HB 1358, HB 2155, HB 2512, HB 2935, HB 3102**

ECONOMIC DEVELOPMENT — **CSHB 1297**

STATE AFFAIRS — **HB 396, CSHB 2020**

ECONOMIC DEVELOPMENT — **CSHB 3390**

TRANSPORTATION — **CSHB 474, CSHB 719, CSHB 1097, CSHB 2741, CSHB 2874**

INTERGOVERNMENTAL RELATIONS — **SB 1865, HJR 147, HB 339, HB 1593, HB 1777, HB 1801, HB 1895, HB 2094, HB 3097, HB 3800, HB 1442, HB 1594, HB 1800, HB 1970, HB 2509, HB 3795, HB 3896**

HEALTH AND HUMAN SERVICES — **CSHB 3201**

TRANSPORTATION — **CSHB 1545**

GOVERNMENT ORGANIZATION — **HB 749, HB 3211, HB 2873, HB 432**

STATE AFFAIRS — **CSHB 2772, CSHB 1759**

INTERGOVERNMENTAL RELATIONS — **CSHB 1888**

BUSINESS AND COMMERCE — **HB 3355, HB 3307, HB 3106, HB 2134, HB 1979, HB 1953, HB 1772, HB 1664, HB 1503, HB 1405, HB 1183, HB 1086, HB 1047**

INTERGOVERNMENTAL RELATIONS — **CSHB 674, CSHB 2840, CSHB 2688**

STATE AFFAIRS — **CSHB 3103**

EDUCATION — **HB 308, HB 2549, HB 2662, HB 1122, HB 2610, HCR 104**

CRIMINAL JUSTICE — **HB 485, HB 698, HB 3412**

BILLS ENGROSSED

May 13, 2013

SB 1304, SB 1459, SB 1512, SB 1871

BILLS AND RESOLUTIONS ENROLLED

May 13, 2013

SB 33, SB 61, SB 92, SB 94, SB 160, SB 169, SB 229, SB 352, SB 353, SB 425, SB 560, SB 567, SB 642, SB 764, SB 822, SB 1225, SB 1332, SB 1811, SB 1825, SB 1896, SCR 28, SR 851, SR 852, SR 853, SR 854, SR 872, SR 876, SR 879, SR 880, SR 881, SR 882, SR 883, SR 884, SR 885, SR 886, SR 887

SENT TO GOVERNORMay 14, 2013**SB 33, SB 61, SB 92, SB 94, SB 160, SB 169, SB 229, SB 346, SB 352, SB 353, SB 425, SB 560, SB 567, SB 642, SB 764, SB 822, SB 1225, SB 1332, SB 1811, SB 1825, SB 1896, SCR 28****SIGNED BY GOVERNOR**May 14, 2013**SB 283, SB 294, SB 297, SB 312, SB 618, SB 966, SB 1248**

SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTY-EIGHTH DAY

(Continued)

(Wednesday, May 15, 2013)

AFTER RECESS

The Senate met at 8:00 a.m. and was called to order by Senator Eltife.

**SESSION HELD FOR
LOCAL AND UNCONTESTED CALENDAR**

The Presiding Officer announced that the time had arrived to consider bills and resolutions placed on the Local and Uncontested Calendar. Notice of consideration of the local calendar was given by Senator Eltife yesterday.

Pursuant to Senate Rule 9.03(d), the following bills and resolutions were laid before the Senate in the order listed, read second time, amended where applicable, passed to engrossment or third reading, read third time, and passed. The votes on passage to engrossment or third reading, suspension of the Constitutional Three-day Rule, and final passage are indicated after each caption. All Members are deemed to have voted "Yea" on viva voce votes unless otherwise indicated.

CSHB 86 (Lucio)

Relating to the criteria for review by the Sunset Advisory Commission of an agency that licenses an occupation.

(viva voce vote) (31-0) (31-0)

HB 144 (Nelson)

Relating to a mental examination of a child subject to the juvenile justice system.

(viva voce vote) (31-0) (31-0)

CSHB 243 (Uresti)

Relating to the authority of a community center that provides mental health or mental retardation services to sell certain real property of the center.

(viva voce vote) (31-0) (31-0)

CSHB 248 (Ellis)

Relating to the regulation of automotive wrecking and salvage yards in certain counties.

(viva voce vote) (31-0) (31-0)

CSHB 252 (Hegar)

Relating to water shortage reporting by water utilities and providers of wholesale water service.

(viva voce vote) (31-0) (31-0)

HB 341 (Nichols)

Relating to the exclusion of certain mineral interests from the property interests that may be condemned by a regional tollway authority.

(viva voce vote) (31-0) (31-0)

CSHB 347 (Nichols)

Relating to prohibiting using a wireless communication device while operating a motor vehicle on school property.

(viva voce vote) (31-0) (31-0)

HB 389 (Rodríguez)

Relating to the enforcement of spousal maintenance agreements and property distribution agreements incident to divorce or annulment.

(viva voce vote) (31-0) (31-0)

HB 403 (Ellis)

Relating to liability of certain certified municipal inspectors for services rendered during an emergency or disaster.

(viva voce vote) (31-0) (31-0)

HB 410 (Estes)

Relating to the administration and operation of the appellate judicial system for the Second Court of Appeals District; changing an appellate judicial system court costs fee in certain counties.

(viva voce vote) (31-0) (31-0)

HB 434 (Whitmire)

Relating to the persons authorized to take a blood specimen from a vehicle operator to test for alcohol concentration or other intoxicating substances.

(viva voce vote) (31-0) (31-0)

HB 480 (Ellis)

Relating to the use of sick leave by state employees who are attending educational activities of their children.

(viva voce vote) (31-0) (31-0)

HB 511 (Carona)

Relating to the registration of token trailers.

(viva voce vote) (31-0) (31-0)

HB 567 (Nichols)

Relating to the definition of an authorized emergency vehicle.

(viva voce vote) (31-0) (31-0)

HB 570 (Rodríguez)

Relating to issuance of a magistrate's order for emergency protection.

(viva voce vote) (31-0) (31-0)

HB 622 (Hegar)

Relating to the report by the General Land Office to the legislature on the effectiveness of the coastal management program.

(viva voce vote) (31-0) (31-0)

HB 625 (Carona)

Relating to the penalty for the operation of a vehicle without a license plate.

(viva voce vote) (31-0) (31-0)

CSHB 630 (Huffman)

Relating to the filling of vacancies on a political party's county executive committee.

(viva voce vote) (31-0) (31-0)

HB 634 (Rodríguez)

Relating to the verification of an inmate's veteran status by the Texas Department of Criminal Justice.

(viva voce vote) (31-0) (31-0)

HB 695 (Nichols)

Relating to funding state highway markers.

(viva voce vote) (31-0) (31-0)

HB 748 (Nelson)

Relating to a waiver allowing the Department of Family and Protective Services to use certain federal funds to test innovation strategies in child welfare programs.

(viva voce vote) (31-0) (31-0)

HB 762 (Carona)

Relating to restrictions on disaster remediation contracts following a locally declared disaster.

(viva voce vote) (31-0) (31-0)

HB 768 (Watson)

Relating to the application of the public and private facilities and infrastructure contracting requirements to technology facilities.

(viva voce vote) (31-0) (31-0)

HB 797 (Garcia)

Relating to certain written information the Windham School District must provide to a person before the person enrolls in a district vocational training program.

(viva voce vote) (31-0) (31-0)

CSHB 798 (Garcia)

Relating to certain actions taken by certain licensing authorities regarding a license holder or applicant who has been convicted of a Class C misdemeanor.

(viva voce vote) (31-0) (31-0)

HB 799 (Whitmire)

Relating to vocational training programs provided by the Windham School District.

(viva voce vote) (31-0) (31-0)

HB 878 (Estes)

Relating to the filing with the state of electric logs by operators of oil-related or gas-related wells; providing a penalty.

(viva voce vote) (31-0) (31-0)

HB 938 (Eltife)

Relating to the designation of a segment of Farm-to-Market Road 2348 in Titus County as the Army Staff Sergeant Chauncy Mays Memorial Highway.

(viva voce vote) (31-0) (31-0)

CSHB 944 (Carona)

Relating to an exemption from licensé requirements for a limited number of sales of manufactured housing.

(viva voce vote) (31-0) (31-0)

CSHB 1160 (Nelson)

Relating to the transfer of a certificate of convenience and necessity in certain municipalities.

(viva voce vote) (31-0) (31-0)

(Senator Hancock in Chair)**HB 1204** (Nelson)

Relating to designating October 1 as Influenza Awareness Day.

(viva voce vote) (31-0) (31-0)

HB 1205 (Carona)

Relating to the offense of failure to report abuse or neglect of a child.

(viva voce vote) (31-0) (31-0)

HB 1264 (Deuell)

Relating to information regarding the number of public school students with dyslexia.

(viva voce vote) (31-0) (31-0)

HB 1334 (Rodríguez)

Relating to the composition of the El Paso County juvenile board.

(viva voce vote) (31-0) (31-0)

HB 1347 (Rodríguez)

Relating to the use of El Paso Mission Valley specialty license plate fees for the preservation and rehabilitation of the Socorro, San Elizario, and Ysleta Missions.

(viva voce vote) (31-0) (31-0)

HB 1395 (Nelson)

Relating to the exemption of registered dental laboratories from certain distributing and manufacturing licensing requirements.

(viva voce vote) (31-0) (31-0)

CSHB 1445 (Duncan)

Relating to the distribution of certain civil penalties and civil restitution received by the attorney general.

(viva voce vote) (30-1) "Nay" Nelson (30-1) "Nay" Nelson

CSHB 1534 (Paxton)

Relating to the designation of a segment of U.S. Highway 75 in Collin County as the Prisoner of War Memorial Highway.

(viva voce vote) (31-0) (31-0)

HB 1624 (Van de Putte)

Relating to the assumed name of a series limited liability company.

(viva voce vote) (31-0) (31-0)

HB 1648 (Nelson)

Relating to the confidentiality of certain information held by the Department of Family and Protective Services.

(viva voce vote) (31-0) (31-0)

CSHB 1711 (Duncan)

Relating to barratry.

(viva voce vote) (31-0) (31-0)

HB 1718 (Estes)

Relating to the eligibility of certain terminally ill individuals to purchase a resident hunting license.

(viva voce vote) (31-0) (31-0)

HB 1760 (Nelson)

Relating to the provision of services to certain individuals with developmental disabilities by a state supported living center.

(viva voce vote) (31-0) (31-0)

CSHB 1762 (Deuell)

Relating to workers' compensation and other remedies available to an injured temporary employee.

(viva voce vote) (31-0) (31-0)

CSHB 1818 (Deuell)

Relating to the disposition of confiscated game, animal parts, and animal products.

(viva voce vote) (31-0) (31-0)

HB 1871 (Uresti)

Relating to the allocation of the expenses of a joint election to certain school districts.

(viva voce vote) (31-0) (31-0)

HB 1952 (Van de Putte)

Relating to professional development training for certain public school personnel regarding student disciplinary procedures.

(viva voce vote) (31-0) (31-0)

HB 1972 (Hancock)

Relating to the provision of 9-1-1 services; providing criminal penalties.

(viva voce vote) (31-0) (31-0)

HB 2016 (Duncan)

Relating to the receipt or consideration of a petition requesting detachment and annexation by the board of trustees of a school district after adoption of consolidation resolutions.

(viva voce vote) (31-0) (31-0)

HB 2051 (Carona)

Relating to the authority of public institutions of higher education to make certain investments to support technology commercialization.

(viva voce vote) (31-0) (31-0)

(Senator Garcia in Chair)**HB 2058** (Ellis)

Relating to the administration of a high school equivalency examination.

(viva voce vote) (31-0) (31-0)

HB 2103 (Seliger)

Relating to education research centers and the sharing of educational data between state agencies; redesignating certain fees as charges.

(viva voce vote) (31-0) (31-0)

HB 2105 (Lucio)

Relating to municipally owned utility systems; authorizing the imposition of fees by a utility board of trustees.

(viva voce vote) (31-0) (31-0)

HB 2252 (Nichols)

Relating to eligibility of charitable organizations to participate in a state employee charitable campaign.

(viva voce vote) (31-0) (31-0)

HB 2256 (Watson)

Relating to the view of the State Capitol.

(viva voce vote) (31-0) (31-0)

HB 2263 (Huffman)

Relating to requesting a replacement voter registration certificate by telephone or electronically.

(viva voce vote) (31-0) (31-0)

HB 2459 (Carona)

Relating to the limitation on the amount that may be charged for certain debt cancellation agreements.

(viva voce vote) (31-0) (31-0)

CSHB 2462 (Carona)

Relating to automobile club memberships offered in connection with certain motor vehicle retail installment contracts.

(viva voce vote) (31-0) (31-0)

HB 2475 (Huffman)

Relating to the oath taken by a person who assists a voter.

(viva voce vote) (31-0) (31-0)

HB 2536 (Nelson)

Relating to the composition of certain regional transportation authority subregional boards.

(viva voce vote) (31-0) (31-0)

HB 2571 (Fraser)

Relating to the inspection of certain information regarding the production, transportation, sale, and marketing of oil and gas from state land; imposing an administrative penalty.

(viva voce vote) (31-0) (31-0)

HB 2637 (Whitmire)

Relating to the fraudulent use of identifying information by certain sex offenders; providing criminal penalties.

(viva voce vote) (31-0) (31-0)

CSHB 2683 (Nelson)

Relating to employment in certain consumer-directed services and by certain facilities and to the nurse aide registry and the employee misconduct registry.

(viva voce vote) (31-0) (31-0)

HB 2710 (Schwertner)

Relating to the employment of an attorney by the Texas Funeral Service Commission.

(viva voce vote) (31-0) (31-0)

HB 2892 (Hegar)

Relating to the authority of the board of regents of The Texas A&M University System to dispose of real property and mineral interests under its jurisdiction.

(viva voce vote) (31-0) (31-0)

HB 3031 (Ellis)

Relating to fare enforcement officers for metropolitan rapid transit authorities.

(viva voce vote) (31-0) (31-0)

HB 3163 (Taylor)

Relating to the San Jacinto Historical Advisory Board.

(viva voce vote) (31-0) (31-0)

HB 3337 (Uresti)

Relating to the authority of certain counties to impose a county hotel occupancy tax.

(viva voce vote) (31-0) (31-0)

CSHB 3559 (Eltife)

Relating to the Texas Peace Officers' Memorial Monument.

(viva voce vote) (31-0) (31-0)

HB 3900 (Hancock)

Relating to the board of directors of the Tarrant Regional Water District.

(viva voce vote) (31-0) (31-0)

HCR 55 (Hinojosa)

Urging the U.S. Department of State to take appropriate action to ensure that Mexico complies with the 1944 Treaty regarding shared water resources and that it make required water deliveries to the United States a priority.

(31-0)

CSSB 1262 (Rodríguez)

Relating to the housing authorities in certain municipalities and counties.

(viva voce vote) (31-0) (31-0)

SB 1915 (Campbell)

Relating to the creation of the Comal County Water Improvement District No. 3; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

(viva voce vote) (31-0) (31-0)

SCR 27 (Rodríguez)

Urging Congress to reauthorize Section 5056 of the Water Resources Development Act of 2007 and to appropriate sufficient funds for the Rio Grande Environmental Management Program.

(31-0)

**BILLS REMOVED FROM
LOCAL AND UNCONTESTED CALENDAR**

Senator Seliger and Senator Eltife requested in writing that **CSHB 1294** be removed from the Local and Uncontested Calendar.

Senator Carona and Senator Eltife requested in writing that **CSHB 1917** be removed from the Local and Uncontested Calendar.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 8:38 a.m. adjourned until 11:00 a.m. today.

SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTY-NINTH DAY

(Wednesday, May 15, 2013)

The Senate met at 11:09 a.m. pursuant to adjournment and was called to order by Senator Eltife.

The roll was called and the following Senators were present: Birdwell, Campbell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Garcia, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Patrick, Paxton, Rodriguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

The Presiding Officer announced that a quorum of the Senate was present.

Chaplain C. Michael Bingaman, Retama Park, Selma, offered the invocation as follows:

Precious heavenly Father, creator of all that is seen and unseen, we give You thanks for the opportunity to again this day serve You as we serve the people of Texas. We ask Your wisdom, Your grace, Your insight as these men and women wrestle with the daunting task of legislating this great state. Help us to ever be mindful that with great power comes great responsibility. If they feel fatigue, please strengthen them. If they feel discouragement, please encourage them. Assist these men and women to shoulder this responsibility with selfless grace and honor so that when the day is done, they will be able to rest in the assurance of hearing You say, Well done, my good and faithful servant. In the name of the God who created the heavens and the Earth and this little patch of ground we love called Texas, we pray. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Wednesday, May 15, 2013 - 1

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

- SB 50** Zaffirini Sponsor: Guillen
Relating to the Children's Policy Council, including the composition of the council.
- SB 111** Lucio Sponsor: Lucio III
Relating to the designation of Texas Historical Use Buildings.
(Committee Substitute)
- SB 129** Nelson Sponsor: Lewis
Relating to proper venue for filing an application for a protective order against family violence.
- SB 130** Nelson Sponsor: Lewis
Relating to representation by prosecuting attorneys in proceedings for protective orders against family violence and in certain other actions.
- SB 131** Nelson Sponsor: Smith
Relating to the hours of sale and consumption of wine at a winery.
- SB 148** Williams Sponsor: Toth
Relating to certain legal advice or legal services rendered to certain public servants.
(Committee Substitute)
- SB 165** Van de Putte Sponsor: Creighton
Relating to the issuance of specialty license plates to officers of the United States armed forces who graduated from certain United States military academies.
- SB 183** Carona Sponsor: Sheets
Relating to certain inquiries made by the Texas Department of Insurance to insurers.
- SB 194** West Sponsor: Coleman
Relating to ingress and egress for access by emergency vehicles and for use during evacuations in certain new residential subdivisions.
- SB 260** Davis Sponsor: Stickland
Relating to the absence of a student from school to visit with a parent or guardian who will be or has been deployed on military duty.
(Amended)
- SB 322** Williams Sponsor: Toth
Relating to the period for confirmation and the terms of the temporary directors of the Montgomery County Municipal Utility District No. 102.
- SB 323** Williams Sponsor: Toth
Relating to the period for confirmation and the terms of the temporary directors of the Montgomery County Municipal Utility District No. 104.
- SB 324** Williams Sponsor: Toth
Relating to the period for confirmation and the terms of the temporary directors of the Montgomery County Municipal Utility District No. 117.
- SB 328** Carona Sponsor: Gonzales, Larry
Relating to entrepreneurs-in-residence at state agencies.

- SB 355** West Sponsor: Lewis
Relating to the powers and duties of the Title IV-D agency regarding the establishment, collection, and enforcement of child support and in connection with an application for a marriage license or protective order; authorizing a surcharge.
(Committee Substitute)
- SB 426** Nelson Sponsor: Zerwas
Relating to a home visiting program for at-risk families.
- SB 435** Duncan Sponsor: Cortez
Relating to the payment of tuition for public high school students who participate in college credit programs.
- SB 529** Ellis Sponsor: Oliveira
Relating to the creation of the offense of installation, transfer, use, or possession of an automated sales suppression device or phantom-ware.
- SB 540** Carona Sponsor: Smith
Relating to the regulation, registration, and certification of inspectors for elevators, escalators, and related equipment.
(Committee Substitute)
- SB 566** Eltife Sponsor: Clardy
Relating to the establishment of a pharmacy school at The University of Texas at Tyler.
- SB 581** Carona Sponsor: Villarreal
Relating to procedures for securing the deposit of public funds.
- SB 630** Carona Sponsor: Naishtat
Relating to certain obligations of and limitations on residential landlords.
- SB 634** Davis Sponsor: Collier
Relating to regulating faulty on-site sewage disposal systems in the unincorporated areas of a county as a public nuisance; providing a criminal penalty.
- SB 703** Taylor Sponsor: Thompson, Ed
Relating to the powers and duties of the Brazoria County Municipal Utility District No. 39; providing authority to impose a tax or fee and issue bonds.
- SB 704** Taylor Sponsor: Thompson, Ed
Relating to the powers and duties of the Brazoria County Municipal Utility District No. 35; providing authority to impose a tax or fee and issue bonds.
- SB 705** Taylor Sponsor: Thompson, Ed
Relating to the powers and duties of the Brazoria County Municipal Utility District No. 40; providing authority to impose taxes and fees and issue bonds.
- SB 801** Carona Sponsor: Sheets
Relating to security deposit requirements for certain insurance companies.
- SB 825** Whitmire Sponsor: Thompson, Senfronia
Relating to disciplinary standards and procedures applicable to grievances alleging certain prosecutorial misconduct.

- SB 828** Van de Putte Sponsor: Guillen
Relating to the marketing of certain alcoholic beverages by manufacturers and their agents; providing for a permitting fee.
- SB 853** Taylor Sponsor: Sheets
Relating to notice of a premium increase for certain health insurance policies.
- SB 985** Zaffirini Sponsor: Isaac
Relating to authorizing broker agreements for the sale of real property by certain municipalities.
- SB 1008** Carona Sponsor: Anderson
Relating to the business, supervision, and regulation of state savings and loan associations and state savings banks; providing a criminal penalty.
- SB 1060** Nelson Sponsor: Zerwas
Relating to family cost share provisions in the early childhood intervention program.
- SB 1096** Hinojosa Sponsor: Muñoz, Jr.
Relating to the monthly fee a defendant must pay during a period of community supervision.
- SB 1134** Ellis Sponsor: Elkins
Relating to the duties of the Department of Information Resources regarding cybersecurity.
- SB 1423** Hinojosa Sponsor: Hunter
Relating to validating certain acts of the Lower Nueces River Water Supply District transferring real property rights.
- SB 1532** Zaffirini Sponsor: Rodriguez, Eddie
Relating to the power of the Texas Commission on Environmental Quality to authorize certain injection wells that transect or terminate in the Edwards Aquifer.
- SB 1611** Ellis Sponsor: Thompson, Senfronia
Relating to discovery in a criminal case.
- SB 1862** Zaffirini Sponsor: Isaac
Relating to the creation of the Crosswinds Municipal Utility District; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.
- SCR 20** Estes Sponsor: Anderson
Designating the first week of May as Texas Bison Week for a 10-year period beginning in 2013.
- SCR 26** Hinojosa Sponsor: Davis, John
Designating November as COPD Awareness Month for a 10-year period beginning in 2013, and directing the Texas Department of State Health Services to include COPD as a chronic health condition in their public awareness and educational efforts.

THE HOUSE HAS GRANTED THE REQUEST OF THE SENATE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

SB 1546 (non-record vote)

House Conferees: Guillen - Chair/Aycock/Dukes/Kuempel/Smith

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

MESSAGES FROM THE GOVERNOR

The following Messages from the Governor were read and were referred to the Committee on Nominations:

May 14, 2013
Austin, Texas

TO THE SENATE OF THE EIGHTY-THIRD LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the Guadalupe-Blanco River Authority Board of Directors for terms to expire February 1, 2019:

William R. Carbonara

Cuero, Texas

(replacing Frank Pagel of Tivoli whose term expired)

Darrell G. McLain

Gonzales, Texas

(replacing Myrna McLeroy of Gonzales whose term expired)

Don B. Meador

San Marcos, Texas

(replacing James Powers of Dripping Springs whose term expired)

To be members of the Texas Board of Occupational Therapy Examiners for terms to expire February 1, 2019:

Jennifer B. Clark

Iola, Texas

(replacing Kathleen Hill of Hutto whose term expired)

Amanda J. Ellis

Austin, Texas

(replacing Judith Chambers of Austin whose term expired)

Todd M. Novosad

Austin, Texas

(Mr. Novosad is being reappointed)

To be members of the Texas State Board of Social Worker Examiners for terms to expire February 1, 2019:

Timothy Brown
Dallas, Texas

Mark M. Talbot
McAllen, Texas

The individuals listed above are being reappointed.

To be members of the Judicial Compensation Commission for terms to expire as indicated:

To Expire February 1, 2017:

William "Bill" Brod, Jr.
Pasadena, Texas

(replacing Harold Jenkins of Irving who resigned)

Conrith Warren Davis
Sugar Land, Texas

(replacing Romulo Chavez of Spring who resigned)

To Expire February 1, 2019:

Patrick "Pat" Mizell
Houston, Texas

(Mr. Mizell is being reappointed)

Linda B. Russell
League City, Texas

(Ms. Russell is being reappointed)

To be members of the Governing Board of the Texas Indigent Defense Commission for terms to expire February 1, 2015:

Don Hase
Arlington, Texas

(replacing J. Knox Fitzpatrick of Dallas whose term expired)

Anthony C. "Tony" Odiorne
Georgetown, Texas

(Mr. Odiorne is being reappointed)

To be members of the Product Development and Small Business Incubator Board for terms to expire as indicated:

To Expire February 1, 2015:

Brett Cornwell
College Station, Texas

(replacing Daniel Hanson of Dallas who resigned)

To Expire February 1, 2019:

John-Patrick Lane
Fort Worth, Texas

(replacing Michael Davis, Jr. of Austin whose term expired)

David Margrave
San Antonio, Texas
(Mr. Margrave is being reappointed)

David L. Miller
Abernathy, Texas
(Mr. Miller is being reappointed)

To be a member of the Commission on Human Rights for a term to expire February 1, 2015:

Sharon Breckenridge Thomas
San Antonio, Texas

Ms. Thomas is replacing Travis Morris of Pearland who resigned.

To be a member of the San Jacinto River Authority Board of Directors for a term to expire October 16, 2013:

Michael "Mike" Bleier
Montgomery, Texas

Mr. Bleier is replacing David Kleimann of Willis who resigned.

To be a member of the Trinity River Authority Board of Directors for a term to expire March 15, 2017:

Amanda B. Davis
Buffalo, Texas

Ms. Davis is replacing Amanda Davis of Buffalo who resigned.

To be a member of the Trinity River Authority Board of Directors for a term to expire March 15, 2015:

Valerie E. Ertz
Dallas, Texas

Ms. Ertz is replacing Harold Jenkins of Irving who resigned.

To be members of the Trinity River Authority Board of Directors for terms to expire March 15, 2019:

Henry Borbolla, III
Fort Worth, Texas
(Mr. Borbolla is being reappointed)

Tommy G. Fordyce
Huntsville, Texas
(Mr. Fordyce is being reappointed)

Jess Laird
Athens, Texas
(Mr. Laird is being reappointed)

David Leonard
Liberty, Texas
(Mr. Leonard is being reappointed)

James "Jim" Neale
 Dallas, Texas
 (Mr. Neale is being reappointed)

Amirali Rupani
 Dallas, Texas
 (Mr. Rupani is being reappointed)

AnaLaura Saucedo
 Mesquite, Texas
 (Ms. Saucedo is being reappointed)

Dudley Skyrme
 Palestine, Texas
 (replacing Nancy Lavinski of Palestine whose term expired)

C. Dwayne Somerville
 Mexia, Texas
 (replacing Linda Timmerman of Streetman whose term expired)

To be members of the Lavaca-Navidad River Authority for terms to expire as indicated:

To Expire May 1, 2015:

Scott H. Sachtleben
 Ganado, Texas
 (replacing John Cotten, Jr. of Ganado who is deceased)

To Expire May 1, 2019:

Glenn T. Martin
 Edna, Texas
 (Mr. Martin is being reappointed)

Leonard A. Steffek
 Edna, Texas
 (replacing Jon Bradford of Edna whose term expired)

Charles "Charlie" Taylor
 Palacios, Texas
 (replacing Olivia Jarratt of Edna whose term expired)

Respectfully submitted,

/s/Rick Perry
 Governor

May 15, 2013
 Austin, Texas

TO THE SENATE OF THE EIGHTY-THIRD LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the Nueces River Authority Board of Directors for terms to expire February 1, 2019:

Rebecca Bradford

Corpus Christi, Texas

(Ms. Bradford is being reappointed)

Dane Bruun

Corpus Christi, Texas

(replacing Dan Leyendecker of Corpus Christi whose term expired)

Lynn Haueter

Corpus Christi, Texas

(replacing Judith Creveling of Corpus Christi whose term expired)

Joe C. McMillian

Dilley, Texas

(replacing William Dillard of Uvalde whose term expired)

David E. Purser

Karnes City, Texas

(replacing Scott Petty of Hondo whose term expired)

Armandina "Dina" Ramirez

Karnes City, Texas

(replacing Joe Cantu of Pipe Creek whose term expired)

Emily Stroup

San Antonio, Texas

(replacing Robert Dullnig of San Antonio whose term expired)

To be members of the Real Estate Research Advisory Committee for terms to expire January 31, 2019:

Walter "Ted" Nelson

The Woodlands, Texas

(replacing Joe Bob McCartt of Amarillo whose term expired)

Stephen D. "Doug" Roberts

Austin, Texas

(replacing Kathleen Owen of Pipe Creek whose term expired)

C. Clark Welder

Beeville, Texas

(replacing Mona Bailey of North Richland Hills whose term expired)

Respectfully submitted,

/s/Rick Perry

Governor

PHYSICIAN OF THE DAY

Senator Schwertner was recognized and presented Dr. Daniel Voss of Jarrell as the Physician of the Day.

The Senate welcomed Dr. Voss and thanked him for his participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

The Presiding Officer announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

There was no objection.

SENATE RESOLUTION 975

Senator Patrick offered the following resolution:

SR 975, Recognizing Grant Manier for his outstanding achievements as an artist.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Patrick was recognized and introduced to the Senate Grant Manier and his mother, Julie Manier.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Duncan was recognized and introduced to the Senate M. Duane Nellis, incoming Texas Tech University President, and Lawrence Schovanec, Texas Tech University Interim President.

The Senate welcomed its guests.

SENATE RESOLUTION 844

Senator Van de Putte offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the North American Safe Boating Campaign on the occasion of National Safe Boating Week, which is being observed May 18 through 24, 2013; and

WHEREAS, Recreational boating, including fishing and waterskiing, is an immensely popular summer sport among Texans, and waterways can quickly become crowded, resulting in confusion, unforeseen risks, and, too often, tragedy; and

WHEREAS, According to the National Safe Boating Council, an average of 700 people die each year in boating-related accidents in the United States, and approximately 70 percent of these fatalities are caused by drowning; the vast majority of accidents occur because of human error or poor judgment and can be easily prevented; recreational boaters should never operate a boat while under the influence of alcohol or drugs; and

WHEREAS, Statistics have shown that about 80 percent of those who drowned in boating mishaps were not wearing a life jacket; although many boaters stow life jackets on board, there is rarely enough time to properly employ one in the event of an

accident; in an effort to increase people's willingness to wear this essential piece of safety equipment, modern life jackets have been designed to be smaller, lighter, and more comfortable; and

WHEREAS, Boating accidents happen regardless of one's level of experience, and wearing a life jacket is the most effective way to prevent drowning for veteran and novice boaters alike; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby commend the goals of the North American Safe Boating Campaign and recognize May 18 through 24, 2013, as Safe Boating Week in Texas; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of Safe Boating Week in Texas.

SR 844 was again read.

The resolution was previously adopted on Monday, May 6, 2013.

GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate U.S. Coast Guard Auxillary District 8CR members: Alan Harding, Chief of Staff; Chuck Maricle, District Captain-Central; and Duke Stevens, Staff Officer for Vessel Examinations; as well as Cody Jones, Texas Boating Law Administrator.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Ellis was recognized and introduced to the Senate John W. and Betty Bland and Claude Cummings, Jr.

The Senate welcomed its guests.

SENATE RESOLUTION 891

Senator Garcia offered the following resolution:

SR 891, Recognizing May 15, 2013, as East Aldine District Legislative Day.

The resolution was again read.

The resolution was previously adopted on Tuesday, May 14, 2013.

GUESTS PRESENTED

Senator Garcia was recognized and introduced to the Senate an East Aldine Management District delegation: Gerald Overturff, Board Chair; John Meinke, Board Treasurer; Patti Acosta, Board Member; David Hawes, President and CEO; Scott Bean, Director of Public Infrastructure; Richard Cantu, Director of Services; Natali Lacasa, Assistant Director of Services; and Flor Zarzoza, Community Service Coordinator.

The Senate welcomed its guests.

CONCLUSION OF MORNING CALL

The Presiding Officer at 11:46 a.m. announced the conclusion of morning call.

SENATE BILL 1917 ON SECOND READING

On motion of Senator Birdwell and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1917** at this time on its second reading:

SB 1917, Relating to the definition of an authorized emergency vehicle.

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.

SENATE BILL 1917 ON THIRD READING

Senator Birdwell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1917** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 1560 ON SECOND READING

On motion of Senator Taylor and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1560** at this time on its second reading:

CSSB 1560, Relating to easements used for dune construction and maintenance projects.

The bill was read second time.

Senator Taylor offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1560** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in added Section 63.004, Natural Resources Code, between Subsections (a) and (b) of the section (page 1, between lines 31 and 32), insert the following subsection and reletter the subsequent subsections and cross-references to those subsections accordingly:

(b) This section applies only to property in a county:

(1) that contains a barrier island and a peninsula;

(2) with a population of more than 50,000 and less than 350,000; and

(3) that borders:

(A) the Gulf of Mexico; and

(B) a county with a population of more than four million.

(2) In SECTION 1 of the bill, in added Section 63.004(e), Natural Resources Code, between "Subsection (b)" and "may provide that" (page 2, line 1), insert "may not reduce the area of a public beach but".

The amendment to **CSSB 1560** 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.

On motion of Senator Taylor and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1560 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1560 ON THIRD READING**

Senator Taylor moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1560** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 724 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 724** at this time on its second reading:

SB 724, Relating to the creation of the Montgomery County Municipal Utility District No. 133; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 724 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 724** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 725 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 725** at this time on its second reading:

SB 725, Relating to the creation of the Montgomery County Municipal Utility District No. 134; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 725 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 725** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE HOUSE BILL 15 ON SECOND READING

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 15** at this time on its second reading:

CSHB 15, Relating to level of care designations for hospitals that provide neonatal and maternal services.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

COMMITTEE SUBSTITUTE HOUSE BILL 15 ON THIRD READING

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 15** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 1982 ON SECOND READING

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1982** at this time on its second reading:

HB 1982, Relating to the enterprise zone program.

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1982** (Senate committee printing) as follows:

(1) In SECTION 3 of the bill, in amended Section 2303.4052(2), Government Code (page 2, line 1), strike "transcript" and substitute "certified copy of the minutes [transcript]".

(2) In the recital to SECTION 4 of the bill (page 2, line 22), immediately before "adding Subsection (d-1)", add "amending Subsections (b) and (e) and".

(3) In SECTION 4 of the bill, immediately before added Section 2303.406(d-1), Government Code (page 2, between lines 22 and 23), insert the following:

(b) ~~[This subsection does not apply to a qualified business located in a federally designated zone, as described by Section 2303.101(2), which will receive priority designation in allocating the number of enterprise projects allowed statewide per biennium as provided by Section 2303.403.]~~ The bank shall designate qualified businesses as enterprise projects on a competitive basis. The bank shall make its designation decisions using a weighted scale in which:

(1) 40 percent of the evaluation depends on the economic distress of the block group or distressed county in which a proposed enterprise project is located;

(2) 25 percent of the evaluation depends on the local effort to achieve development and revitalization of the block group or distressed county in which a proposed enterprise project is located; and

(3) 35 percent of the evaluation depends on the evaluation criteria as determined by the bank, which must include:

(A) with respect to a proposed enterprise project located in a block group, the level of cooperation and support the project applicant commits to the revitalization goals of all of the enterprise zone block groups within the jurisdiction of the nominating governmental entity;

(B) with respect to a proposed enterprise project located in a distressed county, the level of cooperation and support the project applicant commits to the revitalization of the distressed county; and

(C) the type and wage level of the jobs to be created or retained by the business.

(4) In SECTION 4 of the bill, immediately following added Section 2303.406(d-1), Government Code (page 2, between lines 26 and 27), insert the following:

(e) The office may not~~[- during any biennium,]~~ designate multiple concurrent enterprise projects to a qualified business located at a qualified business site.

(5) In the recital to SECTION 5 of the bill (page 2, line 28), strike "adding Subsection (e)" and substitute "amending Subsections (b), (c), and (d) and adding Subsections (e) and (f)".

(6) In SECTION 5 of the bill, immediately before added Section 2303.407(e), Government Code (page 2, between lines 28 and 29), insert the following:

(b) A capital investment in a project of:

(1) \$40,000 to \$399,999 will result in a refund of up to \$2,500 per job with a maximum refund of \$25,000 for the creation or retention of 10 jobs;

(2) \$400,000 to \$999,999 will result in a refund of up to \$2,500 per job with a maximum refund of \$62,500 for the creation or retention of 25 jobs;

(3) \$1,000,000 to \$4,999,999 will result in a refund of up to \$2,500 per job with a maximum refund of \$312,500 for the creation or retention of 125 jobs;

(4) \$5,000,000 or more [~~to \$149,999,999~~] will result in a refund of up to \$2,500 per job with a maximum refund of \$1,250,000 for the creation or retention of 500 jobs, except as provided by Subdivision (5) or (6);

(5) \$150,000,000 to \$249,999,999 will result in a refund of up to \$5,000 per new permanent job with a maximum refund of \$2,500,000 for the creation [~~or retention~~] of 500 new permanent jobs if the bank designates the project as a double jumbo enterprise project; or

(6) \$250,000,000 or more will result in a refund of up to \$7,500 per new permanent job with a maximum refund of \$3,750,000 for the creation [~~or retention~~] of at least 500 new permanent jobs if the bank designates the project as a triple jumbo enterprise project.

(c) An enterprise project for which a commitment for a capital investment in the range amount and the creation [~~or retention~~] of the number of new permanent jobs specified by Subsection (b)(5) is made is considered a double jumbo enterprise project if the project is so designated by the bank. The bank may not designate a project as a double jumbo enterprise project after the initial designation period approved by the bank under Section 2303.404(b).

(d) An enterprise project for which a commitment for a capital investment in the range amount and the creation [~~or retention~~] of the number of new permanent jobs specified by Subsection (b)(6) is made is considered a triple jumbo enterprise project if the project is so designated by the bank. The bank may not designate a project as a triple jumbo enterprise project after the initial designation period approved by the bank under Section 2303.404(b).

(e) A state-mandated or federally mandated capital investment, including an investment in pollution abatement equipment, does not qualify as a committed capital investment in an enterprise project under this chapter.

(7) In SECTION 5 of the bill, in added Section 2303.407(e), Government Code (page 2, line 29), strike "(e)" and substitute "(f)".

(8) Strike SECTION 7 of the bill (page 2, lines 46-50) and substitute the following appropriately numbered SECTION:

SECTION _____. This Act takes effect September 1, 2013.

(9) Add the following appropriately numbered SECTIONS to the bill:

SECTION _____. Section 2303.003, Government Code, is amended by amending Subdivision (7) and adding Subdivision (9) to read as follows:

(7) "Qualified employee" means a person who:

(A) works for a qualified business; [~~and~~]

(B) receives wages from the qualified business from which employment taxes are deducted; and

(C) performs at least 50 percent of the person's service for the business at the qualified business site, or if the person engages in the transportation of goods or services, the person reports to the qualified business site and resides within 50 miles of the qualified business site.

(9) "Veteran" means a person who:

(A) has served in:

(i) the army, navy, air force, coast guard, or marine corps of the

United States;

- (ii) the state military forces as defined by Section 431.001; or
- (iii) an auxiliary service of one of those branches of the armed

forces; and

(B) has been honorably discharged from the branch of the service in which the person served.

SECTION _____. Section 2303.402(a), Government Code, is amended to read as follows:

(a) A person is a qualified business if the bank, for the purpose of state benefits under this chapter, or the nominating body of a project or activity of the person under this chapter, for the purpose of local incentives, certifies that:

(1) the person is engaged in or has provided substantial commitment to initiate the active conduct of a trade or business in an enterprise zone, and at least 25 percent of the person's new permanent jobs [~~employees~~] in the enterprise zone are held by:

- (A) residents of any enterprise zone in this state; [~~or~~]
- (B) economically disadvantaged individuals; or
- (C) veterans; or

(2) the person is engaged in or has provided substantial commitment to initiate the active conduct of a trade or business in an area of this state that does not qualify as an enterprise zone, and at least 35 percent of the person's new permanent jobs [~~employees~~] at the qualified business site are held by:

- (A) residents of any enterprise zone in this state; [~~or~~]
- (B) individuals who are economically disadvantaged; or
- (C) veterans.

SECTION _____. Section 2303.504, Government Code, is amended to read as follows:

Sec. 2303.504. STATE TAX REFUNDS [~~AND CREDITS~~]; REPORT.

(a) Subject to Section 2303.516, an enterprise project is entitled to [~~+~~] a refund of state taxes under Section 151.429, Tax Code [~~;~~ and [~~2~~] a franchise tax credit under Subchapter Q-1, Chapter 171, Tax Code].

(b) At the time of receipt of any tax benefit available as a result of participating in the enterprise zone program, including a state sales and use tax refund [~~or franchise tax credit~~], three percent of the amount of the tax benefit shall be transferred to the Texas economic development bank fund under Subchapter B, Chapter 489, to defray the cost of administering this chapter.

(c) Not later than the 60th day after the last day of each fiscal year, the comptroller shall report to the bank the statewide total of actual jobs created, actual jobs retained, and the tax refunds [~~and credits~~] made under this section during that fiscal year.

SECTION _____. Section 2303.516(b), Government Code, is amended to read as follows:

(b) The comptroller may determine that the business or project is not entitled to a refund [~~or credit~~] of state taxes under Section 2303.504 if the comptroller finds that:

(1) the business or project is not willing to cooperate with the comptroller in providing the comptroller with the information the comptroller needs to determine the state benefits; or

(2) the business or project has substantially failed to follow through on any commitments made by it or on its behalf under this chapter.

SECTION _____. Section 151.429, Tax Code, is amended by amending Subsections (b) and (c) and adding Subsection (k) to read as follows:

(b) Subject to the limitations provided by Subsection (c) of this section, an enterprise project qualifies for a refund of taxes under this section based on the amount of capital investment made at the qualified business site, the project's designation level, and the refund per job with a maximum refund to be included in a computation of a tax refund for the project. A capital investment at the qualified business site of:

(1) \$40,000 to \$399,999 will result in a refund of up to \$2,500 per job with a maximum refund of \$25,000 for the creation or retention of 10 jobs;

(2) \$400,000 to \$999,999 will result in a refund of up to \$2,500 per job with a maximum refund of \$62,500 for the creation or retention of 25 jobs;

(3) \$1,000,000 to \$4,999,999 will result in a refund of up to \$2,500 per job with a maximum refund of \$312,500 for the creation or retention of 125 jobs;

(4) \$5,000,000 or more [~~to \$149,999,999~~] will result in a refund of up to \$2,500 per job with a maximum refund of \$1,250,000 for the creation or retention of 500 jobs, except as provided by Subdivision (5) or (6);

(5) \$150,000,000 to \$249,999,999 will result in a refund of up to \$5,000 per new permanent job with a maximum refund of \$2,500,000 for the creation [~~or retention~~] of 500 new permanent jobs if the Texas Economic Development Bank designates the project as a double jumbo enterprise project; or

(6) \$250,000,000 or more will result in a refund of up to \$7,500 per new permanent job with a maximum refund of \$3,750,000 for the creation [~~or retention~~] of at least 500 new permanent jobs if the Texas Economic Development Bank designates the project as a triple jumbo enterprise project.

(c) The total amount of tax refund that an enterprise project may apply for in a state fiscal year may not exceed \$250,000, at not more than \$2,500 per job. The total amount of tax refund that a double jumbo enterprise project may apply for in a state fiscal year may not exceed \$500,000, at not more than \$5,000 per new permanent job. The total amount of tax refund that a triple jumbo enterprise project may apply for in a state fiscal year may not exceed \$750,000, at not more than \$7,500 per new permanent job. If an enterprise project, double jumbo enterprise project, or triple jumbo enterprise project qualifies in a state fiscal year for a refund of taxes in an amount in excess of the applicable limitation provided by this subsection, it may apply for a refund of those taxes in a subsequent year, subject to the applicable limitation for each year. The total amount that may be refunded to:

(1) an enterprise project under this section may not exceed the amount determined by multiplying \$250,000 by the number of state fiscal years during which the enterprise project created or retained one or more jobs for qualified employees;

(2) a double jumbo enterprise project under this section may not exceed the amount determined by multiplying \$500,000 by the number of state fiscal years during which the double jumbo enterprise project created [~~or retained~~] one or more new permanent jobs for qualified employees; or

(3) a triple jumbo enterprise project under this section may not exceed the amount determined by multiplying \$750,000 by the number of state fiscal years during which the triple jumbo enterprise project created [~~or retained~~] one or more new permanent jobs for qualified employees.

(k) A half enterprise project is eligible for a maximum refund not to exceed \$125,000 in each state fiscal year and is subject to the capital investment and job allocation requirements under Subsection (b)(1), (2), or (3).

SECTION _____. Section 151.429(e), Tax Code, is amended by adding Subdivision (6) to read as follows:

(6) "Half enterprise project" means an enterprise project split into two half designations as provided by Section 2303.406(d-1), Government Code.

SECTION _____. Section 2303.109(b), Government Code, is repealed.

SECTION _____. (a) The changes in law made by this Act to Section 2303.402(a), Government Code, apply only to an application for a designation of an enterprise project under the enterprise zone program under Chapter 2303, Government Code, as amended by this Act, filed on or after the effective date of this Act. An application for designation of an enterprise project under the enterprise zone program filed before the effective date of this Act is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

(b) The changes in law made by this Act to Section 2303.407, Government Code, and Section 151.429, Tax Code, apply only to an enterprise project designation made on or after the effective date of this Act. An enterprise project designation made before the effective date of this Act is governed by the law in effect when the designation was made, and the former law is continued in effect for that purpose.

(10) Renumber remaining SECTIONS of the bill accordingly.

The amendment to **HB 1982** 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.

On motion of Senator Hinojosa and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 1982 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 1982 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 **HB 1982** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 1247 ON SECOND READING

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1247** at this time on its second reading:

HB 1247, Relating to the authority of the board of directors of the Nacogdoches County Hospital District to employ physicians.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 1247 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 **HB 1247** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
HOUSE BILL 915 ON SECOND READING**

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 915** at this time on its second reading:

CSHB 915, Relating to the administration and monitoring of health care provided to foster children.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

**COMMITTEE SUBSTITUTE
HOUSE BILL 915 ON THIRD READING**

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 915** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 1265 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1265** at this time on its second reading:

HB 1265, Relating to providing information to state employees about insurance available to those employees under a group coverage plan.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 1265 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 **HB 1265** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 64 ON SECOND READING

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 64** at this time on its second reading:

HB 64, Relating to the liability of and the validation of certain acts of the Midland County Fresh Water Supply District No. 1.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 64 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 **HB 64** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 1554 ON THIRD READING

Senator Lucio moved to suspend the regular order of business to take up for consideration **CSSB 1554** at this time on its third reading and final passage:

CSSB 1554, Relating to the establishment of a matching grant program for community development in certain municipalities and counties.

The motion prevailed by the following vote: Yeas 20, Nays 10.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Garcia, Hegar, Hinojosa, Lucio, Rodríguez, Schwertner, Seliger, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Nays: Birdwell, Campbell, Fraser, Hancock, Huffman, Nelson, Nichols, Patrick, Paxton, Taylor.

Absent: Williams.

The bill was read third time and was passed by the following vote: Yeas 20, Nays 10. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
HOUSE BILL 2302 ON SECOND READING**

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2302** at this time on its second reading:

CSHB 2302, Relating to signing electronic or digital court documents, to the electronic filing system established by the Texas Supreme Court, to the statewide electronic filing system fund, to certain court fees and court costs, and to recovery of electronic filing fees by taxing units; imposing and authorizing certain fees.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2302 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2302** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1917 ON SECOND READING**

Senator Carona moved to suspend the regular order of business to take up for consideration **CSHB 1917** at this time on its second reading:

CSHB 1917, Relating to alcoholic beverage advertising on the outside of certain vehicles.

The motion prevailed.

Senators Campbell and Nelson 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 **CSHB 1917** (senate committee printing) as follows:

(1) In the recital to SECTION 1 of the bill (page 1, line 26), strike "Subsection (i)" and substitute "Subsections (i) and (j)".

(2) In SECTION 1 of the bill, in added Section 108.52(i), Alcoholic Beverage Code (page 1, line 27), strike "Outdoor" and substitute "Except as provided by Subsection (j), outdoor".

(3) In SECTION 1 of the bill, following added Section 108.52(i), Alcoholic Beverage Code (page 1, between lines 37 and 38), insert the following:

(j) An incorporated city or town may, by ordinance, prohibit outdoor advertising described by Subsection (i) on or affixed to a vehicle for hire.

The amendment to **CSHB 1917** 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.

On motion of Senator Carona and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSHB 1917 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Campbell, Nelson.

COMMITTEE SUBSTITUTE HOUSE BILL 1917 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 **CSHB 1917** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Garcia, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nichols, Patrick, Paxton, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Campbell, Nelson.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

SENATE RULE 11.10(a) SUSPENDED (Public Notice of Committee Meetings)

On motion of Senator Williams and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Finance might meet today.

SENATE RULE 11.10(a) SUSPENDED (Public Notice of Committee Meetings)

On motion of Senator West and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Jurisprudence might meet today.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Deuell and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Economic Development might meet and consider **HB 3005** today.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Nelson and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Health and Human Services might meet and consider **HB 1741** today.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Patrick and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Education might meet and consider **HB 2483** tomorrow.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The Presiding Officer announced the time had arrived to consider executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given yesterday by Senator Hegar.

Senator Hegar moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The Presiding Officer asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The following nominees, as reported by the Committee on Nominations, were confirmed by the following vote: Yeas 31, Nays 0.

Members, Advisory Committee to the Texas Board of Criminal Justice on Offenders with Medical or Mental Impairments: Robb David Catalano, Tarrant County; Martin Deleon, Nueces County; Kathy Christine Flanagan, Harris County; Trenton R. Marshall, Tarrant County.

Members, Aging and Disability Services Council: Barry Lee Anderson, Dallas County; Sheri Anderson Harmonson, El Paso County; James Russell Shannon, Andrews County; Donna Beth Stauber, McLennan County.

Members, Assistive and Rehabilitative Services Council: Lee Margalit Chayes, El Paso County; Amanda Boswell Davis, Leon County; Donald Dennis Roy, Titus County.

Members, Board, Texas Department of Motor Vehicles: Robert Sim Barnwell, Montgomery County; Luanne Caraway, Hays County; Raymond Palacios, El Paso County; Joseph Osmond Slovacek, Harris County.

Members, Board of Directors, Coastal Water Authority: Alan Dee Conner, Liberty County; Zebulun Nash, Harris County; Douglas E. Walker, Chambers County.

Members, Correctional Managed Health Care Committee: Harold Karl Berenzweig, Tarrant County; Margarita de la Garza-Graham, Smith County.

Members, Governing Board, Texas School for the Blind and Visually Impaired: Bobby Dean Druessedow, Parker County; Michael Edward Garrett, Fort Bend County; Bruce Lee Sonnenberg, Lubbock County.

Administrator, Nonresident Violator Compact: Rebecca Lynn Davio, Travis County.

Members, Parks and Wildlife Commission: Ralph Hereford Duggins, Tarrant County; Billy Bobby Jones, Travis County; James H. Lee, Harris County.

Members, State Board of Dental Examiners: Steven Jack Austin, Potter County; Kirby Leon Bunel, Bowie County; Emily Willeford Christy, Bexar County; Timothy John O'Hare, Dallas County; Lois M. Palermo, Galveston County; Louis Miguel White, Harris County.

Member, State Cemetery Committee: James Leavell Bayless, Travis County.

Member, Texas Board of Criminal Justice: Robert Terrell McCombs, Bexar County.

Members, Texas Board of Licensure for Professional Medical Physicists: Geoffrey David Clarke, Kendall County; Douglas Allen Johnson, Brazos County; John Raymond Leahy, Travis County.

Members, Texas Board of Nursing: Nina Almasy, Travis County; Patricia Taylor Clapp, Dallas County; Marilyn Joyce Davis, Fort Bend County; Shelby Hoebeke Ellzey, Ellis County.

Members, Board of Trustees, Texas County and District Retirement System: Herman Charles Cazalas, Nueces County; Dorye Kristeen Roe, Brazos County.

Members, Texas Higher Education Coordinating Board: Christopher Martin Huckabee, Tarrant County; Robert W. Jenkins, Travis County; Munir A. Lalani, Wichita County; Wanda Janelle Shepard, Parker County; David D. Teuscher, Jefferson County.

Member, Texas Lottery Commission: Veronica Ann Edwards, Bexar County.

Members, Texas Military Preparedness Commission: William A. Heine, Travis County; Dennis Leamon Lewis, Bowie County.

Members, Texas Private Security Board: Charles Edward Crenshaw, Travis County; Doyle Wade Hayden, Bexar County.

Members, Board of Directors, Upper Guadalupe River Authority: Michael L. Allen, Kerr County; David Michael Hughes, Kerr County; Hugh Ritman Jons, Kerr County; Claudell Smith Kercheville, Kerr County; Brian Wright, Kerr County.

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 Government Organization might meet and consider the following bills tomorrow:

HB 12, HB 3116, HB 3648.

SENATE RULES SUSPENDED**(Posting Rules)**

On motion of Senator Hegar and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Finance Subcommittee on Fiscal Matters might meet and consider the following bills today: **HB 1736, HB 2100.**

SENATE RULES SUSPENDED**(Posting Rules)**

On motion of Senator Hegar and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Finance Subcommittee on Fiscal Matters might meet and consider the following bills tomorrow:

HB 500, HB 546, HB 709, HB 1511, HB 1712, HB 2766, HB 3438, HB 3439, HB 2972, HB 97, HJR 24.

SENATE RULES SUSPENDED**(Posting Rules)**

On motion of Senator Carona and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Business and Commerce might meet and consider the following bills today:

HB 52, HB 796, HB 2758, HB 2294.

SENATE RULES SUSPENDED**(Posting Rules)**

On motion of Senator Carona and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Business and Commerce might meet and consider **HB 2062** tomorrow.

SENATE RULES SUSPENDED**(Posting Rules)**

On motion of Senator Hinojosa 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 the following bills today:

HB 508, HB 1354, HB 1355, HB 3793.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Van de Putte and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Veteran Affairs and Military Installations might meet and consider **HB 2135** today.

**SENATE RULE 11.10(a) SUSPENDED
(Public Notice of Committee Meetings)**

On motion of Senator Whitmire and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Criminal Justice might meet today.

BILLS AND RESOLUTION SIGNED

The Presiding Officer, Senator Eltife in Chair, announced the signing of the following enrolled bills and resolution in the presence of the Senate after the captions had been read: **HB 1222, HB 1421, HB 2961, HCR 92.**

**SENATE RULE 7.21 SUSPENDED
(House Amendments to Senate Bills)**

On motion of Senator Seliger and by unanimous consent, Senate Rule 7.21, as it relates to the printing and distribution of the House amendments to **SB 15**, was suspended.

SENATE BILL 15 WITH HOUSE AMENDMENTS

Senator Seliger called **SB 15** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

Floor Amendment No. 1

Amend **SB 15** (house committee printing) as follows:

(1) Add the following appropriately numbered SECTIONS to the bill and renumber the other SECTIONS of the bill accordingly:

SECTION _____. (a) Section 103.03, Education Code, is amended to read as follows:

Sec. 103.03. BOARD MEMBERS: APPOINTMENT, TERMS, OATH. Members of the board shall be appointed by the governor and confirmed by the senate. Members hold office for staggered terms of six years, with the terms of three members expiring on February 1 of each odd-numbered year. Any vacancy that occurs on the board shall be filled for the unexpired term by appointment of the governor. Each member of the board shall take the constitutional oath of office.

(b) The change in law made by this section does not apply to a member of the board of regents of Midwestern State University who serves all or part of a full term of office if that full term begins before September 1, 2013. To implement the change in law made by this section to Section 103.03, Education Code, the terms of office of members of the board that begin in 2014 expire on February 1, 2019, the terms of office of members of the board that begin in 2016 expire on February 1, 2021, and the terms of office of members of the board that begin in 2018 expire on February 1, 2023.

SECTION _____. (a) Section 105.052, Education Code, is amended to read as follows:

Sec. 105.052. TERM OF OFFICE; REMOVAL; VACANCY. The term of office of each regent is six years, with the terms of three regents expiring on February 1 of each odd-numbered year [~~every two years~~]. Members of the board may be removed from office for inefficiency or malfeasance of office. Any vacancy that occurs on the board shall be filled by the governor for the unexpired term.

(b) The change in law made by this section does not apply to a member of the board of regents of the University of North Texas System who serves all or part of a full term of office if that full term begins before September 1, 2013. To implement the change in law made by this section to Section 105.052, Education Code, the terms of office of members of the board that begin in 2015 expire on February 1, 2021, the terms of office of members of the board that begin in 2017 expire on February 1, 2023, and the terms of office of members of the board that begin in 2019 expire on February 1, 2025.

SECTION _____. (a) Section 111.12, Education Code, is amended to read as follows:

Sec. 111.12. APPOINTMENTS TO BOARD; TERMS. Members of the board are appointed by the governor with the advice and consent of the senate. The term of office of each regent shall be six years, with the terms of three regents expiring on February 1 of each odd-numbered year [~~except that in making the first appointments the governor shall appoint three members for six years, three members for four years, and three members for two years~~]. Any vacancy that occurs on the board shall be filled for the unexpired term by appointment of the governor.

(b) The change in law made by this section does not apply to a member of the board of regents of the University of Houston System who serves all or part of a full term of office if that full term begins before August 26, 2013. To implement the change in law made by this section to Section 111.12, Education Code, the terms of office of members of the board that begin in August 2013 expire on February 1, 2019, the terms of office of members of the board that begin in August 2016 expire on February 1, 2021, and the terms of office of members of the board that begin in 2018 expire on February 1, 2023.

(2) On page 8, line 12, strike "September 1, 2013" and substitute "August 26, 2013".

Floor Amendment No. 2

Amend **SB 15** (house committee printing) as follows:

(1) On page 2, line 18, strike "employment, or personal or familial financial" and substitute "employment, personal financial, or familial financial".

(2) Strike page 3, lines 1-8, and substitute the following:

(a-4) A member of the governing board of an institution of higher education is prohibited from voting on a budgetary or personnel matter related to system administration or institutions of higher education until the member attends a training program that provides instruction in ethics, conflict-of-interest law, and the role of a governing board in a higher education institution or system and that is conducted by the Texas Higher Education Coordinating Board, or by the university system office if the member serves on the governing board of a university system. A governing board is responsible for maintaining records of each board member's attendance of a training program described by this subsection.

(3) Strike page 3, lines 14-22, and substitute the following:

(a-6) A member of the governing board of a university system who is appointed to the board when the legislature is not in session is prohibited from voting until the appointee has appeared before the Senate Committee on Nominations. If the Senate Committee on Nominations fails to hold a hearing before the 20th day after the date the chair of the committee is notified of the appointment by the governor's office, the appointee is not prohibited from voting if the appointee has otherwise met the requirements necessary to be eligible to vote.

Floor Amendment No. 1 on Third Reading

Amend **SB 15** on third reading as follows:

(1) Strike the introductory clause to SECTION 1 of the bill and substitute the following:

Section 51.352, Education Code, is amended by amending Subsections (a), (b), (d), and (e) and adding Subsections (a-1), (a-2), (a-3), (a-4), and (a-5) to read as follows:

(2) In SECTION 1 of the bill, in added Section 51.352(a-4), Education Code, as substituted by Floor Amendment No. 2 by Branch, strike "or by the university system office if the member serves on the governing board of a university system" and substitute "by the system office of a university system, or by the office of a governing board that does not govern a university system".

(3) In SECTION 1 of the bill, strike added Section 51.352(a-6), Education Code, as substituted by Floor Amendment No. 2 by Branch.

(4) In SECTION 1 of the bill, in amended Section 51.352(d)(1), Education Code, between "and" and "consulting", insert "if applicable the chancellor of the university system and after".

(5) In the SECTION of the bill amending Section 111.12, Education Code, as added by Floor Amendment No. 1 by Branch, strike the last sentence of Subsection (b) of that section and substitute the following: "To implement the change in law made by this section to Section 111.12, Education Code, the terms of office of members of the board that begin in 2013 expire on February 1, 2019, the terms of office of members of the board that begin in 2017 expire on February 1, 2021, and the terms of office of members of the board that begin in 2017 expire on February 1, 2023."

The amendments were read.

Senator Seliger moved to concur in the House amendments to **SB 15**.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Campbell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Garcia, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Patrick, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Paxton.

SENATE BILL 385 WITH HOUSE AMENDMENT

Senator Carona called **SB 385** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 385** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to authorizing assessments for water and energy improvements in regions designated by municipalities and counties; imposing a fee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle C, Title 12, Local Government Code, is amended by adding Chapter 399 to read as follows:

CHAPTER 399. MUNICIPAL AND COUNTY WATER AND ENERGY IMPROVEMENT REGIONS

Sec. 399.001. SHORT TITLE. This chapter may be cited as the Property Assessed Clean Energy Act.

Sec. 399.002. DEFINITIONS. In this chapter:

- (1) "Local government" means a municipality or county.
- (2) "Program" means a program established under this chapter.
- (3) "Qualified improvement" means a permanent improvement fixed to real property and intended to decrease water or energy consumption or demand, including a product, device, or interacting group of products or devices on the customer's side of the meter that uses energy technology to generate electricity, provide thermal energy, or regulate temperature.

(4) "Qualified project" means the installation or modification of a qualified improvement.

(5) "Real property" means privately owned commercial or industrial real property or residential real property with five or more dwelling units.

(6) "Region" means a region designated under this chapter.

Sec. 399.003. EXERCISE OF POWERS. In addition to the authority provided by Chapter 376 for municipalities, the governing body of a local government that establishes a program in accordance with the requirements provided by Section 399.008 may exercise powers granted under this chapter.

Sec. 399.004. AUTHORIZED ASSESSMENTS. (a) An assessment under this chapter may be imposed to repay the financing of qualified projects on real property located in a region designated under this chapter.

(b) An assessment under this chapter may not be imposed to repay the financing of:

(1) facilities for undeveloped lots or lots undergoing development at the time of the assessment; or

(2) the purchase or installation of products or devices not permanently fixed to real property.

Sec. 399.005. WRITTEN CONTRACT FOR ASSESSMENT REQUIRED. A local government may impose an assessment under this chapter only under a written contract with the record owner of the real property to be assessed.

Sec. 399.006. ESTABLISHMENT OF PROGRAM. (a) The governing body of a local government may determine that it is convenient and advantageous to establish a program under this chapter.

(b) An authorized official of the local government that establishes a program may enter into a written contract with a record owner of real property in a region designated under this chapter to impose an assessment to repay the owner's financing of a qualified project on the owner's property. The financing to be repaid through assessments may be provided by a third party or, if authorized by the program, by the local government.

(c) If the program provides for third-party financing, the authorized official of the local government that enters into a written contract with a property owner under Subsection (b) must also enter into a written contract with the party that provides financing for a qualified project under the program to service the debt through assessments.

(d) If the program provides for local government financing, the written contract described by Subsection (b) must be a contract to finance the qualified project through assessments.

(e) The financing for which assessments are imposed may include:

(1) the cost of materials and labor necessary for installation or modification of a qualified improvement;

(2) permit fees;

(3) inspection fees;

(4) lender's fees;

(5) program application and administrative fees;

(6) project development and engineering fees;

(7) third-party review fees, including verification review fees, under Section 399.011; and

(8) any other fees or costs that may be incurred by the property owner incident to the installation, modification, or improvement on a specific or pro rata basis, as determined by the local government.

Sec. 399.007. DESIGNATION OF REGION. (a) The governing body of a local government may determine that it is convenient and advantageous to designate an area of the local government as a region within which authorized local government officials and record owners of real property may enter into written contracts to impose assessments to repay the financing by owners of qualified projects on the owners' property and, if authorized by the local government program, finance the qualified project.

(b) An area designated as a region by the governing body of a local government under this section:

(1) may include the entire local government; and

(2) must be located wholly within the local government's jurisdiction.

(c) For purposes of determining a municipality's jurisdiction under Subsection (b)(2), the municipality's extraterritorial jurisdiction may be included.

(d) A local government may designate more than one region. If multiple regions are designated, the regions may be separate, overlapping, or coterminous.

Sec. 399.008. PROCEDURE FOR ESTABLISHMENT OF PROGRAM. (a) To establish a program under this chapter, the governing body of a local government must take the following actions in the following order:

(1) adopt a resolution of intent that includes:

(A) a finding that, if appropriate, financing qualified projects through contractual assessments is a valid public purpose;

(B) a statement that the local government intends to make contractual assessments to repay financing for qualified projects available to property owners;

(C) a description of the types of qualified projects that may be subject to contractual assessments;

(D) a description of the boundaries of the region;

(E) a description of any proposed arrangements for third-party financing to be available or any local government financing to be provided for qualified projects;

(F) a description of local government debt servicing procedures if third-party financing will be provided and assessments will be collected to service a third-party debt;

(G) a reference to the report on the proposed program prepared as provided by Section 399.009 and a statement identifying the location where the report is available for public inspection;

(H) a statement of the time and place for a public hearing on the proposed program; and

(I) a statement identifying the appropriate local official and the appropriate assessor-collector for purposes of consulting regarding collecting the proposed contractual assessments with property taxes imposed on the assessed property;

(2) hold a public hearing at which the public may comment on the proposed program, including the report required by Section 399.009; and

(3) adopt a resolution establishing the program and the terms of the program, including:

(A) each item included in the report under Section 399.009; and

(B) a description of each aspect of the program that may be amended only after another public hearing is held.

(b) For purposes of Subsection (a)(3)(A), the resolution may incorporate the report or the amended version of the report, as appropriate, by reference.

(c) Subject to the terms of the resolution establishing the program as referenced by Subsection (a)(3)(B), the governing body of a local government may amend a program by resolution.

(d) A local government may:

(1) hire and set the compensation of a program administrator and program staff; or

(2) contract for professional services necessary to administer a program.

(e) A local government may impose fees to offset the costs of administering a program. The fees authorized by this subsection may be assessed as:

(1) a program application fee paid by the property owner requesting to participate in the program;

(2) a component of the interest rate on the assessment in the written contract between the local government and the property owner; or

(3) a combination of Subdivisions (1) and (2).

Sec. 399.009. REPORT REGARDING ASSESSMENT. (a) The report for a proposed program required by Section 399.008 must include:

(1) a map showing the boundaries of the proposed region;

(2) a form contract between the local government and the property owner specifying the terms of:

(A) assessment under the program; and

(B) financing provided by a third party or the local government, as appropriate;

(3) if the proposed program provides for third-party financing, a form contract between the local government and the third party regarding the servicing of the debt through assessments;

(4) a description of types of qualified projects that may be subject to contractual assessments;

(5) a statement identifying a local government official authorized to enter into written contracts on behalf of the local government;

(6) a plan for ensuring sufficient capital for third-party financing and, if appropriate, raising capital for local government financing for qualified projects;

(7) if bonds will be issued to provide capital to finance qualified projects as part of the program as provided by Section 399.016:

(A) a maximum aggregate annual dollar amount for financing through contractual assessments to be provided by the local government under the program;

(B) a method for ranking requests from property owners for financing through contractual assessments in priority order if requests appear likely to exceed the authorization amount; and

(C) a method for determining:

(i) the interest rate and period during which contracting owners would pay an assessment; and

(ii) the maximum amount of an assessment;

(8) a method for ensuring that the period of the contractual assessment does not exceed the useful life of the qualified project that is the basis for the assessment;

(9) a description of the application process and eligibility requirements for financing qualified projects to be repaid through contractual assessments under the program;

(10) a method as prescribed by Subsection (b) for ensuring that property owners requesting to participate in the program demonstrate the financial ability to fulfill financial obligations to be repaid through contractual assessments;

(11) a statement explaining the manner in which property will be assessed and assessments will be collected;

(12) a statement explaining the lender notice requirement provided by Section 399.010;

(13) a statement explaining the review requirement provided by Section 399.011;

(14) a description of marketing and participant education services to be provided for the program;

(15) a description of quality assurance and antifraud measures to be instituted for the program; and

(16) the procedures for collecting the proposed contractual assessments.

(b) The method for ensuring a demonstration of financial ability under Subsection (a)(10) must be based on appropriate underwriting factors, including:

(1) providing for verification that:

(A) the property owner requesting to participate under the program:

(i) is the legal owner of the benefited property;

(ii) is current on mortgage and property tax payments; and

(iii) is not insolvent or in bankruptcy proceedings; and

(B) the title of the benefited property is not in dispute; and

(2) requiring an appropriate ratio of the amount of the assessment to the assessed value of the property.

(c) The local government shall make the report available for public inspection:

(1) on the local government's Internet website; and

(2) at the office of the official designated to enter into written contracts on behalf of the local government under the program.

Sec. 399.010. NOTICE TO MORTGAGE HOLDER REQUIRED FOR PARTICIPATION. Before a local government may enter into a written contract with a record owner of real property to impose an assessment to repay the financing of a qualified project under this chapter:

(1) the holder of any mortgage lien on the property must be given written notice of the owner's intention to participate in a program under this chapter on or before the 30th day before the date the written contract for assessment between the owner and the local government is executed; and

(2) a written consent from the holder of the mortgage lien on the property must be obtained.

Sec. 399.011. REVIEW REQUIRED. (a) A program established under this chapter must require for each proposed qualified project a review of water or energy baseline conditions and the projected water or energy savings to establish the projected water or energy savings.

(b) After a qualified project is completed, the local government shall obtain verification that the qualified project was properly completed and is operating as intended.

(c) A baseline water or energy review or verification review under this section must be conducted by an independent third party.

Sec. 399.012. DIRECT ACQUISITION BY OWNER. The proposed arrangements for financing a qualified project may authorize the property owner to:

(1) purchase directly the related equipment and materials for the installation or modification of a qualified improvement; and

(2) contract directly, including through lease, power purchase agreement, or other service contract, for the installation or modification of a qualified improvement.

Sec. 399.013. RECORDING OF NOTICE OF CONTRACTUAL ASSESSMENT REQUIRED. (a) A local government that authorizes financing through contractual assessments under this chapter shall file written notice of each contractual assessment in the real property records of the county in which the property is located.

(b) The notice under Subsection (a) must contain:

(1) the amount of the assessment;

(2) the legal description of the property;

(3) the name of each property owner; and

(4) a reference to the statutory assessment lien provided under this chapter.

Sec. 399.014. LIEN. (a) A contractual assessment under this chapter and any interest or penalties on the assessment:

(1) is a first and prior lien against the real property on which the assessment is imposed from the date on which the notice of contractual assessment is recorded as provided by Section 399.013 and until the assessment, interest, or penalty is paid; and

(2) has the same priority status as a lien for any other ad valorem tax.

(b) The lien runs with the land, and that portion of the assessment under the assessment contract that has not yet become due is not eliminated by foreclosure of a property tax lien.

(c) The assessment lien may be enforced by the local government in the same manner that a property tax lien against real property may be enforced by the local government to the extent the enforcement is consistent with Section 50, Article XVI, Texas Constitution.

(d) Delinquent installments of the assessments incur interest and penalties in the same manner as delinquent property taxes.

(e) A local government may recover costs and expenses, including attorney's fees, in a suit to collect a delinquent installment of an assessment in the same manner as in a suit to collect a delinquent property tax.

Sec. 399.015. COLLECTION OF ASSESSMENTS. The governing body of a local government may contract with the governing body of another taxing unit, as defined by Section 1.04, Tax Code, or another entity, including a county assessor-collector, to perform the duties of the local government relating to collection of assessments imposed by the local government under this chapter.

Sec. 399.016. BONDS OR NOTES. (a) A local government may issue bonds or notes to finance qualified projects through contractual assessments under this chapter.

(b) Bonds or notes issued under this section may not be general obligations of the local government. The bonds or notes must be secured by one or more of the following as provided by the governing body of the local government in the resolution or ordinance approving the bonds or notes:

(1) payments of contractual assessments on benefited property in one or more specified regions designated under this chapter;

(2) reserves established by the local government from grants, bonds, or net proceeds or other lawfully available funds;

(3) municipal bond insurance, lines of credit, public or private guaranties, standby bond purchase agreements, collateral assignments, mortgages, or any other available means of providing credit support or liquidity; and

(4) any other funds lawfully available for purposes consistent with this chapter.

(c) A local government pledge of assessments, funds, or contractual rights in connection with the issuance of bonds or notes by the local government under this chapter is a first lien on the assessments, funds, or contractual rights pledged in favor of the person to whom the pledge is given, without further action by the local government. The lien is valid and binding against any other person, with or without notice.

(d) Bonds or notes issued under this chapter further an essential public and governmental purpose, including:

(1) improvement of the reliability of the state electrical system;

(2) conservation of state water resources consistent with the state water

plan;

(3) reduction of energy costs;

(4) economic stimulation and development;

(5) enhancement of property values;

(6) enhancement of employment opportunities; and

(7) reduction in greenhouse gas emissions.

Sec. 399.017. JOINT IMPLEMENTATION. (a) Any combination of local governments may agree to jointly implement or administer a program under this chapter.

(b) If two or more local governments implement a program jointly, a single public hearing held jointly by the cooperating local governments is sufficient to satisfy the requirement of Section 399.008(a)(2).

(c) One or more local governments may contract with a third party, including another local government, to administer a program.

Sec. 399.018. PROHIBITED ACTS. A local government that establishes a region under this chapter may not:

(1) make the issuance of a permit, license, or other authorization from the local government to a person who owns property in the region contingent on the person entering into a written contract to repay the financing of a qualified project through contractual assessments under this chapter; or

(2) otherwise compel a person who owns property in the region to enter into a written contract to repay the financing of a qualified project through contractual assessments under this chapter.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

The amendment was read.

Senator Carona moved to concur in the House amendment to **SB 385**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1240 WITH HOUSE AMENDMENT

Senator Duncan called **SB 1240** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 1240** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to the partition of mineral interests of a charitable trust.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle C, Title 9, Property Code, is amended by adding Chapter 124 to read as follows:

CHAPTER 124. PARTITION OF MINERAL INTERESTS OF CHARITABLE
TRUST

Sec. 124.001. DEFINITIONS. In this chapter:

(1) "Charitable entity" means a corporation, trust, community chest, fund, foundation, or other entity organized for scientific, educational, philanthropic, or environmental purposes, social welfare, the arts and humanities, or another civic or public purpose described by Section 501(c)(3), Internal Revenue Code of 1986.

(2) "Charitable trust" means a charitable entity, a trust the stated purpose of which is to benefit a charitable entity, or an inter vivos or testamentary gift to a charitable entity.

(3) "Mineral interest" means an interest in oil, gas, or other mineral substance in place or that otherwise constitutes real property without regard to the depth at which such mineral substance is found.

Sec. 124.002. COMPULSORY DIVESTMENT PROHIBITED. In a suit or other judicial proceeding the object or effect of which is to compel the partition of a mineral interest owned or claimed by a charitable trust, a sale or other action that would divest the charitable trust of the trust's ownership of a mineral interest may not be ordered unless the trust has refused to execute a mineral lease, the terms of which are fair and reasonable, to the plaintiff or petitioner in the proceeding.

SECTION 2. The change in law made by this Act applies only to a proceeding commenced on or after 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, 2013.

The amendment was read.

Senator Duncan moved to concur in the House amendment to **SB 1240**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1029 ON SECOND READING**

Senator Campbell moved to suspend the regular order of business to take up for consideration **CSSB 1029** at this time on its second reading:

CSSB 1029, Relating to the conversion of a nontolled state highway or segment of the state highway system to a toll project.

The motion prevailed.

Senators Duncan, Eltife, Garcia, and Rodríguez 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: Duncan, Eltife, Garcia, Rodríguez.

**COMMITTEE SUBSTITUTE
SENATE BILL 1029 ON THIRD READING**

Senator Campbell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1029** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Birdwell, Campbell, Carona, Davis, Deuell, Ellis, Estes, Fraser, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Patrick, Paxton, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Duncan, Eltife, Garcia, Rodríguez.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 4. (Same as previous roll call)

SENATE BILL 1487 WITH HOUSE AMENDMENT

Senator Watson called **SB 1487** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 1487** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to the abandonment of a county road.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 251.057(b), Transportation Code, is amended to read as follows:

(b) This section does not apply to:

(1) a road to a cemetery, unless a property owner whose property adjoins the road enclosed with a fence under Subsection (a) files notice with the county clerk of the county in which the road is located that the owner agrees to provide reasonable access to the cemetery in accordance with Section 711.041, Health and Safety Code; or

(2) an access road that is reasonably necessary to reach adjoining real property.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

The amendment was read.

Senator Watson moved to concur in the House amendment to **SB 1487**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read first time and referred to the committees indicated:

HB 194 to Committee on Government Organization.

HB 1249 to Committee on Transportation.

HB 3552 to Committee on Intergovernmental Relations.

HB 3660 to Committee on Agriculture, Rural Affairs and Homeland Security.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Wednesday, May 15, 2013 - 2

(Revised Message)

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:

SB 64 Nelson Sponsor: Zerwas
Relating to a policy on vaccine-preventable diseases for licensed child-care facilities.
(Amended)

SB 204 Nichols Sponsor: Price
Relating to the continuation and functions of the Texas Board of Professional Engineers; changing a fee.

SB 211 Nichols Sponsor: Dutton
Relating to the continuation and functions of the Texas Facilities Commission; authorizing fees.
(Amended)

- SB 217** Patrick Sponsor: Anchia
Relating to the continuation and functions of the state employee charitable campaign.
(Amended)
- SB 259** Carona Sponsor: Cook
Relating to telecommunications services and markets.
- SB 383** Carona Sponsor: Kuempel
Relating to the repeal of certain provisions governing the sale and use of certain refrigerants.
- SB 396** Hegar Sponsor: Martinez,
"Mando"
Relating to the provision of state death benefits to certain employees of the Department of Public Safety of the State of Texas.
(Amended)
- SB 406** Nelson Sponsor: Kolkhorst
Relating to the practice of advanced practice registered nurses and physician assistants and the delegation of prescriptive authority by physicians to and the supervision by physicians of certain advanced practice registered nurses and physician assistants.
(Committee Substitute)
- SB 423** Nelson Sponsor: Raymond
Relating to the flexible response system for investigations of child abuse or neglect reports by the Department of Family and Protective Services.
- SB 441** Birdwell Sponsor: Davis, John
Relating to the establishment of the Texas Fast Start Program to promote rapid delivery of workforce education and development.
- SB 479** Hinojosa Sponsor: Lozano
Relating to the application of the professional prosecutors law to the district attorney for the 79th Judicial District.
- SB 559** Duncan Sponsor: Pitts
Relating to the remittance dates of certain taxes and fees and the allocation dates of certain state money.
- SB 583** Carona Sponsor: Cook
Relating to eligibility for support from the universal service fund.
(Committee Substitute)
- SB 742** Carona Sponsor: Frullo
Relating to reports of missing children, missing persons, or attempted child abductions and to education and training for peace officers regarding missing or exploited children.
(Committee Substitute/Amended)
- SB 875** Eltife Sponsor: Smith
Relating to the purchase of plastic bulk merchandise containers by certain businesses; providing a civil penalty.
(Amended)

SECTION 3. (a) Except as provided by Subsection (b) of this section, Section 2254.041, Government Code, as added by this Act, applies only to a consulting services contract entered into on or after the effective date of this Act. A consulting services contract entered into before the effective date of this Act is governed by the law in effect on the date the contract is entered into, and that law is continued in effect for that purpose.

(b) Section 2254.041, Government Code, as added by this Act, does not apply to a consulting services contract entered into on or after the effective date of this Act if:

(1) the state agency entered into negotiations for the consulting services contract before the effective date of this Act; and

(2) the contract is executed before December 31, 2013.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

The amendment was read.

Senator Carona moved that the Senate do not concur in the House amendment, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 176** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Carona, Chair; Ellis, Davis, Nelson, and Williams.

SENATE RULES SUSPENDED (Posting Rules)

On motion of Senator Fraser and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Natural Resources might meet and consider **HB 824** today.

HOUSE BILL 429 ON SECOND READING

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **HB 429** at this time on its second reading:

HB 429, Relating to the definition of rural area for purposes of certain housing assistance administered by the Texas Department of Housing and Community Affairs.

The motion prevailed.

Senators Campbell, Estes, Hancock, and Patrick asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 429** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in Section 2306.004(28-a)(A), Government Code (page 1, line 24), immediately following the semicolon, insert "or".

(2) In SECTION 1 of the bill, in Section 2306.004(28-a)(B), Government Code (page 1, line 28), strike "; or" and substitute "[~~;-or~~".

(3) In SECTION 1 of the bill, strike amended Section 2306.004(28-a)(C), Government Code (page 1, lines 29-34), and substitute the following:

~~[(C) in an area that is eligible for funding by the Texas Rural Development Office of the United States Department of Agriculture, other than an area that is located in a municipality with a population of more than 50,000].~~

(4) On page 1, lines 37-50, strike SECTIONS 3 and 4 of the bill.

(5) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 2306.111, Government Code, is amended by adding Subsection (d-4) to read as follows:

(d-4) Notwithstanding any other law, a proposed or existing development that, before September 1, 2013, has been awarded or has received federal financial assistance provided under Section 514, 515, or 516 of the Housing Act of 1949 (42 U.S.C. Section 1484, 1485, or 1486) may apply for low income housing tax credits allocated under Subsection (d-2) or (d-3) for the uniform state service region in which the development is located regardless of whether the development is located in a rural area.

SECTION _____. The change in law made by this Act in amending Section 2306.004(28-a), Government Code, applies only to an application for financial assistance that is submitted by a housing development to the Texas Department of Housing and Community Affairs on or after September 1, 2013. An application for financial assistance that is submitted by a housing development to the department before September 1, 2013, is governed by the law in effect when the application was submitted, and the former law is continued in effect for that purpose.

SECTION _____. This Act takes effect September 1, 2013.

The amendment to **HB 429** 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.

On motion of Senator Zaffirini and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 429 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Campbell, Estes, Hancock, Patrick.

HOUSE BILL 429 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 **HB 429** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Fraser, Garcia, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Paxton, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Campbell, Estes, Hancock, Patrick.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 4. (Same as previous roll call)

SENATE RULES SUSPENDED

(Posting Rules)

On motion of Senator Hinojosa 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 **HB 3552** 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 RULES SUSPENDED

(Posting Rules)

On motion of Senator Duncan and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on State Affairs might meet and consider the following bills tomorrow:

HB 195, HB 332, HB 382, HB 506, HB 586, HB 658, HB 724, HB 812, HB 1050, HB 1129, HB 1398, HB 1468, HB 1632, HB 2110, HB 2233, HB 2439, HB 2570, HB 2645, HB 2782, HB 2851, HB 2930, HB 2984, HB 3081, HB 3105, HB 3593.

SENATE RULES SUSPENDED

(Posting Rules)

On motion of Senator Patrick and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Education might meet and consider **HB 2607** tomorrow.

SENATE RULE 11.10(a) SUSPENDED

(Public Notice of Committee Meetings)

On motion of Senator West and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Jurisprudence might meet today.

**SENATE RULE 11.10(a) SUSPENDED
(Public Notice of Committee Meetings)**

On motion of Senator Whitmire and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Criminal Justice might meet today.

RECESS

On motion of Senator Whitmire, the Senate at 1:39 p.m. recessed until 2:15 p.m. today.

AFTER RECESS

The Senate met at 2:53 p.m. and was called to order by Senator Eltife.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 2:54 p.m. agreed to adjourn, upon completion of the introduction of bills and resolutions on first reading and pending the receipt of committee reports, until 11:00 a.m. tomorrow.

IN LEGISLATIVE SESSION

Senator Davis at 4:55 p.m. called the Senate to order as In Legislative Session.

BILLS SIGNED

The Presiding Officer announced the signing of the following enrolled bills in the presence of the Senate after the captions had been read:

SB 15, SB 50, SB 129, SB 130, SB 131, SB 165, SB 183, SB 194, SB 322, SB 323, SB 324, SB 328, SB 329, SB 426, SB 435, SB 529, SB 581, SB 630.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read first time and referred to the committees indicated:

HB 34 to Committee on Business and Commerce.

HB 137 to Committee on Criminal Justice.

HB 334 to Committee on State Affairs.

HB 741 to Committee on Health and Human Services.

HB 988 to Committee on Agriculture, Rural Affairs and Homeland Security.

HB 1726 to Committee on Government Organization.

HB 1773 to Committee on Business and Commerce.

HB 2061 to Committee on Economic Development.

HB 2150 to Committee on Agriculture, Rural Affairs and Homeland Security.

HB 3433 to Committee on Agriculture, Rural Affairs and Homeland Security.

HB 3509 to Committee on Natural Resources.

HB 3589 to Committee on Finance.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 5:00 p.m. adjourned until 11:00 a.m. tomorrow pending receipt of committee reports.

CO-AUTHOR OF SENATE BILL 1029

On motion of Senator Campbell, Senator Schwertner will be shown as Co-author of **SB 1029**.

CO-SPONSOR OF HOUSE BILL 166

On motion of Senator Ellis, Senator Rodríguez will be shown as Co-sponsor of **HB 166**.

CO-SPONSOR OF HOUSE BILL 252

On motion of Senator Hegar, Senator Schwertner will be shown as Co-sponsor of **HB 252**.

CO-SPONSOR OF HOUSE BILL 308

On motion of Senator Nichols, Senator Patrick will be shown as Co-sponsor of **HB 308**.

CO-SPONSORS OF HOUSE BILL 970

On motion of Senator Deuell, Senators Schwertner and Zaffirini will be shown as Co-sponsors of **HB 970**.

CO-SPONSOR OF HOUSE BILL 1741

On motion of Senator West, Senator Zaffirini will be shown as Co-sponsor of **HB 1741**.

CO-SPONSOR OF HOUSE BILL 2392

On motion of Senator Van de Putte, Senator Zaffirini will be shown as Co-sponsor of **HB 2392**.

CO-SPONSOR OF HOUSE BILL 2619

On motion of Senator West, Senator Zaffirini will be shown as Co-sponsor of **HB 2619**.

CO-SPONSORS OF HOUSE BILL 2824

On motion of Senator Paxton, Senators Nelson and Schwertner will be shown as Co-sponsors of **HB 2824**.

CO-SPONSOR OF HOUSE BILL 3121

On motion of Senator Deuell, Senator Hancock will be shown as Co-sponsor of **HB 3121**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 972 by Huffman, In memory of James Edward Lindeman III.

SR 979 by Lucio, In memory of Sofia Carmen Pena de Garcia.

SR 980 by Lucio, In memory of Antonio "Tony" Oliveira, Jr.

Congratulatory Resolutions

SR 905 by Ellis, Recognizing Kellean Travillion for her participation in the Texas Legislative Internship Program.

SR 906 by Ellis, Recognizing Amir Tavakkoli for his participation in the Texas Legislative Internship Program.

SR 907 by Ellis, Recognizing Elizabeth Smith for her participation in the Texas Legislative Internship Program.

SR 908 by Ellis, Recognizing Michelle Seebachan for her participation in the Texas Legislative Internship Program.

SR 909 by Ellis, Recognizing Ashley San Miguel for her participation in the Texas Legislative Internship Program.

SR 910 by Ellis, Recognizing Keith Salas for his participation in the Texas Legislative Internship Program.

SR 911 by Ellis, Recognizing Jordan Rux for his participation in the Texas Legislative Internship Program.

SR 912 by Ellis, Recognizing LaVonda Russell for her participation in the Texas Legislative Internship Program.

SR 913 by Ellis, Recognizing Chelsea Rountree for her participation in the Texas Legislative Internship Program.

SR 914 by Ellis, Recognizing Michael Roe for his participation in the Texas Legislative Internship Program.

SR 915 by Ellis, Recognizing Tiajuana Robinson for her participation in the Texas Legislative Internship Program.

SR 916 by Ellis, Recognizing Tasheedah Roberts for her participation in the Texas Legislative Internship Program.

SR 917 by Ellis, Recognizing Rashad Roberson for his participation in the Texas Legislative Internship Program.

SR 918 by Ellis, Recognizing Alec Puente for his participation in the Texas Legislative Internship Program.

SR 919 by Ellis, Recognizing DeAndrea Petty for her participation in the Texas Legislative Internship Program.

SR 920 by Ellis, Recognizing Laura Parton for her participation in the Texas Legislative Internship Program.

SR 921 by Ellis, Recognizing Simone Wilson for her participation in the Texas Legislative Internship Program.

SR 922 by Ellis, Recognizing Thea Ulrich-Lewis for her participation in the Texas Legislative Internship Program.

SR 923 by Ellis, Recognizing Carmela Walker for her participation in the Texas Legislative Internship Program.

SR 924 by Ellis and Campbell, Recognizing Kristen Cade for her participation in the Texas Legislative Internship Program.

SR 925 by Ellis, Recognizing Adenike Adesokan for her participation in the Texas Legislative Internship Program.

SR 926 by Ellis, Recognizing Anthony Washington for his participation in the Texas Legislative Internship Program.

SR 927 by Ellis, Recognizing Amber Weed for her participation in the Texas Legislative Internship Program.

SR 928 by Ellis, Recognizing Christopher White for his participation in the Texas Legislative Internship Program.

SR 929 by Ellis, Recognizing Skyla Johnson for her participation in the Texas Legislative Internship Program.

SR 930 by Ellis, Recognizing Mercadi Crawford for her participation in the Texas Legislative Internship Program.

SR 931 by Ellis, Recognizing Brenda DeRouen for her participation in the Texas Legislative Internship Program.

SR 932 by Ellis, Recognizing Thalia Dubose for her participation in the Texas Legislative Internship Program.

SR 933 by Ellis, Recognizing Christiana Elgin for her participation in the Texas Legislative Internship Program.

SR 934 by Ellis, Recognizing Carnell Emanuel for his participation in the Texas Legislative Internship Program.

SR 935 by Ellis, Recognizing Kevin Engman for his participation in the Texas Legislative Internship Program.

SR 936 by Ellis, Recognizing Karina Erickson for her participation in the Texas Legislative Internship Program.

SR 937 by Ellis, Recognizing Megan Featherston for her participation in the Texas Legislative Internship Program.

SR 938 by Ellis, Recognizing Antoine Floyd for his participation in the Texas Legislative Internship Program.

SR 939 by Ellis, Recognizing Veronica Forge for her participation in the Texas Legislative Internship Program.

SR 940 by Ellis, Recognizing Mili Gosar for her participation in the Texas Legislative Internship Program.

SR 941 by Ellis, Recognizing Vanessa Griddine for her participation in the Texas Legislative Internship Program.

SR 942 by Ellis, Recognizing Jedidah Guerra for her participation in the Texas Legislative Internship Program.

SR 943 by Ellis, Recognizing Paul Hanchett for his participation in the Texas Legislative Internship Program.

SR 944 by Ellis, Recognizing Kathryn Hendrix for her participation in the Texas Legislative Internship Program.

SR 945 by Ellis, Recognizing Jacqueline Hernández for her participation in the Texas Legislative Internship Program.

SR 946 by Ellis, Recognizing James Hernandez for his participation in the Texas Legislative Internship Program.

SR 947 by Ellis, Recognizing Arthur Huggins for his participation in the Texas Legislative Internship Program.

SR 948 by Ellis, Recognizing Jarrett Jackson for his participation in the Texas Legislative Internship Program.

SR 949 by Ellis, Recognizing Dara Johnson for her participation in the Texas Legislative Internship Program.

SR 950 by Ellis, Recognizing Matthew Cherry for his participation in the Texas Legislative Internship Program.

SR 951 by Ellis, Recognizing Leonardo Coelho for his participation in the Texas Legislative Internship Program.

SR 952 by Ellis, Recognizing Adrian Carter for her participation in the Texas Legislative Internship Program.

SR 953 by Ellis, Recognizing Shaboyd Cannon for his participation in the Texas Legislative Internship Program.

SR 954 by Ellis, Recognizing Emily Campbell for her participation in the Texas Legislative Internship Program.

SR 955 by Ellis, Recognizing Garrett Brawley for his participation in the Texas Legislative Internship Program.

SR 956 by Ellis, Recognizing Daniel Boettger for his participation in the Texas Legislative Internship Program.

SR 957 by Ellis, Recognizing Lauren Berryhill for her participation in the Texas Legislative Internship Program.

SR 958 by Ellis, Recognizing Glen Austin for his participation in the Texas Legislative Internship Program.

SR 959 by Ellis, Recognizing Richard Arowolo for his participation in the Texas Legislative Internship Program.

SR 960 by Ellis, Recognizing TaLisa Jones for her participation in the Texas Legislative Internship Program.

SR 961 by Ellis, Recognizing Joanna Joseph for her participation in the Texas Legislative Internship Program.

SR 962 by Ellis, Recognizing Thurman Kelley for his participation in the Texas Legislative Internship Program.

SR 963 by Ellis, Recognizing Sonji Moore for her participation in the Texas Legislative Internship Program.

SR 964 by Ellis, Recognizing Dailesi Njobvu for her participation in the Texas Legislative Internship Program.

SR 965 by Ellis, Recognizing Emilio Longoria for his participation in the Texas Legislative Internship Program.

SR 966 by Ellis, Recognizing Shannon Martin for her participation in the Texas Legislative Internship Program.

SR 967 by Ellis, Recognizing Matthew McDougal for his participation in the Texas Legislative Internship Program.

SR 968 by Ellis, Recognizing Lucia Mendez for her participation in the Texas Legislative Internship Program.

SR 969 by Ellis, Recognizing Cecilee Miller for her participation in the Texas Legislative Internship Program.

SR 970 by Ellis, Recognizing Stewanna Miskell for her participation in the Texas Legislative Internship Program.

SR 971 by Ellis, Recognizing Gaven Norris for his participation in the Texas Legislative Internship Program.

SR 974 by Deuell, Recognizing Carmel Baptist Church on the occasion of its 160th anniversary.

SR 976 by Schwertner, Recognizing Ed Olson on the occasion of his 95th birthday.

SR 978 by Lucio, Recognizing Ronald N. McMillan on the occasion of his retirement.

SR 982 by Lucio, Recognizing Gerardo Acevedo Danache for his assistance in the release of Jon Hammar.

SR 983 by Ellis, Recognizing the renaming and dedication of Ernest McGowen Sr. Elementary School.

SR 984 by Van de Putte, Recognizing Esther Rodriguez on the occasion of her retirement.

Official Designation Resolution

SR 981 by Lucio, Recognizing May as Stroke Awareness Month.

Legislative Policy Resolution

SR 985 by Whitmire, Granting the Texas DeMolay Association permission to use the Senate Chamber on February 15 and 16, 2014.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 6:15 p.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

May 15, 2013

AGRICULTURE, RURAL AFFAIRS AND HOMELAND SECURITY — **HCR 89, HB 1807, HB 1819, HB 1931, HB 2312, HB 2649, HB 3178, CSHB 3567, CSHB 3279, HB 912, HB 1076, HB 1081, HB 1241, CSHB 1314, CSHB 1494**

BUSINESS AND COMMERCE — **CSHB 346, CSHB 2911, CSHB 2049, CSHB 3068**

ADMINISTRATION — **HB 2952, HCR 51, HCR 102, HCR 40, HCR 68, HCR 84, HCR 87, HCR 96, HB 1256, CSHCR 1**

BUSINESS AND COMMERCE — **CSHB 699, CSHB 1093**

OPEN GOVERNMENT — **HB 367, HB 483, HB 2267**

CRIMINAL JUSTICE — **HB 972**

EDUCATION — **HB 642 (Amended), CSHB 343, CSHB 842, CSHB 897, CSHB 2318, CSHB 2694**

AGRICULTURE, RURAL AFFAIRS AND HOMELAND SECURITY — **CSHB 928**

NATURAL RESOURCES — **HB 3137, HB 693, HB 3233, HB 3604, HB 3309, HB 3212, HB 2704, HB 2446, HB 3933, HB 1563, HB 1330, HB 2290**

HIGHER EDUCATION — **HB 3332, HB 2760, HB 3659, HB 1753**

HEALTH AND HUMAN SERVICES — **HB 424, CSHB 2725, HB 376, HB 746, HB 807, HB 970, HB 1191, HB 1376, HB 1392, HB 1394, HB 1396, HB 1971, HB 2619, HB 3196, HB 3285, HB 3401, HB 3729, HB 3787**

CRIMINAL JUSTICE — **HB 1318, HB 1020, HB 2679, HB 3241**

HEALTH AND HUMAN SERVICES — **CSHB 2620**

BUSINESS AND COMMERCE — **HB 52, CSHB 2585, HB 2758**

STATE AFFAIRS — **CSHB 2197**

HEALTH AND HUMAN SERVICES — **CSHB 978**

HIGHER EDUCATION — **CSHB 1752**

EDUCATION — CSHB 753, HB 885**STATE AFFAIRS — HB 259, HB 394, HB 581, HB 1996, HB 2006, HB 2127, HB 2373, HB 2380, HB 3152, HB 2929****FINANCE — HB 1348, HB 78, HB 294, HB 316, HB 561, HB 1287, HB 1487, HB 1903, HB 1913, HB 2451, HB 3121, HJR 133****TRANSPORTATION — HB 3070, HB 3568, HB 138, HB 1174, HB 1384, HB 2300, HB 2305, HB 2394, HB 2485, HB 3085, HB 3256, HB 3483, HB 3523, HB 3668, HB 3677, HB 3946****BILLS ENGROSSED**May 14, 2013**SB 220, SB 1218, SB 1310, SB 1921****BILLS AND RESOLUTIONS ENROLLED**May 14, 2013**SB 329, SB 346, SR 889, SR 890, SR 891, SR 892, SR 893, SR 894, SR 895, SR 896, SR 897, SR 898, SR 899, SR 900, SR 901, SR 902, SR 903**

SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

SIXTIETH DAY

(Thursday, May 16, 2013)

The Senate met at 11:20 a.m. pursuant to adjournment and was called to order by Senator Eltife.

The roll was called and the following Senators were present: Campbell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Garcia, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Patrick, Paxton, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Absent-excused: Birdwell, Williams.

The Presiding Officer announced that a quorum of the Senate was present.

Pastor Ralph Powers, First Baptist Church, Calvert, accompanied by his wife, Gloria, was introduced by Senator Schwertner and offered the invocation as follows:

Heavenly Father, we thank You for the men and women of the Senate. Thank You for bringing them together for a time such as this. We pray that they would accomplish the tasks that are before them. We pray that they would represent the citizens who sent them here. Give them wisdom, discernment, and the determination to get the job done. In the name of Jesus Christ, we ask it. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

LEAVES OF ABSENCE

On motion of Senator Whitmire, Senator Birdwell was granted leave of absence for today on account of important business.

On motion of Senator Whitmire, Senator Williams was granted leave of absence for today on account of important business.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate students from Harrell Budd Elementary School.

The Senate welcomed its guests.

PHYSICIAN OF THE DAY

Senator Nelson was recognized and presented Dr. Dan Sepdham of Flower Mound as the Physician of the Day.

The Senate welcomed Dr. Sepdham and thanked him for his participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

Accompanying him were three medical students, Megan Gilbert, Adam Culver, and Alyssa Bahorich.

SENATE RESOLUTION 904

Senator West offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to welcome the corporate leaders and independent consultants of Mary Kay, Incorporated, as they celebrate the company's 50th anniversary; and

WHEREAS, The Mary Kay brand has been synonymous with beauty and empowerment for women since 1963, when a hardworking mother named Mary Kay Ash used her life's savings of \$5,000 and launched her own line of cosmetics and skin care products in Dallas; and

WHEREAS, Determined to help women get a foothold in the business world, Mrs. Ash created not just a cosmetics company but also a business model based on elevating the lives and self-esteem of women; and

WHEREAS, Since its creation, the company has grown exponentially; with more than 2.5 million independent beauty consultants around the world and \$3 billion in global annual wholesale sales, Mary Kay is a top beauty brand; and

WHEREAS, Equally impressive are the philanthropic projects of the Mary Kay Foundation, which has funded grants totaling more than \$49 million to support domestic violence prevention and cancer research through a number of innovative programs; and

WHEREAS, From one very determined woman's visionary plan back in 1963 emerged an economic powerhouse that has enriched the lives of women and improved the living conditions of countless people around the world; it is fitting that those who carry on the legacy of Mary Kay Ash be honored on the 50th anniversary of the company's founding; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby commend the corporate leaders and the independent consultants of Mary Kay, Incorporated, and proclaim May 16, 2013, Mary Kay Day at the State Capitol; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of this special occasion.

SR 904 was read and was adopted without objection.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate a Mary Kay, Incorporated, delegation, accompanied by David Holl, President and CEO; Ryan Rogers, Vice-president, Strategic Initiatives; Crayton Webb, Director, Corporate Communications and Corporate Social Responsibility; Anne Crews, Vice-president, Government Relations; and Theresa Flores, Manager, Government Relations.

The Senate welcomed its guests.

SENATE RESOLUTION 977

Senator Lucio offered the following resolution:

SR 977, Congratulating Yesenia Delgado, Felicia Juarez, and Kivani Ailene Sanchez for being named Youth of the Year.

LUCIO
HINOJOSA

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate Yesenia Delgado and Felicia Juarez.

The Senate welcomed its guests.

BIRTHDAY GREETINGS EXTENDED

Senator Van de Putte was recognized and, on behalf of the Senate, extended birthday greetings to Senator Davis.

SENATE RESOLUTION 888

Senator Taylor offered the following resolution:

SR 888, Recognizing NASA and the Johnson Space Center.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Taylor was recognized and introduced to the Senate NASA representatives: Mike Suffredini, Kirk Shireman, Mike Kincaid, and Regina Blue, and Boeing representative, Mark Mulqueen.

The Senate welcomed its guests.

BILL SIGNED

The Presiding Officer announced the signing of the following enrolled bill in the presence of the Senate after the caption had been read: **SB 1611**.

CONCLUSION OF MORNING CALL

The Presiding Officer at 11:52 a.m. announced the conclusion of morning call.

HOUSE BILL 396 ON SECOND READING

On motion of Senator Huffman and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 396** at this time on its second reading:

HB 396, Relating to providing a federal postcard applicant with a ballot for certain elections in which the applicant is eligible to vote.

The bill was read second time.

Senator Huffman offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 396** (senate committee report) in SECTION 1 of the bill, in amended Section 101.054(b), Election Code (page 1, lines 39-40) by striking "within one calendar year after the date" and substituting "in the calendar year in which".

The amendment to **HB 396** 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: Birdwell, Williams.

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 2

Amend **HB 396** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Section 101.001, Election Code, is amended to read as follows:

Sec. 101.001. ELIGIBILITY. (a) A person is eligible for early voting by mail as provided by this chapter if:

(1) the person is qualified to vote in this state or, if not registered to vote in this state, would be qualified if registered; and

(2) the person is:

(A) a member of the armed forces of the United States, or the spouse or a dependent of a member;

(B) a member of the merchant marine of the United States, or the spouse or a dependent of a member; or

(C) domiciled in this state but temporarily living outside the territorial limits of the United States and the District of Columbia.

(b) Notwithstanding Subsection (a) and Chapter 114, a person who indicates on a federal postcard application that the person is a United States citizen residing outside the United States indefinitely is entitled to vote a full ballot as provided by this chapter if the person is otherwise eligible to vote under this chapter and is a registered voter at the address contained on the application.

SECTION _____. Section 101.052, Election Code, is amended by adding Subsection (n) to read as follows:

(n) The early voting clerk shall provide notice to a person who indicates on a federal postcard application that the person is a United States citizen residing outside the United States indefinitely, other than a person described by Section 101.001(b), that as a result of the person's indication, the person is only eligible to vote a federal ballot as provided by Chapter 114. The secretary of state shall prescribe the form and manner of the notice provided under this subsection.

SECTION _____. Subchapter B, Chapter 101, Election Code, is amended by adding Section 101.059 to read as follows:

Sec. 101.059. NOTICE ON COUNTY WEBSITE FOR CITIZENS RESIDING OUTSIDE OF UNITED STATES INDEFINITELY. If a county maintains an Internet website to provide information on voting, the website must include information that describes the effects on the ballot a person will receive under state law if the person indicates on a federal postcard application that the person is a United States citizen residing outside the United States indefinitely.

SECTION _____. Section 114.002, Election Code, is amended to read as follows:

Sec. 114.002. ELIGIBILITY. A United States citizen residing [~~dwelling~~] outside the United States is eligible to vote a federal ballot by mail if:

(1) the citizen's most recent domicile in the United States was in this state and the citizen is residing outside the United States indefinitely [~~citizen's intent to return to this state is uncertain~~];

(2) the citizen would be eligible for registration as a voter in this state if a resident; and

(3) the citizen is not eligible to vote on federal offices in any other state.

The amendment to **HB 396** 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: Birdwell, Williams.

On motion of Senator Huffman and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 396 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Absent-excused: Birdwell, Williams.

HOUSE BILL 396 ON THIRD READING

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 396** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Birdwell, Williams.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
HOUSE BILL 1000 ON SECOND READING**

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1000** at this time on its second reading:

CSHB 1000, Relating to the creation of a new university in South Texas within The University of Texas System.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Absent-excused: Birdwell, Williams.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1000 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 **CSHB 1000** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Birdwell, Williams.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
HOUSE BILL 616 ON SECOND READING**

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 616** at this time on its second reading:

CSHB 616, Relating to restoring the jurisdiction of the constitutional county court in Glasscock County.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Absent-excused: Birdwell, Williams.

**COMMITTEE SUBSTITUTE
HOUSE BILL 616 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 **CSHB 616** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Birdwell, Williams.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

SENATE BILL 377 WITH HOUSE AMENDMENT

Senator Lucio called **SB 377** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 377** (house committee report) as follows:

(1) Strike page 1, line 14, through page 2, line 9.

(2) On page 2, strike lines 10 and 11, and substitute the following:

SECTION 3. Section 39.027(a-2), Education Code, as added by this Act, applies

(3) Renumber SECTIONS of the bill appropriately.

The amendment was read.

Senator Lucio moved to concur in the House amendment to **SB 377**.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Birdwell, Williams.

SENATE BILL 715 WITH HOUSE AMENDMENT

Senator Lucio called **SB 715** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 715** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED

AN ACT

relating to counselors employed by school districts, including the use of consistent terminology in the Education Code to refer to school counselors and a license requirement for licensed professional counselors employed by school districts.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 7.055(b)(18), Education Code, is amended to read as follows:

(18) The commissioner shall adopt a recommended appraisal process and criteria on which to appraise the performance of teachers, a recommended appraisal process and criteria on which to appraise the performance of administrators, and a job description and evaluation form for use in evaluating school counselors, as provided by Subchapter H, Chapter 21.

SECTION 2. Section 11.252(a), Education Code, is amended to read as follows:

(a) Each school district shall have a district improvement plan that is developed, evaluated, and revised annually, in accordance with district policy, by the superintendent with the assistance of the district-level committee established under Section 11.251. The purpose of the district improvement plan is to guide district and campus staff in the improvement of student performance for all student groups in order to attain state standards in respect to the student achievement indicators adopted under Section 39.053. The district improvement plan must include provisions for:

(1) a comprehensive needs assessment addressing district student performance on the student achievement indicators, and other appropriate measures of performance, that are disaggregated by all student groups served by the district, including categories of ethnicity, socioeconomic status, sex, and populations served by special programs, including students in special education programs under Subchapter A, Chapter 29;

(2) measurable district performance objectives for all appropriate student achievement indicators for all student populations, including students in special education programs under Subchapter A, Chapter 29, and other measures of student performance that may be identified through the comprehensive needs assessment;

(3) strategies for improvement of student performance that include:

(A) instructional methods for addressing the needs of student groups not achieving their full potential;

(B) methods for addressing the needs of students for special programs, including:

(i) suicide prevention programs, in accordance with Subchapter O-1, Chapter 161, Health and Safety Code, which includes a parental or guardian notification procedure;

(ii) conflict resolution programs;

(iii) violence prevention programs; and

(iv) dyslexia treatment programs;

(C) dropout reduction;

(D) integration of technology in instructional and administrative programs;

(E) discipline management;

(F) staff development for professional staff of the district;

(G) career education to assist students in developing the knowledge, skills, and competencies necessary for a broad range of career opportunities; and

(H) accelerated education;

(4) strategies for providing to middle school, junior high school, and high school students, those students' teachers and school counselors, and those students' parents information about:

(A) higher education admissions and financial aid opportunities;

(B) the TEXAS grant program and the Teach for Texas grant program established under Chapter 56;

(C) the need for students to make informed curriculum choices to be prepared for success beyond high school; and

(D) sources of information on higher education admissions and financial aid;

- (5) resources needed to implement identified strategies;
- (6) staff responsible for ensuring the accomplishment of each strategy;
- (7) timelines for ongoing monitoring of the implementation of each improvement strategy;
- (8) formative evaluation criteria for determining periodically whether strategies are resulting in intended improvement of student performance; and
- (9) the policy under Section 38.0041 addressing sexual abuse and other maltreatment of children.

SECTION 3. Section 12.1059, Education Code, is amended to read as follows:

Sec. 12.1059. AGENCY APPROVAL REQUIRED FOR CERTAIN EMPLOYEES. A person may not be employed by or serve as a teacher, librarian, educational aide, administrator, or school counselor for an open-enrollment charter school unless the person has been approved by the agency following a review of the person's national criminal history record information as provided by Section 22.0832.

SECTION 4. Sections 12.133(b), (c), (d), and (e), Education Code, are amended to read as follows:

(b) Each school year, using state funds received by the charter holder for that purpose under Subsection (d), a charter holder that participated in the program under Chapter 1579, Insurance Code, for the 2005-2006 school year shall provide employees of the charter holder, other than administrators, compensation in the form of annual salaries, incentives, or other compensation determined appropriate by the charter holder that results in an average compensation increase for classroom teachers, full-time librarians, full-time school counselors, and full-time school nurses who are employed by the charter holder and who would be entitled to a minimum salary under Section 21.402 if employed by a school district, in an amount at least equal to \$2,500.

(c) Each school year, using state funds received by the charter holder for that purpose under Subsection (e), a charter holder that did not participate in the program under Chapter 1579, Insurance Code, for the 2005-2006 school year shall provide employees of the charter holder, other than administrators, compensation in the form of annual salaries, incentives, or other compensation determined appropriate by the charter holder that results in an average compensation increase for classroom teachers, full-time librarians, full-time school counselors, and full-time school nurses who are employed by the charter holder and who would be entitled to a minimum salary under Section 21.402 if employed by a school district, in an amount at least equal to \$2,000.

(d) Each school year, in addition to any amounts to which a charter holder is entitled under this chapter, a charter holder that participated in the program under Chapter 1579, Insurance Code, for the 2005-2006 school year is entitled to state aid in an amount, as determined by the commissioner, equal to the product of \$2,500 multiplied by the number of classroom teachers, full-time librarians, full-time school counselors, and full-time school nurses employed by the charter holder at an open-enrollment charter school.

(e) Each school year, in addition to any amounts to which a charter holder is entitled under this chapter, a charter holder that did not participate in the program under Chapter 1579, Insurance Code, for the 2005-2006 school year is entitled to state aid in an amount, as determined by the commissioner, equal to the product of \$2,000

multiplied by the number of classroom teachers, full-time librarians, full-time school counselors, and full-time school nurses employed by the charter holder at an open-enrollment charter school.

SECTION 5. Section 19.007(f), Education Code, is amended to read as follows:

(f) In addition to other amounts received by the district under this section, the district is entitled to state aid in an amount equal to the product of \$2,000 multiplied by the number of classroom teachers, full-time librarians, full-time school counselors certified under Subchapter B, Chapter 21, and full-time school nurses who are employed by the district and who would be entitled to a minimum salary under Section 21.402 if employed by a school district operating under Chapter 11.

SECTION 6. Sections 19.009(d-1) and (d-2), Education Code, are amended to read as follows:

(d-1) Each school year, the district shall pay an amount at least equal to \$2,000 to each classroom teacher, full-time librarian, full-time school counselor certified under Subchapter B, Chapter 21, and full-time school nurse who is employed by the district and who would be entitled to a minimum salary under Section 21.402 if employed by a school district operating under Chapter 11. A payment under this section is in addition to wages the district would otherwise pay the employee during the school year.

(d-2) Beginning with the 2009-2010 school year, the district shall increase the monthly salary of each classroom teacher, full-time speech pathologist, full-time librarian, full-time school counselor certified under Subchapter B, Chapter 21, and full-time school nurse employed by the district by the greater of:

(1) \$80; or

(2) the maximum uniform amount that, when combined with any resulting increases in the amount of contributions made by the district for social security coverage for the specified employees or by the district on behalf of the specified employees under Section 825.405, Government Code, may be provided using an amount equal to the product of \$60 multiplied by the number of students in weighted average daily attendance in the district during the 2009-2010 school year.

SECTION 7. Section 21.002(a), Education Code, is amended to read as follows:

(a) A school district shall employ each classroom teacher, principal, librarian, nurse, or school counselor under:

(1) a probationary contract, as provided by Subchapter C;

(2) a continuing contract, as provided by Subchapter D; or

(3) a term contract, as provided by Subchapter E.

SECTION 8. Section 21.003, Education Code, is amended to read as follows:

Sec. 21.003. CERTIFICATION REQUIRED. (a) A person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by Subchapter B.

(b) Except as otherwise provided by this subsection, a person may not be employed by a school district as an audiologist, occupational therapist, physical therapist, physician, nurse, school psychologist, associate school psychologist, licensed professional counselor, marriage and family therapist, social worker, or

speech language pathologist unless the person is licensed by the state agency that licenses that profession and may perform specific services within those professions for a school district only if the person holds the appropriate credential from the appropriate state agency. As long as a person employed by a district before September 1, 2011, to perform marriage and family therapy, as defined by Section 502.002, Occupations Code, is employed by the same district, the person is not required to hold a license as a marriage and family therapist to perform marriage and family therapy with that district.

SECTION 9. Section 21.101, Education Code, is amended to read as follows:

Sec. 21.101. DEFINITION. In this subchapter, "teacher" means a principal, supervisor, classroom teacher, school counselor, or other full-time professional employee who is required to hold a certificate issued under Subchapter B or a nurse. The term does not include a superintendent or a person who is not entitled to a probationary, continuing, or term contract under Section 21.002, an existing contract, or district policy.

SECTION 10. Section 21.201(1), Education Code, is amended to read as follows:

(1) "Teacher" means a superintendent, principal, supervisor, classroom teacher, school counselor, or other full-time professional employee who is required to hold a certificate issued under Subchapter B or a nurse. The term does not include a person who is not entitled to a probationary, continuing, or term contract under Section 21.002, an existing contract, or district policy.

SECTION 11. Section 21.402(a), Education Code, as effective until September 1, 2017, is amended to read as follows:

(a) Except as provided by Subsection (f), a school district must pay each classroom teacher, full-time librarian, full-time school counselor certified under Subchapter B, or full-time school nurse not less than the minimum monthly salary, based on the employee's level of experience in addition to other factors, as determined by commissioner rule, determined by the following formula:

$$MS = SF \times FS$$

where:

"MS" is the minimum monthly salary;

"SF" is the applicable salary factor specified by Subsection (c); and

"FS" is the amount, as determined by the commissioner under Subsection (b), of the basic allotment as provided by Section 42.101(a) or (b) for a school district with a maintenance and operations tax rate at least equal to the state maximum compressed tax rate, as defined by Section 42.101(a).

SECTION 12. Section 21.402(a), Education Code, as effective September 1, 2017, is amended to read as follows:

(a) Except as provided by Subsection (e-1) or (f), a school district must pay each classroom teacher, full-time librarian, full-time school counselor certified under Subchapter B, or full-time school nurse not less than the minimum monthly salary, based on the employee's level of experience in addition to other factors, as determined

by commissioner rule, determined by the following formula:

$$MS = SF \times FS$$

where:

"MS" is the minimum monthly salary;

"SF" is the applicable salary factor specified by Subsection (c); and

"FS" is the amount, as determined by the commissioner under Subsection (b), of the basic allotment as provided by Section 42.101(a) or (b) for a school district with a maintenance and operations tax rate at least equal to the state maximum compressed tax rate, as defined by Section 42.101(a).

SECTION 13. Section 21.402(c-1), Education Code, is amended to read as follows:

(c-1) Notwithstanding Subsections (a) and (b), each school district shall pay a monthly salary to each classroom teacher, full-time speech pathologist, full-time librarian, full-time school counselor certified under Subchapter B, and full-time school nurse that is at least equal to the following monthly salary or the monthly salary determined by the commissioner under Subsections (a) and (b), whichever is greater:

Years of Experience	Monthly Salary
0	2,732
1	2,791
2	2,849
3	2,908
4	3,032
5	3,156
6	3,280
7	3,395
8	3,504
9	3,607
10	3,704
11	3,796
12	3,884
13	3,965
14	4,043
15	4,116
16	4,186
17	4,251
18	4,313
19	4,372
20 & Over	4,427

SECTION 14. Sections 21.403(a) and (c), Education Code, are amended to read as follows:

(a) A teacher, librarian, school counselor, or nurse shall advance one step on the minimum salary schedule under Section 21.402 for each year of experience as a teacher, librarian, school counselor, or nurse until step 20 is reached.

(c) The commissioner shall adopt rules for determining the experience for which a teacher, librarian, school counselor, or nurse is to be given credit in placing the teacher, librarian, school counselor, or nurse on the minimum salary schedule. A district shall credit the teacher, librarian, school counselor, or nurse for each year of experience without regard to whether the years are consecutive.

SECTION 15. Section 21.4031(a)(2), Education Code, is amended to read as follows:

(2) "Service record" means a school district document that indicates the total years of service provided to the district by a classroom teacher, librarian, school counselor, or nurse.

SECTION 16. Section 21.4031(b), Education Code, is amended to read as follows:

(b) On request by a classroom teacher, librarian, school counselor, or nurse or by the school district employing one of those individuals, a school district that previously employed the individual shall provide a copy of the individual's service record to the school district employing the individual. The district must provide the copy not later than the 30th day after the later of:

(1) the date the request is made; or

(2) the date of the last day of the individual's service to the district.

SECTION 17. Section 22.051(a), Education Code, is amended to read as follows:

(a) In this subchapter, "professional employee of a school district" includes:

(1) a superintendent, principal, teacher, including a substitute teacher, supervisor, social worker, school counselor, nurse, and teacher's aide employed by a school district;

(2) a teacher employed by a company that contracts with a school district to provide the teacher's services to the district;

(3) a student in an education preparation program participating in a field experience or internship;

(4) a school bus driver certified in accordance with standards and qualifications adopted by the Department of Public Safety of the State of Texas;

(5) a member of the board of trustees of an independent school district; and

(6) any other person employed by a school district whose employment requires certification and the exercise of discretion.

SECTION 18. Section 26.004, Education Code, is amended to read as follows:

Sec. 26.004. ACCESS TO STUDENT RECORDS. A parent is entitled to access to all written records of a school district concerning the parent's child, including:

(1) attendance records;

(2) test scores;

(3) grades;

(4) disciplinary records;

(5) counseling records;

(6) psychological records;

(7) applications for admission;

(8) health and immunization information;

(9) teacher and school counselor evaluations; and

(10) reports of behavioral patterns.

SECTION 19. Section 28.0212(a), Education Code, is amended to read as follows:

(a) A principal shall designate a school ~~[guidance]~~ counselor, teacher, or other appropriate individual to develop and administer a personal graduation plan for each student enrolled in a junior high, middle, or high school who:

(1) does not perform satisfactorily on an assessment instrument administered under Subchapter B, Chapter 39; or

(2) is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade level nine, as determined by the district.

SECTION 20. Section 28.026(a), Education Code, is amended to read as follows:

(a) The board of trustees of a school district shall require each high school in the district to post appropriate signs in each school counselor's office, in each principal's office, and in each administrative building indicating the substance of Section 51.803 regarding automatic college admission. To assist in the dissemination of this information, the school district shall:

(1) require that each ~~[high]~~ school counselor and class advisor at a high school be provided a detailed explanation of the substance of Section 51.803;

(2) provide each district student, at the time the student first registers for one or more classes required for high school graduation, with a written notification of the substance of Section 51.803;

(3) require that each ~~[high]~~ school counselor and senior class advisor at a high school explain to eligible students the substance of Section 51.803; and

(4) not later than the 14th day after the last day of classes for the fall semester or an equivalent date in the case of a school operated on a year-round system under Section 25.084, provide each eligible senior student under Section 51.803 and each student enrolled in the junior year of high school who has a grade point average in the top 10 percent of the student's high school class, and the student's parent or guardian, with a written notification of the student's eligibility with a detailed explanation in plain language of the substance of Section 51.803.

SECTION 21. Section 28.054(b), Education Code, is amended to read as follows:

(b) To obtain a subsidy under this section, a student must:

(1) pay the fee for each test or examination for which the student seeks a subsidy; and

(2) submit to the board through the student's school ~~[guidance]~~ counselor a written application on a form prescribed by the commissioner demonstrating financial need and the amount of the fee paid by the student for each test or examination.

SECTION 22. Section 29.082(e), Education Code, is amended to read as follows:

(e) A student who attends at least 90 percent of the program days of a program under this section and who satisfies the requirements for promotion prescribed by Section 28.021 shall be promoted to the next grade level at the beginning of the next school year unless a parent of the student presents a written request to the school principal that the student not be promoted to the next grade level. As soon as

practicable after receiving the request from a parent, the principal shall hold a formal meeting with the student's parent, extended year program teacher, and school counselor. During the meeting, the principal, teacher, or school counselor shall explain the longitudinal statistics on the academic performance of students who are not promoted to the next grade level and provide information on the effect of retention on a student's self-esteem and on the likelihood of a student dropping out of school. After the meeting, the parent may withdraw the request that the student not be promoted to the next grade level. If the parent of a student eligible for promotion under this subsection withdraws the request, the student shall be promoted. If a student is promoted under this subsection, the school district shall continue to use innovative practices to ensure that the student is successful in school in succeeding years.

SECTION 23. Section 29.911(b), Education Code, is amended to read as follows:

(b) During the designated week, each middle school, junior high school, and high school shall provide students with comprehensive grade-appropriate information regarding the pursuit of higher education. The information provided must include information regarding:

(1) higher education options available to students;

(2) standard admission requirements for institutions of higher education, including:

(A) overall high school grade point average;

(B) required curriculum;

(C) college readiness standards and expectations as determined under Section 28.008; and

(D) scores necessary on generally recognized tests or assessment instruments used in admissions determinations, including the Scholastic Assessment Test and the American College Test;

(3) automatic admission of certain students to general academic teaching institutions as provided by Section 51.803; and

(4) financial aid availability and requirements, including the financial aid information provided by school counselors under Section 33.007(b).

SECTION 24. Section 30.024(a), Education Code, is amended to read as follows:

(a) In this section, "teacher" means a principal, supervisor, classroom teacher, school counselor, or other full-time professional employee who is required to hold a certificate issued under Subchapter B, Chapter 21, except the term does not include a superintendent or any employee who does not provide direct and regular services to students at the school.

SECTION 25. Section 30.055(a), Education Code, is amended to read as follows:

(a) In this section, "teacher" means a principal, supervisor, classroom teacher, school counselor, or other full-time professional employee who is required to hold a certificate issued under Subchapter B, Chapter 21, except the term does not include a superintendent.

SECTION 26. Section 30.102(b), Education Code, is amended to read as follows:

(b) A classroom teacher, full-time librarian, full-time school counselor certified under Subchapter B, Chapter 21, or full-time school nurse employed by the commission is entitled to receive as a minimum salary the monthly salary specified by Section 21.402. A classroom teacher, full-time librarian, full-time school counselor, or full-time school nurse may be paid, from funds appropriated to the commission, a salary in excess of the minimum specified by that section, but the salary may not exceed the rate of pay for a similar position in the public schools of an adjacent school district.

SECTION 27. The heading to Section 33.002, Education Code, is amended to read as follows:

Sec. 33.002. CERTIFIED SCHOOL COUNSELOR.

SECTION 28. Sections 33.002(b) and (c), Education Code, are amended to read as follows:

(b) A school district with 500 or more students enrolled in elementary school grades shall employ a school counselor certified under the rules of the State Board for Educator Certification for each elementary school in the district. A school district shall employ at least one school counselor for every 500 elementary school students in the district.

(c) A school district with fewer than 500 students enrolled in elementary school grades shall provide guidance and counseling services to elementary school students by:

(1) employing a part-time school counselor certified under the rules of the State Board for Educator Certification;

(2) employing a part-time teacher certified as a school counselor under the rules of the State Board for Educator Certification; or

(3) entering into a shared services arrangement agreement with one or more school districts to share a school counselor certified under the rules of the State Board for Educator Certification.

SECTION 29. Section 33.005, Education Code, is amended to read as follows:

Sec. 33.005. DEVELOPMENTAL GUIDANCE AND COUNSELING PROGRAMS. A school counselor shall work with the school faculty and staff, students, parents, and the community to plan, implement, and evaluate a developmental guidance and counseling program. The school counselor shall design the program to include:

(1) a guidance curriculum to help students develop their full educational potential, including the student's interests and career objectives;

(2) a responsive services component to intervene on behalf of any student whose immediate personal concerns or problems put the student's continued educational, career, personal, or social development at risk;

(3) an individual planning system to guide a student as the student plans, monitors, and manages the student's own educational, career, personal, and social development; and

(4) system support to support the efforts of teachers, staff, parents, and other members of the community in promoting the educational, career, personal, and social development of students.

SECTION 30. The heading to Section 33.006, Education Code, is amended to read as follows:

Sec. 33.006. SCHOOL COUNSELORS; GENERAL DUTIES.

SECTION 31. Section 33.006(b), Education Code, is amended to read as follows:

(b) In addition to a school counselor's responsibility under Subsection (a), the school counselor shall:

(1) participate in planning, implementing, and evaluating a comprehensive developmental guidance program to serve all students and to address the special needs of students:

(A) who are at risk of dropping out of school, becoming substance abusers, participating in gang activity, or committing suicide;

(B) who are in need of modified instructional strategies; or

(C) who are gifted and talented, with emphasis on identifying and serving gifted and talented students who are educationally disadvantaged;

(2) consult with a student's parent or guardian and make referrals as appropriate in consultation with the student's parent or guardian;

(3) consult with school staff, parents, and other community members to help them increase the effectiveness of student education and promote student success;

(4) coordinate people and resources in the school, home, and community;

(5) with the assistance of school staff, interpret standardized test results and other assessment data that help a student make educational and career plans; and

(6) deliver classroom guidance activities or serve as a consultant to teachers conducting lessons based on the school's guidance curriculum.

SECTION 32. Sections 33.007(a) and (b), Education Code, are amended to read as follows:

(a) Each school counselor at an elementary, middle, or junior high school, including an open-enrollment charter school offering those grades, shall advise students and their parents or guardians regarding the importance of higher education, coursework designed to prepare students for higher education, and financial aid availability and requirements.

(b) During the first school year a student is enrolled in a high school or at the high school level in an open-enrollment charter school, and again during a student's senior year, a school counselor shall provide information about higher education to the student and the student's parent or guardian. The information must include information regarding:

(1) the importance of higher education;

(2) the advantages of completing the recommended or advanced high school program adopted under Section 28.025(a);

(3) the disadvantages of taking courses to prepare for a high school equivalency examination relative to the benefits of taking courses leading to a high school diploma;

(4) financial aid eligibility;

(5) instruction on how to apply for federal financial aid;

(6) the center for financial aid information established under Section 61.0776;

(7) the automatic admission of certain students to general academic teaching institutions as provided by Section 51.803;

(8) the eligibility and academic performance requirements for the TEXAS Grant as provided by Subchapter M, Chapter 56; and

(9) the availability of programs in the district under which a student may earn college credit, including advanced placement programs, dual credit programs, joint high school and college credit programs, and international baccalaureate programs.

SECTION 33. Section 37.306(a), Education Code, is amended to read as follows:

(a) At the end of the first semester of a student's placement in an alternative education program under Section 37.304 or 37.305, the school district board of trustees shall convene a committee to review the student's placement in the alternative education program. The committee must be composed of:

(1) a classroom teacher from the campus to which the student would be assigned were the student not placed in an alternative education program;

(2) the student's parole or probation officer or, in the case of a student who does not have a parole or probation officer, a representative of the local juvenile probation department;

(3) an instructor from the alternative education program to which the student is assigned;

(4) a school district designee selected by the board of trustees; and

(5) a school counselor employed by the school district.

SECTION 34. Section 38.0041(c), Education Code, is amended to read as follows:

(c) The methods under Subsection (b)(1) for increasing awareness of issues regarding sexual abuse and other maltreatment of children must include training, as provided by this subsection, concerning prevention techniques for and recognition of sexual abuse and all other maltreatment of children. The training:

(1) must be provided, as part of a new employee orientation, to new school district and open-enrollment charter school educators, including school counselors and coaches, and other district and charter school professional staff members;

(2) may be provided annually to any district or charter school staff member; and

(3) must include training concerning:

(A) factors indicating a child is at risk for sexual abuse or other maltreatment;

(B) likely warning signs indicating a child may be a victim of sexual abuse or other maltreatment;

(C) internal procedures for seeking assistance for a child who is at risk for sexual abuse or other maltreatment, including referral to a school counselor, a social worker, or another mental health professional;

(D) techniques for reducing a child's risk of sexual abuse or other maltreatment; and

(E) community organizations that have relevant existing research-based programs that are able to provide training or other education for school district or open-enrollment charter school staff members, students, and parents.

SECTION 35. Section 51.9355(a), Education Code, is amended to read as follows:

(a) The governing board of each general academic teaching institution shall establish an office at the institution to assist applicants, potential applicants, [high] school [guidance] counselors at the high school level, and other interested persons requesting assistance relating to:

(1) applying for admission to a bachelor's degree program at the institution;

(2) applying for financial aid offered by or through the institution or by an office or agency of this state or the United States for attendance as an undergraduate student at the institution;

(3) registering for an examination to be taken in connection with admission to a bachelor's degree program at the institution; or

(4) registering for an examination that may be taken to receive undergraduate course credit at the institution or to determine the skill or placement level of an applicant to or student enrolled in a bachelor's degree program at the institution.

SECTION 36. Section 56.308(b), Education Code, is amended to read as follows:

(b) Each school district shall:

(1) notify its middle school students, junior high school students, and high school students, those students' teachers and school counselors, and those students' parents of the TEXAS grant and Teach for Texas grant programs, the eligibility requirements of each program, the need for students to make informed curriculum choices to be prepared for success beyond high school, and sources of information on higher education admissions and financial aid in a manner that assists the district in implementing a strategy adopted by the district under Section 11.252(a)(4); and

(2) ensure that each student's official transcript or diploma indicates whether the student has completed or is on schedule to complete:

(A) the recommended or advanced high school curriculum required for grant eligibility under Section 28.002 or 28.025; or

(B) for a school district covered by Section 56.304(f)(1), the required portion of the recommended or advanced high school curriculum in the manner described by Section 56.304(f)(2).

SECTION 37. Section 56.460(b), Education Code, is amended to read as follows:

(b) Each school district shall notify its middle school students, junior high school students, and high school students, those students' teachers and school counselors, and those students' parents or guardians of the Texas B-On-time loan program and the eligibility requirements of the program.

SECTION 38. Sections 61.806(c) and (d), Education Code, are amended to read as follows:

(c) An eligible entity must make application to the board to receive financial assistance under this subchapter. An application must demonstrate that the program contains the following elements:

(1) involvement of public school officials, teachers, and school counselors in identifying and selecting students in elementary school for participation in the partnership program during the elementary and secondary school grades;

(2) criteria for the selection of program participants that include consideration of:

(A) whether the student has a high risk of dropping out of school as measured by academic performance, attendance, discipline problems, and other factors affecting school performance, including teenage pregnancy or parenting, substance abuse, child abuse or neglect, or limited English proficiency; and

(B) whether the student is a low-income student as defined by board rule;

(3) academic and counseling support services for program participants;

(4) involvement of parents and community volunteers to the extent possible;

and

(5) an evaluation component that includes follow-up relating to the academic performance of program participants during secondary school and the program participants' plans concerning college attendance.

(d) If financial assistance is awarded to an eligible entity that is not a school district, the application must include a description of the frequency and manner of involvement of the public schools and school personnel, especially teachers and school counselors, with the partnership program.

SECTION 39. Section 61.855(d), Education Code, is amended to read as follows:

(d) A tech-prep program must:

(1) be implemented under an articulation agreement between the participants in the consortium;

(2) consist of two to four years of secondary school preceding graduation and:

(A) two or more years of higher education; or

(B) two or more years of apprenticeship following secondary instruction;

(3) have a common core of required proficiency based on the recommended high school program adopted by the State Board of Education under Section 28.025(a), with proficiencies in mathematics, science, reading, writing, communications, and technologies designed to lead to an associate's degree or postsecondary certificate in a specific career field;

(4) include the development of tech-prep program curricula for both secondary and postsecondary participants in the consortium that:

(A) meets academic standards developed by the state;

(B) links secondary schools and two-year postsecondary institutions, and, if practicable, four-year institutions of higher education through nonduplicative sequences of courses in career fields, including the investigation of opportunities for tech-prep students to enroll concurrently in secondary and postsecondary course work;

(C) uses, if appropriate and available, work-based or worksite learning in conjunction with business and all aspects of an industry; and

(D) uses educational technology and distance learning, as appropriate, to involve each consortium participant more fully in the development and operation of programs;

(5) include in-service training for teachers that:

(A) is designed to train vocational and technical teachers to effectively implement tech-prep programs;

(B) provides for joint training for teachers in the tech-prep consortium;

(C) is designed to ensure that teachers and administrators stay current with the needs, expectations, and methods of business and of all aspects of an industry;

(D) focuses on training postsecondary education faculty in the use of contextual and applied curricula and instruction; and

(E) provides training in the use and application of technology;

(6) include training programs for school counselors designed to enable school counselors to more effectively:

(A) provide information to students regarding tech-prep programs;

(B) support student progress in completing tech-prep programs;

(C) provide information on related employment opportunities;

(D) ensure that tech-prep students are placed in appropriate employment; and

(E) stay current with the needs, expectations, and methods of business and of all aspects of an industry;

(7) provide equal access to the full range of tech-prep programs for individuals who are members of special populations, including by the development of tech-prep program services appropriate to the needs of special populations; and

(8) provide for preparatory services that assist participants in tech-prep programs.

SECTION 40. Section 503.051, Occupations Code, is amended to read as follows:

Sec. 503.051. COUNSELING FOR GOVERNMENT OR EDUCATIONAL INSTITUTION. This chapter does not apply to an activity, service, or use of an official title by a person employed as a counselor by a federal, state, county, or municipal agency or, except as provided by Section 21.003(b), Education Code, by a public or private educational institution if the person is performing counseling or counseling-related activities within the scope of the person's employment.

SECTION 41. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

The amendment was read.

Senator Lucio moved to concur in the House amendment to **SB 715**.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Birdwell, Williams.

SENATE BILL 914 WITH HOUSE AMENDMENT

Senator Lucio called **SB 914** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 914** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to a behavior improvement plan or a behavioral intervention plan adopted for certain students with an individualized education program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 29.005, Education Code, is amended by adding Subsection (g) to read as follows:

(g) The committee may determine that a behavior improvement plan or a behavioral intervention plan is appropriate for a student for whom the committee has developed an individualized education program. If the committee makes that determination, the behavior improvement plan or the behavioral intervention plan shall be included as part of the student's individualized education program and provided to each teacher with responsibility for educating the student.

SECTION 2. This Act applies beginning with the 2013-2014 school year.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

The amendment was read.

Senator Lucio moved to concur in the House amendment to **SB 914**.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Birdwell, Williams.

SENATE BILL 1142 WITH HOUSE AMENDMENT

Senator Duncan called **SB 1142** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 1142** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to an adult high school diploma and industry certification charter school pilot program for adults 19 to 50 years of age.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter H, Chapter 29, Education Code, is amended by adding Section 29.259 to read as follows:

Sec. 29.259. ADULT HIGH SCHOOL DIPLOMA AND INDUSTRY CERTIFICATION CHARTER SCHOOL PILOT PROGRAM. (a) In this section, "adult education" means services and instruction provided below the college level for adults by a nonprofit entity described by Subsection (e).

(b) The commissioner shall establish an adult high school diploma and industry certification charter school pilot program as provided by this section as a strategy for meeting industry needs for a sufficiently trained workforce within the state.

(c) The agency shall adopt and administer a standardized secondary exit-level assessment instrument appropriate for assessing adult education program participants who successfully complete high school curriculum requirements under a program provided under this section. The commissioner shall determine the level of performance considered to be satisfactory on the secondary exit-level assessment instrument for receipt of a high school diploma by an adult education program participant in a program provided under this section.

(d) Notwithstanding any other law and in addition to the number of charters allowed under Subchapter D, Chapter 12, a charter under the pilot program may, on the basis of an application submitted, be granted to a single nonprofit entity described by Subsection (e) to provide an adult education program for not more than 150 individuals described by Subsection (g) to successfully complete:

(1) a high school program that can lead to a diploma; and

(2) career and technology education courses that can lead to industry certification.

(e) A nonprofit entity may be granted a charter under this section only if the entity:

(1) has a successful history of providing education services, including industry certifications and job placement services, to adults 18 years of age and older whose educational and training opportunities have been limited by educational disadvantages, disabilities, homelessness, criminal history, or similar circumstances; and

(2) agrees to commit at least \$1 million to the adult education program offered.

(f) A nonprofit entity granted a charter under this section may partner with a public junior college to provide career and technology courses that lead to industry certification.

(g) A person who is at least 19 years of age and not more than 50 years of age is eligible to enroll in the adult education program under this section if the person has not earned a high school equivalency certificate and:

(1) has failed to complete the curriculum requirements for high school graduation; or

(2) has failed to perform satisfactorily on an assessment instrument required for high school graduation.

(h) The nonprofit entity must include in its charter application the information required by Subsection (i).

(i) A charter granted under this section must:

(1) include a description of the adult education program to be offered under this section; and

(2) establish specific, objective standards for receiving a high school diploma, including satisfactory performance on the standardized secondary exit-level assessment instrument described by Subsection (c).

(j) Funding for an adult education program under this section is provided based on the following:

(1) for participants who are 26 years of age and older, an amount per participant from available general revenue funds appropriated for the pilot program equal to the statewide average amount of state funding per student in weighted average daily attendance that would be allocated under the Foundation School Program to an open-enrollment charter school under Section 12.106 were the student under 26 years of age; and

(2) for participants who are at least 19 years of age and under 26 years of age, an amount per participant through the Foundation School Program equal to the amount of state funding per student in weighted average daily attendance that would be allocated under the Foundation School Program for the student's attendance at an open-enrollment charter school in accordance with Section 12.106.

(k) Sections 12.107 and 12.128 apply as though funds under this section were funds under Subchapter D, Chapter 12.

(l) Not later than December 1 of each even-numbered year, beginning December 1, 2016, the agency shall prepare and deliver to the governor, lieutenant governor, speaker of the house of representatives, and presiding officer of each standing legislative committee with primary jurisdiction over public education or economic development a report that:

(1) evaluates any adult education program operated under a charter granted under this section; and

(2) makes recommendations regarding the abolition, continuation, or expansion of the pilot program.

(m) The commissioner shall adopt rules necessary to administer the pilot program under this section. In adopting rules, the commissioner may modify charter school requirements only to the extent necessary for the administration of a charter school under this section that provides for adult education.

SECTION 2. Section 42.003(a), Education Code, is amended to read as follows:

(a) A student is entitled to the benefits of the Foundation School Program if, on September 1 of the school year, the student:

(1) is 5 years of age or older and under 21 years of age and has not graduated from high school, or is at least 21 years of age and under 26 years of age and has been admitted by a school district to complete the requirements for a high school diploma; or

(2) is at least 19 years of age and under 26 years of age and is enrolled in an adult high school diploma and industry certification charter school pilot program under Section 29.259.

SECTION 3. This Act takes effect September 1, 2013.

The amendment was read.

Senator Duncan moved to concur in the House amendment to **SB 1142**.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Birdwell, Williams.

HOUSE BILL 773 ON SECOND READING

On motion of Senator Schwertner and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 773** at this time on its second reading:

HB 773, Relating to a requirement that students at an open-enrollment charter school recite the pledges of allegiance to the United States flag and the state flag.

The bill was read second time.

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 773** (senate committee report) as follows:

(1) In the recital of SECTION 1 of the bill (page 1, lines 23 and 24) strike "Sections 25.082(b), (c), and (d), Education Code, are amended" and substitute "Section 25.082, Education Code, is amended by amending Subsections (b), (c), and (d) and adding Subsection (b-1)".

(2) In SECTION 1 of the bill, after amended Section 25.082(b), Education Code (page 1, between lines 33 and 34), insert the following:

(b-1) The board of trustees of each school district and the governing board of each open-enrollment charter school shall require that the United States and Texas flags be prominently displayed in each campus classroom in accordance with 4 U.S.C. Sections 5-10 and Chapter 3100, Government Code. Each flag must be at least two feet by three feet. A district or school may raise money or accept gifts, grants, and donations to purchase flags as required under this subsection. This subsection applies beginning with the 2016-2017 school year.

The amendment to **HB 773** 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: Birdwell, Williams.

On motion of Senator Schwertner and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 773 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Absent-excused: Birdwell, Williams.

HOUSE BILL 773 ON THIRD READING

Senator Schwertner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 773** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Birdwell, Williams.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

CONFERENCE COMMITTEE REPORT ON SENATE BILL 1312 ADOPTED

Senator Schwertner called from the President's table the Conference Committee Report on **SB 1312**. The Conference Committee Report was filed with the Senate on Tuesday, May 14, 2013.

On motion of Senator Schwertner, the Conference Committee Report was adopted by the following vote: Yeas 29, Nays 0.

Absent-excused: Birdwell, Williams.

BILLS AND RESOLUTIONS SIGNED

The Presiding Officer announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

SB 204, SB 259, SB 383, SB 385, SB 423, SB 441, SB 479, SB 559, SB 566, SB 634, SB 703, SB 704, SB 705, SB 801, SB 825, SB 828, SB 853, SB 985, SB 1008, SB 1060, SB 1096, SB 1134, SB 1240, SB 1423, SB 1476, SB 1487, SB 1532, SB 1862, SCR 20, SCR 26.

SENATE BILL 1868 WITH HOUSE AMENDMENT

Senator Campbell called **SB 1868** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 1868** (house committee printing) as follows:

(1) On page 5, between lines 12 and 13, by insert the following:

Sec. 8471.103. RESIDENTIAL OR PLANNED COMMUNITY DEVELOPMENT; WASTEWATER TREATMENT FACILITY. (a) In the event that a residential subdivision or planned community is developed in the territory of the district, the district shall develop a wastewater treatment facility in coordination with Hays County and the City of Wimberley.

(b) A developer who proposes to build a residential subdivision or planned community in the territory of the district must agree to develop the property in a manner that works in conjunction with the design and specifications of any wastewater treatment facility developed under Subsection (a).

(c) If a residential subdivision or planned community is developed in the district, the district shall import water to provide for the needs of that development.

Sec. 8471.104. LIMITATION ON USE OF EMINENT DOMAIN. (a) The district may not exercise the power of eminent domain except for the purpose of importing surface water or nonlocal groundwater into the district.

(b) For purposes of this section, nonlocal groundwater includes only groundwater that is withdrawn from a source outside the Edwards Aquifer and the Trinity Aquifer.

Sec. 8471.105. LIMITATION ON ANNEXATION. The district may not add land by petition of less than all the landowners under Section 49.302, Water Code, unless the petition required under that section is signed by the owners of a two-thirds majority of the assessed value of the land in the defined area described by the petition.

(2) On page 37, line 9, between "(a)" and "If" insert the following:

Section 8471.104, Special District Local Laws Code, as added by Section 1 of this Act, takes effect only if this Act receives a two-thirds vote of all the members elected to each house.

(b)

(3) On page 37, line 12, strike "8471.103" and substitute "8471.104".

(4) On page 37, line 13, strike "8471.103" and substitute "8471.104".

(5) On page 37, line 15, strike "(b)" and substitute "(c)".

The amendment was read.

Senator Campbell moved to concur in the House amendment to **SB 1868**.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Birdwell, Williams.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Thursday, May 16, 2013 - 1

(Revised Message)

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 CONCURRED IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

HB 1106 (144 Yeas, 0 Nays, 2 Present, not voting)

HB 1445 (143 Yeas, 0 Nays, 2 Present, not voting)

HB 1717 (112 Yeas, 25 Nays, 2 Present, not voting)

HB 1738 (143 Yeas, 1 Nays, 2 Present, not voting)

THE HOUSE HAS GRANTED THE REQUEST OF THE SENATE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

SB 176 (non-record vote)

House Conferees: Flynn - Chair/Elkins/Guillen/Pickett/Zedler

THE HOUSE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

SB 1312 (97 Yeas, 42 Nays, 2 Present, not voting)

THE HOUSE HAS TAKEN THE FOLLOWING OTHER ACTION:

HB 752

Pursuant to Rule 13, Section 5A of the Rules of the Texas House, 83rd Legislature, the house hereby returns HB 752 to the senate for further consideration due to non-germane amendments.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

HOUSE BILL 250 ON SECOND READING

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 250** at this time on its second reading:

HB 250, Relating to the designation of a segment of Interstate Highway 35 as the Trooper Randy Vetter Memorial Highway.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Absent-excused: Birdwell, Williams.

HOUSE BILL 250 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 **HB 250** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Birdwell, Williams.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

BILLS AND RESOLUTION SIGNED

The Presiding Officer announced the signing of the following enrolled bills and resolution in the presence of the Senate after the captions had been read:

HB 64, HB 144, HB 341, HB 389, HB 403, HB 410, HB 434, HB 480, HB 511, HB 567, HB 570, HB 622, HB 625, HB 634, HB 695, HB 740, HB 748, HB 762, HB 768, HB 797, HB 799, HB 878, HB 938, HB 949, HB 1204, HB 1205, HB 1247, HB 1264, HB 1265, HB 1334, HB 1347, HB 1395, HB 1624, HB 1648, HB 1718, HB 1760, HB 1871, HB 1952, HB 1972, HB 2016, HB 2051, HB 2058, HB 2103, HB 2105, HB 2252, HB 2256, HB 2263, HB 2459, HB 2475, HB 2536, HB 2571, HB 2637, HB 2710, HB 2892, HB 3031, HB 3163, HB 3337, HB 3900, HCR 55.

SENATE BILL 1541 WITH HOUSE AMENDMENT

Senator Van de Putte called **SB 1541** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 1541** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to discipline of public school students by school bus drivers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 37.001(a), Education Code, is amended to read as follows:

(a) The board of trustees of an independent school district shall, with the advice of its district-level committee established under Subchapter F, Chapter 11, adopt a student code of conduct for the district. The student code of conduct must be posted and prominently displayed at each school campus or made available for review at the office of the campus principal. In addition to establishing standards for student conduct, the student code of conduct must:

(1) specify the circumstances, in accordance with this subchapter, under which a student may be removed from a classroom, campus, ~~or~~ disciplinary alternative education program, or school bus;

(2) specify conditions that authorize or require a principal or other appropriate administrator to transfer a student to a disciplinary alternative education program;

(3) outline conditions under which a student may be suspended as provided by Section 37.005 or expelled as provided by Section 37.007;

(4) specify that consideration will be given, as a factor in each decision concerning suspension, removal to a disciplinary alternative education program, expulsion, or placement in a juvenile justice alternative education program, regardless of whether the decision concerns a mandatory or discretionary action, to:

(A) self-defense;

(B) intent or lack of intent at the time the student engaged in the conduct;

- (C) a student's disciplinary history; or
- (D) a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct;
- (5) provide guidelines for setting the length of a term of:
 - (A) a removal under Section 37.006; and
 - (B) an expulsion under Section 37.007;
- (6) address the notification of a student's parent or guardian of a violation of the student code of conduct committed by the student that results in suspension, removal to a disciplinary alternative education program, or expulsion;
- (7) prohibit bullying, harassment, and making hit lists and ensure that district employees enforce those prohibitions; and
- (8) provide, as appropriate for students at each grade level, methods, including options, for:
 - (A) managing students in the classroom and on school grounds;
 - (B) disciplining students; and
 - (C) preventing and intervening in student discipline problems, including bullying, harassment, and making hit lists.

SECTION 2. Subchapter A, Chapter 37, Education Code, is amended by adding Section 37.0022 to read as follows:

Sec. 37.0022. REMOVAL BY SCHOOL BUS DRIVER. (a) The driver of a school bus transporting students to or from school or a school-sponsored or school-related activity may send a student to the principal's office to maintain effective discipline on the school bus. The principal shall respond by employing appropriate discipline management techniques consistent with the student code of conduct adopted under Section 37.001.

(b) Section 37.004 applies to any placement under Subsection (a) of a student with a disability who receives special education services.

SECTION 3. This Act applies beginning with the 2013-2014 school year.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

The amendment was read.

Senator Van de Putte moved to concur in the House amendment to **SB 1541**.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Birdwell, Williams.

SENATOR ANNOUNCED PRESENT

Senator Williams, who had previously been recorded as "Absent-excused," was announced "Present."

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 Government Organization might meet and consider the following bills tomorrow:

HB 194, HB 1726.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Duncan and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on State Affairs might meet and consider **HB 3015** 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 RULES SUSPENDED
(Posting Rules)

On motion of Senator Patrick and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Education might meet and consider the following bills today: **HB 462, HB 1009.**

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Carona and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Business and Commerce might meet and consider the following bills today:

HB 1897, HB 2447, HB 1646, HB 1721.

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 Jurisprudence might meet and consider **HB 1755** today.

SENATE RULE 11.10(a) SUSPENDED
(Public Notice of Committee Meetings)

On motion of Senator Van de Putte and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Veteran Affairs and Military Installations might meet today.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Hinojosa 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 the following bills today:

HB 1734, HB 2024, HB 2075, HB 2123, HB 2138, HB 2139, HB 2902, HB 3159, HB 3350, HB 3613, HB 3769, HB 3793, HB 3860, HB 3877, HB 3895, HB 3910, HB 3914, HB 3932, HB 3943, HB 3947.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Estes and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Agriculture, Rural Affairs and Homeland Security might meet and consider the following bills tomorrow: **HB 3142, HB 2150, HB 1781, HB 3660.**

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Fraser and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Natural Resources might meet and consider the following bills today: **HB 2781, HB 3509.**

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Deuell and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Economic Development might meet and consider **HB 2061** tomorrow.

SENATE RULE 11.13 SUSPENDED
(Consideration of Bills in Committees)
(Motion In Writing)

Senator Uresti submitted the following Motion In Writing:

Mr. President:

I move to suspend Senate Rule 11.13 so that committees may meet during the Local and Uncontested Calendar.

URESTI

The Motion In Writing prevailed without objection.

HOUSE BILL 2450 REREFERRED
(Motion In Writing)

Senator Zaffirini submitted a Motion In Writing requesting that **HB 2450** be withdrawn from the Committee on Education and rereferred to the Committee on Government Organization.

The Motion In Writing prevailed without objection.

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 Government Organization might meet and consider **HB 2450** tomorrow.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Whitmire and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Criminal Justice might meet and consider the following bills today:

HB 8, HB 167, HB 232, HB 431, HB 555, HB 694, HB 1790, HB 2539, HB 3370.

NOTICE GIVEN FOR
LOCAL AND UNCONTESTED CALENDAR

Senator Eltife announced that a Local and Uncontested Calendar had been furnished to each Member of the Senate. He then gave notice that the Local and Uncontested Calendar Session would be held at 8:00 a.m. tomorrow and that all bills and resolutions would be considered on second and third reading in the order in which they were listed.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 12:58 p.m. agreed to adjourn, upon conclusion of the Local and Uncontested Calendar Session and pending receipt of committee reports, until 10:00 a.m. tomorrow.

CONFERENCE COMMITTEE REPORT ON
SENATE BILL 1546

Senator Eltife submitted the following Conference Committee Report:

Austin, Texas
May 17, 2013

Honorable David Dewhurst
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 1546** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

ELTIFE
SELIGER
TAYLOR

GUILLEN
DUKES
KUEMPEL

WATSON
ZAFFIRINI

On the part of the Senate

SMITH

On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to the management and use of the Texas preservation trust fund.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 442.015, Government Code, is amended by amending Subsections (a), (b), and (f) and adding Subsections (h), (i), (j), (k), and (l) to read as follows:

(a) Notwithstanding Section 403.095, the Texas preservation trust fund account is a separate account in the general revenue fund. The account consists of transfers made to the account, loan repayments, grants and donations made for the purposes of this program, proceeds of sales, earnings ~~[income earned]~~ on ~~[money in]~~ the account, and any other money received under this section. Distributions from ~~[Money in]~~ the account may be used only for the purposes of this section and may not be used to pay operating expenses of the commission. Money allocated to the commission's historic preservation grant program shall be deposited to the credit of the account. Earnings ~~[Income earned]~~ on ~~[money in]~~ the account shall be deposited to the credit of the account.

(b) The commission may use distributions from ~~[money in]~~ the Texas preservation trust fund account to provide financial assistance to public or private entities for the acquisition, survey, restoration, or preservation, or for planning and educational activities leading to the preservation, of historic property in the state that is listed in the National Register of Historic Places or designated as a State Archeological Landmark or Recorded Texas Historic Landmark, or that the commission determines is eligible for such listing or designation. The financial assistance may be in the amount and form and according to the terms that the commission by rule determines. The commission shall give priority to property the commission determines to be endangered by demolition, neglect, underuse, looting, vandalism, or other threat to the property. Gifts and grants deposited to the credit of the account specifically for any eligible projects may be used only for the type of projects specified. If such a specification is not made, the gift or grant shall be unencumbered and accrue to the benefit of the Texas preservation trust fund account. If such a specification is made, the entire amount of the gift or grant may be used during any period for the project or type of project specified.

(f) The advisory board shall recommend to the commission rules for administering Subsections (a)-(e) ~~[this section]~~.

(h) The comptroller shall manage the assets of the account. In managing the assets of the account, the comptroller may acquire, exchange, sell, supervise, manage, or retain, through procedures and subject to restrictions the comptroller considers appropriate, any kind of investment that a prudent investor, exercising reasonable care, skill, and caution, would acquire or retain in light of the purposes, terms,

distribution requirements, and other circumstances of the account then prevailing, taking into consideration the investment of all the assets of the account rather than a single investment.

(i) The amount of a distribution shall be determined by the comptroller in a manner intended to provide a stable and predictable stream of annual distributions and to maintain over time the purchasing power of account investments and annual distributions from the account. If the purchasing power of account investments for any 10-year period is not preserved, the comptroller may not increase annual distributions from the account until the purchasing power of account investments is restored.

(j) An annual distribution made by the comptroller from the account during a fiscal year may not exceed an amount equal to seven percent of the average net fair market value of the investment assets of the account as determined by the comptroller.

(k) The expenses of managing account investments shall be paid from the account.

(l) On request, the comptroller shall fully disclose all details concerning the investments of the account.

SECTION 2. This Act takes effect September 1, 2013.

The Conference Committee Report on **SB 1546** was filed with the Secretary of the Senate.

CO-SPONSOR OF HOUSE BILL 139

On motion of Senator Zaffirini, Senator Rodríguez will be shown as Co-sponsor of **HB 139**.

CO-SPONSOR OF HOUSE BILL 586

On motion of Senator Deuell, Senator Estes will be shown as Co-sponsor of **HB 586**.

CO-SPONSOR OF HOUSE BILL 749

On motion of Senator Lucio, Senator Zaffirini will be shown as Co-sponsor of **HB 749**.

CO-SPONSOR OF HOUSE BILL 1000

On motion of Senator Hinojosa, Senator Zaffirini will be shown as Co-sponsor of **HB 1000**.

CO-SPONSOR OF HOUSE BILL 1079

On motion of Senator Hancock, Senator Lucio will be shown as Co-sponsor of **HB 1079**.

CO-SPONSOR OF HOUSE BILL 1294

On motion of Senator Seliger, Senator Zaffirini will be shown as Co-sponsor of **HB 1294**.

CO-SPONSOR OF HOUSE BILL 2392

On motion of Senator Van de Putte, Senator Hinojosa will be shown as Co-sponsor of **HB 2392**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 990 by Davis, In memory of O. G. "Pete" Richardson.

SR 994 by Davis, In memory of Joyce Ann Milke Boll.

Congratulatory Resolutions

SR 986 by Watson, Recognizing Barbara Jane Paris for her selection as president of the National Association of Secondary School Principals.

SR 987 by Watson, Recognizing Julia Johnson on the occasion of her 80th birthday.

SR 988 by Carona, Recognizing Detta and Donnie Haffelder on the occasion of their 50th wedding anniversary.

SR 991 by Davis, Recognizing Arlene and Richard E. Young on the occasion of their 75th birthdays.

SR 992 by Davis, Recognizing the Fort Worth Public Library Foundation on the occasion of its 20th anniversary.

SR 993 by Davis, Recognizing Bob, Sharon, Tom, and Gladys Schieffer for their achievements.

SR 995 by Davis, Recognizing the Colleyville Police Department on the occasion of its 40th anniversary.

SR 996 by Davis, Recognizing the Texas Christian University Community Scholars Program.

SR 997 by Davis, Recognizing the Meacham International Airport of Fort Worth for being named the 2013 Reliever Airport of the Year.

SR 998 by Huffman, Recognizing Kenneth Lott on the occasion of his retirement.

SR 999 by Uresti, Recognizing Mary Lynn Morris on the occasion of her retirement.

SR 1000 by Watson, Recognizing Yolanda Velasquez on the occasion of her retirement.

RECESS

On motion of Senator Whitmire, the Senate at 12:59 p.m. recessed until 8:00 a.m. tomorrow for the Local and Uncontested Calendar Session.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

May 16, 2013

ECONOMIC DEVELOPMENT — HCR 82, HB 3296, HB 3043, HB 3042, HB 2482, HB 2478, HB 2015, HB 1967, HB 1724, HB 26

STATE AFFAIRS — CSHB 1035

JURISPRUDENCE — CSHB 1435, HB 3378, HB 1366, HB 1448, HB 1875, HB 1874, HB 1728, HB 2025, HB 1193, HB 1185, HB 1114, HB 869, HB 847, HB 843, HB 833, HB 789, HB 717, HB 696, HB 528, HB 349, HB 154, HB 62

CRIMINAL JUSTICE — CSHB 1349, CSHB 2268, CSHB 2733

TRANSPORTATION — CSHB 38, CSHB 894, CSHB 1198, CSHB 1692, CSHB 3422

ADMINISTRATION — CSHB 3209

BUSINESS AND COMMERCE — CSHB 2294, CSHB 2537, CSHB 796

OPEN GOVERNMENT — CSHB 2414

ECONOMIC DEVELOPMENT — HB 916, HB 1662, CSHB 3578, CSHB 2000, CSHB 2473

NATURAL RESOURCES — CSHB 1079, CSHB 1864, CSHB 2615, CSHB 3813

HEALTH AND HUMAN SERVICES — CSHB 1803, CSHB 3556

GOVERNMENT ORGANIZATION — HB 3674, HB 2718

HIGHER EDUCATION — CSHB 437

BUSINESS AND COMMERCE — HB 3460, HB 3096, HB 3038, HB 2806, HB 2460, HB 2163, HB 619, CSHB 2962

HEALTH AND HUMAN SERVICES — CSHB 1947

ECONOMIC DEVELOPMENT — CSHB 3028, HB 3005, CSHB 3162

BUSINESS AND COMMERCE — HB 2447, HB 1897

HEALTH AND HUMAN SERVICES — CSHB 1023

INTERGOVERNMENTAL RELATIONS — CSHB 3871

GOVERNMENT ORGANIZATION — CSHB 2895, CSHB 3093, CSHB 1128

INTERGOVERNMENTAL RELATIONS — CSHB 1127, CSHB 2259, HB 503, HB 508, HB 1354, HB 1355, HB 1357, HB 1372, HB 1586, HB 1597, HB 1813, HB 1824, HB 2021, HB 2055, HB 2112, HB 2117, HB 2118, HB 2454, HB 2907, HB 2975, HB 3176, HB 3447, HB 3764, HB 3798, HB 3874, HB 3875, HB 3913, HJR 87

BUSINESS AND COMMERCE — HB 1646, HB 1721

JURISPRUDENCE — CSHB 3669

BILLS ENGROSSED

May 15, 2013

SB 724, SB 725, SB 1029, SB 1262, SB 1554, SB 1560, SB 1915, SB 1917

BILLS AND RESOLUTIONS ENROLLEDMay 15, 2013

SB 15, SB 50, SB 129, SB 130, SB 131, SB 165, SB 183, SB 194, SB 204, SB 259, SB 322, SB 323, SB 324, SB 328, SB 383, SB 385, SB 423, SB 426, SB 435, SB 441, SB 479, SB 529, SB 559, SB 566, SB 581, SB 630, SB 634, SB 703, SB 704, SB 705, SB 801, SB 825, SB 828, SB 853, SB 985, SB 1008, SB 1060, SB 1096, SB 1134, SB 1240, SB 1423, SB 1476, SB 1487, SB 1532, SB 1611, SB 1862, SCR 20, SCR 26, SR 905, SR 906, SR 907, SR 908, SR 909, SR 910, SR 911, SR 912, SR 913, SR 914, SR 915, SR 916, SR 917, SR 918, SR 919, SR 920, SR 921, SR 922, SR 923, SR 924, SR 925, SR 926, SR 927, SR 928, SR 929, SR 930, SR 931, SR 932, SR 933, SR 934, SR 935, SR 936, SR 937, SR 938, SR 939, SR 940, SR 941, SR 942, SR 943, SR 944, SR 945, SR 946, SR 947, SR 948, SR 949, SR 950, SR 951, SR 952, SR 953, SR 954, SR 955, SR 956, SR 957, SR 958, SR 959, SR 960, SR 961, SR 962, SR 963, SR 964, SR 965, SR 966, SR 967, SR 968, SR 969, SR 970, SR 971, SR 972, SR 974, SR 975, SR 976, SR 978, SR 979, SR 980, SR 981, SR 982, SR 983, SR 984, SR 985

SENT TO GOVERNORMay 16, 2013

SB 15, SB 50, SB 129, SB 130, SB 131, SB 165, SB 183, SB 194, SB 204, SB 259, SB 322, SB 323, SB 324, SB 328, SB 329, SB 383, SB 385, SB 423, SB 426, SB 435, SB 441, SB 479, SB 529, SB 559, SB 566, SB 581, SB 630, SB 634, SB 703, SB 704, SB 705, SB 801, SB 825, SB 828, SB 853, SB 985, SB 1008, SB 1060, SB 1096, SB 1134, SB 1240, SB 1423, SB 1476, SB 1487, SB 1532, SB 1611, SB 1862, SCR 20, SCR 26

SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

SIXTIETH DAY

(Continued)

(Friday, May 17, 2013)

AFTER RECESS

The Senate met at 8:00 a.m. and was called to order by Senator Eltife.

SENATOR ANNOUNCED PRESENT

Senator Birdwell, who had previously been recorded as "Absent-excused," was announced "Present."

SESSION HELD FOR LOCAL AND UNCONTESTED CALENDAR

The Presiding Officer announced that the time had arrived to consider bills and resolutions placed on the Local and Uncontested Calendar. Notice of consideration of the local calendar was given by Senator Eltife yesterday.

Pursuant to Senate Rule 9.03(d), the following bills and resolutions were laid before the Senate in the order listed, read second time, amended where applicable, passed to engrossment or third reading, read third time, and passed. The votes on passage to engrossment or third reading, suspension of the Constitutional Three-day Rule, and final passage are indicated after each caption. All Members are deemed to have voted "Yea" on viva voce votes unless otherwise indicated.

CSSB 1648 (Williams)

Relating to the motor fuel tax on compressed natural gas and liquefied natural gas; providing penalties.

(viva voce vote) (31-0) (31-0)

SB 1909 (Schwertner)

Relating to the period for confirmation of the Williamson County Municipal Utility District No. 21.

(viva voce vote) (31-0) (31-0)

SB 1920 (Hinojosa)

Relating to the creation of the Hidalgo County Hospital District; granting the authority to impose a tax and issue bonds; granting the power of eminent domain.

(viva voce vote) (31-0) (31-0)

HB 120 (Campbell)

Relating to the issuance of military specialty license plates; providing an exemption from a fee.

(viva voce vote) (31-0) (31-0)

CSHB 139 (Zaffirini)

Relating to the exercise of urban renewal powers by certain counties.

(viva voce vote) (28-3) "Nays" Fraser, Huffman, Patrick (28-3) "Nays" Fraser, Huffman, Patrick

HB 150 (Van de Putte)

Relating to the display of flags at half-staff at the Capitol building to honor service members killed in action.

(viva voce vote) (31-0) (31-0)

HB 220 (Huffman)

Relating to consecutive sentences for certain offenses involving injury to a child, an elderly individual, or a disabled individual and arising out of the same criminal episode.

(viva voce vote) (31-0) (31-0)

HB 241 (Hegar)

Relating to the notice provided by the chief appraiser of an appraisal district of the availability of agreement forms authorizing certain electronic communications.

(viva voce vote) (31-0) (31-0)

HB 242 (Hegar)

Relating to the requirement that certain ad valorem tax-related notices be delivered to a property owner by certified mail.

(viva voce vote) (31-0) (31-0)

HB 333 (Hinojosa)

Relating to requiring notice of a hotel's firearms policy and other guest policies; providing a criminal penalty.

(viva voce vote) (31-0) (31-0)

CSHB 338 (Nichols)

Relating to the court in which a hearing regarding the towing of a motor vehicle may be held.

(viva voce vote) (31-0) (31-0)

HB 402 (Birdwell)

Relating to a medal for certain members of the state military forces who served during the Cold War; authorizing a fee.

(viva voce vote) (31-0) (31-0)

HB 436 (Birdwell)

Relating to the authority to issue bonds of the Rockett Special Utility District.

(viva voce vote) (31-0) (31-0)

HB 442 (Hinojosa)

Relating to the recognition of a portion of U.S. Highway 83 as a memorial to Trooper Eduardo Chavez.

(viva voce vote) (31-0) (31-0)

HB 455 (Davis)

Relating to excused absences from public school for certain students.

(viva voce vote) (30-1) "Nay" Schwertner (30-1) "Nay" Schwertner

HB 518 (Birdwell)

Relating to the creation of the Windsor Hills Municipal Management District No. 1; providing authority to issue bonds; providing authority to impose assessments and fees.

(viva voce vote) (31-0) (31-0)

HB 654 (Hinojosa)

Relating to the ability of a tenant representative to serve as a commissioner of a local housing authority.

(viva voce vote) (31-0) (31-0)

HB 712 (Patrick)

Relating to the responsibility for keeping fire-fighting equipment furnished to a volunteer fire department by a county in good working order.

(viva voce vote) (31-0) (31-0)

HB 729 (Deuell)

Relating to access to criminal history record information by certain hospitals and other facilities.

(viva voce vote) (31-0) (31-0)

HB 736 (Van de Putte)

Relating to the composition of the housing and health services coordination council.

(viva voce vote) (31-0) (31-0)

(Senator Uresti in Chair)**CSHB 788** (Hinojosa)

Relating to permitting of greenhouse gas emissions by the Texas Commission on Environmental Quality; limiting the amount of a fee.

(viva voce vote) (31-0) (31-0)

HB 802 (Carona)

Relating to the definition of an authorized emergency vehicle.

(viva voce vote) (31-0) (31-0)

HB 808 (Deuell)

Relating to the authority of a psychologist to delegate the provision of certain care to a person under the psychologist's supervision, including a person training to become a psychologist.

(viva voce vote) (31-0) (31-0)

HB 809 (Deuell)

Relating to the dissemination of information regarding employment opportunities in this state to secondary school students.

(viva voce vote) (31-0) (31-0)

HB 845 (West)

Relating to possession of or access to a child.

(viva voce vote) (31-0) (31-0)

HB 964 (Huffman)

Relating to the creation of the Harris County Municipal Utility District No. 529; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

(viva voce vote) (31-0) (31-0)

HB 995 (Hinojosa)

Relating to the powers and duties of the Hidalgo County Water Control and Improvement District No. 19; providing authority to issue bonds; providing authority to impose fees and taxes.

(viva voce vote) (31-0) (31-0)

HB 1043 (Duncan)

Relating to the offense of the unauthorized duplication of certain recordings.

(viva voce vote) (31-0) (31-0)

HB 1188 (Whitmire)

Relating to limiting the liability of persons who employ persons with criminal convictions.

(viva voce vote) (31-0) (31-0)

CSHB 1227 (Williams)

Relating to the use of an Internet application to allow access by court-appointed volunteer advocates to child protective services case information.

(viva voce vote) (31-0) (31-0)

HB 1237 (Duncan)

Relating to the Eastland Memorial Hospital District.

(viva voce vote) (31-0) (31-0)

HB 1256 (Hegar)

Relating to the donation of office space owned by a legislator or a legislator's business for use as the legislator's district office.

(viva voce vote) (31-0) (31-0)

HB 1259 (Duncan)

Relating to the dissolution of the Cisco Hospital District; authorizing the imposition of a tax.

(viva voce vote) (31-0) (31-0)

CSHB 1296 (Taylor)

Relating to information regarding postsecondary education and career opportunities and workforce needs in this state.

(viva voce vote) (31-0) (31-0)

HB 1385 (Williams)

Relating to the creation of the Montgomery County Municipal Utility District No. 139; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

(viva voce vote) (31-0) (31-0)

HB 1427 (Fraser)

Relating to the donation of surplus real property by certain municipalities.

(viva voce vote) (31-0) (31-0)

HB 1491 (Schwertner)

Relating to the temporary licensing of a dentist who performs voluntary charity care.

(viva voce vote) (31-0) (31-0)

HB 1492 (Williams)

Relating to the creation of the Montgomery County Municipal Utility District No. 140; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

(viva voce vote) (31-0) (31-0)

HB 1506 (Williams)

Relating to the creation of the Montgomery County Municipal Utility District No. 106; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

(viva voce vote) (31-0) (31-0)

HB 1514 (Campbell)

Relating to privileged parking for veterans of World War II.

(viva voce vote) (31-0) (31-0)

CSHB 1554 (Campbell)

Relating to the authority of municipalities to file a lien for the costs of abatement of a floodplain ordinance violation; providing a civil penalty.

(viva voce vote) (31-0) (31-0)

HB 1580 (Ellis)

Relating to excluding certain short-term employment from unemployment compensation chargebacks and grounds for benefit disqualification.

(viva voce vote) (31-0) (31-0)

HB 1589 (Van de Putte)

Relating to the awarding of the Texas Legislative Medal of Honor.

(viva voce vote) (31-0) (31-0)

(Senator Hancock in Chair)**HB 1920** (Duncan)

Relating to the election and authority of the board of directors of the McCulloch County Hospital District.

(viva voce vote) (31-0) (31-0)

HB 1969 (Duncan)

Relating to the McCamey County Hospital District; authorizing the issuance of bonds; authorizing the imposition of a tax.

(viva voce vote) (31-0) (31-0)

HB 2034 (Ellis)

Relating to unemployment compensation eligibility and chargebacks regarding certain persons who leave work to attend training.

(viva voce vote) (27-4) "Nays" Fraser, Huffman, Nelson, Patrick (27-4) "Nays" Fraser, Huffman, Nelson, Patrick

HB 2137 (Paxton)

Relating to eligibility of certain persons for enrollment in school district summer school courses.

(viva voce vote) (31-0) (31-0)

HB 2213 (Lucio)

Relating to the creation of the Willacy County Drainage District No. 3; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

(viva voce vote) (31-0) (31-0)

HB 2254 (Van de Putte)

Relating to apprenticeship requirements for occupational licenses issued to applicants with military experience.

(viva voce vote) (31-0) (31-0)

CSHB 2392 (Van de Putte)

Relating to the mental health program for veterans.

(viva voce vote) (31-0) (31-0)

HB 2465 (Ellis)

Relating to the secretary of state providing information to voters regarding their voting status through an Internet website.

(viva voce vote) (31-0) (31-0)

HB 2952 (Watson)

Relating to the period of time allowed for issuance of decisions by the commissioner of education in certain appeals against school districts.

(viva voce vote) (31-0) (31-0)

HB 3064 (Campbell)

Relating to the disposition of unclaimed cremated remains of certain veterans.

(viva voce vote) (31-0) (31-0)

HB 3561 (Patrick)

Relating to the proceedings of certain municipal courts held in the corporate limits of a contiguous incorporated municipality.

(viva voce vote) (31-0) (31-0)

HB 3889 (Duncan)

Relating to the dissolution of the Lipan Creek Flood Control District.

(viva voce vote) (31-0) (31-0)

HB 3925 (Garcia)

Relating to the dissolution of the Harris County Municipal Utility District No. 213; the creation of the Harris County Municipal Utility District No. 213-A; the creation of the Harris County Municipal Utility District No. 213-B; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

(viva voce vote) (31-0) (31-0)

HB 3935 (Garcia)

Relating to the territory of the East Aldine Management District.

(viva voce vote) (31-0) (31-0)

HCR 40 (West)

Designating the first Saturday in May as Texas Academic College Scholarship Day for a 10-year period beginning in 2014.

(31-0)

HCR 51 (Seliger)

Designating March 5 as Charles Goodnight Day for a 10-year period beginning in 2013.

(31-0)

HCR 56 (Hinojosa)

Requesting the lieutenant governor and the speaker of the house of representatives to provide for a joint interim legislative study regarding the development and potential economic impact of a cruise industry on the Texas coast between Calhoun and Cameron Counties.

(31-0)

HCR 68 (Patrick)

Designating the first full week of May as Texas Teacher Appreciation Week for a 10-year period beginning in 2013.

(31-0)

HCR 84 (Duncan)

Designating Floydada as the Pumpkin Capital of Texas.

(31-0)

HCR 87 (Duncan)

Designating the pumpkin as the official State Squash of Texas.

(31-0)

HCR 96 (Carona)

Designating Garland as the Cowboy Hat Capital of Texas.

(31-0)

HCR 102 (Fraser)

Designating peach cobbler as the official cobbler of Texas.

(31-0)

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 8:23 a.m. adjourned until 10:00 a.m. today.









