

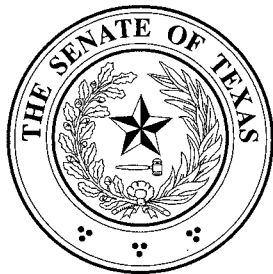
**JOURNAL**  
OF THE  
**SENATE**

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

Convened January 8, 2013

Adjourned May 27, 2013



**VOLUME I**

Polly Emerson, Journal Clerk  
Lourdes L. Guerra, Assistant

Charlene Ansley  
Cathy Criss  
Bonnie Michelle Hill  
Carmen S. Kennedy

Virginia L. Nailling  
Dwight D. Sutherland  
Tanu'e F. White



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# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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## FIRST DAY

(Tuesday, January 8, 2013)

In accordance with the Constitution and Laws of the State of Texas, the Senate of the Eighty-third Legislature met in the Senate Chamber of the State Capitol on Tuesday, the eighth day of January, 2013, at 12:00 noon.

The Honorable David Dewhurst, Lieutenant Governor and President of the Senate, called the Senate to order.

The Reverend Dr. Tom Pace III, Saint Luke's United Methodist Church, Houston, offered the invocation as follows:

God of all times, all ages, all people, we gather in this place overwhelmed with gratitude. We are so proud of our great state and the spirit that blows through our plains and hills, our cities and small towns. We are so thankful for the opportunity to serve. And yet, along with that gratitude, each person here feels the burden of responsibility, the weight of the mantle of the offices we hold. Each of our constituencies calls us to specific agendas, and we want to honor their trust in us. But we know we are called to do more than mirror popular opinion. We know that leadership is more than conventional wisdom. There are hard choices before this body and problems to be solved. There are people counting on those here to do what needs to be done—children and the elderly, the sick and the hungry, businesses and families and schools and institutions of all sorts—all need us to make decisions that are not easy ones. We need You to reveal the way forward to us. We are called to courage. We are called to wisdom. There are walls waiting to be broken down. There are new solutions waiting to be unveiled. There are new opportunities just around the corner. God, lead this body. We are ready to follow, so show us the way. Give those gathered here the humility and discernment to put away our arrogance and be overcome by Your power and by Your love. Amen.

## ACKNOWLEDGMENT

The death of Senator Mario Gallegos, Jr., was acknowledged by both Lieutenant Governor Dewhurst and Senator John Whitmire.

## MESSAGE FROM THE SECRETARY OF STATE

The following message from the Secretary of State was read and was filed with the Secretary of the Senate:

THE STATE OF TEXAS  
Secretary of State

I, JOHN STEEN, Secretary of State of the State of Texas, DO HEREBY CERTIFY that according to the records of this office the attached is a true and correct list, in alphabetical order, of the members of the Senate of the 83rd Legislature, 2013, whose election on November 6, 2012, has been duly and legally certified to this office.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in the City of Austin, Texas this 11th day of December, 2012.

(Seal)

/s/John Steen  
Secretary of State

**ROLL CALL OF SENATORS-ELECT**

The President directed the Secretary of the Senate to call the roll of Senators-elect as certified by the Secretary of State.

The roll was called and the following Senators-elect answered to their names:

The Honorable Brian Birdwell, representing the Twenty-second Senatorial District composed of: Bosque, Ellis, Falls, Hill, Hood, Johnson, McLennan, Navarro, Somervell, and part of Tarrant counties.

The Honorable Donna Campbell, representing the Twenty-fifth Senatorial District composed of: Part of Bexar, Comal, part of Guadalupe, part of Hays, Kendall, and part of Travis counties.

The Honorable John Carona, representing the Sixteenth Senatorial District composed of: Part of Dallas County.

The Honorable Wendy Davis, representing the Tenth Senatorial District composed of: Part of Tarrant County.

The Honorable Bob Deuell, representing the Second Senatorial District composed of: Part of Dallas, Delta, Fannin, Hopkins, Hunt, Kaufman, Rains, Rockwall, and Van Zandt counties.

The Honorable Robert Duncan, representing the Twenty-eighth Senatorial District composed of: Baylor, Borden, Childress, Coke, Coleman, Concho, Cottle, Crane, Crosby, Dawson, Dickens, Eastland, Fisher, Floyd, Foard, Garza, Hale, Hardeman, Haskell, Hockley, Irion, Jones, Kent, Kimble, King, Knox, Lamb, Lubbock, Lynn, Mason, McCulloch, Menard, Mitchell, Motley, Nolan, Reagan, Runnels, Schleicher, Scurry, Shackelford, Stephens, Sterling, Stonewall, Sutton, part of Taylor, Terry, Throckmorton, Tom Green, Upton, Ward, and Wilbarger counties.

The Honorable Rodney Ellis, representing the Thirteenth Senatorial District composed of: Part of Fort Bend and part of Harris counties.



The Honorable Kevin Eltife, representing the First Senatorial District composed of: Bowie, Camp, Cass, Franklin, Gregg, Harrison, Lamar, Marion, Morris, Panola, Red River, Rusk, Smith, Titus, Upshur, and Wood counties.

The Honorable Craig Estes, representing the Thirtieth Senatorial District composed of: Archer, Clay, part of Collin, Cooke, part of Denton, Erath, Grayson, Jack, Montague, Palo Pinto, Parker, Wichita, Wise, and Young counties.

The Honorable Troy Fraser, representing the Twenty-fourth Senatorial District composed of: Bandera, Bell, Blanco, Brown, Burnet, Callahan, Comanche, Coryell, Gillespie, Hamilton, Kerr, Lampasas, Llano, Mills, San Saba, part of Taylor, and part of Travis counties.

The Honorable Kelly Hancock, representing the Ninth Senatorial District composed of: Part of Dallas and part of Tarrant counties.

The Honorable Glenn Hegar, representing the Eighteenth Senatorial District composed of: Aransas, Austin, Bureson, Calhoun, Colorado, DeWitt, Fayette, part of Fort Bend, Goliad, Gonzales, part of Harris, Jackson, Lavaca, Lee, Matagorda, part of Nueces, Refugio, Victoria, Waller, Washington, and Wharton counties.

The Honorable Juan "Chuy" Hinojosa, representing the Twentieth Senatorial District composed of: Brooks, part of Hidalgo, Jim Wells, and part of Nueces counties.

The Honorable Joan Huffman, representing the Seventeenth Senatorial District composed of: Part of Brazoria, part of Fort Bend, and part of Harris counties.

The Honorable Eddie Lucio, Jr., representing the Twenty-seventh Senatorial District composed of: Cameron, part of Hidalgo, Kenedy, Kleberg, and Willacy counties.

The Honorable Jane Nelson, representing the Twelfth Senatorial District composed of: Part of Denton and part of Tarrant counties.

The Honorable Robert Nichols, representing the Third Senatorial District composed of: Anderson, Angelina, Cherokee, Hardin, Henderson, Houston, Jasper, Liberty, part of Montgomery, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Shelby, Trinity, and Tyler counties.

The Honorable Dan Patrick, representing the Seventh Senatorial District composed of: Part of Harris County.

The Honorable Ken Paxton, representing the Eighth Senatorial District composed of: Part of Collin and part of Dallas counties.

The Honorable José Rodríguez, representing the Twenty-ninth Senatorial District composed of: Culberson, El Paso, Hudspeth, Jeff Davis, and Presidio counties.

The Honorable Charles Schwertner, representing the Fifth Senatorial District composed of: Brazos, Freestone, Grimes, Leon, Limestone, Madison, Milam, Robertson, Walker, and Williamson counties.

The Honorable Kel Seliger, representing the Thirty-first Senatorial District composed of: Andrews, Armstrong, Bailey, Briscoe, Carson, Castro, Cochran, Collingsworth, Dallam, Deaf Smith, Donley, Ector, Gaines, Glasscock, Gray, Hall, Hansford, Hartley, Hemphill, Howard, Hutchinson, Lipscomb, Loving, Martin, Midland, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Winkler, and Yoakum counties.

The Honorable Larry Taylor, representing the Eleventh Senatorial District composed of: Part of Brazoria, part of Galveston, and part of Harris counties.

The Honorable Carlos I. Uresti, representing the Nineteenth Senatorial District composed of: Part of Atacosa, part of Bexar, Brewster, Crockett, Dimmit, Edwards, Frio, Kinney, Maverick, Medina, Pecos, Real, Reeves, Terrell, Uvalde, Val Verde, and Zavala counties.

The Honorable Leticia Van de Putte, representing the Twenty-sixth Senatorial District composed of: Part of Bexar County.

The Honorable Kirk Watson, representing the Fourteenth Senatorial District composed of: Bastrop and part of Travis counties.

The Honorable Royce West, representing the Twenty-third Senatorial District composed of: Part of Dallas County.

The Honorable John Whitmire, representing the Fifteenth Senatorial District composed of: Part of Harris County.

The Honorable Tommy Williams, representing the Fourth Senatorial District composed of: Chambers, part of Galveston, part of Harris, Jefferson, and part of Montgomery counties.

The Honorable Judith Zaffirini, representing the Twenty-first Senatorial District composed of: Part of Atascosa, Bee, part of Bexar, Caldwell, Duval, part of Guadalupe, part of Hays, Jim Hogg, Karnes, La Salle, Live Oak, McMullen, San Patricio, Starr, part of Travis, Webb, Wilson, and Zapata counties.

### **OATH OF OFFICE ADMINISTERED TO SENATORS-ELECT**

The President directed the Senators-elect to proceed to the Bar of the Senate.

Chief Justice Wallace B. Jefferson administered the Constitutional Oath of Office to the Senators-elect as follows:

I, \_\_\_\_\_, do solemnly swear, that I will faithfully execute the duties of the office of Senator of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this state, so help me God.

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

### **APPRECIATION EXTENDED**

The President extended appreciation to Chief Justice Wallace B. Jefferson for his assistance in the opening session of the 83rd Legislature.

### ACKNOWLEDGMENTS

The President acknowledged the presence of his wife, Patricia, and his daughter, Carolyn Bivins.

The President acknowledged the presence of former Congressman Rick Santorum; Attorney General Greg Abbott; Chief Justice Wallace B. Jefferson; Justices Debra Lehmann, Jeffrey Boyd, and Don Willett; Railroad Commissioner David Porter; Railroad Commission Chair Barry Smitherman; Land Commissioner Jerry Patterson; and Commissioner of Agriculture Todd Staples.

The Senate welcomed its guests.

### SENATE RESOLUTION 1 (Caucus Report)

Senator Whitmire offered the following resolution:

BE IT RESOLVED BY THE SENATE OF THE STATE OF TEXAS:

SECTION 1. CAUCUS REPORT. At a caucus held in the offices of the senate attended by 29 members of the senate, the caucus made the recommendations for the operation of the senate contained in this resolution.

SECTION 2. SENATE OFFICERS. (a) Senate officers for the 83rd Legislature are:

- (1) Secretary of the Senate—Patsy Spaw;
- (2) Calendar Clerk—Linda Tubbs;
- (3) Doorkeeper—Austin Osborn;
- (4) Enrolling Clerk—Patience Worrel;
- (5) Journal Clerk—Polly Emerson; and
- (6) Sergeant-at-arms—Rick DeLeon.

(b) Officers named in this section serve at the will of the senate.

SECTION 3. PARLIAMENTARIAN. The parliamentarian, Karina Davis, is named by the lieutenant governor and serves at the will of the lieutenant governor. The parliamentarian is a senate officer.

SECTION 4. EMPLOYEES. (a) The lieutenant governor may employ staff for the office of the lieutenant governor at salaries set by the lieutenant governor.

(b) Each senator may employ staff for the senator's office at salaries set by the senator.

(c) The chairman of each committee may employ staff of the chair's selection as needed by the committee. A committee employee shall be compensated in amounts similar to the compensation paid to persons in similar senate positions.

(d) The secretary of the senate may employ other staff necessary for the operation of the senate at salaries approved by the administration committee.

(e) The lieutenant governor, the secretary of the senate, and each senator may use the assistance of any assistant sergeant-at-arms or other available senate employee for any and all services needed in and about the senate.

(f) In this resolution, "senate employee" includes an employee of the lieutenant governor, the secretary of the senate, a senator, a senate committee, and any other person compensated from funds appropriated for the operation of the senate.

SECTION 5. DUTIES OF ADMINISTRATION COMMITTEE. (a) In addition to the duties of the administration committee expressly imposed by this resolution, the committee shall take actions necessary to ensure that the administrative operations of the senate comply with applicable law and are conducted effectively and efficiently.

(b) The committee shall establish appropriate and necessary controls over contracts, inventory, and property management.

(c) The committee may delegate any of its responsibilities to the committee chair or to the secretary of the senate to be performed under the general supervision of the committee.

(d) Policies adopted by the administration committee must be consistent with the provisions of this resolution. To the extent of a conflict between a policy and this resolution, this resolution prevails.

(e) Policies adopted by the administration committee are subject to the will of the senate, and a majority of the senate may reject or modify any policy adopted by the committee.

SECTION 6. EMPLOYMENT AND PERSONNEL POLICIES. (a) The administration committee may adopt and enforce personnel and employment policies governing senate employees.

(b) The administration committee may not adopt a policy that limits the salary of an employee of the lieutenant governor, a senator, or a senate committee, except that the administration committee may require approval by that committee of any senate committee employee salary that is proposed to exceed \$5,000 a month.

SECTION 7. MEMBER'S EMPLOYEE LEAVE POLICY. (a) An employee of a senator accrues vacation leave, compensatory leave, or sick leave in accordance with policies adopted by the senator consistent with the requirements of this section.

(b) An employee may accrue vacation leave, compensatory leave, or sick leave only if the employee files a monthly time record with the senate human resources office. Time records are due not later than the 10th day of the following month.

(c) Compensatory time must be used not later than the last day of the 12th month following the month in which the time was accrued.

(d) An employee is not entitled to compensation for accrued but unused compensatory time.

SECTION 8. OUTSIDE EMPLOYMENT. An employee of the senate may not be employed by and receive compensation from any other person during the term of senate employment without the permission of the employee's senate employer.

SECTION 9. WORK HOURS. An employee shall report to work at the time, and work for the number of hours, set by the employee's senate employer.

SECTION 10. LIMIT ON MONTHLY STAFF SALARY AND TRAVEL EXPENSES. (a) The total amount of staff salaries and intrastate staff travel expenses for each senator may not exceed \$38,000 per month.

(b) This monthly amount accrues on the first day of the month and may not be expended prior to the month in which it accrues, but any unexpended portion for a month may be carried forward from one month to the next and expended until the end of the fiscal year.

(c) An unexpended amount remaining at the end of the fiscal year, not to exceed \$10,000, may be carried forward to the next fiscal year. The total balance of unexpended funds accumulated may not exceed \$20,000 at the end of any fiscal biennium.

**SECTION 11. SENATORS' EXPENSE REIMBURSEMENT AND PER DIEM.** (a) The secretary of the senate shall provide for the reimbursement of the expenses of each senator and the payment of each senator's per diem in accordance with law, this resolution, and the rules of the Texas Ethics Commission.

(b) The per diem rate to be paid to each senator for the 83rd Legislature is \$150.

**SECTION 12. OTHER SENATE EXPENSES.** (a) The lieutenant governor, the secretary of the senate, and each senator may incur expenses for carrying out official duties, including expenses for items such as subscriptions, stationery, postage, and telecommunications.

(b) Expenses under this section shall be paid from the contingent expense fund of the senate.

**SECTION 13. PAYMENT OF SALARIES AND EXPENSES.** (a) Salaries and expenses authorized by this resolution shall be paid from the contingent expense fund as provided by this section.

(b) Vouchers for payment of any expense, including salaries and travel expenses, must be signed by the chair of the administration committee and the secretary of the senate.

(c) The administration committee shall adopt policies regarding the presentation of timely, properly completed, and signed vouchers.

**SECTION 14. DESIGNATION FOR ATTENDANCE AT MEETINGS AND FUNCTIONS.** (a) The administration committee shall designate a senator or any employee to attend an official meeting of a national governmental organization during a session of the 83rd Legislature. The person designated is entitled to reimbursement for actual and necessary expenses.

(b) The lieutenant governor may designate a senator to represent the senate at ceremonies and ceremonial functions. The necessary expenses of the senator and necessary staff for this purpose shall be paid pursuant to a budget adopted by the administration committee.

**SECTION 15. ELECTRONIC RECORDING BY MEMBER PROHIBITED.** No member of the senate may electronically record a private conversation held within the brass rail on the senate floor during a legislative session without the knowledge and consent of all participants to the conversation.

**SECTION 16. JOURNAL.** The secretary of the senate shall provide for the printing of not more than 250 copies of the daily journal. Of that number:

(1) 140 shall be furnished to the house of representatives;

(2) four shall be furnished to the Texas State Library and Archives Commission;

(3) four shall be furnished to the Legislative Reference Library; and

(4) the remainder shall be apportioned among the senators and the lieutenant governor.

**SR 1** was read and was adopted by the following vote: Yeas 30, Nays 0.

### OATH OF OFFICE ADMINISTERED TO OFFICERS OF THE SENATE

The President directed the officers of the Senate to proceed to the Bar of the Senate.

The President administered the Constitutional Oath of Office to the officers as follows:

I, \_\_\_\_\_, do solemnly swear, that I will faithfully execute the duties of the office of \_\_\_\_\_ of the Senate of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this state, so help me God.

### ACKNOWLEDGMENT

The President acknowledged the presence of Governor Rick Perry.

The Senate welcomed its guest.

### ADDRESS BY GOVERNOR

Yesterday, we heard from the comptroller, and the news was good.

It confirmed much of what we've known over the past two years: that the Texas economy is healthy and growing, and thanks to the hard work and dedication of people working all across this state, the revenue forecast is up, and up significantly.

Again, all good news, and a complete change from the forecast we faced just two years ago.

At that time, we were still dealing with the effects of an ugly national recession, and much of the talk, both in the newspapers and around town, surrounded not whether we'd have to raise taxes, but how much we'd have to raise them to keep our state afloat.

As you all know, that's not the path we chose.

We chose the responsible path, the fiscally-conservative path, and that path has led us here today.

We sat down, separated our wants from our needs, prioritized, and tightened our belts, wherever necessary, and wherever possible.

Far from the catastrophe many predicted for us at the time, that approach helped our economy improve more quickly, and more profoundly, than many had expected.

The main lesson to draw from that story is simple, when people keep more of their own money it's better for them, it's better for their families, and it's better for the state.

That's a lesson we must take to heart as we begin the 83rd Legislature.

Trust me when I tell you that there are interests all across this state who view Monday's revenue estimate as the equivalent of ringing a dinner bell.

They all want more for their causes, they all figure we have money pouring out of our ears now, and they all have your address and phone number.

However, in the face of that kind of pressure, we have to remember that Monday's revenue estimate represents not a chance to spend freely, but an opportunity to rededicate ourselves to the very policies that have made Texas economically strong in the first place.

It's also a chance to put our fiscal house in order for the years to come.

That's why, over the past several months, I have called for major budgetary reforms that include reducing diversions, a stricter constitutional limit on spending, a renewed commitment to stopping any and all new taxes or tax increases, and stopping any attempt to raid the Rainy Day Fund for ongoing expenses.

For the sake of all Texas taxpayers, we must control the appetite for more spending.

We need to stop writing IOUs to the next budget, and delaying payments we know will come due.

We need to reduce the use of fees and dedicated accounts for anything other than the purpose for which the fees were collected, and if we're not going to use them in the way proposed, stop collecting them.

With a better budgetary picture, now is the time to set the books straight and improve the fiscal outlook for future legislatures.

It's also time to take a hard look at providing tax relief.

We need to ensure consumers and employers alike have more cash on hand to pay their bills, hire more people, and invest in new efforts.

We need to reduce the demands on our innovators so they're free to innovate, and able to turn their great ideas into great success.

We need to continue streamlining our government, do more with the resources we have available, and continue delivering needed services in an effective, and efficient, manner.

Of course, budgetary issues aren't all you will be tasked with.

We must deal with infrastructure needs in water, energy and transportation, both for now and stretching into the future.

We need to find the right ways to educate our workforce, whether that means a college degree or technical certification, so employers can continue to count on finding the best and brightest here in Texas.

We need to reform our laws to make it harder for people to abuse our public assistance and unemployment insurance systems, by authorizing drug screenings for those programs.

We also need to better protect our most vulnerable citizens, the unborn, by expanding the ban on abortion to any baby that can feel the pain of the procedure, and putting in place common-sense oversights on clinics and physicians involved.

These are just a few of the issues we'll address this session, and I look forward to working with Governor Dewhurst and each of you in doing the people's business over the next 140 days.

At the end of the day, I'm certain you'll work together in the best interest of our state, and merit the faith placed in you by the millions of Texans who put you here.

May God bless you and, through you, may He continue to bless the great State of Texas.

(Note: Prepared text)

### MOTION IN WRITING

Senator Eltife offered the following Motion In Writing:

I move that a committee of five Members of the Senate be appointed by the President to notify the House of Representatives that the Senate is organized and ready to transact business.

ELTIFE

The Motion In Writing was read and was adopted without objection.

Accordingly, the President appointed the following Committee to Notify the House of Representatives: Senators Taylor, Chair; Hancock, Hinojosa, Schwertner, and Uresti.

### AT EASE

The President at 12:38 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

### IN LEGISLATIVE SESSION

The President at 12:47 p.m. called the Senate to order as In Legislative Session.

### HOUSE OF REPRESENTATIVES NOTIFIED

The Committee to Notify the House of Representatives that the Senate was organized and ready to transact business appeared at the Bar of the Senate and Senator Taylor notified the President and Members that the committee had performed its duty.

### ELECTION OF PRESIDENT PRO TEMPORE EIGHTY-THIRD LEGISLATURE, REGULAR SESSION

The President announced that the time had arrived for the election of President Pro Tempore of the 83rd Legislature, Regular Session.

Senator Zaffirini placed in nomination the name of Senator Leticia Van de Putte for the office of President Pro Tempore of the 83rd Legislature, Regular Session.

On motion of Senator Eltife and by unanimous consent, the nominating speech by Senator Zaffirini and the remarks made to second the nomination were ordered reduced to writing and printed in the *Senate Journal* as follows:

**Senator Zaffirini:** Mr. President and Members, it is with great joy and love that I rise to nominate our beloved friend and colleague, Senator Leticia Van de Putte of San Antonio, to lead the Texas Senate as our President Pro Tempore. In this important capacity she will act as Governor of Texas whenever the Governor and Lieutenant Governor are out of state. On those days Texas will reflect its changing face under the administration of an Hispanic woman, Governor Leticia Van de Putte.

William Ward wrote so long ago, "The Lord wants us to grow, not to grovel; to soar, not to sink; to overcome, not to be overwhelmed; and to be victors, not victims." Senator Van de Putte personifies those words because she overcame obstacles, grew



into the acclaimed local, state, and national leader and beloved wife, mother, grandmother, daughter, sister, and friend whom Democrats and Republicans join hands to honor today.

As a child, Leticia Rosa San Miguel was nicknamed "*Chillona Berrinche*," which translates loosely into "Temper-tantrum-throwing crybaby" or, more simply, "Brat." Perhaps her frustration reflected the chauvinism and discrimination she endured at an early age. She was stunned in the third grade when she was sent home for speaking Spanish on the playground, which motivated her to master the language beautifully. When her ninth-grade boyfriend told her she couldn't run for Student Council President because "She was a girl," she ran and won. After some parents objected to her high school dance team's being led by a Mexican American, she excelled as their president.

And after her parents, a veteran and a teacher, could not buy a home in their preferred neighborhood because of deed restrictions that stated, "No Mexicans, No—I'm sorry to tell you, they used the N-Word with two g's, No Dogs," she was sensitized to the importance of fighting for social justice. One year before completing her pharmacy degree from UT-Austin, Leticia married Pete Van de Putte, who offered to share everything with her, including his favorite scripture, "Go forth and multiply." And multiply they did. In the first nine years of their marriage, they gave birth to six children: Nichole, Vanessa, Henry, Gregory, Isabella, and Paul. Today they also have six grandchildren: Julian, Jove, Marlo, Elliot, Asher, and Rex.

I'm not sure at what point the young Catholic became an advocate of Planned Parenthood, access to contraception, and sex education. As a working mother she excelled in multi-tasking and organizing, color-coding her children's personal, academic, and extracurricular activities, and lining them up while she was cooking so each one could tell her one thing and then go to the back of the line until they ran out of things to say. When her four-year-old daughter asked why mommy was running for State Representative, her seven-year-old sister answered, "Because there aren't enough mommies there." That cinched her decision to run and to prioritize issues that matter to families. Whenever she saw a wrong that needed to be righted, she wound up on advisory boards in areas as varied as airport, business, health, park, and social issues. Coupled with her work at her children's schools and in pharmacy circles, those organizations developed into her political network that culminated in her success in the Texas Senate.

As Chair of the Senate Committee on Veteran Affairs and Military Installations, she has brought statewide and national attention to veterans' issues and to ensuring that the Texas Legislature reflects our gratitude and respect to Texas veterans and their families.

As Chair of the Senate Democratic Caucus for eight years, she helped develop bipartisan consensus on countless occasions and led the Democratic minority effectively on issues such as voter ID, sanctuary cities, and redistricting.

In 2003 when Governor Dewhurst knelt by her side and asked her not to filibuster redistricting, she answered, "Governor Dewhurst, please, get up. The last time a man knelt by my side with a proposal, I got pregnant six times!"

Having passed almost 400 bills, largely while serving on the Senate committees on Business and Commerce, Education, and State Affairs, she is recognized as one of our hardest-working, most effective, and best-informed Members—and certainly as the one with the most children.

As a national leader, Senator Van de Putte is in a league of her own in the Texas Senate. She has interacted effectively not only with Texans, such as President George Bush, but also with President Barack Obama, President Bill Clinton, Secretary of State Hillary Clinton, Speaker Nancy Pelosi, and a host of others. She's served as President of the National Conference of State Legislatures; President of the National Hispanic Caucus of State Legislatures; Co-chair of the National Democratic Convention; member of the American Legacy Foundation Board (ALFB), which administers the \$1 billion budget of proceeds from the multi-state tobacco lawsuit settlement; and as a member of the National Assessments Governing Board (NAGB), which issues the "Nation's Report Card."

Her national and even international stature have garnered extensive media coverage, including profiles in statewide publications such as *Texas Monthly* and national publications such as the *Hispanic Journal*. She is the only Senator whose pathway to leadership is chronicled in a book, *Latina Legislator: Leticia Van de Putte and the Road to Leadership*, published by the A&M press.

It's no wonder that Senator Van de Putte has received countless awards for her public service and professional leadership. She's received, for example, the Hubert Humphrey Award, the highest award bestowed on pharmacists; the Charles Dick Award, the highest honor given only occasionally by the National Guard Association for leadership on behalf of the military in general and the National Guard in particular; the Edward R. Roybal Award for Outstanding Public Service, the highest award given by the National Association of Latino Elected Officials (NALEO) for leadership on Hispanic issues; and the first annual Irrepressible Spirit Award from Prosumers International. I believe this award best captures her personality, her energy, her charisma, her enthusiasm, and her contagious smile.

Senator Van de Putte begins her days with a simple prayer: O God, for another day, for another morning, for another hour, for another minute, for another chance to live and serve Thee, I am grateful. Clearly, the Lord has answered her prayers, affording her wonderful opportunities to be of service to Him and to others—and for this, all of us are grateful.

Truly, she has embodied William Ward's words by growing, not groveling; soaring, not sinking; overcoming, not being overwhelmed; and being a victor, not a victim.

To paraphrase Ralph Waldo Emerson, she has gone where there was no path and left a trail for others to follow.

Mr. President and Members, I proudly and happily nominate our friend and colleague, Senator Leticia Van de Putte, to lead, to serve, and to leave a trail as our President Pro Tempore for the 83rd Texas Legislature and to serve as our next acting Governor of Texas. Thank you.

**Senator Carona:** Mr. President, I am not quite sure how to follow Dr. Zaffirini. I think that was one of your finest speeches, but I am so pleased at this time to second the nomination of Leticia Van de Putte to the position of President Pro Tempore of the Texas Senate.

Leticia and I actually began our careers at the same time, both sworn into the Texas House in 1991. It has been an honor and a pleasure to serve alongside her all these years.

In her words, which I hope are not really an omen of things to come, "There are so few of us left." And, Leticia, it is true, there are so few of us left, although I know we both delight in all of the new Members that have followed through that time.

With a last name like Carona, in Texas I am often mistaken for a Latino, while my heritage is in fact Italian. Leticia has the opposite problem: She is a Latina mistaken for an Italian. However, she has so many Italian-like qualities and traits it's easy to understand why.

First, she has style—who else could walk into the Senate Chamber wearing a fedora? You know, I know I tried, but the Sergeant wouldn't let me in the door. The closest I came was entering the Senate Chamber with a horse's head, and I am saving that reappearance for the voucher debate.

Well, she is also like an Italian because she loves food and wine. She loves wine so much I put her in charge of our alcohol working group in the committee I chair, which is the Business and Commerce Committee, which I can assure you, as an Italian, was an assignment not lightly made. By the way, last time I checked in on this working group, Leticia, glass in hand, had promised statehood to France. Good job, Leticia.

Finally, she is Italian because she is passionate about the things and people she cares about and sometimes even crosses the line in order to make a point, something I really don't know anything about.

Professionally, Leticia has a quality so few elected officials are able to attain—she has managed to retain her political focus and ambition while still remaining gracious and respectful to all her colleagues. And in that, she is a true stateswoman.

She has been instrumental in the passage of an amazing number of reforms. Let me just name a few of her accomplishments: the fair billing and pricing reform act on your phone bill and the creating of regional poison control centers. She passed a homestead exemption for disabled veterans and surviving spouses. She created the Burned Veteran Energy Discount in San Antonio, the Patient's Bill of Rights, the Texas Treasure Award, the Better Jobs Act, the Human Trafficking Task Force, and the Cybersecurity, Education, and Economic Development Council, and with that I am naming just a few.

She has also served as a Member of the committee I chair, which is the Business and Commerce Committee, and the committee's stepchild, if you will, the Windstorm Insurance Legislative Oversight Board—that's a mouthful—where, God bless her, she has been active in the legislative efforts to reform TWIA.

On the committee, not only has she been the only woman during my tenure, but she is the only woman serving among characters like our former colleagues Chris Harris and John Whitmire. Making—candidly, you wonder at times why she doesn't impulsively shout, curse, or involuntarily pace across the dais. Those of you that have served with those gentleman are well familiar.

She always comes well-prepared, though. Her questions are smart and her points are always well-articulated. She is a leading voice on the committee. And she really is truly a rose among many, many thorns, a nod to her middle name, Rose.

Leticia, herself, chairs the Committee on Veterans and Military Affairs, and I can think of no one more fitting. She is one of the most patriotic people that I have had the pleasure to know. She considers it an honor to work for the betterment of those that have faithfully served our country in uniform.

And if that weren't enough, and as mentioned earlier, she is a registered pharmacist, she has been a business owner, and she is a businesswoman today as she and her husband own a manufacturing firm, appropriately enough, making flags that have literally draped our nation.

I really hoped to punch up this speech with a few good stories about the Senator, but the truth is in my own experience and, frankly, in the experience of everyone I have asked about this, stories about Leticia generally fall in either one of two categories: either glowing reviews, talking of her kindness, her work ethic, her rhetorical skills, her patriotism, et cetera, or stories that are mostly inappropriate for a session like this. But I do have one. Back in 1991, Leticia, you may remember these days well, back in 1991, we sat as new House Members next to our classmate, Representative Will Hartnett, and Will has now just retired after 23 good years of service in the Texas House. Well, back in those days, Will was single, and, candidly, he was a bit shy, I guess by today's description, a bit of a dork. Well, Leticia was a mother and a wife. Well, let's just say she was worldly, or at least Will seemed to think so at the time. Well, by the time Leticia finished extolling the virtues of marriage and, well, let's just say, romance daily, Will didn't know whether to go out and find a girlfriend or a mail-order bride, but he did marry shortly thereafter.

I suspect Leticia's openness stems from the fact that she has raised a large family as you have heard a moment ago. On further reflection, I believe it is this experience that has probably best prepared her for her work in the Legislature. There are so many parallels when you begin to think about that, Leticia.

As the mother of six children, she sees very little that shocks her or surprises her. She has a sense of humor in just about any circumstance, and those of you that know her and love her, as many in this Chamber do, know this to be the case. She is willing to say the things no one wants to hear, though they need to, and she always fights the battles only a mother would fight.

Leticia treats us all like family, *la familia*, and for this the Senate is today a better body. Leticia, I was so honored when you asked me to speak on your behalf, and it is an honor to be here today as a part of this very special celebration. We love you.

**Senator Birdwell:** Thank you. Mr. President and Members, I am honored today in three capacities, as my capacity as a colleague, as a redshirt sophomore in this body, and Leticia knows what I am describing there, but most of all I rise in my capacity as a professional soldier to second the nomination of Senator Van de Putte to serve as

our President Pro Tempore of the 83rd Regular Session. In my slightly less than three years of service beside Senator Van de Putte as her Vice-chair, as she chaired the Veteran Affairs and Military Installations Committee, I've had the privilege to see her commitment to those who wear our nation's uniform. In fact, the very first bill I was offered the opportunity to joint author came from her in dealing with how the remains of our fallen soldiers will be treated in Texas courts. And it was a real treat to have this be the very first bill that I put my name on in this building. During my tenure as her Vice-chair, I've seen her support a number of things very passionately. She supported the property tax exemption for 100 percent disabled veterans and their surviving spouses. She supported the Texas Veterans Commission, adding a women's member coordinator on staff to ensure that the special needs of our lady veterans were being addressed by the Texas Veterans Commission. She supported college credit for heroes, ensuring military experiences of our veterans were translated into academic credits toward degree programs at our community, two-year, and four-year institutions, and state tuition for our servicemen and women at our higher institutions for all active military members that had been sent to Texas on permanent change of station orders to be assigned to Texas installations. And one that is pretty personal to me that I was very privileged to sign onto, she championed discounted utility payments for our indigent veterans who had suffered severe burns and are no longer able to regulate their body temperature. Governor Dewhurst, I certainly appreciate you keeping it really cold in here for me. Most of all, what is most impressive, is while she has never worn the uniform of our nation's warriors, she certainly has the heart of a warrior. While Senator Van de Putte and I have had our battles, and there will surely be more to come, I, and I know my other colleagues would agree, that Senator Van de Putte is not only a most respected foe when we disagree, but there is no more higher-valued ally that you want to bring her combat power to the table when we agree. Mr. President and Members, it is indeed my honor to second the nomination of Senator Leticia Van de Putte as President Pro Tempore of the 83rd Regular Session.

**Senator Lucio:** Members and Mr. President, it is an honor for me to second the nomination of my very dear friend, Senator Leticia Van de Putte.

We've already heard some of my colleagues speak about Leticia's great accomplishments as a stateswoman and as a tireless advocate for our state's most vulnerable populations—especially Texas' children, women, and working poor.

I'd like to now reflect, however, on those qualities of Leticia's I respect and admire most: Leticia is a woman who is deeply devoted to her family, to her mother, to her husband, and to her children and grandchildren. Leticia is also a person who commits every day to put her religious faith into action while serving the people of Texas. You see, I think it is these characteristics of Senator Van de Putte that make her the effective and influential lawmaker we know today.

Each day, Leticia approaches her work here in the Capitol with a mother's heart. The same love and compassion she shares with her family each day, she also carries with her to Austin. She shares it with her staff, with her constituents, and with her fellow Members in the Senate. In fact, I think I can safely say that Leticia Van de Putte has become a "mother figure" here in the Senate.

I have had the great pleasure to meet Senator Van de Putte's family over the years.

Now, before I get into singing Leticia's praises as a mother figure here in our Chamber, I have to briefly pause and give credit to Leticia's own mother, Ms. Belle Ortiz, and her father, Daniel San Miguel. I know both served as tremendous inspirations for Leticia.

I understand that every time her father, Daniel, would introduce her to people and they'd say, "Oh, what a pretty girl," he'd answer, "She's the smartest girl in her class." I know Senator Van de Putte would tell you today that she probably wasn't the smartest—Senator Van de Putte remains too modest—but her father made her believe it and gave her the confidence she needed to excel.

Senator Van de Putte's mother, Belle, also reinforced education, so that she could be self-reliant and wouldn't need a man to be successful. I understand that Belle would tell young Leticia, "Your generation of women will be the first that will not be defined by their daddy or their husband." Belle led by example and started the first high school mariachi program in Texas—a program that has been emulated throughout the state. Today, I know Belle and Leticia are like sisters, and not so long ago, the two traveled to Rome together to witness the beatification of an American nun.

Leticia's mother also gets credit for introducing Leticia to her husband, Pete. Leticia and Pete have celebrated 35 years of marriage together. In that time, they celebrated the birth of six children—Nichole, Vanessa, Henry, Gregory, Isabella, and Paul—and six grandchildren—Julian, Jove, Marlo, Elliot, Asher, and Rex.

Just like her parents did, Senator Van de Putte has stressed the importance of self-reliance through education to her children. Today, seldom a day goes by that she's not showing me pictures of her family on her iPhone or iPad, or proudly sharing stories about their success.

Leticia's daughter Vanessa is a graduate of Columbia College and today works as the Director of Events and Marketing at her father's business, Dixie Flag Company. Her son Henry graduated from Saint Mary's University and prior to becoming a production manager at Dixie Flag, worked at ESPN in New York City. He is married to Rena Van de Putte. Gregory went to the University of Dayton. He now owns a business, Storage Lifts Unlimited, and lives in Lakeway with his wife, Samantha, and three beautiful children. Isabella graduated from Texas A&M University—San Antonio and is a manager at Dixie Flag.

Leticia's youngest son, Paul, recently celebrated his graduation from Texas A&M University with a degree in Environmental Studies. Finally, Senator Van de Putte's daughter Nichole is a physician, OB/GYN. A quick story about Nichole: Not so long ago, she was a houseguest of mine down in the Rio Grande Valley. At the time, Nichole was completing her graduate medical education at the UT Health Science Center at San Antonio's Regional Academic Health Center in Harlingen. Although I was very proud to open my home to Nichole and her family, I do have one complaint about the experience: I didn't get her to stay in the Valley to practice! I am, of course, only kidding. I wish Nichole, her husband, Jason, and their three children all the best. She has become like a second daughter to me and my wife, Minnie.

Today, I am confident Senator Van de Putte's family must be as proud of her as she is proud of them every day.

I met Senator Van de Putte back in 1990, when she was first elected to the Texas House. Since 1999, I have had the privilege of serving with her here in the Texas Senate, as well as on two committees, State Affairs and Business and Commerce.

Since the first day I met Leticia, I have been impressed with her drive, her work ethic, and her determination to meticulously understand every single piece of legislation she encounters. In committee, she never votes on a bill until she has a full understanding of its impact on the lives of everyday Texans.

When Senator Van de Putte is advancing her own legislative agenda, she is undeterred by any roadblocks. She speaks out passionately in any committee on bills that interest her, especially those supporting state services that are important to the well-being and livelihoods of the people of South Texas.

Despite what some may think, being an elected official is a full-time job. Outside of session, there are interim hearings and reports, and demands on legislators' time only increases, even while staff and budgets shrink. Nevertheless, Senator Van de Putte always rises to the occasion and can be counted on to be a responsive representative to her constituents. She truly is a great legislator.

Now all this hard work doesn't come without a lot of personal sacrifice. Over the years, Senator Van de Putte and I have bonded over how difficult it is to be away from family while in Austin. Still, I know it is her family that motivates her to work so hard. In truth, she works to build a better Texas for them. She works to ensure that the quality of life she wants for her own children and grandchildren is passed on to all Texas children.

The people of Senator Van de Putte's district are blessed to have a legislator that understands the importance of motherhood. They're blessed to have a legislator that understands the importance of getting an education, living in a secure community, and having economic development that provides the jobs necessary to lift themselves up and create a successful life.

I began these remarks by saying that Leticia Van de Putte has become a "mother figure" here in the Senate, and I think that's true.

I, for one, have found great strength in the spiritual fellowship I share with Senator Van de Putte. Every time I have been in need, I knew I could count on Leticia to be at my side providing support and guidance. She has joined me in deep prayer for those that are ill, including most recently our dearly departed colleague, Senator Mario Gallegos.

As my colleagues here know, often during past sessions, we Members have joined together for fellowship meetings where we've shared our life's obstacles and prayed for one another. We have weekly holy rosaries which she attends frequently. Senator Van de Putte would always inspire those in attendance with her remarks and prayers. She is always generous with her time and full of compassion for everyone she encounters.

Today's speeches by my colleagues make clear that Texas is a better place because of Senator Leticia Van de Putte.

I believe Senator Van de Putte exemplifies an adage made popular by Mother Teresa. I'll paraphrase: If we are to find peace, we need to remember that we belong to each other, that every man, woman, and child is our brother and sister. Senator Van de Putte never forgets this message. She wants to make a difference in people's lives, regardless of party or creed.

I feel so privileged to call her a friend.

*La gente Hispana de el Estado de Tejas, y especialmente tu distrito en San Antonio, te felicita y te respeta muchísimo!*

*Te agradecemos los esfuerzos que haces diariamente para mejorar las vidas de todos los Tejanos de nuestro gran Estado de Tejas!*

*Dios te bendiga a ti y a tu linda familia!*

With that, I now gladly second the nomination of Senator Leticia Van de Putte for the position of President Pro Tempore of the Texas Senate.

Thank you, Mr. President and Members.

**Senator Ellis:** Thank you, Mr. President. I, too, rise to second the nomination of Senator Van de Putte to be President Pro Tempore of the Senate. I am sure you all can tell from all of the great things we have said about her, we think pretty highly of Leticia Van de Putte. I do want you to know that I think I am the last person who will nominate her because we want to give her as much time as possible to be President Pro Tempore of the Senate. Senator Zaffirini made the point early on when she spoke how important this is. Sometimes when we do this the opening day of session, people don't really realize it's a big deal. Trust me, it's a big deal. You know we have a presidential inauguration coming up in a couple of weeks, and I can remember some years ago when Bill Clinton became President, a Governor of a southern state. He went up to be inaugurated, his Lieutenant Governor had become acting Governor, and the Lieutenant Governor, I think his name was Jim Guy Tucker, went to Washington, D.C., as well, and they had a Member of the State Senate who was President Pro Tempore pardon a few people. They still are trying to figure out how to put those people back in jail. So, it truly is a big deal.

Some years ago you all may recall, I had the privilege of being the President Pro Tem when the Governor of Texas was running for President. Then-Lieutenant Governor Rick Perry was known to travel a bit; I can say that because I am known to travel a bit as well. My staff speculated that it was not coincidence, Leticia, whenever we would get a letter saying that such and such pursuant to the Constitution, Rodney Ellis, Governor Bush will be out of the state on this date, if the Lieutenant Governor is not in town, you will be acting Governor of Texas. Then about two, three days later, I would get a letter from Governor Perry's office, Lieutenant Governor's office saying, pursuant to the Constitution such and such, you will be acting Governor if the Lieutenant Governor is out of the state. Now, they could have put it in one letter, but I assume they wanted to make sure if I need to take another trip to Africa, I could go on about my way and go to Africa so somebody else would be acting Governor of Texas. But she will have all the powers and all of the privileges that the Governor of Texas has on those days when Governor Perry and Lieutenant Governor Dewhurst are out of the state.



You know we are a big family here. We are a bipartisan family here. We agree on a lot of issues, we disagree on some issues, but we are family. Now, I don't know about you, but present company excluded, but there are some people in my family, I like them, I love them, but I don't want to be with them all of the time, and sometimes I have to limit my interaction. Leticia is one of those people in this body that helps bring us together, helps us figure out how to disagree without being disagreeable. No disrespect to the men in this body, but to be honest with you, I think all of the women that I have served with in this body do a much better job of sometimes toning it down when it really could get ugly. And that is a special trait to have. Leticia will be the second Latina in the history of Texas to be President Pro Tem of the Texas Senate. Leticia Van de Putte will be in a small club. I think only six women, including two of us on this floor today, have served as President Pro Tempore of the Senate.

Most of the things I want to talk about today somebody has said, I might just mention a couple. I am so proud of the work she did on creating veterans courts. Every time we pass by a veteran, many of them suffer from post-traumatic stress syndrome and many of them are homeless. You ought to think about the work she and her colleagues have done on the veterans committee to really make life better for people who have fought to give us freedom in this country. And, Senator, we are all very appreciative of that.

I am very proud of the work that Leticia Van de Putte has done on anti-trafficking. It really is the modern slavery of our lifetime. It exists today and Texas is a major gateway for modern-day slavery, for trafficking, many of them coming from south of our border. Leticia really put a face on that problem. For the doctors on this floor and in this audience, she really got involved in this issue, as I recall it, because she got a call from a doctor in her district. It shows how everyday people can really have an impact on what we do. They picked the right person because when they called you, Leticia Van de Putte, because you have really become a nationally recognized leader on anti-trafficking issues.

The last issue that I want to comment on that I am really proud of you for leading the way on is our version of the Dream Act. Senator Santorum, I know that Governor Perry got a lot of heat for that on the presidential trail. Leticia Van de Putte carried that bill, was a leader on that bill in Texas. It is real straightforward if some person, regardless of legal status, graduates from a high school in this state, we give them the privilege of paying in-state tuition to go to one of our universities. It was tough when you did it. I think you had to do a great job of reaching across the aisle and bringing all of us along on that issue. And, Senator, we are very appreciative for your leadership on that.

Lastly, as I close on seconding this nomination, I again want to thank your family, you know, for all of us on this special day, you just think about the sacrifices that we make to be here. In a lot of ways, it is a little selfish. All of the soccer games, all of the recitals, all of the illnesses that you won't be around for, some husband or some wife will have to fill in that heavy load because we are here doing what we enjoy doing because it satisfies us to have an impact on the quality of life for the 26 million people in this state. But I know we are all very grateful to your family, Senator Van de Putte, and to all of our families for tolerating us and giving us the privilege to do the public business while they take care of our business back home.

So, I close by proudly seconding the motion, the nomination that Senator Zaffirini started with, in the name of all of those great members of the Van de Putte family that gave you, my sister, the privilege of being here for 13 years so you could earn this privilege today. Thank you, Mr. President.

On motion of Senator Zaffirini, Senator Van de Putte was elected President Pro Tempore by a rising vote of the Senate.

The President declared that the Honorable Leticia Van de Putte had been duly elected President Pro Tempore of the 83rd Legislature by acclamation.

The President appointed the following Committee to Escort Senator Van de Putte and her family to the President's Rostrum: Senators Davis, Eltife, West, Whitmire, and Williams.

Senator Van de Putte and her party were then escorted to the President's Rostrum by the committee.

### **OATH OF OFFICE ADMINISTERED**

The President administered the Constitutional Oath of Office to Senator Van de Putte as follows:

I, Leticia Van de Putte, do solemnly swear, that I will faithfully execute the duties of the office of President Pro Tempore of the Senate of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this state, so help me God.

### **ADDRESS BY PRESIDENT PRO TEMPORE**

President Pro Tempore Van de Putte addressed the Senate as follows:

Lieutenant Governor Dewhurst, General Abbott, state officials, my dear colleagues, family, friends, and Senate staff: Thank you for this tremendous honor.

The first day of any legislative session is always an exciting one. Even when we anticipate a session might be tough, it's still a time when everything is new. A time when possibilities still abound. It's a time when we can be optimistic.

It's a time for vision. We look forward to what can be. We look at the issues that matter most to us and how we can make a positive change.

I've been extremely blessed to have experienced this moment of hope 11 times, and today for a 12th. The hope doesn't always turn out like we'd want it. Bills die. The legislative process takes a wrong direction. Sometimes laws don't have the effect you intended.

But we keep plugging away at this lawmaking business because of those moments when it does go right—those moments when we push our magnificent state in the right direction are exceedingly rewarding.

After more than two decades under the pink dome, I think people know what my passions are. I'm so fortunate to have played a part in making Texas a better place for veterans, including my father, Daniel San Miguel.

Could all of our brave veterans in attendance today please rise so that we may recognize them?

I'm also fortunate to have been in a position to help working families and parents.

This past session, I was happy to actually make life harder for some people—working with my colleagues and the Attorney General and Governor, we made things more difficult for human traffickers, giving prosecutors more power to crack down on this modern-day form of slavery.

This is a battle I'm proud to wage. To quote the great Abraham Lincoln, "Those who deny freedom to others, deserve it not for themselves; and, under a just God, cannot long retain it."

This session, I hope to make life easier for the survivors of trafficking, who badly need support services to recover from the horrible trauma they've endured.

This is, indeed, a time to be looking ahead. As we learned after the Census, this is a time of great change in Texas. Our state grew faster than any other state in the nation. And overwhelmingly, most of that growth came from minorities, and most of that from Hispanics. The face of our state is transforming, and that transformation brings with it new needs and new challenges.

Last spring, I was present at the dedication of the new Tejano monument on the Capitol grounds. It was a wonderful ceremony and an unforgettable tribute to our heritage. If you haven't yet visited the monument, just east of the south gate, I encourage you to head out there and see it before you leave today.

At the festivities, I stared out into a sea of faces reflecting the beautiful diversity of our state. As I did, I reflected on the journey Texas has made just in the two decades since I first took office. Go back to similar ceremonies at the beginning of my tenure in the Legislature, and the makeup of the crowd would have been much different.

Many of those faces that day were of Latino heritage, of course, but people of all colors and backgrounds assembled to celebrate the many different stories that meld to form the greatest state in the nation.

We were there to honor the past, but in reality we were looking at the future.

My future is here today. I thank our six beautiful children: Nichole, Vanessa, Henry, Gregory, Isabella, and Paul. If there were ever a glimpse at the future of our state, it is in our family portraits. Some of my six children are just as brown as you'd expect from a family named San Miguel, my maiden name. But my other children's appearances reflect the Belgian and French genes of my husband, Pete Van de Putte.

The majority of my grandchildren, despite their Latino heritage, have blue eyes. They are 75 percent Anglo, and they will someday be a minority in this state.

This is something to be embraced, not feared. Great things have emerged from the blending of our cultures.

Look at the great *conjunto* music that sprang up in San Antonio and South Texas. Tejanos heard the accordion music of their German-American neighbors, incorporated it into their traditions, and created a sound that is uniquely Texan. It is living proof that diversity is a strength.

Look at our food. Every December I distribute San Antonio tamales around the Capitol and they end up on plates at the Senate holiday party right next to the turkey and dressing.

Look at our celebrations. People from all corners of San Antonio and Texas come together to honor the heroes of the Alamo and the Battle of San Jacinto every April at a magnificent 10-day celebration called Fiesta.

As we move forward into this new Texas, let these examples be our guide. Instead of separating into groups, let us say to the world, "*Bienvenidos, y'all!*"

We must embrace these changes. But they are changes that will present us with challenges. If we meet these challenges head-on, Texas can reach the great heights to which we aspire. We can make that next great blend.

If we do not, history will remember us harshly as the generation that squandered an opportunity to build something grand.

We cannot miss this opportunity.

It will be a collective imperative to realize our duty, a duty reinforced by the oath we have just taken. A duty to invest in our future.

An investment in the human capital of Texas. We must invest in the education of Texans, all of them. Education is the pathway away from poverty. Education is the pathway to good jobs. Education provides the toolkit for self-sufficiency. Education is the fuel of our economic engine.

Two years ago, we did the people of Texas a disservice. The 82nd Legislature cut \$5.4 billion from public education. Our students and teachers need that investment.

I know we were going through tough times. Our national economy was in a recession. Our state's tax revenues were down, and we are required in this state to balance our budget.

But let this session be different. Let's begin with our goals. And then let's figure out how we accomplish them. Yes, we need to have fiscal discipline. But we cannot arbitrarily decide that some tools cannot be used from the toolbox, no matter what. Shortchanging public education may save money over the short term, but it will cost us dearly in the future.

I am a Tejana and I herald from an education family. My great-great-grandmother, Rita Alderete San Miguel, started the first public school system in Maverick County. My mom, Belle Ortiz, worked for 32 years in public education. My husband was a band director and administrator before moving into the business world. My sister, Annabelle Garcia, has taught kindergarten for more than 30 years! Who does that? She should be a candidate for sainthood.

Over the long term, cutting back on our schools cannot be sustained.

We must invest in our students.

If we invest, Donna, they can become great emergency room doctors.

If we invest, Carlos, they can become great attorneys.

If we invest, Craig, they can become great business leaders.

If we invest, David, they can become great Lieutenant Governors.

And we especially must invest in them if they've served our country by preserving the Hazlewood benefits that our veterans and their families have earned. Too many of our brave warriors fight for freedom, only to come home and then have to fight for a job. If we invest, they can take the invaluable knowledge they gained in the military and translate that to civilian success.

Let's remember that education made our nation and our state great.

This session will be difficult. We all come here with our own priorities. I've just told you mine. Some overlap with yours. Some do not.

But just like those Texans in the past, I know we can blend. Our diversity can be a strength.

That music I mentioned earlier, *conjunto*, there's a lot of ways to translate that word. It usually translates as "group." Basically it means different elements, like those German accordions and Mexican bajo sextos, coming together to form a whole.

Troy, I know we can come together and find a solution to water infrastructure issues. Robert, I know we can move forward together on transportation issues. Jane, I know we can figure out how to improve women's access to healthcare together. Dan, I know you and I have different visions for how to make education great in this state, but we do have that common goal to make it great.

We are 31 individuals here in the Senate. And we need the strength of individuals. This state was built on that spirit of rugged individualism. But we also need to remember that Texans have also come together with a spirit of neighbor helping neighbor. We recognize that we have shared responsibilities.

I am here because of the support of the people of District 26. But I could not have been here today without a supportive family with unconditional love. I was given deep roots and strong wings from my grandmother, Lupita, or "Memo."

I worked hard, but I didn't do it on my own. I was motivated to get my pharmacy degree, to be like my grandfather, Don Daniel San Miguel, who owned La Botica Guadalupeana, a Mexican pharmacy in San Antonio.

I had many fine teachers who pushed me through that public education system, and taxpayers made that system possible.

Let's remember that public spirit as we do the public's business this session. Let's remember that our actions as a community can help unleash the potential of the individual.

Let's come together, from our different backgrounds and different cultures, and let's seize this opportunity. Let's meet the challenge of this moment, this crossroads in Texas history. We are Texans. We can build something great. And let's build it together.

### **BENEDICTION**

Senator Estes offered the following benediction:

Great and amazing are Your deeds, O Lord God the Almighty. Just and true are Your ways, O King of nations. Who will not fear, O Lord, and glorify Your name? For You alone are holy. All nations will come and worship You, for Your righteous acts have been revealed. (Revelation 15) We come to You, God, asking for Your wisdom and guidance during this 83rd legislative session. Mightily bless our new President Pro Tempore and her family. In fact, bless all families represented here. We have Your name prominently displayed in this Chamber, now we invite You to be present prominently in our hearts that the end result will be that the people of this great state will be blessed by our actions. Amen.

### **SENATE NOTIFIED**

A committee from the House of Representatives appeared at the Bar of the Senate and notified the President and Members of the Senate that the House was organized and ready to transact business.

### **PHYSICIAN OF THE DAY**

Senator Huffman was recognized and presented Dr. Troy Fiesinger of Sugar Land as the Physician of the Day.

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

### **VIDEO RELEASE POLICY WAIVED**

On motion of Senator Eltife and by unanimous consent, the Senate policy that governs the release of recordings of the Senate proceedings was waived in order to grant the request of Senator Van de Putte for a DVD of today's session.

### **RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

#### **Welcome and Congratulatory Resolutions**

**SR 2** by Watson, Welcoming the participants in the Fulbright American Studies Institute for Korean Secondary School Teachers of English to Texas.

**SR 3** by Watson, Recognizing the Central Texas Lions Clubs for their contributions to their communities.

### **ADJOURNMENT**

On motion of Senator Whitmire, the Senate at 2:05 p.m. adjourned, in memory of Gregory Steven Spaw, son of Secretary of the Senate Patsy Spaw, until 11:00 a.m. tomorrow.

# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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## SECOND DAY

(Wednesday, January 9, 2013)

The Senate met at 11:27 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, Ellis, Eltife, Estes, Fraser, Hancock, Hegar, Hinojosa, Huffman, Lucia, Nelson, Nichols, Patrick, Paxton, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffrini.

Absent-excused: Carona, Duncan.

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

Colonel J. Craig Combs, State Chaplain, Camp Mabry, Austin, was introduced by Senator Watson and offered the invocation as follows:

Almighty God, as creator and sustainer of all that is, we acknowledge Your sovereignty and authority over the affairs of both individuals and governments. We humbly ask Your forgiveness when we fail to seek Your wisdom and blessing and instead seek to do what is right in our own eyes. Lord, we thank You for all You have done to bless us, the citizens of this great state and those throughout this great land of freedom that we love so dearly. Therefore, we ask for Your continued wisdom, blessing, and direction for the Members of this Chamber as well as for all those who occupy similar positions throughout our nation. May each of them, as well as those of us who elect them, take our charges seriously and be ever vigilant to do what is right and good for all people in pursuit of their inalienable rights of life, liberty, and the pursuit of happiness. According to Your wisdom and power. 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 Duncan was granted leave of absence for today on account of important business.

### PHYSICIAN OF THE DAY

Senator Watson was recognized and presented Dr. Larry Kravitz of Austin as the Physician of the Day.

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

### SENATE RESOLUTION 4

Senator Eltife offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, That the Rules of the Senate of the 82nd Legislature are adopted as the Permanent Rules of the Senate of the 83rd Legislature with the following modifications:

1. Amend Rule 5.11 to read as set forth in the Permanent Rules of the Senate of the 80th Legislature (2007).

2. Amend Subsection (a) of Rule 7.06 to read as follows:

(a) The President shall refer each bill to a proper committee or standing subcommittee and shall cause such referral to be announced when the bill is first read. A sunset bill must be referred to a committee with appropriate subject-matter jurisdiction.

3. Amend Rule 11.02 to read as follows:

#### LIST OF STANDING COMMITTEES

Rule 11.02. At the beginning of each regular session, the President shall appoint the following standing committees with the number of members indicated:

#### STANDING COMMITTEES

- (1) Committee on Administration (7 members)
- (2) Committee on Agriculture, ~~and~~ Rural Affairs and Homeland Security  
(5 members)
- (3) Committee on Business and Commerce (9 members)
- (4) Committee on Criminal Justice (7 members)
- (5) Committee on Economic Development (7 members)
- (6) Committee on Education (9 members)
- (7) Committee on Finance (15 members)
- (8) Committee on Government Organization (7 members)
- (9) Committee on Health and Human Services (9 members)
- (10) Committee on Higher Education (7 members)
- (11) Committee on Intergovernmental Relations (5 members)
- ~~[(12) Committee on International Relations and Trade (7 members)]~~
- (12) ~~[(13)]~~ Committee on Jurisprudence (7 members)
- (13) ~~[(14)]~~ Committee on Natural Resources (11 members)
- (14) ~~[(15)]~~ Committee on Nominations (7 members)
- (15) Committee on Open Government (5 members)
- (16) Committee on State Affairs (9 members)
- (17) Committee on Transportation ~~[and Homeland Security]~~ (9 members)
- (18) Committee on Veteran Affairs and Military Installations (5 members)



**SR 4** was read and was adopted by the following vote: Yeas 27, Nays 0.

Absent: Lucio.

Absent-excused: Carona, Duncan.

#### REASON FOR VOTE

Senator Birdwell submitted the following reason for vote on **SR 4**:

Even with the new makeup of the body, support for removing the "two-thirds rule" in the Texas Senate remains insufficient for passage. Thus, as in the 82nd legislative session, I wish to state on the record that I cast a "Yes" vote on the rules package so that the Senate may continue to address the people's business. I do, however, have great reservations about the "two-thirds rule," which requires the consent of 21 of 31 Members to allow a bill to be considered on the floor by the entire body. This rule provides a minority of Members to direct or preclude the actions of the majority, an example of what founding father James Madison feared in *Federalist 58*: "It would no longer be the majority that would rule; the power would be transferred to the minority." The fundamental character of our republic is that the will of the majority shall prevail.

BIRDWELL

#### REASON FOR VOTE

Senator Patrick submitted the following reason for vote on **SR 4**:

Traditions of the Senate are a necessity and should be granted a level of respect. They maintain civility amongst the Members and uphold decorum and continuity. From time to time, it is important to examine our traditions and ensure they best serve the body and the people of the State of Texas. Maintaining tradition, when doing so counters the public's best interest, is a dereliction of our duty as Texas Senators. Let the record reflect that I object to the Two-thirds Rule that requires a supermajority of two-thirds of the Members present in order to bring legislation to the Senate floor. This rule allows a minority of the Members to have veto power over the will of the majority. The Two-thirds Rule can prevent the majority from voting on legislation that is favored by their constituents. This rule also undermines the basic principle of the U.S. Constitution of majority rule. "The fundamental principle of our Constitution requires that the will of the majority shall prevail," President George Washington. The founders considered requiring a two-thirds majority to pass legislation in Congress but rejected the idea. James Madison explained in *Federalist 58* that a two-thirds approval margin had been rejected because power would be transferred to the rule of the minority. Thomas Jefferson also said, "The will of the majority is the natural law of every society and is the only sure guardian of the rights of man." I will continue to fight to change the Two-thirds Rule in the Senate, known as the blocker bill, until the Senate one day reflects the basic principle of our Constitution.

PATRICK

**SENATE CONCURRENT RESOLUTION 4**

The President laid before the Senate the following resolution:

WHEREAS, Section 17, Article III, Texas Constitution, provides that neither house of the legislature may adjourn for more than three days without the consent of the other house; now, therefore, be it

RESOLVED by the 83rd Legislature of the State of Texas, That each house grant the other permission to adjourn for more than three days during the period beginning on Wednesday, January 9, 2013, and ending on Monday, January 14, 2013.

WHITMIRE

**SCR 4** was read.

On motion of Senator Whitmire, the resolution was considered immediately and was adopted by the following vote: Yeas 28, Nays 0.

Absent-excused: Carona, Duncan.

**CO-AUTHOR OF SENATE BILL 135**

On motion of Senator Patrick, Senator Seliger will be shown as Co-author of **SB 135**.

**ADJOURNMENT**

On motion of Senator Whitmire, the Senate at 11:44 a.m. adjourned until 1:30 p.m. Monday, January 14, 2013.

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**APPENDIX**

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**RESOLUTIONS ENROLLED**

January 8, 2013

**SR 1, SR 2, SR 3**

# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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THIRD DAY

(Monday, January 14, 2013)

The Senate met at 1:45 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, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, 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.

Pastor A. W. Anthony Mays, Mount Sinai Missionary Baptist Church, Austin, offered the invocation as follows:

Dear Lord, our God, maker and ruler over all things, giver of every good and perfect gift from above, I ask You to hear this prayer, as You have heard our prayers before. I ask You to hear this prayer which I pray in the name of Jesus the Christ, who is Lord. Please look down upon this gathering of public servants and grant us Your spiritual presence. For our sins, which are many, please do not turn us away. We thank You, dear Lord, for all You do, and we thank You simply for who You are. You have caused Your blessings in great abundance to fall upon the State of Texas in so many ways, in resources and population, and for all these things we offer You both thanksgiving and praise. Now, dear Lord, bless this assembly of elected servants, appointed officials, and support persons, which are charged with representing the best interests of such a diverse and large population as this State of Texas. Bless each Member, male and female, collectively and individually, with Your divine wisdom. Grant them Your benevolent spirit along with a sense of humble stewardship of all this state's resources, knowing that all stewards must one day give an account of their stewardship. Help them to both speak and listen with Your heart of love. I ask You to protect each one and their family members from danger from all who would seek to do them harm. Please grant them Your favor for righteous judgments, and that their work will result in what is right and

good for all the citizens of this State of Texas. Fortify them with strong courage and guiding convictions of truth and justice for all. I ask these things for them and for all of us 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 Carona was granted leave of absence for today on account of important business.

### MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Monday, January 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 PASSED THE FOLLOWING MEASURES:

**SCR 4** Whitmire Sponsor: Geren  
Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, January 9, 2013, and ending on Monday, January 14, 2013.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

### PHYSICIAN OF THE DAY

Senator Estes was recognized and presented Dr. Max Latham of Bowie as the Physician of the Day, accompanied by his wife.

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

### SENATE CONCURRENT RESOLUTION 5

The President laid before the Senate the following resolution:

BE IT RESOLVED by the 83rd Legislature, Regular Session, That the Senate and House of Representatives of the State of Texas meet in Joint Session in the Hall of the House of Representatives on Tuesday, January 29, 2013, at 11:00 a.m.; and, be it further

RESOLVED, That the Honorable Rick Perry, Governor of the State of Texas, be, and is hereby, invited to address the Regular Session of the 83rd Legislature in Joint Session at that time.

ELTIFE

SCR 5 was read.

On motion of Senator Eltife, the resolution was considered immediately and was adopted by the following vote: Yeas 29, Nays 0.

Absent-excused: Carona.

**SENATE RULE 2.02 SUSPENDED  
(Restrictions on Admission)**

On motion of Senator Eltife and by unanimous consent, Senate Rule 2.02 was suspended to grant floor privileges to Senator Whitmire's family during the deliberation of **SR 9**.

**SENATE RESOLUTION 9**

Senator Eltife offered the following resolution:

WHEREAS, The Senate of the State of Texas takes great pride in extending sincere congratulations to Senator John Whitmire, Dean of the Texas Senate and one of its most respected members, on his 40 years of outstanding service in the Texas Legislature; and

WHEREAS, Among our state's longest-serving legislators, Senator Whitmire began his career in public service when he was elected to the Texas House of Representatives in 1972; he served in the House for 10 years, from the 63rd Legislature through the 67th Legislature; he was elected Democratic state senator for District 15 in 1982 and began serving in the 68th Legislative Session; he has served in 16 Senate legislatures, and as of January of this year, he has been a Texas state senator for 30 years; and

WHEREAS, Over the course of his exceptional career, Senator Whitmire has worked with 369 legislators; he is one of the six longest-serving lawmakers in Texas history, and by the end of the 83rd Legislature, he will be tied for having the third-longest legislative tenure; and

WHEREAS, A legendary political figure, Senator Whitmire has served his state with distinction under seven governors, six lieutenant governors, and six speakers of the House; as both a representative and a senator, he has worked tirelessly on behalf of his state, and as Dean of the Senate, he has provided steadfast leadership and guidance and has been a role model in upholding legislative standards and decorum; and

WHEREAS, Well known for his many accomplishments as chair of the Senate Criminal Justice Committee, Senator Whitmire has worked hard to bring about needed changes to the adult and juvenile criminal justice systems and has stressed the need to be tough, but smart, on crime; he is noted for spearheading reform in the treatment and rehabilitation of offenders, making Texas a national example for criminal justice reform; he was named one of *Governing Magazine's* 2010 Public Officials of the Year; and

WHEREAS, Senator Whitmire also serves on the Senate Government Organization Committee and the Senate Administration and Senate Finance Committees; in addition to his legislative service, he is a member of the Pension Review Board, which oversees all public retirement systems in Texas, and of the Texas Sunset Commission; and

WHEREAS, A native of Hillsboro and a longtime Houston resident, Senator Whitmire is the proud father of two daughters, Whitney and Sarah, and has delighted in watching them grow up to become beautiful, intelligent young women and treasured members of the Senate family; and

WHEREAS, Senator Whitmire was admitted to the Texas State Bar in 1981 and is an attorney of counsel to the law firm of Locke Lord Bissell and Liddell; he was named one of *Texas Monthly's* Best Texas Legislators in 1993, 2003, 2005, and 2011; and

WHEREAS, An insightful and highly effective lawmaker, Senator Whitmire is respected for both his forthrightness and his political expertise; during his 40-year legislative career, his many accomplishments have earned him widespread admiration throughout the state and the enduring esteem of his colleagues; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby pay tribute to Senator John Whitmire for his 40 years of legislative service and honor him for his innumerable contributions and boundless dedication to our state; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Senator John Whitmire as an expression of highest esteem from the Texas Senate.

**SR 9** was read.

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

On motion of Senator Eltife, the resolution was adopted without objection.

#### **VIDEO RELEASE POLICY WAIVED**

On motion of Senator Eltife and by unanimous consent, the Senate policy that governs the release of recordings of the Senate proceedings was waived in order to grant the request of Senator Whitmire for a DVD of today's session.

#### **REMARKS ORDERED PRINTED**

On motion of Senator Eltife and by unanimous consent, all remarks regarding **SR 9** were ordered reduced to writing and printed in the *Senate Journal*.

The remarks were printed in an addendum to this day's Journal.

#### **RESOLUTION OF RECOGNITION**

The following resolution was adopted by the Senate:

##### **Congratulatory Resolution**

**SR 5** by Huffman, Recognizing Milton T. Wright on the occasion of his retirement as Sheriff of Fort Bend County.

**ADJOURNMENT**

On motion of Senator Whitmire, the Senate at 3:26 p.m. adjourned, in memory of Joseph Emanuel Horn, father of former Representative Jim Horn, until 11:00 a.m. tomorrow.

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**APPENDIX**

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**RESOLUTION ENROLLED**

January 9, 2013

**SR 4**





# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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## ADDENDUM

(THIRD DAY — Monday, January 14, 2013)

The following remarks regarding **SR 9** were ordered reduced to writing and printed in the *Senate Journal*.

**Senator Eltife:** Thank you, Mr. President and Members. It is an honor for me to present this resolution today, as we honor the Dean of the Texas Senate, John Whitmire. I know many Members will want to speak, so I'll be very brief. It's appropriate that we take time to honor someone who has given 40 years of his life to public service. As State Senator representing District 15, John Whitmire has fought tirelessly for his constituents. How many times last session did we hear Dean Whitmire say, Let's put a face on it? By putting a face on it, he wanted to place us squarely in his constituents' shoes. He wanted us to understand the impact. The decisions we were about to make might have an impact on our constituents. Put a face on it. Know as a Senator how you're affecting the daily lives of everyday Texans. He didn't stop there. He would fight to the bitter end on every issue he was passionate about to make sure his constituents were represented. This has been his mode of operation session after session. It's no wonder his constituents have reelected him to office for over 40 years. As the Dean of the Texas Senate, we have seen firsthand how much he cares about this great institution, leading us in a fair, steady manner. Our Dean, who is willing to take the time to listen to all sides and lead our caucus of the whole in a fair, nonpartisan manner, yet someone who can be decisive and can bring us together when needed. Then there is John Whitmire, our friend. John Whitmire is one of those individuals we all consider our friend. My definition of a true friend is someone who will take the time to listen and, no matter what the circumstances, will be there in good times and bad. One thing about serving in public office is you find out quickly who your real friends are. Usually, when you're down on your luck and things aren't going very well, everyone runs for cover. Friends are nowhere to be found. But that is simply not true with John Whitmire. I will never forget, on the floor of this Senate, at a time when Senator Gallegos may have been vulnerable to a challenger, John Whitmire stood here and said, if you take on Mario Gallegos, you take on me. Members, there is no more a loyal friendship than that. We should all be so lucky as to have a friend like John Whitmire. I'm honored today to present this resolution, and I'm grateful to call John Whitmire my friend. Thank you, Mr. President.

**Senator Nelson:** Thank you, Mr. President and Members. I was going to talk about the power corner, actually. Thank you, Mr. President. I rise in support of this resolution and to congratulate Senator Whitmire on your 40 years of service to your constituents, to our state, and as Dean, to Members of this Texas Senate. When John Whitmire was sworn in as a State Representative, Nixon was President, gasoline was 43 cents a gallon, and I was a sixth-grade teacher who never ever imagined serving in this body. When I joined the Senate, Senator Whitmire had already served exactly the number of years that I have served in the Texas Senate, and I'm the longest-serving Republican in this body. Now, he's the longest-serving Democrat, as you know. The Dean, sometimes, Mr. President, does call this his power corner, but, Dean, I thought that I should explain to everybody the real reason that I'm seated back here. When we chose where we were going to sit, it was believed that my background as a mother and as a teacher might help keep Senator Whitmire in line. It didn't work, although sometimes when he grabs the mic and he's very passionate, I still find myself reminding him to use appropriate language. Instead, it was Senator Whitmire who became a teacher to me. And this seating assignment would lead to a friendship so treasured that the entire Nelson clan considers Senator Whitmire a part of our family. Some of you had an opportunity to meet my dad when he was alive. He was a World War II veteran, and he loved to come down here and watch the Legislature. In one of my early years, I was really stressing over how to vote on an issue, and my dad said, You need to go ask Whitmire, he's got a good head on his shoulders. Now, coming from Dad that was the highest compliment that one could give. And most of you know that my house was broken into over the holidays. My grandson found out about it, and first thing he said to me, Senator, was, Did you call Senator Whitmire, because my grandson knows that nobody in this state knows more about criminal justice than Senator Whitmire. I get to listen to the conversations when Senator Whitmire comes on the floor with the pages back here. And he always makes it a point to ask them their name. He asks them where they went to school. He helps them appreciate the magnificence of this building and takes the time to really interact with them and make them feel welcomed. I've seen how wonderful he is with his smart, beautiful daughters, Whitney and Sarah. There is no prouder papa than Senator Whitmire. Now, sitting back here in the Dean's power corner, I have learned a lot about John Whitmire. I have certainly come to appreciate his sharp sense of humor, which is, it provides much-needed laugh therapy sometimes when things get real tough on those tough days. I've also had a close-up seat to some of the best and most passionate speeches I've ever heard on the floor of this Senate. He is a champion for those who don't have a lot of champions in their lives, for troubled youth and victims of crime and even members of the chain gang, Senator Whitmire. Now, from time to time, Senator Whitmire and I disagree. And when that happens, I often hear him utter my most favorite Whitmire-isms, and he'll lean over and he'll say, Senator, if you and I agree on everything, that means one of us is not representing our district. That's what makes John Whitmire the perfect Dean. He's a Democrat; I'm a Republican. He recognizes that we both love Texas and, like everyone on this floor, are here to make a difference. When Senator Whitmire speaks as the Dean, he speaks for this entire body. He loves this institution, and that's not just the Senators but all the staff who support us. And he knows, he respects our Senate's traditions. He knows that when we come

together and put our collective resolve into something, there is nothing we can't accomplish on behalf of the people of this state. Senator Whitmire, thank you for your service in this body. Thank you for your friendship, and thank you for your leadership as Dean of our Texas Senate.

**Senator Hinojosa:** Thank you, Mr. President and Members. I, too, rise to support this resolution recognizing the Dean of the Texas Senate. And I've known Dean Whitmire since the early '80s when I was in the House, and we both had hair at that time, Senator. And let me tell you, as Chairman of the Committee of Criminal Jurisprudence when I was on the House side, I relied and depended a lot on Senator Whitmire on many pieces of legislation to improve the criminal justice system. But I always admired Dean Whitmire because he was fearless, never afraid to speak his mind and take on, if necessary, those in charge. I will also tell you, Dean, that used to be Dean Carlos Truan, whom I replaced, they made you the Dean of the Senate. And I appreciate your leadership. Many times when we have issues among ourselves, it's really amazing to see Dean Whitmire work his magic in the Senate caucus in a bipartisan way to protect us, to protect this institution that we all love so much, and for that, I want to tell you, I'm very happy for you. I'm very honored to call you my friend, and they told me since I'm your personal lawyer, attorney-client privilege, I shouldn't say any more. Dean, congratulations.

**Senator Patrick:** Thank you, Mr. President. Thank you, Members. I'm looking at this photo in here, Senator, that top one. It looks like a young Chevy Chase or Johnny Carson, one of the two. I would never know it's the same person. I was thinking, 1972, you began, I graduated from college in 1972, and that's been a long time, 40 years ago. Quite a record, third longest-serving legislator in the history of this great state. I did an unofficial count, 45 Senators have come and gone since you first came to the Senate. Forty-five Senators, and they say life begins at 40, if that's true for a Senator, then you still have another 20 or 30 to go, and then you'll break the all-time record. I wanted to share a couple of quick things with you, Members. Those of you who were here in 2007, my first session, remember that John and I had some pretty feisty debates on the floor, in the spirit of good debate, never disrespectful, but feisty debates. And sometimes afterwards, I'd call him or he'd call me and we'd just say, Hey, it wasn't personal, protecting your point of view, protecting my point of view, bringing an issue forward. And slowly but surely, John and I began a friendship. Because as Senator Eltife said, he's our friend and not just our Dean and a fellow legislator. But to really have a friend, what's required is trust. You don't become a friend of someone until you trust them. And so, it takes time to develop that. And over time, we developed a trust. And in 2010, John, the summer of 2010, Grover Norwood, who's here with us, he came up to honor you with his wife. I got a call from a friend of mine, Grover Norwood, and many of you are familiar with Grover; you've seen the movie, *The Heart of Texas*, and Grover had discovered this incredible seminary program at a prison in Angola, a seminary that over 16 years had changed the character of the men behind those walls, where it went from the most dangerous federal, I mean, state prison in the United States, to the least dangerous. Crime had dropped dramatically and the common denominator was the seminary program, in the mind of the warden. So, Grover wanted me to do something about it. And I said, I'm just a Senator, what we need is the Chair of Criminal Justice. And I'm on that

committee, but he's the Chairman. So, I called John that day on the way home, and I said, Senator, there's this program, and I started telling him about the plan, and before I could finish the plan, I'll never forget your words, because I asked him if he would go there with me, over to Angola, and he said, Anything that will help the men and women behind bars and to help protect our employees behind bars, anything that will make our prisons better, I'm all in. And I didn't know John. I mean, it's a big commitment to go with me over to Louisiana, and we went over, Members, and spent two nights in prison. I won't tell the whole story, John, when he was short a toothbrush. We were sharing a cabin together, but we spent two, can you imagine John and I in the same cabin, in prison—headline: Whitmire and Patrick go to prison together—and without saying, we were both really impacted by what we saw. And we were there for the graduation of those lifers who were becoming pastors. And they asked John to speak, and he wasn't prepared. He didn't know they were going to ask him to speak, and, John, you got up on that stage and spoke to about 400 inmates and their families. It's the best speech I've ever heard you give because it was from the heart. And I can remember pretty much what you said word for word, you thought you had seen it all. And you said, I'm going to take this back to Texas. And there were no public tax dollars involved. We raised the money and within less than a year, which is lightning speed in the Legislature and in government, we opened through his leadership and his guidance and his commitment, we opened the first seminary in the history of Texas in a prison, and only the second in the United States. We've already had the first class of 40. We have another class of 40. And I sent John a newspaper article the other day, already this is having an impact on that prison, that crime against inmates is already down in that prison, in the first year. And I think, John, of all the things that you have done to represent the people in your district, as Senator Eltife said, and the people in this state, that your legacy will be that you were tough on crime. And your friends from the law enforcement are up in the gallery to honor you today, as well as many friends around the floor, if you haven't noticed. But it's the men and women behind bars, and there's no question we have some really bad people behind bars that shouldn't get out, and you know that, as well as all of us, but we also know that they're human beings behind bars who have made a mistake, and at some point in life, are going to get a second chance. And if we don't do something to change the character and the hearts of those men and women, when they get out they'll return to a life of crime. And so, you are just as committed to keeping the bad actors behind bars as you are to making sure that those behind bars who have paid the price get a second opportunity in life to be productive citizens. And that will change lives. I'll close with this. We did a banquet about five months ago to raise money for our seminary, and two people came up to me afterward, and they said, Senator, I want to thank you because my son is in that prison and my son is in that seminary program and for the first time in my life as a mother, I feel like my son has a chance at life. And that's the kind of thing that John Whitmire works on this floor. As Jefferson said, a difference of opinion is not necessarily a difference of principle. We all want the best for our state. We can disagree from time to time on politics, but we all want the best for our state. And it's an honor to serve with you, John, it's an honor to be your friend, it's an honor to have that trust that builds long-term friendships. So, it's a great honor to serve with you. Thank you.

**Senator Uresti:** Mr. President, Members, good afternoon. I proudly rise today in honor of my colleague and my friend, John Whitmire. And as has been said, for 40 years he has ably represented his Houston constituents in the Legislature, and in doing so has rendered great service for all the people of Texas. Now, it's no secret that when I first came over to the Senate, the Dean took me under his wing. The jury's still out as to whether or not that was a good thing or not, but the Dean is smart, he's articulate, he's hardworking, he's—John, I can't read your writing—is good looking. But seriously, as the longest-serving Member of this body, Dean Whitmire has emerged as the conscience and the soul of the Senate. He exhorts us to follow our hearts as he does, to pursue the best interest of those we serve as he does, and to be honest and forthright in all our endeavors as he is. And as Senator Eltife mentioned, what I appreciate the most about Dean Whitmire is how he reminds us to put a face on it. You know, it was 40 years ago this month that John first took his seat in the Texas House. I was 10 years old, and my good friend Senator Hegar was three years old and still in diapers, I think. Well, 40 years ago, Elvis Presley performed a concert in Hawaii that was watched by more people than the Apollo moon landings, and, apparently, Elvis influenced the Dean's love of dancing, hence his name, Boogie. In addition to that, the Miami Dolphins beat the Washington Redskins in Super Bowl VII, becoming the first and only team to complete an undefeated season. Perhaps that inspired the Dean to the pursuit of legislative perfection. But there was another event in January of 1973, that I believe had the greatest influence on his political plans. Ferdinand Marcos became president for life of the Philippines, and, as I understand it, he wants to be Dean for life of the Texas Senate. Now, keep in mind, back then there was no Facebook, there were no cellphones, and I don't think there was air conditioning when the Dean first took over. But, Dean, I want to congratulate you on a milestone, and, Whitney, I want to tell you that the thing that I admire the most about your dad is that in the most serious, the most difficult, and the most delicate matters that this Senate has dealt with, at least over the six years that I've been here, I've seen your father cut through all of that and bring a balance to that issue and make it seem like everything is going to be okay. Dean, congratulations. Thank you for being my mentor, and thank you for being my friend.

**Senator Huffman:** Thank you, Mr. President, thank you, and, Members. Dean, it's with great honor that I get to stand up here today and talk to you. And I really don't have any notes so I'm just going to talk from the heart here. When I was thinking about what I would say, I was thinking about what all the different Members might have been doing in 1973. And I had the same jokes, you know, Schwertner and Glenn were actually in diapers the first time you came. And I was the age that my son is now. I was in high school. So, I think about, as I look around at all the Members, and I think about all the experiences and all the life that we've all lived while you were here in the Capitol doing work for your constituents. So, we've all been to college, we've raised kids, and y'all have grandkids and gone to medical school and saved lives, Dr. Campbell, you know, we've done all kinds of things. But you were here taking care of the people's business. That puts you in such a unique position, and to me, it makes you part of the fabric of Texas. And you are really part of Texas lore now, and I'm convinced that you will be the longest-serving legislator someday. So, you'll always be in Texas history. And I would be willing to bet that someday, if we live long

enough and we come back to this Capitol, that there's a picture of you in this Chamber, because I think that you have made such an impact on all of us that you will need to be forever remembered in this Chamber, and I mean that. You have a way of connecting with people, and everyone in here, I bet, feels like you are their friend. And that's a very special gift to have. We all feel like you are so special to us. Now, Dr. Campbell, you will probably know him least than anyone in here, because everyone else new was House Members. But I promise you, I'd be willing to bet you that when this session is over, that you're going to look over at that Dean and you're going to look at him with great fondness. And you would've had your differences. I'm pretty much looking at the two of you, sure that there's going to be some disagreements in this coming session, but I guarantee you, when you leave this session, you will have respect for him and you will love him. And that's a special gift, Dean. I am so honored and privileged to serve with you as your Vice-chair in Criminal Justice. I publicly thank you for letting me serve because I suspect I probably wouldn't be there if you didn't want me there. And I think it says a lot about you that you were willing to let me serve as your Vice-chair with my background and being a woman. But you took me in and I learned a lot from you. And hopefully, I've helped you see a few things my way, I think so. And I think we make a great team. So, I honor you today. You're my friend, and you're just such a wonderful Dean, and we couldn't do any better. Thank you so much.

**Senator Ellis:** Thank you, Mr. President and Members. I, too, rise to speak in favor of this resolution. I think that I have the distinction of having served with you the longest, being from the Harris County area. To the new Members of the Senate, Dean Whitmire gave me some advice when I came here almost 23 years ago. He said, Freshmen ought to be seen and not heard. I have watched him over the years. I don't think John Whitmire was ever not heard. It is interesting to note how he came here. In 1972 I was coming out of high school. John was only a few years older because he was 22 years old when he came. But prior to that year, we elected people under the old at-large system. So, if you were running for a State Senate seat, it was somewhere in the neighborhood of the size of a congressional district at that time. And prior to them running in 1972, if you ran for a State Rep seat, it was pretty close to what a congressional seat would be as well. Because of the Voting Rights Act, John Whitmire and a whole crew of people who never would have had an opportunity to serve in this building on either side had a chance to come. Because that legislation really created the system that broke away from that old at-large system of electing people. And although in a lot of ways it was intended to help the minorities in particular to be in power, John, you have never forgotten that it was that process that brought you here. I can remember your first time running for the State Senate. It was a tough race. I can't remember his name, but you had a very wealthy businessperson who self-funded that campaign. But you put shoe leather into that campaign. When I look at the pictures in the brochure, I notice Craig Washington there, and you all looked pretty good back then. I must say, you look better now than you did back when the picture was taken, but you and Craig were very close allies. And that was really how I started a relationship with you when I came here. The bio talks about all of the stuff you've done in the criminal justice area, and you have done a lot. Dan pointed out that you've been very tough on crime, but you've also been smart on crime. Everybody knows

that we incarcerate a higher percentage of people than most of the states in the country here in Texas. You've done a lot to make us much smarter on what we do in our criminal justice system. Couple of things had really struck me watching you over the years. I had a bill some years ago that essentially would've made it a bit more difficult to lock people up as opposed to giving them a second chance with certain conditions and giving them treatment. There was a young woman that testified before that committee. You singled her out. You saw something in her testimony. You saw something in her heart, and you offered that young woman a job, and she still works for you today. In the last session of the Legislature, we had a guy out of Dallas, Cornelius Dupree, who spent a record of maybe 27, 29 years in prison for a crime he didn't commit. I had him here testifying on a bill to increase the compensation for people who were wrongfully convicted and clear up some issues, a bill that Senator Duncan was the lead sponsor on. You found out this young man was still having to report to his probation officer, waiting for the paperwork to be completed so he would truly be exonerated. And while we were making points on the bill, you picked up the telephone quietly, called the probation department, I'm sure, said a few things that were in a certain vernacular that they could understand how sensitive the issue was to you, and by the end of that hearing, they testified, and that young man was off his papers. You made a difference in this body. Somebody said they wouldn't be surprised if at some point there's a picture up of you in this building 50 years from now. I wouldn't be surprised if you're still here 50 years from now. You've been a friend to all of us, and I'm glad that over the years you didn't opt to go somewhere else. Obviously, there were opportunities where you could've run for Congress. From looking at the war chest that I go through every once in a while, there are a lot of opportunities that you could've had and still have to run for the office. But, you choose to be here in the Texas Senate because you love this body and you love the work that you do. And for that, my friend, we're all very appreciative that you opted to stay here all 40 years and wish you God's grace to serve for many more. Thank you.

**Senator Deuell:** President, Members, I want to iterate what my colleagues have talked about, and that is the friendship that you've shown all of us. I came in 10 years ago and nobody knew me very well. I think you had even said you expected horns, but you extended a friendship and a respect to me and to my office, and I deeply appreciate that. I remember the first caucus meeting that we had and you used the term, protect the body. I really didn't know what that meant at the time, being new to the process, and I've come to deep appreciation for the fact that you want the Texas Senate to function in a dignified and honorable way so that we can do the people's business, and that's irrespective of the philosophical differences that we might have. You know that it's important that this body function in a way that honors the people of Texas that put us here, and that's something that perhaps is not appreciated by all Members, or certainly the people that work here, and perhaps not knowing very much of other people throughout the state. There's talk about term limits, and some people advocate them. Personally, you would be one that maybe comes to mind, but I can't imagine what this state would be like without your guidance in criminal justice issues. I think you had testimony here today about that and the effect, and I think the people make that decision about how long somebody serves. I think the people in your

district that continue to make a wise decision, and none of us really know how much longer we'll be here, but I look forward to serving with you in the years to come, and working with the issues that are important to you and your district, to me and my district, and all the people of Texas. Thank you for your service. Thank you for your friendship. Let's go get 'em. Thank you, Mr. President.

**Senator Seliger:** Members, ladies and gentlemen, with a nickname like the Dean's, I know people are thinking that sometime this afternoon comes the 10 minutes of humor. But that's not what this afternoon is about. In fact, this afternoon is not about what the publication says because it's not about 40 years of tenure. It's about 40 years of service, 40 years of conscience, 40 years of serving the people of the district and the State of Texas. In one of the publications that recognized Dean Whitmire as one of the best, there are qualities I think you'll agree that don't just describe the best performance during a Legislature, but a best performance in the tradition of the Texas Senate. It was said about Dean Whitmire that he is the reliable anchor that kept the Senate from drifting off into partisan storms. As he has often pointed out, there is a time for partisanship, but it is never, never justification not to work together and to respect one another. In another quote it said that the Dean at some point cautioned the Members about legislation that would harm solidarity in the body later. Our disagreements today must not keep us from working together and for the people of the State of Texas in the future. And finally, he argued one day against practices that would harm decorum, because at the end of the day, we must justify the respect the people of Texas should have for their legislative bodies. In 2004, when I first came into the Senate, my first committee assignment was to be the Vice-chairman of the Criminal Justice Committee. And I argued with the President then, I said, You don't remember, I think, that I'm the new guy, that I am thirty-first in seniority out of 31 and the Chairman of our committee will be our senior Member, surely that's too much of a labor for him. I will be the junior Republican in the party, and he is the senior Democrat, is that really what's best? I was so persuasive in fact, I spent the next six years as a Vice-chairman of the Criminal Justice Committee. And from the very first day I sat to the left of John Whitmire, my legislative priorities were important to him, my contribution was important to him. It was the very example of mentorship, leadership, and friendship. It means a lot and it's a tremendous example. Senator Huffman talked about the portraits around this room, and if you will look at them and think for a moment, none of them served in the Legislature as long as John Whitmire. While it's subjective judgment, I suspect that we would say, nobody cared more in this room and nobody was more committed to serving the people of the State of Texas than John Whitmire. It is my fondest hope that someday my grandchildren will be in this room with their children and there will be a portrait of John Whitmire. Unlike all of these poses here, there must be in that portrait the wry smile that describes John Whitmire. And I hope what my grandchildren tell their children is our grandfather served with John Whitmire, and he was a friend of John Whitmire, and that's a good thing in this body and in the State of Texas. About the same time that John Whitmire was elected to the Legislature, Aristotle said this: Dignity does not consist in possessing honors but in deserving them. I hope that I, and we, deserve the honor to serve here during the tenure of John Whitmire. Thank you for your service and your friendship.



**Senator Fraser:** John, I'm honored to rise on this great occasion, but somebody's made a terrible mistake here. Every year, you and I celebrate our birthday together. It's well-known that you were born three days after me. They're trying to recognize you for 40 years of service, and you and I are only 40 years old. How could that possibly be? I am extremely honored to be able to talk about one of my extremely good friends in the Senate and maybe my best friend in the Senate. We've got a lot of history. I'm sitting here listening to the conversations everyone are making. When I started this adventure back in 1988, even though that was 25 years ago, John had already been here 15 years then. Pretty amazing. I think about my time in the Senate. I get to thinking, I've been here awhile, but then I think about how long John's been here, that's almost twice as long as that, and the things he's done, he's achieved. John and I have had the good fortune of being friends for a long time. We didn't start out that way. We were, actually battled pretty good the first few days we were, in the first couple of years in the Senate. But as we started to spending time together, not only here, back having lunch, late nights discussing things, traveling together, golf games, we actually realized that it was amazing the common things that had happened in our lives growing up and the common background, the things that we had in common. And I've been very honored to be able to call him my friend. Back in 2001, John was getting a lot of seniority, and he had moved over in the corner of the building, and he allowed me to move in next to him as a suitemate. But you had to get his blessing, and I got the blessing, and he allowed me to move in on the first floor in the top corner of the building. Everything went well for a while, but after I had been there for a matter of months, he realized that I had a habit that really bothered him a lot, that I liked to have fajitas delivered to my office for lunch at least once a week. After it happened several times, John came up to me and he said, Fraser, the office stinks. It's terrible. Every time I walk in there, all I smell is onions in the office. So, we went back and forth, and it wasn't but a few days later, I came to my desk and opened up the drawer of my desk, and there was a bag of onions in my desk. Little did he know, by the time he got back to his office, there was a five-pound bag of onions in his desk. And we started a war going back and forth called the Fraser-Whitmire onion war. And that war continues today. I moved out of that corner of the Capitol. I didn't move, my staff moved. They moved me to the other corner. And it's really bothered me because I'm not sure how Whitmire is going to be able to live with not being able to smell onions over in that corner of the Capitol. And unfortunately, we're transferring that to Senator Zaffirini, and she's already warned me not to do that, but we'll discuss that one further. But, John, I wanted to make sure that you didn't forget me and the onion wars, and if you will open up your desk, the middle desk, there's a little present there to make sure you remember me. That's been there for a while, so that you will make sure you don't miss me from being your suitemate. John, I appreciated your comments, and I think the freshmen probably right now are not realizing how much they're going to appreciate the Dean by the end of the session. John Whitmire is, you know, we all have to vote our district, there are some partisan votes, but there's amazingly few partisan votes, and you're going to find out the tradition of the Senate and the fact that he's making sure he's covering you and taking care of you as a Senator. I think a lot of these freshmen, you don't realize yet how much you're going to appreciate the way that John runs the Senate and how he takes care of you as a

Senator. And I can almost bet by the end of the session, you'll walk over to him and you'll say, thank you for what you do for me. He's done a fabulous job, done a great job for his constituents. He's done a wonderful job for criminal justice. John, I'm honored to be your friend, and I'm assuming both of us are going to be around for a while longer and we will fight not only the battles on the floor but also on the golf course, and I'm honored to be your friend. Thank you.

**Senator Hegar:** Thank you, Mr. President, Members. The first thing I would have to mention is, I do stand to support this resolution that Senator Eltife, as you walk away, you made a mistake. I would agree the Dean listens to all sides, but I have a strong case of ADD, all y'all can vouch to that. My attention span is only so long. His is not long at all. So, you need to put in there, he listens to all sides, but only for a short while, because his attention span is not long enough to get the whole conversation. You got to get in about five words or less. And if you can say it in that, he's listening to you. But with all seriousness, Senator Whitmire is someone who does listen to all sides as long as you can say it in just a few words or less. And I'm glad to know, Senator Fraser, I've always wondered why his desk stinks so bad. I do not like onions and now I know. We'll know to get the Sergeants to clean your desk. Senator Whitmire, as I was sitting here earlier listening to our colleagues talk about different things about yourself and their appreciation for your friendship, for your love for this body, for your desire to do what is in the importance of your constituents and the people of the State of Texas, I was thinking about how today, in part, the difference between the two bodies. And, Members, many of you've served in the House, some of us haven't, the fact is, is we do things different in the House and the Senate. As I talk to new Members coming in, when they say, Can you tell me about the differences between the two Chambers? And I always like to say, Let me tell you about the similarities. Well, what are those? We both get \$600 a month and that's about it. They're different in everything else. But as I stand here thinking, the House debated for how long today on your rules? Yet, we took a whole couple of minutes on the Senate floor, and our rules are just as important as theirs. But in part of that why, that comes from leadership and that comes from the body learning to work together to understand that we're here to do the people's business, and in part, I think that's because of your leadership as Dean. And I say thank you for that. John, if nothing else, I didn't come here planning to talk, but I figured I had to stand up because I know it's just got to be eating you, listening to all of us talking and you have no rebuttal whatsoever. So, if nothing else, I hope every Member stands up and talks because that's driving him just a little nuts, having to sit there in that chair. But I would say, Dean, I did notice this picture that Senator Patrick pointed out. And you do look good at that top picture. And to tell you how much things have changed, it's amazing. Is that actually an ashtray that's right there on the front mic? That's amazing what things have changed over the course of the years that you've been here. But I would say nothing else, thank you for time and dedication in support of the Members in this body, the integrity, and making sure that we do the people's business, and I would also share all of our colleagues' comments that you are somebody that I would consider an absolute friend. And I know, number one, I appreciate when all of our colleagues, when my wife or three little kids are around here, everybody treats them with grace and respect. And you've been the utmost of that. My wife and I drove up

here today for, she drove with me, and we were in part, talking about that, how, as she passed you the other day and took a second, double look and said, Oh, you don't have the three ducklings with you, so I didn't recognize you at first. But you always do when you take that time, because it's about family. And I appreciate that. So, thank you for your service, thank you for your friendship. And wow, 40 more years, that would be amazing. I can't do it for 40 years. It's amazing that you could stay here that long. Congratulations, Dean.

**Senator Watson:** Thank you, Mr. President. Dean, I'm going to keep this short and sweet. I can't say it better than so many of our colleagues have already said it. I will point out, when I listen to Senator Nelson talk about the power corner, Senator Campbell, my first session, I sat where you sit, and one of the things I learned about the power corner is that it never quiets. It's always talking. It's almost like going to a baseball game and listening to the chatter when they're trying to strike out the batter and they just keep talking. It's just a constant commentary about, well, sometimes it even has something to do with what we're doing on the Senate floor, but rarely. And apparently, Senator Whitmire first joined the Senate, I don't know the exact facts, but he apparently first joined the Senate before we had electricity because he has no need for the microphone. In my first session, I'll never forget sitting there, and anytime that he wanted my attention, he would just bark out, Watson, and expect me to turn around and show back up. And I thought, I need to move. And you will notice, I moved about as far away as I could move. And yet, last session, I was sitting at my desk reading, minding my own business, and I hear, Kirk, Kirk. And I think, is he really yelling at me all the way from his chair? And I look, and sure enough, he was standing on his tiptoes, looking over at me, wanting my attention. It's constant. The chatter is constant. Dean, I just want to say this. Among all the things that's been said, I want to reiterate, you are perhaps one of the most instinctive political figures I've ever had the pleasure of being around. You're smart, you care deeply, and I think that instinct comes from that deep care about people. When you stop and think about 40 years, and you try to put, as you say, a face on it, and you try to think about the number of faces, the number of people that you've touched or that you've helped or you've made their lives a little better, there's not a person in public service today that shouldn't aspire to that sort of record. You, as it's been indicated by your colleagues, you help make this place special. You help make service here more meaningful. And I want to stand and share the thought with those who have said that it's an honor to serve with you because, indeed, it's a great honor. Thank you, Dean, for all you do.

**Senator Van de Putte:** Thank you, Mr. President and Members. My apologies for not rising to speak on this resolution, but I greatly appreciate the opportunity to add my voice. Dean, you have heard the comments of so many colleagues and how much they cherish you and they respect you. What I'd like to comment today is something maybe that has not been touched upon. And that is your ability to cherish and choose your friends. I've known you for 22 years. At the time that I was first in the House, and you may not remember that over the probably hundreds and hundreds of bills that you have authored and sponsored, but as a little bitty, itty House freshman in 1991, I had a very important bill, at least, we all think our bills are important, and it had to do with the ability of us to prevent childhood poisonings and the poison control bill. When that bill came over, it wasn't necessarily in your committee, but you had an

interest, and you may not remember it at the time because of the thousands and thousands of constituents that have called your office over the course of your service, but there was a young mother who had lost her 18-month-old because she didn't understand and didn't know who to call about when her child ingested something. And you were such a champion on that, not just because of what the statistics showed or because we had a method of finance, but because it touched a child in your district and one of your constituents. The number of measures that you have done in this body because someone called your office, you pick up the phone, you try to find a remedy, and, if it is systemic, you bring it to the Capitol. That takes an uncanny ability. Your ability not only to choose your friends, as you see here, but, Dean, all of us in the Capitol respect the way that you have the wonderful ability to choose great staff. Over the years, your office has been the center of some of the brightest and best and hardworking staff people. At your district office and, certainly, in this pink dome, and that is that the 22 years I have known you, that your staff has been known to know the issues, they develop it, and I know partly that it is how you like to surround yourself with people who are sometimes smarter than you are. But you treasure that. On a personal note, the only time I've ever seen you in agony isn't exactly when this Chamber was going to be in a meltdown or when a piece of legislation that you really cared for wasn't going through or your inability to stop a piece of legislation or policy that you thought hurt this state. The time I saw you in complete agony was at the bedside of your dearest friend, Mario Gallegos. I saw a man who knew that the end was near, and as you comforted Mario's family and those of us there, I know that it was difficult for you because you were losing your best friend. Thank you for giving our friend Mario the opportunity to correct his life and to bring him to sobriety and to bring him to be able to have that first transplant for another five and a half years so that he could serve in the State of Texas. It takes a great friend to help another friend confront their demons, and I watched you do so with grace. I know that if Mario were here today, he'd be the loudest one in thanking you. And I want to thank you today on his behalf. Tomorrow we will be able to honor him, but I could not let this day go without realizing your greatest asset, and that's to never give up on someone even when they've given up on themselves. I know that you love this body, and partly, I think you and I have shared that love of sports and the competition. You like the rules to be fair and you like a good game. Even if your team doesn't win, you like a good game, and you and I have watched football games, baseball games, and basketball games. I'll close with this, and that is that you and I were sitting at one of the many Rockets-Spurs battles, I think it was playoff series, and, yes, we probably snuck away from the Capitol to either go to Houston or San Antonio to watch that. And as we were sitting together, I commented that the Spurs were given a call, but it was a makeup call, and the Dean turned to me and he said, Leticia, you really know basketball, you know your sports. And I said, I love sports, but that makeup call was like you voting for my bill yesterday, after you told me you were not going to vote for it, but you did because you fought me on a matter earlier in the day. Thank you for recognizing that, that you can help people in this body with what they believe is important. Maybe that your love of sports and competition is just the perfect simile for this Senate Chamber except that we're not compensated very well. You love the challenge. You love a good fight, but you like it to be fair. And you do your damndest

to make sure that all of our fights or disagreements are fair. Thank you for putting out the fires sometimes, and thank you for your diligence on preventing this body from going into meltdown. So, maybe I should call you the Ice Man, like the great legendary Spurs player, because under pressure you keep cool, and you're always on track. Thank you, and may God bless you and your family for many more years of health and success. Thank you, Dean.

**Senator Lucio:** Thank you, Mr. President. Dean, you and I have been colleagues for 26 years now, four years in the House that I served, and 22 years here. Many incredible things have happened over those years, and looking back, you've been right in the middle of all of those great things that have happened to our great state. I do have to look back, though, and I have to share a moment in time, a time where, 1993 when Senator West and Senator Shapiro and a few others came on board. We were at the Clements building, and they were redoing the State Capitol here, Wendy, and Governor Bullock saw fit to make sure people sat where he wanted them to sit. And the unfortunate thing for me and the late Frank Madla, he sat us right in front of John Whitmire, I mean, smack in front. Now I know why Kirk Watson sits completely the furthest away from him. But for a whole session, we heard loud things, constant things. Frank and I took off our hearing aids thinking it would be a better way of life for us, and it got worse because he just raised the level of his voice. It was a tough session having to sit there in front of the Dean, and, quite frankly, Frank and I were really never in our chairs, we tried to stay away and talk to the Members away from our chairs because he talked so much. But we got things done and, quite frankly, at that point, the Dean served as someone that we could turn to and ask support from. I got a little uptight a little while ago when I heard Senator Fraser talk a little bit about golf. I thought he was going to say that John was the biggest cheater we ever played golf with, but he didn't. Thank God he didn't, but I'll say it. I've questioned a few of the things he's done, but anyway, he's the only one that was able to beat Buster Brown without warming up when we went out to play golf once in a while, in the old days when we had time for golf. We don't anymore. I think in looking back over the last 22 years in the Senate especially, I think most meaningful for me, Dean, has been the fellowship meetings that we've been able to sit down and come together, Democrats, Republicans, sitting down and sharing with one another and trying to find a way of making sure that this body functions the way it was intended to function: one for all and all for one in behalf of the people of this great state. I want to congratulate you, and I know there's so many other things that we could probably say. You're just a very lucky guy that all those Senators that have come before you are gone and they're not here to, they would've reflect back on their experiences with you as well. But the new ones will soon find out what you're all about, John, and I'm looking forward to a great session with each and every one of you. Thank you, Mr. President.

**Senator West:** Thank you very much, Mr. President. And, John, I'm not going to be long, but I can recall back in 1993, as Senator Lucio was talking, I'd heard of John Whitmire but had never met him. And the first time I saw you, you were walking down the halls of Clements with a toothpick in your mouth. I said, He's a good guy. And you haven't changed much either. When you start thinking about John Whitmire, I could go and pretty much say some of the same things everyone else has said. Here's

the summation of the argument in terms of John Whitmire. You are a good man. Now, just think about that. Everyone on this floor has said that John Whitmire is a good man. Well, what have they said? They've said that we, each of us have been able to come to you in different moments within our legislative careers and talk to you, confide in you, even though it may very well get out a couple of days later, but we confided in you anyway. Think about this. You remember years, several sessions ago when we got ready, Mr. President, to give seconding speeches to our Senate Pro Tempore and we decided and said, well, you know, let's cut down the speeches and let's give a few. On this day, most of the Members of this body are talking about their relationship with you as a good man. You think about the institutional knowledge that you continue to share with us. You think about your demeanor, yep, all of it. Now check this out, for the new Members, you watch and see when he gets ready to get up and debate, okay. You'll see what we're talking about. When we get ready to debate with you all, we start off in a very civil tone, then all of a sudden John Whitmire does all that. But it shows the passion that you bring. You are a good father, says a lot. You're a good parent. And that's, the testament of it is that your daughter's sitting right there with you. That's incredible. You are a great statesman, as evident by your tenure in this body, and the respect that each and every one of us has for you. When we don't always agree, and that's fine, but the reality is that you want to make certain that this body is respected and that whatever political, partisan issues that we have, it's okay to have those things, but we've got to put the best interests of this body above all of that. You are a friend to Patsy Spaw, the Secretary of the Senate, Lieutenant Governor, and many of the staff persons that are around here. You've been serving in this body, when did the Vietnam War, was it 1973 when the Vietnam War was over with? You've been serving ever since that happened. Secretariat. You've been serving a long time. Boogie, boogie fever. Many of us even call you Boogie. Boogie night. It just goes to show you exactly how we feel about you. And here's the other piece that many of you that are just coming to the body, or on the outside, don't know. Even when we leave our work here at the Senate, you would think that most of us don't want to be associated with another outside after we leave work, but that's not the case with this Senate. You will find us down at the Austin Club watching basketball games together. You will find us in different spots together in this city. You will have John Whitmire, Craig, calling us at 10:00 or 10:30, and say, Where are you? Come on down here and join us. And people will get out of their beds and come and join Senator John Whitmire. So, my friend, yes, I said friend, he's a good friend also, you're a great statesman. You're a good man. I consider you a friend. You're a good parent. What more could we ask of a Member of this body?

**Senator Nichols:** Thank you, Mr. President. I also rise in support of this resolution. The, in the spirit of some of us, something Senator Hegar said, I promised to keep my comments short, because I know you will appreciate that. Related to one of the things Senator Watson said, I agree with him, this is a pretty noisy corner back here. I cannot tell all of you in the audience how many most interesting stories I have heard over the last six years in this corner. Mr. President, I know you try to keep order, or you do keep order in the house, but I recognize, we all recognize you've kind of given up on this corner a long time ago, I think, as far as the noise level. But, and also something else Senator Eltife said a while ago, one of the things about putting, your

comments always put a face on things. I also remember one of the things I think about often on the floor when we get into some issue, when you stand up and say, Members, you really need to stop and think about this. I remember numerous times in my six years you've said, stood up and said that, and I can tell you from this desk that's like a big yellow flag rising high. And what you're thinking about is not only the impact of what happens here in this Chamber but the impact of the people of this state. I have really first met you almost 16 years ago in a different capacity. I served for eight years. I've worked some with you. For the past six years, I've worked closer with you. Every time I've ever asked you, would you give me the time to talk about something, in every case you always did. For that I thank you. I will also say in the last two years, particularly, last 18 months working on Sunset, I've probably had more time to work closely with you on a lot of serious issues that we deal with at Sunset, and in every case I think it's very important for the people of this state to know that every decision you made that I heard, even in confidence, was always what is best for the State of Texas. For that I thank you. For being a friend, I thank you. And for your 40 years of service of the State of Texas, I also thank you.

**Senator Davis:** Thank you, Mr. Chair. I proudly rise to speak today on behalf of our friend, Dean Whitmire. Dean, I want to tell you that you exemplify a lesson, my favorite lesson that I learned when I was in law school. I took a class called the Warren Court, and for those of us who became lawyers, via law school we know that most of our classes are our precedent-building lessons. You learn how the law shapes and develops over time, but you hardly ever ask about the people who were behind it, who shaped it. One particular class that I took was called the Warren Court and our professor had one message for us to consider throughout that semester in that class, and that was to think about the nine Anglo men who made a decision to desegregate our public school system in the United States. And he asked us to read biographies or autobiographies on every one of the Justices of the Supreme Court and to consider what it was about each of them, their unique experiences in their lives that made them able to consider and to represent the perspective of people whose shoes they'd never walked in. When I think about you and your leadership on the Senate floor, I'm reminded of that lesson. Many might look at you and think you aren't capable of considering what it might be like to walk in other people's shoes. But somehow, when you started here at only 22 years of age, you brought with you the ability to do that. I hope one day you will write a book about your 40 years here, but I also hope that you'll talk about what it is in your life experiences that brought you to be able to talk on behalf of people whose experiences you've never shared. I've only been here for two sessions, and I've heard you give some of the most inspiring speeches on this floor, and always, your most inspirational speeches revolve around talking on behalf of people whose life experiences you personally do not know. Whether it was in voter ID debate or sanctuary city but, very particularly, I want you to know how much I appreciate the way you've spoken on behalf of women. We all like to tease about your love of women, but I know that you truly do love women because of the representation that you've given, not only to women in your district but women throughout the State of Texas. In the last few sessions, you helped us to pass some very important pieces of legislation, and I want you to know how much I personally appreciate your assistance on the women's shackling bill, on the rape kit bill. And

most importantly of all, I want you to know how much I appreciated the speech that you gave on this floor on behalf of a woman's perspective from your office when we debated the sonogram bill. It was powerful. You have clearly demonstrated that you hear women's voices, Senator Fraser. And I want you to know how much I appreciate working with you and how much I've learned from watching you and hope to learn for many more years to come with you on the Senate floor. Thank you, Dean.

**Senator Rodríguez:** Thank you, Mr. President and Members. I rise in support of the resolution. I want to tell my freshmen colleagues here, see, I'm still talking like a freshman here, my first session about John Whitmire. When I first ran for this position, I had been elected in the primary, but I still had an opponent in November. And I happened to be in Austin in one of those many receptions that we all know about, and Senator Whitmire, afterwards, surprised me by inviting me to go out to dinner with him and some other folks, and of course, I was in awe of the fact that this is the Dean of a Senate. I hardly know the man and he's invited me to join him and some of his friends at one of our local watering holes here, good restaurant, watering hole. And I'll never forget that because it made me feel that I was a person that would be welcomed if I would be elected in November here in the Senate. So, I want to thank you for that, I've never forgotten that. And I also want to thank you for relentlessly grilling me on the legal services bill, as I recall. That was one grilling that I still haven't gotten over, as a matter of fact. And especially since you had let me know, kind of like what, I think, Senator Van de Putte or somebody said, you had indicated you were against the measure, but you ended up, despite all that relentless grilling, voting for it. And so, I thank you for that. I learned something from you in that regard. And I also want to thank you for, as a freshman, I guess after listening to some folks here, allowing me to be heard and not to be seen, because just last week you were reminding me that freshmen, he was telling me this, colleagues, that freshmen should be heard and not seen. But he didn't say that to me, as I recall, during my freshman session. And consequently, I think I overdid it, if I'm not mistaken, my colleagues here would agree, in speaking out. And I have to tell you that, as Senator Davis said, I have the utmost respect for your ability to convey sentiments and feelings and the message on public policy issues that we deal with here, especially to be able to do that when you've been out in one of your famous or infamous all-nighters. I'm going to call it an all-nighter because there was not one time that you and some of your colleagues invited me to one of those, and I remember being out late and the first place, the next morning, realizing that I can't keep doing this. I just am not up to it. But in the second place, realizing when you were here making that speech on the sonogram bill that despite your being out with us all that time, that you could get on the floor and deliver the kind of speech that Senator Davis was referring to, just was amazing to me. And I recall, distinctly, telling my wife of how tremendously impressed I was in your ability to speak so forcefully, knowing that you had been out all night, and probably not that much preparation for it. So, thank you for all of that, Dean. I want to thank you for your service to the State of Texas. As county attorney, I handled a lot of juvenile cases over 17 years, and you taking a very strong lead in those issues, and I believe a lot of young people in this state, and the



public at large, the taxpayers, have a debt of gratitude to you because of, as somebody put it, your smart approach to crime and trying to actually change people's lives in the process. So, thank you for your service, Dean, and I appreciate your friendship.

**Senator Duncan:** Thank you, Mr. President and Members. I didn't intend to be last, just changed my mind a couple of times about when I was going to talk. But, well, John, you're the master of the metaphor, and I think this Senate knows it. You are probably one of the most effective persons in debating a bill and also controlling the flow of what goes on on this floor. I served with you on Finance for, I guess, 10, 12 years now, and he's formidable on Finance, so formidable that I've had to change the names of some of my good programs just so that he won't recognize them. You don't want him to put a face on the boll weevil bill. So, we changed the boll weevil bill to integrated pest management. And I got so tired of hearing John gripe about the brush control program that we changed that to urban stream flow enhancement, and we never hear about it anymore. But, John, I think from what you've heard today, you've set the standard for the Dean of the Senate. And those that follow you will have very big shoes to fill, but I believe, as we've heard today, the standard has been set. So, thank you for doing that, and thank you for being our leader from the position you sit over there.

**Senator Whitmire:** I say to, certainly, the new Members, knowing when to speak and when not to speak is real key to be an effective Member. And I'm going to violate that because I probably should say thank you and sit down, but I'm not going to because I thought I generally knew what goes on on this Senate floor, and I'm totally taken back. When's the last time I wore a sport jacket and sports pants? I must say something, though. First of all, Senator Campbell, I could not have done what I've done the last 40 years without divine intervention. To knock on doors, as a 22-year-old college student, be elected with George McGovern on the ballot in 1972 took something spiritual. And I haven't forgotten that because I go about my work knowing that I'm placed here for a special purpose. And simply put, if you treat people like you want to be treated, it will work. And I'm also reminded, my mother said, You're known by the company you keep, and she'd be very proud of me today with the company that I'm keeping. I must thank my parents who gave me my values, gave me an opportunity, even though they divorced when I was seven. One took me to Hill County and I lived in a rural setting, so I had rural values, Senator Nichols. And then crying, against their wishes, we went back to Houston as a ninth-grader, so I got big city opportunities. So, I honestly have to thank my parents. And another thing I also remember as I go about my work, that I would hope that you would remember, is that you don't get anywhere without the help of others. Didn't have a lot of help in that first campaign, but I did have help, and I've had help every step of the way. My daughters, honestly, have been my strength, my staff, and I've been very blessed. But what I really stood up for today is to talk about this institution and the people that sit here with me, those before me but, most importantly, those that are going to share responsibilities this spring. Yes, I've had some accomplishments, and, John, I listened to you. While I was doing this, y'all were going to school. I had one Senator one time, Senator Shapleigh was kind of fussing at me about something. I said, Shapleigh, don't try to explain that to me, you were in the eighth grade when I was taking care of that community. But also, know that while I was here, you were busy preparing yourself

and also fulfilling other obligations. And I stand here to let people know, as has been enumerated in my life, most of what we do, people don't even read about, don't even know about, scores of accomplishments where you have made people's difference in your communities. And, Senator Birdwell, I heard what they said about me, but let me just salute you. What you've done for our country and your suffering and your pain and your strength and to be a survivor, I could never compare with your accomplishment. And I would actually honor this gentleman, as I stand here before you, you're a miracle, and divine intervention is present with you there. I can look at my good friend, Juan Hinojosa, Vietnam survivor. Many folks, fifty-some-odd thousand, Senator Hinojosa, did not return. And I could go further and talk about you being deported with your migrant undocumented mother. I could never compare to your standards of survival. And I can go through this floor and talk about the success stories and the heroes, our Lieutenant Governor having served his country in our service. So, let me just say, thank you. I think I'm here for a reason. I hope the best is yet to come. I want to thank everyone, Lara Wendler and others that chose to do this, I would've voted against it. In fact, I'm going to take a new view of the resolutions that we bring to the floor. I have fussed on many occasions that we spend too much time on resolutions, but, you know, you have to be flexible in this business and be willing to compromise. In closing, thank you for allowing this special day. I'm committed to you, this body. And I will close by saying, the way you can really honor me on this day is to commit ourselves to the very, very best session that we can have and leave the politics and the partisanship at the hall. I understand we have to get elected. We have to be members of a party to get elected, but certainly, we all, and we got off to such a great start last week, to pass the rules 27 to nothing. I told the Lieutenant Governor after that meeting, I said, Governor, there's some really good chemistry in our caucus, people are really ready to deal with the people's business. We'll disagree, but we can do it without being disagreeable. Thank you for allowing this very special day for me and my family. Mr. President, thank you for allowing us to do this. Thank you, Members.

# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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## FOURTH DAY

(Tuesday, January 15, 2013)

The Senate met at 11:04 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, 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.

Lieutenant Major Dale Brynstad, Acting State Chaplain, Texas Military Forces, offered the invocation as follows:

My gracious heavenly Father, You raise up leaders and You gift them with all they need to lead the people under their charge. Therefore, I lift up the Senators and their staff of the 83rd Legislature and ask that they might walk in wisdom and discernment and the strength to do what is right, so that we as Texans may live in peace and continue to prosper. Help them to be ever mindful of the lives that they affect because of the decisions made here. Forgive where the things of the world cloud the responsibilities they carry. Bless and protect their families so that they are free to concentrate on the duties of leading the great State of Texas. Also, be with our soldiers, sailors, and airmen who can't be with us as they are in harm's way. I ask that You bring them home safely and let our land rejoice at their return. So, Lord, it's into Your hands I commend these men and women, and I trust in Your mercy. Amen. The Lord bless you and keep you, the Lord make His face shine upon you and be gracious to you, the Lord lift up His countenance upon you and give you His 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.

## LEAVE OF ABSENCE

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

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Tuesday, January 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:

**HCR 27**

Geren

Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, January 16, 2013, and ending on Tuesday, January 22, 2013.

**SCR 5**

Eltife

Sponsor: Geren

Inviting the governor to address a joint session of the legislature on January 29, 2013.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**PHYSICIAN OF THE DAY**

Senator Nichols was recognized and presented Dr. Ron McMurry of Jasper as the Physician of the Day.

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

**SENATE RULE 2.02 SUSPENDED**  
**(Restrictions on Admission)**

On motion of Senator Whitmire and by unanimous consent, Senate Rule 2.02 was suspended to grant floor privileges to the family of the late Senator Mario V. Gallegos, Jr., during the deliberation of **SR 11**.

**SENATE RESOLUTION 11**

Senator Whitmire offered the following resolution:

**SR 11**, In memory of Senator Mario V. Gallegos, Jr.

The resolution was read.

**(President in Chair)**

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

On motion of Senator Whitmire, **SR 11** was adopted by a rising vote of the Senate.

In honor of the memory of Mario V. Gallegos, Jr., the text of the resolution is printed at the end of today's *Senate Journal*.

### GUESTS PRESENTED

Senator Whitmire was recognized and introduced to the Senate family members of the late Senator Mario V. Gallegos, Jr.: wife, Theresa; daughters, Ali Gallegos-Templer and Melissa; son, Mario Elias; sister, Maria Gallegos; and a host of relatives, friends, and senior constituents from District 6.

The Senate welcomed its guests and extended its sympathy.

### REMARKS ORDERED PRINTED

On motion of Senator Whitmire and by unanimous consent, the remarks by Senators Whitmire, Deuell, Lucio, and Van de Putte regarding **SR 11** were ordered reduced to writing and printed in the *Senate Journal* as follows:

**Senator Whitmire:** Thank you, Mr. President and Members. I guess, first let me say, I wish Mario was hanging with me. We all had a lot of fun last night and Mario was missed. Mario is definitely, as you know, a soulmate of mine. But let everyone that can hear my voice know that the entire Senate membership is a family. We meet, we consult, we live, we laugh, we cry together, so we have, literally, lost a family member. Theresa, you're in his chair. The fine Dr. Deuell, representing this body when we were sworn in last week, chose to not take the seat that now, by his seniority, allows him to take. What a testimony to this recognition that Mario is still present on the Senate floor. I know I speak for each of the Senators in this body, also, Armando Walle, State Representative, one of Mario's State Reps, Ana Hernandez Luna, Carol Alvarado, which is so well documented, State Representative, was so close to Mario, and he has high hopes for her. You know, I decided this morning when I was traveling to the Capitol, Theresa, I'm not going to shed any more tears for Mario. Let me just set the tone right now. We had great services for Mario, one of the most beautiful memorial services here in Houston. In the burial service, the young priest made an impact on my life through Mario's service. He said, our life is a book and the final chapter is not written until they have a service for us. Really made an impact, Theresa, that young priest let us all know that life is so uncertain and short. So, Mario continues to impact all of us. And let me just stop and recognize, because Mario would want me to do it, there's 90 seniors from his district present here, from Representative Hernandez's district and Mario's constituents. Y'all please honor Mario by standing and letting him know that, of your presence today. The seniors from his district, would you please rise? Thank you. I know how often Mario, y'all rise, rise and let us honor you. Thank y'all. And you honor Mario by your presence and you honor us. Like I said, I'm not shedding any more tears. At the graveside, I couldn't stand to hear the fire bells that were sounded to let other firefighters know that one of their colleagues had been lost. But this is definitely a celebration. And let me spend a couple of moments and tell you why we're celebrating. What a unique and special person, and everyone is unique and special in this body, but Mario takes first prize. He could make you laugh so hard, Jane, and he could also make you so mad,

because none of us are perfect, and Mario was the first to say that he wasn't perfect. But I can't tell you how proud he was when he went back to U of H in the mid-nineties as a Senator and got his degree. He wore that Cougar ring so proud. I could just go on and on and talk about what a special person he was, and I will emphasize, and I still need some help. Theresa, you be the deciding vote. I would love to know if Mario, if the Lord said, Mario, you can be a firefighter. Now, let me give you his background why he was so proud to be a firefighter. Can you imagine being the son of Houston's, one of the very first Hispanic firefighters? He grew up to be a firefighter, joined straight out of high school at 18. And you ought to hear some of his stories when he was on an ambulance run and who they would pick up and take back to the station, and I won't divulge, but once or twice, our confidential conversations, but they had fun. He wanted to be a firefighter because he grew up to be a firefighter whose father later went to Brownsville, Eddie Lucio, and was your first Hispanic chief in Brownsville. So, Mario wanted to be a firefighter. Then he gets an opportunity to go to the Legislature and then to the Senate. If the Lord said, Mario, you can either be a firefighter or you can be a Senator, but you can't be both. I would love to know. The good news is, the Lord is good and allowed Mario to do both. How many times, he just wouldn't tell you once when he was speaking on behalf of firefighters' pension, civil service, that he was a firefighter. He told you several times. He was so proud. He loved his family. We all love our family, but Mario was family number one, and they were so special. His sisters are here. His children are here, his grandchildren, and, I guess, where are all of the little ones this morning, Theresa? They're in the corner over there. He was so proud of them. But, anyway, it is what it is. Mario was taken too soon, but let me just assure each and every one of you, he got all there was to get out of every day on Earth. And the good news is, he's not in pain anymore. He's watching us. He's going to be judging our session. He has high expectations for us. I won't get political, Dan, but we know how strongly he feels about issues and representing his district. So, Mr. President, on behalf of this entire body we want to recognize, Theresa, Mario's public service, the contributions he's made, the difference he's made in our lives. We're better people, we're better Senators because Mario came through these halls, but we also want you to know we feel like he is still present with us. We have decided to honor Mario by having several Senators speak. All 31 would be more than proud and anxious to stand and speak. The fact that we have divided that responsibility among four of our colleagues is representative that we want to speak as one voice. We have four outstanding Senators close to Mario that would like to speak on behalf of this body today. If we can ever do anything for the Gallegos family, anything that you can think, these children's education, any red tape, any response that you need from this body, we are your family and always be available in your lives. With that said, Members, I am proud to present this resolution to someone that we're celebrating his life today because he is a very special colleague. And I guess, the thing that stands out is, Harris County's first Hispanic State Senator. You would have to be a member of that community to know how for generations the community has felt underrepresented. Mario never forgot where he came from and would want to be recognized, probably more than a firefighter and a State Senator, as Houston's first Hispanic State Senator. Thank you, Members.

**Senator Deuell:** Thank you, Mr. President, Members, and I really rise to support the memorial on behalf of all of us in this body. I go back to my first day here in January 14th in 2003, and I'm sitting there where Senator Uresti is sitting now. And Mario was sitting where Senator Nichols is. And my mother had come down from West Virginia and family. And Mother was just sitting there, and she was kind of listening to Mario, who I barely knew. And she said, This guy's going to be a good friend of yours because he's got a great sense of humor and that you both have a warped sense of humor and you'll get along just fine. And that was absolutely true. And really come to appreciate the interaction between Mario and his friend, Dean Whitmire, and it is kind of an interesting corner back there. But we talked, we compared notes. I grew up some in South Oak Cliff part of Dallas and West Virginia, and both of us, under somewhat not ideal circumstances. And I think that helped us get along and understand each other but from different worlds, but we were friends, we were close friends. And what I came to gather about Mario is that he cared, he really cared about his constituents. He cared about his family. Sometimes Mario would not be in a particularly good mood, and the way that, I don't know if he realized what I was doing, but all I had to do was come over and ask him about one of his grandchildren or his family and immediately his mood would change. And that's a testimony to how much he loved you. He could go from being very angry about an issue, not angry, he's not an angry man. But all I could do, we'd start talking about a grandbaby, he'd have a grandbaby up there on the screen, and it would just immediately change him. But I appreciate his service as a firefighter and the risk that came with that. And we talked about he was an EMT and talked about medical issues and, certainly, appreciated his service in the Senate. He had demons, as we all do. Teddy Roosevelt wrote a friend once that said, there's not one of us that at some time does not come under the influence of the dark clouds, but he said that it's not having been in the dark house that counts, but having left it, and he certainly left it, came to terms with his own health and his mortality and came to terms with the Lord and his friends. And I think, you know, he passed away knowing that Texas was a better place because of his service as a firefighter, EMT, House Member, and Senator. And some people, I see this as a physician, they really pass away not really knowing if they made a difference, not really even knowing if they're loved. And I think this body and his family made sure that when Mario joined the Lord that he knew he was loved on this Earth. And as I mentioned at the memorial service here, John Kennedy mentioned in his inauguration that we should go forth and serve this land that we love, asking His help and His blessing and knowing that, surely, God's work on Earth is our own. Mario knew that, and I hope that this body will continue that legacy. Thank you, Mr. President.

**Senator Lucio:** Thank you, Mr. President and Members. It is with a very heavy heart that I rise today to remember my dear friend, Senator Mario Gallegos, and I, too, speak in behalf of the body here today. Throughout his life, Mario did so much and meant so much to so many people that he met. As a young man, he was an all-city basketball star at Milby High School in Houston, and he spoke to me about his great days. And I loved to hear him because I was a former basketball coach back in the '60s myself. He was a decorated firefighter following in a proud family tradition that continues today, as was mentioned by Dean Whitmire. He was a very devoted

husband, father, and grandpa. And I'm so honored to say, I was able to meet several of his family members present here today out in the hall and, obviously, over the years. Finally, he was a very generous, compassionate, and dedicated public servant. He spoke from the heart, always spoke from the heart. So, Texas has surely lost one of its greatest sons. In terms of a legacy, it's enormous. He served with distinction in the Legislature for 22 years, first serving in the House since 1991. I think he came in Leticia's class in the House. When he joined the Senate in 1995, he was the first Hispanic, that was mentioned, State Senator elected to represent Harris County. Throughout his career Mario fought hard for the interest of his community. Senate District 6 could not have asked for a more engaged and zealous advocate. Few people knew Houston as well as Mario. He gave me a few tours, and no one could mistake the passion and sense of duty he had for the city. Mario also tirelessly fought for communities across Texas. We traveled to West Texas and other parts of this state during our years together serving in committees, meeting a lot of wonderful people along the way. He was always greeted so warmly because of his character. He worked to end historic discrimination across the state. He tirelessly advocated for teachers, policemen, and firefighters. He championed efforts to improve the quality of life for senior citizens and the disabled. He loved some of the bills that I was carrying so much, he wanted to make sure his name was on them. He worked to ensure that Texas kept a strong, working middle class, and he fought each session to ensure that all Texas children had access to a quality education and to health care. Certainly, all of us here in the Senate know of Mario's health and his issues with it, his health. As some of my colleagues have already mentioned, in the last year or two, especially when we talked about Mario, Mario never let his health stop him from serving. Most famously, of course, Mario defying doctor's orders and set up a hospital bed, right in there, in the Sergeant's office. And so that he could, during the 2007 voter ID debate, be there close by. He shouldn't have been here. We know it, he knew it, but he was. He was recovering from a liver transplant. Still, according to the *Texas Tribune*, Mario said, quote, My constituents feel strongly about this; as long as I can stand, I need to be here. That is the mark of a great legislator. Though I am saddened that Mario was taken from us so early, I am comforted to know that he was surrounded by close friends when he passed away. Mario's sister Cindy said that during the last days Mario might have had as many as 50 visitors at a time crammed into his Houston hospital suite to say goodbye. The room was never empty during the days that I was there. I was privileged to visit Mario in Houston and say goodbye. I know that several of my current and former Capitol colleagues were able to visit or speak with Mario before he passed away, including former State Representative Al Luna, former State Representative Gerard Torres, former State Representative Diana Davila, former State Representative Roman Martinez, and former State Representative Rick Noriega. Also, former State Representative, now Congressman Pete Gallego, Representative Jessie Farrar, Representative Garnet Coleman, Representative Carol Alvarado, who was constantly there, Representative Ana Hernandez Luna, Representative Armando Walle, Representative Senfronia Thompson, Representative Sylvester Turner, Representative Mary Ann Perez, Representative Joe Moody, Representative Borris Miles, also former State Senator Gonzalo Barrientos. Former State Senator Eliot Shapleigh flew in from El Paso. Senator Kirk Watson. Senator Judy Zaffirini, who



flew in and visited Mario several days. Senator Glenn Hegar. Senator Joan Huffman. Senator Robert Deuell. Senator Juan "Chuy" Hinojosa. And I want to say something about Senator Rodney Ellis. I understand, Rodney, that when Mario could not attend an annual senior picnic in District 6 because he was in the hospital, Senator Ellis here, Members, went in his place to give attendees Mario's love and his best wishes. And I'm sure that those of us that know Senator Ellis, who is never short of words, did a good job. Senator John Whitmire. Mario's sister Cindy said that Senator Whitmire was like Mario's guard dog during his visits, and I know Mario's family is extremely grateful. I personally, in many of my conversations, Mario made it quite clear that John, our Dean, was his best friend. Lieutenant Governor David Dewhurst. You know Mario's sister Cindy said that Governor Dewhurst came to Mario's side two days in a row and personally consoled his family while Mario was going through terrible pain. He was by his bedside for a long time, Cindy told me. Senator Leticia Van de Putte. Leticia and I visited Mario together as soon as we heard that he'd been moved into hospice. I know that Mario's family feel forever in Leticia's debt. She became the rock during those days. And I was privileged, extremely honored, to lead a memorial Holy Rosary at the University of Houston campus, a campus that meant so much to Mario. He never quit talking about The University of Texas, the University of Houston Cougars. Senator Gallegos, as I mentioned, was very devoted to his family and were, of course, by his side when he passed. He is survived by his wife, Theresa, his daughters, Ali and Melissa, and his son, Mario, who was on this floor many times and in the House as a young boy, his five grandchildren, Jake, Hollis, Jesse, Teresa, and Christina, and his mother, Olga, very special lady that I got to know while they lived in Brownsville and served in the Houston school board, also was there. And she was something very special, especially when we talked about the family, who I know wanted to be here. But she's unfortunately not, but she's here in spirit. His sisters, Maria, Olga, Lillian, and Cynthia, his brothers, Joel and Michael Gallegos. Finally, I want to say that I had the pleasure of meeting several of the Gallegos families, as I mentioned, over the years. When Mario's father died in 1990, Mario called me because he knew I was close to his dad. He had served as Brownsville's police, fire chief, excuse me, fire chief in the 1970s. And I was honored because Mario had asked me at that time to give the eulogy at his father's funeral. I want to give just a very quick story about Mario's father. Mario's father was a firefighter and later suffered complications related to emphysema. Now, Mario, who won election to the House in 1990, the family feared at the time because the father was ill that the father wouldn't see Mario be sworn in in January. So, they wanted to share the experience with his father somehow. So, they came to the Capitol months before the swearing in to take pictures and to show their father the Capitol. He was so proud of Mario's accomplishments. And after his father's death, I told Mario, I told him like a father figure to his large extended family that, that's what he was going to become now. He was going to be the father figure. And, of course, the family quickly learned that you have to share someone in politics with the rest of the state, not only the district but the entire state that you represent. But I hope the family today sees how much Texas really truly loved him. I want to thank them for sharing him with us. And as I mentioned, just like his father, Mario was a firefighter long before he joined us here at the Capitol. He worked for 22 years in the Houston Fire Department and retired as a

senior captain. But he kept his life with him, in fact, at his funeral, Mario's brother-in-law arranged to have the fire department graciously lend two fire trucks. They sat at opposite sides of the road, extended their ladders and suspended an incredible, beautiful, large Texas flag. Mario's fellow firefighters, many of them family, others dear friends, were like family, sat on the trucks as Mario's funeral motorcade rolled underneath the flag. It was a touching, most touching sendoff. Should it come as no surprise that Mario, a man who spent half of his life racing into burning buildings to save lives, would spend the latter years of his life sacrificing so much to confront important issues here in Austin? Closing, I want to say I'm so proud, extremely proud to have called Mario my friend, *mi amigo*. I miss him dearly. I take comfort, however, in knowing that Mario Gallegos, Jr., touched the lives of so many gathered here today and that our State of Texas is a better place because of his courage. Thank you, Mr. President.

**Senator Van de Putte:** Thank you, Mr. President. Mr. President and Members and the dear Gallegos family, I am honored to have been asked by our colleagues to speak today, as we celebrate the life of Mario Gallegos. For those of you who have known Mario your entire life, his brothers and sisters, I know that you share stories of the childhood, of the wonderful times, of his ability to find fun in everyday, simple activities. For Theresa and for the kids, you must know how much he treasured you, and that his laptop, right here on this desk, that screensaver was full of pictures that rotated, and I saw that the pictures changed. They were pictures of Theresa and the kids, but you very quickly got bumped from the main screensaver by all of the grandchildren. He was an incredible person. He embodied the very spirit of Texas, the ability to find the good in every situation, the ability to find a path forward against all odds. I mean, that's what Texas is and that's what your husband, your brother, and your father, and your grandfather did every day. He found a path forward. He didn't let obstacles get in the way, and to our surprise, Members, you know he could not be silenced even when he was being opposed by the giants of this state. He didn't care if he was ruffling the feathers of well-renowned organizations. And I remember his legendary fight even against the most magnificent Houston Livestock and Rodeo. Why? Because he wanted to make sure that they honored Tejano music and used scholarships that were raised by that organization to all inclusive types of students in the Houston, greater Houston area. Mario was one of a kind, and I knew it the day I met him as we were running for election in 1990. He had already been selected by his primary and pretty much a given that he would serve in the Texas House in 1991. I joined him in that class along with Senator Carona and Senator Ogden. There's not many of us left from that class. And if Mario's health had not been an issue, I think his service in the State of Texas might've rivaled the longevity of our Dean because Mario loved it here. We sat next to each other as we took that oath of office in January of 1991, and that was the beginning of a really, two decades of friendship. He met my father on that day, and he said he would've given anything for his father to witness that swearing in. Our mothers met and then became traveling companions with Mario and I as we attended our first NALEO conventions and other NCSL meetings. What you don't know is this big, imposing, giant of a man who was a firefighter was actually a mama's boy. But when I let him know that he was mama's boy, he reminded me that all great men are mama's boys. He asked that first legislative

meeting that we went and represented our districts, went out of town, we took our mothers with us. He loved being with his family and his friends. And as he invited many of us to join him in his district in Houston, it would become an all-day affair. Although we had plans to visit several, he would get stopped at every little place, and people would generally come up to him to thank him for intervening, for the help. People who most people might overlook thought Mario was the hero. He was the hero because he was the symbol for them that if you graduate from high school, that if you do your job, that this is a Texas and a United States where even the most humblest of persons can be elected to the Texas Senate. And oh, how he loved his seniors. He planned their picnics, their parties, always making sure that there was enough Thanksgiving and holiday turkeys and hams to go around. And he honored them because he honored the generation before him. He was in awe of the soldiers and those who fought in World War II and Korea. He gave such respect to the veterans in this state and the veterans on this Senate floor, because he held them in the highest of esteem. And he loved the people who took care of his seniors. He regularly voted with all of the health care professionals legislation because he admired those doctors and nurses and dentists and ophthalmologists and optometrists and anybody who was in the health care field, Mario had the greatest of respect for them. That respect grew as his health deteriorated. And he loved those health care providers because they took care of his seniors in their homes and in skilled facilities. Mario was amazing in his ability to make lifelong friendships. And in those final days in Houston at that hospital room, I saw friend after friend come by. They had been with him in elementary school. They had been with Mario and were his running buds in high school. They were classmates that he made as an adult attending the University of Houston-Downtown. And they were his extended cousins and family. They were his *compadres*. Many could say that Mario was a man's man. He loved hunting, he loved fishing, he loved being a sportsman. He loved sports, and he liked to hang out with the guys, whether that was his childhood friends or his best friend, John Whitmire. He spoke about you, his family, so much. Theresa, he believed that you had such strength to stand by him through his most difficult of times, and he says when you make that vow for better or worse, he says my wife lived it and meant it. He was so proud of all of you. He talked about Ali and her strength and her faith and, of course, her beautiful child, and we talked about how wonderful it is for our children to find their life's passion. And he commented how that was important, but that what was really important is when our kids find their life's love. And so, when you found your life partner, your husband, he was so proud of him. He said, like, in our families, we don't have in-laws, we just have sons and daughters. He loved and spoke about the spunkiness and attitude of Melissa. He admired the way that she could master technology and could communicate with hundreds of people with a click of her computer. He most loved how she was just the most protective and out-there mom. And he loved your kids so very much. For a younger Mario, you know your dad thought you were movie-star handsome. Of course he said that you looked like him. And he was so proud of the man that you've become. It's not easy growing up as Capitol kids. And the many times that our families, our children were together as you were growing up, right in this Capitol, you know every nook and cranny and, yes, you even got lost once where we had to send the DPS out after you. We didn't know

which Member's office the kids were in. Mario had his struggles, but he was larger than life. And we celebrate his life today because each of us on this Senate floor lived a little vicariously through Mario because for him it was about this day, this moment, and what he could do with that title of Senator. I'd like to speak to my Senate colleagues because in those last few days, Mario shared how much he adored being a Senator and how lucky that we all are. He said, Tell them that I love them. Many of you he was able to see, and he was able to talk to by phone. And many of you, I held up that phone to his ear and he could hear you, but he couldn't respond anymore. But before he really became, or he would lose consciousness, he said, Tell them I love them and how blessed they are to serve in the best legislative body in this country, and to do their job, to do it for our people. In those last few days, Mario asked very little of us, but he asked me first of all, he said, Take care of my family. And we assured him that the love of the Senate would be with you through that difficult time and then each and every day. And he knew you were a strong group, from you and his sisters and from the kids and from his cousin, General Joe Ramirez, who was there most of the time. He was so proud. And I told him, the family's going to be fine. You've got great strength, and they've got their faith. The second thing he asked, Members, he said, Take care of my staff. He said, Make sure they're all right, make sure they land okay. And each of us, as we depend on our staff, they become our families. And he was so very proud of his staff. He wanted to make sure his staff was going to be okay. He said, as I asked him, Okay, Mario, what else do you need? And he said, Take care of my district. And he shared his love and his confidence in Carol Alvarado. And then I said, Is there anything else? And as you know, he said, because many of you were in the room, he said, Baby, don't leave me till I go. And I promised him I wouldn't leave him, and I didn't until I could get Senator Judith Zaffirini and Senator Eddie Lucio to come on that Sunday because, to tell you the truth, I had run out of clothes. And those were the Members, and Senator Ellis and, of course, his best friend, John Whitmire. And then I asked Mario, What else do you want me to do? And he said, The session. At one point when Lieutenant Governor was in the room and Mario came to, Mario asked the Lieutenant Governor, What time is session, when do we need to go in? And as you took his hand, Governor Dewhurst, you said, That's okay, Mario, I think you'll get a pass this time. He again regained consciousness and looked up at the Lieutenant Governor and said, You look good, like in your commercials. And then he left us a little instructions about what we should do about education. He chose, Members, how to live each and every day. He reminded us that each day is a gift, and he used each minute of each day to try to serve the people whom he loved, and that was his district and his family. And he loved us. We are so fortunate to have had Mario Gallegos in our lives. The State of Texas has been blessed because Mario, the son of a firefighter who became a firefighter, kept wanting to fight blazes and put out fires all over the State of Texas. As I close today, I wonder why some people are taken so young, and I know that it is not in our purview to question God's plan for each of our lives, so maybe our Lord took him early because he needed a firefighter to fend off the flames of the underworld when they get too close, or maybe our Lord took Mario a little early because he needed an archangel like George and Michael to help fight the battles in the battle for souls. Or maybe our Lord took Mario because he really needed someone to make him laugh every single day because every day Mario was on this Senate floor,

each of us in any encounter would end up with a laugh. And maybe he took him a little early so he could show the rest of the angels and the rest of the world the real meaning of true redemption. All I know is that he won't be sitting behind me this legislative session, but his proud and dear friend will take that chair. Thank you to the Gallegos family for allowing us to see the work, the wit, the wisdom, and the genuineness of Mario Gallegos. We will never forget him. His picture will be constantly in this Capitol along with the Members of the different Senates and, of course, the different House sessions. And let's, on this day, build that story of history so that his grandchildren know what a truly great man served Senate District 6 for so many years. For our wonderful, sweet Mario, and I say sweet, Members, because he never said an ill word about any other Member. Mario never spoke ill of anyone. He may have not enjoyed or agreed with your positions, but he always respected each Senator. Let it be known that our sweet prince has gone, but that we celebrate every day his mark on this state and on this body. *Muchísimas gracias por la vida, por todo que hizo el Senador gran del Condado de Harris, el bombero, el luchero Mario Gallegos.* May God bless all of you as you hold out the traditions of that proud family and his service to our state.

#### **RESOLUTION SIGNED**

The President announced the signing of the following enrolled resolution in the presence of the Senate: **SCR 4.**

#### **HOUSE CONCURRENT RESOLUTION 27**

The President laid before the Senate the following resolution:

WHEREAS, Section 17, Article III, Texas Constitution, provides that neither house of the legislature may adjourn for more than three days without the consent of the other house; now, therefore, be it

RESOLVED by the 83rd Legislature of the State of Texas, That each house grant the other permission to adjourn for more than three days during the period beginning on Wednesday, January 16, 2013, and ending on Tuesday, January 22, 2013.

WHITMIRE

**HCR 27** was read.

On motion of Senator Whitmire, the resolution was considered immediately and was adopted by the following vote: Yeas 29, Nays 0.

Absent-excused: Carona.

#### **RESOLUTION OF RECOGNITION**

The following resolution was adopted by the Senate:

#### **Memorial Resolution**

**SR 10** by Uresti, Joining the citizens of San Antonio as they honor the legacy of Martin Luther King, Jr.

**ADJOURNMENT**

On motion of Senator Whitmire, the Senate at 12:19 p.m. adjourned, in memory of Mario V. Gallegos, Jr., until 11:00 a.m. Wednesday, January 23, 2013.

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**APPENDIX**

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**RESOLUTIONS ENROLLED**

January 14, 2013

**SCR 4, SR 5, SR 9**

**In Memory**  
**of**  
**Mario V. Gallegos, Jr.**  
**Senate Resolution 11**

WHEREAS, The Senate of the State of Texas joins Texans across the state in grieving the untimely loss of Senator Mario V. Gallegos, Jr., who died October 16, 2012, at the age of 62; and

WHEREAS, Born September 8, 1950, Mario Gallegos was a lifelong Houstonian; he grew up in the Magnolia Park community in the East End and graduated from Milby High School; he later returned to school and earned a degree from the University of Houston in 2001; and

WHEREAS, He joined the Houston Fire Department at the age of 18 and served the people of Houston with distinction for 22 years as a firefighter, rising to the rank of senior captain; during those years, he developed an abiding interest in politics and played an important role in articulating and promoting the needs of the state's firefighters and other emergency responders through his union work at the State Capitol; and

WHEREAS, He began his legislative career as a member of the Texas House of Representatives after a landslide election victory in 1990; during his two terms in the House, he began the work that would make him a longtime champion for the working class citizens of Texas, concentrating on such issues as health care and public education; and

WHEREAS, In 1994, he became the first Hispanic elected to the Texas Senate from Harris County; over the course of his tenure of nearly two decades in the Senate, he played a vital role in fighting for teacher pay raises and increased funding for public schools, putting into action his belief that "making a solid investment in our children is one of the smartest things we can do, one which will reap long-term benefits for our state"; and

WHEREAS, Senator Gallegos was a staunch advocate for senior citizens and defended Medicaid funding for residents in long-term care facilities; he was also responsive to the need for economic opportunities in his district and led the way in the creation of the municipal management districts that revitalized communities in Houston and served as a model for other Texas cities; and

WHEREAS, In 2007, Senator Gallegos again displayed the courage and principled determination that were the hallmarks of his legislative career; only weeks after undergoing a liver transplant, and against the orders of his doctor, he returned to the Senate so that he would be able to cast his vote against voter identification legislation; his was the deciding vote in preventing the passage of the bill; and

WHEREAS, Senator Gallegos received numerous awards over the course of his illustrious career, including the Distinguished Legislative Service Award from the Texas Municipal League, the Good Guy Award from the Texas Women's Political Caucus, and Legislator of the Year from the Mexican American Bar Association; he was recognized by the Texas State Association of Firefighters and the Combined Law Enforcement Associations of Texas for his passage of public safety legislation; and

WHEREAS, In recognition of his legacy of public service, Senator Gallegos lay in state in the Senate chamber so that citizens could pay their respects to the man who had dedicated himself to making Texas a more generous, just, and honorable state; and

WHEREAS, A man of wisdom, strength, and integrity, Senator Gallegos gave voice to the aspirations and dreams of countless Texans, and his hard work and diligence served as a constant inspiration to his fellow legislators; and

WHEREAS, He was a devoted husband, father, and grandfather, and although his presence will be deeply missed by all those who were privileged to share in his life, his legacy of service and dedication will continue to have a profound impact for generations to come; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby extend sincere condolences to the bereaved family of Senator Mario V. Gallegos, Jr.; and, be it further

RESOLVED, That a copy of this Resolution be prepared for his family as an expression of profound sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in grateful and loving memory of Mario Gallegos.

WHITMIRE



# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**FIFTH DAY**

(Wednesday, January 23, 2013)

The Senate met at 11:07 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, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Patrick, Paxton, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffrini.

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

Pastor Gary M. Renfro, Corinth Missionary Baptist Church, Austin, offered the invocation as follows:

Most great and gracious heavenly Father, we pause at this moment to give You thanks for the privilege of life, for a reasonable portion of health and strength, and for a sense of purpose and passion that guides us this day. I am grateful to the men and women who have gathered in this place to do the business of the people for the great State of Texas. May the effort and energy given to conducting this business be found worthy of Your favor. Grant us Your blessing, 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 Huffman was recognized and presented Dr. Clare Hawkins of Baytown as the Physician of the Day.

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

**MESSAGE FROM THE GOVERNOR**

The following Message from the Governor was read and was referred to the Committee on Nominations:

January 16, 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:

**ACUPUNCTURE EXAMINERS, TEXAS STATE BOARD OF**

Raymond J. Graham - El Paso

Appointment Date: August 24, 2011

Expiration Date: January 31, 2017

Karen Anne Siegel - Houston

Appointment Date: August 24, 2011

Expiration Date: January 31, 2017

**ADMINISTRATIVE LAW JUDGE, CHIEF**

Lyn Cathleen Parsley - Austin

Appointment Date: May 25, 2012

Expiration Date: May 15, 2014

**AFFORDABLE HOUSING CORPORATION BOARD OF DIRECTORS, TEXAS STATE**

Gerard "Gerry" Evenwel, Jr. - Mount Pleasant

Appointment Date: December 15, 2011

Expiration Date: February 1, 2017

**ALCOHOLIC BEVERAGE COMMISSION, TEXAS**

Steven M. Weinberg, M.D. - Colleyville

Appointment Date: November 15, 2011

Expiration Date: November 15, 2017

**ANGELINA AND NECHES RIVER AUTHORITY BOARD OF DIRECTORS**

Louis A. Bronaugh - Lufkin

Appointment Date: April 12, 2012

Expiration Date: September 5, 2017

Patricia E. "Pat" Dickey - Crockett

Appointment Date: April 12, 2012

Expiration Date: September 5, 2017

Julie Dowell - Bullard

Appointment Date: April 12, 2012

Expiration Date: September 5, 2017

## ANIMAL HEALTH COMMISSION, TEXAS

Brandon H. Bouma - Plainview

Appointment Date: September 6, 2011

Expiration Date: September 6, 2017

Thomas George Kezar - Dripping Springs

Appointment Date: September 6, 2011

Expiration Date: September 6, 2017

Ernesto A. "Ernie" Morales - Devine

Appointment Date: September 6, 2011

Expiration Date: September 6, 2017

Michael Louis Vickers, D.V.M. - Falfurrias

Appointment Date: September 6, 2011

Expiration Date: September 6, 2017

## APPRAISER LICENSING AND CERTIFICATION BOARD, TEXAS

Luis Felipe De La Garza, Jr. - Laredo

Appointment Date: July 2, 2012

Expiration Date: January 31, 2014

Laurie Carden Fontana - Houston

Appointment Date: July 2, 2012

Expiration Date: January 31, 2014

Keith W. Kidd - Reno

Appointment Date: November 2, 2012

Expiration Date: January 31, 2014

Shannon K. McClendon - Dripping Springs

Appointment Date: July 2, 2012

Expiration Date: January 31, 2014

## ARTS, TEXAS COMMISSION ON THE

Rita Esther Baca - El Paso

Appointment Date: September 9, 2011

Expiration Date: August 31, 2017

Andrew Patrick Barlow - Austin

Appointment Date: September 9, 2011

Expiration Date: August 31, 2017

Patricia A. "Patty" Bryant - Amarillo

Appointment Date: September 9, 2011

Expiration Date: August 31, 2017

David C. Garza - Rancho Viejo

Appointment Date: September 9, 2011

Expiration Date: August 31, 2017

Mila Gibson - Sweetwater

Appointment Date: September 9, 2011

Expiration Date: August 31, 2015

Marsha Wilson Rappaport - Galveston  
Appointment Date: September 9, 2011  
Expiration Date: August 31, 2013

Ronald Byron Sanders - San Antonio  
Appointment Date: September 9, 2011  
Expiration Date: August 31, 2017

**AUTISM AND PERVASIVE DEVELOPMENTAL DISORDERS, TEXAS  
COUNCIL ON**

Nyria Melchor - Plano  
Appointment Date: August 24, 2012  
Expiration Date: February 1, 2014

Pamela R. Rollins, Ed.D. - Dallas  
Appointment Date: May 15, 2012  
Expiration Date: February 1, 2014

Stephanie Ann Sokolosky, Ed.D. - Harlingen  
Appointment Date: May 15, 2012  
Expiration Date: February 1, 2014

**BRAZOS RIVER AUTHORITY BOARD OF DIRECTORS**

Paul J. Christensen - Crawford  
Appointment Date: December 6, 2011  
Expiration Date: February 1, 2017

Chet David Creel - Olney  
Appointment Date: December 6, 2011  
Expiration Date: February 1, 2015

William John "Bill" Rankin - Brenham  
Appointment Date: December 6, 2011  
Expiration Date: February 1, 2015

**CANCER PREVENTION AND RESEARCH INSTITUTE OF TEXAS  
OVERSIGHT COMMITTEE**

Arthur G. "Gerry" Geistweidt - Mason  
Appointment Date: January 16, 2013  
Expiration Date: January 31, 2015

Walker N. Moody - Houston  
Appointment Date: November 7, 2011  
Expiration Date: January 31, 2013

**CARDIOVASCULAR DISEASE AND STROKE, COUNCIL ON**

Paula Sela Gomez - Brownsville  
Appointment Date: May 15, 2012  
Expiration Date: February 1, 2013

Suzanne Scism Hildebrand - Live Oak  
Appointment Date: May 15, 2012  
Expiration Date: February 1, 2013

Floristene Johnson - DeSoto

Appointment Date: May 15, 2012

Expiration Date: February 1, 2017

Howard R. Marcus, M.D. - Austin

Appointment Date: November 9, 2012

Expiration Date: February 1, 2017

John Neal Rutledge, M.D. - Austin

Appointment Date: May 15, 2012

Expiration Date: February 1, 2017

#### CEMETERY COMMITTEE, STATE

James L. "Jim" Bayless, Jr. - Austin

Appointment Date: June 28, 2012

Expiration Date: February 1, 2017

#### CHIROPRACTIC EXAMINERS, TEXAS BOARD OF

Elaine "Anne" Boatright - Smithville

Appointment Date: May 15, 2012

Expiration Date: February 1, 2015

#### COASTAL WATER AUTHORITY BOARD OF DIRECTORS

Alan D. Conner - Dayton

Appointment Date: May 25, 2012

Expiration Date: April 1, 2014

#### COLORADO RIVER AUTHORITY, CENTRAL

Herman I. Law - Burkett

Appointment Date: September 13, 2012

Expiration Date: February 1, 2015

#### COLORADO RIVER AUTHORITY, LOWER

Raymond A. "Ray" Gill, Jr. - Horseshoe Bay

Appointment Date: July 26, 2011

Expiration Date: February 1, 2017

#### CORRECTIONAL MANAGED HEALTH CARE COMMITTEE

Harold Berenzweig, M.D. - Fort Worth

Appointment Date: March 27, 2012

Expiration Date: February 1, 2013

Margarita de la Garza-Grahm, M.D. - Tyler

Appointment Date: December 23, 2011

Expiration Date: February 1, 2015

#### CRIME STOPPERS COUNCIL, TEXAS

Jorge E. Gaytan - Houston

Appointment Date: September 13, 2012

Expiration Date: September 1, 2016

Emerson F. Lane, Jr. - Beaumont  
Appointment Date: September 13, 2012  
Expiration Date: September 1, 2016

Ernesto "Ernie" Rodriguez, Jr. - McAllen  
Appointment Date: September 13, 2012  
Expiration Date: September 1, 2016

DENTAL EXAMINERS, STATE BOARD OF

Lewis M. White - Humble  
Appointment Date: December 21, 2012  
Expiration Date: February 1, 2013

Emily Ann Willeford - San Antonio  
Appointment Date: February 1, 2012  
Expiration Date: February 1, 2017

DIETITIANS, TEXAS STATE BOARD OF EXAMINERS OF

Belinda Bazan-Lara - San Antonio  
Appointment Date: October 3, 2011  
Expiration Date: September 1, 2017

Aida "Letty" Moreno-Brown - El Paso  
Appointment Date: October 3, 2011  
Expiration Date: September 1, 2017

Dwight Albert "D.A." Sharpe - Aurora  
Appointment Date: October 3, 2011  
Expiration Date: September 1, 2017

ECONOMIC DEVELOPMENT CORPORATION, TEXAS

James Bruce Bugg, Jr. - San Antonio  
Appointment Date: November 28, 2012  
Expiration Date:

Robert Franco, Jr. - Austin  
Appointment Date: August 1, 2012  
Expiration Date:

EDUCATION CHAIR, TEXAS STATE BOARD OF

Barbara Cargill - The Woodlands  
Appointment Date: July 1, 2011  
Expiration Date: February 1, 2013

EDUCATION COORDINATING BOARD, TEXAS HIGHER

Robert W. "Bobby" Jenkins, Jr. - Austin  
Appointment Date: September 1, 2011  
Expiration Date: August 31, 2017

Munir A. Lalani - Wichita Falls  
Appointment Date: September 1, 2011  
Expiration Date: August 31, 2015

James H. "Jim" Lee - Houston

Appointment Date: September 1, 2011

Expiration Date: August 31, 2013

Wanda Janelle Shepard - Weatherford

Appointment Date: September 1, 2011

Expiration Date: August 31, 2017

David Dean Teuscher, M.D. - Beaumont

Appointment Date: September 1, 2011

Expiration Date: August 31, 2017

EDUCATION, STATE COMMISSIONER OF

Michael L. Williams - Arlington

Appointment Date: August 27, 2012

Expiration Date: January 20, 2015

EMERGENCY COMMUNICATIONS, COMMISSION ON STATE

Rick Campbell - Center

Appointment Date: September 1, 2011

Expiration Date: September 1, 2017

Terry J. Henley - Meadows Place

Appointment Date: December 19, 2012

Expiration Date: September 1, 2013

Laura Gibbs Maczka - Richardson

Appointment Date: September 1, 2011

Expiration Date: September 1, 2017

EMERGENCY SERVICES RETIREMENT SYSTEM, TEXAS

Don Richard Shipman - Colleyville

Appointment Date: September 1, 2011

Expiration Date: September 1, 2017

Francisco "Frank" Torres - Raymondville

Appointment Date: March 14, 2012

Expiration Date: September 1, 2017

Stephen K. "Steve" Williams - Carthage

Appointment Date: September 1, 2011

Expiration Date: September 1, 2017

EMPLOYEES RETIREMENT SYSTEM OF TEXAS BOARD OF TRUSTEES

Cydney Donnell - Fredericksburg

Appointment Date: October 1, 2012

Expiration Date: August 31, 2018

ENGINEERS, TEXAS BOARD OF PROFESSIONAL

Sockalingam "Sam" Kannappan - Houston

Appointment Date: May 25, 2012

Expiration Date: September 26, 2017

Edward L. Summers, Ph.D. - Austin

Appointment Date: May 25, 2012

Expiration Date: September 26, 2017

ENVIRONMENTAL QUALITY, TEXAS COMMISSION ON

Christopher Tobias "Toby" Baker - Austin

Appointment Date: April 16, 2012

Expiration Date: August 31, 2017

FACILITIES COMMISSION, TEXAS

Michael J. Novak - San Antonio

Appointment Date: December 23, 2011

Expiration Date: January 31, 2013

FARM AND RANCH LANDS CONSERVATION COUNCIL, TEXAS

James Cleveland Cathey, Ph.D. - College Station

Appointment Date: December 7, 2012

Expiration Date: February 1, 2015

FINANCE COMMISSION OF TEXAS

Susan H. Burton - Addison

Appointment Date: September 26, 2011

Expiration Date: February 1, 2016

Darby Ray Byrd, Sr. - Orange

Appointment Date: February 2, 2012

Expiration Date: February 1, 2018

Victor E. Leal - Amarillo

Appointment Date: February 2, 2012

Expiration Date: February 1, 2018

Larry L. Patton - El Paso

Appointment Date: September 26, 2011

Expiration Date: February 1, 2014

Hilliard "Jay" Shands, III - Lufkin

Appointment Date: February 2, 2012

Expiration Date: February 1, 2018

FIRE FIGHTERS' PENSION COMMISSIONER

Sherri Barr Walker - Pflugerville

Appointment Date: July 15, 2011

Expiration Date: July 1, 2015

FIRE PROTECTION, TEXAS COMMISSION ON

Laurence Patton Ekiss - Taylor

Appointment Date: September 13, 2012

Expiration Date: February 1, 2017

Robert Lamar Moore - Bryan

Appointment Date: December 7, 2012

Expiration Date: February 1, 2015



Ronald J. Poynter - McKinney

Appointment Date: December 7, 2012

Expiration Date: February 1, 2015

FORENSIC SCIENCE COMMISSION, TEXAS

Richard B. Alpert - North Richland Hills

Appointment Date: October 31, 2011

Expiration Date: September 1, 2013

Vincent J.M. Di Maio, M.D. - San Antonio

Appointment Date: October 31, 2011

Expiration Date: September 1, 2013

Robert J. "Bobby" Lerma - Brownsville

Appointment Date: October 31, 2011

Expiration Date: September 1, 2013

Nizam Peerwani, M.D. - Fort Worth

Appointment Date: October 31, 2011

Expiration Date: September 1, 2013

FUNERAL SERVICE COMMISSION, TEXAS

Jean L. "Jeanne" Olinger, Ph.D. - Childress

Appointment Date: February 2, 2012

Expiration Date: February 1, 2013

GALVESTON COUNTY PORTS, BOARD OF PILOT COMMISSIONERS FOR

Vandy Anderson - Galveston

Appointment Date: March 14, 2012

Expiration Date: February 1, 2016

W. Bradshaw Boney - Galveston

Appointment Date: September 13, 2012

Expiration Date: February 1, 2015

Linda R. Rounds, Ph.D. - Galveston

Appointment Date: March 14, 2012

Expiration Date: February 1, 2016

GEOSCIENTISTS, TEXAS BOARD OF PROFESSIONAL

Christopher C. Mathewson, Ph.D. - College Station

Appointment Date: May 9, 2012

Expiration Date: February 1, 2017

GUADALUPE RIVER AUTHORITY, UPPER

David M. "Mike" Hughes - Ingram

Appointment Date: July 1, 2011

Expiration Date: February 1, 2017

Hugh R. Jons, Jr. - Kerrville

Appointment Date: December 7, 2012

Expiration Date: February 1, 2017

## GUADALUPE-BLANCO RIVER AUTHORITY BOARD OF DIRECTORS

Kenneth A. Motl, D.V.M. - Port Lavaca

Appointment Date: January 4, 2013

Expiration Date: February 1, 2017

## GUARANTEED STUDENT LOAN CORPORATION, TEXAS

Fernando Trevino, Jr. - Del Rio

Appointment Date: June 6, 2012

Expiration Date: January 31, 2017

## GULF COAST WASTE DISPOSAL AUTHORITY BOARD OF DIRECTORS

Zoe Milian Barinaga - Houston

Appointment Date: September 2, 2011

Expiration Date: August 31, 2013

Stanley Craig Cromartie - League City

Appointment Date: October 12, 2012

Expiration Date: August 31, 2014

Lamont Edward Meaux - Stowell

Appointment Date: October 12, 2012

Expiration Date: August 31, 2014

## HEALTH AND HUMAN SERVICES COUNCIL

Thomas Craig Wheat - University Park

Appointment Date: October 4, 2012

Expiration Date: February 1, 2013

## HEALTH AND HUMAN SERVICES, EXECUTIVE COMMISSIONER OF

Kyle Janek, M.D. - Austin

Appointment Date: September 1, 2012

Expiration Date: February 1, 2013

## HEALTH COORDINATING COUNCIL, STATEWIDE

Lourdes Cuellar - Houston

Appointment Date: August 30, 2011

Expiration Date: August 1, 2017

Mabrie Griffith Jackson - Plano

Appointment Date: January 23, 2012

Expiration Date: August 1, 2017

Danny K. "Dan" McCoy, M.D. - Corsicana

Appointment Date: May 9, 2012

Expiration Date: August 1, 2017

Elizabeth J. Protas, Ph.D. - League City

Appointment Date: August 30, 2011

Expiration Date: August 1, 2017

James R. "Bob" Yancy - College Station

Appointment Date: December 19, 2012

Expiration Date: August 1, 2015

## HEALTH SERVICES AUTHORITY BOARD OF DIRECTORS, TEXAS

Frederick Joel Buckwold, M.D. - Houston

Appointment Date: September 26, 2011

Expiration Date: June 15, 2013

David C. Fleeger, M.D. - Austin

Appointment Date: September 26, 2011

Expiration Date: June 15, 2013

Matthew J. "Matt" Hamlin - Argyle

Appointment Date: September 26, 2011

Expiration Date: June 15, 2013

James L. "Jim" Martin - Austin

Appointment Date: September 26, 2011

Expiration Date: June 15, 2013

Edward W. Marx - Colleyville

Appointment Date: September 26, 2011

Expiration Date: June 15, 2013

Kathleen Kay Scheel Mechler - Fredericksburg

Appointment Date: September 26, 2011

Expiration Date: June 15, 2013

William A. "Bill" Phillips, Jr. - San Antonio

Appointment Date: September 26, 2011

Expiration Date: June 15, 2013

Judith Day Powell - The Woodlands

Appointment Date: September 26, 2011

Expiration Date: June 15, 2013

Jennifer Lynn Rangel - Austin

Appointment Date: September 26, 2011

Expiration Date: June 15, 2013

Jimmy Darren Rodgers - Dallas

Appointment Date: September 26, 2011

Expiration Date: June 15, 2013

Stephen Yurco, M.D. - Austin

Appointment Date: September 26, 2011

Expiration Date: June 15, 2013

## HEALTH SERVICES COUNCIL, STATE

William T. "Bill" Lovell - Dallas

Appointment Date: August 30, 2011

Expiration Date: February 1, 2017

Maria F. Teran - El Paso

Appointment Date: September 13, 2012

Expiration Date: February 1, 2013

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HEARING INSTRUMENTS, STATE COMMITTEE OF EXAMINERS IN THE  
FITTING AND DISPENSING OF

Gary Allen Haun - San Angelo

Appointment Date: October 4, 2012

Expiration Date: December 31, 2015

William M. McCrae - San Antonio

Appointment Date: January 23, 2012

Expiration Date: December 31, 2017

Jesus F. "Jesse" Rangel, Jr. - Longview

Appointment Date: January 23, 2012

Expiration Date: December 31, 2017

Barbara A. Willy - Sugar Land

Appointment Date: January 23, 2012

Expiration Date: December 31, 2017

HISTORICAL COMMISSION, TEXAS

Michael D. "Mike" Donegan - Rockwall

Appointment Date: July 18, 2012

Expiration Date: February 1, 2015

August W. Harris, III - Austin

Appointment Date: July 18, 2012

Expiration Date: February 1, 2015

Robert Kelly "Bob" Shepard - Weatherford

Appointment Date: January 28, 2012

Expiration Date: February 1, 2017

HOUSING AND COMMUNITY AFFAIRS, TEXAS DEPARTMENT OF

John Mark McWatters - Dallas

Appointment Date: February 23, 2012

Expiration Date: January 31, 2015

INDIGENT DEFENSE COMMISSION, GOVERNING BOARD OF THE TEXAS

Jon H. Burrows - Temple

Appointment Date: June 18, 2012

Expiration Date: February 1, 2014

J. Knox Fitzpatrick - Dallas

Appointment Date: June 18, 2012

Expiration Date: February 1, 2013

Anthony C. "Tony" Odiome - Georgetown

Appointment Date: June 18, 2012

Expiration Date: February 1, 2013

Olen U. Underwood - Willis

Appointment Date: June 18, 2012

Expiration Date: February 1, 2014

Benny "Glen" Whitley - Hurst

Appointment Date: June 18, 2012

Expiration Date: February 1, 2014

INDUSTRIALIZED BUILDING CODE COUNCIL, TEXAS

Joe D. Campos - Dallas

Appointment Date: November 20, 2012

Expiration Date: February 1, 2014

Randall Reddin "Randy" Childers - Hewitt

Appointment Date: November 20, 2012

Expiration Date: February 1, 2014

Steven J. "Steve" Fitzpatrick - Tyler

Appointment Date: November 20, 2012

Expiration Date: February 1, 2014

C. Mark Remmert - Liberty Hill

Appointment Date: November 20, 2012

Expiration Date: February 1, 2014

Jesse E. Rider - Tyler

Appointment Date: November 20, 2012

Expiration Date: February 1, 2014

William F. "Dubb" Smith, III - Dripping Springs

Appointment Date: November 20, 2012

Expiration Date: February 1, 2014

INFORMATION RESOURCES, DEPARTMENT OF

Arthur C. Troilo, III - Lakeway

Appointment Date: November 14, 2012

Expiration Date: February 1, 2015

INSPECTOR GENERAL FOR HEALTH AND HUMAN SERVICES

Douglas Carl Wilson - Pflugerville

Appointment Date: February 23, 2012

Expiration Date: February 1, 2013

INSURANCE, COMMISSIONER OF

Eleanor Lynne Kitzman - Austin

Appointment Date: August 15, 2011

Expiration Date: February 1, 2013

JEFFERSON AND ORANGE COUNTY BOARD OF PILOT COMMISSIONERS

Martin E. Broussard - Beaumont

Appointment Date: October 1, 2012

Expiration Date: August 22, 2014

George W. Brown, III - Beaumont

Appointment Date: September 2, 2011

Expiration Date: August 22, 2013

Gerald "Ray" Callas, M.D. - Beaumont

Appointment Date: October 1, 2012

Expiration Date: August 22, 2014

Russell S. Covington - Orange

Appointment Date: September 2, 2011

Expiration Date: August 22, 2013

William F. Scott - Nederland

Appointment Date: September 2, 2011

Expiration Date: August 22, 2013

JUDGE, 230TH JUDICIAL DISTRICT, HARRIS COUNTY

Bradley S. "Brad" Hart - Humble

Appointment Date: January 7, 2013

Expiration Date:

JUDGE, 234TH JUDICIAL DISTRICT, HARRIS COUNTY

Wesley R. Ward - Houston

Appointment Date: November 14, 2012

Expiration Date:

JUDICIAL CONDUCT, STATE COMMISSION ON

Valerie E. Ertz - Dallas

Appointment Date: November 19, 2011

Expiration Date: November 19, 2017

Patti Hutton Johnson - Canyon Lake

Appointment Date: November 19, 2011

Expiration Date: November 19, 2017

JUDICIAL COUNCIL, TEXAS

Ashley Johnson - Dallas

Appointment Date: August 3, 2011

Expiration Date: June 30, 2017

Virgil Justice - Kerrville

Appointment Date: August 3, 2011

Expiration Date: June 30, 2017

JUSTICE, SUPREME COURT OF TEXAS

Jeffrey S. Boyd - Austin

Appointment Date: December 3, 2012

Expiration Date:

JUVENILE JUSTICE BOARD, TEXAS

John A. Brieden, III - Brenham

Appointment Date: November 7, 2011

Expiration Date: February 1, 2017

Joseph D. Brown - Sherman

Appointment Date: November 7, 2011

Expiration Date: February 1, 2017

Carol Lynn Villarreal Bush - Waxahachie  
Appointment Date: November 7, 2011  
Expiration Date: February 1, 2013

Scott W. Fisher - Bedford  
Appointment Date: November 7, 2011  
Expiration Date: February 1, 2013

Jane Anderson King - Canyon  
Appointment Date: November 7, 2011  
Expiration Date: February 1, 2017

Michael F. Meade - Simonton  
Appointment Date: November 7, 2011  
Expiration Date: February 1, 2013

Mary Lou Mendoza - San Antonio  
Appointment Date: November 7, 2011  
Expiration Date: February 1, 2013

Rene Luis Olvera, M.D. - San Antonio  
Appointment Date: November 7, 2011  
Expiration Date: February 1, 2017

Laura Lee Parker - San Antonio  
Appointment Date: November 7, 2011  
Expiration Date: February 1, 2015

James R. "Jimmy" Smith - Midland  
Appointment Date: November 7, 2011  
Expiration Date: February 1, 2015

Calvin Wayne Stephens - Dallas  
Appointment Date: November 7, 2011  
Expiration Date: February 1, 2015

Melissa Ann Weiss - Bellville  
Appointment Date: November 7, 2011  
Expiration Date: February 1, 2015

#### LAVACA-NAVIDAD RIVER AUTHORITY

Glenn T. Martin - Edna  
Appointment Date: October 1, 2012  
Expiration Date: May 1, 2013

#### LAW ENFORCEMENT OFFICER STANDARDS AND EDUCATION, COMMISSION ON

Patricia Scheckel "Patt" Hollingsworth - Arlington  
Appointment Date: September 26, 2011  
Expiration Date: August 30, 2017

Ronald E. "Ron" Hood - Dripping Springs  
Appointment Date: September 26, 2011  
Expiration Date: August 30, 2017

James Neil Oakley - Spicewood  
Appointment Date: September 26, 2011  
Expiration Date: August 30, 2017

LEASE OF TEXAS DEPARTMENT OF CRIMINAL JUSTICE LANDS, BOARD FOR

Wesley David Lloyd - Waco  
Appointment Date: September 26, 2011  
Expiration Date: September 1, 2013

LEASE OF TEXAS PARKS AND WILDLIFE LANDS, BOARD FOR

Wesley David Lloyd - Waco  
Appointment Date: September 26, 2011  
Expiration Date: September 1, 2013

LIBRARY AND ARCHIVES COMMISSION, TEXAS STATE

Sharon T. Carr - Katy  
Appointment Date: May 9, 2012  
Expiration Date: September 28, 2017

Fenton Lynwood Givens, Ph.D. - Plano  
Appointment Date: May 9, 2012  
Expiration Date: September 28, 2017

LOTTERY COMMISSION, TEXAS

Cynthia Tauss - League City  
Appointment Date: September 26, 2011  
Expiration Date: February 1, 2017

LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT COMMISSION

Richard H. Dolgener - Andrews  
Appointment Date: September 12, 2011  
Expiration Date: September 1, 2015

Eric J. Doyal - Houston  
Appointment Date: September 12, 2011  
Expiration Date: September 1, 2013

Milton B. Lee, II - San Antonio  
Appointment Date: September 12, 2011  
Expiration Date: September 1, 2013

Linda Kay L. Morris - Waco  
Appointment Date: September 12, 2011  
Expiration Date: September 1, 2015

John Matthew Salsman - College Station  
Appointment Date: September 12, 2011  
Expiration Date: September 1, 2017

Robert C. "Bob" Wilson - Lockhart  
Appointment Date: September 12, 2011  
Expiration Date: September 1, 2017



**MANUFACTURED HOUSING BOARD**

Bobby R. "Bob" McCarn - Port Lavaca

Appointment Date: May 9, 2012

Expiration Date: January 31, 2013

**MEDICAL BOARD, TEXAS**

Carlos L. Gallardo - Frisco

Appointment Date: January 23, 2012

Expiration Date: April 13, 2017

William R. "Roy" Smythe, M.D. - Belton

Appointment Date: January 23, 2012

Expiration Date: April 13, 2013

Tessa P. "Paulette" Southard - Alice

Appointment Date: January 23, 2012

Expiration Date: April 13, 2015

**MIDWESTERN STATE UNIVERSITY BOARD OF REGENTS**

Fenton Lynwood Givens, Ph.D. - Plano

Appointment Date: February 25, 2012

Expiration Date: February 25, 2018

Charles "Jeff" Gregg - Seymour

Appointment Date: February 25, 2012

Expiration Date: February 25, 2018

Samuel Molinar Sanchez - Fort Worth

Appointment Date: February 25, 2012

Expiration Date: February 25, 2018

**MILITARY PREPAREDNESS COMMISSION, TEXAS**

William A. "Bill" Heine, III - Austin

Appointment Date: May 2, 2012

Expiration Date: February 1, 2013

Dennis L. Lewis - Texarkana

Appointment Date: May 2, 2012

Expiration Date: February 1, 2015

**MOTOR VEHICLES BOARD, TEXAS DEPARTMENT OF**

Robert S. "Barney" Barnwell, III - Magnolia

Appointment Date: June 6, 2012

Expiration Date: February 1, 2013

Raymond Palacios, Jr. - El Paso

Appointment Date: August 30, 2011

Expiration Date: February 1, 2013

**MUTUAL INSURANCE COMPANY BOARD OF DIRECTORS, TEXAS**

Jay L. Eisen - Beaumont

Appointment Date: August 30, 2011

Expiration Date: July 1, 2017

Delia M. Reyes - Dallas

Appointment Date: August 30, 2011

Expiration Date: July 1, 2017

John D. Swanson - Frisco

Appointment Date: May 15, 2012

Expiration Date: July 1, 2017

NECHES RIVER MUNICIPAL WATER AUTHORITY BOARD OF DIRECTORS,  
UPPER

Milton Phillip "Phil" Jenkins - Palestine

Appointment Date: November 21, 2011

Expiration Date: February 1, 2017

NECHES VALLEY AUTHORITY BOARD OF DIRECTORS, LOWER

Matthew McDade "Dade" Phelan - Beaumont

Appointment Date: May 25, 2012

Expiration Date: July 28, 2017

Jordan W. Reese, IV - Beaumont

Appointment Date: May 25, 2012

Expiration Date: July 28, 2017

James Olan Webb - Silsbee

Appointment Date: May 25, 2012

Expiration Date: July 28, 2017

NONRESIDENT VIOLATOR COMPACT ADMINISTRATOR

Rebecca Lynn Davio, Ph.D. - Austin

Appointment Date: August 15, 2012

Expiration Date: February 1, 2013

NORTH TEXAS TOLLWAY AUTHORITY BOARD OF DIRECTORS

William D. "Bill" Elliott - Ravenna

Appointment Date: February 3, 2012

Expiration Date: August 31, 2013

NURSING, TEXAS BOARD OF

Nina Almasy - Austin

Appointment Date: December 21, 2012

Expiration Date: January 31, 2013

Shelby H. Ellzey - Midlothian

Appointment Date: October 4, 2012

Expiration Date: January 31, 2015

ONE-CALL BOARD OF TEXAS

Dean D. Bernal - Lakeway

Appointment Date: August 31, 2012

Expiration Date: August 31, 2015

Julio Cerda - Mission

Appointment Date: August 31, 2012

Expiration Date: August 31, 2015

Joseph W. "Joe" Costa - Allen

Appointment Date: December 12, 2012

Expiration Date: August 31, 2014

Jason Eric Hartgraves - Frisco

Appointment Date: August 31, 2012

Expiration Date: August 31, 2015

Rodney Jay Unruh - Spring Branch

Appointment Date: September 26, 2011

Expiration Date: August 31, 2014

Janie Lou Walenta - Quitman

Appointment Date: August 31, 2012

Expiration Date: August 31, 2015

James B. "Jim" Wynn - Midland

Appointment Date: September 26, 2011

Expiration Date: August 31, 2014

Jay S. Zeidman - Houston

Appointment Date: September 26, 2011

Expiration Date: August 31, 2014

#### PARDONS AND PAROLES, BOARD OF

James Wayne LaFavers - Amarillo

Appointment Date: July 1, 2011

Expiration Date: February 1, 2017

Michelle Marie Skyrme - Palestine

Appointment Date: July 1, 2011

Expiration Date: February 1, 2017

#### PARKS AND WILDLIFE COMMISSION

Bill Jones - Austin

Appointment Date: September 1, 2011

Expiration Date: February 1, 2017

#### PECOS RIVER COMPACT COMMISSIONER

Frederic "Rick" Tate - Marfa

Appointment Date: August 15, 2012

Expiration Date: January 23, 2017

#### PHARMACY, TEXAS STATE BOARD OF

Alice G. Mendoza - Kingsville

Appointment Date: August 31, 2011

Expiration Date: August 31, 2017

Phyllis A. Stine - Abilene

Appointment Date: August 31, 2011

Expiration Date: August 31, 2017

Jeanne D. Waggener - Waco

Appointment Date: August 31, 2011

Expiration Date: August 31, 2017

PHYSICIAN ASSISTANT BOARD, TEXAS

Reginald C. Baptiste, M.D. - Austin

Appointment Date: October 20, 2011

Expiration Date: February 1, 2015

Linda Lou Contreras - Allen

Appointment Date: August 15, 2012

Expiration Date: February 1, 2015

James A. Endicott, Jr. - Harker Heights

Appointment Date: October 20, 2011

Expiration Date: February 1, 2013

Michael D. "Mike" Reis, M.D. - Woodway

Appointment Date: November 9, 2012

Expiration Date: February 1, 2013

PLUMBING EXAMINERS, TEXAS STATE BOARD OF

Enrique Castro - El Paso

Appointment Date: September 5, 2011

Expiration Date: September 5, 2017

Janet L. Gallagher - Pflugerville

Appointment Date: September 5, 2011

Expiration Date: September 5, 2017

Ricardo Jose Guerra - Austin

Appointment Date: September 5, 2011

Expiration Date: September 5, 2017

PODIATRIC MEDICAL EXAMINERS, TEXAS STATE BOARD OF

Brian Bradford Carpenter, D.P.M. - Bridgeport

Appointment Date: August 24, 2011

Expiration Date: July 10, 2017

Fred E. Davis - Austin

Appointment Date: August 24, 2011

Expiration Date: July 10, 2017

Travis A. Motley, D.P.M. - Colleyville

Appointment Date: August 24, 2011

Expiration Date: July 10, 2017

**PRESIDING JUDGE, FOURTH ADMINISTRATIVE JUDICIAL REGION**

Homer "David" Peeples - San Antonio  
Appointment Date: November 19, 2012  
Expiration Date: November 25, 2016

**PRESIDING JUDGE, NINTH ADMINISTRATIVE JUDICIAL REGION**

Kelly G. Moore - Brownfield  
Appointment Date: November 19, 2012  
Expiration Date: November 28, 2016

**PRESIDING JUDGE, SIXTH ADMINISTRATIVE JUDICIAL REGION**

Stephen B. Ables - Kerrville  
Appointment Date: November 19, 2012  
Expiration Date: December 18, 2016

**PRODUCT DEVELOPMENT AND SMALL BUSINESS INCUBATOR BOARD**

Barry N. Williams - New Braunfels  
Appointment Date: October 31, 2011  
Expiration Date: February 1, 2015

**PSYCHOLOGISTS, TEXAS STATE BOARD OF EXAMINERS OF**

Donna Lord Black - Fulshear  
Appointment Date: February 1, 2012  
Expiration Date: October 31, 2017

Jo Ann Campbell - Abilene

Appointment Date: February 1, 2012  
Expiration Date: October 31, 2017

John Robert Huffman - Southlake

Appointment Date: June 28, 2012  
Expiration Date: October 31, 2017

**PUBLIC SAFETY COMMISSION**

Ada E. Brown - Plano  
Appointment Date: December 31, 2011  
Expiration Date: December 31, 2017

John Randall "Randy" Watson - Burleson

Appointment Date: December 27, 2012  
Expiration Date: January 1, 2018

**PUBLIC UTILITY COMMISSION OF TEXAS**

Kenneth W. Anderson, Jr. - Dallas  
Appointment Date: September 17, 2011  
Expiration Date: September 1, 2017

Rolando B. Pablos - Olmos Park

Appointment Date: September 17, 2011  
Expiration Date: September 1, 2013

**PURCHASING FROM PEOPLE WITH DISABILITIES, TEXAS COUNCIL ON**

Michael "Kevin" Cloud - Austin

Appointment Date: August 15, 2012

Expiration Date: January 31, 2017

Glenn R. Hagler - Georgetown

Appointment Date: October 4, 2012

Expiration Date: January 31, 2017

Dietrich M. von Biedefeld - West Columbia

Appointment Date: April 24, 2012

Expiration Date: January 31, 2017

**RACING COMMISSION, TEXAS**

Gary P. Aber, D.V.M. - Simonton

Appointment Date: May 15, 2012

Expiration Date: February 1, 2015

John T. Steen, III - Houston

Appointment Date: October 3, 2011

Expiration Date: February 1, 2013

**REAL ESTATE COMMISSION, TEXAS**

Thomas John "T.J." Turner - Austin

Appointment Date: October 4, 2012

Expiration Date: January 31, 2015

**RED RIVER AUTHORITY OF TEXAS BOARD OF DIRECTORS**

Nathan J. "Jim" Bell, IV - Paris

Appointment Date: October 4, 2012

Expiration Date: August 11, 2017

Montford T. "Monty" Johnson, III - Amarillo

Appointment Date: October 4, 2012

Expiration Date: August 11, 2017

Billy "Mayfield" McCraw, II - Telephone

Appointment Date: October 4, 2012

Expiration Date: August 11, 2017

**REGIONAL MOBILITY AUTHORITY, CAMERON COUNTY**

David Allex - Harlingen

Appointment Date: February 23, 2012

Expiration Date: February 1, 2014

**REGIONAL MOBILITY AUTHORITY, GRAYSON COUNTY**

Will Rich "Bill" Hubbard, Jr. - Tioga

Appointment Date: February 23, 2012

Expiration Date: February 1, 2014

## REGIONAL MOBILITY AUTHORITY, HIDALGO COUNTY

Dennis Burleson - Mission

Appointment Date: February 28, 2012

Expiration Date: February 1, 2014

## REGIONAL MOBILITY AUTHORITY, NORTH EAST TEXAS

Linda Ryan Thomas - Longview

Appointment Date: February 23, 2012

Expiration Date: February 1, 2014

## RETIREMENT SYSTEM, TEXAS COUNTY AND DISTRICT

Herman C. "Chuck" Cazalas - Corpus Christi

Appointment Date: February 16, 2012

Expiration Date: December 31, 2017

Dorye Kristeen "Kristy" Roe - Bryan

Appointment Date: February 16, 2012

Expiration Date: December 31, 2017

## RIO GRANDE REGIONAL WATER AUTHORITY

Troy C. Allen - Edcouch

Appointment Date: January 4, 2013

Expiration Date: February 1, 2013

Lance S. Neuhaus - Mercedes

Appointment Date: January 4, 2013

Expiration Date: February 1, 2013

## SABINE RIVER AUTHORITY BOARD OF DIRECTORS

Stanley Noble Mathews - Orange

Appointment Date: September 2, 2011

Expiration Date: July 6, 2017

Clifford Ralph Todd - Carthage

Appointment Date: September 2, 2011

Expiration Date: July 6, 2017

## SAN JACINTO RIVER AUTHORITY BOARD OF DIRECTORS

John D. Eckstrum - Montgomery

Appointment Date: June 15, 2012

Expiration Date: October 16, 2017

Joseph L. "Joe" Stunja - Kingwood

Appointment Date: June 15, 2012

Expiration Date: October 16, 2017

## SCHOOL LAND BOARD

Thomas "Tommy" Orr, Jr. - Houston

Appointment Date: September 26, 2011

Expiration Date: August 29, 2013

## SCHOOL SAFETY CENTER BOARD, TEXAS

Dewey "Mike" Cox - Driftwood  
Appointment Date: February 29, 2012  
Expiration Date: February 1, 2014

Garry Edward Eoff - Brownwood  
Appointment Date: February 29, 2012  
Expiration Date: February 1, 2014

Daniel Fraine Gilliam - Victoria  
Appointment Date: June 18, 2012  
Expiration Date: February 1, 2013

Daniel Riley Griffith, II - Pflugerville  
Appointment Date: February 29, 2012  
Expiration Date: February 1, 2014

Jason Robert Marlin - Coppell  
Appointment Date: February 29, 2012  
Expiration Date: February 1, 2014

Dawn DuBose Randle - Houston  
Appointment Date: February 29, 2012  
Expiration Date: February 1, 2014

## SECRETARY OF STATE

John Thomas Steen, Jr. - San Antonio  
Appointment Date: November 27, 2012  
Expiration Date: January 20, 2015

## SEX OFFENDER MANAGEMENT, GOVERNING BOARD OF THE OFFICE OF VIOLENT

Elizabeth C. "Christy" Jack - Fort Worth  
Appointment Date: February 23, 2012  
Expiration Date: February 1, 2014

Leonardo E. "Leo" Longoria - McAllen  
Appointment Date: February 23, 2012  
Expiration Date: February 1, 2014

Daniel P. "Dan" Powers - Carrollton  
Appointment Date: September 1, 2011  
Expiration Date: February 1, 2013

## SEX OFFENDER TREATMENT, COUNCIL ON

Elsie M. Allen - Fort Worth  
Appointment Date: October 4, 2012  
Expiration Date: February 1, 2015

Terri L. Bauer - Richardson  
Appointment Date: December 6, 2011  
Expiration Date: February 1, 2013



## SOCIAL WORKER EXAMINERS, TEXAS STATE BOARD OF

Carol M. "Missy" Rainey - Keller

Appointment Date: January 4, 2013

Expiration Date: February 1, 2017

## SOIL AND WATER CONSERVATION BOARD, STATE

Larry D. Jacobs - Montgomery

Appointment Date: May 9, 2012

Expiration Date: February 1, 2014

## SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY, STATE BOARD OF EXAMINERS FOR

Patricia Elaine "Patty" Brannon - San Antonio

Appointment Date: September 1, 2011

Expiration Date: August 31, 2017

Vickie B. Dionne, Au.D. - Nederland

Appointment Date: September 1, 2011

Expiration Date: August 31, 2017

Sonya Nelda Salinas - Mission

Appointment Date: September 1, 2011

Expiration Date: August 31, 2017

## STATE EMPLOYEE CHARITABLE CAMPAIGN POLICY COMMITTEE

Amy Susan Baillargeon - Austin

Appointment Date: August 22, 2012

Expiration Date: January 1, 2014

Gregory Scott "Greg" Davidson - Lexington

Appointment Date: May 9, 2012

Expiration Date: January 1, 2014

Steven Wroe Jackson - Austin

Appointment Date: December 7, 2012

Expiration Date: January 1, 2014

Louri Marie O'Leary - Austin

Appointment Date: May 9, 2012

Expiration Date: January 1, 2014

Diane B. Smith - Cedar Park

Appointment Date: January 4, 2013

Expiration Date: January 1, 2014

## STATE-FEDERAL RELATIONS, DIRECTOR OF THE OFFICE OF

Jason Kevin Patteson - Austin

Appointment Date: October 15, 2011

Expiration Date:

## STEPHEN F. AUSTIN STATE UNIVERSITY BOARD OF REGENTS

Constance M. "Connie" Ware - Marshall

Appointment Date: October 6, 2011

Expiration Date: January 31, 2015

## TEACHER RETIREMENT SYSTEM OF TEXAS BOARD OF TRUSTEES

Thelma "Karen" Charleston - Houston

Appointment Date: September 1, 2011

Expiration Date: August 31, 2017

Joe Colonna, Jr. - Dallas

Appointment Date: September 1, 2011

Expiration Date: August 31, 2013

R. David Kelly - Plano

Appointment Date: September 1, 2011

Expiration Date: August 31, 2017

Anita Ann Smith Palmer - Wichita Falls

Appointment Date: September 1, 2011

Expiration Date: August 31, 2017

## TEXAS SOUTHERN UNIVERSITY BOARD OF REGENTS

Erik D. Salwen - Houston

Appointment Date: July 16, 2012

Expiration Date: February 1, 2013

## TEXAS STATE TECHNICAL COLLEGE SYSTEM BOARD OF REGENTS

Joe M. Gurecky - Rosenberg

Appointment Date: September 1, 2011

Expiration Date: August 31, 2017

John K. Hatchel - Woodway

Appointment Date: September 1, 2011

Expiration Date: August 31, 2017

Joe K. Hearne - Dallas

Appointment Date: September 1, 2011

Expiration Date: August 31, 2017

## TEXAS STATE UNIVERSITY SYSTEM BOARD OF REGENTS

William F. Scott - Nederland

Appointment Date: September 26, 2011

Expiration Date: February 1, 2013

## TEXAS TECH UNIVERSITY SYSTEM BOARD OF REGENTS

John Bryan Walker - Houston

Appointment Date: January 24, 2012

Expiration Date: January 31, 2015

## TRANSPORTATION COMMISSION, TEXAS

Jeff Austin, III - Tyler

Appointment Date: October 20, 2011

Expiration Date: February 1, 2013

Jeffrey A. "Jeff" Moseley - Houston

Appointment Date: June 25, 2012

Expiration Date: February 1, 2017

## TRINITY RIVER AUTHORITY BOARD OF DIRECTORS

Henry Borbolla, III - Fort Worth

Appointment Date: December 21, 2012

Expiration Date: March 15, 2013

Tommy G. Fordyce - Huntsville

Appointment Date: December 27, 2012

Expiration Date: March 15, 2013

Harold E. Jenkins - Irving

Appointment Date: March 14, 2012

Expiration Date: March 15, 2015

## UNIVERSITY OF HOUSTON SYSTEM BOARD OF REGENTS

Spencer D. Armour, III - Midland

Appointment Date: September 1, 2011

Expiration Date: August 31, 2017

Roger Fleming Welder - Victoria

Appointment Date: September 1, 2011

Expiration Date: August 31, 2017

Welcome W. Wilson, Jr. - Houston

Appointment Date: September 1, 2011

Expiration Date: August 31, 2017

## UNIVERSITY OF NORTH TEXAS SYSTEM BOARD OF REGENTS

Ernest W. "Ernie" Kuehne, Jr. - Dallas

Appointment Date: January 4, 2013

Expiration Date: May 22, 2017

Donald Cullen Potts - Dallas

Appointment Date: August 30, 2011

Expiration Date: May 22, 2017

Alfredo "Al" Silva - San Antonio

Appointment Date: August 30, 2011

Expiration Date: May 22, 2017

## VETERANS COMMISSION, TEXAS

John K. "Jake" Ellzey - Midlothian

Appointment Date: May 25, 2012

Expiration Date: December 31, 2017

Richard A. McLeon, IV - Victoria  
Appointment Date: May 25, 2012  
Expiration Date: December 31, 2017

**VETERANS' LAND BOARD**

Alan L. Johnson - Harlingen  
Appointment Date: January 4, 2013  
Expiration Date: December 29, 2016

**VETERINARY MEDICAL EXAMINERS, STATE BOARD OF**

Janie Allen Carpenter, D.V.M. - Garland  
Appointment Date: September 6, 2011  
Expiration Date: August 26, 2017

Joe Mac King, D.V.M. - Dallas  
Appointment Date: September 6, 2011  
Expiration Date: August 26, 2017

Mamie Salazar-Harper - El Paso  
Appointment Date: February 28, 2012  
Expiration Date: August 26, 2015

Chad Michael Upham - Boerne  
Appointment Date: September 6, 2011  
Expiration Date: August 26, 2017

**WATER DEVELOPMENT BOARD, TEXAS**

Lewis McMahan - Dallas  
Appointment Date: June 11, 2012  
Expiration Date: December 31, 2017

Fredrick A. "Rick" Rylander - Iraan  
Appointment Date: June 11, 2012  
Expiration Date: December 31, 2017

Respectfully submitted,

/s/Rick Perry  
Governor

**MESSAGES FROM THE SUPREME COURT OF TEXAS**

The following Messages from the Supreme Court of Texas were read and were referred to the Committee on Nominations:

THE SUPREME COURT OF TEXAS

June 7, 2011

The Honorable David Dewhurst  
Lieutenant Governor of Texas  
Capitol Station  
P. O. Box 12068  
Austin, Texas 78711

Dear Lieutenant Governor Dewhurst:

Since adjournment of the 82nd Texas Legislature, the Supreme Court of Texas has made the following appointments to the State Bar of Texas Board of Directors that require the advice and consent of the Senate:

Eliseo Ruiz, Jr., Ph.D., Los Fresnos, Texas

Timothy Kelly, Austin, Texas

Dr. Ruiz was appointed on June 6, 2011, to a term of three years, which will expire on June 30, 2014. Dr. Ruiz succeeds Pamela Gilbert.

Mr. Kelly was appointed on June 6, 2011, to a term of three years, which will expire on June 30, 2014. Mr. Kelly succeeds John Hatchel.

The Supreme Court of Texas respectfully requests the consent and confirmation of the Senate for each of these appointments.

Sincerely,

/s/Wallace B. Jefferson  
Chief Justice

THE SUPREME COURT OF TEXAS

January 11, 2013

The Honorable David Dewhurst  
Lieutenant Governor of Texas  
Capitol Station  
P. O. Box 12068  
Austin, Texas 78711

Dear Lieutenant Governor Dewhurst:

Since adjournment of the 82nd Legislature, the Supreme Court of Texas has made the following appointments that require the advice and consent of the Senate:

Board of Directors of the State Bar of Texas

Dr. David Teuscher, Beaumont, Texas

David Alders, Nacogdoches, Texas

Dr. Teuscher was appointed May 14, 2012, to a term of three years, which will expire June 30, 2015. Dr. Teuscher succeeds Timothy Belton.

Mr. Alders was appointed August 14, 2012, to a term of three years, which will expire June 30, 2015. Mr. Alders succeeds Annette Raggett.

State Commission on Judicial Conduct

Hon. Joel Baker, Tyler, Texas

Judge Baker was reappointed December 11, 2012, to a term of six years, which will expire November 19, 2017.

The Supreme Court of Texas respectfully requests the consent and confirmation of the Senate for each of these appointments.

Sincerely,

/s/Wallace B. Jefferson  
Chief Justice

**MESSAGE FROM THE STATE BAR OF TEXAS**

The following Message from the State Bar of Texas was read and was referred to the Committee on Nominations:

STATE BAR OF TEXAS

November 26, 2012

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 COMMISSION ON JUDICIAL CONDUCT for a term to expire October 31, 2017:

Ricky A. Raven  
Thompson & Knight, LLP  
333 Clay St., Ste 3300  
Houston, TX 77002-4499

Mr. Raven was appointed on January 20, 2012 by then President Bob Black for a term beginning January 20, 2012 through October 31, 2017. Mr. Raven replaces Jorge Rangel, of Corpus Christi, whose term expired November 19, 2011.

Respectfully submitted,

/s/Buck Files  
President

**SENATE RESOLUTION 20**

Senator Nelson offered the following resolution:

**SR 20**, Recognizing January 20, 2013, through January 26, 2013, as Texas Nurse Anesthetists Week.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Nelson was recognized and introduced to the Senate a Texas Association of Nurse Anesthetists delegation.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Schwertner was recognized and introduced to the Senate a Grimes County delegation including members of the Navasota High School Rattlers football team.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Van de Putte was recognized and introduced to the Senate recipients of the Texas Historical Commission's Texas Treasure Business Award.

The Senate welcomed its guests.

**RESOLUTION SIGNED**

The President announced the signing of the following enrolled resolution in the presence of the Senate: **SCR 5**.

**STANDING COMMITTEES APPOINTED**

The President announced the appointment of the following committees for the 83rd Legislature:

**ADMINISTRATION**

Eltife, Chair; Uresti, Vice-chair; Carona, Hancock, Whitmire, Williams, Zaffirini.

**AGRICULTURE, RURAL AFFAIRS AND HOMELAND SECURITY**

Estes, Chair; Uresti, Vice-chair; Hegar, Hinojosa, Schwertner.

**BUSINESS AND COMMERCE**

Carona, Chair; Taylor, Vice-chair; Eltife, Estes, Hancock, Lucio, Van de Putte, Watson, Whitmire.

**CRIMINAL JUSTICE**

Whitmire, Chair; Huffman, Vice-chair; Carona, Hinojosa, Patrick, Rodríguez, Schwertner.

**ECONOMIC DEVELOPMENT**

Deuell, Chair; Hancock, Vice-chair; Birdwell, Davis, Eltife, Fraser, Watson.

**EDUCATION**

Patrick, Chair; Lucio, Vice-chair; Campbell, Duncan, Paxton, Seliger, Taylor, Van de Putte, West.

**FINANCE**

Williams, Chair; Hinojosa, Vice-chair; Deuell, Duncan, Eltife, Estes, Hegar, Huffman, Lucio, Nelson, Patrick, Seliger, West, Whitmire, Zaffirini.

**GOVERNMENT ORGANIZATION**

Zaffirini, Chair; Schwertner, Vice-chair; Birdwell, Paxton, Rodríguez, Taylor.

**HEALTH AND HUMAN SERVICES**

Nelson, Chair; Deuell, Vice-chair; Huffman, Nichols, Schwertner, Taylor, Uresti, West, Zaffirini.

**HIGHER EDUCATION**

Seliger, Chair; Watson, Vice-chair; Birdwell, Duncan, Patrick, West, Zaffirini.

**INTERGOVERNMENTAL RELATIONS**

Hinojosa, Chair; Nichols, Vice-chair; Paxton, Taylor.

**JURISPRUDENCE**

West, Chair; Rodríguez, Vice-chair; Campbell, Carona, Hancock, Paxton.

**NATURAL RESOURCES**

Fraser, Chair; Estes, Vice-chair; Deuell, Duncan, Ellis, Eltife, Hegar, Hinojosa, Nichols, Seliger, Uresti.

**NOMINATIONS**

Hegar, Chair; Campbell, Vice-chair; Carona, Fraser, Nelson, Watson.

**OPEN GOVERNMENT**

Ellis, Chair; Davis, Vice-chair; Nelson, Seliger, Williams.

**STATE AFFAIRS**

Duncan, Chair; Deuell, Vice-chair; Ellis, Fraser, Huffman, Lucio, Nichols, Van de Putte, Williams.

**TRANSPORTATION**

Nichols, Chair; Paxton, Vice-chair; Campbell, Davis, Ellis, Hancock, Patrick, Uresti, Watson.

**VETERAN AFFAIRS AND MILITARY INSTALLATIONS**

Van de Putte, Chair; Birdwell, Vice-chair; Campbell, Davis, Rodríguez.

**SENATE RESOLUTION 36**

Senator Whitmire offered the following resolution:

WHEREAS, Under the provisions of Article III, Section 3, of the Constitution of the State of Texas, the Senators elected after each apportionment shall be divided into two classes, the seats of the Senators of the first class to be vacated at the expiration of the first two years, and the seats of those of the second class to be vacated at the expiration of four years; now, therefore, be it

RESOLVED by the Senate of the 83rd Texas Legislature, That the Senate shall draw lots as provided by this resolution; and, be it further

RESOLVED, That the drawing of lots shall be conducted as follows:

(1) The Lieutenant Governor shall appoint a committee of five Senators to supervise, direct, and verify all matters relating to the preparation of the slips and envelopes and the drawing of the envelopes as provided by this resolution;

(2) The Secretary of the Senate shall prepare 31 slips of paper of uniform size and appearance and number the slips of paper sequentially from 1 to 31;

(3) The Secretary of the Senate, under the supervision of the committee, shall place each of the slips of paper in a separate capsule, each of the capsules to be of uniform size and appearance, and shall then place each of the capsules in a separate envelope and seal the envelope, each of the envelopes to be of uniform size and appearance, and then place the 31 envelopes, each containing one of the capsules and slips of paper, in a suitable receptacle;

(4) At a time and on a day determined by the President in open session of the Senate, the drawing of the envelopes shall be conducted under the supervision of the committee in the following manner:

(A) The receptacle containing the sealed envelopes shall be placed on a suitable table or desk at the front of the Senate Chamber; and



(B) The Secretary of the Senate shall call the names of the Senators in alphabetical order, and as the name of each Senator is called, that Senator shall withdraw from the receptacle one envelope, which shall then be immediately opened and the number appearing on the slip of paper in the envelope recorded after that Senator's name on a suitable register prepared by the secretary;

(5) Any Senator who is unable to attend the drawing shall designate in writing another Senator to draw an envelope in the place of the absent Senator; in the event any Member of the Senate is absent and has failed to designate another Senator to act for the absent Senator in the drawing, the Secretary of the Senate shall draw an envelope for the absent Senator;

(6) The Secretary of the Senate shall, after all of the Senators have drawn their respective envelopes, draw an envelope for each Senate district for which a vacancy exists at the time of the drawing; and the number drawn for each such district shall determine the expiration of the term of office for that district in the same manner as if a Senator were representing the district; and

(7) The 15 Senate districts for which slips with even numbers were drawn shall constitute the first class and the term of Senators representing those districts shall terminate at the expiration of two years; and the 16 Senate districts for which slips with odd numbers were drawn shall constitute the second class, and those terms of office shall terminate at the expiration of four years.

**SR 36** was read and was adopted by the following vote: Yeas 30, Nays 0.

#### **COMMITTEE APPOINTED FOR DRAWING FOR TERMS OF OFFICE**

The President appointed the following committee to supervise and direct the preparation of the slips, capsules, and envelopes for the drawing for terms of office: Senators Eltife, Chair; Campbell, West, Whitmire, and Williams.

#### **AT EASE**

The President at 11:25 a.m. announced the Senate would stand At Ease subject to the call of the Chair.

#### **IN LEGISLATIVE SESSION**

The President at 11:40 a.m. called the Senate to order as In Legislative Session.

#### **DRAWING FOR TERMS OF OFFICE**

The President at 11:41 a.m. announced that the time had arrived for the drawing for terms of office by the Senators, pursuant to the provisions of **SR 36**.

Senator Eltife reported that the slips, capsules, and envelopes had been prepared by the Secretary of the Senate as directed.

The roll was called and the Members drew for terms of office with the results announced as follows:

Birdwell, District 22, drew No. 1, four-year term.

Campbell, District 25, drew No. 20, two-year term.

Carona, District 16, drew No. 2, two-year term.

Davis, District 10, drew No. 28, two-year term.

Deuell, District 2, drew No. 12, two-year term.  
 Duncan, District 28, drew No. 15, four-year term.  
 Ellis, District 13, drew No. 25, four-year term.  
 Eltife, District 1, drew No. 17, four-year term.  
 Estes, District 30, drew No. 18, two-year term.  
 Fraser, District 24, drew No. 29, four-year term.  
 Hancock, District 9, drew No. 6, two-year term.  
 Hegar, District 18, drew No. 11, four-year term.  
 Hinojosa, District 20, drew No. 13, four-year term.  
 Huffman, District 17, drew No. 16, two-year term.  
 Lucio, District 27, drew No. 9, four-year term.  
 Nelson, District 12, drew No. 27, four-year term.  
 Nichols, District 3, drew No. 4, two-year term.  
 Patrick, District 7, drew No. 24, two-year term.  
 Paxton, District 8, drew No. 26, two-year term.  
 Rodriguez, District 29, drew No. 7, four-year term.  
 Schwertner, District 5, drew No. 8, two-year term.  
 Seliger, District 31, drew No. 10, two-year term.  
 Taylor, District 11, drew No. 21, four-year term.  
 Uresti, District 19, drew No. 5, four-year term.  
 Van de Putte, District 26, drew No. 31, four-year term.  
 Watson, District 14, drew No. 14, two-year term.  
 West, District 23, drew No. 22, two-year term.  
 Whitmire, District 15, drew No. 30, two-year term.  
 Williams, District 4, drew No. 19, four-year term.  
 Zaffirini, District 21, drew No. 3, four-year term.  
 Senate District 6, No. 23, four-year term.

### **SENATE CONCURRENT RESOLUTION 7**

The President laid before the Senate the following resolution:

WHEREAS, Section 17, Article III, Texas Constitution, provides that neither house of the legislature may adjourn for more than three days without the consent of the other house; now, therefore, be it

RESOLVED by the 83rd Legislature of the State of Texas, That each house grant the other permission to adjourn for more than three days during the period beginning on Wednesday, January 23, 2013, and ending on Monday, January 28, 2013.

WHITMIRE

**SCR 7** was read.

On motion of Senator Whitmire, the resolution was considered immediately and was adopted by the following vote: Yeas 30, Nays 0.

### **SENATE BILLS AND RESOLUTION ON FIRST READING**

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

**SB 1** by Williams  
General Appropriations Bill.  
To Committee on Finance.

**SB 234** by Eltife  
Relating to the creation, purpose, implementation, and funding of the County Park Beautification and Improvement Program.  
To Committee on Administration.

**SJR 21** by Eltife  
Proposing a constitutional amendment relating to appropriations for the preservation and perpetuation of certain items of historical value; allowing the legislature and state agencies to accept on behalf of the state gifts of items of historical value and contributions to purchase such items.  
To Committee on Administration.

**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 1** today.

**CO-AUTHOR OF SENATE JOINT RESOLUTION 10**

On motion of Senator Patrick, Senator Schwertner will be shown as Co-author of **SJR 10**.

**CO-AUTHOR OF SENATE BILL 7**

On motion of Senator Nelson, Senator Patrick will be shown as Co-author of **SB 7**.

**CO-AUTHOR OF SENATE BILL 8**

On motion of Senator Nelson, Senator Patrick will be shown as Co-author of **SB 8**.

**CO-AUTHOR OF SENATE BILL 56**

On motion of Senator Nelson, Senator Schwertner will be shown as Co-author of **SB 56**.

**CO-AUTHORS OF SENATE BILL 61**

On motion of Senator Nelson, Senators Hinojosa and Schwertner will be shown as Co-authors of **SB 61**.

**CO-AUTHOR OF SENATE BILL 101**

On motion of Senator Patrick, Senator Schwertner will be shown as Co-author of **SB 101**.

**CO-AUTHOR OF SENATE BILL 126**

On motion of Senator Nelson, Senator Schwertner will be shown as Co-author of **SB 126**.

**CO-AUTHOR OF SENATE BILL 143**

On motion of Senator Nelson, Senator Schwertner will be shown as Co-author of **SB 143**.

**CO-AUTHOR OF SENATE BILL 149**

On motion of Senator Nelson, Senator Schwertner will be shown as Co-author of **SB 149**.

**CO-AUTHOR OF SENATE BILL 150**

On motion of Senator Nelson, Senator Schwertner will be shown as Co-author of **SB 150**.

**CO-AUTHORS OF SENATE BILL 151**

On motion of Senator Nelson, Senators Campbell, Carona, and Schwertner will be shown as Co-authors of **SB 151**.

**CO-AUTHOR OF SENATE BILL 162**

On motion of Senator Van de Putte, Senator Hinojosa will be shown as Co-author of **SB 162**.

**CO-AUTHOR OF SENATE BILL 166**

On motion of Senator Deuell, Senator Schwertner will be shown as Co-author of **SB 166**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**SR 12** by Davis, In memory of Christopher Barry of Dallas.

**SR 14** by Zaffirini, In memory of Thomas Lynnwood Clark.

**SR 15** by Van de Putte, In memory of Arnold Flores of San Antonio.

**SR 16** by Watson, In memory of Montgomery Blackwell "Monte" Noelke, Jr., of Mertzon.

**SR 17** by Watson, In memory of Beryl Bolton McCarroll Pickle of Austin.

**SR 21** by Fraser and Taylor, In memory of Charles "Hong Kong" Winters Wilson.

**SR 23** by Davis, In memory of Justice C. Anderson of Fort Worth.

**SR 25** by Davis, In memory of James Andrew Bridges of Mansfield.

**SR 26** by Davis, In memory of Ruth Carter Stevenson of Fort Worth.

**Welcome and Congratulatory Resolutions**

**SR 13** by Davis, Recognizing The Potter's House of Fort Worth on the occasion of its grand opening.

**SR 19** by Van de Putte, Commending Lana Duke of San Antonio on the occasion of the Concord Plaza Ruth's Chris Steak House's 20th anniversary.

**SR 24** by Davis, Recognizing Gene Buinger on the occasion of his retirement.

**SR 27** by Van de Putte, Recognizing the recipients of the Texas Treasure Business Award.

**SR 29** by Schwertner, Recognizing the participants in the Tall XIII class of the Texas Agricultural Lifetime Leadership program.

**SR 30** by Williams, Recognizing Cindy Sill on the occasion of her retirement from Tri-County Services.

**SR 31** by Schwertner, Congratulating the C. H. Yoe High School Yoemen football team from Cameron for winning a state championship title.

**SR 32** by Schwertner, Congratulating the Navasota High School Rattlers football team for winning a state championship title.

**SR 33** by Campbell, Recognizing the greater San Antonio area recipients of the Texas Treasure Business Award.

**SR 35** by West, Recognizing Ronald E. Jones on the occasion of his installation as senior pastor of New Hope Baptist Church in Dallas.

**SR 38** by Birdwell, Welcoming the members of Leadership Cleburne to the State Capitol.

**SR 39** by Davis, Recognizing the Fort Worth Police Department and the Islamic Speakers Bureau of Dallas-Fort Worth for organizing the Candles for Connecticut service.

### **Official Designation Resolutions**

**SR 28** by Schwertner, Recognizing January 23, 2013, as Grimes County Day at the State Capitol.

**SR 40** by Nichols, Recognizing February 7, 2013, as Lufkin-Angelina County Day at the Capitol.

**SR 41** by Nichols, Recognizing February 20 and 21, 2013, as Nacogdoches-SFA Days at the State Capitol.

**SR 42** by Nichols, Recognizing February 12, 2013, as Athens Day at the State Capitol.

**SR 43** by Nichols, Recognizing February 6 and 7, 2013, as Palestine Day at the State Capitol.

**SR 44** by Nichols, Recognizing February 5, 2013, as Cedar Creek Lake Day at the State Capitol.

### **ADJOURNMENT**

On motion of Senator Whitmire, the Senate at 12:07 p.m. adjourned, in memory of Sylvia Rodriguez, until 2:00 p.m. Monday, January 28, 2013.

**APPENDIX**

**RESOLUTIONS ENROLLED**

January 15, 2013

**SCR 5, SR 10, SR 11**

# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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## SIXTH DAY

(Monday, January 28, 2013)

The Senate met at 2:13 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, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Hancock, Hegar, Hinojosa, Huffnan, 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.

The Reverend Jacqueline Baker Hammett, Hyde Park Christian Church, Austin, offered the invocation as follows:

Gracious and ever-loving creator and ever-creating God, God of all times and spaces and peoples and places, we pray Your presence here and now in this time and in this space and for this people, for these Your children, elected officials, business professionals, and the ever-important support staff that all may work diligently and cooperatively together to serve the needs and best interests of all the citizens of this great State of Texas. We pray for Your guidance and Your goodness that the work of our hands might ever bring blessing and goodness to the world in which we live. We pray for Your compassion and mercy that we might ever remember that we are called to serve the least of these and to be a voice for those who have no voice, for the measure of a great society and state is reflected in the way we treat all people regardless of race, class, gender, or economic status. As we open another day of public service, we pray that we might live this day and all days in such a way that all of our words and actions reflect Your light and everlasting care. We pray all these things 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.

### LEAVE OF ABSENCE

On motion of Senator Whitmire, Senator Carona was granted leave of absence for today 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.

### ACKNOWLEDGMENT

Senator Nelson was recognized and, on behalf of the Senate, extended best wishes to Senator Campbell on the birth of her third grandchild.

### PHYSICIAN OF THE DAY

Senator Fraser was recognized and presented Dr. H. David Pope of Kerrville as the Physician of the Day.

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

### GUESTS PRESENTED

Senator West was recognized and introduced to the Senate students from Harmony Science Academy in Duncanville.

The Senate welcomed its guests.

### MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 2:22 p.m. agreed to adjourn, upon completion of the introduction of bills and resolutions on first reading, until 10:00 a.m. tomorrow.

### SENATE BILLS ON FIRST READING

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

#### **SB 7** by Nelson

Relating to improving the delivery and quality of certain health and human services, including the delivery and quality of Medicaid acute care services and long-term care services and supports.

To Committee on Health and Human Services.

#### **SB 8** by Nelson

Relating to the provision and delivery of certain health and human services in this state, including the provision of those services through the Medicaid program and the prevention of fraud, waste, and abuse in that program and other programs.

To Committee on Health and Human Services.



**SB 11** by Nelson, Birdwell, Carona, Deuell, Duncan, Estes, Fraser, Nichols, Patrick, Seliger, Williams

Relating to the administration and operation of the Temporary Assistance for Needy Families (TANF) program.

To Committee on Health and Human Services.

**SB 12** by Huffman

Relating to the admissibility of evidence of other similar offenses in the prosecution of certain sexual offenses.

To Committee on Criminal Justice.

**SB 20** by Patrick

Relating to prosecution and punishment for the offense of official oppression by the intrusive touching of persons seeking access to public buildings and transportation; providing penalties.

To Committee on Agriculture, Rural Affairs and Homeland Security.

**SB 22** by Fraser

Relating to the administration of the Texas Water Development Board; making an appropriation from the economic stabilization fund to finance certain water-related projects.

To Committee on Finance.

**SB 26** by Zaffirini

Relating to authorizing the issuance of revenue bonds to fund capital projects at public institutions of higher education.

To Committee on Finance.

**SB 27** by Zaffirini

Relating to eligibility for a Texas B-on-Time loan.

To Committee on Higher Education.

**SB 28** by Zaffirini

Relating to the creation of an offense for use of a handheld wireless communication device for text-based communication while operating a motor vehicle.

To Committee on Transportation.

**SB 29** by Zaffirini

Relating to certain Medicaid home and community-based services waiver programs.

To Committee on Health and Human Services.

**SB 30** by Zaffirini

Relating to the distribution of money appropriated from the national research university fund.

To Committee on Higher Education.

**SB 31** by Zaffirini

Relating to formula funding for certain semester credit hours earned for dual course credit.

To Committee on Higher Education.

**SB 32** by Zaffirini

Relating to individuals with intellectual disabilities committed to state supported living centers.

To Committee on Health and Human Services.

**SB 33** by Zaffirini

Relating to the electronic monitoring of residents at state supported living centers; providing criminal penalties.

To Committee on Health and Human Services.

**SB 34** by Zaffirini

Relating to the administration of psychoactive medications to persons receiving services in certain facilities.

To Committee on Health and Human Services.

**SB 35** by Zaffirini

Relating to the pro re nata administration of psychoactive medication in certain residential health care facilities.

To Committee on Health and Human Services.

**SB 36** by Zaffirini

Relating to the detention and transportation of a person with a mental illness.

To Committee on Health and Human Services.

**SB 37** by Zaffirini

Relating to transition and employment services for public school students enrolled in special education programs.

To Committee on Education.

**SB 38** by Zaffirini

Relating to determining a child's eligibility for a school district's special education program on the basis of a visual impairment.

To Committee on Education.

**SB 39** by Zaffirini

Relating to the evaluation and instruction of public school students with visual impairments.

To Committee on Education.

**SB 40** by Zaffirini

Relating to the immunization data included in and excluded from the immunization registry.

To Committee on Health and Human Services.

**SB 41** by Zaffirini

Relating to the administration and provision of consumer-directed services under certain health and human services programs.

To Committee on Health and Human Services.

**SB 42** by Zaffirini

Relating to public school accountability for bilingual education and English as a second language and other special language programs.

To Committee on Education.

**SB 43** by Zaffirini

Relating to consideration of school district disciplinary placement information in evaluating district performance.

To Committee on Education.

**SB 44** by Zaffirini, West

Relating to maintaining and reporting certain information regarding certain child abuse or neglect cases.

To Committee on Health and Human Services.

**SB 45** by Zaffirini

Relating to the provision of employment assistance and supported employment to certain Medicaid waiver program participants.

To Committee on Health and Human Services.

**SB 46** by Zaffirini

Relating to exempting books purchased, used, or consumed by university and college students from the sales and use tax for a limited period.

To Committee on Finance.

**SB 47** by Zaffirini

Relating to the applicability of the Education Code to Head Start programs and the authority of the commissioner of education to make a certain determination regarding those programs.

To Committee on Education.

**SB 48** by Zaffirini

Relating to the transfer of a student from the school district of the student's residence to another district.

To Committee on Education.

**SB 49** by Zaffirini

Relating to transitional living assistance for children with disabilities who reside in general residential operations.

To Committee on Health and Human Services.

**SB 50** by Zaffirini

Relating to the Children's Policy Council, including the composition of the council.

To Committee on Health and Human Services.

**SB 51** by Zaffirini

Relating to unemployment compensation eligibility and chargebacks regarding certain persons who are victims of sexual assault.

To Committee on Economic Development.

**SB 52** by Zaffirini

Relating to exemptions for disabled peace officers from payment of tuition and fees at public institutions of higher education.

To Committee on Higher Education.

**SB 53** by Zaffirini

Relating to life support services provided by certain emergency medical services personnel.

To Committee on Health and Human Services.

**SB 54** by Zaffirini

Relating to leave for junior college district or university system employees who are physically assaulted while on duty.

To Committee on Higher Education.

**SB 55** by Zaffirini

Relating to local option elections to legalize or prohibit the operation of eight-liners and the imposition of a fee on eight-liner owners; providing penalties.

To Committee on State Affairs.

**SB 56** by Nelson

Relating to the provision and delivery of certain health care services in this state, including the provision of those services through the Medicaid program and the prevention of fraud, waste, and abuse in that program and other programs.

To Committee on Health and Human Services.

**SB 57** by Nelson

Relating to improving the delivery and quality of certain health and human services, including the delivery and quality of Medicaid acute care services and long-term care services and supports.

To Committee on Health and Human Services.

**SB 58** by Nelson

Relating to integrating behavioral health and physical health services provided under the Medicaid program using managed care organizations.

To Committee on Health and Human Services.

**SB 59** by Nelson

Relating to certain required reports and other documents prepared by state agencies and institutions of higher education.

To Committee on Government Organization.

**SB 60** by Nelson

Relating to the authority of a parent or legal guardian to establish a consumer file for a child and act on the child's behalf with a consumer reporting agency.

To Committee on Business and Commerce.

**SB 61** by Nelson

Relating to the licensing and regulation of military physicians who provide voluntary charity health care.

To Committee on Health and Human Services.

**SB 62** by Nelson

Relating to the vaccination against bacterial meningitis of entering students at public and private or independent institutions of higher education.

To Committee on Higher Education.

**SB 63** by Nelson

Relating to consent to the immunization of certain children.

To Committee on Health and Human Services.

**SB 64** by Nelson

Relating to a policy on vaccine-preventable diseases for licensed child-care facilities.

To Committee on Health and Human Services.

**SB 65** by Nelson

Relating to a program to recognize public schools with successful student health and fitness programs.

To Committee on Education.

**SB 66** by Nelson

Relating to the composition of the child fatality review team committee.

To Committee on Health and Human Services.

**SB 67** by Nelson

Relating to reporting requirements for institutions of higher education conducting human stem cell research.

To Committee on Health and Human Services.

**SB 68** by Nelson

Relating to the waiting period before human remains may be cremated.

To Committee on Health and Human Services.

**SB 69** by Ellis

Relating to certain reimbursements provided for the collection of sales and use taxes.

To Committee on Finance.

**SB 70** by Ellis

Relating to the amount of the discount allowed for prepayment of sales and use taxes and the allocation of certain revenue from those taxes.

To Committee on Finance.

**SB 71** by Ellis

Relating to eligibility for the tax reduction for certain high-cost gas and the allocation of certain gas production tax revenue.

To Committee on Finance.

**SB 72** by Ellis

Relating to prohibition of the use of credit scoring in underwriting and rating certain personal lines of insurance coverage.

To Committee on Business and Commerce.

**SB 73** by Ellis

Relating to prohibition of certain insurance discrimination.

To Committee on State Affairs.

**SB 74** by Ellis

Relating to insurer rating practices requiring prior approval.  
To Committee on Business and Commerce.

**SB 75** by Ellis

Relating to limits on the size of prekindergarten classes in public schools.  
To Committee on Education.

**SB 76** by Ellis

Relating to the availability of free prekindergarten programs in public schools.  
To Committee on Education.

**SB 77** by Ellis

Relating to placing the State Board of Education under periodic review by the Sunset Advisory Commission.  
To Committee on Education.

**SB 78** by Ellis

Relating to the development of a climate adaptation plan by certain entities.  
To Committee on Natural Resources.

**SB 79** by Ellis

Relating to dedicating money in the system benefit fund to certain purposes.  
To Committee on Finance.

**SB 80** by Ellis

Relating to the designation of certain election days as state holidays.  
To Committee on State Affairs.

**SB 81** by Ellis

Relating to the registration of voters at a polling place and related procedures.  
To Committee on State Affairs.

**SB 82** by Ellis

Relating to prohibited deceptive or disenfranchising practices regarding an election; providing penalties.  
To Committee on State Affairs.

**SB 83** by Ellis

Relating to early voting by mail by any qualified voter.  
To Committee on State Affairs.

**SB 84** by Ellis

Relating to regulation of health benefit plan issuers in this state.  
To Committee on State Affairs.

**SB 85** by Ellis

Relating to prior approval of certain insurance rates.  
To Committee on State Affairs.

**SB 86** by Ellis

Relating to the elimination of smoking in certain workplaces and public places; providing penalties.  
To Committee on Health and Human Services.

**SB 87** by Ellis

Relating to the electronic recording and admissibility of certain custodial interrogations.

To Committee on Criminal Justice.

**SB 88** by Ellis

Relating to the authority of the governor to grant one or more reprieves in a capital case.

To Committee on Criminal Justice.

**SB 89** by Ellis

Relating to the creation of a commission to investigate and prevent wrongful convictions.

To Committee on Criminal Justice.

**SB 90** by Ellis

Relating to community supervision for certain drug possession offenses.

To Committee on Criminal Justice.

**SB 91** by Ellis

Relating to discovery in a criminal case.

To Committee on Criminal Justice.

**SB 92** by Van de Putte

Relating to the designation of a juvenile court and a pre-adjudication diversion program for certain juveniles alleged to have engaged in conduct that violates certain penal laws regarding prostitution.

To Committee on Jurisprudence.

**SB 93** by Van de Putte

Relating to the continuation of the Human Trafficking Prevention Task Force.

To Committee on Criminal Justice.

**SB 94** by Van de Putte

Relating to civil liability for compelled prostitution and certain promotion of prostitution.

To Committee on State Affairs.

**SB 95** by Nichols

Relating to the limitation on increases in the appraised value of a residence homestead for ad valorem taxation.

To Committee on Finance.

**SB 96** by Nichols

Relating to prohibiting the use of eminent domain to take private property for recreational purposes.

To Committee on State Affairs.

**SB 97** by Patrick

Relating to distributing or prescribing abortion-inducing drugs; providing penalties.

To Committee on Health and Human Services.

**SB 98** by Patrick

Relating to the punishment for certain intoxication offenses.

To Committee on Criminal Justice.

**SB 99** by Patrick

Relating to lobbying by former members of the legislature; creating an offense.

To Committee on State Affairs.

**SB 100** by Patrick

Relating to the total revenue exemption for the franchise tax.

To Committee on Finance.

**CO-AUTHOR OF SENATE BILL 4**

On motion of Senator Fraser, Senator Schwertner will be shown as Co-author of **SB 4**.

**CO-AUTHOR OF SENATE BILL 22**

On motion of Senator Fraser, Senator Schwertner will be shown as Co-author of **SB 22**.

**CO-AUTHOR OF SENATE BILL 143**

On motion of Senator Nelson, Senator Huffman will be shown as Co-author of **SB 143**.

**CO-AUTHOR OF SENATE BILL 235**

On motion of Senator Fraser, Senator Schwertner will be shown as Co-author of **SB 235**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**SR 45** by Uresti, In memory of Jim Bob Hill of Del Rio.

**SR 49** by Van de Putte, In memory of Maria Teresa Devlin.

**SR 52** by Van de Putte, In memory of Howard Jacobs.

**SR 54** by Hinojosa, In memory of Peter Barnard "Pete" Peralta of Corpus Christi.

**SR 58** by Watson, In memory of Ramón C. Samilpa, Sr., of Austin.

**SR 62** by Davis, In memory of Charles Clayton "Bud" Wilson of Fort Worth.

**SR 70** by Ellis, In memory of Thurma G. Rigmaiden of Houston.

**SR 74** by Schwertner, In memory of Margaret Christine Laws Holcombe of Cameron.

**SR 75** by Davis, In memory of Albert Byron Sibbet.



### **Welcome and Congratulatory Resolutions**

**SR 46** by Nelson, Recognizing Jeffrey P. Fegan on the occasion of his retirement.

**SR 47** by Nelson, Welcoming members and alumni of Leadership Grapevine on the occasion of their visit to the Capitol.

**SR 48** by Nelson, Commending the members of Leadership Lewisville.

**SR 50** by Huffinan, Recognizing the Houston Asian Junior Chamber on the occasion of its annual Inauguration and Awards Ceremony.

**SR 55** by Schwertner, Congratulating the Cedar Park High School Timberwolves football team for winning a state championship title.

**SR 57** by Watson, Recognizing Elisa Alice Flores on the occasion of her retirement from the Office of the Comptroller of Public Accounts.

**SR 59** by Birdwell, Recognizing the Daughters of the American Revolution on its new chapter in Bosque County.

**SR 63** by Davis, Recognizing New Rising Star Missionary Baptist Church on the occasion of its annual Raymond B. Spencer Scholarship Banquet.

**SR 65** by Taylor, Joining the Clear Lake Area Chamber of Commerce in recognizing Mike Jackson for his service to the state.

**SR 67** by Deuell, Recognizing Park Haven Nursing and Rehabilitation on the occasion of its grand opening under new ownership.

**SR 69** by Watson, Recognizing the Bastrop Chamber of Commerce on the occasion of its 75th anniversary banquet.

**SR 72** by Nelson, Welcoming the Texas Council on Family Violence on the occasion of its visit to the State Capitol.

**SR 77** by Davis, Recognizing Hahnfeld Hoffer Stanford in Fort Worth on the occasion of its 50th anniversary.

**SR 78** by Nichols, Welcoming the Texas Aggregates and Concrete Association to the State Capitol.

### **Official Designation Resolutions**

**SR 22** by Davis and Hancock, Recognizing January 30, 2013, as Team Arlington Day.

**SR 61** by Davis, Recognizing February 12, 2013, as Kennedale Day at the State Capitol.

**SR 64** by Eltife, Recognizing February 19, 2013, as Panola County Day at the State Capitol.

**SR 71** by Birdwell, Declaring February 27, 2013, Hill County Day at the State Capitol.

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**ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 2:35 p.m. adjourned until 10:00 a.m. tomorrow.

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**APPENDIX**

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**RESOLUTIONS ENROLLED**

January 23, 2013

**SR 12, SR 13, SR 14, SR 15, SR 16, SR 17, SR 19, SR 20, SR 21, SR 23, SR 24,  
SR 25, SR 26, SR 27, SR 28, SR 29, SR 30, SR 31, SR 32, SR 33, SR 35, SR 36,  
SR 38, SR 39, SR 40, SR 41, SR 42, SR 43, SR 44**

**SENT TO SECRETARY OF STATE**

January 24, 2013

**SCR 4, SCR 5**

# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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SEVENTH DAY

(Tuesday, January 29, 2013)

The Senate met at 10:04 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, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Patrick, Paxton, Rodríguez, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Absent-excused: Schwertner.

The Presiding Officer announced that a quorum of the Senate was present.

Pastor K. Ray McDowell, First Church of the Nazarene, Orange, was introduced by Senator Nichols and offered the invocation as follows:

Father, I am grateful today that I have been given the privilege to pray publicly and according to Your word for those in authority so that we can live peaceful and quiet lives marked by godliness and dignity. You guide and govern everything with order and love. Please look upon this 83rd assembly of our State Senators and leaders and fill them with the spirit of Your wisdom. May their decisions indeed help to bring peace and well-being for all. Lord, give them insight to make choices that would strengthen and prosper our state, enhance the education and nurture of the young hearts and minds of our children, protect and care for those of all ages, especially those unable to do so for themselves. It is a foreboding responsibility. But with Your help they will be able to accomplish what is best for those who are dependent on them and in that fulfill Your will. God, please bless our Governor and his family. Bless our Lieutenant Governor and each one of these Senators and the ones they love. Please bless our beloved State of Texas and God bless America. In Jesus' name I 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 Schwertner was granted leave of absence for today on account of important family business.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Tuesday, January 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:

**SCR 7** Whitmire Sponsor: Schaefer  
Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, January 23, 2013, and ending on Monday, January 28, 2013.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**PHYSICIANS OF THE DAY**

Senator Watson was recognized and presented Drs. John and Judith Egerton of Austin as the Physicians of the Day.

The Senate welcomed the Egertons and thanked them for their participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

**SENATE RESOLUTION 66**

Senator Lucio offered the following resolution:

**SR 66**, Recognizing January 29, 2013, as Brownsville Day at the State Capitol.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Lucio was recognized and introduced to the Senate Dr. Juliet V. Garcia, President, The University of Texas at Brownsville; Blanca Perez-Moreno, Board Member, Brownsville Community Improvement Corporation; Eduardo Campirano, Port Director and CEO, Port of Brownsville; David Betancourt, Treasurer, Cameron County; Fred Rusteberg, President, International Bank of Commerce - Brownsville; and a delegation of organizations from Cameron County.

The Senate welcomed its guests.

**SENATE RESOLUTION 37**

Senator Zaffirini offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the members of the Washington's Birthday Celebration Association and the association's president, Bob Weathers, on their successful annual planning of the celebration of Washington's Birthday in Laredo; and

WHEREAS, Every year, the citizens of Laredo celebrate the birthday of the Father of Our Country; the Washington's Birthday Celebration Association sponsors the celebration to pay tribute to the memory of George Washington and to his virtues and his patriotism; the 116th celebration will take place from January 24 through February 25, 2013; and

WHEREAS, Since its beginning as a two-day event in 1898, the Washington's Birthday Celebration gradually has evolved into a grand celebration entailing numerous events in the United States and in Mexico; spectators and participants enjoy marching bands and floats, spectacular fireworks displays, food, games, and entertainers from both sides of the border; and

WHEREAS, The yearly celebrations exemplify the spirit and enthusiasm of Laredoans and the pride they take in their city and country; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby commend the members of the Washington's Birthday Celebration Association on their patriotism and their dedication and extend best wishes to them for a joyous 116th birthday celebration; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the association as an expression of highest regard from the Texas Senate.

**SR 37** was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Zaffirini was recognized and introduced to the Senate Bob Weathers, Tad Deutsch, Ana "Niti" Lamar Gutierrez Volpe, Emily Gonzalez, Isaac Garza, Isabella Gibson, Edward Maddox, Maria Resendez Rodriguez, Emilio Lerma Garza, and John Sharp, Chancellor of The Texas A&M University System.

The Senate welcomed its guests.

**(President in Chair)**

**SENATE RESOLUTION 8**

Senator Watson offered the following resolution:

**SR 8**, Recognizing November of 2013 as Texas Philanthropy Month.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Watson was recognized and introduced to the Senate Adrienne Longenecker and members of the Association of Fundraising Professionals.

The Senate welcomed its guests.

**SENATE RESOLUTION 60**

Senator Williams offered the following resolution:

**SR 60**, Recognizing January 29, 2013, as Leadership Southeast Texas Day at the State Capitol.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Williams was recognized and introduced to the Senate Donnie Meek, Newton City Administrator and Newton ISD Trustee; Merrick Moody, Chief Ranger, Big Thicket National Preserve, Kountze; Kellie Pugh, Lakeway Tire & Service, Jasper; and Tony Sims, Chambers County Treasurer, Anahuac.

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.

**MOTION IN WRITING**

Senator Whitmire offered the following Motion In Writing:

Mr. President:

I move that a committee of five Members of the Senate be appointed by the President to escort the Governor and First Lady of Texas to the Joint Session for the State of the State Address today.

**WHITMIRE**

The Motion In Writing was read and was adopted without objection.

**ESCORT COMMITTEE APPOINTED**

The President announced the appointment of the following as a Committee to Escort the Governor and his wife to the Joint Session: Senators Williams, Chair; Fraser, Hinojosa, Nelson, and Whitmire.

**MOTION TO ADJOURN**

On motion of Senator Whitmire and by unanimous consent, the Senate at 10:38 a.m. agreed to adjourn, in memory of Gaston Joseph "Joe" Wood, upon adjournment of the Joint Session and upon completion of the introduction of bills and resolutions on first reading, until 11:00 a.m. tomorrow.

**JOINT SESSION**

(To hear the State of the State Address by the Honorable Rick Perry, Governor of the State of Texas)

The President announced the time had arrived for the Joint Session pursuant to the provisions of **SCR 5**.

The President of the Senate and the Senators present, escorted by the Secretary of the Senate and the Sergeant-at-Arms, proceeded to the Hall of the House of Representatives at 11:05 a.m.

The President was announced and, on invitation of the Speaker, occupied a seat at the Speaker's Rostrum.

The Senators were announced and were admitted and escorted to seats prepared for them along the aisle.

The Honorable Rick Perry, Governor of the State of Texas, was announced by the Doorkeeper of the House of Representatives.

The Governor and his party were escorted to the Speaker's Rostrum by Senators Williams, Chair; Fraser, Hinojosa, Nelson, and Whitmire on the part of the Senate, and Representatives Creighton, Burkett, Scott Turner, Villalba, and Guillen on the part of the House.

The Honorable David Dewhurst, President of the Senate, called the Senate to order and announced a quorum of the Senate present.

The Honorable Joe Straus, Speaker of the House of Representatives, called the House to order, announced a quorum of the House present, and stated the purpose of the Joint Session.

Speaker Straus acknowledged the presence of Rick and Anita Perry.

The President introduced His Excellency Rick Perry, Governor of the State of Texas, who addressed the Joint Session as follows:

Thank you. It is always an honor to speak in this historic Chamber.

I'd like to thank two quality leaders who have been dedicated partners in our ongoing mission to make an even better Texas, Lieutenant Governor David Dewhurst and Speaker Joe Straus.

Before we begin, I'd like to say a few words about the people who have made the biggest impact in my life, of course, beginning with my parents, Ray and Amelia Perry, who I've been fortunate enough to have with me every step of the way.

And, of course, the source of my strength and the love of my life, Anita Thigpen Perry.

Anita is an extraordinary wife, an exceptional mother, and an elegant First Lady of Texas, and I am honored to have her here today.

There are a lot of new faces in the room as session begins, but we should take a moment to remember two that are no longer with us.

Since the last session, we lost two important Members of the Legislature, Senator Mario Gallegos and Representative Ken Legler.

They were strong leaders and passionate advocates for the people they represented, and they are sorely missed.

My fellow Texans, Members of the judiciary and the Legislature, distinguished guests and friends, it is my pleasure to report that the state of our state is stronger than ever.

We led the nation out of recession and into recovery and remain the nation's prime destination for employers and job seekers alike.

In classrooms, on assembly lines, in laboratories, on farms, and in office buildings, hard-working Texans are today turning their dreams into realities.

Those dreams can be as fundamental as supporting their family and creating better opportunities for their children.

Or they can be as elaborate as launching a new business, harnessing creativity and new technology to create something the world has never seen before.

Big and small, dreams become reality in Texas.

As real as the success Texans are building, you in this Chamber have built the framework that makes it possible for them to succeed.

Texans have succeeded to the tune of more than half a million private sector jobs added over the last two years alone, a total of nearly 1.4 million created in the private sector over the last 10 years.

Now, there are those who insist our job creation stat doesn't mean much because they say we are only creating entry-level, low-paying jobs.

The truth is, we are creating all kinds of jobs—low paying, medium paying, and high paying.

We've created jobs in all three categories faster than the national rate over the last 10 years.

We need jobs of all sorts, full-time and part-time, long-term and temporary, for people of all backgrounds, career stages, and skill levels.

With rare exceptions, no one gets hired out of college as the CEO, but if you want to be a CEO someday, Texas is the right place to start.

Our job numbers are more than statistics; they're real stories about hard-working people.

Just three years ago, Lisa Pounds of Houston saw a need for healthier food choices for children and families, so she left her job as a corporate insurance broker and started her own business.

Today, Green Plate Kitchen is a thriving and growing company, employing nine people and supporting numerous contractors and customers.

Even companies that are well established see the value in choosing Texas.

Pactiv is a global leader in food packaging and has employed more than 1,000 Texans at three different locations, including 122 in Corsicana.

When it was time for the company to build a new, state-of-the-art facility, our state's economic climate, along with the famous Texan work ethic, made the decision a lot easier.

Today, they're building that facility in Corsicana, which means 200 more jobs, and Chairman Cook knows that means 200 more opportunities for people to better their lives and the lives of their families.

And just last June, Texas took another giant leap into commercial space as XCOR Aerospace, a leader in the privatized space race, brought its research and development center to Midland.



They're part of a growing Texas presence in this important market, which includes businesses like SpaceX and Blue Origin.

XCOR, Pactiv, and Green Plate Kitchen are reaching for the stars in their own way right here in Texas, and representatives with those companies are with us today.

Please join me as they stand to thank them for their contributions.

Multiply their stories by thousands and you understand why what we're doing in Texas is working and why it's so vitally important we stay on an upward trajectory.

You have realized a simple truth: Bureaucracy doesn't stimulate the economy, it gets in the way.

Texans succeed not because of bureaucracy, but because you, Dr. Allen, have ensured we have accountable, rigorous public schools.

Texans succeed because you, Chairwoman Zaffirini, have helped create a system of affordable, accessible higher education.

Texans succeed because you, Chairman Seliger, have given them the freedom to do more with the money they earn, and when private employers have more to spend, both the private and public sector benefit.

Texans succeed because you, Representative Lozano, have given employers the freedom to innovate and expand with consistent, predictable, and sensible regulation.

And Texans succeed because you, Representative Creighton and Senator Huffman, have let job creators know they won't be frivolously dragged into court and held hostage by individuals seeking to make a quick buck.

You have all opened the door and Texans have responded and thousands more are getting here as fast as they can.

For eight years in a row, Allied Van Lines has named Texas the nation's top moving destination.

We've made inroads in almost every industry sector from biotech and computer science to energy and finance.

Visionary companies like Facebook, Apple, and Electronic Arts have expanded here.

When these companies come to Texas, to your districts, they make a positive impact on your communities.

And even with a mass influx of job seekers realizing their dreams in Texas, our unemployment rate has consistently remained below the national rate.

Even with that growth in industry and population, we've maintained a strong commitment to the environment.

We lowered ozone levels by 23 percent between 2000-2011 and cut industrial NOx gas emissions by 60 percent over that span.

The tough decisions we faced last session tested our resolve and our dedication to the principles that brought us here.

In the end, we remained dedicated to those principles, holding the line on taxes, spending within our means, and making the tough decisions separating wants from needs.

The revenue estimate we got earlier this month confirms we made the right decisions at that time.

Our bank balance is healthy, our economy is growing, our future is limitless.

The people running some other states are actually pretty smart, and they see what we've been doing.

If imitation is the sincerest form of flattery, you all should be flattered.

In Florida, Governor Rick Scott has enacted very similar policies and is promoting many of the higher education reforms that are yielding promising results here.

In Louisiana, Governor Bobby Jindal has proposed doing away with his state's income tax, part of a move to make his state even more attractive to employers and those chasing their dreams.

And late last year, the State of Michigan became a right-to-work state.

Other states are following our lead and embracing the concept of vigorous competition.

They're aggressively courting major employers, fostering their high-tech sectors, and investing in their workforce.

In short, they want to beat us at our own game.

So here in Texas, we can't just maintain the status quo, we have to improve upon it.

We're in a position today to put our financial house in order, and it's time to do so.

We have an opportunity this session, an opportunity to true up our budget and move away from the budgetary techniques we've come to depend on all too often.

We need to pay now what is due now.

We should put in place a stronger constitutional limit on spending growth, ensuring it never grows more than the combined rate of inflation and population.

We need to make the franchise tax exemption for small businesses permanent.

We should continue to scrub the budget for any waste and redundancies, streamlining wherever possible.

We also need to do away with the practice of using dedicated funds and specific fees for anything other than the purpose for which they were intended.

If we don't need taxpayer money for that purpose, let's not collect it at all.

We've never bought into the notion that if you collect more, you need to spend more.

Today, I'm calling for a mechanism to be put in place so when we do bring in more than we need, we'll have the option of returning tax money directly to the people who paid it.

Currently, that's not something our constitution allows.

We need to fix that.

Also, while Texas is a low-tax state, let's make the burden on Texans even lower.

I know that's a goal Chairman Hilderbran has always worked towards.

In a legislative session where we can see billions still on the table after we've funded our services and met the needs of our ever-expanding population, I think providing tax relief of at least \$1.8 billion over this biennium is a good place to start.

As to how we provide that relief, there are plenty of good ideas, and that promises to be a very valuable conversation for us to engage in.

We want to hear more from the taxpayers themselves about how we run things in Austin.

My office, in fact, has built a website to get your feedback on tax cuts.

You can find it at my main site, [gov.texas.gov](http://gov.texas.gov).

While Washington, D.C., can sometimes seem entirely non-responsive and is increasing the tax burden on Americans, and other states are scrambling to grab every tax dollar they can, I'm proud that in Texas we're talking about the best way to give money back.

Our approach is even more important as Washington raises taxes and the costs of the Affordable Care Act begin to pile up.

We have made it clear Texas will not expand Medicaid under the ACA, as Chairwoman Kolkhorst can tell you.

We won't set up a state exchange, as Chairwoman Nelson can attest.

Texas will not drive millions more into an unsustainable system, and that stance has not changed an iota.

However, the costs of ACA will still fall on the backs of individuals and employers across the country, and it falls to us on the state level to do what we can to alleviate the federal burden as much as we can.

Time and again, we've seen that when people keep their money, they invest it wisely and selflessly in things important to them.

That's why Texas' cultural arts community, for example, is thriving even without unlimited amounts of federal and state money.

The Dallas Arts District and the Museum of Fine Arts Houston, Bass Performance Hall in Fort Worth, just to name a few, have each brought in major tourism dollars and enriched countless lives.

Our surging arts communities are yet another reason so many people and employers are choosing to come to Texas.

As our population expands and industries grow across our state, the demand is increasing upon the fundamental building blocks of our communities.

This session, we need to deal with our state's infrastructure needs.

We must particularly address our growing needs in water and transportation.

Doing that without breaking the budget will require creativity and some outside-the-box thinking.

I believe one answer lies within our Rainy Day Fund.

The Rainy Day Fund was created to ensure we had a sufficient amount in reserve in case of disaster and to ensure Texas maintains its strong credit rating.

Due to our economic success, the fund will soon hold nearly \$12 billion, significantly more than the amount we need to meet those obligations.

We need to maintain a strong Rainy Day Fund.

While we cannot, and will not, raid the fund to meet ongoing expenses, we also shouldn't accumulate billions more than necessary.

That's why I support a move to utilize \$3.7 billion from the Rainy Day Fund for a one-time investment in infrastructure programs.

In addition to the Rainy Day Fund investment, we should also end the diversion of State Highway Fund appropriations, which will mean another \$1.3 billion every biennium for road maintenance and construction.

What I am proposing will support critical water and transportation systems across our state, addresses our needs both short- and long-term, and ensures both water and traffic will continue to flow in Texas for generations to come.

None of us can deny the need for these improvements.

Water and roads add to the quality of life for all Texans—anyone stuck in traffic at rush hour in our cities can speak to that.

It also plays a major role in our continued economic development.

Whenever we're recruiting a business seeking to relocate or expand, a chief concern of theirs is ensuring there are adequate water, power, and transportation systems for their needs.

We've been the nation's top exporting state for 10 years now, and for us to continue that dominance requires a clear way to move goods from one place to another.

Our success also relies upon the continued excellence of the Texas workforce, and it falls to us to better prepare the next generation for the jobs available to them.

We've worked hard to improve our public education system over the past decade, and the results are encouraging.

According to the U.S. Department of Education, our graduation rates are at an all-time high, the third highest in the nation, which represents a significant turnaround from just a few short years ago.

Of course, we can't let up now.

I believe that the best way forward is the way that will provide the most opportunities for each child, something I know Senator Patrick supports.

Not every child learns for the same purpose, not every child thrives in the same settings and schools.

Limiting a child to just one opportunity does nothing more than limit that child's future.

The way forward must involve more public charter schools, which offer parents a tuition-free alternative to their neighborhood school.

These innovative public schools already serve more than 150,000 students across Texas, with more than 100,000 students on waiting lists.

It's also time to introduce scholarship programs that give students a choice, especially those who are locked into low-performing schools.

Of course, all that has to be done in a fashion that continues to encourage teachers and administrators in traditional schools to produce excellent students.

In addition to a choice of schools, we should also give students more flexibility in the courses they take in high school to prepare them for whatever their goals may be, without sacrificing our rigorous academic standards.

Anytime we talk about education, we have to remember that the focus has to be squarely on one specific special interest group: our students.

We cannot stop thinking of new ways to teach and inspire our children.

They're ready to learn and eager to use that education to improve their lives.

Over the last five years, the number of Texas students participating in college preparation tests has increased, a clear sign the young people in Texas understand the importance of a college education.

Most encouraging of all, those figures indicate a significant increase in participation among minority students.

Forty-two percent more African American students are now taking the SAT than were participating five years ago, and 65 percent more Hispanic students.

Along the same time frame, the rate of Hispanic students taking the ACT has doubled.

A short time ago, those same students might have felt like a college education wasn't for them and felt discouraged from trying.

These students are realizing their potential, and they're going to use that potential to change Texas and the world for that matter.

Of course, this means that we have to make sure that college is accessible and affordable.

Two years ago, I stood here and called upon our institutions of higher learning to develop plans for degrees that cost no more than \$10,000.

There were plenty of detractors at that time who insisted it couldn't be done.

However, that call inspired educators at colleges and universities across our state to step up to the plate.

Today, I'm proud to tell you that 13 Texas universities have announced plans for a \$10,000 degree.

Some of those innovators and educators are with us in this Chamber. Again, please join me in recognizing them as they stand.

The idea is spreading, too.

As I mentioned earlier, Florida is developing its own \$10,000 degree program, and even California—yes, that California—is taking a stab at making these programs commonplace.

These are promising developments, but we must do everything we can to continue making higher education an achievable dream for all Texans.

To that end, I've called for a four-year tuition freeze for incoming freshmen, and I know Chairman Branch has been working hard on this issue.

This will provide students and families cost certainty, as their tuition will be locked in at the rate they pay their first semester for the next four years.

This will also encourage them to graduate on time, which is a problem we simply can't ignore anymore.

Currently less than 30 percent of full-time students at our four-year institutions graduate in four years, and only 58 percent have their degree in six.

That's why we should tie at least a portion of state funding—I'm suggesting a minimum of 10 percent—based on the number of graduates.

We need to encourage these schools to get their students educated and ready to work as quickly as possible.

Texas employers need additional, qualified workers.

Of course, not all these jobs require a college degree.

Many require a technical certification, and those jobs are among those most in demand in our state.

Last fall, I announced an initiative that will bring industries and our technical and community colleges together to create a statewide model that will enable students to swiftly earn their technical certifications at an affordable cost.

Chairman Davis and Senator Birdwell will help lead the charge with legislation that will encourage and incentivize more fast track programs.

Under this framework, an individual will be able to attain certain certification in a high-demand industry, utilizing competency-based learning to allow students to gain credit for skills they have already mastered.

It's an innovative solution, the kind we need more of in the years to come.

It's the decisions made here that will determine what Texas will look like for the next 50 years.

As an example of what I mean, let's take a look at how dramatically and how quickly things are changing in South Texas.

We've committed to expanding and building roads, so businesses are finding it easier to transport goods.

We've helped nurture and grow a major Regional Academic Health Center in Harlingen, as well as the Irma Rangel College of Pharmacy in Kingsville.

Today, the students of South Texas are able to stay closer to home to earn their college degrees.

This area of the state is critical to our state's future, and our investment in the children of South Texas will be returned a thousand-fold.

That's why I'm calling for the Legislature to pass by a two-thirds vote a bill necessary to give South Texas access to the Permanent University Fund.

The changes in South Texas—in fact, the changes across our state—remind us that we're living in a fast-moving world and that we'll need the contributions of everyone to keep up.

I'm proud that Texas is a place where anyone can make a difference, regardless of where you're from or how you might spell your last name.

During his second inaugural address, President Obama called on us all to work together and do our part to secure a brighter future for America.

Mr. President, Texas stands ready to do our part!

From our origins pioneering a rugged frontier, Texans have a long, proud tradition of working together—South Texas ranchers and DFW teachers, Bay Area shrimpers and West Texas farmers.

We are a diverse tapestry of cultures, faiths, and bloodlines, but we are bound by a common spirit and a common lineage that's remarkable for a state so big.

Not only will we all work together for the remaining 119 days of this session, we will work together every day in companies and in agencies across our state.

We will work together at places like TxDOT, led by El Paso's Ted Houghton, who oversees a team focused on building and maintaining our roads.

We will work together at the Department of Public Safety, led by Cindy Leon of Mission, with well-trained professionals who spend every day working to make Texans safer.

We will work together at the Texas Education Agency, led by Arlington's Michael Williams, who has one of the most important jobs in Texas, educating our children for the challenges of the future.

From these great Chambers to the Governor's office, to local offices in small towns across our state, we are all privileged to do our part to make a better Texas for all.

Texas is not merely strong but exceptional.

We are a testament to the power of freedom, to the entrepreneurial spirit unleashed from government interference.

We believe these ideals are sturdy enough and strong enough to advance any and all Texans, regardless of race, color, or creed.

We embrace a "can-do culture" for every citizen willing to work hard and pursue a dream.

Those ideals propel us forward as we stand as a national example that hard work can breed success regardless of one's station in life, that freedom is the best antidote to poverty, and that each individual deserves to inherit a state of equality and opportunity.

May the work we do in these hallowed halls preserve opportunity for every Texan.

Thank you, God bless you and, through you, may He continue to bless the Great State of Texas.

*(Note: Prepared text)*

The President acknowledged the presence of his wife, Patricia Dewhurst.

Speaker Straus at 11:45 a.m. stated the purpose for which the Joint Session was held having been completed, the House, pursuant to a previously adopted motion, would stand At Ease until the departure of its guests.

The President at 11:45 a.m. stated the purpose for which the Joint Session was held having been completed, the Senate, pursuant to a previously adopted motion, would stand adjourned, in memory of Gaston Joseph "Joe" Wood, pending the completion of the introduction of bills and resolutions on first reading, until 11:00 a.m. tomorrow.

### INTERPRETERS FOR THE DEAF

The interpretation of the proceedings of the Joint Session was provided by Billy Collins and Dan Flanigan.

### SENATE BILLS AND RESOLUTIONS ON FIRST READING

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

**SB 4** by Fraser

Relating to the administration and functions of the Texas Water Development Board.  
To Committee on Natural Resources.

**SB 101** by Patrick

Relating to the constitutional limit on the rate of growth of appropriations and the use of surplus state revenues.  
To Committee on Finance.

**SB 102** by Patrick

Relating to the rollback tax rate of a taxing unit other than a school district and to voter approval of a proposed tax rate that exceeds the rollback tax rate.  
To Committee on Finance.

**SB 103** by Patrick

Relating to the elimination of straight-party voting for judicial offices.  
To Committee on State Affairs.

**SB 104** by West

Relating to the reapportionment of congressional districts and the creation, function, and duties of the Texas Congressional Redistricting Commission.  
To Committee on State Affairs.

**SB 105** by West

Relating to the use of a wireless communication device or other portable electronic device to provide evidence of motor vehicle financial responsibility.  
To Committee on Transportation.

**SB 106** by West

Relating to a requirement that the Sunset Advisory Commission conduct a study and make recommendations regarding certain tax preferences that relate to ad valorem taxes and that are required or authorized by the state.  
To Committee on Finance.



**SB 107** by West

Relating to the disclosure by a court of criminal history record information that is the subject of an order of nondisclosure.

To Committee on Criminal Justice.

**SB 108** by West

Relating to adverse possession of real property by a cotenant heir against other cotenant heirs.

To Committee on Jurisprudence.

**SB 109** by West

Relating to the state low income housing plan and report developed by the Texas Department of Housing and Community Affairs.

To Committee on Intergovernmental Relations.

**SB 110** by West

Relating to eligibility to file for compensation by persons wrongfully imprisoned.

To Committee on State Affairs.

**SB 111** by Lucio

Relating to the preservation of Texas Historical Use Buildings.

To Committee on Government Organization.

**SB 112** by Lucio

Relating to a requirement for and the contents of a declarations page required for certain standard insurance policy forms for residential property insurance.

To Committee on Business and Commerce.

**SB 113** by Estes

Relating to the repeal of the franchise tax.

To Committee on Finance.

**SB 114** by Ellis

Relating to restrictions on the location and operation of concrete crushing facilities.

To Committee on Natural Resources.

**SB 115** by Williams

Relating to a school choice program for certain students with disabilities.

To Committee on Education.

**SB 116** by Hincjosa

Relating to the consideration of ownership interests of disabled veterans in determining whether a business is a historically underutilized business for purposes of state contracting.

To Committee on Government Organization.

**SB 117** by Hincjosa

Relating to the right of a spouse to enter the marital residence accompanied by a peace officer under certain circumstances.

To Committee on Jurisprudence.

**SB 118** by Hinojosa

Relating to prohibiting an employer from requiring or requesting access to the personal accounts of employees and job applicants through electronic communication devices; establishing an unlawful employment practice.

To Committee on Business and Commerce.

**SB 119** by Rodríguez

Relating to the operation of special student recovery programs by certain school districts.

To Committee on Education.

**SB 120** by Rodríguez

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.

To Committee on Higher Education.

**SB 121** by Rodríguez

Relating to prohibited retaliation against state or local public employees for reporting to certain persons violations of law.

To Committee on Open Government.

**SB 122** by Rodríguez

Relating to the removal from office of a member of the board of trustees of an independent school district.

To Committee on Education.

**SB 123** by Rodríguez

Relating to the authority of the commissioner of education to issue subpoenas and conduct accreditation investigations.

To Committee on Education.

**SB 124** by Rodríguez

Relating to the punishment for the offense of tampering with certain governmental records based on certain reporting for school districts and open-enrollment charter schools.

To Committee on Education.

**SB 125** by Ellis

Relating to designated tuition.

To Committee on Higher Education.

**SB 126** by Nelson

Relating to the creation of a mental health and substance abuse public reporting system.

To Committee on Health and Human Services.

**SB 127** by Nelson

Relating to the creation of certain funding formulas and policies and to certain public health evaluations by the Department of State Health Services.

To Committee on Health and Human Services.

**SB 128** by Nelson

Relating to criminal history record information concerning certain applicants and clients of the Department of Assistive and Rehabilitative Services.

To Committee on Health and Human Services.

**SB 129** by Nelson

Relating to proper venue for filing an application for a protective order against family violence.

To Committee on Jurisprudence.

**SB 130** by Nelson

Relating to representation by prosecuting attorneys in proceedings for protective orders against family violence and in certain other actions.

To Committee on Jurisprudence.

**SB 131** by Nelson

Relating to the hours of sale and consumption of wine at a winery.

To Committee on Business and Commerce.

**SB 132** by Nelson, Patrick

Relating to the contents and applicability of a school district's grading policy.

To Committee on Education.

**SB 133** by Nelson

Relating to the use of certain state property for community food gardens.

To Committee on Natural Resources.

**SB 134** by Nelson

Relating to health and physical education credits required for high school graduation.

To Committee on Education.

**SB 135** by Patrick

Relating to the use of a public school student's performance on an end-of-course assessment instrument in determining the student's final grade for the course.

To Committee on Education.

**SB 136** by Ellis

Relating to unit operations for oil, gas, or oil and gas production or carbon dioxide storage.

To Committee on Natural Resources.

**SB 137** by Rodríguez

Relating to the recall of members of school district boards of trustees.

To Committee on State Affairs.

**SB 138** by Zaffirini

Relating to procedures for filing complaints with, and providing notice of certain violations to, the Texas Board of Professional Geoscientists.

To Committee on Business and Commerce.

**SB 139** by Eltife

Relating to the designation of a segment of U.S. Highway 80 as the Sergeant Travis E. Watkins Memorial Highway.

To Committee on Transportation.

**SB 140** by Ellis, Carona

Relating to a periodic review and expiration dates of state and local tax preferences.

To Committee on Finance.

**SB 141** by Huffman

Relating to the requirements for issuance of a license to practice orthotics and prosthetics.

To Committee on Health and Human Services.

**SB 142** by West

Relating to zero-based budgeting for state agencies as a part of the sunset review process.

To Committee on Finance.

**SB 143** by Nelson

Relating to programs designed to enhance medical education in this state.

To Committee on Higher Education.

**SB 144** by Williams

Relating to the calculation of the ad valorem rollback tax rates of certain taxing units.

To Committee on Finance.

**SB 145** by Williams

Relating to a credit or refund for diesel fuel taxes paid on diesel fuel used in this state by auxiliary power units or power take-off equipment.

To Committee on Finance.

**SB 146** by Williams

Relating to access by a public institution of higher education to the criminal history record information of certain persons seeking to reside in on-campus housing.

To Committee on Higher Education.

**SB 147** by Deuell

Relating to the amount of outstanding total liability of a mortgage guaranty insurer.

To Committee on Business and Commerce.

**SB 148** by Williams, Nichols

Relating to certain legal advice or legal services rendered to public servants.

To Committee on State Affairs.

**SB 149** by Nelson

Relating to the Cancer Prevention and Research Institute of Texas.

To Committee on Health and Human Services.

**SB 150** by Nelson

Relating to the cancer prevention and research fund.

To Committee on Health and Human Services.

**SB 151** by Nelson, Huffman, Rodríguez, West

Relating to the practice of dentistry, including the regulation of dental service organizations; providing an administrative penalty.

To Committee on Health and Human Services.

**SB 152** by Nelson

Relating to the protection and care of persons who are elderly or disabled or who are children.

To Committee on Health and Human Services.

**SB 153** by Nelson

Relating to the amounts of administrative penalties assessed or imposed against certain health facilities.

To Committee on Health and Human Services.

**SB 154** by Patrick

Relating to the limitation on increases in the appraised value of a residence homestead for ad valorem taxation.

To Committee on Finance.

**SB 155** by Patrick

Relating to a limitation on increases in the appraised value for ad valorem tax purposes of commercial or industrial real property.

To Committee on Finance.

**SB 156** by West

Relating to achievement benchmarks in fiscal notes and to legislative review of those benchmarks.

To Committee on Administration.

**SB 157** by Hegar

Relating to the Parrie Haynes Trust.

To Committee on Agriculture, Rural Affairs and Homeland Security.

**SB 158** by Carona

Relating to the average price below which a newspaper is exempt from the sales tax.

To Committee on Finance.

**SB 159** by Carona

Relating to the definition of an authorized emergency vehicle.

To Committee on Intergovernmental Relations.

**SB 160** by Huffman

Relating to the identification of a person as an election poll watcher.

To Committee on State Affairs.

**SB 161** by Patrick

Relating to the computation of the franchise tax by certain taxable entities that rent or lease equipment.

To Committee on Finance.

**SB 162** by Van de Putte

Relating to the occupational licensing of members of the military and spouses of members of the military.

To Committee on Veteran Affairs and Military Installations.

**SB 163** by Van de Putte

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.

To Committee on Finance.

**SB 164** by Van de Putte

Relating to the issuance to veterans of specially marked licenses to carry a concealed handgun and specially marked personal identification certificates.

To Committee on Veteran Affairs and Military Installations.

**SB 165** by Van de Putte

Relating to the issuance of specialty license plates to officers of the United States armed forces who graduated from certain United States military academies.

To Committee on Transportation.

**SB 166** by Deuell

Relating to the use by certain health care providers of electronically readable information from a driver's license or personal identification certificate.

To Committee on Agriculture, Rural Affairs and Homeland Security.

**SB 167** by Deuell

Relating to safety training for employees of certain contractors with a governmental entity.

To Committee on State Affairs.

**SB 168** by Fraser

Relating to the election of members of the board of directors of the Central Texas Groundwater Conservation District.

To Committee on Natural Resources.

**SB 169** by Hegar

Relating to ballot language for an election to approve and finance a municipal or county venue project.

To Committee on Economic Development.

**SB 170** by West

Relating to building code standards for new residential construction in the unincorporated area of a county.

To Committee on Intergovernmental Relations.

**SB 171** by West

Relating to the establishment of a workgroup to study the use by state agencies of a uniform application form following disasters.

To Committee on Agriculture, Rural Affairs and Homeland Security.

**SB 172** by Carona

Relating to diagnosing the reading development and comprehension of public school kindergarten students.

To Committee on Education.

**SB 173** by Estes

Relating to prohibiting the use of radio frequency identification technology to transmit information regarding public school students.

To Committee on Education.

**SB 174** by Estes

Relating to the protection of stray bison.

To Committee on Agriculture, Rural Affairs and Homeland Security.

**SB 175** by Estes

Relating to the allocation of the proceeds from taxes imposed on the sale, storage, or use of sporting goods.

To Committee on Finance.

**SB 176** by Carona

Relating to the distribution of certain consultants' reports.

To Committee on Open Government.

**SB 177** by Nichols

Relating to authorizing the issuance of revenue bonds for a Science, Technology, Engineering, and Mathematics Education and Research Center at Stephen F. Austin State University.

To Committee on Finance.

**SB 178** by Davis

Relating to the disclosure on personal financial statements of certain contracts with governmental entities.

To Committee on State Affairs.

**SB 179** by Paxton, Patrick

Relating to the phaseout and repeal of the franchise tax.

To Committee on Finance.

**SB 180** by Van de Putte

Relating to the repurchase of real property from an entity with eminent domain authority.

To Committee on State Affairs.

**SB 181** by Hegar

Relating to the use of a wireless communication device to provide evidence of motor vehicle financial responsibility.

To Committee on Transportation.

**SB 182** by Birdwell, Campbell, Deuell, Eltife, Estes, Hancock, Hegar, Nelson, Nichols, Patrick, Paxton, Schwertner, Taylor, Williams

Relating to the carrying of concealed handguns on the campuses of and certain other locations associated with institutions of higher education.

To Committee on Criminal Justice.

**SB 183** by Carona

Relating to certain inquiries made by the Texas Department of Insurance to insurers.

To Committee on Business and Commerce.

**SB 184** by Carona

Relating to extending claim-handling deadlines after certain emergency declarations.

To Committee on Business and Commerce.

**SB 185** by Deuell

Relating to information regarding the number of public school students with dyslexia.

To Committee on Education.

**SB 186** by Carona

Relating to the abatement of mosquitoes in stagnant water located on certain uninhabited residential property.

To Committee on Health and Human Services.

**SB 187** by Huffman

Relating to the punishment for a capital felony committed by an individual younger than 18 years of age.

To Committee on Criminal Justice.

**SB 188** by Huffman

Relating to interception of wire, oral, or electronic communications for law enforcement purposes.

To Committee on Criminal Justice.

**SB 189** by Huffman

Relating to the eligibility of certain inmates convicted of injury to a child for release to mandatory supervision.

To Committee on Criminal Justice.

**SB 190** by Huffman

Relating to the prescription and pharmaceutical substitution of biological products.

To Committee on Health and Human Services.

**SB 191** by Birdwell, Nelson

Relating to requirements for cash withdrawals from Temporary Assistance for Needy Families benefits accounts.

To Committee on Health and Human Services.

**SB 192** by Carona

Relating to access to criminal history record information by the banking commissioner.

To Committee on Business and Commerce.



**SB 193** by West

Relating to the exemption from ad valorem taxation of certain property used to provide low-income and moderate-income housing.

To Committee on Intergovernmental Relations.

**SB 194** by West

Relating to ingress and egress access by emergency vehicles in certain new residential subdivisions.

To Committee on Intergovernmental Relations.

**SB 195** by Watson

Relating to the maintenance by the Legislative Budget Board of a searchable database containing certain budget information.

To Committee on Finance.

**SB 196** by Watson

Relating to the Business Tax Advisory Committee.

To Committee on Finance.

**SB 197** by Watson

Relating to procedures applicable to adoption of the public school curriculum by the State Board of Education.

To Committee on Education.

**SB 198** by Watson

Relating to restrictive covenants regulating drought-resistant landscaping or water-conserving turf.

To Committee on Natural Resources.

**SB 199** by Watson

Relating to the evaluation by applicants for permits for certain electric generating facilities of water-efficient cooling technologies.

To Committee on Natural Resources.

**SB 222** by Watson

Relating to the venue for prosecution of certain computer crimes.

To Committee on Criminal Justice.

**SB 223** by Watson

Relating to designation of certain vehicles of the Texas Division of Emergency Management as authorized emergency vehicles.

To Committee on Transportation.

**SB 224** by Seliger

Relating to the availability of money from the economic stabilization fund to be used for the purposes of projects in the state water plan.

To Committee on Finance.

**SB 225** by Seliger

Relating to curriculum and end-of-course assessment requirements for high school graduation.

To Committee on Education.

**SB 226** by Hegar

Relating to the operation of a golf cart or utility vehicle on a public highway in certain counties.

To Committee on Transportation.

**SB 227** by Williams

Relating to the dispensation of aesthetic pharmaceuticals by physicians.

To Committee on Health and Human Services.

**SB 228** by Williams

Relating to the regulation of the practice of public accountancy.

To Committee on Business and Commerce.

**SB 229** by Davis

Relating to an exception to the domicile requirement for issuance of a commercial driver's license for certain military personnel.

To Committee on Veteran Affairs and Military Installations.

**SB 230** by Carona

Relating to the applicability of state law governing funds transfers to certain remittance transfers.

To Committee on Business and Commerce.

**SB 231** by Carona

Relating to the applicability of certain concealed handgun laws to certain associate judges.

To Committee on Criminal Justice.

**SB 232** by Carona

Relating to use of the Nationwide Mortgage Licensing System and Registry in connection with the regulatory authority of the consumer credit commissioner.

To Committee on Business and Commerce.

**SB 233** by Patrick

Relating to the use of funds of certain municipal hospital authorities.

To Committee on Intergovernmental Relations.

**SB 235** by Fraser

Relating to the creation of regional authorities for water infrastructure projects.

To Committee on Natural Resources.

**SB 236** by Hinojosa

Relating to the hours of sale for liquor.

To Committee on Business and Commerce.

**SB 237** by Van de Putte

Relating to the prohibition of employment discrimination on the basis of sexual orientation or gender identity or expression.

To Committee on Economic Development.

**SB 238** by Van de Putte

Relating to the awarding of the Texas Legislative Medal of Honor.

To Committee on Veteran Affairs and Military Installations.

**SB 239** by Van de Putte

Relating to combination resident hunting and fishing licenses for military personnel.  
To Committee on Natural Resources.

**SB 240** by Van de Putte

Relating to public school accountability and end-of-course assessment instruments.  
To Committee on Education.

**SB 241** by Carona

Relating to the authority of an electric customer to choose not to have a utility's advanced meter.  
To Committee on Business and Commerce.

**SB 242** by Carona

Relating to the eligibility requirements for certain occupational licenses issued to applicants with military experience.  
To Committee on Veteran Affairs and Military Installations.

**SB 243** by Davis

Relating to the personal needs allowance for certain Medicaid recipients who are residents of long-term care facilities.  
To Committee on Health and Human Services.

**SB 244** by Carona

Relating to the administration, operation, supervision, and regulation of credit unions.  
To Committee on Business and Commerce.

**SB 245** by West

Relating to eligibility of children's advocacy centers for contracts to provide services for children and family members in child abuse and neglect cases.  
To Committee on Health and Human Services.

**SB 246** by West

Relating to the electronic submission of a request for an attorney general opinion.  
To Committee on Jurisprudence.

**SB 247** by Carona

Relating to the transfer of an ad valorem tax lien.  
To Committee on Business and Commerce.

**SB 248** by Davis

Relating to unlawful employment practices regarding discrimination in payment of compensation.  
To Committee on Economic Development.

**SB 249** by Patrick

Relating to the prosecution of the offense of breach of computer security.  
To Committee on Criminal Justice.

**SB 250** by West

Relating to the requirements of using certain technology to conduct certain mental health hearings or proceedings.  
To Committee on Jurisprudence.

**SB 251** by West

Relating to an unsworn declaration made by an employee of a state agency or political subdivision in the performance of the employee's job duties.

To Committee on Jurisprudence.

**SB 252** by West

Relating to certain procedures regarding an application for a writ of habeas corpus filed in a noncapital felony case.

To Committee on Criminal Justice.

**SB 253** by Deuell

Relating to newborn screening for congenital heart defects.

To Committee on Health and Human Services.

**SB 254** by Deuell

Relating to the satisfaction of a condition of community supervision requiring performance of community service.

To Committee on Criminal Justice.

**SB 255** by Deuell

Relating to the creation of a voluntary consumer-directed health plan for certain individuals eligible to participate in the group benefits program provided under the Texas Employees Group Benefits Act and their qualified dependents.

To Committee on State Affairs.

**SB 256** by Deuell

Relating to tracking career information for graduates of Texas medical schools.

To Committee on Higher Education.

**SB 257** by Deuell

Relating to notice of inaccurate payment or nonpayment of certain claims under certain health benefit plans.

To Committee on State Affairs.

**SB 258** by 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.

To Committee on Health and Human Services.

**SB 259** by Carona

Relating to telecommunications services and markets.

To Committee on Business and Commerce.

**SB 260** by Davis, Van de Putte

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.

To Committee on Veteran Affairs and Military Installations.

**SB 261** by Hinojosa

Relating to instruction in cardiopulmonary resuscitation and the use of automated external defibrillators in secondary education curriculum.

To Committee on Education.

**SB 262** by Huffman

Relating to the reporting of criminal disposition completeness percentage data.

To Committee on Criminal Justice.

**SB 263** by Huffman

Relating to the designation of certain synthetic cannabinoids as controlled substances and controlled substance analogues under the Texas Controlled Substances Act.

To Committee on Criminal Justice.

**SB 264** by Huffman

Relating to the addition of a synthetic hallucinogenic substance to Penalty Group 2 of the Texas Controlled Substances Act.

To Committee on Criminal Justice.

**SB 265** by Huffman

Relating to bond requirements for county officers and employees.

To Committee on Intergovernmental Relations.

**SCR 1** by Nelson

Designating April as Water Safety Month for a 10-year period beginning in 2013.

To Committee on Administration.

**SCR 2** by Ellis

Urging the United States Congress to propose and submit to the states for ratification an amendment to the United States Constitution that overturns *Citizens United v. Federal Election Commission*, establishing that the spending of money to influence elections shall not be construed as speech under the First Amendment, and clarifying that only natural persons are protected by constitutional rights.

To Committee on State Affairs.

**SCR 3** by Lucio

Urging Congress to rename the Harlingen Veterans Affairs Outpatient Clinic as the Kay Bailey Hutchison Veterans Affairs Outpatient Clinic at Harlingen.

To Committee on Administration.

**SCR 6** by Estes

Urging Congress to reimburse the State of Texas for bearing the financial burden of the federal government's responsibility to secure the Texas-Mexico international border during the 2012-2013 budget cycle.

To Committee on Agriculture, Rural Affairs and Homeland Security.

**SJR 5** by Campbell

Proposing a constitutional amendment relating to the rights of individuals to choose or decline to choose to purchase health insurance coverage.

To Committee on State Affairs.

**SJR 6** by Ellis

Proposing a constitutional amendment providing immediate additional revenue for the state budget by creating the Texas Gaming Commission, authorizing and regulating the operation of casino games and slot machines by a limited number of licensed operators and certain Indian tribes, and authorizing a limited state video lottery system to be operated at horse and greyhound racetracks and on Indian tribal lands.

To Committee on State Affairs.

**SJR 7** by Ellis

Proposing a constitutional amendment authorizing the governor to grant one or more reprieves in a capital case.

To Committee on Criminal Justice.

**SJR 8** by Ellis

Proposing a constitutional amendment requiring the state to expand eligibility for the Medicaid program to certain persons.

To Committee on Health and Human Services.

**SJR 9** by Nichols

Proposing a constitutional amendment to authorize the legislature to limit the maximum appraised value of a residence homestead for ad valorem tax purposes to 105 percent or less of the appraised value of the property for the preceding tax year and to permit the voters of a county to establish a higher limitation not to exceed 110 percent on the maximum appraised value of a residence homestead in the county.

To Committee on Finance.

**SJR 10** by Patrick

Proposing a constitutional amendment concerning the limitation on the rate of growth in appropriations and the use of unencumbered surplus state revenues to provide for a rebate of state franchise taxes, to reduce public school district property taxes, and to fund the state's rainy day fund.

To Committee on Finance.

**SJR 11** by Rodríguez

Proposing a constitutional amendment authorizing elections for the recall of independent school district trustees.

To Committee on State Affairs.

**SJR 12** by Ellis, Carona

Proposing a constitutional amendment requiring the periodic review of state and local tax preferences and providing an expiration date for certain tax preferences.

To Committee on Finance.

**SJR 13** by Eltife

Proposing a constitutional amendment limiting to two the number of consecutive terms for which a person may be elected or appointed to hold certain state offices.

To Committee on State Affairs.

**SJR 14** by Patrick

Proposing a constitutional amendment to authorize the legislature to limit the maximum appraised value of commercial or industrial real property for ad valorem tax purposes to 110 percent or more of the appraised value of the property for the preceding tax year.

To Committee on Finance.

**SJR 15** by Patrick

Proposing a constitutional amendment to authorize the legislature to set a lower limit on the maximum appraised value of a residence homestead for ad valorem taxation.

To Committee on Finance.

**SJR 16** by Van de Putte

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.

To Committee on Finance.

**SJR 17** by Estes

Proposing a constitutional amendment relating to the appropriation of the net revenue received from the imposition of the state sales and use tax on sporting goods.

To Committee on Finance.

**SJR 18** by Carona

Proposing a constitutional amendment to authorize the making of a reverse mortgage loan for the purchase of homestead property and to amend certain requirements in connection with a reverse mortgage loan.

To Committee on Business and Commerce.

**SJR 19** by Eltife

Proposing a constitutional amendment discontinuing the authority to issue bonded indebtedness on behalf of the Cancer Prevention and Research Institute of Texas.

To Committee on Finance.

**CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 6**

On motion of Senator Estes, Senator Nichols will be shown as Co-author of SCR 6.

**CO-AUTHOR OF SENATE JOINT RESOLUTION 19**

On motion of Senator Eltife, Senator Nichols will be shown as Co-author of SJR 19.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolution**

**SR 82** by Watson, In memory of Nancy Paxton Moody of Austin.

**Official Designation Resolution**

**SR 80** by Eltife, Recognizing February 11, 2013, as Association of Texas Professional Educators Day at the State Capitol.

**ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 12:05 p.m. adjourned, in memory of Gaston Joseph "Joe" Wood, until 11:00 a.m. tomorrow.

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**APPENDIX**

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**COMMITTEE REPORTS**

The following committee reports were received by the Secretary of the Senate in the order listed:

January 29, 2013

ADMINISTRATION — **SJR 21, SB 234**

**RESOLUTIONS ENROLLED**

January 28, 2013

**SR 22, SR 45, SR 46, SR 47, SR 48, SR 49, SR 50, SR 52, SR 54, SR 55, SR 57, SR 58, SR 59, SR 61, SR 62, SR 63, SR 64, SR 65, SR 67, SR 69, SR 70, SR 71, SR 72, SR 74, SR 75, SR 77, SR 78**



# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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EIGHTH DAY

(Wednesday, January 30, 2013)

The Senate met at 11:13 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, 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.

Chaplain Jeremy Stirm, Texas Army National Guard, offered the invocation as follows:

Father God, we pray in unison with the psalmist, who long ago wrote, He who dwells in the shelter of the most high will abide in the shadow of the almighty. I will say to the Lord, my refuge and my fortress, my God, in whom I trust. (Psalm 91:1-2) As we call to mind today those servicemembers who have been wounded on the field of battle, we ask that You journey with these servicemembers as they continue to heal. Be a refuge and a fortress unto them. Strengthen their resolve daily, we pray, and bring people into their lives that can speak words of healing and hope. We are indeed thankful that You are the great physician who can heal not only the body but the soul also. We are especially thankful for the family and friends in our servicemembers' lives. By Your strength and guidance and the support of our family and friends, we are able to serve with renewed confidence and purpose. We ask a continual prayer of protection for those servicemembers currently deployed around the globe. Stretch forth Your almighty arm to support them in the time of battle, and grant them the courage and prudence to serve without reproach. Let all of us who don this uniform in service to our country be ever mindful that we fight with peace as our end. And now, may the Lord bless us, protect us from all evil, and bring us to everlasting life. 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:

Austin, Texas  
January 30, 2013

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 District Attorney of the 36th Judicial District, Aransas and San Patricio Counties, for a term until the next General Election and until his successor shall be duly elected and qualified:

Michael E. Welborn  
Aransas Pass, Texas

Judge Welborn is replacing Patrick Flanigan who resigned.

To be Judge of the 83rd Judicial District Court, Pecos, Terrell and Val Verde Counties for a term until the next General Election and until his successor shall be duly elected and qualified:

Robert E. Cadena  
Del Rio, Texas

Mr. Cadena is replacing Judge Carl Pendergrass who is deceased.

Respectfully submitted,  
/s/Rick Perry  
Governor

### RESOLUTIONS SIGNED

The President announced the signing of the following enrolled resolutions in the presence of the Senate: **SCR 7, HCR 27.**

### PHYSICIAN OF THE DAY

Senator Deuell was recognized and presented Dr. Ronald Peron of Campbell as the Physician of the Day.

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

### GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate a delegation of citizens from Elgin representing Senate District 14, Bastrop County.

The Senate welcomed its guests.

**SENATE RESOLUTION 56**

Senator Campbell, on behalf of Senator Van de Putte, offered the following resolution:

**SR 56**, Recognizing the American Heart Association's Go Red for Women campaign on the occasion of its 10th National Wear Red Day.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Campbell, on behalf of Senator Van de Putte, was recognized and introduced to the Senate an American Heart Association Circle of Red delegation, accompanied by Carri Baker Wells, Circle of Red Chair; and Circle of Red members Trish DeBerry, Debbie Serot, Dya Campos, and Misty Cable.

The Senate welcomed its guests.

**SENATE RESOLUTION 51**

Senator Nelson offered the following resolution:

**SR 51**, Recognizing January 30, 2013, as CASA Day at the State Capitol.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Nelson, joined by Senators Huffman, Zaffirini, Davis, and Hinojosa, was recognized and introduced to the Senate a Texas Court Appointed Special Advocates (CASA) delegation.

The Senate welcomed its guests.

**SENATE RESOLUTION 88**

Senator Zaffirini offered the following resolution:

**SR 88**, Recognizing January 30, 2013, as Laredo Legislative Day at the State Capitol.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Zaffirini was recognized and introduced to the Senate a delegation of citizens of Laredo, accompanied by Raul G. Salinas, Mayor; Councilmembers Roque Vela, Jr., Charlie San Miguel, and Jorge A. Vera.

The Senate welcomed its guests.

**SENATE RESOLUTION 84**

Senator Hinojosa offered the following resolution:

**SR 84**, Recognizing January 30, 2013, as Communities In Schools Day at the State Capitol.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Hinojosa was recognized and introduced to the Senate a Communities In Schools delegation.

The Senate welcomed its guests.

### GUESTS PRESENTED

Senator Lucio, joined by Senators Rodríguez, Hinojosa, and Zaffirini, was recognized and introduced to the Senate a Texas Border Coalition delegation.

Senator Zaffirini also acknowledged Texas Farm Bureau members from the following counties: Atascosa, Hays, Karnes, McMullen, Travis, Webb, Wilson, and Zapata.

The Senate welcomed its guests.

### SENATE RESOLUTION 22

Senator Davis offered the following resolution:

**SR 22**, Recognizing January 30, 2013, as Team Arlington Day.

The resolution was again read.

The resolution was previously adopted on Monday, January 28, 2013.

### GUESTS PRESENTED

Senator Davis, joined by Senator Hancock, was recognized and introduced to the Senate a Team Arlington delegation, accompanied by Robert Cluck, Arlington Mayor; Wes Jurey, Arlington Chamber of Commerce President; Marcelo Cavazos, Arlington Independent School District Superintendent; Andy Nguyen, Tarrant County Commissioner; and Bill Lynch, Hurst-Euless-Bedford Chamber of Commerce Immediate Past Chair.

The Senate welcomed its guests.

### SENATE RESOLUTION 89

Senator Hinojosa offered the following resolution:

**SR 89**, Recognizing January 30, 2013, as Rio Grande Valley Higher Education Day at the State Capitol.

HINOJOSA  
LUCIO  
ZAFFIRINI

The resolution was read and was adopted without objection.

### GUESTS PRESENTED

Senator Hinojosa, joined by Senators Lucio and Zaffirini, was recognized and introduced to the Senate a Rio Grande Valley Higher Education Day delegation, accompanied by Robert S. Nelsen, President, The University of Texas–Pan American; Juliet Garcia, President, The University of Texas at Brownsville; Jaime Ramon, UTPA Foundation Board Chair; Veronica Gonzales, Vice-president, University Advancement, UTPA; Fred Rusteberg, Member, UT Brownsville Development Board and International Bank of Commerce - Brownsville President; and Armando Diaz, Vice-president for Governmental Relations, UT Health Science Center at San Antonio.

The Senate welcomed its guests.

**SENATE RESOLUTION 79**

Senator West offered the following resolution:

**SR 79**, Recognizing January 30, 2013, as Texas Merchandise Vending Association Day at the State Capitol.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator West was recognized and introduced to the Senate members of the Texas Merchandise Vending Association, accompanied by Kendall Smith, President; Patrick Moran, Past President; and Johnny Wallace, President, AmeriTex Vending.

The Senate welcomed its guests.

**SENATE RESOLUTION 68**

Senator Van de Putte offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize and pay tribute to the members of the United States military who have so honorably served our great nation and state in the armed services and join all Texans in observing January 30, 2013, as Wounded Warrior Day at the Texas State Capitol; and

WHEREAS, The soldiers, sailors, airmen, and Marines of the United States military and their families have made extraordinary sacrifices to serve our nation both abroad and within our own borders; and

WHEREAS, Today we honor wounded warriors from across the nation, including Specialist Cody Miller, Sergeant Paul Roberts, Chief Warrant Officer 4 Jerry Hamilton, Lance Corporal Ivan Sears, Staff Sergeant Mark Juarez, and Staff Sergeant Tracie M. Harris; without their willingness to serve and the contributions made by them and by their families, we could not enjoy many of the freedoms that make this nation great; and

WHEREAS, These veterans have bravely and selflessly served in defense of our nation and its democratic ideals; with silent dedication and unmatched grit, they ensure our safety and security, and it is indeed fitting that all Texans recognize, honor, and reaffirm their gratitude to these true American heroes; and

WHEREAS, Although these veterans represent many different hometowns and backgrounds, what unites them is greater than what divides them—a deep and abiding love of their country; it is for America and all Americans that they leave their homes and their family and friends in order to guarantee the continuation of those freedoms etched into the Declaration of Independence and ensured by our Constitution; and

WHEREAS, It is for our service members' willingness to serve to protect these freedoms that we honor them; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby commend the wounded warriors of our nation for their sacrifice, dedication, and patriotism, recognizing them, honoring them, and reaffirming the gratitude of all Texans to these true American heroes; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of the dedication and sacrifice of the men and women of the United States armed services and their families.

**SR 68** was read.

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

On motion of Senator Van de Putte, the resolution was adopted without objection.

### GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate a delegation of wounded warriors, accompanied by Specialist Cody Miller, Army; Sergeant Paul Roberts, Army Reserve; Chief Warrant Officer 4 Jerry Hamilton, Army; Lance Corporal Ivan Sears, Marine Corps; Staff Sergeant Mark Juarez, Marine Corps; Staff Sergeant Tracie M. Harris, Air Force; and Kenneth Howard, Army, Operation Iraqi Freedom.

The Senate welcomed its guests.

### REMARKS ORDERED PRINTED

On motion of Senator Hinojosa and by unanimous consent, the remarks regarding **SR 68** were ordered reduced to writing and printed in the *Senate Journal* as follows:

**Senator Van de Putte:** Thank you, Mr. President. Mr. President and Members, today is a very, very special day at the Texas Capitol. We have honored groups on this floor who play an integral part of our state through services for abused children, through services dedicated to the health of our state, and business groups, but today we honor a very special group of Texans. Today we say thank you, and we say thank you because we have a unique chance today to look at heroism, at bravery, at selfless sacrifice directly in the eye. Today is our Wounded Warrior Day here in the Senate. We've all heard the expression that freedom is not free. Well, today everyone in this gallery and in this Chamber can see the price tag firsthand. We get to see what our heroes have done for us, the sacrifice that they have made so that you and I can meet freely and debate freely under this dome. We can enjoy the political, the religious, and the personal freedom because of the very few men and women who are willing to swear to an oath and to take up arms to defend the United States of America, when called upon, from its enemies. Today, no matter how we as Americans and Texans feel about the wars or the conflicts in Iraq or Afghanistan, there is no way that you can look at our guests on the Senate floor today and be anything but humbled, feel anything except a deep, deep appreciation for them and for their families. It is a lesson that as a nation we forgot, we forgot when our servicemembers returned home from Vietnam. Let us not make those same mistakes. Members, only one percent of Americans have served on active duty since September 11, 2001. And during Operation Iraqi Freedom, Operation Enduring Freedom, Operation New Dawn, we have had 6,522 total deaths. Of those, 5,224 were killed in action and of those, 588 were Texans. A total of over 50,000 wounded have been in these conflicts. Advances in our protective gear and medical medicine, rapid extraction from the battlefield, and medical advances have given our wounded warriors, these soldiers, these airmen, these sailors, these Marines, a greater than 90 percent chance at survival. And what that means is that we need to make every effort in a society that makes sure that the one percent who serve us are appreciated and respected, and we honor their sacrifices,

as we fulfill our commitments to you. Members, with us today we have several of our warriors. And I'd like to tell you just a little bit about them. We have Lance Corporal Ivan Sears, a Marine originally from San Antonio, Lance Corporal Sears deployed to Marjah Helmand Province in Afghanistan with the First Marine Division out of Camp Lejeune. He sustained his injuries due to an IED during dismounted security operations in 2010. We have with us from the Army Reserve, Sergeant Paul Roberts, Senator Watson. Originally from Austin, Texas, Sergeant Roberts joined the Army in 1989 and served for four years on active duty and was honorably discharged. He missed that military lifestyle, and he joined back the Army Reserve 17 years later and volunteered to deploy to Afghanistan in 2011 with Bravo Company, Aviation Chinook Unit out of Kansas. Crewing as the left door gunner, his helicopter was shot down on Thanksgiving Day in 2011. Sergeant Roberts is now in the Warrior Transition Battalion. Staff Sergeant Mark Juarez, Marine Corps, from Floresville, Texas, Sergeant Juarez was deployed to Sangin City, Afghanistan. He was shot in the head while on patrol, foot patrol in 2010. He's married to Amy, and he has three daughters. Members, it's their families as well. We have Staff Sergeant Tracie Harris, Air Force. Tracie joined the Air Force in January of 1998, and she started her first four years of service as a security forces police officer, and when it came time to reenlist, Tracie cross-trained as a military working dog handler, then reenlisted for another six years. During Tracie's almost 11 years, she was stationed at Travis Air Force Base in California, Ramstein in Germany. She was deployed six times, twice to Kuwait, once to Saudi Arabia, Bulgaria, Bahrain, and Iraq. Tracie is the example of our women warriors who proudly serve our country. She has the Air Force Achievement Medal, four times outstanding unit medal, and the enduring freedom medal, and Iraq Campaign Medal. Chief Warrant Officer Jerry Hamilton, Army, originally from Lane, South Dakota, Chief Warrant Officer Hamilton enlisted in 1995 as a Chinook crew member. Korea for one year, Germany for three, he's had three deployments as flight engineer. In 1999, he was accepted to flight school, graduated at the top of his class, and he chose to fly those Chinooks. Stationed at Fort Bragg after flight school, he deployed to Afghanistan twice and once to Iraq. He served as a flight instructor for five years following his two assignments before moving to Fort Campbell. Within two months of arriving at Fort Campbell, Chief Warrant Officer Hamilton deployed to Afghanistan for the third time. He was hit by shrapnel from a rocket within two weeks of arriving. Specialist Cody Miller, Army, originally from Golden, Mississippi, Specialist Miller enlisted in June 2010 and was stationed to the 173rd Airborne Brigade in Vicenza, Italy. He served in a heavy weapons platoon for five months and then moved to the scout platoon. Deployed to Iraq in May of 2012, and while on a route, over watch, for a nearby, he and his fellow soldiers received fire from the mountain behind them. And, Members, we cannot leave out our own wounded warrior, one of our own. Lieutenant Colonel Brian Birdwell, Senator Birdwell, will you approach the front and please join your comrades as we ask Mel, your wife, to take your place at your desk. Lieutenant Colonel Brian Birdwell, a distinguished military graduate of Lamar Army ROTC program in 1984. Retired now, Brian Birdwell was commissioned as an officer in the U.S. Army and served in numerous training deployments and two operational deployments. In 1990, he was deployed to Operation Desert Shield, Desert Storm, where he was awarded the Bronze Star for

exceptional meritorious achievement. In 1998, he deployed to Central America as the Joint Operations Officer for Joint Task Force Aguila. In 2001, Brian was serving on the Department of Army staff as a military aide to the Deputy Assistant Chief of Staff for Installation Management. Members, our own wounded warrior, on September 11, 2001, when American Airlines Flight 77 was crashed just yards away from his second-floor Pentagon office, Brian was critically wounded and severely burned. Of the burns that covered more than 60 percent of his body, nearly half were third degree in severity. And, Brian, pardon me if I share something with our Members. Today, following 39 operations, months of hospitalization, and numerous skin grafts, Brian has been blessed with a miraculous recovery, and despite physical limitations, he testifies not only to the physical healing but the ultimate miracle of grace through Christ. He was awarded the Purple Heart through wounds he received that day, and upon his retirement in July of 2004, he was awarded the Legion of Merit. Members, today is a special day as we remember those who make it possible for us to debate so freely. We thank them and their families and the guests that we have. Mr. President, I yield to my fellow colleagues today, and then at the end, would like to be able to recognize our special guests. I would like to particularly recognize and be followed by Senator Paxton, who'd like to say a little bit more about our very own wounded warrior in this Senate Chamber.

**Senator Paxton:** As a new Member of the Senate, I want to thank you, Mr. President, the Members of the Senate, and particularly you, Senator Van de Putte, for creating a time during our session to honor the men and women who give so much of their life to protect ours. Any amount of time we take and words we share cannot possibly be enough to adequately convey the debt of gratitude and thanks that we owe. It is my honor today to speak about our own wounded warrior, our friend and colleague, Senator Brian Birdwell. Since we only have a brief time, and since I know he would rip this microphone out of my hand if I talked too long, let me briefly focus on a few aspects of Senator Birdwell that make him the really incredible person that he really is. First of all, we all know him as a man driven by his faith, most of us have not had to face mortality like he has. It's my understanding that he was actually the closest survivor to the impact of that plane. And that as he was laying there, that he was fairly certain that his time had come and he would be crossing into eternity and, thank God, that didn't happen. Since that time, he's established a ministry called Face the Fire Ministries in which he's helped wounded warriors and individuals who have been burned. We also know him as a family man and committed to his wife for 26 years. I can't imagine going through what they went through in their marriage with all the difficulty, the pain and suffering, but he's a model of a great family man, and we appreciate Mel going through that with him. And who can doubt his patriotism? Love of country and his state, 20 years in the Army, finishing as a Lieutenant Colonel, near loss of his life, burned 60 percent of his body, and now serving in the Texas Senate, he's a true patriot. And in character, I could go on and on about attributes that I see in him and his character, bravery, valor, integrity, honesty, a true man of character. He's somebody that I know if I were fighting and I were in a foxhole, he's one of those people I'd want in there with me, and I think that says it all. I consider it an honor to



know you, to serve with you, and I truly appreciate your sacrifice for this country and for this state. We are all better off because you are part of our lives and because of your service to this country and state. God bless, Brian Birdwell.

**Senator Rodríguez:** Thank you, Mr. President. I want to also recognize our very own Senator Birdwell, with whom I came into the Senate last year, who kept me in line throughout the whole year and is keeping me in line even today, this morning, and thank him for his sacrifice and for the family sacrifice and for our wounded warriors. I serve proudly on the Senate Veteran and Military Installations Committee along with Senator Birdwell and, of course, with our great Chair, Senator Van de Putte, and wanted to express my appreciation to all the members that are here representing our wounded warriors. And I wanted to make a special statement about all of the wounded warriors that we have back in El Paso, whom we invited but could not be here and who are still connected in some ways to Fort Bliss, whether they're retired or not. And thank you all for what you've done for us in this country. We appreciate it.

**Senator Davis:** Thank you, Mr. President, and thank you, Senator Van de Putte, Madam Chair of our veterans committee. We thank you so much for the effort that you undertake every session to assure that we stop and take a moment to recognize the commitment, the sacrifice that our men and women of the armed services and their families have made on our behalf. It is an honor to share in recognizing our Senate colleague, Senator Birdwell, this morning and to be able to thank him publicly for all that he has done for us. I want to recognize another person who's standing on the floor with us today, who is from the district that I represent, Kenneth Howard, who's here from Tarrant County. He's on the far left of the group that is assembled here today, and his are the injuries that are not visible, but that so many of the men and women who are returning from tours in Iraq and Afghanistan endure. Mr. Howard served as a combat engineer in the United States Army from 2005 to 2010. He is a veteran of Operation Iraqi Freedom. His primary duty was training Iraqi soldiers and clearing routes of explosive devices. During his service, Mr. Howard was exposed to several very high pressure engagements, and as a result of those experiences, Kenneth has suffered from Post-Traumatic Stress Disorder and depression. As a consequence of that, he's undergone some difficulties on his return to the United States, and I'm proud to say that he is a successful graduate of Judge Brent Carr's veterans' diversion program that was made possible, Senator Van de Putte, by your leadership and the vote and work of our other Senate colleagues on the floor here today. He continues to make excellent progress with his recovery, and he's a shining example of how well that veterans' diversion court works. He received an honorable discharge upon the completion of his service, he had earned awards, including Army Commendation Medal, OIF Service Medal, and two campaign stars and unit citations. But now that he's back, and now that he's gone through his experience with the veterans' diversion program, he has undertaken to serve veterans as an employee of American Airlines, working in their pilot program to offer employment to veterans that have sustained physical or mental injury. He's also made himself available to support and return help to the operations of the Tarrant County veterans' diversion court that he benefited from. I would also like to recognize today with us in the south gallery, I'm honored to recognize other guests from Fort Worth who made the trip to be here with us this

morning. One of those I already mentioned, Judge Brent Carr of Tarrant County. He has been a leader in the diversion court program and has been an inspiration to so many Texans, including myself, for his leadership to our community. In particular, of course, he serves as a veterans' court judge, working closely with our veterans to help them overcome the many challenges that they face after leaving the service. And as a result of his success, Judge Carr's court has become a model for other veterans' courts around the state. Joining Judge Carr are Michael Killam. Michael served in the United States Army from 1968 to 1970. His regular duty was helicopter door gunner with a helicopter assault squadron during the Vietnam conflict. During his service, he was captured by enemy forces but managed to escape after three days of captivity. His awards include two Purple Hearts, unit citations, and the National Defense Medal. He continues to work through his military-service-connected PTSD, and he feels among his greatest achievements is his six years of sobriety. Michael continues to serve others who served in our wars throughout our nation's history and serves as a veteran coordinator for Liberty House, which is a transitional home in Tarrant County for homeless veterans. He's a mentor for the Tarrant County veterans' diversion court. He's a certified veteran peer specialist and a clerk for the Tarrant County Bar Association's Texas Lawyers for Texas Vets program. And then finally with us is Scott Smith. Scott enlisted and served in the U.S. Marine Corps from 1966 to 1970. In Vietnam, he served as a rifleman and regularly participated in day and nighttime patrols. His awards include three Purple Hearts, a Bronze Star, the Navy Marine Corps Commendation Medal, as well as other awards. As a result of his service, Scott, too, contracted PTSD. His continued service to veterans has played a large role in achieving a healthy life and a strong marriage. Scott maintains his commitment to veterans by serving also as a veterans' court mentor for both the Tarrant and the Dallas County Veterans' Court Diversion programs. He is a certified peer specialist and volunteer for the Tarrant County Texas Lawyers for Texas Vets program. Members, it's an honor to recognize these incredible men here who join us from Tarrant County today, and thank you, Mr. President, for allowing me to speak on their behalf.

**Senator Campbell:** Thank you, Mr. President. I will tell you that there is no better place to live in the world than the United States and that is because of our military and our veterans. There is no profession more honorable, and there are no persons that have more valor than you. Welcome to your Capitol.

**Senator Hinojosa:** Thank you, Mr. President. I would also like to say a few words in support of our American soldiers. I'm just so proud of our American soldiers. Many times, go throughout the day enjoying our families, our liberty and freedoms, and we forget the young men and women throughout the world protecting our country and protecting those freedoms. I will tell you that having served in Vietnam in the United States Marine Corps, I lost three of my high school friends, classmates, in Vietnam, so a day doesn't go by that I don't remember the sacrifice that our soldiers make, that your families and our families make, and to me, whether it's Vietnam, Iraq, Afghanistan, Korea, World War I, World War II, it's really amazing the courage that our American soldiers from all over the country, different regions, different races, get together and bond and are willing to die for our country. So, I thank you for your service to our country.

**SENATE RESOLUTION 81**

Senator Duncan offered the following resolution:

**SR 81**, In memory of S. M. True, Jr.

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 S. M. True, Jr., the text of the resolution is printed at the end of today's *Senate Journal*.

Senator Duncan was recognized and introduced to the Senate S. M. True's son, David, and nephew, Mark.

The Senate welcomed its guests and extended its sympathy.

**SENATE CONCURRENT RESOLUTION 8**

The President laid before the Senate the following resolution:

WHEREAS, Section 17, Article III, Texas Constitution, provides that neither house of the legislature may adjourn for more than three days without the consent of the other house; now, therefore, be it

RESOLVED by the 83rd Legislature of the State of Texas, That each house grant the other permission to adjourn for more than three days during the period beginning on Wednesday, January 30, 2013, and ending on Monday, February 4, 2013.

WHITMIRE

**SCR 8** was read.

On motion of Senator Whitmire, the resolution was considered immediately and was adopted by the following vote: Yeas 29, Nays 0.

Absent-excused: Carona.

**CO-AUTHOR OF SENATE BILL 8**

On motion of Senator Nelson, Senator Schwertner will be shown as Co-author of **SB 8**.

**CO-AUTHOR OF SENATE BILL 190**

On motion of Senator Huffman, Senator Nelson will be shown as Co-author of **SB 190**.

**CO-AUTHOR OF SENATE JOINT RESOLUTION 5**

On motion of Senator Campbell, Senator Paxton will be shown as Co-author of **SJR 5**.

**CO-AUTHORS OF SENATE RESOLUTION 56**

On motion of Senator Van de Putte, Senators Campbell, Uresti, and Zaffirini will be shown as Co-authors of **SR 56**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

### Memorial Resolutions

**SR 96** by Uresti, In memory of Gregorio Ramirez of San Antonio.

**SR 97** by Davis, In memory of Darrell Wesley Boren of Fort Worth.

**SR 100** by Uresti, In memory of Arturo C. Gonzalez of Del Rio.

### Congratulatory Resolutions

**SR 83** by West, Recognizing the Dallas Independent School District on the occasion of its dedication of the Dr. H. B. Bell School Support Service Center.

**SR 85** by Hinojosa, Recognizing Maria Lydia Martinez Pena on the occasion of her 99th birthday.

**SR 91** by Schwertner, Congratulating Willie Fritz of Sam Houston State University for being named the 2012 Liberty Mutual NCAA Division I Football Championship Subdivision Coach of the Year.

**SR 93** by Schwertner, Recognizing the Texas 4-H and Youth Development Program for its service to the state.

**SR 94** by Paxton, Congratulating the Allen High School football team for winning a state championship.

**SR 98** by Davis, Recognizing Victoria and Bernie Scheffler on the occasion of the birth of their daughter, Adelaide Cecelia Scheffler.

**SR 99** by Lucio, Recognizing Gilberto Borja on the occasion of his 90th birthday.

### Official Designation Resolutions

**SR 87** by Lucio and Hinojosa, Recognizing January 31, 2013, as Region One Day at the State Capitol.

**SR 90** by Schwertner, Recognizing April 23, 2013, as Hutto Day at the State Capitol.

**SR 92** by Schwertner, Recognizing February 6, 2013, as Bryan-College Station Day at the State Capitol.

### ADJOURNMENT

On motion of Senator Whitmire, the Senate at 1:09 p.m. adjourned, in memory of S. M. True, Jr., and John A. Cotten, Jr., until 2:00 p.m. Monday, February 4, 2013.

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### APPENDIX

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### RESOLUTIONS ENROLLED

January 29, 2013

**SCR 7, SR 8, SR 37, SR 60, SR 66, SR 80, SR 82**

**SENT TO SECRETARY OF STATE**

January 30, 2013

**SCR 7**

**In Memory****of****S. M. True, Jr.****Senate Resolution 81**

WHEREAS, S. M. True, Jr., former president of the Texas Farm Bureau, passed away on May 15, 2012, at the age of 88; and

WHEREAS, The son of Snoden Maddox and Nettie Belle Stalcup True, S. M. True was born in Goree on July 8, 1923, and raised on a farm; in 1933, his family relocated to the Snyder community near Plainview, and he graduated from Plainview High School before enrolling and attending classes at Texas Tech University; when World War II intervened, he enlisted in the U.S. Navy and served as a carrier-based night fighter pilot; and

WHEREAS, Following the war, Mr. True returned to Hale County and began his career as a farmer; active in the Hale County Farm Bureau for a number of years, he went on to serve on the board of directors of the Texas Farm Bureau; he was elected president of TFB in 1982, and in his 11 years in that post, he made an indelible mark on both the organization and on the greater agricultural community; he oversaw the creation of the TFB AGFUND, which has since become a nationally recognized agriculture political action committee; along the way, he earned a reputation as a passionate advocate for Texas farmers and an effective consensus builder; and

WHEREAS, In addition to his work with TFB, this esteemed Texan was appointed to the Governor's Task Force on Immigration and Agricultural Development, the Joint Committee on Farmworker Insurance, and the Texas Family Farm and Ranch Advisory Committee; he served on a multitude of agriculture and farm insurance boards, including that of the American Farm Bureau Federation, which honored him with its Meritorious Service Award; among his numerous other accolades were his induction into the State Fair of Texas Heritage Hall of Honor and his recognition as a Distinguished Texan in Agriculture by the Texas A&M University College of Agriculture and Life Sciences; and

WHEREAS, Mr. True shared more than six rewarding decades with his wife, the former Anna Jean Roberts, whom he married in 1946; the couple were blessed with a son, David; over the years, Mrs. Roberts frequently accompanied her husband to many Texas Farm Bureau events across the state and beyond; and

WHEREAS, During his lifetime, S. M. True contributed immeasurably to Texas agriculture, helping to preserve the livelihood of countless farmers across the state, and his legacy will be a continuing source of inspiration for all who knew him; now, therefore, be it

RESOLVED, That the Senate of the 83rd Texas Legislature hereby pay tribute to the memory of S. M. True, Jr., and extend sincere sympathy to the members of his family: to his son, David True, and his wife, Linda; to his grandchildren, Blaine True and Larissa True; to his brother, Riley True, and his wife, Margaret; to his sister, Ona Belle Stephens, and her husband, Bill; to his nephew, Mark True, and his wife, Mary; to Eric Plumlee; to Ahmet and Gonul Yilmaz; 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 S. M. True, Jr.

DUNCAN

# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**NINTH DAY**

(Monday, February 4, 2013)

The Senate met at 2:04 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, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Absent-excused: Carona, Patrick, Paxton.

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

Deacon Christopher Schroeder, Cathedral School of Saint Mary, Austin, offered the invocation as follows:

Dear and loving God, send Your wisdom, send Your reign that our hearts may bloom again. Make room, make room here within, a place for hope, Your word begin. Your writ, Your will, Your word compose in our hearts and minds and souls. Amen. 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 Patrick was granted leave of absence for today on account of important business.

On motion of Senator Whitmire, Senator Paxton 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:

January 31, 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 Advisory Board of Athletic Trainers for terms to expire January 31, 2019:

David R. Schmidt

San Antonio, Texas

(Dr. Schmidt is being reappointed)

Cathy P. Supak

Houston, Texas

(replacing Michael Waters of Diboll whose term expired)

To be members of the Commission on Jail Standards for terms to expire January 31, 2019:

Donna S. Klaeger

Horseshoe Bay, Texas

Jerry Lowry, Sr.

New Caney, Texas

Larry May

Sweetwater, Texas

The individuals listed above are being reappointed.

To be members of the Manufactured Housing Board for terms to expire January 31, 2019:

Bobby Ray McCarn

Port Lavaca, Texas

Donnie W. Wisenbaker

Sulphur Springs, Texas

The individuals listed above are being reappointed.

To be members of the Texas Optometry Board for terms to expire January 31, 2019:

Judith Ann Chambers

Austin, Texas

(replacing James Dyess of Austin whose term expired)

Melvin G. Cleveland, Jr.

Arlington, Texas

(Dr. Cleveland is being reappointed)



Virginia Sosa  
Uvalde, Texas  
(Dr. Sosa is being reappointed)

Respectfully submitted,  
/s/Rick Perry  
Governor  
February 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 appointments:

To be the Adjutant General of Texas for a term to expire February 1, 2015:

John F. Nichols  
Spring Branch, Texas

General Nichols is being reappointed.

To be the Texas State Board of Education Chair for a term to expire February 1, 2015:

Barbara Cargill  
The Woodlands, Texas

Ms. Cargill is being reappointed.

To be members of the Texas State Board of Examiners of Professional Counselors for terms to expire February 1, 2019:

Sarah Abraham  
Sugar Land, Texas

Steven Christopherson  
Pasadena, Texas

Leslie Pohl  
Austin, Texas

The individuals listed above are being reappointed.

To be members of the Texas Funeral Service Commission for terms to expire February 1, 2019:

Jean L. Olinger  
Childress, Texas

(Dr. Olinger is being reappointed)

Jonathan Scepanski  
McAllen, Texas

(replacing Carol Becker of Aledo whose term expired)

Gary Shaffer  
San Angelo, Texas

(replacing Jess Fields, Sr. of Kingwood whose term expired)

To be the Executive Commissioner of Health and Human Services for a term to expire February 1, 2015:

Kyle Janek  
Austin, Texas

Commissioner Janek is being reappointed.

To be a member of the Texas Lottery Commission for a term to expire February 1, 2019:

J. Winston Krause  
Austin, Texas

Mr. Krause is being reappointed.

To the Office of Independent Ombudsman for the Texas Juvenile Justice Department for a term to expire February 1, 2015:

Deborah "Debbie" Unruh  
Austin, Texas

Ms. Unruh is being reappointed.

To be the Public Counsel for the Office of Public Insurance Counsel for a term to expire February 1, 2015:

Deeia Beck  
Austin, Texas

Ms. Beck is being reappointed.

To be members of the Texas Racing Commission for terms to expire February 1, 2019:

Ronald F. Ederer  
Corpus Christi, Texas

John T. Steen, III  
Houston, Texas

The individuals listed above are being reappointed.

Respectfully submitted,

/s/Rick Perry

Governor

#### **MESSAGE FROM SPEAKER OF THE HOUSE OF REPRESENTATIVES**

The following Message from the Speaker was read and was referred to the Committee on Nominations:

HOUSE OF REPRESENTATIVES  
JOE STRAUS  
SPEAKER

January 31, 2013

The Honorable David Dewhurst  
Lieutenant Governor  
P.O. Box 12068  
Austin, TX 78711

Dear Governor Dewhurst,

On December 28, 2011, I appointed Frederick "Shad" Rowe Jr. to the Employees Retirement System of Texas Board of Trustees to fill an unexpired term ending August 31, 2014.

Pursuant to Sect.on 815.002(a), Texas Government Code, Mr. Rowe's appointment requires the advice and consent of the Senate. Since the appointment was made during the interim, the Regular Session of the 83rd Legislature is now the first opportunity for this process to occur. Therefore, I respectfully request your assistance in initiating Senate confirmation procedures for Mr. Rowe.

If you have questions or need additional information concerning this appointment, please do not hesitate to contact Kari Torres of my staff at (512) 463-1000.

Sincerely,

/s/Joe Straus  
Speaker

### MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Monday, February 4, 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:

**SCR 8** Whitmire Sponsor: Turner, Chris  
Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, January 30, 2013, and ending on Monday, February 4, 2013.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

### SENATE RESOLUTION 111

Senator Lucio offered the following resolution:

**SR 111**, Recognizing February 4, 2013, as Texas Capitol Schoolhouse Day at the State Capitol.

LUCIO  
PATRICK

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Lucio was recognized and introduced to the Senate a Texas Capitol Schoolhouse delegation, accompanied by Warren Webster, Madalyn Weaver, Alvaro Romero, Josie Bolton, Jacob Hunter, and Amy Johnson.

The Senate welcomed its guests.

**SENATE RESOLUTION 34**

Senator Seliger offered the following resolution:

**SR 34**, Recognizing February 4, 2013, as Municipal Government Day at the State Capitol.

SELIGER  
WATSON

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Seliger, joined by Senators Schwertner, Nelson, Davis, and Watson, was recognized and introduced to the Senate a Texas Municipal League delegation, accompanied by John Monaco, President of the Texas Municipal League and Mayor of Mesquite; Jungus Jordan, President-elect of the Texas Municipal League and Fort Worth Councilmember; and the following Texas Municipal League members: Jackie Levingston, Mayor of Groesbeck; Victor Gonzales, Mayor Pro Tempore of Pflugerville; and Holly Gray-McPherson, Mayor Pro Tempore of Roanoke.

The Senate welcomed its guests.

**PHYSICIAN OF THE DAY**

Senator Watson was recognized and presented Dr. Kanaka Paladugu of Bastrop as the Physician of the Day.

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

**GUEST PRESENTED**

Senator Lucio was recognized and introduced to the Senate John "Quinten" Womack, Student Regent of The Texas A&M University System.

The Senate welcomed its guest.

**SENATE RESOLUTION 120**

Senator Birdwell offered the following resolution:

**SR 120**, In memory of Jim Gray of Eddy.

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

In honor of the memory of Jim Gray, the text of the resolution is printed at the end of today's *Senate Journal*.

On motion of Senator Birdwell and by unanimous consent, his remarks regarding **SR 120** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Mr. President, Members, it is with a heavy heart that I rise to pay homage to the memory of Pastor Jim Gray, who was killed in an automobile accident this past Wednesday. Pastor Gray was the Associate Pastor for Senior Adults at First Baptist Church of Woodway in McLennan County. Jim was a veteran who served in the Air Force and attained the rank of Staff Sergeant. Most notably, he served during the Vietnam War as a Chinese linguist. His burial will be at the Central Texas State Veterans Cemetery in Killeen, which is transpiring now as we speak. Jim gave me, as a candidate, as well as a Senator, the valuable gift of his time. He gave the opening invocation at my swearing-in ceremony in Hillsboro and was my first pastor from McLennan County to offer the invocation in the Senate as pastor of the day last session. He had a passion of serving others and brought encouragement and joy to so many people. Our prayers and heartfelt sympathy are with his wife, Kay, and his family members, as well as the congregation of First Baptist Woodway, in this time of sorrow. Mr. President, thank you, and I move to adjourn today in honor of Pastor Jim Gray.

#### **GUESTS PRESENTED**

Senator Zaffirini was recognized and introduced to the Senate students and teachers from the Texas School for the Deaf.

The Senate welcomed its guests.

#### **GUESTS PRESENTED**

Senator Van de Putte was recognized and introduced to the Senate students from John H. Wood, Jr., Public Charter Schools from District 26.

The Senate welcomed its guests.

#### **CO-AUTHOR OF SENATE BILL 24**

On motion of Senator Hinojosa, Senator Watson will be shown as Co-author of **SB 24**.

#### **CO-AUTHOR OF SENATE BILL 86**

On motion of Senator Ellis, Senator Davis will be shown as Co-author of **SB 86**.

#### **CO-AUTHOR OF SENATE BILL 225**

On motion of Senator Seliger, Senator Deuell will be shown as Co-author of **SB 225**.

#### **CO-AUTHOR OF SENATE JOINT RESOLUTION 5**

On motion of Senator Campbell, Senator Estes will be shown as Co-author of **SJR 5**.

## RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

### Memorial Resolutions

**SR 101** by Van de Putte, In memory of Stella Finnegan Villareal of San Antonio.

**SR 102** by Van de Putte, In memory of Sylvia G. Rodriguez of San Antonio.

**SR 104** by Watson, In memory of R. Vic Mathias of Austin.

**SR 105** by Watson, In memory of Charles Thomas Blackwell.

**SR 108** by Uresti, In memory of Carl Pendergrass.

**SR 114** by Uresti, In memory of Alfredo Gutierrez, Jr., of Del Rio.

### Welcome and Congratulatory Resolutions

**SR 103** by Watson, Recognizing Joe K. Longley on the occasion of his 70th birthday.

**SR 106** by Watson, Recognizing Rick Watson on the occasion of his retirement from the Office of the Comptroller of Public Accounts.

**SR 107** by Nelson, Campbell, Deuell, and Schwertner, Welcoming the members of the Texas Medical Association to the Texas Capitol.

**SR 109** by Schwertner, Recognizing the members of the Chancellor's Student Advisory Council of The Texas A&M University System.

**SR 116** by Hinojosa, Commending Herbert Canales for his service as director of the Corpus Christi Public Libraries.

**SR 118** by Williams, Congratulating Jorge L. Quijano for earning a Texas Industrial Engineering Lifetime Achievement Award from Lamar University.

**SR 122** by Taylor, Commending Brittany Harris of Friendswood for her efforts to secure clean water for an African village.

### Official Designation Resolution

**SR 95** by Nelson, Davis, and Hancock, Recognizing February 6 and 7, 2013, as Tarrant County Days at the State Capitol.

### Legislative Policy Resolution

**SR 121** by Whitmire, Granting the Texas DeMolay Association permission to use the Senate Chamber on February 16 and 17, 2013.

## ADJOURNMENT

On motion of Senator Whitmire, the Senate at 2:30 p.m. adjourned, in memory of Jim Gray, Christopher Scott Kyle, and Chad Huston Littlefield, until 11:00 a.m. tomorrow.

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**APPENDIX**

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**COMMITTEE REPORTS**

The following committee reports were received by the Secretary of the Senate in the order listed:

February 4, 2013

EDUCATION — **SB 135**

**RESOLUTIONS ENROLLED**

January 30, 2013

**SR 51, SR 56, SR 68, SR 79, SR 81, SR 83, SR 84, SR 85, SR 87, SR 88, SR 89, SR 90, SR 91, SR 92, SR 93, SR 94, SR 96, SR 97, SR 98, SR 99, SR 100**

**In Memory****of****Jim Gray****Senate Resolution 120**

WHEREAS, The Senate of the State of Texas joins the residents of Eddy in mourning the loss of the Reverend Jim Gray, who died January 30, 2013, at the age of 68; and

WHEREAS, Jim Gray was born on February 11, 1944, in Lubbock; he graduated from Odessa High School in 1962 and joined the United States Air Force; during his service, he studied at the Institute of Far Eastern Languages at Yale University and served as a Chinese linguist in the Vietnam War; and

WHEREAS, After his return home, Mr. Gray earned a bachelor's degree in sociology from The University of Texas at Austin, and for the next decade he worked for the federal government; and

WHEREAS, Reverend Gray's call to the ministry came in 1983; among his congregations was the First Baptist Church in Eddy, where he devotedly ministered for 10 years; in 1999, he became associate pastor for senior adults at First Baptist Church Woodway; it was a job he cherished, and he remained in the position until his death; and

WHEREAS, A man of depth and devotion, Reverend Gray enjoyed traveling with his congregants, and he was greatly admired as an inspirational force whose ministry shaped the lives of many; he leaves behind his beloved wife of 48 years, Kay, and their children and grandchildren, who will long cherish their memories of this compassionate man; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby extend sincere condolences to the bereaved family of Jim Gray; 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 Jim Gray.

**BIRDWELL**



# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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TENTH DAY

(Tuesday, February 5, 2013)

The Senate met at 11:04 a.m. pursuant to adjournment and was called to order by President Pro Tempore Van de Putte.

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

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

Pastor Bruce Zimmerman, Waxahachie Bible Church, Waxahachie, offered the invocation as follows:

Dear Father, creator and sustainer of each of us, we come humbly before You today to seek Your favor and grace upon us. Guide these elected men and women to honestly recognize and understand the dangers and threats that face our state. Guide these Senators to rest upon You in faith and to trust in Your promises for answers of deliverance. Help us all to humbly recognize today that while none of us are indispensable, yet that we have been given a trust and an opportunity to deeply impact the lives of our state's citizens. Help us to see that the heart of our problems and our answers are not educational, political, or even economic, but that they are spiritual. We ask that these Senators will not wallow in the mire of procrastination and endless debate, but to respond decisively and effectively without fear, putting the good of the citizens above personal gain, re-electability, or pressure from special interest groups. May the people of Texas rejoice in the good things that are done this year from this legislative body because they are just and righteous. In the name of our savior, who loved us and gave Himself for us, the 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.

**INTRODUCTION OF  
BILLS AND RESOLUTIONS POSTPONED**

The President Pro Tempore 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.

**PHYSICIAN OF THE DAY**

Senator Campbell was recognized and presented Dr. Mitch Finnie of San Antonio as the Physician of the Day.

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

**SENATE RESOLUTION 112**

Senator Zaffirini offered the following resolution:

WHEREAS, Aggies and Longhorns will unite today at the State Capitol to celebrate Orange and Maroon Legislative Day 2013 and to promote higher education in the State of Texas; and

WHEREAS, Alumni from the two universities total more than 800,000, and Texas A&M University and The University of Texas at Austin have a combined annual enrollment of more than 100,000 students, with more than 23,000 students receiving degrees each year; the schools boast superb museums and libraries, including the George Bush Presidential Library and the Lyndon Baines Johnson Library and Museum, and both universities are renowned for their exceptional research; and

WHEREAS, The teaching and research missions of Texas A&M University and The University of Texas at Austin benefit the State of Texas and drive economic prosperity through scientific breakthroughs, improved health care, technological innovation, entrepreneurial spirit, and the creation of successive generations of informed and engaged citizens and upstanding alumni; and

WHEREAS, Researchers at Texas A&M University and The University of Texas at Austin explore, discover, and innovate in the sciences, arts, and humanities; together they have more than 1,100 patents, and total research expenditures in fiscal year 2012 amounted to more than \$1.2 billion; and

WHEREAS, Both universities serve as centers for the arts and culture, inspiring Texans to take part in the visual and performing arts and other creative endeavors; both institutions also serve as flagships for athletics and physical education, encouraging Texans to participate in physical activity and to support the student-athletes that represent the state in competition across the nation; and

WHEREAS, The universities' faculties feature Nobel laureates and nationally recognized scholars, and the student bodies include national merit scholars, Olympic gold medalists, and many of the Lone Star State's most promising young people; in addition, the universities offer an amazing range of postgraduate opportunities with nearly 470 graduate degree programs; and

WHEREAS, Texas A&M University and The University of Texas at Austin have established themselves as preeminent institutions of higher education on the state, national, and international levels, and Texans are fortunate to have access to these two exceptional state university systems; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby recognize February 5, 2013, as Orange and Maroon Legislative Day and commend alumni from Texas A&M University and The University of Texas at Austin for their commitment to promoting higher education in the Lone Star State; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of this special occasion.

ZAFFIRINI  
 CAMPBELL  
 CARONA

ELTIFE  
 HEGAR  
 SCHWERTNER

VAN DE PUTTE  
 WATSON  
 WILLIAMS

SR 112 was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Zaffirini was recognized and introduced to the Senate an Orange and Maroon Legislative Day delegation, accompanied by Bill Powers, The University of Texas at Austin President; R. Bowen Loftin, Texas A&M University President; John Beckworth, Texas Exes President; David Heath, The Association of Former Students Board Chair; Porter Garner, The Association of Former Students President and CEO; and Leslie Cedar, Texas Exes Executive Director.

The Senate welcomed its guests.

**SENATE RESOLUTION 107**

Senator Nelson offered the following resolution:

SR 107, Welcoming the members of the Texas Medical Association to the Texas Capitol.

The resolution was again read.

On motion of Senator Uresti 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 Monday, February 4, 2013.

**GUESTS PRESENTED**

Senator Nelson was recognized and introduced to the Senate a Texas Medical Association delegation recognizing First Tuesday at the Capitol.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Watson was recognized and introduced to the Senate medical residents from University Medical Center at Brackenridge: Zane Shaeffer, Derek Ou, Ian Buchanan, Romeo Fairley, Jessica Best, Phillip Frisen, Jaron Santelli, Jacob Falcon, and the following faculty physicians: Todd Berger, Janna Welch, Bruce Moskow, Sam Roberts, Julie Sullivan, Bob Harding, and Tad McReynolds.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Davis was recognized and introduced to the Senate a Tarrant County College delegation.

The Senate welcomed its guests.

**SENATE RESOLUTION 113**

Senator Seliger offered the following resolution:

**SR 113**, Recognizing February 5, 2013, as Community College Student Day at the State Capitol.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Seliger was recognized and introduced to the Senate a Community College Student Day delegation: Mikhaela Sample, Amarillo College; Treasure McGarrity, Odessa College; Ashley Sholten, Navarro College; and Daniel Wright, Midland College.

The Senate welcomed its guests.

**SENATE RESOLUTION 126**

Senator Rodríguez offered the following resolution:

**SR 126**, Recognizing February 5, 2013, as Texas Promotores and Community Health Workers Day at the State Capitol.

**(President in Chair)**

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Rodríguez was recognized and introduced to the Senate a Promotores and Community Health Workers Day delegation: Venus Ginés, CEO and Founder, Día de la Mujer Latina, Incorporated; Lionel Lopez, Corpus Christi; Frank Desales, El Paso; Merida Escobar, McAllen; and Claudia Bustos, Lubbock.

The Senate welcomed its guests.

**GUEST PRESENTED**

Senator Huffman was recognized and introduced to the Senate Mike Henderson.

The Senate welcomed its guest.

**RESOLUTION SIGNED**

The President announced the signing of the following enrolled resolution in the presence of the Senate: **SCR 8**.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Tuesday, February 5, 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 33** Larson

Recognizing Municipal Government Day at the State Capitol.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**SENATE RESOLUTION 115**

Senator Hinojosa offered the following resolution:

**SR 115**, Recognizing February 5, 2013, as McAllen Day at the State Capitol.

HINOJOSA  
LUCIO

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Hinojosa, joined by Senator Lucio, was recognized and introduced to the Senate a McAllen delegation: Jim Darling, City Commissioner; Charles Amos, McAllen Public Utility Board of Trustees; Alma Ortega Johnson, McAllen Chamber of Commerce Board of Directors; Keith Patridge, McAllen Economic Development Corporation; and Brian Lewis, McAllen Chamber of Commerce Board of Directors.

The Senate welcomed its guests.

**SENATE RESOLUTION 110**

Senator Seliger offered the following resolution:

**SR 110**, Recognizing February 5, 2013, as Howard County Day at the State Capitol.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Seliger was recognized and introduced to the Senate a Howard County delegation, accompanied by Mark Barr, Howard County Judge; John Freeman, Howard College Board of Trustees Chair; Jim DePauw, Big Spring Economic Development Corporation Board of Directors President; and Randy Johnson, Forsan Independent School District Superintendent.

The Senate welcomed its guests.

**SENATE RESOLUTION 123**

Senator Taylor offered the following resolution:

**SR 123**, Celebrating February 5, 2013, as The University of Texas Medical Branch Day at the State Capitol.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Taylor was recognized and introduced to the Senate The University of Texas Medical Branch delegation.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Ellis was recognized and introduced to the Senate a delegation of students and teachers from Woodland Acres Elementary School in the Galena Park Independent School District.

The Senate welcomed its guests.

**SENATE RESOLUTION 109**

Senator Schwertner offered the following resolution:

**SR 109**, Recognizing the members of the Chancellor's Student Advisory Council of The Texas A&M University System.

The resolution was again read.

The resolution was previously adopted on Monday, February 4, 2013.

**GUESTS PRESENTED**

Senator Schwertner, joined by Senators Lucio, Zaffirini, and Estes, was recognized and introduced to the Senate a Chancellor's Student Advisory Council delegation joined by Harrison Blair, Jonathan Gutierrez, Stephanie McCanlas, and John Sharp, Chancellor of The Texas A&M University System.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Zaffirini was recognized and introduced to the Senate a Laredo Community College delegation.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Estes was recognized and introduced to the Senate a Wylie Chamber of Commerce delegation.

The Senate welcomed its guests.

**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, 230th Judicial District Court, Harris County: Bradley Steven Hart, Harris County.

Judge, 234th Judicial District Court, Harris County: Wesley R. Ward, Harris County.

Judge, 83rd Judicial District Court, Pecos, Terrell, and Val Verde Counties: Robert Edward Cadena, Val Verde County.

Presiding Judge, Fourth Administrative Judicial Region: Homer David Peeples, Bexar County.

Presiding Judge, Ninth Administrative Judicial Region: Kelly Glen Moore, Terry County.

Presiding Judge, Sixth Administrative Judicial Region: Stephen Bruce Ables, Kerr County.

Member, Board for Lease of Texas Department of Criminal Justice Lands: Wesley David Lloyd, McLennan County.

Member, Board for Lease of Texas Parks and Wildlife Lands: Wesley David Lloyd, McLennan County.

Presiding Officer, Board of Directors, Cameron County Regional Mobility Authority: David Eugene Alex, Cameron County.

District Attorney, 36th Judicial District Court, Aransas and San Patricio Counties: Michael Everett Welborn, San Patricio County.

Members, Finance Commission of Texas: Susan Holman Burton, Dallas County; Darby Ray Byrd, Orange County; Victor Edgardo Leal, Randall County; Larry L. Patton, El Paso County; Hilliard Judge Shands, Angelina County.

Presiding Officer, Board of Directors, Grayson County Regional Mobility Authority: Will Rich Hubbard, Grayson County.

Presiding Officer, Board of Directors, Hidalgo County Regional Mobility Authority: Dennis Burleson, Hidalgo County.

Presiding Officer, Board of Directors, North East Texas Regional Mobility Authority: Linda Ryan Thomas, Gregg County.

Members, State Board of Veterinary Medical Examiners: Janie Allen Carpenter, Dallas County; Joe Mac King, Collin County; Manuela Salazar-Harper, El Paso County; Chad Michael Upham, Kendall County.

Members, Statewide Health Coordinating Council: Lourdes M. Cuellar, Harris County; Mabrie Griffith Jackson, Collin County; Danny Ken McCoy, Navarro County; Elizabeth J. Protas, Galveston County; James Robert Yancy, Brazos County.

Member, Texas Alcoholic Beverage Commission: Steven M. Weinberg, Tarrant County.

Members, Texas Forensic Science Commission: Richard Brad Alpert, Tarrant County; Vincent J. M. Di Maio, Bexar County; Robert Julius Lerma, Cameron County; Nizam Peerwani, Tarrant County.

Members, Board of Directors, Texas Health Services Authority: Frederick Buckwold, Harris County; David Clark Fleegeer, Travis County; Matthew J. Hamlin, Denton County; James Lloyd Martin, Travis County; Edward W. Marx, Tarrant County; Kathleen Kay Mechler, Gillespie County; William A. Phillips, Bexar County; Judith Day Powell, Montgomery County; Jennifer Lynn Rangel, Travis County; Jimmy Darren Rodgers, Dallas County; Stephen Yurco, Travis County.

Members, Board of Directors, Texas Underground Facility Notification Corporation: Dean Donald Bernal, Travis County; Julio Cesar Cerda, Hidalgo County; Joseph Wayne Costa, Collin County; Jason Eric Hartgraves, Denton County; Rodney Jay Unruh, Comal County; Janie Lou Walenta, Wood County; James Brent Wynn, Midland County; Jay Solomon Zeidman, Harris 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.

### **MOTION TO ADJOURN**

On motion of Senator Whitmire and by unanimous consent, the Senate at 12:16 p.m. agreed to adjourn, upon completion of the introduction of bills and resolutions on first reading, until 11:00 a.m. tomorrow.

### **SENATE BILLS AND RESOLUTIONS ON FIRST READING**

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

**SB 3** by Patrick, Campbell, Lucio, Taylor

Relating to public high school graduation, including curriculum requirements for graduation and funding in support of certain curriculum authorized for graduation.  
To Committee on Education.

**SB 24** by Hinojosa, Lucio, Seliger, Zaffirini

Relating to the creation of a new university in South Texas within The University of Texas System.  
To Committee on Higher Education.



**SB 266** by Seliger

Relating to use of local hotel occupancy tax revenue to conduct an audit.

To Committee on Intergovernmental Relations.

**SB 267** by Seliger

Relating to the liability of a municipality for certain space flight activities.

To Committee on State Affairs.

**SB 268** by Seliger

Relating to the application of the professional prosecutors law to the district attorney for the 287th Judicial District.

To Committee on Jurisprudence.

**SB 269** by Seliger

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.

To Committee on Finance.

**SB 270** by Seliger

Relating to a limited exception to the prohibition on releasing personal information about a juror collected during the jury selection process in certain cases.

To Committee on Criminal Justice.

**SB 271** by Seliger

Relating to a defense to prosecution for the offense of failing to secure a child in a child passenger safety seat system.

To Committee on Criminal Justice.

**SB 272** by Seliger

Relating to water well recordkeeping and reporting requirements, including the production, use, and withdrawal of groundwater.

To Committee on Natural Resources.

**SB 273** by Hegar

Relating to the creation of the Fort Bend County Municipal Utility District No. 206; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

**SB 274** by Williams

Relating to permits for oversize and overweight vehicles in a certain county.

To Committee on Transportation.

**SB 275** by Watson, Davis

Relating to the penalty for the offense of leaving the scene of an accident that involves personal injury or death.

To Committee on Criminal Justice.

**SB 276** by Watson, Nelson

Relating to the authority of certain transportation authorities to create a local government corporation.

To Committee on Transportation.

**SB 277** by Watson

Relating to the operation and movement of a vehicle when certain traffic-control signals do not display an indication.

To Committee on Transportation.

**SB 278** by Watson

Relating to an alcohol awareness component of the science curriculum used in public schools.

To Committee on Education.

**SB 279** by Watson

Relating to certain information about high-value data sets provided by state agencies to the Department of Information Resources.

To Committee on Open Government.

**SB 280** by Zaffirini

Relating to the creation and operation of a park and recreation district in a county with frontage on the San Marcos River and to the authority of the district to collect fees; providing penalties.

To Committee on Intergovernmental Relations.

**SB 281** by Estes

Relating to the administration and powers of the Red River Authority of Texas.

To Committee on Natural Resources.

**SB 282** by Van de Putte

Relating to limits on prizes for bingo games.

To Committee on State Affairs.

**SB 283** by Estes

Relating to the number of members of the Texas Historical Commission.

To Committee on Government Organization.

**SB 284** by West

Relating to granting limited state law enforcement authority to police officers with the Office of Security and Law Enforcement of the United States Department of Veterans Affairs.

To Committee on Agriculture, Rural Affairs and Homeland Security.

**SB 285** by Carona

Relating to the application of foreign laws and foreign forum selection in a proceeding involving marriage, a suit for dissolution of a marriage, or a suit affecting the parent-child relationship in this state.

To Committee on Jurisprudence.

**SB 286** by Hinojosa

Relating to a home loan program operated by the Texas State Affordable Housing Corporation.

To Committee on Intergovernmental Relations.

**SB 287** by Nichols

Relating to the allocation of certain motor vehicle sales tax revenue to the state highway fund and to the uses of that revenue.

To Committee on Finance.

**SB 288** by Carona

Relating to the regulation of crafted precious metal dealers.

To Committee on Business and Commerce.

**SB 289** by Carona

Relating to the approval requirement for a rental-purchase agreement that includes a loss damage waiver provision.

To Committee on Business and Commerce.

**SB 290** by Nelson

Relating to the creation of an additional judicial district composed of Denton County.

To Committee on Jurisprudence.

**SB 291** by Nelson

Relating to notice requirements for gas utilities and municipally owned utilities entering certain real property; providing an administrative penalty.

To Committee on Natural Resources.

**SB 292** by Huffman

Relating to the governor's executive authority while traveling outside of the state.

To Committee on State Affairs.

**SB 293** by Williams

Relating to the authority of certain water districts to hold meetings by teleconference or videoconference.

To Committee on Open Government.

**SB 294** by Van de Putte

Relating to extending a local behavioral health intervention pilot project.

To Committee on Health and Human Services.

**SB 295** by Deuell

Relating to lender notice to contractors regarding a construction loan or financing agreement for the improvement of real property and related procedures for suspending contractors' and subcontractors' performance.

To Committee on Business and Commerce.

**SB 296** by Deuell

Relating to the waiver of sovereign immunity for certain claims arising under written contracts with state agencies.

To Committee on State Affairs.

**SB 297** by Carona

Relating to prepaid funeral benefits contracts.  
To Committee on Business and Commerce.

**SB 298** by Estes

Relating to the licensing and regulation of the towing of a vehicle by its owner.  
To Committee on Transportation.

**SB 299** by Estes

Relating to the unintentional display of a weapon by a person licensed to carry a concealed handgun.  
To Committee on Criminal Justice.

**SB 300** by Uresti

Relating to funding for certain county transportation infrastructure projects.  
To Committee on Finance.

**SB 301** by Zaffirini, Duncan

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.  
To Committee on Higher Education.

**SB 302** by Seliger

Relating to the management, operation, rulemaking authority, and oversight of groundwater conservation districts.  
To Committee on Natural Resources.

**SB 303** by Deuell

Relating to advance directives and health care and treatment decisions.  
To Committee on Health and Human Services.

**SB 304** by Rodríguez

Relating to requiring solar panels to be offered by certain builders of new homes.  
To Committee on Business and Commerce.

**SB 305** by Rodríguez

Relating to an exemption from the sales tax for certain solar energy devices.  
To Committee on Finance.

**SB 306** by Huffman

Relating to consideration of a student receiving treatment in a residential treatment facility for public school accountability purposes.  
To Committee on Education.

**SB 307** by Huffman

Relating to the transfer of adult education and literacy programs from the Texas Education Agency to the Texas Workforce Commission.  
To Committee on Economic Development.

**SB 308** by Fraser, Van de Putte

Relating to the collection of data relating to military-connected students through the Public Education Information Management System (PEIMS).

To Committee on Education.

**SB 309** by Paxton

Relating to the state highway fund.

To Committee on Finance.

**SB 310** by Ellis

Relating to health education curriculum and instruction in public schools.

To Committee on Education.

**SB 311** by Carona

Relating to the licensing and regulation of roofing contractors; authorizing a fee and providing penalties.

To Committee on Business and Commerce.

**SB 312** by Hegar

Relating to the regulation of speech-language pathology and audiology.

To Committee on Health and Human Services.

**SB 313** by Uresti

Relating to the distribution, possession, purchase, consumption, and receipt of tobacco products; providing penalties.

To Committee on Health and Human Services.

**SB 314** by Uresti

Relating to use of compensatory education allotment funding to provide assistance with child care to students at risk of dropping out of school.

To Committee on Education.

**SB 315** by Uresti

Relating to electronic voter registration.

To Committee on State Affairs.

**SB 316** by Uresti

Relating to the substitution by a pharmacist of certain opioid analgesic drugs.

To Committee on Health and Human Services.

**SB 317** by Uresti

Relating to the types of beverages that may be sold to students on public school campuses.

To Committee on Education.

**SB 318** by Uresti

Relating to the tax exemption for permanent hotel residents.

To Committee on Finance.

**SB 319** by Uresti

Relating to the tax exemption for permanent hotel residents.

To Committee on Finance.

**SB 320** by Williams

Relating to the powers and duties of the Montgomery County Water Control and Improvement District No. 3.

To Committee on Intergovernmental Relations.

**SB 321** by Williams

Relating to the powers and duties of the Montgomery County Water Control and Improvement District No. 2.

To Committee on Intergovernmental Relations.

**SB 322** by Williams

Relating to the period for confirmation and the terms of the temporary directors of the Montgomery County Municipal Utility District No. 102.

To Committee on Intergovernmental Relations.

**SB 323** by Williams

Relating to the period for confirmation and the terms of the temporary directors of the Montgomery County Municipal Utility District No. 104.

To Committee on Intergovernmental Relations.

**SB 324** by Williams

Relating to the period for confirmation and the terms of the temporary directors of the Montgomery County Municipal Utility District No. 117.

To Committee on Intergovernmental Relations.

**SB 325** by Carona

Relating to the system benefit fund fee.

To Committee on Finance.

**SB 326** by Carona

Relating to financing programs for low-income electric customers and certain other electric customers.

To Committee on Finance.

**SB 327** by Carona

Relating to termination of franchises to provide cable or video service in municipalities.

To Committee on Business and Commerce.

**SB 328** by Carona

Relating to the hiring of entrepreneurs-in-residence by state agencies.

To Committee on Government Organization.

**SB 329** by Huffman

Relating to a prohibition on the use of a tanning facility by a minor.

To Committee on Health and Human Services.

**SB 330** by Huffman

Relating to certain information to which a social study evaluator is entitled in a suit affecting the parent-child relationship; providing a criminal penalty.

To Committee on Jurisprudence.

**SB 331** by Rodríguez

Relating to the composition of the El Paso County juvenile board.  
To Committee on Jurisprudence.

**SB 332** by Rodríguez

Relating to commissioners court oversight of certain emergency services districts.  
To Committee on Intergovernmental Relations.

**SB 333** by Rodríguez

Relating to the designation of portions of State Highway 17 and State Highway 67 as the General Alfred Valenzuela Highway.  
To Committee on Transportation.

**SB 334** by Rodríguez

Relating to preliminary review of complaints filed with a county ethics commission.  
To Committee on Intergovernmental Relations.

**SB 335** by Rodríguez

Relating to the use of a photographic traffic enforcement system at a railroad crossing.  
To Committee on Transportation.

**SB 336** by Rodríguez

Relating to the qualifications for appointment as a medical examiner.  
To Committee on Criminal Justice.

**SB 337** by Rodríguez

Relating to coordination of services provided by Medicaid managed care organizations and certain community centers and local mental health or mental retardation authorities.  
To Committee on Health and Human Services.

**SB 338** by Rodríguez

Relating to the liability of certain social workers who provide volunteer health care services to charitable organizations.  
To Committee on State Affairs.

**SB 339** by Rodríguez

Relating to the health professions resource center.  
To Committee on Health and Human Services.

**SB 340** by Rodríguez

Relating to administrative penalties assessed by the Texas Workforce Commission against certain employers for failure to pay wages.  
To Committee on Economic Development.

**SB 341** by Rodríguez

Relating to rest breaks for employees of certain contractors with a governmental entity; providing an administrative penalty.  
To Committee on State Affairs.

**SB 342** by Estes

Relating to exemption from the sales tax for certain water efficient products for a limited period.

To Committee on Finance.

**SB 343** by Estes

Relating to the disposition of certain seized weapons.

To Committee on Criminal Justice.

**SB 344** by Whitmire

Relating to the procedure for an application for a writ of habeas corpus based on relevant scientific evidence.

To Committee on Criminal Justice.

**SB 345** by Whitmire

Relating to the abolition of the state boot camp program.

To Committee on Criminal Justice.

**SB 346** by Seliger

Relating to the classification of certain entities as political committees.

To Committee on State Affairs.

**SB 347** by Seliger

Relating to funding for the operations of the Texas Low-Level Radioactive Waste Disposal Compact Commission.

To Committee on Natural Resources.

**SB 348** by Schwertner

Relating to a utilization review process for managed care organizations participating in the STAR + PLUS Medicaid managed care program.

To Committee on Health and Human Services.

**SB 349** by Nichols

Relating to standards for power lines.

To Committee on Business and Commerce.

**SB 350** by Williams

Relating to the storage of certain imported alcoholic beverages.

To Committee on Business and Commerce.

**SJR 20** by Nichols

Proposing a constitutional amendment dedicating certain revenue derived from the tax imposed on the sale of motor vehicles to the state highway fund.

To Committee on Finance.

**SJR 22** by Huffman

Proposing a constitutional amendment to provide that the governor, and the lieutenant governor when acting as governor, retain executive authority unless unavailable as provided by law.

To Committee on State Affairs.



**SJR 23** by Estes

Proposing a constitutional amendment to prohibit using revenues, other money, or account or fund balances dedicated by law for nondedicated general governmental purposes or for certification of appropriations for nondedicated purposes or entities.  
To Committee on Finance.

**SJR 24** by Watson

Proposing a constitutional amendment prohibiting the diversion of and concerning the use of statutorily dedicated revenues.  
To Committee on Finance.

**SJR 25** by Paxton

Proposing a constitutional amendment prescribing the purposes for which revenue from motor vehicle registration fees, certain motor vehicle-related taxes, and certain revenues received from the federal government may be used.  
To Committee on Finance.

**SJR 26** by Estes

Proposing a constitutional amendment to prohibit using revenues, other money, or account or fund balances dedicated by law for nondedicated general governmental purposes and to limit using that money or those balances for certification of appropriations for nondedicated purposes or entities.  
To Committee on Finance.

**CO-AUTHORS OF SENATE BILL 24**

On motion of Senator Hinojosa, Senators Davis, Deuell, Ellis, Eltife, Rodríguez, and Van de Putte will be shown as Co-authors of **SB 24**.

**CO-AUTHOR OF SENATE BILL 135**

On motion of Senator Patrick, Senator Deuell will be shown as Co-author of **SB 135**.

**CO-AUTHOR OF SENATE BILL 162**

On motion of Senator Van de Putte, Senator Davis will be shown as Co-author of **SB 162**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolution**

**SR 131** by Davis, In memory of Robert Mitchell Wilson of Brownwood and Arlington.

**Welcome and Congratulatory Resolutions**

**SR 124** by Birdwell, Welcoming the members of the 2012-2013 Leadership Granbury class to the State Capitol.

**SR 127** by West, Recognizing Diane Irvin on the occasion of her retirement from the Texas Juvenile Justice Department.

**SR 130** by Davis, Recognizing Douglas E. Brown for his service as teacher and pastor at the Great Commission Baptist Church in Fort Worth.

**SR 132** by Davis, Recognizing Barry Sawyer for being named Peace Officer of the Year by the Major K. M. Van Zandt chapter of the Sons of the American Revolution.

### **ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 12:31 p.m. adjourned until 11:00 a.m. tomorrow.

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## **APPENDIX**

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### **COMMITTEE REPORTS**

The following committee reports were received by the Secretary of the Senate in the order listed:

February 5, 2013

**BUSINESS AND COMMERCE — SB 228, SB 192, SB 138, SB 230, SB 147**

### **RESOLUTIONS ENROLLED**

February 4, 2013

**SCR 8, SR 34, SR 95, SR 101, SR 102, SR 103, SR 104, SR 105, SR 106, SR 107, SR 108, SR 109, SR 111, SR 114, SR 116, SR 118, SR 120, SR 121, SR 122**

# SENATE JOURNAL

**EIGHTY-THIRD LEGISLATURE — REGULAR SESSION**

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**AUSTIN, TEXAS**

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**PROCEEDINGS**

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**ELEVENTH DAY**

(Wednesday, February 6, 2013)

The Senate met at 11:09 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, 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.

Minister Darlene Ephriam, Temple Restoration Ministries, Austin, offered the invocation as follows:

O most gracious heavenly Father, we come before You this morning first thanking you for allowing us to see a brand new day which You have made. What an honor and privilege to be chosen by the great people of this great State of Texas to represent righteousness. In past, many others sat in these same seats of authority, raised their right hand, and solemnly swore to faithfully execute the duties of this office so help them God, and You showed favor upon Your people. So please, do the same for these chosen, called out, collaborators to make righteous decisions for Your people. God, you said, if Your people who are called by Your name will humble ourselves and pray, seek Your face, and turn from all of our diverse and wicked ways, we would hear from heaven, and You would forgive our sins and heal our land. Our land needs healing, O God, and so we seek You this morning. O God, please grant us Your blessings and Your favor during this 83rd legislative session and allow all to know, if they come together in one heart that You would be blessed. We pray it all in the name of Christ 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 Carona was granted leave of absence for today on account of important business.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER  
Austin, Texas  
Wednesday, February 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:

**HCR 2** Hilderbran  
Congratulating Johnny Manziel of Texas A&M University on winning the 2012 Heisman Trophy.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**PHYSICIAN OF THE DAY**

Senator Watson was recognized and presented Dr. Travis Bias of Austin as the Physician of the Day.

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

**ACKNOWLEDGMENTS**

The President acknowledged the presence of Senator Schwertner's wife, Belinda, and sons, Zach and Carson.

The President also acknowledged the presence of Senator Williams' brother, Edward Williams.

The Senate welcomed its guests.

**SENATE RESOLUTION 6**

Senator Schwertner offered the following resolution:

**SR 6**, Congratulating Johnny Manziel for winning the 2012 Heisman Trophy.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Schwertner, joined by Senator Eltife, was recognized and introduced to the Senate Johnny Manziel, 2012 Heisman Trophy winner; John Paul and Michelle Manziel, his parents; Pat Manziel, his grandmother; and Meri-Margaret Manziel, his sister; John Sharp, The Texas A&M University System Chancellor; and Eric Hyman, Texas A&M University Athletics Director.

The Senate welcomed its guests.

**(Senator Eltife in Chair)**

**SENATE RESOLUTION 117**

Senator Nelson offered the following resolution:

**SR 117**, Recognizing the American Cancer Society Cancer Action Network.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Nelson was recognized and introduced to the Senate an American Cancer Society delegation.

Senator Nelson was again recognized and introduced to the Senate a Leadership Grapevine delegation.

The Senate welcomed its guests.

**SENATE RESOLUTION 93**

Senator Schwertner offered the following resolution:

**SR 93**, Recognizing the Texas 4-H and Youth Development Program for its service to the state.

The resolution was again read.

The resolution was previously adopted on Wednesday, January 30, 2013.

**GUESTS PRESENTED**

Senator Schwertner, joined by Senator Zaffirini, was recognized and introduced to the Senate a Texas 4-H Council and Texas A&M AgriLife Extension Service delegation, accompanied by 432 Youth Development Program participants.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Uresti was recognized and introduced to the Senate a Val Verde County delegation, joined by Bobby Fernandez, Del Rio Mayor; Laura Allen, County Judge; Buddy Wolfenbarger, Comstock ISD Superintendent; Ramon Meza, San Felipe Del Rio Consolidated ISD Board of Trustees; and Blanca Larson, Del Rio Chamber of Commerce President.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Davis was recognized and introduced to the Senate a Texas Christian University delegation.

The Senate welcomed its guests.

**SENATE RESOLUTION 119**

Senator Williams offered the following resolution:

**SR 119**, Recognizing February 6, 2013, as Chambers County Day at the State Capitol.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Williams was recognized and introduced to the Senate a Chambers County delegation, accompanied by Scott Peal, County Attorney; and County Commissioners Mark Huddleston, Bubba Abernathy, Gary Nelson, and Rusty Senac.

The Senate welcomed its guests.

**SENATE RESOLUTION 92**

Senator Schwertner offered the following resolution:

**SR 92**, Recognizing February 6, 2013, as Bryan-College Station 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 Bryan-College Station delegation.

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.

**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 29, Nays 0.

Absent-excused: Carona.

Judge, 230th Judicial District Court, Harris County: Bradley Steven Hart, Harris County.

Judge, 234th Judicial District Court, Harris County: Wesley R. Ward, Harris County.

Judge, 83rd Judicial District Court, Pecos, Terrell, and Val Verde Counties: Robert Edward Cadena, Val Verde County.

Presiding Judge, Fourth Administrative Judicial Region: Homer David Peebles, Bexar County.

Presiding Judge, Ninth Administrative Judicial Region: Kelly Glen Moore, Terry County.

Presiding Judge, Sixth Administrative Judicial Region: Stephen Bruce Ables, Kerr County.

Member, Board for Lease of Texas Department of Criminal Justice Lands: Wesley David Lloyd, McLennan County.

Member, Board for Lease of Texas Parks and Wildlife Lands: Wesley David Lloyd, McLennan County.

Presiding Officer, Board of Directors, Cameron County Regional Mobility Authority: David Eugene Alex, Cameron County.

District Attorney, 36th Judicial District Court, Aransas and San Patricio Counties: Michael Everett Welborn, San Patricio County.

Members, Finance Commission of Texas: Susan Holman Burton, Dallas County; Darby Ray Byrd, Orange County; Victor Edgardo Leal, Randall County; Larry L. Patton, El Paso County; Hilliard Judge Shands, Angelina County.

Presiding Officer, Board of Directors, Grayson County Regional Mobility Authority: Will Rich Hubbard, Grayson County.

Presiding Officer, Board of Directors, Hidalgo County Regional Mobility Authority: Dennis Burlison, Hidalgo County.

Presiding Officer, Board of Directors, North East Texas Regional Mobility Authority: Linda Ryan Thomas, Gregg County.

Members, State Board of Veterinary Medical Examiners: Janie Allen Carpenter, Dallas County; Joe Mac King, Collin County; Manuela Salazar-Harper, El Paso County; Chad Michael Upham, Kendall County.

Members, Statewide Health Coordinating Council: Lourdes M. Cuellar, Harris County; Mabrie Griffith Jackson, Collin County; Danny Ken McCoy, Navarro County; Elizabeth J. Protas, Galveston County; James Robert Yancy, Brazos County.

Member, Texas Alcoholic Beverage Commission: Steven M. Weinberg, Tarrant County.

Members, Texas Forensic Science Commission: Richard Brad Alpert, Tarrant County; Vincent J. M. Di Maio, Bexar County; Robert Julius Lerma, Cameron County; Nizam Peerwani, Tarrant County.

Members, Board of Directors, Texas Health Services Authority: Frederick Buckwold, Harris County; David Clark Fleegeer, Travis County; Matthew J. Hamlin, Denton County; James Lloyd Martin, Travis County; Edward W. Marx, Tarrant County; Kathleen Kay Mechler, Gillespie County; William A. Phillips, Bexar County; Judith Day Powell, Montgomery County; Jennifer Lynn Rangel, Travis County; Jimmy Darren Rodgers, Dallas County; Stephen Yurco, Travis County.

Members, Board of Directors, Texas Underground Facility Notification Corporation: Dean Donald Bernal, Travis County; Julio Cesar Cerda, Hidalgo County; Joseph Wayne Costa, Collin County; Jason Eric Hartgraves, Denton County; Rodney Jay Unruh, Comal County; Janie Lou Walenta, Wood County; James Brent Wynn, Midland County; Jay Solomon Zeidman, Harris County.

### CONCLUSION OF MORNING CALL

The Presiding Officer at 12:03 p.m. announced the conclusion of morning call.

### SENATE BILL 135 ON SECOND READING

Senator Patrick moved that Senate Rule 7.13, Senate Rule 7.07(a), and the regular order of business be suspended and that **SB 135** be taken up for consideration at this time:

**SB 135**, Relating to the use of a public school student's performance on an end-of-course assessment instrument in determining the student's final grade for the course.

The motion prevailed by the following vote: Yeas 29, Nays 0.

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 **SB 135** (Senate committee printing) by striking SECTIONS 1 and 2 of the bill (page 1, line 23 through page 2, line 21) and substituting the following:

SECTION 1. Subsections (c) and (f), Section 28.014, Education Code, are amended to read as follows:

(c) 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.~~

SECTION 2. Subsection (c), Section 39.023, Education Code, is amended to read as follows:

(c) The agency shall also adopt end-of-course assessment instruments for secondary-level courses in Algebra I, Algebra II, geometry, biology, chemistry, physics, English I, English II, English III, world geography, world history, and United States history. The Algebra I, Algebra II, and geometry end-of-course assessment instruments must be administered with the aid of technology. A school district shall comply with State Board of Education rules regarding administration of the assessment instruments listed in this subsection ~~[and shall adopt a policy that requires a student's performance on an end-of-course assessment instrument for a course listed in this subsection in which the student is enrolled to account for 15 percent of the student's final grade for the course. If a student retakes an end-of-course assessment instrument for a course listed in this subsection, as provided by Section 39.025, a school district is not required to use the student's performance on the subsequent administration or administrations of the assessment instrument to determine the student's final grade for the course].~~ If a student is in a special education program under Subchapter A, Chapter 29, the student's admission, review, and dismissal committee shall determine whether any allowable modification is necessary in administering to the student an assessment instrument required under this subsection. The State Board of Education shall administer the assessment instruments. The State Board of Education shall adopt a schedule for the administration of end-of-course assessment instruments that complies with the requirements of Subsection (c-3).

The amendment to **SB 135** 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 Patrick and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**SB 135** 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 135 ON THIRD READING

Senator Patrick moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 135** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Carona.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

### SENATE BILL ON FIRST READING

The following bill was introduced, read first time, and referred to the committee indicated:

**SB 406** by Nelson

Relating to the delegation and supervision of prescriptive authority by physicians to certain advanced practice registered nurses and physician assistants.  
To Committee on Health and Human Services.

### SENATE CONCURRENT RESOLUTION 11

The Presiding Officer laid before the Senate the following resolution:

WHEREAS, Section 17, Article III, Texas Constitution, provides that neither house of the legislature may adjourn for more than three days without the consent of the other house; now, therefore, be it

RESOLVED by the 83rd Legislature of the State of Texas, That each house grant the other permission to adjourn for more than three days during the period beginning on Wednesday, February 6, 2013, and ending on Monday, February 11, 2013.

WHITMIRE

**SCR 11** was read.

On motion of Senator Whitmire, the resolution was considered immediately and was adopted by the following vote: Yeas 29, Nays 0.

Absent-excused: Carona.

### CO-AUTHORS OF SENATE BILL 24

On motion of Senator Hinojosa, Senators West and Whitmire will be shown as Co-authors of **SB 24**.

### CO-AUTHORS OF SENATE BILL 112

On motion of Senator Lucio, Senators Van de Putte and Watson will be shown as Co-authors of **SB 112**.

### CO-AUTHORS OF SENATE BILL 135

On motion of Senator Patrick, Senators Birdwell, Campbell, Hinojosa, and West will be shown as Co-authors of **SB 135**.

### CO-AUTHOR OF SENATE BILL 285

On motion of Senator Carona, Senator Paxton will be shown as Co-author of **SB 285**.

### CO-AUTHOR OF SENATE BILL 313

On motion of Senator Uresti, Senator Van de Putte will be shown as Co-author of **SB 313**.

**CO-AUTHOR OF SENATE BILL 348**

On motion of Senator Schwertner, Senator Deuell will be shown as Co-author of **SB 348**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolution**

**SR 139** by West, In memory of Booker T. Watson, Jr.

**Congratulatory Resolutions**

**SR 7** by Schwertner, Recognizing Luke Joeckel for winning the 2012 Outland Trophy.

**SR 76** by Uresti, Recognizing the citizens of Val Verde County on the occasion of Val Verde County Day at the Capitol.

**SR 133** by Nichols, Recognizing the Texas Forestry Association on the occasion of its seedling giveaway.

**SR 134** by Nelson, Recognizing the City of Highland Village on the occasion of its 50th anniversary.

**SR 135** by Van de Putte, Recognizing the San Antonio chapter of the National Association of Women in Construction on the occasion of Women in Construction Week.

**SR 137** by Van de Putte, Commending those that have played a part in returning the Victory or Death letter to the Alamo.

**SR 138** by Hegar and Huffman, Recognizing the Central Fort Bend Chamber Alliance on the occasion of its Legislative Day.

**HCR 33** (Seliger), Recognizing Municipal Government Day at the State Capitol.

**Official Designation Resolutions**

**SR 129** by Davis, Proclaiming February 6, 2013, as Texas Christian University Day at the State Capitol.

**SR 136** by Estes, Recognizing February 6, 2013, as Texas Chiropractic Association Day at the State Capitol.

**SR 140** by Nelson, Birdwell, Davis, and Hancock, Recognizing Tarrant County Days at the State Capitol on February 6 and 7, 2013.

**ADJOURNMENT**

On motion of Senator Whitmire, the Senate at 12:13 p.m. adjourned, in memory of Carl Pendergrass, Arturo Gonzalez, Alfredo Gutierrez, and the Honorable M. A. Taylor, former State Representative, until 2:00 p.m. Monday, February 11, 2013.

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**APPENDIX**

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**COMMITTEE REPORTS**

The following committee reports were received by the Secretary of the Senate in the order listed:

February 6, 2013

**JURISPRUDENCE — SB 251, SB 246**

**BUSINESS AND COMMERCE — CSSB 112**

**RESOLUTIONS ENROLLED**

February 5, 2013

**SR 110, SR 112, SR 113, SR 115, SR 123, SR 124, SR 126, SR 127, SR 130, SR 131, SR 132**

# SENATE JOURNAL

**EIGHTY-THIRD LEGISLATURE — REGULAR SESSION**

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**AUSTIN, TEXAS**

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**PROCEEDINGS**

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**TWELFTH DAY**

(Monday, February 11, 2013)

The Senate met at 2:10 p.m. pursuant to adjournment and was called to order by the President.

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

Absent-excused: Birdwell, Carona.

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

Father John Calgaro, Cristo Rey Catholic Church, Austin, offered the invocation as follows:

O Lord, our God, how awesome is Your name through all the Earth. You have set Your majesty above the heavens. You have entrusted to us, Your humble servants, the care of this world. And in a special way, You have entrusted to these public servants the care of this great State of Texas. Inspire in them good and holy thoughts. Bestow upon them Your gifts of prudence, justice, temperance, and fortitude. With Your divine assistance, let them see and appreciate the dignity of every citizen and resident of this state that they are called to serve: men and women; children, youth, and adults; young and old; and those who are waiting to be born in their mother's womb. Bless these, Your public servants, with good health and keep them safe from harm's way. Bless abundantly also their families and friends. With faith and trust in You, Lord, we make this humble prayer. 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 Carona was granted leave of absence for today on account of important business.

**MESSAGE FROM THE HOUSE****HOUSE CHAMBER**

Austin, Texas

Monday, February 11, 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 39** Anderson  
In memory of the Honorable M. A. Taylor of Waco.

**SCR 11** Whitmire Sponsor: Walle  
Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, February 6, 2013, and ending on Monday, February 11, 2013.

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:

February 8, 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 a member of the Executive Council of Physical Therapy and Occupational Therapy Examiners for a term to expire February 1, 2015:

Arthur Roger Matson  
Georgetown, Texas

Mr. Matson is being reappointed.

To be members of the Texas Board of Orthotics and Prosthetics for terms to expire February 1, 2019:

Richard Neider  
Missouri City, Texas

(Mr. Neider is being reappointed)

Ray Smith  
Bloomington, Texas  
(replacing Erin Berling of Coppell whose term expired)

To be a member of the State Soil and Water Conservation Board for a term to expire February 1, 2015:

Joe L. Ward  
Telephone, Texas  
Mr. Ward is being reappointed.

To be a member of the Upper Neches River Municipal Water Authority Board of Directors for a term to expire February 1, 2019:

W. Barry James  
Palestine, Texas  
Dr. James is being reappointed.

To be members of the Texas Appraiser Licensing and Certification Board for terms to expire January 31, 2015:

Walker R. Beard  
El Paso, Texas  
(Mr. Beard is being reappointed)

Clayton P. Black  
Stanton, Texas  
(replacing Donna Walz of Lubbock whose term expired)

Sheryl R. Swift  
Galveston, Texas  
(Ms. Swift is being reappointed)

Jamie S. Wickliffe  
Midlothian, Texas  
(Ms. Wickliffe is being reappointed)

To be a member of the Governing Board of the Office of Violent Sex Offender Management for a term to expire February 1, 2015:

Daniel P. "Dan" Powers  
Carrollton, Texas  
Mr. Powers is being reappointed.

Respectfully submitted,  
/s/Rick Perry  
Governor

### PHYSICIAN OF THE DAY

Senator Nichols was recognized and presented Dr. Thomas Cherry of Chandler as the Physician of the Day.

The Senate welcomed Dr. Cherry 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 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.

**GUESTS PRESENTED**

Senator Eltife was recognized and introduced to the Senate an Association of Texas Professional Educators delegation.

The Senate welcomed its guests.

**GUEST PRESENTED**

Senator Fraser was recognized and introduced to the Senate Barry Smitherman, Chair of the Texas Railroad Commission.

The Senate welcomed its guest.

**CO-AUTHORS OF SENATE BILL 24**

On motion of Senator Hinojosa, Senators Hegar, Taylor, and Williams will be shown as Co-authors of **SB 24**.

**CO-AUTHOR OF SENATE BILL 149**

On motion of Senator Nelson, Senator Zaffirini will be shown as Co-author of **SB 149**.

**CO-AUTHOR OF SENATE BILL 225**

On motion of Senator Seliger, Senator Uresti will be shown as Co-author of **SB 225**.

**CO-AUTHOR OF SENATE BILL 414**

On motion of Senator Ellis, Senator Huffman will be shown as Co-author of **SB 414**.

**CO-AUTHOR OF SENATE RESOLUTION 73**

On motion of Senator Nelson, Senator Huffman will be shown as Co-author of **SR 73**.

**MOTION TO ADJOURN**

On motion of Senator Whitmire and by unanimous consent, the Senate at 2:27 p.m. agreed to adjourn, in memory of Dan Gibson "Gib" Walton and Mark Hasse, upon completion of the introduction of bills and resolutions on first reading, until 11:00 a.m. tomorrow.



**SENATE BILLS AND RESOLUTION ON FIRST READING**

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

**SB 351** by Hegar

Relating to the powers and duties of the Willow Point Municipal Utility District of Fort Bend and Waller Counties; providing authority to impose a tax and issue bonds.  
To Committee on Intergovernmental Relations.

**SB 352** by West

Relating to a visitation plan for certain children taken into possession by the Department of Family and Protective Services.  
To Committee on Jurisprudence.

**SB 353** by West

Relating to the ability of an emergency shelter facility to provide shelter or care for an unaccompanied minor without a license.  
To Committee on Jurisprudence.

**SB 354** by West

Relating to permitting electronic delivery of certain documents in a criminal case.  
To Committee on Criminal Justice.

**SB 355** by West

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; providing an administrative fine.  
To Committee on Jurisprudence.

**SB 356** by Carona

Relating to the audit of court registry funds in certain counties.  
To Committee on Intergovernmental Relations.

**SB 357** by Hinojosa

Relating to the issuance of protective orders for certain sexual, stalking, and trafficking offenses.  
To Committee on Criminal Justice.

**SB 358** by Hinojosa

Relating to the use of a polygraph statement as evidence that a defendant has violated a condition of release on community supervision.  
To Committee on Criminal Justice.

**SB 359** by Hinojosa

Relating to the selection of certain members of the board of directors of an appraisal district.  
To Committee on Intergovernmental Relations.

**SB 360** by Watson

Relating to methods used by an animal shelter to euthanize a dog or cat.  
To Committee on Health and Human Services.

**SB 361** by Watson

Relating to the duties of a magistrate to inform an arrested person of consequences of a plea of guilty or nolo contendere.

To Committee on Agriculture, Rural Affairs and Homeland Security.

**SB 362** by Watson

Relating to the practice of cosmetology.

To Committee on Business and Commerce.

**SB 363** by Uresti

Relating to prohibited exemptions from state bar examination requirements for attorneys who hold law licenses issued by certain other states.

To Committee on Jurisprudence.

**SB 364** by Eltife

Relating to the authority of certain municipalities to provide sewer service to areas within the municipal boundaries without obtaining a certificate of public convenience and necessity.

To Committee on Natural Resources.

**SB 365** by Carona

Relating to expedited credentialing for certain podiatrists providing services under a managed care plan.

To Committee on State Affairs.

**SB 366** by Taylor

Relating to the authority of political subdivisions to offer certain deferred compensation plans to employees.

To Committee on State Affairs.

**SB 367** by Whitmire

Relating to the disposition of abandoned or unclaimed property seized at the time of certain arrests.

To Committee on Criminal Justice.

**SB 368** by Whitmire

Relating to the release by a sheriff of certain defendants to an electronic monitoring or house arrest program.

To Committee on Criminal Justice.

**SB 369** by Whitmire

Relating to certain information available to the public on a central database containing information about sex offenders.

To Committee on Criminal Justice.

**SB 370** by Lucio

Relating to authorizing certain current and former members of the state legislature to conduct a marriage ceremony.

To Committee on Jurisprudence.

**SB 371** by Lucio

Relating to the manner in which the tax on the even exchange of motor vehicles is applied.

To Committee on Finance.

**SB 372** by Lucio

Relating to the exemption from the sales and use tax for property used in manufacturing.

To Committee on Finance.

**SB 373** by Lucio

Relating to indexing fees charged for certain nonresident hunting and fishing licenses to fees charged for certain resident hunting and fishing licenses.

To Committee on Natural Resources.

**SB 374** by Lucio

Relating to a 14-day general hunting license for non-residents; imposing a fee.

To Committee on Natural Resources.

**SB 375** by Lucio

Relating to the expiration date of hunting and fishing licenses, stamps, permits, or tags.

To Committee on Natural Resources.

**SB 376** by Lucio

Relating to breakfast for certain public school students.

To Committee on Education.

**SB 377** by Lucio

Relating to considering the performance of certain students on state assessment instruments in evaluating school district and campus performance.

To Committee on Education.

**SB 378** by Lucio

Relating to a study to determine public school facility needs.

To Committee on Education.

**SCR 9** by Eltife

Authorizing the lieutenant governor and speaker to appoint interim joint committees.

To Committee on Administration.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**SR 141** by Watson, In memory of Alejandro Lopez "Alex" Calderon of Austin.

**SR 143** by Watson, In memory of O. C. Houston of Austin.

**SR 151** by Van de Putte, In memory of Lucia Carmona Garcia of Bexar County.

**SR 156** by Davis, In memory of Heywood Carroll Clemons of Fort Worth.

**SR 157** by Davis, In memory of Mary Wiley "Dee" Fixel of Fort Worth.

**SR 158** by Davis, In memory of Christi Stanley of Fort Worth.

**SR 159** by Davis, In memory of Joe H. Edwards.

**SR 184** by Watson, In memory of Robert C. Barton, Jr., of Hays County.

### **Welcome and Congratulatory Resolutions**

**SR 73** by Nelson, Celebrating Children's Advocacy Centers of Texas Legislative Day at the Capitol.

**SR 142** by Watson, Recognizing Quality Seafood Market in Austin on the occasion of its 75th anniversary.

**SR 144** by Lucio, Recognizing Carlos Rosales on the occasion of his retirement from the United States Postal Service.

**SR 145** by Lucio, Recognizing the Rotary Club of Harlingen on the occasion of its 90th anniversary.

**SR 150** by Paxton, Recognizing choral ensemble students from Robinson and Rice Middle Schools in Plano.

**SR 154** by Ellis, Recognizing the Houston Alumni Chapter of Prairie View A&M University on the occasion of its Annual Mardi Gras Scholarship Luncheon.

**SR 155** by Davis, Commending Leadership Fort Worth for its community service.

**SR 160** by Davis, Recognizing Fort Worth Country Day School on the occasion of its 50th anniversary.

**SR 161** by Estes, Welcoming the Grayson County delegation on the occasion of Grayson County Day at the Capitol.

**SR 163** by Van de Putte, Recognizing the celebration of José Antonio Navarro's birthday at the Casa Navarro State Historic Site.

**SR 164** by Ellis, Recognizing Word of Grace Missionary Baptist Church of Houston on the occasion of its 30th anniversary.

**SR 166** by Hegar, Recognizing Leadership Fayette County on the occasion of its visit to the State Capitol.

**SR 167** by Duncan, Recognizing Helen White Bertrand on the occasion of her retirement from the Farm Service Agency in Floyd County.

**SR 170** by Schwertner, Recognizing Kensen Shi for being named the individual winner of the Siemens Foundation's annual mathematics, science, and technology competition.

**SR 171** by Schwertner, Recognizing the Round Rock Independent School District on the occasion of its 100th anniversary.

**SR 174** by Estes, Recognizing Leadership Montague County on the occasion of its visit to the State Capitol.

**SR 175** by Zaffirini, Recognizing the City of Hebbronville on the occasion of its 100th anniversary.

**SR 181** by Watson, Commending Page Southerland Page for receiving the Texas Treasure Business Award.

**SR 182** by Watson, Recognizing Big Red, Incorporated, for being named a recipient of the Texas Treasure Business Award.

**SR 183** by Watson, Recognizing the Blanton Museum of Art at The University of Texas on the occasion of its 50th anniversary.

**SR 186** by Ellis, Recognizing the Hakka Association of Houston, Incorporated, on the occasion of its 30th anniversary.

**SR 187** by Ellis, Recognizing Mount Zion Missionary Baptist Church in Houston on the occasion of its installation of the Reverend Edward V. Lightfoot.

**HCR 2** (Schwertner), Congratulating Johnny Manziel of Texas A&M University on winning the 2012 Heisman Trophy.

### **Official Designation Resolutions**

**SR 125** by Nelson and Estes, Celebrating February 18 and 19, 2013, as Denton County Days at the State Capitol.

**SR 146** by Deuell, Celebrating February 19, 2013, as Sunnyvale Day at the Capitol.

**SR 147** by Deuell, Celebrating February 13, 2013, as YMCA Appreciation Day at the State Capitol.

**SR 148** by Deuell, Celebrating February 12, 2013, as Texas Anesthesiologists Day at the State Capitol.

**SR 152** by Nelson, Proclaiming February 20, 2013, Substance Abuse Prevention and Treatment Advocacy Day at the Capitol.

**SR 162** by Nelson, Recognizing February 12, 2013, as Senior Day at the Capitol.

**SR 165** by Hegar, Recognizing the 2013 Bucks and BBQ Cook-off in San Antonio as a Texas State Barbecue Championship competition.

**SR 169** by Schwertner, Proclaiming February 26, 2013, Justices of the Peace and Constables Day at the State Capitol.

**SR 173** by Deuell, Recognizing February 13, 2013, as Dyslexia Awareness Day at the Capitol.

**SR 178** by Hinojosa, Recognizing the Saint Joseph Church Annual Festival and Cook-off Showdown in Edinburg as an official Texas State Barbecue Championship competition.

**SR 185** by Ellis, Recognizing February 13, 2013, as University of Houston System Day at the State Capitol.

### **ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 2:35 p.m. adjourned, in memory of Dan Gibson "Gib" Walton and Mark Hasse, until 11:00 a.m. tomorrow.

**APPENDIX**

**BILL ENGROSSED**

February 6, 2013

**SB 135**

**RESOLUTIONS ENROLLED**

February 6, 2013

**SR 6, SR 7, SR 76, SR 117, SR 119, SR 129, SR 133, SR 134, SR 135, SR 136,  
SR 137, SR 138, SR 139, SR 140**

**SENT TO SECRETARY OF STATE**

February 7, 2013

**SCR 8**

# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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## THIRTEENTH DAY

(Tuesday, February 12, 2013)

The Senate met at 11:04 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, 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.

Minister Matthew A. Mays, Mount Sinai Missionary Baptist Church, Austin, offered the invocation as follows:

O God, divine creator and ruler of everything, we come to You this morning through the access of Jesus the Christ. We ask that You would hear us as we pray this time, as You have heard us in times past. We thank You for who You are and all the blessings You have bestowed upon us. We realize You have blessed the State of Texas, and we pause to thank and praise You. Now, dear Lord, please bless the men and women who make up this body, who serve as a part of the operation of our government in this State of Texas. We pray that You would bless them with wisdom, understanding, and compassion as they make decisions for the betterment of all citizens and the good of the whole State of Texas. Please watch over each of them as well as their families and shield them from any danger or threat. Please protect them so that they might serve responsibly on the behalf of others in every issue. I pray this prayer of covering for them 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.

## SENATE RESOLUTION 162

Senator Nelson offered the following resolution:

**SR 162**, Recognizing February 12, 2013, as Senior Day at the Capitol.

The resolution was again read.

The resolution was previously adopted on Monday, February 11, 2013.

#### **GUESTS PRESENTED**

Senator Nelson was recognized and introduced to the Senate Texas seniors.

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.

#### **GUESTS PRESENTED**

Senator Nichols was recognized and introduced to the Senate an Athens Chamber of Commerce delegation.

The Senate welcomed its guests.

#### **GUESTS PRESENTED**

Senator Deuell was recognized and introduced to the Senate a Texas Society of Anesthesiologists delegation, accompanied by Marty Giesecke, President; David Mercier, President-elect; David Gloyna, Treasurer; and Sherif Zaafran, Chair, Governmental Affairs Committee.

The Senate welcomed its guests.

#### **GUESTS PRESENTED**

Senator Estes was recognized and introduced to the Senate a Wise County delegation.

The Senate welcomed its guests.

#### **SENATE RESOLUTION 168**

Senator Duncan offered the following resolution:

**SR 168**, Recognizing February 12, 2013, as Texas Food Bank Day at the State Capitol.

The resolution was read and was adopted without objection.

#### **GUESTS PRESENTED**

Senator Duncan was recognized and introduced to the Senate David Weaver, Board of Directors President, Texas Food Bank Network, and Executive Director of the South Plains Food Bank, and Celia Cole, CEO, Texas Food Bank Network.

The Senate welcomed its guests.



**SENATE RESOLUTION 194**

Senator Taylor offered the following resolution:

**SR 194**, Recognizing February 12, 2013, as Texas Community Association Advocates Day at the State Capitol.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Taylor was recognized and introduced to the Senate a Texas Community Association Advocates delegation.

The Senate welcomed its guests.

**SENATE RESOLUTION 176**

Senator Rodríguez offered the following resolution:

**SR 176**, Recognizing February 12, 2013, as Texas Physical Therapy Day at the State Capitol.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Rodríguez was recognized and introduced to the Senate a Texas Physical Therapy Association delegation, accompanied by Cynthia Fisher, President, Board of Directors.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Davis was recognized and introduced to the Senate a Kennedale delegation.

The Senate welcomed its guests.

**SENATE RESOLUTION 179**

Senator Hinojosa offered the following resolution:

**SR 179**, Recognizing February 12, 2013, as Jim Wells County Day at the State Capitol.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Hinojosa was recognized and introduced to the Senate a Jim Wells County delegation: County Judge Arnoldo Saenz, and Commissioners Margie Gonzalez, Ventura Garcia, and Richard Miller.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Birdwell was recognized and introduced to the Senate a Leadership Cleburne delegation.

The Senate welcomed its guests.

**SENATE RESOLUTION 180**

Senator Hinojosa offered the following resolution:

**SR 180**, In memory of the life of Kenneth Raymond Fleenor.

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

In honor of the memory of Kenneth Raymond Fleenor, the text of the resolution is printed at the end of today's *Senate Journal*.

Senator Hinojosa was recognized and introduced to the Senate family members of General Kenneth Fleenor: Kathy Thomas, John Fleenor, Patti Wood, Kerry Horne, and Kay Duc.

The Senate welcomed its guests and extended its sympathy.

**(President in Chair)**

**RESOLUTIONS SIGNED**

The President announced the signing of the following enrolled resolutions in the presence of the Senate: **HCR 2, HCR 33, SCR 11.**

**CO-AUTHORS OF SENATE BILL 24**

On motion of Senator Hinojosa, Senators Paxton and Uresti will be shown as Co-authors of **SB 24.**

**CO-AUTHOR OF SENATE BILL 120**

On motion of Senator Rodríguez, Senator Duncan will be shown as Co-author of **SB 120.**

**CO-AUTHOR OF SENATE BILL 191**

On motion of Senator Birdwell, Senator Schwertner will be shown as Co-author of **SB 191.**

**CO-AUTHOR OF SENATE BILL 240**

On motion of Senator Van de Putte, Senator Rodríguez will be shown as Co-author of **SB 240.**

**CO-AUTHOR OF SENATE BILL 256**

On motion of Senator Deuell, Senator Schwertner will be shown as Co-author of **SB 256.**

**CO-AUTHOR OF SENATE BILL 301**

On motion of Senator Zaffirini, Senator Schwertner will be shown as Co-author of **SB 301.**

**CO-AUTHOR OF SENATE BILL 313**

On motion of Senator Uresti, Senator Hinojosa will be shown as Co-author of **SB 313.**

**CO-AUTHOR OF SENATE BILL 377**

On motion of Senator Lucio, Senator Rodríguez will be shown as Co-author of **SB 377**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolution**

**HCR 39** (Birdwell), In memory of the Honorable M. A. Taylor of Waco.

**Welcome and Congratulatory Resolutions**

**SR 188** by Schwertner, Recognizing Jeffery Musgrave for receiving the Bronze Star with Valor Device and the Purple Heart.

**SR 189** by Estes, Recognizing the Wylie Chamber of Commerce for its contributions to the Wylie and Collin County area.

**SR 191** by Uresti, Welcoming the citizens of Crockett County on the occasion of Crockett County Day.

**SR 193** by Birdwell, Welcoming the members of the Leadership Waxahachie Class XVIII to the State Capitol.

**SR 195** by Schwertner, Recognizing the Granger Independent School District on the occasion of its 125th anniversary.

**SR 199** by West, Recognizing Marvin E. Robinson, Sr., for his achievements.

**SR 200** by West, Commending Beverly Kerl Mitchell-Brooks for receiving the Susan B. Anthony Award from the League of Women Voters of Dallas.

**Official Designation Resolutions**

**SR 190** by Uresti, Recognizing the Briscoe Ranch Cook-off in Uvalde as a Texas State Barbecue Championship competition.

**SR 196** by Carona and Deuell, Celebrating February 12, 2013, as Rowlett Day at the State Capitol.

**SR 197** by Carona and Hancock, Recognizing February 12, 2013, as Irving Day at the State Capitol.

**SR 198** by Campbell, Celebrating February 13, 2013, as Leadership Boerne Day at the Capitol.

**ADJOURNMENT**

On motion of Senator Whitmire, the Senate at 11:45 a.m. adjourned, in memory of Kenneth Raymond Fleenor and Esther Buckley, until 11:00 a.m. tomorrow.

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**APPENDIX**

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**RESOLUTIONS ENROLLED**

February 11, 2013

**SCR 11, SR 73, SR 125, SR 141, SR 142, SR 143, SR 144, SR 145, SR 146,  
SR 147, SR 148, SR 150, SR 151, SR 152, SR 154, SR 155, SR 156, SR 157,  
SR 158, SR 159, SR 160, SR 161, SR 162, SR 163, SR 164, SR 165, SR 166,  
SR 167, SR 169, SR 170, SR 171, SR 173, SR 174, SR 175, SR 178, SR 181,  
SR 182, SR 183, SR 184, SR 185, SR 186, SR 187**

**In Memory**  
**of**  
**Kenneth Raymond Fleenor**  
**Senate Resolution 180**

WHEREAS, The Senate of the State of Texas honors and commemorates the life of United States Air Force Brigadier General Kenneth Raymond Fleenor, Retired, who died December 10, 2010, at the age of 81; and

WHEREAS, Kenneth Fleenor was born and raised in Bowling Green, Kentucky, and graduated from Western Kentucky State University; and

WHEREAS, He served the nation with distinction in the armed forces for 28 years; while he was serving in Vietnam, his F-4 Phantom fighter jet was shot down near Hanoi, and he spent more than five years as a prisoner of war, enduring starvation, isolation, and torture; after his release from captivity in 1973, he continued his military career and held numerous important posts at Randolph Air Force Base, including Base Commander, Wing Commander, and Deputy Commander of Operations for the Air Training Command; and

WHEREAS, General Fleenor went on to work for the state as a coordinator for Texans War on Drugs, and he was on the boards of numerous companies; for 10 years, he served the citizens of Selma as a city council member and as mayor; and

WHEREAS, A man of courage, strength, and compassion, he gave generously to others, and his wisdom and foresight will not be forgotten by those who knew him; and

WHEREAS, He was a devoted husband, father, and grandfather, and he left behind memories that will be treasured forever by his family and many friends; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby pay tribute to the legacy of Brigadier General Kenneth Raymond Fleenor; and, be it further

RESOLVED, That a copy of this Resolution be prepared for his family to commemorate the life of this dedicated patriot, and that when the Senate adjourns this day, it do so in memory of Kenneth Fleenor.

HINOJOSA



# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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## FOURTEENTH DAY

(Wednesday, February 13, 2013)

The Senate met at 11:12 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, 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.

The Reverend Karen Boehk, First United Methodist Church, Smithville, offered the invocation as follows:

Almighty God, creator and sustainer of all, we pause this morning to give You thanks for the gift of life, for the gift of purpose, and the many blessings we so often take for granted. Today I pray for these men and women who strive to fulfill the responsibilities of the office to which they have been elected. I pray, O God, that You would grant them wisdom, strength, and courage to do the right thing, especially in the midst of difficult situations. In the name of the One who commanded us to love our neighbor as ourself. 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 Campbell was recognized and presented Dr. Francisco Barrera of San Antonio as the Physician of the Day.

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

### **BIRTHDAY GREETINGS EXTENDED**

The President, on behalf of the Senate, extended birthday greetings to Senator Zaffirini.

#### **SENATE RESOLUTION 177**

Senator Rodríguez offered the following resolution:

**SR 177**, Recognizing February 12 and 13, 2013, as El Paso Days at the State Capitol.

The resolution was read and was adopted without objection.

#### **GUESTS PRESENTED**

Senator Rodríguez was recognized and introduced to the Senate an El Paso delegation, accompanied by Kathleen Walker, Brant Daley, Eddie Holguin, Cortney Niland, and Veronica Escobar.

The Senate welcomed its guests.

#### **GUESTS PRESENTED**

Senator Nelson was recognized and introduced to the Senate Lake Country Christian School seventh-grade students.

The Senate welcomed its guests.

#### **SENATE RESOLUTION 128**

Senator Williams offered the following resolution:

**SR 128**, Recognizing Dr. James M. Simmons on the occasion of his retirement as president of Lamar University.

WILLIAMS  
BIRDWELL  
NICHOLS

The resolution was read and was adopted without objection.

#### **GUEST PRESENTED**

Senator Williams was recognized and introduced to the Senate James M. Simmons, former President, Lamar University.

The Senate welcomed its guest.

#### **GUESTS PRESENTED**

Senator West was recognized and introduced to the Senate Faye Williams and her class from the Texas Engineering Extension Service.

The Senate welcomed its guests.

#### **GUESTS PRESENTED**

Senator Eltife was recognized and introduced to the Senate a LeTourneau University delegation.

The Senate welcomed its guests.



**SENATE RESOLUTION 147**

Senator Deuell offered the following resolution:

**SR 147**, Celebrating February 13, 2013, as YMCA Appreciation Day at the State Capitol.

The resolution was again read.

The resolution was previously adopted on Monday, February 11, 2013.

**GUESTS PRESENTED**

Senator Deuell was recognized and introduced to the Senate a YMCA delegation, accompanied by Kelly Gaudreau, CEO, YMCA of Greenville and Hunt County; Terry Seth, CEO, YMCA of Corsicana; Tiffany Patterson, Executive Director, TownLake Branch YMCA of Austin; David Lopez, Vice-president of External Affairs, YMCA of Greater Houston; and Brenda Thompson, CEO, YMCA of Kerr County.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Ellis was recognized and introduced to the Senate a University of Houston System delegation, accompanied by Chancellor Renu Khator.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Estes was recognized and introduced to the Senate a Leadership Montague County delegation.

The Senate welcomed its guests.

**SENATE RESOLUTION 192**

Senator Zaffirini offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the March of Dimes Foundation on the occasion of its 75th anniversary; and

WHEREAS, This pioneering organization has worked ceaselessly over the decades to improve the health of infants and women of childbearing age; its focus is on the prevention of birth defects, infant mortality, and premature birth; and

WHEREAS, Founded in 1938 by President Franklin D. Roosevelt to combat polio, the March of Dimes was instrumental in funding the development of polio vaccines and virtually eliminating the disease; those same immunizations are still in use today; and

WHEREAS, Having achieved its original mission, the foundation shifted its attention to the prevention of birth defects and the promotion of healthy pregnancies; it established a national network of programs to monitor expecting mothers; and

WHEREAS, The organization's efforts have helped lead to critical breakthroughs in research, testing, and treatment; as a result of its efforts, scientists have discovered new lifesaving products and new ways to treat premature infants; the March of Dimes has also played a vital role in pressing for federal legislation to promote the screening of newborns; and

WHEREAS, Now, the organization has set the ambitious goal of reducing preterm birth to 9.6 percent in every state by the year 2020; for its innovation and determination to champion women's health, infant care, and preventative measures against birth defects, this esteemed organization deserves unstinting praise; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby commend the March of Dimes Foundation as it celebrates its 75th anniversary and extend to its members best wishes in all its future endeavors; and, be it further

RESOLVED, That a copy of this Resolution be prepared for them as an expression of high regard from the Texas Senate.

**SR 192** was read and was adopted without objection.

#### **GUESTS PRESENTED**

Senator Zaffirini was recognized and introduced to the Senate a March of Dimes Foundation delegation: Kim King, Associate State Director; Jon Levy, Chair, State Executive Committee; and Charlotte Guillory, Past Chair, State Advocacy and Government Affairs Committee.

The Senate welcomed its guests.

#### **SENATE RESOLUTION 201**

Senator Hinojosa offered the following resolution:

**SR 201**, Recognizing February 13, 2013, as Texas A&M University–Corpus Christi Day at the State Capitol.

The resolution was read and was adopted without objection.

#### **GUESTS PRESENTED**

Senator Hinojosa, joined by Senator Zaffirini, was recognized and introduced to the Senate a Texas A&M University–Corpus Christi delegation, accompanied by Flavius Killebrew, President; Don Albrecht, Vice-president of Student Engagement and Success; and Kimberly Garza, Student Government Association President.

The Senate welcomed its guests.

#### **SENATE RESOLUTION 150**

Senator Paxton offered the following resolution:

**SR 150**, Recognizing choral ensemble students from Robinson and Rice Middle Schools in Plano.

#### **(Senator Eltife in Chair)**

The resolution was again read.

The resolution was previously adopted on Monday, February 11, 2013.

**GUESTS PRESENTED**

Senator Paxton was recognized and introduced to the Senate members of the choral ensembles from Robinson and Rice Middle Schools of the Plano Independent School District.

The Senate welcomed its guests.

**SENATE RESOLUTION 173**

Senator Deuell offered the following resolution:

**SR 173**, Recognizing February 13, 2013, as Dyslexia Awareness Day at the Capitol.

The resolution was again read.

The resolution was previously adopted on Monday, February 11, 2013.

**GUESTS PRESENTED**

Senator Deuell was recognized and introduced to the Senate an Academic Language Therapy Association delegation, accompanied by Karen Avrit, President, and Linda Gladden, Board of Directors.

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.

**SENATE CONCURRENT RESOLUTION 14**

The Presiding Officer laid before the Senate the following resolution:

WHEREAS, Section 17, Article III, Texas Constitution, provides that neither house of the legislature may adjourn for more than three days without the consent of the other house; now, therefore, be it

RESOLVED by the 83rd Legislature of the State of Texas, That each house grant the other permission to adjourn for more than three days during the period beginning on Wednesday, February 13, 2013, and ending on Monday, February 18, 2013.

WHITMIRE

**SCR 14** was read.

On motion of Senator Whitmire, the resolution was considered immediately and was adopted by the following vote: Yeas 29, Nays 0.

Absent-excused: Carona.

**MOTION TO ADJOURN**

On motion of Senator Whitmire and by unanimous consent, the Senate at 12:22 p.m. agreed to adjourn, upon completion of the introduction of bills and resolutions on first reading, until 2:00 p.m. Monday, February 18, 2013.

**SENATE BILLS AND RESOLUTIONS ON FIRST READING**

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

**SB 13** by Duncan

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

To Committee on State Affairs.

**SB 14** by Williams

Relating to the fiscal transparency and accountability of certain entities responsible for public money.

To Committee on Finance.

**SB 379** by Deuell

Relating to information for prevention of sudden cardiac arrest affecting public school students participating in interscholastic athletics.

To Committee on Education.

**SB 380** by Schwertner

Relating to the recording of an informal settlement conference to resolve a complaint to the Texas Medical Board against a physician.

To Committee on Health and Human Services.

**SB 381** by Van de Putte

Relating to the misuse of the name or symbols of the division of workers' compensation of the Texas Department of Insurance in a deceptive manner.

To Committee on State Affairs.

**SB 382** by Carona

Relating to the disbursement of county funds to a person owing delinquent property taxes.

To Committee on Intergovernmental Relations.

**SB 383** by Carona

Relating to the repeal of certain provisions governing the sale and use of certain refrigerants.

To Committee on Business and Commerce.

**SB 384** by Carona

Relating to the offense of failure to report abuse or neglect of a child.

To Committee on Criminal Justice.

**SB 385** by Carona

Relating to authorizing assessments for water and energy improvements in districts designated by municipalities and counties.

To Committee on Intergovernmental Relations.

**SB 386** by Davis

Relating to the Cancer Prevention and Research Institute of Texas.  
To Committee on Health and Human Services.

**SB 387** by Nichols

Relating to county participation in a program for improvement of collection of court costs, fees, and fines imposed in criminal cases.  
To Committee on Jurisprudence.

**SB 388** by Nichols

Relating to county participation in a program for improvement of collection of court costs, fees, and fines imposed in criminal cases.  
To Committee on Jurisprudence.

**SB 389** by West

Relating to the imposition of court costs in certain criminal proceedings.  
To Committee on Jurisprudence.

**SB 390** by West

Relating to the effective date of a new court cost or fee or of an amendment to the amount of a court cost or fee.  
To Committee on Jurisprudence.

**SB 391** by West

Relating to a defendant's obligation to pay a fine or court cost after the expiration of a period of community supervision.  
To Committee on Jurisprudence.

**SB 392** by West

Relating to notice to the attorney general of challenges to the constitutionality of Texas statutes.  
To Committee on State Affairs.

**SB 393** by West

Relating to the deferral of prosecution of children accused of certain Class C misdemeanors.  
To Committee on Jurisprudence.

**SB 394** by West

Relating to restricting access to records of children convicted of or receiving deferred disposition for certain fine-only misdemeanors.  
To Committee on Jurisprudence.

**SB 395** by West

Relating to fines and court costs imposed on a child in a criminal case.  
To Committee on Jurisprudence.

**SB 396** by Hegar

Relating to the provision of state death benefits to certain employees of the Department of Public Safety of the State of Texas.  
To Committee on State Affairs.

**SB 397** by Duncan

Relating to the statute of limitations for an action on a credit card account.  
To Committee on State Affairs.

**SB 398** by Hancock

Relating to conforming the eligibility under a major events trust fund of a National Collegiate Athletic Association Division I Football Bowl Subdivision postseason event with the changes to the Bowl Championship Series system.  
To Committee on Economic Development.

**SB 399** by Hancock

Relating to the confidentiality of certain communications involving an ombudsman program established by an employer as an alternative dispute resolution service.  
To Committee on Business and Commerce.

**SB 400** by Hancock

Relating to consumption of alcoholic beverages in certain public entertainment facilities.  
To Committee on Business and Commerce.

**SB 401** by Lucio

Relating to a notification requirement if a counselor is not assigned to a public school campus.  
To Committee on Education.

**SB 402** by Rodríguez

Relating to the regulation of the practice of physical therapy.  
To Committee on Health and Human Services.

**SB 403** by Zaffirini

Relating to the establishment of a community development grocery store and healthy corner store revolving loan fund program.  
To Committee on Agriculture, Rural Affairs and Homeland Security.

**SB 404** by Schwertner

Relating to complaints filed with the Texas State Board of Pharmacy; authorizing fees.  
To Committee on Health and Human Services.

**SB 405** by Hegar

Relating to the applicability of state law regulating the decommissioning costs of certain newly constructed commercial nuclear-powered electric generating facilities.  
To Committee on Business and Commerce.

**SB 407** by Carona

Relating to an exemption for persons who sell certain burglar and fire alarm components from the requirement to be licensed as an air conditioning and refrigeration contractor.  
To Committee on Business and Commerce.

**SB 408** by Carona

Relating to the confidentiality of certain complaints to and investigations by the Texas Department of Licensing and Regulation.

To Committee on Business and Commerce.

**SB 409** by Watson

Relating to the issuance of an alcoholic beverage permit or license covering certain premises where a previous permit or license holder has been evicted.

To Committee on Business and Commerce.

**SB 410** by Watson

Relating to the management and operation of certain municipally owned electric utilities.

To Committee on Business and Commerce.

**SB 411** by Carona

Relating to insurers' duty to provide information in a fraud investigation.

To Committee on Business and Commerce.

**SB 412** by Seliger

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.

To Committee on Economic Development.

**SB 413** by Deuell

Relating to medical care and public health services provided by a health care professional in a licensed freestanding emergency medical care facility.

To Committee on Health and Human Services.

**SB 414** by Ellis

Relating to authorization by the Texas Higher Education Coordinating Board for certain public junior colleges to offer baccalaureate degree programs.

To Committee on Higher Education.

**SB 415** by Ellis

Relating to the establishment of a community development grocery store revolving loan fund program.

To Committee on Agriculture, Rural Affairs and Homeland Security.

**SB 416** by Ellis

Relating to restrictions on access to certain personal online accounts through electronic communication devices by employers or public or private institutions of higher education; establishing an unlawful employment practice.

To Committee on Business and Commerce.

**SB 417** by Ellis

Relating to public access to personal financial statements filed by candidates for and holders of state office and state chairs of political parties.

To Committee on State Affairs.

**SB 418** by Ellis

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.

To Committee on Education.

**SB 419** by Zaffirini

Relating to the creation of a central database for and health and human services agency investigations of alleged abuse, neglect, and exploitation violations and rights violations at certain facilities operated in this state.

To Committee on Health and Human Services.

**SB 420** by West

Relating to disproportionate discretionary disciplinary action by school districts against students of a particular race or students enrolled in a special education program.

To Committee on Education.

**SB 421** by Zaffirini

Relating to the Texas System of Care and the development of local mental health systems of care for certain children.

To Committee on Health and Human Services.

**SB 422** by Duncan

Relating to service of citation on a financial institution.

To Committee on State Affairs.

**SB 423** by Nelson

Relating to the flexible response system for investigations of child abuse or neglect reports by the Department of Family and Protective Services.

To Committee on Health and Human Services.

**SB 424** by Nelson

Relating to the administration and monitoring of certain medications provided to foster children.

To Committee on Health and Human Services.

**SB 425** by Nelson

Relating to foster care placement decisions made by the Department of Family and Protective Services.

To Committee on Health and Human Services.

**SB 426** by Nelson

Relating to a home visiting program for at-risk families.

To Committee on Health and Human Services.

**SB 427** by Nelson

Relating to the regulation of certain child-care facilities and administrators of those facilities.

To Committee on Health and Human Services.



**SB 428** by Nelson

Relating to background and criminal history checks for parents or other relatives of children in residential child-care facilities.

To Committee on Health and Human Services.

**SB 429** by Nelson

Relating to the dismissal or nonsuit of a suit to terminate the parent-child relationship filed by a governmental entity.

To Committee on Health and Human Services.

**SB 430** by Nelson

Relating to verification of the unavailability of community day care before the Department of Family and Protective Services provides day-care assistance or services.

To Committee on Health and Human Services.

**SB 431** by Patrick

Relating to eliminating the set-aside of a portion of designated tuition for student financial assistance at public institutions of higher education.

To Committee on Higher Education.

**SB 432** by Patrick

Relating to the eligibility for unemployment compensation benefits of individuals who serve on the appraisal review board of an appraisal district.

To Committee on Economic Development.

**SB 433** by Patrick

Relating to the regulation of game rooms in certain counties; providing penalties; authorizing a fee.

To Committee on Intergovernmental Relations.

**SB 434** by Hancock

Relating to the procedural requirements for action by the Texas Commission on Environmental Quality on applications for production area authorizations.

To Committee on Natural Resources.

**SB 435** by Duncan

Relating to the payment of tuition for public high school students who participate in college credit programs.

To Committee on Education.

**SB 436** by Birdwell

Relating to administration of collegiate learning assessments to students at general academic teaching institutions.

To Committee on Higher Education.

**SB 437** by Birdwell

Relating to the determination of resident status of students by public institutions of higher education.

To Committee on Higher Education.

**SB 438** by Birdwell

Relating to an interlocal contract between a governmental entity and a purchasing cooperative to purchase roofing materials or services.

To Committee on Intergovernmental Relations.

**SB 439** by Birdwell

Relating to the Weatherford College District service area.

To Committee on Higher Education.

**SB 440** by Birdwell

Relating to unenforceable restrictive covenants regarding standby electric generators affecting residential homes.

To Committee on Intergovernmental Relations.

**SB 441** by Birdwell

Relating to the establishment of the Texas Fast Start Program to promote rapid delivery of workforce education and development.

To Committee on Economic Development.

**SB 442** by Birdwell

Relating to leave for certain veterans returning to state employment.

To Committee on Veteran Affairs and Military Installations.

**SB 443** by Birdwell

Relating to leave for reserve law enforcement officers for required training.

To Committee on Criminal Justice.

**SB 444** by Birdwell

Relating to the system by which an application for a low income housing tax credit is scored.

To Committee on Intergovernmental Relations.

**SB 445** by Birdwell

Relating to an informed student document for prospective students of certain public institutions of higher education.

To Committee on Higher Education.

**SB 446** by Eltife

Relating to allowable transfers to the Parks and Wildlife Department and the Texas Historical Commission of proceeds from the taxes on the sale, storage, or use of sporting goods.

To Committee on Finance.

**SB 447** by Fraser

Relating to annual and special meetings of and election procedures for members of boards of directors for water supply or sewer service corporations.

To Committee on Natural Resources.

**SB 448** by Fraser

Relating to the audit of certain river authorities.

To Committee on Natural Resources.

**SB 449** by Hinojosa

Relating to a prohibition on the issuance of capital appreciation bonds by local governments.

To Committee on Intergovernmental Relations.

**SB 450** by Hinojosa

Relating to prohibiting the delivery of prescription drug benefits under the Medicaid program through a managed care delivery model.

To Committee on Health and Human Services.

**SB 451** by Carona

Relating to production requirements for holders of winery permits.

To Committee on Business and Commerce.

**SB 452** by Patrick

Relating to the date of the primary election and related procedures.

To Committee on State Affairs.

**SB 453** by Deuell

Relating to payment of tuition to attend public schools for students holding certain United States student visas.

To Committee on Education.

**SB 454** by Hegar

Relating to the authority of certain conservation and reclamation districts to file an annual financial report with the executive director of the Texas Commission on Environmental Quality in lieu of filing an annual audit report.

To Committee on Natural Resources.

**SB 455** by Rodríguez

Relating to the expansion of eligibility for medical assistance to certain persons under the federal Patient Protection and Affordable Care Act and the application and eligibility determination processes for medical assistance and other programs.

To Committee on Health and Human Services.

**SB 456** by Rodríguez

Relating to building code standards for new residential construction in the unincorporated area of a county.

To Committee on Business and Commerce.

**SB 457** by Rodríguez

Relating to the confidentiality of certain autopsy records.

To Committee on Open Government.

**SB 458** by Rodríguez

Relating to certain motor vehicle records excepted from disclosure under the Public Information Act.

To Committee on Open Government.

**SB 459** by Rodríguez

Relating to the sale, storage, transportation, and disposal of scrap or used tires; providing a civil penalty; creating an offense.

To Committee on Transportation.

**SB 460** by 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.

To Committee on Education.

**SB 461** by Rodríguez

Relating to development regulations for certain unincorporated areas located near the Tornillo-Guadalupe Port of Entry; providing a penalty.

To Committee on Intergovernmental Relations.

**SB 462** by Huffman

Relating to specialty court programs in this state.

To Committee on Criminal Justice.

**SB 463** by Huffman

Relating to the exclusion of certain witnesses during a criminal proceeding.

To Committee on Criminal Justice.

**SB 464** by Deuell

Relating to the dismissal of complaints against property tax professionals.

To Committee on Finance.

**SB 465** by Van de Putte

Relating to the amount of the exemption from ad valorem taxation to which certain disabled veterans and the surviving spouses and children of certain veterans are entitled.

To Committee on Finance.

**SB 466** by Hinojosa, Nichols

Relating to the authority of the Texas Department of Transportation to participate in certain federal transportation programs.

To Committee on Transportation.

**SB 467** by Hegar

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

To Committee on Natural Resources.

**SB 468** by Seliger

Relating to endangered species habitat conservation.

To Committee on Natural Resources.

**SB 469** by Ellis

Relating to HIV and AIDS tests and to health benefit plan coverage of HIV and AIDS tests.

To Committee on State Affairs.

**SB 470** by Ellis

Relating to reimbursement under preferred provider benefit plans for services provided by licensed podiatrists.

To Committee on State Affairs.

**SB 471** by Ellis

Relating to technological efficiencies in the recording of certain open meetings.

To Committee on Open Government.

**SB 472** by Ellis

Relating to procedures for asserting taking claims arising from the enforcement of health and safety laws.

To Committee on State Affairs.

**SB 473** by Carona

Relating to the regulation of temporary common worker employers; providing a criminal penalty; authorizing fees.

To Committee on Business and Commerce.

**SB 474** by Carona

Relating to financing statements and other records under the secured transactions law.

To Committee on Business and Commerce.

**SB 475** by Van de Putte

Relating to the expiration of the municipal sales and use tax for street maintenance in certain municipalities.

To Committee on Finance.

**SB 476** by Hinojosa

Relating to installment agreements for the payment of delinquent ad valorem taxes.

To Committee on Intergovernmental Relations.

**SB 477** by Hinojosa

Relating to an optional procedure for the issuance of a permit by a certain regional mobility authority for the movement of oversize or overweight vehicles.

To Committee on Transportation.

**SB 478** by Hinojosa

Relating to certain rebates and incentives for the purchase of certain drugs; providing civil penalties.

To Committee on State Affairs.

**SB 479** by Hinojosa

Relating to the application of the professional prosecutors law to the district attorney for the 79th Judicial District.

To Committee on Jurisprudence.

**SB 480** by Hinojosa

Relating to the formation of a civil union between persons of the same sex; providing penalties.

To Committee on State Affairs.

**SB 481** by Hinojosa

Relating to the recognition and validity of a license to carry a concealed handgun issued by another state.

To Committee on Criminal Justice.

**SB 482** by Williams

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.

To Committee on Intergovernmental Relations.

**SB 483** by Williams

Relating to the creation of the Montgomery County Municipal Utility District No. 132; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

To Committee on Intergovernmental Relations.

**SB 484** by Whitmire

Relating to the creation of a prostitution prevention program; authorizing a fee.

To Committee on Criminal Justice.

**SB 485** by Ellis

Relating to the sales tax exemption period for clothing and footwear.

To Committee on Finance.

**SB 486** by Taylor

Relating to the calculation of ad valorem taxes on the residence homestead of a 100 percent or totally disabled veteran or the surviving spouse of the veteran for the tax year in which the veteran or spouse qualifies or ceases to qualify for an exemption from taxation of the homestead.

To Committee on Finance.

**SB 487** by Davis

Relating to all-terrain vehicles and recreational off-highway vehicles.

To Committee on Transportation.

**SB 488** by Davis

Relating to discounted utility rates for public educational institutions; providing an administrative penalty.

To Committee on Business and Commerce.

**SB 489** by Paxton

Relating to the authority of a taxing unit other than a school district to establish a limitation on the amount of ad valorem taxes that the taxing unit may impose on the residence homesteads of individuals who are disabled or elderly and their surviving spouses.

To Committee on Finance.

**SB 490** by Seliger

Relating to the expiration of tuition equalization grant requirements for grants awarded before the 2005-2006 academic year.

To Committee on Higher Education.

**SB 491** by Lucio

Relating to establishing a personal automobile insurance program for certain low-income individuals; authorizing a fee.

To Committee on Business and Commerce.

**SB 492** by Lucio

Relating to the licensing and regulation of prescribed pediatric extended care centers; providing penalties; imposing fees.

To Committee on Health and Human Services.

**SB 493** by Lucio

Relating to imposing a tax on certain sweetened beverages and ingredients used to make certain sweetened beverages; providing a penalty.

To Committee on Finance.

**SB 494** by Carona

Relating to the sources of funding for the universal service fund; authorizing a change in fees.

To Committee on Business and Commerce.

**SB 495** by Huffman

Relating to the creation of a task force to study maternal mortality and severe maternal morbidity.

To Committee on Health and Human Services.

**SB 496** by Seliger, Eltife

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.

To Committee on Higher Education.

**SB 497** by Seliger, Zaffirini

Relating to the number of semester credit hours required to earn an associate degree at public institutions of higher education.

To Committee on Higher Education.

**SB 498** by Seliger, Patrick

Relating to applying credit earned by a student at a general academic teaching institution to an associate's degree at a lower-division institution of higher education previously attended by the student.

To Committee on Higher Education.

**SB 499** by Lucio

Relating to the determination of actual damages to enable compensation from the manufactured homeowners' recovery trust fund.

To Committee on Business and Commerce.

**SB 500** by Van de Putte

Relating to the Texas State Board of Pharmacy.

To Committee on Health and Human Services.

**SCR 10** by Seliger

Designating September 12 as Mary Ann "Molly" Goodnight Day for a 10-year period beginning in 2013.

To Committee on Administration.

**SJR 27** by Birdwell

Proposing a constitutional amendment requiring certain tax bills to be approved by two-thirds of all the members elected to each house of the legislature.

To Committee on Finance.

**SJR 28** by Patrick

Proposing a constitutional amendment to change the length of the unexpired term that causes the automatic resignation of certain elected county or district officeholders if they become candidates for another office.

To Committee on State Affairs.

**SJR 29** by Rodríguez

Proposing a constitutional amendment to repeal the constitutional provision providing that marriage in this state consists only of the union of one man and one woman and prohibiting this state or a political subdivision of this state from creating or recognizing any legal status identical or similar to marriage.

To Committee on State Affairs.

**SJR 30** by Van de Putte

Proposing a constitutional amendment authorizing the legislature under certain limitations to specify the amount of the exemption from ad valorem taxation to which certain disabled veterans and the surviving spouses and children of certain veterans are entitled.

To Committee on Finance.

**SJR 31** by Davis

Proposing a constitutional amendment limiting the uses of revenue from motor vehicle registration fees, taxes on motor fuels and lubricants, and certain revenue received from the federal government.

To Committee on Finance.

**SJR 32** by Paxton

Proposing a constitutional amendment to authorize a political subdivision other than a school district to establish a limitation on the amount of ad valorem taxes that the political subdivision may impose on the residence homesteads of persons who are disabled or elderly and their surviving spouses.

To Committee on Finance.

**CO-AUTHOR OF SENATE BILL 299**

On motion of Senator Estes, Senator Schwertner will be shown as Co-author of **SB 299**.

**CO-AUTHOR OF SENATE BILL 515**

On motion of Senator Eltife, Senator Williams will be shown as Co-author of **SB 515**.



**CO-AUTHOR OF SENATE BILL 516**

On motion of Senator Eltife, Senator Williams will be shown as Co-author of **SB 516**.

**CO-AUTHOR OF SENATE BILL 517**

On motion of Senator Eltife, Senator Williams will be shown as Co-author of **SB 517**.

**CO-AUTHOR OF SENATE BILL 518**

On motion of Senator Eltife, Senator Williams will be shown as Co-author of **SB 518**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolution**

**SR 203** by Davis, In memory of J. W. Mack.

**Congratulatory Resolutions**

**SR 202** by Van de Putte, Campbell, Uresti, and Zaffirini, Recognizing The Children's Shelter and Voices for Children of San Antonio as they host the Remember 19 Vigil.

**SR 204** by Davis, Recognizing the Alcon Foundation, the Essilor Vision Foundation, and the Kids Vision for Life-Tarrant County Coalition on the occasion of Kids Vision Fest 2013.

**SR 205** by Davis, Recognizing the B Sharp Youth Music Program at Como Elementary School in Fort Worth for being named a Gold Seal Program of Choice.

**SR 206** by Watson, Recognizing the Texas Section of the American Society of Civil Engineers on the occasion of its 100th anniversary.

**SR 207** by Watson, Recognizing Deborah Shaw-Boatner on the occasion of her retirement from the Office of the Comptroller of Public Accounts.

**SR 208** by Watson, Recognizing Jesús H. Chávez on the occasion of his retirement as superintendent of the Round Rock Independent School District.

**SR 209** by Watson, Recognizing Jesse L. "Jack" and Kathleen McCrady of Austin on the occasion of their 70th wedding anniversary.

**(Senator Deuell in Chair)**

**ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 12:46 p.m. adjourned until 2:00 p.m. Monday, February 18, 2013.

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**APPENDIX**

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**COMMITTEE REPORTS**

The following committee reports were received by the Secretary of the Senate in the order listed:

February 13, 2013

**BUSINESS AND COMMERCE — SB 349, CSSB 183, CSSB 289, CSSB 288, CSSB 297, CSSJR 18, CSSB 60, CSSB 244**

**NATURAL RESOURCES — SB 168, SB 281**

**RESOLUTIONS ENROLLED**

February 12, 2013

**SR 168, SR 176, SR 179, SR 180, SR 188, SR 189, SR 190, SR 191, SR 193, SR 194, SR 195, SR 196, SR 197, SR 198, SR 199, SR 200**

**SENT TO SECRETARY OF STATE**

February 13, 2013

**SCR 11**

# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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## FIFTEENTH DAY

(Monday, February 18, 2013)

The Senate met at 2:08 p.m. pursuant to adjournment and was called to order by Senator Nelson.

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

Absent-excused: Carona, Van de Putte.

The Presiding Officer announced that a quorum of the Senate was present.

Rabbi Eliezer Langer, Congregation Tiferet Israel, Austin, offered the invocation as follows:

This past week has been a most difficult one for the State of Texas. Over the weekend two Bryan firefighters died from injuries sustained while responding to a conflagration, and not seven days ago a former Navy SEAL was laid to rest right here in the Texas State Cemetery among the legendary Texans who have made the state what it is today. His death, as reported, was also in the line of duty, coming while attempting to aid a fellow veteran. In their memory and with prayers for the recovery of the wounded firefighters, I offer this invocation based on a prayer recited in the synagogue every Sabbath. May He who blessed our ancestors bless this entire assembly and their families. May all those who faithfully serve the needs of the community, those who represent and legislate in this august Chamber, and those who defend and protect us, those who share illumination for darkness, food for the hungry, and succor for the needy be themselves saved from all affliction, sickness, and injury. May the holy One grant blessing and success to you, our public servants, in all your endeavors along with us, your constituents and all the residents of our beloved state and our great country. And may the brave defenders of our cherished freedoms come home safely to their families and their futures. Let us all say, 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 Van de Putte was granted leave of absence for today on account of important business.

### GUESTS PRESENTED

Senator Williams was recognized and introduced to the Senate a delegation from Woodforest Financial Services in The Woodlands.

The Senate welcomed its guests.

### MESSAGES FROM THE GOVERNOR

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

February 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 Texas Tech University System Board of Regents for terms to expire January 31, 2019:

Juan D. "John" Esparza

Austin, Texas

(replacing Jerry Turner of Blanco whose term expired)

Lawrence Frederick "Rick" Francis

El Paso, Texas

(Mr. Francis is being reappointed)

Ivan Tim Lancaster

Abilene, Texas

(replacing John Scovell of Dallas whose term expired)

To be Judge of the 248th Judicial District Court, Harris County, for a term until the next General Election and until her successor shall be duly elected and qualified:

Katherine Cabaniss

Houston, Texas

Ms. Cabaniss is replacing Judge Joan Campbell who resigned.

To be members of the Stephen F. Austin State University Board of Regents for terms to expire January 31, 2019:

David Alders

Nacogdoches, Texas

(replacing Carlos Amaral of Plano whose term expired)

John R. "Bob" Garrett  
Tyler, Texas  
(Mr. Garrett is being reappointed)

Barry Nelson  
Dallas, Texas  
(replacing James Dickerson, Jr. of New Braunfels whose term expired)

Respectfully submitted,

/s/Rick Perry  
Governor

February 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 Sulphur River Basin Authority Board of Directors for terms to expire February 1, 2019:

Bradley Drake  
Paris, Texas

Wallace E. "Wally" Kraft, II  
Paris, Texas

The individuals listed above are being reappointed.

To be members of the Texas State University System Board of Regents for terms to expire February 1, 2019:

Charles Amato  
San Antonio, Texas  
(Mr. Amato is being reappointed)

Vernon Reaser, III  
Bellaire, Texas  
(replacing Patricia Pollard of Bellaire whose term expired)

William F. Scott  
Nederland, Texas  
(Mr. Scott is being reappointed)

To be members of the Council on Cardiovascular Disease and Stroke for terms to expire February 1, 2019:

Paula Gomez  
Brownsville, Texas  
(Ms. Gomez is being reappointed)

Michael M. Hawkins  
Austin, Texas  
(Dr. Hawkins is being reappointed)

Suzanne Hildebrand  
Live Oak, Texas  
(Ms. Hildebrand is being reappointed)

Cheryle Locke Pingel  
Austin, Texas  
(replacing Louis West of Taylor whose term expired)

To be members of the State Health Services Council for terms to expire February 1, 2019:

Jacinto Juarez  
Laredo, Texas  
(replacing Beverly Barron of Odessa whose term expired)

Jeffrey A. Ross  
Bellaire, Texas  
(Dr. Ross is being reappointed)

Maria F. Teran  
El Paso, Texas  
(Ms. Teran is being reappointed)

To be members of the Department of Information Resources for terms to expire February 1, 2019:

Charles E. Bacarisse  
Houston, Texas  
(Mr. Bacarisse is being reappointed)

Cynthia Villa  
El Paso, Texas  
(replacing Rosemary Martinez of Brownsville whose term expired)

To be a member of the Texas Workforce Commission for a term to expire February 1, 2019:

Andres Alcantar  
Pflugerville, Texas

Commissioner Alcantar is being reappointed.

To be a member of the State Preservation Board for a term to expire February 1, 2015:

M. Cris Crouch Graham  
Fredericksburg, Texas

Ms. Graham is replacing Ida Louise Steen of San Antonio whose term expired.

Respectfully submitted,  
/s/Rick Perry  
Governor

**SENATE BILL ON FIRST READING**

The following bill was introduced, read first time, and referred to the committee indicated:

**SB 2** by Patrick

Relating to charter schools and home-rule charter school districts, including establishment of the Charter School Authorizing Authority.  
To Committee on Education.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Monday, February 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:**

**HCR 37**

Isaac

Congratulating Alva and Willie Mae Haydon of Dripping Springs on their 75th wedding anniversary.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**(President in Chair)**

**SENATE RESOLUTION 234**

Senator Elife offered the following resolution:

WHEREAS, The Senate of the State of Texas takes pride in recognizing William Powers, Jr., president of The University of Texas at Austin, who has recently been honored in diverse areas of endeavor including winning an award for legal scholarship and being elected vice chair of an association of preeminent research universities; and

WHEREAS, Bill Powers is a 2012 corecipient of the prestigious John G. Fleming Memorial Prize for Torts Scholarship; widely recognized as a leading American legal scholar, he was awarded the prize for his definitive interpretations of juridical concepts and for coauthoring a treatise on the general principles of tort law; his extensive writing on personal injury and emotional damages is considered one of the major achievements of modern jurisprudence; and

WHEREAS, President Powers is highly respected for his leadership on issues related to higher education, and he was recently elected vice chair of the Association of American Universities; the association's programs encourage improved funding for research to enable leading universities to continue functioning as centers of innovation

and scientific advancement; with his successful record as an advocate for undergraduate and graduate education, he enriches the association, bringing his expertise and keen intellect to bear on the critical task of maintaining financial resources for programs of advanced learning; and

WHEREAS, President Powers has also been appointed as a member of a group of senior advisors to guide a new initiative of the American Academy of Arts and Sciences entitled the Lincoln Project: Excellence and Access in Public Higher Education; this initiative seeks to advocate for the importance of public colleges and universities; as key engines of economic growth, innovation, and upward mobility, these schools are facing fundamental challenges from cutbacks in government support, competition from for-profit education providers and foreign universities, and emerging technological changes; and

WHEREAS, Since 2010, President Powers has also worked to develop the Texas Higher Education Leadership Consortium with other key leaders from two-year and four-year Texas public higher education institutions and system offices, state policymakers and senior staff, and leading national experts in higher education policy, with the core purpose of cultivating effective collaborations and a sense of shared responsibility for increased higher education excellence, opportunity, and productivity in Texas; and

WHEREAS, President Powers graduated magna cum laude from Harvard Law School, where he was managing editor of the *Harvard Law Review*; he joined the faculty at The University of Texas School of Law in 1977 and taught with distinction before being appointed as dean in 2000; he has been named to the university's Academy of Distinguished Teachers, is a University Distinguished Teaching Professor, and holds the Hines H. Baker and Thelma Kelley Baker Chair in Law; on February 1, 2006, he took office as president of The University of Texas at Austin; and

WHEREAS, President Powers is a Life Fellow of the American Bar Foundation and the author of dozens of books and articles on legal philosophy and the nuances of tort law; and

WHEREAS, His dedication to a clear understanding of legal principles and the means by which they are translated into law has made Bill Powers a well-known and admired figure in the world of jurisprudence, and his commitment to the betterment of higher education through student diversity, increased funding, and curriculum innovation establishes him as a pacesetter in the realm of public university leaders; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby congratulate William Powers, Jr., of The University of Texas at Austin on his many recent accomplishments and honors and extend to him sincere appreciation for his outstanding leadership; and, be it further

RESOLVED, That a copy of this Resolution be prepared for President Powers as an expression of esteem from the Texas Senate.

|         |           |
|---------|-----------|
| ELTIFE  | WATSON    |
| HEGAR   | WHITMIRE  |
| HUFFMAN | WILLIAMS  |
| NELSON  | ZAFFIRINI |
| SELIGER |           |



**SR 234** was read.

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

On motion of Senator Eltife, the resolution was adopted by a rising vote of the Senate.

### GUEST PRESENTED

Senator Eltife was recognized and introduced to the Senate William Powers, Jr., The University of Texas at Austin President.

The Senate welcomed its guest.

### REMARKS ORDERED PRINTED

On motion of Senator Eltife and by unanimous consent, the remarks regarding **SR 234** were ordered reduced to writing and printed in the *Senate Journal* as follows:

**Senator Eltife:** Thank you, Mr. President and Members. I am pleased today to present this resolution, along with my fellow Senators, honoring University of Texas at Austin President Bill Powers. I'll be brief in my remarks, as I know many other Members would like to speak. A few years ago I attended UT Austin. Coming from the small town of Tyler to the University was very intimidating. I knew very few people and had very little means to pay for college. With the help of financial aid and a lot of prayers, somehow I graduated. Some of my best friends to this very day are those I made here at UT. I attribute my success in business to the education I received at UT. The University means a lot to me, and I'm very thankful for having the opportunity to attend. This is the reason that I admire and respect President Powers so much. I see in this President a man who shares the love for the University that so many of the current students and former students have for this great institution. I see a man who always puts the University first, someone who stands up for what he believes in, even if it may not be politically popular. President Powers, I want to thank you for your outstanding leadership. I want to thank you for leading the University with honesty and integrity and thank you for allowing us to honor you here today. May God bless you and your family.

**Senator Watson:** Thank you very much, Mr. President, and thank you, Senator Eltife, for bringing forward this resolution. It's a distinct pleasure to have the opportunity to not only say thank you to President Powers for the role he plays at The University of Texas at Austin but to also recognize him for that role. I'm going to speak a little bit about, from the perspective of having been the Mayor of the City of Austin and the Chair of the Chamber of Commerce and, now, getting to play this wonderful role of being a State Senator that represents this Central Texas region the way I get to. You know, the truth of the matter is that so much good about the economy of Central Texas and therefore, the economy of the State of Texas is a result of the work that goes on at The University of Texas at Austin. It's no coincidence that the City of Austin in Central Texas enjoys a reputation and has become a focal point in a worldwide information and knowledge economy at the same time that it has sitting in its midst an internationally-recognized Tier One research university. It's no coincidence that we are that focal point that people talk of us being the next Silicon

Valley only better, at the same time that, and we're cultivating an economy based upon intellectual capital, at the same time we can point to The University of Texas at Austin and the role that it plays. I remember just a few years ago, leading a delegation to Korea, because what we were hoping to do, was we were hoping to get Samsung to make another multibillion dollar investment in Texas, one of those investments that would make it one of the largest international and foreign investments in the United States in a long time. And when we were in that meeting, one of the people that was there with us was one of the folks from The University of Texas at Austin. And he was able to point out that, at that point in time, and I don't know whether it's still true today, the number one foreign population at The University of Texas at Austin doing research and learning was from South Korea. It made a real difference, Members, in the fact that today we had, we got that investment. Samsung has made that investment. The University of Texas at Austin is a magnet for economic development. And, importantly, it's a magnet for economic development in large part because of leadership from someone like Bill Powers. It's interesting that we ought to point out that UT was recently ranked the 25th best university in the world by the London-based *Times Higher Education*. That is a direct result of leadership from Bill Powers. During his, President Powers' time in office, the number of University of Texas programs ranked in the nation's top 10 has increased by 50 percent. And I just want to pause on that for a minute, because what that means is, that when we are selling Texas to the world, one of our key selling points is that we have The University of Texas at Austin, and it ranks in such a way that its programs are in the top 10 of programs in the country. He's also led reform of the core curriculum, and he has made a number of landmark changes on The University of Texas campus. Members, for an Austin guy, I will tell you, The University of Texas at Austin is the soul of Austin. It's been the heart of this city since the 19th century. But as that, it also makes a difference in the State of Texas, and we would not as a state be able to brag the way we do and attract and retain the talent that we so desperately need to enjoy the kind of economy that we enjoy without the leadership of President Bill Powers. So, President Powers, this is my opportunity to say thank you publicly to you for all you mean, not just to UT and the City of Austin, but to the State of Texas, but also to take a moment so that we might all recognize the great value you bring to our wonderful state. God bless you and thank you.

**Senator Lucio:** Thank you, Mr. President. Thank you, Senator Eltife, Senator Watson. I, too, rise to honor this distinguished gentleman. A gentleman that I have had the pleasure of knowing for many years now. President Bill Powers is exemplary to say the least, and I am happy to have this opportunity, though, to publicly tell everyone on a personal basis what you have meant to me, my family, and to so many in South Texas. President Powers is not a stranger to any part of the state, especially my part in South Texas, which he traveled to and from many times. And the reason he's gone down there is because he's opened the doors of opportunities for so many countless numbers of young men and women seeking to further their education at this wonderful university we call Texas. And I just want to say that when my son first entered law school, it was Dean Powers at the time that greeted him and greeted so many others at the same time in such a professional, and with a lot of warmth and affection, and I'll never forget that moment. Eddie was so encouraged and so happy

that he became a good student, a very good student in law school, and I was very proud. And that came because of the leadership that you provided and the remarks that you made to him and others at the time when I was present that obviously led to successes in their lives—Eddie now is a State Representative and many others, leaders, young leaders in our state. So, we are indebted to this incredible leader, Texas leader that we call our President, right here in Austin, Texas, and I just, I'm happy that we finally brought you on the floor to let everyone know what you've meant to The University of Texas and what you've meant to us individually. God bless you, President Powers.

**Senator Nelson:** Thank you, Mr. President. Senator Eltife, thank you for bringing this resolution to the floor. I'm not going to repeat all the nice things that have been said, but I totally agree with them, and I want to thank you, President Powers, for your service to this state, for your many years of service to our education system. I want to congratulate you on your award and just to tell you all that since being named President of, in what, 2006, President Powers has faithfully led The University of Texas, our state's largest university, one of the largest in the nation. He has done it so well, and we are very grateful, wish you continued success, and, you know, today is Presidents' Day. I thought it was, you know, we were bringing you here because you're President and we're honoring you, but thank you for all you've done. We wish you well.

**Senator Ellis:** Thank you, Mr. President. Senator Eltife, thank you for bringing this forward. I noticed in your comments, you said that you graduated from The University of Texas a few years ago; I think you meant to say, a few too many years ago. I fall in that category as well. When I was at the law school, Mr. President, in 1977, when I started, you were the most popular law professor at the law school then, and I guess we had pretty good judgment back then because you have remained one of the most popular figures in education throughout your career. I remember being on the Law School Foundation Board when you were advising us on a number of issues. And then you became the Dean; you were a very popular Dean, did a great job. Senator Nelson mentioned that this is Presidents' Day, and I'm not going to repeat all the things that have been said about you, but I want to remind you and remind anybody who's listening, this is not a eulogy. You've been such a great President, we want you to keep being the President of The University of Texas. I used to think this was a tough job that the 32 of us, one missing now, but the 31 State Senators and the Lieutenant Governor have. I think being president of a major university in this day and age is probably far more difficult, far more political, far more challenging than the task that we have of being in elected office, because you don't get to just put your name before the voters, and then if you can persuade enough of them, you can get another term. You have to respond to a whole host of interests, and you have done that well. You've done that admirably, and, Sir, we appreciate you. This is an honor today, we'll sing the accolades to you today, but it's only because we respect you, we love you, we want you to keep doing the great job you're doing for my university, The University of Texas. Thank you.

**Senator Huffman:** Thank you, Mr. President. I join today to support Senator Eltife's resolution. I was proud to sign on to that resolution with him. And although, if you'll excuse me, because I'm an LSU graduate and not from The University of Texas, I wanted to let you know that you are renowned throughout the state for your leadership at UT. You bring pride throughout the state, to the way you've led the University with such dignity. And I thought it was interesting to note that, and I don't think anyone has said this yet, that when you were Dean of the UT School of Law, among other things, you recruited a world-class faculty, which you were known for, but also you quadrupled the number of African American students and doubled the number of Hispanics at the Law School, and I think that that's an admirable accomplishment. So, thank you for all you've done for UT, and through your work at the UT, you've made the entire state proud. Congratulations, Sir. Thank you very much.

**Senator Deuell:** Thank you, Mr. President, Members. Thank you, Senator Eltife, for bringing this up. President Powers, I just want to say thank you for the great job you're doing and thank you for being a straight shooter with the Texas Senate. When you testify, we can take what you tell us to the bank, and we deeply appreciate that, because that's not always the case. Thank you.

**Senator West:** Thank you very much, Mr. President. I join with my colleagues, also, and say to you, President Powers, thank you very much for what you have done and what you will do in the future. What is political capital? You know, political capital is the currency here in this building, that individuals have in order to, when they talk to different legislators here about issues that they feel passionate about. When I think about you, I know that you have political capital here in this building, and that's why you're so important to The University of Texas. You're able to come to this building, articulate the priorities of the University, and each and every one of us, I think Senator Deuell kind of hit the nail on the head, he said, you know, we can take your word to the bank. Not only can we take your word to the bank, we can also use it as collateral. And that's real important because if you don't have integrity, if you are a person that cannot be trusted or flip-flops, you get nowhere in this building. You're serving at the helm of The University of Texas. Those issues that are important to Texas have always been considered here as we look at higher education issues and a whole multitude of issues. When I think about issues that we have dealt with, with Texas, in terms of its image, and we know that over the years there's been some image problems, if you will, as it relates to accessibility there, and acceptability. Some of those issues have, in fact, subsided, that's based on your leadership. And, Members, if you haven't had the opportunity to go over to the campus and just kind of hang out with the President, you ought to do that. When I say hang out with the President, I'm talking about going to some of the student organization meetings and watch how students receive him. They receive him with enthusiasm. They know he's the President, and they know that he cares about what they're doing there on the campus, as well as, obviously, them matriculating in a timely fashion so they can be on time, so to speak. When I think about The University of Texas, I can recall, Senator Birdwell, sitting pretty much in the chair that you're sitting in right now when we were looking at recruiting ethnic minority students at The University of Texas, and I made a personal privilege speech encouraging Texas to not only go after the best and brightest linebackers and point guards that I have coming out of the Dallas area but

also go after the students that want to major in engineering and teaching to some of the other areas. I can say that President Powers has made that, in fact, a priority. Is there still work to be done? Yes, there's still work to be done. And I know that, Senator Seliger, that with Bill Powers at the helm, that those issues will, in fact, be addressed. I think The University of Texas looks more like Texas now, and under his continued stewardship, I know that the best days for the University are ahead of it. Thank you.

**Senator Seliger:** Thank you, Mr. President. As Senator Ellis intimated when, want to make sure that this doesn't sound like a funeral oration, but we have to keep a sense of perspective, because if we go back 300 years in the history of higher education in this nation, what made institutions special were special people. There is a stratum of leaders, visionary leaders in the history of higher education in this country that have taken their institutions to new levels and taken higher education to new levels. Names like John Sloan Dickey, Harry Emerson Fosdick, Derek Bok, Hanna Gray, Barry Thompson, have all provided the kind of leadership that essentially took their universities to the next level, as it were, and to see to it that they were as esteemed as their mission. One of the things that I was asked recently about Bill Powers, and I said, in addition to his many gifts, he overreacts to nothing. And think about this. Take a city of 50 some-odd thousand people with a lot of academics and a lot of teenagers and a lot of highly motivated athletes, there's about a crisis a day. And still things go smoothly and the mission is met. It has never been a challenge during this administration to make The University of Texas a large institution. It already is. But I think what sets Bill Powers aside is his dedication toward making it a better institution, an institution that doesn't just prize its size or the number of programs it has but the excellence that it provides. And there are things that people don't often see a lot about, freshman interest groups that take a very large university and try to bring interaction groups down to the size that it is a small college experience—not easy to do. The effort to see to it that more classes are taught by faculty members and not graduate students—not easy to do in a multibillion dollar operation. It is a great honor to have the association with The University of Texas that we get to have. But the point has always been not just the education of those young people but an education that makes those young people truly a benefit to the State of Texas. Congratulations, and thank you for being with us today.

**Senator Duncan:** Thank you, Mr. President. Members, I, too, rise to congratulate President Powers, who's been a good friend for a long time. He has been a wise counsel to the Texas Senate over many years, beginning with the civil justice reforms that we have done over the years to make this state more competitive in this country. He was the guy that we would always go to for the wise balance, and did a great job for us. But more than that, as President of The University of Texas here in Austin, one of the largest, one of our flagship institutions in the state, he has provided not only leadership for that institution but leadership for all of us and higher education generally with an unselfish approach to giving us advice. And I know on many occasions, you've given me good advice, sat down with me, and given me good advice over the years of how to address issues and problems in an unselfish way, and I

appreciate that. And for that, I thank you on behalf of the constituents I represent but also recognize the great leadership you provided in higher education as well as in our civil justice reforms over the years.

**Senator Zaffirini:** Thank you, Mr. President. Mr. President and Members, it is truly my pleasure to rise in support of Senate Resolution 234 and thank you, Senator Eltife, for your leadership in making this wonderful day possible. I applaud you. It's an opportunity to recognize a wonderful leader for higher education and a great Texan who is doing a phenomenal job as President of our beloved University of Texas at Austin. As President he has focused on excellence in all arenas, including by enhancing undergraduate teaching, graduate programs, and research. He's now implementing recommendations made by a task force he created to address undergraduate graduation rates, which developed an ambitious goal, a 70 percent four-year graduation rate by 2016. I'm confident that he will succeed. He's fostered deeper relationships than ever with alumni and with leading corporations. He's improved institutional productivity and efficiency, including by overhauling the University's budget process and reforming its approach to information technology. Because he has prioritized increasing diversity at UT Austin, the University today is a diverse learning community with students from more than 100 countries. African American, Hispanic, and Asian American students now make up more than 35 percent of the enrollment and nine percent are international students. President Powers is a proven leader, not only in Texas but also nationally and internationally. A President who understands the importance of research, he recently was elected Vice-chair of the Association of American Universities, a prestigious organization that is considered the gold standard at designating national research universities. What's more, he serves as a senior advisor to a new initiative of the American Academy of Arts and Sciences called the Lincoln Project: Excellence and Access in Public Higher Education. Interestingly, he also has served as a legal consultant for the United States Congress, the Texas Legislature, and even the Brazilian Legislature. Known for his phenomenal support of students, faculty, and alumni, President Powers is a Texas leader who cares deeply about excellence in higher education. He implemented signature courses to give every freshman an experience to take a course taught by an outstanding faculty member who focuses on writing, critical thinking, and big issues. He even teaches one of the courses, and the students love him, just as he loves them. Many universities in our great nation would covet the opportunity to have Bill Powers as their President, but we are the fortunate ones. He is our President at The University of Texas at Austin, and we are so proud and so appreciative of his leadership, his ability, and his future. As a Texas Ex who is also married to a Texas Ex and the mother of a Texas Ex, some of you know that I bleed burnt orange, and I'm proud to do that, but I know, President Powers, that your support runs deep, not only among Texas Exes but among the alumni and students from throughout our state and even throughout our country, those who recognize what you have done for higher education in general. We are so proud that you will continue as our President, and we will continue to be appreciative of everything that you do for the students, especially, for the communities, and for our great state. Thank you from the bottom of our hearts. Hook 'em horns.

**Senator Whitmire:** Thank you, Mr. President and Members. Dean Powers, from one Dean to another Dean, let me tell you first of all, I'm not real keen on these resolutions. I've had to kind of change my position since I had a real nice resolution addressing my 40 years of service recently. So, in this business, you have to be open-minded, a little flexible, so let me just say, I certainly concur with this resolution today, and I hope to spend a couple of minutes to tell you why. First of all, one of the nicest things that day when I was honored was Senator West said, You're a good man, Whitmire. And that really struck because in this business and in the world you work in, you get a lot of plaques and recognition and awards, but for someone just in public to say you're a good man, just means so much. Similar to that, quite often, I'll describe my daughters who have grown up their entire life while I've been a Senator, is I'm proud to call them normal children because they've been around public service and the opportunities that we get, and they're normal. And I'll describe you as a normal individual in the most positive sense of the word. To put it in perspective, Members, when I was a young State Rep in the '70s, it was a different world. UT was just as powerful as it is today, but the rules of engagement was different. Frank Erwin would come by my office after a week of voting in 1974 when we had the constitutional convention where we looked at the governance of all elements of state government, and he'd come by in his rough voice—I was a young State Rep—and he'd say, Representative Whitmire, last week we voted, we had 19 votes that we monitored that pertained to The University of Texas, 19 votes that we watched, and you were 12 and 7, Representative, and we really are going to pay attention this next week. That was then, this is now. That wouldn't work, probably wouldn't get back in my office under those type of measures. In this day and time of transparency and better governance, Bill Powers is the right man for the right time and the right place in history. Bill, I cannot, and I speak to you on a first name because of our relationship, when we were dealing with, Senator West, a couple of years ago, trying, it's one of the toughest and emotional and meaningful issues that I've dealt with in my career, the top 10 percent. People love it or hate it, appreciate it or disrespect it. Royce, we could not have gotten anywhere without the skill, the credibility of Bill Powers. And I've got to just share also and put a face on that issue. It was so tough. I've actually been in meetings where all the Members weren't invited. Senator Van de Putte held a meeting early one morning, and I and half a dozen of us, very diverse group of individuals were working on it, all Senators, Senator Eltife. We were making what we thought was some progress. There was one person that had not been invited to about a 14-member Senate working group, was Royce West. Royce had not because we knew how he felt—don't mess with the top 10 percent rule. And, you know, what are they going to do to you around here? I knew he wasn't going to beat us up, but we just thought we could maybe make some headway, Royce, if you weren't invited. There was one individual that we trusted to be in that meeting that was not a Senator, it was Bill Powers. I don't know of another human in this state, Mr. President, another college president or chancellor or regent that would've been in that meeting, but we needed Bill Powers because he was the facilitator. We respected him on both sides of that issue, and we were, what we thought, making some progress, Senator Eltife. And about that time, that door swung open, we were over in Senator Van de Putte's annex office, and that door swung open, and it was Senator West. And he said, Excuse me,

did y'all, did I not get the call to this meeting? And I said—you know, you don't get to be Dean because you're going to stand up to Royce West—I said, Oh, excuse me, Senator, you know, I would've invited you, I was, let me, we just, it wasn't planned, we just kind of got together. And it broke up pretty quick, and I told Bill, I said, Bill, you're our partner. We respect you. You have the credibility to make this happen, and he stayed with it, and we made some improvements, and it's still an issue is why we need Bill Powers running The University of Texas to help us address tough issues like that. I can't begin to tell you the thousands of people that we impact on this floor that we never meet. In fact, most of the people we impact, we do never meet. President Powers, I'm certain you understand the impact you have on thousands of Texans that you never meet, in fact, most of them, you never meet. Let me close by saying, in my opinion and the opinion of this body, the best is yet to come, Bill. We need you to continue to be in those closed working sessions of diverse groups of Republican and Democrat and ethnic diverse State Senators and State Representatives. This state needs you. You're an asset. And so, you take care of your health, we're all a phone call away, but I truly believe I'm speaking for this body, that the best is yet to come, because we've got some really tough challenges before us. Thank you for allowing us to honor you today.

**Senator Eltife:** Thank you, Mr. President, Members. There is no doubt that the Texas Senate appreciates the job you've done as the President of UT Austin. We wish you nothing but the best, and we hope you're our President for many years to come. Mr. President, I move adoption of SR 234.

**President:** Thank you, Senator Eltife. Members, if you would not mind, I want to say, Bill Powers, you are a good man. We are lucky to have you. I'm going to speak more about this later. But, at the end of the day, we all want to make sure that our great institutions of higher learning are accessible, that we can control costs, improve our graduation rates, and, like in any big business, we've got to look at new management outcome criteria that are effective. I believe in reform and I know that Bill Powers believes in reform. That's why I'm particularly troubled when I see UT Regents going around this man and this administration. And I see them going to Deans, and I see them trying to micromanage the system. And I see cases, allegedly, I've been told of character assassination, which is unacceptable to the Members of this body. There's one thing I think all of us in politics appreciate, and that is, you can come up anytime, anyplace, anywhere and say whatever you want to about me, as long as it's true. Because if it's not true or if you'd so dare to mention my wife and my daughter, you will hear from me. This man deserves better treatment than what he's getting. I am really upset about this. So, tomorrow I'll have more to say on this, but, ladies and gentlemen, this issue is bigger than just UT Austin and President Powers, although I'm very interested in that. This is about the reputation of the State of Texas. UT Austin is our premier Tier One university nationally, and President Powers deserves a great amount of credit for putting us in that position. This is about the reputation of this University, this fine man, and this great state.

#### PHYSICIANS OF THE DAY

Senator Watson was recognized and presented Drs. John and Judith Egerton of Austin as the Physicians of the Day.



The Senate welcomed the Egertons and thanked them for their participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

### MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Monday, February 18, 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 14**                                      Whitmire                                      Sponsor: Sheets  
Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, February 13, 2013, and ending on Monday, February 18, 2013.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

### GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate a delegation of Texas SkillsUSA from South Texas.

The Senate welcomed its guests.

#### CO-AUTHOR OF SENATE BILL 4

On motion of Senator Fraser, Senator Estes will be shown as Co-author of **SB 4**.

#### CO-AUTHOR OF SENATE BILL 14

On motion of Senator Williams, Senator Hinojosa will be shown as Co-author of **SB 14**.

#### CO-AUTHOR OF SENATE BILL 37

On motion of Senator Zaffirini, Senator Lucio will be shown as Co-author of **SB 37**.

#### CO-AUTHOR OF SENATE BILL 225

On motion of Senator Seliger, Senator Lucio will be shown as Co-author of **SB 225**.

**CO-AUTHOR OF SENATE BILL 240**

On motion of Senator Van de Putte, Senator Lucio will be shown as Co-author of **SB 240**.

**CO-AUTHOR OF SENATE BILL 508**

On motion of Senator Watson, Senator Campbell will be shown as Co-author of **SB 508**.

**CO-AUTHORS OF SENATE BILL 515**

On motion of Senator Eltife, Senators Davis, Ellis, and Rodríguez will be shown as Co-authors of **SB 515**.

**CO-AUTHORS OF SENATE BILL 516**

On motion of Senator Eltife, Senators Davis, Ellis, and Rodríguez will be shown as Co-authors of **SB 516**.

**CO-AUTHORS OF SENATE BILL 517**

On motion of Senator Eltife, Senators Davis, Ellis, and Rodríguez will be shown as Co-authors of **SB 517**.

**CO-AUTHORS OF SENATE BILL 518**

On motion of Senator Eltife, Senators Davis, Ellis, and Rodríguez will be shown as Co-authors of **SB 518**.

**CO-AUTHOR OF SENATE BILL 537**

On motion of Senator Deuell, Senator Nelson will be shown as Co-author of **SB 537**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolution**

**SR 226** by Hinojosa, In memory of Mary Frances Diedrick Haas of Corpus Christi.

**Welcome and Congratulatory Resolutions**

**SR 212** by Schwertner, Recognizing the veterans of the Tet Offensive.

**SR 213** by West, Recognizing Earnestine E. Hunt Morris of Dallas on the occasion of her 90th birthday.

**SR 214** by Huffman, Recognizing the Brazoria County Cavalry on the occasion of its fifth anniversary.

**SR 217** by Huffman, Recognizing the Houston Young Lawyers Association on the occasion of its 75th anniversary.

**SR 218** by Birdwell, Welcoming the Leadership Midlothian Class of 2012-2013 to the State Capitol.

**SR 224** by Estes, Recognizing Kevin L. Thompson for his contributions to the Wichita Falls community.

**SR 227** by Ellis, Recognizing the Anti-Defamation League on the occasion of its 100th anniversary.

**SR 228** by Ellis, Congratulating Kevin Gee for being named president of the Texas Optometric Association.

**SR 229** by Ellis, Recognizing Trinity United Methodist Church in Houston on the occasion of its Founders Day.

**SR 232** by Eltife, Welcoming the delegation to Austin for East Texas Coalition Days at the State Capitol.

**SR 235** by Schwertner, Welcoming the 2013 Class of Leadership Round Rock on the occasion of their visit to the State Capitol.

**SR 236** by Schwertner, Commemorating the dedication of the statue of Texas Ranger Frank Hamer in Navasota.

### **Official Designation Resolutions**

**SR 210** by Hegar, Recognizing February 20, 2013, as Aransas County Day at the State Capitol.

**SR 211** by Hegar, Recognizing February 27, 2013, as Waller County Day at the State Capitol.

**SR 215** by Hegar, Recognizing February 26, 2013, as Washington County Day at the State Capitol.

**SR 219** by Deuell, Recognizing February 20, 2013, as Van Zandt County Day at the State Capitol.

**SR 223** by Patrick, Proclaiming February 17 through 23, 2013, National Engineers Week in Texas.

**SR 237** by Birdwell, Recognizing February 19, 2013, as Corsicana and Navarro County Day at the State Capitol.

### **ADJOURNMENT**

On motion of Senator Whitmire, the Senate at 3:15 p.m. adjourned, in memory of Eustolia Liendo, Eric Wallace, and Gregory Pickard, until 11:00 a.m. tomorrow.

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### **APPENDIX**

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### **COMMITTEE REPORTS**

The following committee reports were received by the Secretary of the Senate in the order listed:

February 18, 2013

**HEALTH AND HUMAN SERVICES — SB 61, CSSB 66, SB 67, SB 186, CSSB 141, CSSB 149, SB 153, CSSB 406**

**RESOLUTIONS ENROLLED**February 13, 2013**SR 128, SR 177, SR 192, SR 201, SR 202, SR 203, SR 204, SR 205, SR 206,  
SR 207, SR 208, SR 209**

# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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SIXTEENTH DAY

(Tuesday, February 19, 2013)

The Senate met at 11:05 a.m. pursuant to adjournment and was called to order by Senator Nelson.

The roll was called and the following Senators were present: Birdwell, Campbell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, 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.

Dr. John Allen, Trietsch Memorial United Methodist Church, Flower Mound, offered the invocation as follows:

Almighty God, we humbly come before You and we confess that too often You are a second thought to the task before us. Our minds are quick to wander, our hearts slow to care, our eyes blind to those around us, our ears deaf from the roar of so many demands. So, God, wake us from the slumber that hinders Your wisdom, Your direction, Your counsel. Unite the honorable and quiet the self-concerned so that the governing within these hallowed and historical halls may bring true justice for all people. May the mercy of Your grace be the watchword of the day for every word that is spoken. May the wisdom of Your counsel be the guiding force for every action to be taken. I do thank You, God, for the collective experience, knowledge, and ability gathered in this hall. And I thank You in advance for the working of their vision, passion, and commitment to Your holy cause for this great state. For it is in the name of Christ Jesus I 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

Tuesday, February 19, 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 22**

Zedler

In memory of Michael Gilles Purgason of Arlington.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**PHYSICIANS OF THE DAY**

Senator Watson was recognized and presented Drs. John and Judith Egerton of Austin as the Physicians of the Day.

The Senate again welcomed the Egertons and thanked them for their participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

**SENATE RESOLUTION 64**

Senator Eltife offered the following resolution:

**SR 64**, Recognizing February 19, 2013, as Panola County Day at the State Capitol.

The resolution was again read.

The resolution was previously adopted on Monday, January 28, 2013.

**GUESTS PRESENTED**

Senator Eltife was recognized and introduced to the Senate a Panola County Day delegation.

The Senate welcomed its guests.

**(Senator Eltife in Chair)**

**SENATE RESOLUTION 125**

Senator Nelson offered the following resolution:

**SR 125**, Celebrating February 18 and 19, 2013, as Denton County Days at the State Capitol.

NELSON  
ESTES

**(President in Chair)**

The resolution was again read.

The resolution was previously adopted on Monday, February 11, 2013.

**GUESTS PRESENTED**

Senator Nelson, joined by Senator Estes, was recognized and introduced to the Senate a Denton County delegation, accompanied by Mary Horn, County Judge, and

County Commissioners Hugh Coleman, Ron Marchant, Bobbie J. Mitchell, and Andy Eads.

The Senate welcomed its guests.

### **RESOLUTIONS SIGNED**

The President announced the signing of the following enrolled resolutions in the presence of the Senate: **SCR 14, HCR 39.**

### **GUESTS PRESENTED**

Senator Estes was recognized and introduced to the Senate his wife, Jennifer; daughter-in-law, Summer; and granddaughter, Caroline.

The Senate welcomed its guests.

### **SENATE RESOLUTION 248**

Senator Schwertner offered the following resolution:

**SR 248**, Recognizing February 19, 2013, as Sheriffs' Association of Texas Day at the State Capitol.

The resolution was read and was adopted without objection.

### **GUESTS PRESENTED**

Senator Schwertner was recognized and introduced to the Senate a Sheriffs' Association of Texas delegation, accompanied by Steve Westbrook, Executive Director; Daniel Law, President, Board of Directors; and Chris Kirk, Legislative Committee Chair.

The Senate welcomed its guests.

### **GUESTS PRESENTED**

Senator Birdwell was recognized and introduced to the Senate a Waxahachie delegation.

The Senate welcomed its guests.

### **SENATE RESOLUTION 230**

Senator Seliger offered the following resolution:

**SR 230**, Recognizing February 19, 2013, as Panhandle Day at the State Capitol.

The resolution was read and was adopted without objection.

### **GUESTS PRESENTED**

Senator Seliger was recognized and introduced to the Senate a Texas Panhandle communities delegation, accompanied by Al Cunningham, Chair, Board of Directors, Amarillo Chamber of Commerce; Buzz David, President and CEO of Amarillo Economic Development Corporation; J. J. Walker, Director, Public Relations and Marketing, Bell Helicopter; and Pat O'Brien, President, West Texas A&M University.

The Senate welcomed its guests.

**(Senator Van de Putte in Chair)****SENATE RESOLUTION 146**

Senator Deuell offered the following resolution:

**SR 146**, Celebrating February 19, 2013, as Sunnyvale Day at the Capitol.

The resolution was again read.

The resolution was previously adopted on Monday, February 11, 2013.

**GUESTS PRESENTED**

Senator Deuell was recognized and introduced to the Senate a Town of Sunnyvale delegation, accompanied by Jim Phaup, Mayor; Saji George, Councilmember; Jim Wade, Councilmember; and Terri Shatter and David Carlile of the Sunnyvale 4A Economic Development Corporation.

The Senate welcomed its guests.

**GUEST PRESENTED**

Senator Ellis was recognized and introduced to the Senate Curtis Gray.

The Senate welcomed its guest.

**SENATE RESOLUTION 225**

Senator Hinojosa offered the following resolution:

**SR 225**, Recognizing February 19, 2013, as Mission Day at the State Capitol.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Hinojosa was recognized and introduced to the Senate a City of Mission delegation, accompanied by Marilyn Hardison, Board of Directors, Greater Mission Chamber of Commerce; Christopher M. Gonzales, Vice-president of Operations, Greater Mission Chamber of Commerce; and Paola Lopez, Vice-president of Events, Greater Mission Chamber of Commerce.

The Senate welcomed its guests.

**GUEST PRESENTED**

Senator Duncan was recognized and introduced to the Senate Dave Quest, Ports-to-Plains Alliance Board of Directors and Legislative Assembly Member, Alberta, Canada.

The Senate welcomed its guest.

**SENATE RESOLUTION 220**

Senator Duncan offered the following resolution:

**SR 220**, Recognizing February 19, 2013, as Kidney Day at the State Capitol.

The resolution was read and was adopted without objection.



**GUESTS PRESENTED**

Senator Duncan was recognized and introduced to the Senate a Texas Renal Coalition delegation, accompanied by Rita Littlefield, President; John Badalamenti; and A. Osama Gaber.

The Senate welcomed its guests.

**SENATE RESOLUTION 233**

Senator Carona offered the following resolution:

**SR 233**, Recognizing the Texas Apartment Association on the occasion of its 50th anniversary.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Carona was recognized and introduced to the Senate a Texas Apartment Association delegation, accompanied by Tami Martin, Co-chair, 50th anniversary task force, and Mike Clark, Chair, Legislative Committee.

The Senate welcomed its guests.

**SENATE RESOLUTION 216**

Senator Uresti offered the following resolution:

**SR 216**, Recognizing February 19, 2013, as Frio County Day at the State Capitol.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Uresti was recognized and introduced to the Senate a Frio County delegation, accompanied by Carlos Garcia, County Judge; Ray Aranda, Dilley Councilmember; and Albert Alvarez, Pearsall Mayor.

The Senate welcomed its guests.

**GUEST PRESENTED**

Senator Whitmire was recognized and introduced to the Senate Renu Khator, Chancellor, University of Houston System.

The Senate welcomed its guest.

**(Senator Seliger in Chair)**

**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, Board of Directors, Angelina and Neches River Authority: Louis Alan Bronaugh, Angelina County; Patricia E. Dickey, Houston County; Julie Evelyn Dowell, Smith County.

Commissioners, Board of Pilot Commissioners for Galveston County Ports: Vandy Anderson, Galveston County; W. Bradshaw Boney, Galveston County; Linda Raedene Rounds, Galveston County.

Chair, State Board of Education: Barbara Calhoun Cargill, Montgomery County.

Members, Board of Directors, Gulf Coast Waste Disposal Authority: Zoe Milian Barinaga, Harris County; Stanley Craig Cromartie, Galveston County; Lamont Edward Meaux, Chambers County.

Members, Board of Directors, Lower Neches Valley Authority: Matthew McDade Phelan, Jefferson County; Jordan William Reese, Jefferson County; James Olan Webb, Hardin County.

Member, Board of Directors, North Texas Tollway Authority: William David Elliott, Fannin County.

Director, Office of State-Federal Relations: Jason Kevin Patteson, Travis County.

Secretary of State: John Thomas Steen, Bexar County.

Commissioner, Pecos River Compact Commission: Frederic H. S. Tate, Presidio County.

Members, Board of Directors, Red River Authority of Texas: Nathan James Bell, Lamar County; Montford T. Johnson, Randall County; Billy Mayfield McCraw, Fannin County.

Members, Board of Directors, San Jacinto River Authority: John Dallas Eckstrum, Montgomery County; Joseph Lawrence Stunja, Harris County.

Members, Board of Trustees, Teacher Retirement System of Texas: Thelma Karen Charleston, Harris County; Joseph Victor Colonna, Dallas County; R. David Kelly, Collin County; Anita Ann Smith Palmer, Wichita County.

Commissioners, Texas Animal Health Commission: Brandon Henry Bouma, Hale County; Thomas G. Kezar, Hays County; Ernesto Antonio Morales, Medina County; Michael Louis Vickers, Brooks County.

Members, Texas Low-Level Radioactive Waste Disposal Compact Commission: Richard H. Dolgener, Andrews County; Eric Joseph Doyal, Harris County; Milton B. Lee, Bexar County; Linda Kay Lane Morris, McLennan County; John Matthew Salsman, Brazos County; Robert C. Wilson, Caldwell County.

Members, Board of Directors, Texas Mutual Insurance Company: Jay L. Eisen, Jefferson County; Delia Maria Reyes, Denton County; John Dayton Swanson, Denton County.

Members, Texas State Board of Plumbing Examiners: Enrique Castro, El Paso County; Janet L. Gallagher, Travis County; Ricardo Jose Guerra, Travis County.

Members, Texas Veterans Commission: John Kevin Ellzey, Ellis County; Richard Alexander McLeon, Victoria County.

Member, Veterans' Land Board: Alan L. Johnson, Cameron 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.

#### **CO-AUTHOR OF SENATE BILL 24**

On motion of Senator Hinojosa, Senator Carona will be shown as Co-author of **SB 24**.

#### **CO-AUTHOR OF SENATE BILL 28**

On motion of Senator Zaffirini, Senator Van de Putte will be shown as Co-author of **SB 28**.

#### **CO-AUTHOR OF SENATE BILL 61**

On motion of Senator Nelson, Senator Uresti will be shown as Co-author of **SB 61**.

#### **CO-AUTHOR OF SENATE BILL 64**

On motion of Senator Nelson, Senator Lucio will be shown as Co-author of **SB 64**.

#### **CO-AUTHOR OF SENATE BILL 97**

On motion of Senator Patrick, Senator Campbell will be shown as Co-author of **SB 97**.

#### **CO-AUTHOR OF SENATE BILL 247**

On motion of Senator Carona, Senator Hinojosa will be shown as Co-author of **SB 247**.

#### **CO-AUTHORS OF SENATE BILL 307**

On motion of Senator Huffman, Senators Hinojosa and Lucio will be shown as Co-authors of **SB 307**.

#### **CO-AUTHORS OF SENATE BILL 406**

On motion of Senator Nelson, Senators Nichols and Rodríguez will be shown as Co-authors of **SB 406**.

#### **CO-AUTHORS OF SENATE BILL 465**

On motion of Senator Van de Putte, Senators Carona and Rodríguez will be shown as Co-authors of **SB 465**.

#### **CO-AUTHOR OF SENATE BILL 508**

On motion of Senator Watson, Senator Fraser will be shown as Co-author of **SB 508**.

**CO-AUTHOR OF SENATE BILL 515**

On motion of Senator Eltife, Senator Estes will be shown as Co-author of **SB 515**.

**CO-AUTHOR OF SENATE BILL 516**

On motion of Senator Eltife, Senator Estes will be shown as Co-author of **SB 516**.

**CO-AUTHOR OF SENATE BILL 517**

On motion of Senator Eltife, Senator Estes will be shown as Co-author of **SB 517**.

**CO-AUTHOR OF SENATE BILL 518**

On motion of Senator Eltife, Senator Estes will be shown as Co-author of **SB 518**.

**CO-AUTHOR OF SENATE BILL 532**

On motion of Senator Van de Putte, Senator Williams will be shown as Co-author of **SB 532**.

**CO-AUTHOR OF SENATE BILL 542**

On motion of Senator Watson, Senator Lucio will be shown as Co-author of **SB 542**.

**CO-AUTHOR OF SENATE BILL 565**

On motion of Senator Ellis, Senator Lucio will be shown as Co-author of **SB 565**.

**CO-AUTHORS OF SENATE CONCURRENT RESOLUTION 2**

On motion of Senator Ellis, Senators Lucio and Van de Putte will be shown as Co-authors of **SCR 2**.

**CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 6**

On motion of Senator Estes, Senator Eltife will be shown as Co-author of **SCR 6**.

**CO-AUTHORS OF SENATE JOINT RESOLUTION 30**

On motion of Senator Van de Putte, Senators Carona and Rodríguez will be shown as Co-authors of **SJR 30**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**SR 241** by Davis, In memory of Leslie E. "Lon" Goldstein of Fort Worth.

**SR 242** by Davis, In memory of James Moore West of Fort Worth.

**SR 243** by Davis, In memory of Stacey Lynn Stewart.

**SR 245** by Davis, In memory of James Richelieu Cumby, Jr., of Fort Worth.

**SR 246** by Davis, In memory of Santos "Blondie" Aguilar of Fort Worth.

### **Congratulatory Resolutions**

**SR 239** by Huffman, Commending the Greater Houston Pachyderm Club for its efforts to promote citizen participation in politics.

**SR 244** by Davis, Recognizing Umoja for its contributions to the young people of the Dallas-Fort Worth area.

**SR 247** by Davis, Recognizing B. R. Daniels, Sr., of Fort Worth for his 40 years in the ministry.

**HCR 37** (Campbell), Congratulating Alva and Willie Mae Haydon of Dripping Springs on their 75th wedding anniversary.

### **Official Designation Resolutions**

**SR 238** by Watson, Recognizing February 18 through 22, 2013, as Texas Technology Week.

**SR 249** by Van de Putte, Campbell, Uresti, and Zaffirini, Recognizing February 21, 2013, as Viva San Antonio Day at the State Capitol.

### **ADJOURNMENT**

On motion of Senator Whitmire, the Senate at 12:12 p.m. adjourned, in memory of Karen Martinez, until 11:00 a.m. tomorrow.

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## **APPENDIX**

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### **RESOLUTIONS ENROLLED**

February 18, 2013

**SCR 14, SR 210, SR 211, SR 212, SR 213, SR 214, SR 215, SR 217, SR 218, SR 219, SR 223, SR 224, SR 226, SR 227, SR 228, SR 229, SR 232, SR 234, SR 235, SR 236, SR 237**



# SENATE JOURNAL

**EIGHTY-THIRD LEGISLATURE — REGULAR SESSION**

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**AUSTIN, TEXAS**

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**PROCEEDINGS**

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## **SEVENTEENTH DAY**

(Wednesday, February 20, 2013)

The Senate met at 11:10 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, Fraser, Hancock, Hegar, Hinojosa, Huffman, Lucic, Nelson, Nichols, Patrick, Paxton, Rodríguez, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Absent-excused: Carona, Estes, Schwertner.

The Presiding Officer announced that a quorum of the Senate was present.

The Reverend Ronnie Daniell, Canton, offered the invocation as follows:

Our Father in heaven, I thank You for the opportunity to stand in this place and call on Your holy name. I come invoking Your blessings upon this the 83rd Texas Legislature. I ask Your hand to guide in every decision made by the ladies and gentlemen who have been elected to serve the citizens of this great state. I ask that You grant Governor Perry, Lieutenant Governor Dewhurst, each Senator and Representative the knowledge and wisdom to enact and pass legislation that will make our state a safer and more prosperous place in which to live, work, and raise our families. I thank You for the freedom that we all enjoy and for those who sacrifice to provide and protect that freedom. Dear God, I ask You to forgive us of our sins and cause us to seek Your face in all we do. May You continue to bless this state and the United States of America, is my prayer. In the name of Jesus I 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.

## **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 Estes was granted leave of absence for today on account of important business.

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

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Wednesday, February 20, 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 49**

Hilderbran

Recognizing February 20, 2013, as Texas Tech University System Day at the State Capitol.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**PHYSICIAN OF THE DAY**

Senator Whitmire was recognized and presented Dr. Rosanne Popp of Houston as the Physician of the Day.

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

**GUEST PRESENTED**

Senator Ellis was recognized and introduced to the Senate Shirley Franklin, former Mayor of Atlanta, Georgia.

The Senate welcomed its guest.

**GUESTS PRESENTED**

Senator Birdwell was recognized and introduced to the Senate a Hood County delegation.

The Senate welcomed its guests.

**SENATE RESOLUTION 219**

Senator Deuell offered the following resolution:

**SR 219**, Recognizing February 20, 2013, as Van Zandt County Day at the State Capitol.

The resolution was again read.

The resolution was previously adopted on Monday, February 18, 2013.



**GUESTS PRESENTED**

Senator Deuell was recognized and introduced to the Senate a Van Zandt County delegation, accompanied by Cary Hilliard, Canton Mayor, and Marilyn Burrage, Canton Councilmember.

The Senate welcomed its guests.

**SENATE RESOLUTION 73**

Senator Nelson offered the following resolution:

**SR 73**, Celebrating Children's Advocacy Centers of Texas Legislative Day at the Capitol.

The resolution was again read.

On motion of Senator Uresti 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 Monday, February 11, 2013.

**GUESTS PRESENTED**

Senator Nelson was recognized and introduced to the Senate a Children's Advocacy Centers of Texas delegation.

The Senate welcomed its guests.

**GUEST PRESENTED**

Senator Lucio was recognized and introduced to the Senate Chris Boswell, Mayor of Harlingen.

The Senate welcomed its guest.

**(Senator Nelson in Chair)**

**SENATE RESOLUTION 250**

Senator Seliger offered the following resolution:

**SR 250**, Recognizing February 20, 2013, as Andrews County Day at the State Capitol.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Seliger was recognized and introduced to the Senate an Andrews County delegation, accompanied by Pam Fisher, Andrews ISD Board of Trustees; Julia Wallace, Andrews Chamber of Commerce; Robert Zap, Mayor, City of Andrews; and Rodney Noble, Andrews County Auditor.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Birdwell was recognized and introduced to the Senate a Midlothian delegation.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Uresti was recognized and introduced to the Senate his wife, Margaret Lleanna.

Senator Uresti also introduced to the Senate an Eagle Pass delegation.

The Senate welcomed its guests.

**SENATE RESOLUTION 231**

Senator Rodríguez offered the following resolution:

**SR 231**, Recognizing February 20, 2013, as Texas Dental Association Day at the State Capitol.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Rodríguez was recognized and introduced to the Senate a Texas Dental Association delegation.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Zaffirini was recognized and introduced to the Senate a National Junior Honor Society delegation.

The Senate welcomed its guests.

**SENATE RESOLUTION 221**

Senator Duncan offered the following resolution:

**SR 221**, Recognizing February 20, 2013, as Texas Tech University System Day at the State Capitol.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Duncan was recognized and introduced to the Senate a Texas Tech University System delegation, accompanied by Kent Hance, Chancellor; Lawrence Schovanec, Interim President; Kliff Kingsbury, Coach; Kirby Hocutt, Athletics Director; and Brian May, President, Angelo State University.

The Senate welcomed its guests.

**SENATE RESOLUTION 238**

Senator Watson offered the following resolution:

**SR 238**, Recognizing February 18 through 22, 2013, as Texas Technology Week.

The resolution was again read.

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

**GUESTS PRESENTED**

Senator Watson was recognized and introduced to the Senate TechAmerica delegates and business and technology leaders.

The Senate welcomed its guests.

**GUEST PRESENTED**

Senator Campbell, joined by Senators Van de Putte, Zaffirini, and Uresti, was recognized and introduced to the Senate Nelson Wolff, Bexar County Judge.

The Senate welcomed its guest.

**SENATE RESOLUTION 256**

Senator Van de Putte offered the following resolution:

WHEREAS, The Senate of the State of Texas is especially proud to join Senator Eduardo Lucio and his wife, Herminia, as they celebrate the 45th anniversary of their marriage; and

WHEREAS, High school sweethearts Eddie and Minnie Lucio wed on February 21, 1968, and in the intervening years, they have remained constant in their commitment to each other and to the institution of marriage and its principles of love, commitment, and mutual devotion; and

WHEREAS, Eddie graduated from Pan American College in Edinburg and worked as a teacher before serving in various elected offices, including Cameron County treasurer, Cameron County commissioner, and state representative, culminating in his election to the Texas Senate; Minnie graduated from business school, worked as a job placement counselor and business recruiter, and established an employment training program; and

WHEREAS, Eddie and Minnie's already deep and special bond was only strengthened with the addition of their loving family, Lynda Ann Lucio Cisneros and her husband, Carlos, and Eddie Lucio III and his wife, Jaime, who have blessed them with countless cherished memories and with their beautiful grandchildren, Carlos, Alejandro, Anna Lynda, Olivia Rose, and Eddie Lucio IV, who is due to arrive this summer; and

WHEREAS, Eddie and Minnie are a power couple who are active in their beloved hometown of Brownsville and who have devoted themselves to community service; Minnie works with the Food Bank of the Rio Grande Valley and other charitable organizations, and Senator Lucio is involved with several religious organizations and is an altar server at Immaculate Conception Cathedral; and

WHEREAS, Wedding anniversaries are a time for much celebration, recollection, and reflection, and the long and happy union of Eddie and Minnie Lucio is truly a testament to the values of hope and commitment; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby pay tribute to Senator Eduardo Lucio and Herminia Lucio on the grand occasion of their 45 years of wedded bliss and extend to them sincere best wishes for many more years of love, prosperity, and joy; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Senator Eddie Lucio and Minnie Lucio as an expression of highest esteem and affection from the Texas Senate.

**SR 256** was read and was adopted without objection.

#### **SENATE RESOLUTION 222**

Senator Duncan offered the following resolution:

**SR 222**, Recognizing Texas PTA for their work on behalf of the children of Texas.

**(Senator Eltife in Chair)**

The resolution was read and was adopted without objection.

#### **GUESTS PRESENTED**

Senator Duncan was recognized and introduced to the Senate a Texas Parent Teacher Association delegation, accompanied by Karen Slay, President.

The Senate welcomed its guests.

#### **SENATE RESOLUTION 152**

Senator Nelson offered the following resolution:

**SR 152**, Proclaiming February 20, 2013, Substance Abuse Prevention and Treatment Advocacy Day at the Capitol.

The resolution was again read.

The resolution was previously adopted on Monday, February 11, 2013.

#### **GUESTS PRESENTED**

Senator Nelson was recognized and introduced to the Senate a Substance Abuse Prevention and Treatment Advocacy Day delegation.

The Senate welcomed its guests.

#### **SENATE RESOLUTION 249**

Senator Van de Putte offered the following resolution:

**SR 249**, Recognizing February 21, 2013, as Viva San Antonio Day at the State Capitol.

The resolution was again read.

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

#### **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 27, Nays 0.

Absent-excused: Carona, Estes, Schwertner.

Members, Board of Directors, Angelina and Neches River Authority: Louis Alan Bronaugh, Angelina County; Patricia E. Dickey, Houston County; Julie Evelyn Dowell, Smith County.

Commissioners, Board of Pilot Commissioners for Galveston County Ports: Vandy Anderson, Galveston County; W. Bradshaw Boney, Galveston County; Linda Raedene Rounds, Galveston County.

Chair, State Board of Education: Barbara Calhoun Cargill, Montgomery County.

Members, Board of Directors, Gulf Coast Waste Disposal Authority: Zoe Milian Barinaga, Harris County; Stanley Craig Cromartie, Galveston County; Lamont Edward Meaux, Chambers County.

Members, Board of Directors, Lower Neches Valley Authority: Matthew McDade Phelan, Jefferson County; Jordan William Reese, Jefferson County; James Olan Webb, Hardin County.

Member, Board of Directors, North Texas Tollway Authority: William David Elliott, Fannin County.

Director, Office of State-Federal Relations: Jason Kevin Patteson, Travis County.

Secretary of State: John Thomas Steen, Bexar County.

Commissioner, Pecos River Compact Commission: Frederic H. S. Tate, Presidio County.

Members, Board of Directors, Red River Authority of Texas: Nathan James Bell, Lamar County; Montford T. Johnson, Randall County; Billy Mayfield McCraw, Fannin County.

Members, Board of Directors, San Jacinto River Authority: John Dallas Eckstrum, Montgomery County; Joseph Lawrence Stunja, Harris County.

Members, Board of Trustees, Teacher Retirement System of Texas: Thelma Karen Charleston, Harris County; Joseph Victor Colonna, Dallas County; R. David Kelly, Collin County; Anita Ann Smith Palmer, Wichita County.

Commissioners, Texas Animal Health Commission: Brandon Henry Bouma, Hale County; Thomas G. Kezar, Hays County; Ernesto Antonio Morales, Medina County; Michael Louis Vickers, Brooks County.

Members, Texas Low-Level Radioactive Waste Disposal Compact Commission: Richard H. Dolgener, Andrews County; Eric Joseph Doyal, Harris County; Milton B. Lee, Bexar County; Linda Kay Lane Morris, McLennan County; John Matthew Salsman, Brazos County; Robert C. Wilson, Caldwell County.

Members, Board of Directors, Texas Mutual Insurance Company: Jay L. Eisen, Jefferson County; Delia Maria Reyes, Denton County; John Dayton Swanson, Denton County.

Members, Texas State Board of Plumbing Examiners: Enrique Castro, El Paso County; Janet L. Gallagher, Travis County; Ricardo Jose Guerra, Travis County.

Members, Texas Veterans Commission: John Kevin Ellzey, Ellis County; Richard Alexander McLeon, Victoria County.

Member, Veterans' Land Board: Alan L. Johnson, Cameron County.

### **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 CONCURRENT RESOLUTION 16**

The Presiding Officer laid before the Senate the following resolution:

WHEREAS, Section 17, Article III, Texas Constitution, provides that neither house of the legislature may adjourn for more than three days without the consent of the other house; now, therefore, be it

RESOLVED by the 83rd Legislature of the State of Texas, That each house grant the other permission to adjourn for more than three days during the period beginning on Wednesday, February 20, 2013, and ending on Monday, February 25, 2013.

WHITMIRE

**SCR 16** was read.

On motion of Senator Whitmire, the resolution was considered immediately and was adopted by the following vote: Yeas 27, Nays 0.

Absent-excused: Carona, Estes, Schwertner.

### **MOTION TO ADJOURN**

On motion of Senator Whitmire and by unanimous consent, the Senate at 12:10 p.m. agreed to adjourn, upon completion of the introduction of bills and resolutions on first reading, until 2:00 p.m. Monday, February 25, 2013.

### **SENATE BILLS AND RESOLUTIONS ON FIRST READING**

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

**SB 21** by Williams

Relating to drug screening or testing as a condition for the receipt of unemployment compensation benefits by certain individuals.

To Committee on Economic Development.

**SB 200** by Patrick, Nichols

Relating to the continuation and functions of the State Pension Review Board.

To Committee on State Affairs.

**SB 501** by West

Relating to venue for certain alleged violations or offenses under the Water Safety Act.

To Committee on Transportation.

**SB 502** by West

Relating to procedures for the placement of children with certain relatives or other designated caregivers.

To Committee on Health and Human Services.

**SB 503** by West

Relating to the establishment of the Expanded Learning Opportunities Council to study and make recommendations concerning expanded learning opportunities for public school students.

To Committee on Education.

**SB 504** by Deuell

Relating to eliminating the requirement that certain schoolchildren be screened for abnormal spinal curvature.

To Committee on Health and Human Services.

**SB 505** by Deuell

Relating to an exemption from the licensing requirement for certain persons who measure or fit orthoses under the supervision of certain licensed health care practitioners.

To Committee on Health and Human Services.

**SB 506** by Watson

Relating to an exemption from registration and regulation requirements for steam cookers.

To Committee on Business and Commerce.

**SB 507** by Watson, Eltife

Relating to public and private facilities and infrastructure.

To Committee on Economic Development.

**SB 508** by Watson

Relating to the conversion of the West Travis County Public Utility Agency to the Hill Country Regional Water Authority and to the creation of the Hill Country Regional Water Authority; providing authority to issue revenue bonds or notes; granting the power of eminent domain; providing an administrative penalty; providing authority to impose fees.

To Committee on Natural Resources.

**SB 509** by Williams, Whitmire

Relating to the establishment by school districts of a school security district; authorizing school district taxes for crime prevention measures.

To Committee on Finance.

**SB 510** by Nichols

Relating to passing certain vehicles on a highway; providing a penalty.

To Committee on Transportation.

**SB 511** by Whitmire

Relating to the commitment of certain juveniles to local post-adjudication secure correctional facilities in certain counties and to the release under supervision of those juveniles.

To Committee on Criminal Justice.

**SB 512** by Carona

Relating to the specialized telecommunications assistance program.

To Committee on Business and Commerce.

**SB 513** by Davis

Relating to the regulation of saltwater pipelines by the Railroad Commission of Texas.

To Committee on Natural Resources.

**SB 514** by Davis

Relating to the installation, maintenance, operation, and relocation of saltwater pipeline facilities.

To Committee on Natural Resources.

**SB 515** by Eltife, Birdwell, Lucio, Van de Putte, Watson, Whitmire

Relating to the sale of malt liquor, ale, and beer by the holder of a brewpub license.

To Committee on Business and Commerce.

**SB 516** by Eltife, Lucio, Van de Putte, Watson, Whitmire

Relating to the distribution of ale by certain brewers.

To Committee on Business and Commerce.

**SB 517** by Eltife, Lucio, Van de Putte, Watson, Whitmire

Relating to the distribution of beer by certain manufacturers.

To Committee on Business and Commerce.

**SB 518** by Eltife, Birdwell, Lucio, Van de Putte, Watson, Whitmire

Relating to the authority of certain brewers and manufacturers to sell beer and ale to ultimate consumers.

To Committee on Business and Commerce.

**SB 519** by Deuell

Relating to the definition of autism and other pervasive developmental disorders.

To Committee on Health and Human Services.

**SB 520** by Paxton

Relating to allowing persons acquiring a new residence homestead to receive an ad valorem tax exemption on the homestead in the year in which the property is acquired.

To Committee on Finance.



**SB 521** by Paxton, Campbell, Lucio

Relating to the provision of and parental approval for a student's participation in human sexuality and family planning instruction in public schools.

To Committee on Education.

**SB 522** by Estes

Relating to contested cases held under the Administrative Procedure Act.

To Committee on State Affairs.

**SB 523** by Rodríguez

Relating to the issuance of permits for dairy farming in certain areas of the state.

To Committee on Agriculture, Rural Affairs and Homeland Security.

**SB 524** by Rodríguez

Relating to a study regarding the prohibition of dairy farming in certain areas of the state.

To Committee on Agriculture, Rural Affairs and Homeland Security.

**SB 525** by Rodríguez

Relating to physical activity requirements for students in public schools.

To Committee on Education.

**SB 526** by Rodríguez

Relating to a prohibition on certain law enforcement inquiries regarding the nationality or immigration status of a victim of or witness to a criminal offense.

To Committee on Criminal Justice.

**SB 527** by Rodríguez

Relating to the detention by local law enforcement agencies of certain persons subject to federal immigration detainers.

To Committee on Agriculture, Rural Affairs and Homeland Security.

**SB 528** by Rodríguez

Relating to examination requirements for wards and proposed wards in certain guardianship matters.

To Committee on Jurisprudence.

**SB 529** by Ellis

Relating to the creation of the offense of installation, transfer, use, or possession of an automated sales suppression device or phantom-ware.

To Committee on Business and Commerce.

**SB 530** by Birdwell, Hinojosa, Uresti, Van de Putte

Relating to the inclusion of the emblem of the veteran's branch of service on Disabled Veteran specialty license plates.

To Committee on Transportation.

**SB 531** by Duncan

Relating to self-insurance funds established by governmental units.

To Committee on State Affairs.

**SB 532** by Van de Putte, Campbell, Davis, Huffman, Lucio

Relating to the prosecution and punishment of offenses related to trafficking of persons and to certain protections for victims of trafficking of persons.

To Committee on Criminal Justice.

**SB 533** by Zaffirini

Relating to a review of cost savings to state agencies and institutions of higher education under energy savings performance contracts.

To Committee on Government Organization.

**SB 534** by West

Relating to requiring permanency planning meetings for certain children in the conservatorship of the Department of Family and Protective Services.

To Committee on Health and Human Services.

**SB 535** by West

Relating to exemptions from the sales and use tax for certain energy-efficient products.

To Committee on Finance.

**SB 536** by Hinojosa

Relating to regulation of greenhouse gas emissions by the Texas Commission on Environmental Quality.

To Committee on Natural Resources.

**SB 537** by Deuell, Campbell, Schwertner

Relating to minimum standards for abortion facilities.

To Committee on Health and Human Services.

**SB 538** by Rodríguez

Relating to the repeal of the offense of homosexual conduct.

To Committee on State Affairs.

**SB 539** by Paxton

Relating to the classification of certain entities as primarily engaged in retail trade for purposes of the franchise tax.

To Committee on Finance.

**SB 540** by Carona

Relating to the regulation, registration, and certification of inspectors for elevators, escalators, and related equipment.

To Committee on Business and Commerce.

**SB 541** by Watson

Relating to annual reports regarding federal funding for state agencies.

To Committee on Finance.

**SB 542** by Watson

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

To Committee on Education.

**SB 543** by Seliger

Relating to the authority of the Midland County Hospital District of Midland County, Texas, to employ and commission peace officers.

To Committee on Intergovernmental Relations.

**SB 544** by Hancock

Relating to the transportation allotments provided under the Foundation School Program to school districts that permit students to select a campus of attendance.

To Committee on Education.

**SB 545** by Hancock

Relating to the peace officers authorized to operate an authorized emergency service vehicle used to conduct a police escort.

To Committee on Criminal Justice.

**SB 546** by Williams

Relating to continuing education requirements and a registration exemption for county tax assessor-collectors.

To Committee on Finance.

**SB 547** by Hancock

Relating to the applicability of certain laws to open-enrollment charter schools.

To Committee on Education.

**SB 548** by Hancock

Relating to the abolishment of the office of public insurance counsel.

To Committee on Business and Commerce.

**SB 549** by Williams

Relating to penalties for engaging in organized criminal activity.

To Committee on Criminal Justice.

**SB 550** by Uresti

Relating to the determination that a voter is deceased.

To Committee on State Affairs.

**SB 551** by Uresti

Relating to the use of municipal hotel occupancy tax revenue to enhance and upgrade sports facilities in certain municipalities.

To Committee on Economic Development.

**SB 552** by Uresti

Relating to an application filed with a county commissioners court to revise a subdivision plat; authorizing a fee.

To Committee on Intergovernmental Relations.

**SB 553** by Uresti

Relating to certain high school students serving as early voting clerks in an election.

To Committee on State Affairs.

**SB 554** by Campbell

Relating to the penalty for theft of an official ballot or official carrier envelope for an election.

To Committee on State Affairs.

**SB 555** by Davis

Relating to provisions in protective orders regarding pets and other companion animals; providing a penalty.

To Committee on Criminal Justice.

**SB 556** by Davis

Relating to the duties of the Texas Crime Stoppers Council to encourage individuals to report criminal activity related to trafficking of persons.

To Committee on Criminal Justice.

**SB 557** by Davis

Relating to a voluntary contribution to the fund for veterans' assistance when applying for a driver's license or personal identification certificate.

To Committee on Veteran Affairs and Military Installations.

**SB 558** by Davis

Relating to the rights of victims of sexual assault.

To Committee on Criminal Justice.

**SB 559** by Duncan

Relating to the remittance dates of certain taxes and fees and the allocation dates of certain state money.

To Committee on Finance.

**SB 560** by Ellis

Relating to authorization for biweekly installment payments for the compensation of certain justices, judges, and district attorneys.

To Committee on Jurisprudence.

**SB 561** by Lucio

Relating to a study regarding school district transportation services and state and local resources available to fund those services.

To Committee on Education.

**SB 562** by Carona

Relating to the license qualifications and continuing education requirements for polygraph examiners.

To Committee on Business and Commerce.

**SB 563** by Hegar

Relating to the issuance of specialty license plates to honor recipients of the Defense Superior Service Medal.

To Committee on Transportation.

**SB 564** by Hegar

Relating to the creation of the Harris County Municipal Utility District No. 536; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

**SB 565** by Ellis, Deuell

Relating to the accommodation of pedestrians, bicyclists, persons with disabilities, children, senior citizens, users of public transportation, movers of commercial goods, and motorists on streets and highways.

To Committee on Transportation.

**SB 566** by Eltife, Nichols

Relating to the establishment of a pharmacy school at The University of Texas at Tyler.

To Committee on Higher Education.

**SB 567** by Watson, Nichols

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 service.

To Committee on Business and Commerce.

**SB 568** by Watson

Relating to the registration of voters at a polling place and related procedures; modifying the penalty for the offense of false statement on a voter registration application.

To Committee on State Affairs.

**SB 569** by Carona

Relating to the examination requirements for an insurance adjuster license.

To Committee on Business and Commerce.

**SB 570** by Deuell

Relating to the appointment of reserve peace officers by a fire marshal.

To Committee on Intergovernmental Relations.

**SB 571** by Deuell

Relating to the exemption from sales and use taxes of certain health care supplies.

To Committee on Finance.

**SB 572** by Taylor

Relating to the sale and purchase of shark fins or products derived from shark fins; creating an offense.

To Committee on Natural Resources.

**SB 573** by Patrick

Relating to equal opportunity for access by private and parochial school students to certain University Interscholastic League sponsored activities.

To Committee on Education.

**SB 574** by Patrick

Relating to the option of providing electronic recordings of proceedings in the municipal court of record for the City of Houston.

To Committee on Criminal Justice.

**SB 575** by Duncan

Relating to the offense of the unauthorized duplication of certain recordings.

To Committee on Jurisprudence.

**SB 576** by Duncan

Relating to the abolishment of the small claims courts.

To Committee on Jurisprudence.

**SB 577** by Duncan

Relating to filling vacancies in appellate judicial offices by appointment, partisan elections for all judicial offices, and nonpartisan elections for the retention or rejection for all judicial offices.

To Committee on State Affairs.

**SB 578** by Duncan

Relating to use of countywide polling places for certain elections.

To Committee on State Affairs.

**SB 579** by Rodríguez

Relating to authorizing the issuance of revenue bonds to fund capital projects on the El Paso campus of the Texas Tech University Health Sciences Center.

To Committee on Finance.

**SB 580** by Rodríguez

Relating to license examination attempt limits for physicians.

To Committee on Health and Human Services.

**SB 581** by Carona

Relating to procedures for securing the deposit of public funds.

To Committee on Business and Commerce.

**SB 582** by Davis

Relating to swimming pool alarms and exit alarms for certain single-family homes; providing a civil penalty.

To Committee on Business and Commerce.

**SB 583** by Carona

Relating to the use of and disbursements from the universal service fund.

To Committee on Business and Commerce.

**SB 584** by Hegar

Relating to a volume-based exemption from reporting requirements for accidental discharges or spills from wastewater facilities.

To Committee on Natural Resources.

**SB 585** by Hegar

Relating to the use of municipal hotel occupancy tax revenue to enhance and upgrade sports facilities in certain municipalities.

To Committee on Economic Development.

**SB 586** by Hegar

Relating to the priority of ad valorem tax liens on personal property subject to a purchase money security interest.

To Committee on Finance.

**SB 587** by 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.

To Committee on Intergovernmental Relations.

**SB 588** by Duncan

Relating to the Eastland Memorial Hospital District.

To Committee on Intergovernmental Relations.

**SB 589** by Hegar

Relating to the designation of certain river or stream segments as being of unique ecological value.

To Committee on Natural Resources.

**SB 590** by Deuell

Relating to a driver's license renewal appointment system for prospective anatomical gift donors.

To Committee on Transportation.

**SCR 12** by Schwertner

Designating pecan pie as the official State Pie of Texas.

To Committee on Administration.

**SCR 13** by Deuell

Declaring the City of Canton to be the Walking Capital of Texas.

To Committee on Administration.

**SCR 15** by Uresti, Davis, Ellis, Hinojosa, Lucio, Rodríguez, Van de Putte, Watson, West, Whitmire, Zaffirini

Urging Congress to enact comprehensive immigration reform.

To Committee on Agriculture, Rural Affairs and Homeland Security.

**SJR 33** by Williams, Whitmire

Proposing a constitutional amendment authorizing school districts to create school security districts and impose ad valorem taxes for crime prevention measures; authorizing a tax.

To Committee on Finance.

**SJR 34** by Duncan

Proposing a constitutional amendment for filling vacancies in appellate judicial offices by appointment, for partisan elections for all judicial offices, and for subsequent nonpartisan retention elections for all judicial offices.

To Committee on State Affairs.

**CO-AUTHOR OF SENATE BILL 28**

On motion of Senator Zaffirini, Senator Eltife will be shown as Co-author of **SB 28**.

**CO-AUTHOR OF SENATE BILL 173**

On motion of Senator Estes, Senator Paxton will be shown as Co-author of **SB 173**.

**CO-AUTHOR OF SENATE BILL 186**

On motion of Senator Carona, Senator Nelson will be shown as Co-author of **SB 186**.

**CO-AUTHOR OF SENATE BILL 515**

On motion of Senator Eltife, Senator Nelson will be shown as Co-author of **SB 515**.

**CO-AUTHOR OF SENATE BILL 516**

On motion of Senator Eltife, Senator Nelson will be shown as Co-author of **SB 516**.

**CO-AUTHOR OF SENATE BILL 517**

On motion of Senator Eltife, Senator Nelson will be shown as Co-author of **SB 517**.

**CO-AUTHOR OF SENATE BILL 518**

On motion of Senator Eltife, Senator Nelson will be shown as Co-author of **SB 518**.

**CO-AUTHOR OF SENATE BILL 532**

On motion of Senator Van de Putte, Senator Birdwell will be shown as Co-author of **SB 532**.

**CO-AUTHOR OF SENATE BILL 565**

On motion of Senator Ellis, Senator Davis will be shown as Co-author of **SB 565**.

**CO-AUTHORS OF SENATE CONCURRENT RESOLUTION 6**

On motion of Senator Estes, Senators Birdwell, Campbell, Fraser, Hancock, Hegar, Huffman, Lucio, Nelson, Paxton, and Seliger will be shown as Co-authors of **SCR 6**.

**CO-AUTHOR OF SENATE JOINT RESOLUTION 26**

On motion of Senator Estes, Senator Campbell will be shown as Co-author of **SJR 26**.



**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolution**

**SR 254** by Davis, In memory of Carolyn Jeanette Covington Bunting of Fort Worth.

**Congratulatory Resolutions**

**SR 251** by Hinojosa, Recognizing Sam L. Susser for being named BorderFest's Border Texan of the Year.

**SR 252** by Uresti, Celebrating Kinney County Day.

**SR 253** by Ellis, Recognizing the naming ceremony of Hines Memorial Church of God in Christ in Texas City.

**SR 257** by West, Recognizing Norman L. Robinson on the occasion of his 92nd birthday.

**SR 258** by West, Recognizing the Dallas Alumnae Chapter of Delta Sigma Theta Sorority, Incorporated, on the occasion of the sorority's centennial.

**SR 261** by Ellis, Commending David Ahmad Jackson for achieving the rank of Eagle Scout.

**SR 262** by Watson, Commending Susan Paynter for her work in behalf of the Baptist General Convention of Texas.

**SR 263** by Watson, Recognizing the Austin Community Foundation on the occasion of its 35th anniversary.

**SR 266** by Hegar, Congratulating the El Campo High School football team on its successful 2012 season.

**Official Designation Resolutions**

**SR 264** by Nelson, Proclaiming February 26, 2013, Nurse Day at the Capitol.

**HCR 49** (Duncan), Recognizing February 20, 2013, as Texas Tech University System Day at the State Capitol.

**ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 12:28 p.m. adjourned until 2:00 p.m. Monday, February 25, 2013.

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**APPENDIX**

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**COMMITTEE REPORTS**

The following committee reports were received by the Secretary of the Senate in the order listed:

February 20, 2013

**JURISPRUDENCE — SB 268, SB 250, SB 391, SB 390**

**RESOLUTIONS ENROLLED**February 19, 2013**SR 216, SR 220, SR 225, SR 230, SR 233, SR 238, SR 239, SR 241, SR 242,  
SR 243, SR 244, SR 245, SR 246, SR 247, SR 248, SR 249****SENT TO SECRETARY OF STATE**February 20, 2013**SCR 14**

# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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## EIGHTEENTH DAY

(Monday, February 25, 2013)

The Senate met at 2:11 p.m. pursuant to adjournment and was called to order by President Pro Tempore Van de Putte.

The roll was called and the following Senators were present: Birdwell, Campbell, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, 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, Davis.

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

Pastor William M. Johnson, Jr., First Baptist Church, Buda, offered the invocation as follows:

Dear heavenly Father, we come before You on this beautiful day that You have created, and we ask Your blessings on this assembly and the work that they are about to undertake. We know that according to Your word, wisdom comes from You, so we ask for Your divine wisdom and guidance as this body undertakes the important decisions of the day. We know that true discernment and truth come from You, for Your Son said, He is the way, the truth, and the life, so we ask that truth would lead this governing body into prosperity for this state and not error. We know that every good and perfect gift is from You, so we ask Your blessings on each one here and their families for their sacrifice and willingness to be Your instruments for good as they lead the great State of Texas. In the name of our holy God, 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.

## 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 Davis was granted leave of absence for today on account of illness.

### MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Monday, February 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 10**

Pitts

Relating to making emergency supplemental appropriations and providing direction and transfer authority regarding certain appropriations.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

### PHYSICIAN OF THE DAY

Senator Eltife was recognized and presented Dr. Jonathan MacClements of Tyler as the Physician of the Day.

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

### MESSAGES FROM THE GOVERNOR

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

February 20, 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 Central Colorado River Authority for terms to expire February 1, 2019:

Mathew Gaines  
Coleman, Texas

Bruce Pittarc  
Novice, Texas

Andrew Young  
Coleman, Texas

The individuals listed above are being reappointed.

To be members of the Council on Sex Offender Treatment for terms to expire February 1, 2019:

Terri L. Bauer  
Richardson, Texas

Louis Gonzales, III  
Round Rock, Texas

The individuals listed above are being reappointed.

To be the Inspector General for Health and Human Services for a term to expire February 1, 2014:

Douglas C. Wilson  
Pflugerville, Texas  
Mr. Wilson is being reappointed.

To be members of the State Board for Educator Certification for terms to expire February 1, 2019:

Laurie Bricker  
Houston, Texas  
(Ms. Bricker is being reappointed)

Sandra D. Bridges  
Rockwall, Texas  
(Ms. Bridges is being reappointed)

Dawn Buckingham  
Lakeway, Texas  
(replacing Homer Trevino of Waco whose term expired)

Jill H. Druessedow  
Haskell, Texas  
(Ms. Druessedow is being reappointed)

To be members of the Texas Board of Professional Land Surveying for terms to expire January 31, 2019:

Jon E. Hodde  
Brenham, Texas  
(Mr. Hodde is being reappointed)

William E. Merten  
Houston, Texas  
(replacing David Smyth, Sr. of Uvalde whose term expired)

Respectfully submitted,

/s/Rick Perry  
Governor

February 20, 2013  
Austin, Texas

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

On January 16, 2013, I submitted the name of William F. Scott for appointment to the Jefferson and Orange County Board of Pilot Commissioners for a term to expire August 22, 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

February 21, 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 University of Texas System Board of Regents for terms to expire February 1, 2019:

Ernest Aliseda  
McAllen, Texas  
(replacing James Dannenbaum of Houston whose term expired)

Paul L. Foster  
El Paso, Texas  
(Mr. Foster is being reappointed)

Jeffery D. Hildebrand  
Houston, Texas  
(replacing Printice Gary of Dallas whose term expired)

Respectfully submitted,

/s/Rick Perry  
Governor

February 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 appointments:

To be Judge of the 36th Judicial District Court, Aransas, Bee, Live Oak, McMullen and San Patricio Counties, for a term until the next General Election and until her successor shall by duly elected and qualified:

Starr B. Bauer  
Beeville, Texas

Ms. Bauer is replacing Judge Michael Welborn who resigned.

To be members of the Board of Pardons and Paroles for terms to expire February 1, 2019:

Romulo "Roman" Chavez  
Spring, Texas  
(replacing Thomas Leeper of Huntsville whose term expired)

Cynthia Tauss  
League City, Texas  
(replacing Conrith Davis of Sugar Land whose term expired)

To be members of the Texas State Board of Acupuncture Examiners for terms to expire as indicated:

To Expire January 31, 2017:

Jingyu Gu  
Austin, Texas  
(replacing Chung-Hwei Chernly of Hurst whose term expired)

To Expire January 31, 2019:

Rodrigo Ceballos  
El Paso, Texas  
(replacing Terry Rascoe of Temple whose term expired)

Allen Cline  
Austin, Texas  
(Mr. Cline is being reappointed)

Rachelle Webb  
Austin, Texas  
(Ms. Webb is being reappointed)

Respectfully submitted,  
/s/Rick Perry  
Governor

**SENATE RESOLUTION 303**

Senator Ellis offered the following resolution:

**SR 303**, Recognizing February 25, 2013, as Texas Southern University Day at the State Capitol.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Ellis was recognized and introduced to the Senate a Texas Southern University delegation, accompanied by John Rudley, President; Marilyn Rose; and Sunny Ohia.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Huffman was recognized and introduced to the Senate students from St. John's School in Houston.

The Senate welcomed its guests.

**SENATE RESOLUTION 209**

Senator Watson offered the following resolution:

**SR 209**, Recognizing Jesse L. "Jack" and Kathleen McCrady of Austin on the occasion of their 70th wedding anniversary.

The resolution was again read.

The resolution was previously adopted on Wednesday, February 13, 2013.

**GUESTS PRESENTED**

Senator Watson was recognized and introduced to the Senate Jesse L. "Jack" and Kathleen Holland McCrady.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Uresti was recognized and introduced to the Senate a Crockett County delegation.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Estes was recognized and introduced to the Senate his sister, Emily Estes, and her husband, Roy McAlpine, of Hartford, Connecticut.

The Senate welcomed its guests.

**SENATE RESOLUTION 299**

Senator Williams offered the following resolution:

**SR 299**, Recognizing the 2012 Team Texas Youth Baseball Team.



**(Senator Eltife in Chair)**

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Williams was recognized and introduced to the Senate Team Texas Youth Baseball team members from Houston, Huffman, Kingwood, Liberty, Plainview, and Porter.

The Senate welcomed its guests.

**SENATE RESOLUTION 282**

Senator Van de Putte offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Saint Mary's University for its legacy of outstanding service to the City of San Antonio and our state; and

WHEREAS, A close-knit academic and spiritual community, Saint Mary's University offers a 13-to-one student-to-faculty ratio with numerous Fulbright scholars, Piper professors, and other engaged faculty members coming together to create an exceptional educational experience; and

WHEREAS, Saint Mary's University has produced more than 300 elected officials, who have served both this state and this nation with distinction; and

WHEREAS, The Carnegie Foundation has granted Saint Mary's University its prestigious Community Engagement Classification in recognition of the university's mission-driven focus on academic excellence, community service, and civic engagement; and

WHEREAS, Saint Mary's University has been nationally acclaimed for promoting an ethic of service to country, fostering scientific and humanistic research, and performing as an engine of social mobility; and

WHEREAS, More than 70 percent of the university's students participate in community service activities, and Saint Mary's University has been listed as a College That Builds Character by the John Templeton Foundation and as one of the nation's top Colleges with a Conscience by the Princeton Review and Campus Compact; and

WHEREAS, Saint Mary's University has been home to 167 All-American Scholar athletes, and it has won five national championships in athletic competition; and

WHEREAS, Saint Mary's University graduates have historically been accepted to medical and dental schools at rates far exceeding the national average; the combination of academic, athletic, and community excellence has truly established Saint Mary's University as a leader in the field of higher education; and

WHEREAS, The appointment of Thomas M. Mengler as the university's 13th president last year underscores this tradition of excellence; an accomplished judicial scholar, Mr. Mengler previously served as dean of the University of Saint Thomas School of Law in Minneapolis from 2002 to 2012; before that, he was dean of the College of Law at the University of Illinois, where he also served as interim provost and vice chancellor for academic affairs; Mr. Mengler earned his law degree from The University of Texas at Austin; and

WHEREAS, Mr. Mengler brings a wealth of experience to the position of president at Saint Mary's University, and he is committed to building on the foundations of academic quality, faith, and service that are the hallmarks of this exemplary institution; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby commend the students, faculty, administration, and staff of Saint Mary's University for their many outstanding contributions to our state and nation; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the university as an expression of high regard from the Texas Senate.

VAN DE PUTTE  
CAMPBELL  
URESTI  
ZAFFIRINI

**SR 282** was read and was adopted without objection.

#### **GUESTS PRESENTED**

Senator Van de Putte was recognized and introduced to the Senate a Saint Mary's University delegation, accompanied by Tom Mengler, President, and David Courreges, Board of Trustees member and Law Alumni Association Immediate Past President.

The Senate welcomed its guests.

#### **SENATE RESOLUTION 297**

Senator Watson offered the following resolution:

**SR 297**, In memory of James Larance Hill.

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

In honor of the memory of James Larance Hill, 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 James Larance Hill: his widow, Geraldine Hill; his daughter, Jacqueline Hill Howard; and his son-in-law, Charles Howard.

The Senate welcomed its guests and extended its sympathy.

#### **GUESTS PRESENTED**

Senator Hegar was recognized and introduced to the Senate a Prairie View A&M University delegation, accompanied by George C. Wright, President.

The Senate welcomed its guests.

#### **SENATE RESOLUTION 292**

Senator West offered the following resolution:

**SR 292**, Welcoming the members of The Links, Incorporated, as they celebrate The Links Day at the State Capitol.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator West was recognized and introduced to the Senate a delegation from The Links, Incorporated, accompanied by Theresa B. Lyons, Western Area Chair, Legislative Issues and Public Affairs Committee, Fort Worth Chapter; Roslyn T. Goodall, Chapter Chair, Legislative Issues and Public Affairs Committee, Mid-Cities Chapter; Sandra D. Malone, 14th Western Area Director, National Chair, Chapter Establishment, Dallas Chapter; Susie A. Bell, Chapter Chair, Fundraising, Plano North Metroplex Chapter; and Chrystle Swain, Facet Chair, International Trends and Services, Austin Chapter.

Senator West also introduced to the Senate family members of H. B. Bell: his widow, Susie Bell, and his daughter, Diedrae Bell-Hunter.

The Senate welcomed its guests.

**SENATE RESOLUTION 275**

Senator West offered the following resolution:

**SR 275**, Recognizing February 25, 2013, as Alpha Kappa Alpha South Central Region Day at the State Capitol.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator West was recognized and introduced to the Senate an Alpha Kappa Alpha, Incorporated, delegation, accompanied by Chelle Wilson, South Central Regional Director; Patricia Webb, International Program Committee Representative; Mina La Grange, Southwest Central Texas Cluster Coordinator; Deralyn Riles Davis, 14th South Central Regional Past Director; and Wilhelmina Delco, member and former State Representative.

The Senate welcomed its guests.

**SENATE RESOLUTION 295**

Senator Deuell offered the following resolution:

**SR 295**, Recognizing February 25, 2013, as Rockwall County Day at the State Capitol.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Deuell was recognized and introduced to the Senate a Rockwall County delegation.

The Senate welcomed its guests.

**SENATE BILL ON FIRST READING**

The following bill was introduced, read first time, and referred to the committee indicated:

**SB 758** by Williams

Relating to the established schedule of payments from the foundation school fund of the yearly entitlement of certain school districts.

To Committee on Finance.

**HOUSE BILL ON FIRST READING**

The following bill received from the House was read first time and referred to the committee indicated:

**HB 10** to Committee on Finance.

**INTRODUCTION OF  
BILLS AND RESOLUTIONS POSTPONED**

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

There was no objection.

**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 the following bills tomorrow: **SB 758, HB 10.**

**MOTION TO ADJOURN**

On motion of Senator Whitmire and by unanimous consent, the Senate at 3:22 p.m. agreed to adjourn, in memory of James Larance Hill and H. B. Bell, upon completion of the introduction of bills and resolutions on first reading, until 11:00 a.m. tomorrow.

**SENATE BILLS ON FIRST READING**

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

**SB 15** by Seliger, Deuell, Duncan, Ellis, Eltife, Nelson, Watson, West, Whitmire, Zaffirini

Relating to the duties and responsibilities of members of governing boards of university systems and institutions of higher education.

To Committee on Higher Education.

**SB 201** by Birdwell, Nichols

Relating to the continuation and functions of the State Preservation Board.

To Committee on Administration.

**SB 202** by Huffman, Nichols

Relating to the continuation and functions of the Texas Commission on the Arts.

To Committee on Government Organization.

**SB 203** by Whitmire, Ellis, Huffman, Nichols, Patrick

Relating to the Port of Houston Authority; creating an offense.

To Committee on Transportation.

**SB 204** by Nichols

Relating to the continuation and functions of the Texas Board of Professional Engineers; changing a fee.

To Committee on Business and Commerce.

**SB 205** by Nichols

Relating to the continuation and functions of the Texas Board of Architectural Examiners; changing certain fees.

To Committee on Business and Commerce.

**SB 206** by Nichols

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, and to the functions of the Office of Public Utility Counsel; authorizing a fee.

To Committee on Business and Commerce.

**SB 207** by Nichols

Relating to governmental entities subject to the sunset review process.

To Committee on Transportation.

**SB 591** by Van de Putte

Relating to procedures for certain audits of pharmacists and pharmacies.

To Committee on State Affairs.

**SB 592** by Ellis

Relating to caseloads for attorneys who are appointed to represent indigent defendants in criminal cases.

To Committee on Criminal Justice.

**SB 593** by Deuell

Relating to the authority of a property owners' association to regulate the use of certain lots for residential purposes.

To Committee on Intergovernmental Relations.

**SB 594** by Deuell

Relating to exempting the first \$1 million from total revenue for purposes of the franchise tax.

To Committee on Finance.

**SB 595** by Hegar

Relating to the power of the North Fort Bend Water Authority to impose a charge on certain wells or classes of wells.

To Committee on Natural Resources.

**SB 596** by Birdwell

Relating to the application process for certain alcoholic beverage permits and licenses and the provision of alcoholic beverages on certain premises.

To Committee on Business and Commerce.

**SB 597** by Birdwell, Uresti

Relating to the issuance of specialty license plates for certain Operation Enduring Freedom veterans.

To Committee on Transportation.

**SB 598** by Birdwell

Relating to restrictions on holders of package store permits.

To Committee on Business and Commerce.

**SB 599** by Davis

Relating to the requirement that electric utilities offer a standard retail service package on a standard form with standard terms to a customer.

To Committee on Business and Commerce.

**SB 600** by Davis

Relating to premium refunds for insurance rates found to be excessive or unfairly discriminatory; providing an administrative penalty.

To Committee on Business and Commerce.

**SB 601** by Davis

Relating to the availability of certain payment plans for residential electric customers.

To Committee on Business and Commerce.

**SB 602** by Davis

Relating to retail electric provider customer choice information.

To Committee on Business and Commerce.

**SB 603** by Williams

Relating to the revocation and reinstatement of an end user number for purposes of purchasing dyed diesel fuel.

To Committee on Finance.

**SB 604** by Hegar

Relating to the powers and duties of the Harris County Municipal Utility District No. 458; providing authority to impose a tax and issue bonds.

To Committee on Intergovernmental Relations.

**SB 605** by Hegar

Relating to the creation of the Fort Bend County Improvement District No. 24; providing authority to impose an assessment, impose a tax, and issue bonds.

To Committee on Intergovernmental Relations.

**SB 606** by Hegar

Relating to the powers and duties of the Harris County Municipal Utility District No. 457; providing authority to impose a tax and issue bonds.

To Committee on Intergovernmental Relations.

**SB 608** by Hegar

Relating to the creation of the Harris-Waller Counties Municipal Utility District No. 3; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

**SB 609** by Hegar

Relating to the creation of the Waller County Municipal Utility District No. 17; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

**SB 610** by Hegar

Relating to the powers and duties of the Harris County Municipal Utility District No. 477; providing authority to impose a tax and issue bonds.

To Committee on Intergovernmental Relations.

**SB 611** by Lucio

Relating to the irrigation powers and functions of certain water districts.

To Committee on Natural Resources.

**SB 612** by Lucio

Relating to a drug testing requirement for candidates for certain public elective offices.

To Committee on State Affairs.

**SB 613** by Lucio

Relating to school district drug abuse prevention policies for classroom teachers.

To Committee on Education.

**SB 614** by Lucio

Relating to an electric utility surcharge to assist owners of certain historic structures with electric bill payments and to promote energy conservation and efficiency.

To Committee on Business and Commerce.

**SB 615** by Estes

Relating to the contracting authority of the Texas Historical Commission.

To Committee on Government Organization.

**SB 616** by Carona

Relating to the prosecution of and the punishment for the offense of burglary committed while evading arrest or detention.

To Committee on Criminal Justice.

**SB 617** by Carona

Relating to the regulation of energy efficiency professionals; providing penalties; authorizing a fee.

To Committee on Business and Commerce.

**SB 618** by Carona

Relating to the elimination of the licensing and registration requirements for ringside physicians and timekeepers for combative sports events.

To Committee on Business and Commerce.

**SB 619** by Taylor

Relating to exclusion of land from certain water districts that fail to provide service to the land.

To Committee on Natural Resources.

**SB 620** by 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 graduate programs at public institutions of higher education.

To Committee on Higher Education.

**SB 621** by 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.

To Committee on Intergovernmental Relations.

**SB 622** by 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.

To Committee on Intergovernmental Relations.

**SB 623** by Williams

Relating to the creation of the Montgomery County Municipal Utility District No. 138; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

To Committee on Intergovernmental Relations.

**SB 624** by Williams

Relating to the creation of the Montgomery County Municipal Utility District No. 137; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

To Committee on Intergovernmental Relations.

**SB 625** by 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, and taxes.

To Committee on Intergovernmental Relations.

**SB 626** by Watson

Relating to fees collected by the Automobile Burglary and Theft Prevention Authority.

To Committee on Finance.

**SB 627** by Watson

Relating to the form of the Legislative Budget Board's report of equalized funding elements to the commissioner of education and the legislature.

To Committee on Finance.

**SB 628** by Watson

Relating to the creation of regional emergency communications districts; authorizing the issuance of bonds; authorizing a fee.

To Committee on Intergovernmental Relations.



**SB 629** by Watson

Relating to authorizing the issuance of revenue bonds for The University of Texas at Austin.

To Committee on Finance.

**SB 630** by Carona

Relating to certain obligations of and limitations on residential landlords.

To Committee on Business and Commerce.

**SB 631** by Carona

Relating to certain statutory insurance deposit requirements.

To Committee on Business and Commerce.

**SB 632** by Carona

Relating to contracts between dentists, optometrists, or therapeutic optometrists and health maintenance organizations or insurers.

To Committee on State Affairs.

**SB 633** by Ellis, Patrick

Relating to liability of certain electric utilities that allow certain uses of land that the electric utility owns, occupies, or leases.

To Committee on State Affairs.

**SB 634** by Davis

Relating to regulating faulty on-site sewage disposal systems in the unincorporated areas of a county as a public nuisance; providing a criminal penalty.

To Committee on Intergovernmental Relations.

**SB 635** by Duncan

Relating to the distribution of certain civil penalties and civil restitution received by the attorney general.

To Committee on State Affairs.

**SB 636** by Paxton

Relating to public information regarding bonds and other obligations issued by the state and local governments.

To Committee on Open Government.

**SB 637** by Paxton

Relating to notice and proposition language requirements for bond approval elections held by political subdivisions.

To Committee on Intergovernmental Relations.

**SB 638** by Paxton

Relating to performance and payment security for certain comprehensive development agreements.

To Committee on Transportation.

**SB 639** by Carona

Relating to the manufacture, distribution, and sale of alcoholic beverages.

To Committee on Business and Commerce.

**SB 640** by Van de Putte

Relating to the designation of a regular location for purposes of obtaining transportation to and from a child's public school.

To Committee on Education.

**SB 641** by Duncan

Relating to the election and authority of the board of directors of the McCulloch County Hospital District.

To Committee on Intergovernmental Relations.

**SB 642** by Van de Putte

Relating to the sale of distilled spirits to the holder of an industrial permit.

To Committee on Business and Commerce.

**SB 643** by Deuell

Relating to a supplemental payment for retirees of the Teacher Retirement System of Texas and the unfunded actuarial liabilities allowed under that system.

To Committee on State Affairs.

**SB 644** by Huffman

Relating to the creation of a standard request form for prior authorization of prescription drug benefits.

To Committee on State Affairs.

**SB 645** by Ellis

Relating to water quality improvement and pollution reduction through beverage container recycling incentives; assessing a fee; providing penalties.

To Committee on Finance.

**SB 646** by Deuell

Relating to court-ordered outpatient mental health services.

To Committee on Health and Human Services.

**SB 647** by Rodríguez

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.

To Committee on Jurisprudence.

**SB 648** by Rodríguez

Relating to trusts.

To Committee on Jurisprudence.

**SB 649** by Rodríguez

Relating to the exemption of certain property from seizure by creditors.

To Committee on Business and Commerce.

**SB 650** by Rodríguez

Relating to the continuation of title insurance coverage of certain transferred property.

To Committee on Business and Commerce.

**SB 651** by Rodríguez

Relating to a medical power of attorney.  
To Committee on Jurisprudence.

**SB 652** by Van de Putte

Relating to the transfer of alcoholic beverages for manufacturing purposes between certain permit and license holders.  
To Committee on Business and Commerce.

**SB 653** by Zaffirini

Relating to the composition and functions of the Texas Guaranteed Student Loan Corporation.  
To Committee on Higher Education.

**SB 654** by West

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.  
To Committee on Intergovernmental Relations.

**SB 655** by Birdwell

Relating to the exercise of the power of eminent domain by certain authorized entities.  
To Committee on State Affairs.

**SB 656** by Paxton

Relating to providing transparency in the taxing and budgeting process of certain local governments.  
To Committee on Open Government.

**SB 657** by Paxton

Relating to procedural requirements for adopting and filing a school district budget and voting requirements for setting a property tax rate by the governing body of a taxing unit, including a school district.  
To Committee on Finance.

**SB 658** by Deuell

Relating to the imposition and collection of a penalty for fraudulently obtaining unemployment compensation benefits.  
To Committee on Economic Development.

**SB 659** by West

Relating to debarment of certain persons from participating in programs administered by the Texas Department of Housing and Community Affairs.  
To Committee on Intergovernmental Relations.

**SB 660** by West

Relating to assessment collection in certain public improvement districts.  
To Committee on Intergovernmental Relations.

**SB 661** by Carona

Relating to cemeteries and perpetual care cemetery corporations; creating an offense.  
To Committee on Business and Commerce.

**SB 662** by Carona

Relating to the composition of the drought preparedness council.  
To Committee on Natural Resources.

**SB 663** by Davis

Relating to the amount of unclaimed lottery prize money to be deposited in the fund for veterans' assistance.  
To Committee on State Affairs.

**SB 664** by Davis, Campbell, Van de Putte

Relating to the allocation of certain grants from the fund for veterans' assistance.  
To Committee on Veteran Affairs and Military Installations.

**SB 665** by Nichols, Patrick

Relating to a school district's recognition of and education regarding traditional winter celebrations.  
To Committee on Education.

**SB 666** by Seliger

Relating to public school educator preparation and alternative certification programs.  
To Committee on Education.

**SB 667** by Seliger

Relating to a study on the feasibility of requiring certain researchers to make research papers available to the public.  
To Committee on Open Government.

**SB 668** by Seliger

Relating to the reports and recommendations of the Water Conservation Advisory Council.  
To Committee on Natural Resources.

**SB 669** by Whitmire

Relating to the manner in which a bail bond or personal bond is forfeited and circumstances under which a final judgment of forfeiture may be reformed.  
To Committee on Criminal Justice.

**SB 670** by Whitmire

Relating to the copying of certain records and files relating to a child who is a party to a juvenile proceeding.  
To Committee on Criminal Justice.

**SB 671** by Carona

Relating to the deregulation of weather modification operations.  
To Committee on Agriculture, Rural Affairs and Homeland Security.

**SB 672** by Carona

Relating to the regulation of industrialized housing and buildings.  
To Committee on Business and Commerce.

**SB 673** by Carona

Relating to the requirements for elevators, escalators, and related equipment; providing penalties.

To Committee on Business and Commerce.

**SB 674** by Seliger

Relating to election through secret ballot of a labor union as the exclusive bargaining representative.

To Committee on State Affairs.

**SB 675** by Hancock

Relating to certain advance directives and health care and treatment decisions.

To Committee on Health and Human Services.

**SB 676** by Carona

Relating to the classification of certain construction workers and the eligibility of those workers for unemployment benefits; providing penalties.

To Committee on Economic Development.

**SB 677** by Paxton, Estes

Relating to the electronic recording of proceedings in a statutory probate court in Collin County.

To Committee on Jurisprudence.

**SB 678** by Paxton

Relating to money allocated under the federal-aid highway program.

To Committee on Finance.

**SB 679** by Duncan

Relating to evidence in a civil action concerning the provision and cost of certain services.

To Committee on State Affairs.

**SB 680** by West

Relating to a pilot program to improve student loan default rates and financial aid literacy among postsecondary students.

To Committee on Higher Education.

**SB 681** by West

Relating to a pilot program for a three-year high school diploma plan and cost-neutral expansion of full-day prekindergarten programs.

To Committee on Education.

**SB 682** by Campbell

Relating to reimbursement for services provided by advanced practice nurses and physician assistants under the Medicaid program.

To Committee on Health and Human Services.

**SB 683** by Birdwell

Relating to the election of members of the board of directors of the Benbrook Water Authority.

To Committee on Natural Resources.

**SB 684** by Deuell

Relating to a physical assessment of students by a public school.  
To Committee on Education.

**SB 685** by Carona

Relating to the registration of token trailers.  
To Committee on Transportation.

**SB 686** by Huffman

Relating to the change of the name of the Commission on Law Enforcement Officer Standards and Education to the Texas Commission on Law Enforcement.  
To Committee on Criminal Justice.

**SB 687** by Huffman

Relating to certain fees associated with the installation and monitoring of an ethyl alcohol testing device as a condition of bond.  
To Committee on Criminal Justice.

**SB 688** by Huffman

Relating to the transfer of certain inmates to the Texas Department of Criminal Justice following pronouncement of the inmate's sentence.  
To Committee on Criminal Justice.

**SB 689** by Ellis

Relating to excluding certain short-term employment from unemployment compensation chargebacks and grounds for benefit disqualification.  
To Committee on Economic Development.

**SB 690** by Ellis

Relating to the creation of Harris County Improvement District No. 23; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.  
To Committee on Intergovernmental Relations.

**SB 691** by Eltife

Relating to an intercollegiate athletics fee at Texas A&M University–Texarkana.  
To Committee on Higher Education.

**SB 692** by Carona

Relating to the filing by electronic mail of financial disclosures by certain county officers, county employees, or candidates for county office.  
To Committee on State Affairs.

**SB 693** by Carona

Relating to clarifying liability and damages for certain liens placed on and certain court records of real property.  
To Committee on State Affairs.

**SB 694** by Carona

Relating to the authority of the Texas Forensic Science Commission to conduct investigations of forensic analyses conducted in connection with a civil proceeding.  
To Committee on State Affairs.

**SB 695** by Campbell

Relating to the application of foreign laws and foreign forum selection in this state.  
To Committee on State Affairs.

**SB 696** by Duncan

Relating to the board of the Lubbock Reese Development Authority.  
To Committee on Intergovernmental Relations.

**SB 697** by Carona

Relating to the qualifications of certain nonresident individuals to hold a surplus lines agent license.  
To Committee on Business and Commerce.

**SB 698** by Carona

Relating to the refund of unearned premium for a personal automobile or residential property insurance policy.  
To Committee on Business and Commerce.

**SB 699** by Carona

Relating to the contents of an assumed name certificate filed by certain businesses or professionals.  
To Committee on Business and Commerce.

**SB 700** by Hegar

Relating to energy and water management planning and reporting by state agencies and institutions of higher education.  
To Committee on Government Organization.

**SB 701** by Hegar

Relating to a defense to prosecution for criminal trespass.  
To Committee on Criminal Justice.

**SB 702** by Hegar

Relating to certified and insured prescribed burn managers.  
To Committee on Natural Resources.

**SB 703** by Taylor

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.  
To Committee on Intergovernmental Relations.

**SB 704** by Taylor

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.  
To Committee on Intergovernmental Relations.

**SB 705** by Taylor

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.  
To Committee on Intergovernmental Relations.

**SB 707** by Paxton

Relating to the definition of intoxicated for purposes of certain weapons offenses.  
To Committee on Criminal Justice.

**SB 708** by Paxton

Relating to the designation of a segment of U.S. Highway 75 in Collin County as the Sam Johnson Highway.  
To Committee on Transportation.

**SB 709** by Lucio

Relating to representation of a person in a special education impartial due process hearing.  
To Committee on Education.

**SB 710** by Lucio

Relating to professional development institutes regarding education of students with disabilities to serve as a resource for public school teachers and paraprofessionals.  
To Committee on Education.

**SB 711** by Lucio

Relating to a postponement for certain recent immigrants of requirements for enrolling in public school courses for which end-of-course assessment instruments are administered.  
To Committee on Education.

**SB 712** by Lucio

Relating to the financing of school district facilities and property tax relief for school district debt; providing for reduced property tax rates.  
To Committee on Finance.

**SB 713** by Lucio

Relating to the employment of certified counselors by school districts.  
To Committee on Education.

**SB 714** by Lucio

Relating to access to birth records of certain adopted children.  
To Committee on Jurisprudence.

**SB 715** by Lucio

Relating to use of consistent terminology to refer to school counselors in the Education Code.  
To Committee on Education.

**SB 716** by Lucio

Relating to the use of public school counselors' work time.  
To Committee on Education.

**SB 717** by West

Relating to consent by a minor to housing or care provided through a transitional living program.  
To Committee on Jurisprudence.



**SB 718** by West

Relating to voluntary and involuntary mental health services.  
To Committee on Health and Human Services.

**SB 719** by West

Relating to fees charged by certain entities administering alternative dispute resolution systems for counties.  
To Committee on Jurisprudence.

**SB 720** by Ellis

Relating to jury instructions regarding the insanity defense in a criminal case.  
To Committee on Criminal Justice.

**SB 721** by Ellis

Relating to the insanity defense in a criminal case.  
To Committee on Criminal Justice.

**SB 722** by Ellis

Relating to eligibility to serve as an interpreter in an election.  
To Committee on State Affairs.

**SB 723** by Taylor

Relating to the location of certain public sales of real property.  
To Committee on Business and Commerce.

**SB 724** by Williams

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.  
To Committee on Intergovernmental Relations.

**SB 725** by Williams

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.  
To Committee on Intergovernmental Relations.

**SB 726** by Paxton

Relating to authorization by the Texas Higher Education Coordinating Board for certain public junior colleges to offer baccalaureate degree programs.  
To Committee on Higher Education.

**SB 727** by Taylor

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.  
To Committee on Criminal Justice.

**SB 728** by Davis

Relating to the notification of certain legislators of the death of a child in foster care.  
To Committee on Health and Human Services.

**SB 729** by Rodríguez

Relating to the creation of the State Supported Living Center Realignment Commission.

To Committee on Health and Human Services.

**SB 730** by Deuell

Relating to the temporary exemption of certain tangible personal property related to data centers from the sales and use tax.

To Committee on Finance.

**SB 731** by Huffman

Relating to the penalties for the production or delivery of marihuana plants.

To Committee on Criminal Justice.

**SB 732** by Eltife

Relating to the Certified Retirement Community Program.

To Committee on Economic Development.

**SB 733** by Carona

Relating to the Texas Automobile Insurance Plan Association.

To Committee on Business and Commerce.

**SB 734** by Carona

Relating to the licensing of captive insurance companies; authorizing fees.

To Committee on Business and Commerce.

**SB 735** by Lucio

Relating to using the system benefit fund for the support of certain programs for low-income electric customers.

To Committee on Finance.

**SB 736** by Watson

Relating to insurance rating and underwriting practices and declinations based on certain consumer inquiries.

To Committee on Business and Commerce.

**SB 737** by Watson

Relating to student loan repayment assistance for certain child protective services workers.

To Committee on Health and Human Services.

**SB 738** by Watson

Relating to the establishment and administration of the Texas Essential Workers Program; imposing fees.

To Committee on Economic Development.

**CO-AUTHOR OF SENATE BILL 24**

On motion of Senator Hinojosa, Senator Campbell will be shown as Co-author of **SB 24**.

**CO-AUTHOR OF SENATE BILL 28**

On motion of Senator Zaffirini, Senator Rodríguez will be shown as Co-author of **SB 28**.

**CO-AUTHOR OF SENATE BILL 42**

On motion of Senator Zaffirini, Senator Lucio will be shown as Co-author of **SB 42**.

**CO-AUTHOR OF SENATE BILL 86**

On motion of Senator Ellis, Senator Rodríguez will be shown as Co-author of **SB 86**.

**CO-AUTHOR OF SENATE BILL 89**

On motion of Senator Ellis, Senator Rodríguez will be shown as Co-author of **SB 89**.

**CO-AUTHOR OF SENATE BILL 151**

On motion of Senator Nelson, Senator Eltife will be shown as Co-author of **SB 151**.

**CO-AUTHOR OF SENATE BILL 248**

On motion of Senator Davis, Senator Watson will be shown as Co-author of **SB 248**.

**CO-AUTHOR OF SENATE BILL 498**

On motion of Senator Seliger, Senator Hinojosa will be shown as Co-author of **SB 498**.

**CO-AUTHORS OF SENATE BILL 515**

On motion of Senator Eltife, Senators Deuell and Hancock will be shown as Co-authors of **SB 515**.

**CO-AUTHORS OF SENATE BILL 516**

On motion of Senator Eltife, Senators Deuell and Hancock will be shown as Co-authors of **SB 516**.

**CO-AUTHORS OF SENATE BILL 517**

On motion of Senator Eltife, Senators Deuell and Hancock will be shown as Co-authors of **SB 517**.

**CO-AUTHORS OF SENATE BILL 518**

On motion of Senator Eltife, Senators Deuell and Hancock will be shown as Co-authors of **SB 518**.

**CO-AUTHOR OF SENATE BILL 549**

On motion of Senator Williams, Senator Estes will be shown as Co-author of **SB 549**.

**CO-AUTHORS OF SENATE BILL 565**

On motion of Senator Ellis, Senators Rodríguez and Watson will be shown as Co-authors of **SB 565**.

**CO-AUTHOR OF SENATE BILL 580**

On motion of Senator Rodríguez, Senator Deuell will be shown as Co-author of **SB 580**.

**CO-AUTHOR OF SENATE BILL 663**

On motion of Senator Davis, Senator Van de Putte will be shown as Co-author of **SB 663**.

**CO-AUTHOR OF SENATE BILL 686**

On motion of Senator Huffman, Senator Hegar will be shown as Co-author of **SB 686**.

**CO-AUTHOR OF SENATE BILL 729**

On motion of Senator Rodríguez, Senator Deuell will be shown as Co-author of **SB 729**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**SR 271** by Davis, In memory of O. J. Blakey.

**SR 289** by Ellis, In memory of Sue Smith.

**SR 294** by Ellis, In memory of Michael Hardee Driscoll of Harris County.

**SR 300** by Williams, In memory of Harold Cryar of Conroe.

**SR 301** by Estes, In memory of Gayla Dawn Morris of Wichita Falls and Clay County.

**Congratulatory Resolutions**

**SR 268** by West, Recognizing Delta Sigma Theta Sorority, Incorporated, on the occasion of its 100th anniversary.

**SR 270** by Davis, Recognizing the Tarrant County College District's Trinity River Campus East for being named one of the best buildings to see in Texas.

**SR 273** by Ellis, Recognizing India House Houston on the occasion of the center's fundraising gala.

**SR 276** by Whitmire, Recognizing Northwest Preparatory Academy Charter School in Humble as it hosts its annual black history program.

**SR 277** by Watson, Recognizing McBride's Guns in Austin for receiving the Texas Treasure Business Award.

**SR 280** by Van de Putte, Recognizing Margaret Moran for her service as national president of the League of United Latin American Citizens.

**SR 283** by West, Recognizing Mary Lynn Morris on the occasion of her retirement as City Marshal of Dallas.

**SR 285** by Birdwell, Recognizing the Texas Heroes Foundation on the occasion of its Texas Independence Day Celebration.

**SR 288** by Ellis, Recognizing Macedonia Missionary Baptist Church in Houston on the occasion of its Official Texas Historical Marker dedication ceremony.

**SR 290** by Lucio, Commending Theodore Travis Green for achieving the rank of Eagle Scout.

**SR 291** by Lucio, Commending Victor Gavin De Leon for achieving the rank of Eagle Scout.

**SR 298** by Schwertner, Recognizing Dick and Maxine Anderson of Georgetown on the occasion of their 60th wedding anniversary.

**SR 302** by Ellis, Recognizing L. David Punch on the occasion of his 10th anniversary as pastor of the Greater Zion Missionary Baptist Church in Houston.

**SR 306** by Schwertner, Recognizing the members of the United States Navy Armed Guard for their service to this nation.

**SR 307** by Eltife, Recognizing Bill Hankins on the occasion of his retirement from the newspaper industry.

#### **Official Designation Resolutions**

**SR 259** by West, Recognizing February 25, 2013, as The Links, Incorporated, Day at the State Capitol.

**SR 269** by West, Proclaiming February 23, 2013, National Trio Day in Texas.

**SR 272** by Van de Putte, Observing February 25, 2013, as Anti-Human Trafficking Day at the Capitol.

**SR 279** by Nelson, Recognizing March of 2013 as Professional Social Work Month.

**SR 284** by Nelson, Celebrating February 26, 2013, as Emergency Medical Services, Trauma, and Acute Care Advocacy Day at the State Capitol.

**SR 287** by Campbell, Recognizing February 28, 2013, as Rare Disease Day.

**SR 308** by Hegar, Celebrating February 26, 2013, as Texas FFA Day at the Capitol.

**SR 309** by Hegar, Celebrating March 5, 2013, as Port Aransas Day at the State Capitol.

**(Senator Whitmire in Chair)**

#### **ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 3:43 p.m. adjourned, in memory of James Larance Hill and H. B. Bell, until 11:00 a.m. tomorrow.

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**APPENDIX**

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**COMMITTEE REPORTS**

The following committee reports were received by the Secretary of the Senate in the order listed:

February 25, 2013

**ECONOMIC DEVELOPMENT — SB 169, SB 398, SB 412**

**JURISPRUDENCE — CSSB 389**

**GOVERNMENT ORGANIZATION — SB 116, CSSB 111, CSSB 283**

**EDUCATION — CSSB 3, CSSB 306**

**GOVERNMENT ORGANIZATION — CSSB 328**

**NATURAL RESOURCES — CSSB 364**

**RESOLUTIONS ENROLLED**

February 20, 2013

**SR 221, SR 222, SR 231, SR 250, SR 251, SR 252, SR 253, SR 254, SR 256,  
SR 257, SR 258, SR 261, SR 262, SR 263, SR 264, SR 266**

**In Memory**  
**of**  
**James Larance Hill**  
**Senate Resolution 297**

WHEREAS, The Senate of the State of Texas joins citizens of Austin in mourning the loss of Dr. James Larance Hill, who died September 2, 2012, at the age of 84; and

WHEREAS, This dedicated champion of higher education and progressive race relations was the first African American vice president at The University of Texas at Austin; and

WHEREAS, Dr. Hill joined the university's faculty in 1993 as associate vice president for administration and public affairs; in 2000, he was appointed vice president for community and school relations, and he remained in that position until his retirement in 2007; he then continued to serve the university as senior vice president, special assistant to the president; and

WHEREAS, During his tenure, he was responsible for the management of the Hogg Foundation for Mental Health, the University Interscholastic League, Community and School Relations, University Outreach programs, and Pre-college Youth Development; and

WHEREAS, Dr. Hill was also actively involved with the Martin Luther King, Jr. Statue Committee and the Barbara Jordan Historical Essay Competition, and he was a founding member of the Texas Alliance of Black School Educators; and

WHEREAS, Dr. Hill played a vital part in connecting The University of Texas with other institutions of learning, and he helped foster lasting and mutually beneficial relationships with many neighbor universities and schools; and

WHEREAS, He was recognized with the Whitney Young Urban League Award and the National Forum of Black Public Administrators' Mark of Excellence Award, and the Black Faculty and Staff Association honored him with the creation of the Dr. James L. Hill Education Scholarship in 2001 and presented him with the Lifetime Achievement Award in 2006; and

WHEREAS, This deeply committed mentor and role model will be dearly missed by his wife of 62 years, Geraldine; their daughter, Jacqueline Howard; his extended family; and many other loved ones; 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. James Larance Hill; 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 Dr. James L. Hill.

WATSON  
ELLIS  
WEST



# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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NINETEENTH DAY

(Tuesday, February 26, 2013)

The Senate met at 11:02 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, 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 Michael S. Haywood, Mission Brenham, Brenham, offered the invocation as follows:

Blessed is the nation whose God is the Lord, the people He has chosen as His own inheritance. The Lord looks from heaven; He sees all the sons of men. From the place of His dwelling He looks on all the inhabitants of the Earth. He fashions their hearts individually. He considers all their works. Lord, as You consider the works of this 83rd Senate today, please have mercy and loving kindness toward these, Your chosen vessels. May Your countenance forever be lifted by the decisions they make on behalf of Your people. May Your hand be forever upon this great state, and may it be a beacon of light to the rest of this great republic. Lord, we now invoke Your presence. Let us be reminded although we bring forth legislation, You will have the final say. Although we cast our ballots for happiness, life, and liberty, it is You who sets us free. Scripture reminds us, in his heart a man plans his course, but the Lord determines his steps. Determine now our steps that we might bring You glory and honor. Bless now all who are present, from this sacred desk to the last row in this Chamber. Provide us now with Your wisdom, Your power, Your provisions, and Your presence, in the name of Your son, God of the most high. 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 Watson was recognized and presented Dr. Larry Kravitz of Austin as the Physician of the Day.

The Senate welcomed Dr. Kravitz 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

Tuesday, February 26, 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:

**SCR 16**

Whitmire

Sponsor: Aycock

Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, February 20, 2013, and ending on Monday, February 25, 2013.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**SENATE RESOLUTION 169**

Senator Schwertner offered the following resolution:

**SR 169**, Proclaiming February 26, 2013, Justices of the Peace and Constables Day at the State Capitol.

The resolution was again read.

The resolution was previously adopted on Monday, February 11, 2013.

**GUESTS PRESENTED**

Senator Schwertner was recognized and introduced to the Senate a Justices of the Peace and Constables Association of Texas delegation, accompanied by Bobby Gutierrez, Connie Hickman, Larry Gallardo, Chad Jordan, and Martin Castillo, President.

The Senate welcomed its guests.

**SENATE RESOLUTION 264**

Senator Nelson offered the following resolution:

**SR 264**, Proclaiming February 26, 2013, Nurse Day at the Capitol.

The resolution was again read.

The resolution was previously adopted on Wednesday, February 20, 2013.

**GUESTS PRESENTED**

Senator Nelson was recognized and introduced to the Senate a delegation of Texas nurses.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Hegar was recognized and introduced to the Senate a Washington County delegation.

The Senate welcomed its guests.

**SENATE RESOLUTION 296**

Senator Deuell offered the following resolution:

**SR 296**, Recognizing February 26, 2013, as Texas Grammy Music Day at the State Capitol.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Deuell was recognized and introduced to the Senate a Texas Chapter of The Recording Academy delegation, accompanied by Carlos Alvarez, Josh Abbott, R. C. Rondero De Mosier, Christine Albert, and Paul Wall.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Paxton was recognized and introduced to the Senate a delegation of The University of Texas at Dallas students.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Estes, joined by Senators Zaffirini, Campbell, Hinojosa, and Lucio, was recognized and introduced to the Senate a Future Farmers of America delegation.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Lucio was recognized and introduced to the Senate a City of Kingsville delegation.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Birdwell was recognized and introduced to the Senate a group of Waxahachie High School students.

The Senate welcomed its guests.

**SENATE RESOLUTION 274**

Senator Estes offered the following resolution:

**SR 274**, Welcoming the delegates of the City of Graham and the Graham Chamber of Commerce on the occasion of Graham Day at the State Capitol.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Estes was recognized and introduced to the Senate a Graham Chamber of Commerce delegation.

The Senate welcomed its guests.

**SENATE RESOLUTION 284**

Senator Nelson offered the following resolution:

**SR 284**, Celebrating February 26, 2013, as Emergency Medical Services, Trauma, and Acute Care Advocacy Day at the State Capitol.

The resolution was again read.

The resolution was previously adopted on Monday, February 25, 2013.

**GUESTS PRESENTED**

Senator Nelson was recognized and introduced to the Senate an EMS, trauma, and acute care delegation.

The Senate welcomed its guests.

**(Senator Nelson in Chair)**

**SENATE RESOLUTION 232**

Senator Eltife offered the following resolution:

**SR 232**, Welcoming the delegation to Austin for East Texas Coalition Days at the State Capitol.

The resolution was again read.

The resolution was previously adopted on Monday, February 18, 2013.

**GUESTS PRESENTED**

Senator Eltife was recognized and introduced to the Senate an East Texas delegation, accompanied by Joel Baker, Smith County Judge; Bill Stoudt, Gregg County Judge; Mary Elizabeth Jackson, Tyler Chamber of Commerce Board of Directors Chair; Brad Tidwell, Longview Chamber of Commerce Board of Directors Chair; and Vic Price, Kilgore Chamber of Commerce Board of Directors Chair.

The Senate welcomed its guests.

**SENATE RESOLUTION 313**

Senator Zaffirini offered the following resolution:

**SR 313**, Recognizing February 26, 2013, as El Cenizo Day at the State Capitol.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Zaffirini was recognized and introduced to the Senate a City of El Cenizo delegation, accompanied by Raul L. Reyes, Mayor; San Juanita Valdez, City Commissioner; San Juana Perez, City Secretary; and Rick Salazar, Chief of Police.

The Senate welcomed its guests.

**RESOLUTIONS SIGNED**

The Presiding Officer announced the signing of the following enrolled resolutions in the presence of the Senate: **HCR 37**, **HCR 49**.

**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.

**GUESTS PRESENTED**

Senator Uresti was recognized and introduced to the Senate a Kinney County delegation.

The Senate welcomed its guests.

**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, 248th Judicial District Court, Harris County: Katherine Ann Cabaniss, Harris County.

Adjutant General, Adjutant General's Department: John Frederick Nichols, Comal County.

Members, Advisory Board of Athletic Trainers: David R. Schmidt, Bexar County; Cathy Poerner Supak, Harris County.

Members, Commission on State Emergency Communications: Rick L. Campbell, Shelby County; Terry J. Henley, Fort Bend County; Laura Gibbs Maczka, Dallas County.

Member, Executive Council of Physical Therapy and Occupational Therapy Examiners: Arthur Roger Matson, Williamson County.

Members, Governing Board, Office of Violent Sex Offender Management: Elizabeth Christina Jack, Tarrant County; Leonardo Eloi Longoria, Hildago County; Daniel Patrick Powers, Denton County.

Members, Manufactured Housing Board: Bobby Ray McCarn, Calhoun County; Donnie W. Wisenbaker, Hopkins County.

Members, Board of Regents, Midwestern State University: Fenton Lynwood Givens, Collin County; Charles Jefferson Gregg, Baylor County; Samuel Molinar Sanchez, Tarrant County.

Members, Board of Directors, State Bar of Texas: David Richey Alders, Nacogdoches County; Timothy Scott Kelly, Travis County; Eliseo Ruiz, Cameron County; David D. Teuscher, Jefferson County.

Members, State Commission on Judicial Conduct: Joel P. Baker, Smith County; Valerie E. Ertz, Dallas County; Patti Hutton Johnson, Comal County; Ricky A. Raven, Fort Bend County.

Chief Administrative Law Judge, State Office of Administrative Hearings: Lyn Cathleen Parsley, Travis County.

Members, State Soil and Water Conservation Board: Larry Don Jacobs, Montgomery County; Joe Larry Ward, Fannin County.

Members, Board of Regents, Stephen F. Austin State University: David Richey Alders, Nacogdoches County; John R. Garrett, Smith County; Barry Earl Nelson, Dallas County; Constance M. Ware, Harrison County.

Members, Texas Appraiser Licensing and Certification Board: Walker Beard, El Paso County; Clayton Price Black, Martin County; Luis F. De La Garza, Webb County; Laurie Carden Fontana, Harris County; Keith William Kidd, Lamar County; Shannon K. McClendon, Travis County; Sheryl Rigsby Swift, Galveston County; Jamie Lou Sanders Wickliffe, Ellis County.

Members, Texas Board of Orthotics and Prosthetics: Richard M. Neider, Fort Bend County; Ray Deane Smith, Victoria County.

Member, Texas Commission on Environmental Quality: Christopher Tobias Baker, Travis County.

Members, State Board of Trustees, Texas Emergency Services Retirement System: Don Richard Shipman, Tarrant County; Francisco Torres, Willacy County; Stephen Keith Williams, Panola County.

Members, Texas Funeral Service Commission: Jean Lorraine Olinger, Childress County; Jonathan Frank Scepaniski, Hidalgo County; Gary Eugene Shaffer, Tom Green County.

Members, Texas Judicial Council: Ashley Elizabeth Johnson, Dallas County; Virgil Justice, Gillespie County.

Members, Texas Optometry Board: Judith Ann Chambers, Hays County; Melvin Grover Cleveland, Tarrant County; Virginia Sosa, Uvalde County.

Members, Texas Racing Commission: Gary Paul Aber, Fort Bend County; Ronald Frank Ederer, Nueces County; John Thomas Steen, Harris County.

Members, Texas State Board of Examiners of Dietitians: Belinda Bazan-Lara, Bexar County; Aida L. Moreno-Brown, El Paso County; Dwight Albert Sharpe, Wise County.

Members, Texas State Board of Examiners of Professional Counselors: Sarah T. Abraham, Fort Bend County; Steven Douglas Christopherson, Harris County; Leslie Fischer Pohl, Travis County.

Members, Texas State Board of Examiners of Psychologists: Donna Lord Black, Fort Bend County; Jo Ann Campbell, Taylor County; John Robert Huffman, Tarrant County.

Members, Texas State Board of Pharmacy: Alice G. Mendoza, Kleberg County; Phyllis A. Stine, Taylor County; Jeanne D. Waggener, McLennan County.

Members, Texas State Board of Podiatric Medical Examiners: Brian Bradford Carpenter, Wise County; Fred E. Davis, Travis County; Travis A. Motley, Tarrant County.

Members, Board of Regents, Texas Tech University System: Juan Daniel Esparza, Travis County; Lawrence Frederick Francis, El Paso County; Ivan Tim Lancaster, Taylor County; John Bryan Walker, Harris County.

Members, Board of Regents, University of Houston System: Spencer D. Armour, Midland County; Roger Fleming Welder, Victoria County; Welcome Wade Wilson, Harris County.

Members, Board of Directors, Upper Neches River Municipal Water Authority: William Barry James, Anderson County; Milton Phillip Jenkins, Anderson 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.

### **MOTION TO ADJOURN**

On motion of Senator Whitmire and by unanimous consent, the Senate at 11:48 a.m. agreed to adjourn, upon completion of the introduction of bills and resolutions on first reading, until 11:00 a.m. tomorrow.

### **SENATE BILLS AND RESOLUTION ON FIRST READING**

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

**SB 739** by Rodríguez

Relating to authorizing fees deducted from court registry funds.

To Committee on Criminal Justice.

**SB 740** by Rodríguez

Relating to required workers' compensation insurance coverage for building and construction contractors.

To Committee on State Affairs.

**SB 741** by Rodríguez

Relating to the period during which an employee may file a claim for unpaid wages with the Texas Workforce Commission.

To Committee on Economic Development.

**SB 742** by Carona

Relating to reports of missing children or attempted child abductions and to education and training for peace officers regarding missing or exploited children.

To Committee on Criminal Justice.

**SB 743** by Nelson

Relating to the penalties prescribed for repeated violations of certain court orders or conditions of bond in a family violence case.

To Committee on Criminal Justice.

**SB 744** by Nelson

Relating to compensation under the Crime Victims' Compensation Act for loss of support to a dependent who is a victim.

To Committee on Criminal Justice.

**SB 745** by Nelson

Relating to review and verification procedures, and allowing certain claimants to file an application under the Crime Victims' Compensation Act; and the administration of the Sexual Assault Prevention and Crisis Services Act.

To Committee on Criminal Justice.

**SB 746** by Nelson

Relating to unlawful acts against and criminal offenses involving the Medicaid program.

To Committee on Health and Human Services.

**SB 747** by Nelson

Relating to the term for the independent ombudsman for state supported living centers.

To Committee on Health and Human Services.

**SB 748** by Nelson

Relating to the use of certain tax revenue to enhance and upgrade convention center facilities, multipurpose arenas, multiuse facilities, and related infrastructure in certain municipalities.

To Committee on Economic Development.

**SB 749** by Davis

Relating to the detection and repair of natural gas pipeline leaks.

To Committee on Natural Resources.



**SB 750** by Ellis

Relating to the applicability of the death penalty to a capital offense committed by a person with an intellectual disability.

To Committee on Criminal Justice.

**SB 751** by Patrick

Relating to the creation of the Harris County Municipal Utility District No. 531; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

**SB 752** by Patrick

Relating to the creation of the Harris County Municipal Utility District No. 530; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

**SB 753** by Patrick

Relating to the production of the index of the parties to all suits by the clerk of a district court.

To Committee on Jurisprudence.

**SB 754** by Patrick

Relating to the reporting of the hiring of lobbyists on behalf of a governmental entity.

To Committee on State Affairs.

**SB 755** by Patrick

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

To Committee on State Affairs.

**SB 756** by Patrick

Relating to the responsibility for keeping fire-fighting equipment furnished to a volunteer fire department by a county in good working order.

To Committee on Intergovernmental Relations.

**SB 757** by Patrick

Relating to the powers and duties of the Harris County Municipal Utility District No. 257; providing authority to issue bonds.

To Committee on Intergovernmental Relations.

**SB 759** by Lucio

Relating to a plan to increase participation in the summer food service program.

To Committee on Agriculture, Rural Affairs and Homeland Security.

**SB 760** by Lucio

Relating to the provision of home-taught driver education courses by state agencies.

To Committee on Transportation.

**SB 761** by Lucio

Relating to the licensing and regulation of medical laboratory professionals; providing penalties; imposing fees.

To Committee on Health and Human Services.

**SB 762** by Carona

Relating to a prohibition on the disposal of certain used equipment at a municipal solid waste facility; creating an offense.

To Committee on Natural Resources.

**SB 763** by Watson

Relating to motorcycle training and the license requirements for a three-wheeled motorcycle; creating an offense.

To Committee on Transportation.

**SB 764** by Watson

Relating to a limitation on liability for prescribed burning conducted on land owned by, leased by, or occupied by certain self-insured governmental units.

To Committee on State Affairs.

**SB 765** by Watson

Relating to the establishment and duties of an event oversight committee for an event eligible to receive funding through a major events trust fund; limiting payments from the fund to reimbursement for attracting unique events to Texas.

To Committee on Economic Development.

**SB 766** by Hegar

Relating to prohibiting a requirement that a volunteer firefighter obtain a license or certification.

To Committee on Intergovernmental Relations.

**SB 767** by Patrick, Davis

Relating to the creation of DNA records for the DNA database system.

To Committee on Criminal Justice.

**SB 768** by Uresti

Relating to suits affecting the parent-child relationship.

To Committee on Jurisprudence.

**SB 769** by Uresti

Relating to the establishment of a pilot program to provide specialized training to foster parents of certain children.

To Committee on Health and Human Services.

**SB 770** by Uresti

Relating to a prohibition against naming public property after certain former elected officials.

To Committee on Government Organization.

**SB 771** by Uresti

Relating to training for certain employees of the Department of Family and Protective Services.

To Committee on Health and Human Services.

**SB 772** by Uresti

Relating to the elimination of obsolete and redundant reporting requirements for the Department of Agriculture.

To Committee on Agriculture, Rural Affairs and Homeland Security.

**SB 773** by Uresti

Relating to the replatting of a subdivision without vacating the preceding plat in certain municipalities.

To Committee on Intergovernmental Relations.

**SB 774** by Uresti

Relating to requiring dental support for a child subject to a child support order.

To Committee on Jurisprudence.

**SB 775** by Deuell

Relating to public school finance.

To Committee on Finance.

**SB 776** by Ellis, Hinojosa

Relating to reports issued by the comptroller on the effect of certain tax provisions.

To Committee on Finance.

**SB 777** by Ellis

Relating to the terms of the public members of the Texas Holocaust and Genocide Commission.

To Committee on State Affairs.

**SB 778** by Carcna

Relating to trusts.

To Committee on Jurisprudence.

**SB 779** by Hinojosa

Relating to applying credit earned by a student at a general academic teaching institution to an associate's degree at a lower-division institution of higher education previously attended by the student.

To Committee on Higher Education.

**SB 780** by Hinojosa

Relating to the prioritization of certain available legal defense services when appointing representation for an indigent defendant in a criminal case.

To Committee on Criminal Justice.

**SB 781** by Hinojosa

Relating to the exclusion of certain transportation services costs in determining total revenue for purposes of the franchise tax.

To Committee on Finance.

**SB 782** by Hinojosa

Relating to a permit exemption for certain drainage districts located in counties bordering the United Mexican States.

To Committee on Natural Resources.

**SB 783** by Hinojosa

Relating to inclusion in school district improvement plans of policies to prevent dating violence.

To Committee on Education.

**SB 784** by Hinojosa

Relating to exempting emergency preparation supplies from the sales and use tax for a limited period.

To Committee on Finance.

**SB 785** by Hinojosa

Relating to a Medicaid provider's right to an administrative hearing on an action taken by the office of inspector general for the Health and Human Services Commission to recover overpayments under the Medicaid program.

To Committee on Health and Human Services.

**SB 786** by Hinojosa

Relating to warrants issued to obtain location information from wireless communications devices and to public access to law enforcement or prosecutor requests for certain related location or communication information.

To Committee on Criminal Justice.

**SB 787** by Hinojosa

Relating to the amount of a surcharge assessed on conviction of certain offenses relating to the operating of a motor vehicle while intoxicated against the driver's license of certain persons who complete a drug court program or an alcohol or drug treatment program.

To Committee on Transportation.

**SB 788** by Hinojosa

Relating to a workforce high school diploma program.

To Committee on Education.

**SJR 35** by Patrick

Proposing a constitutional amendment prohibiting the taxation of the sale or use of certain food, drinks, and medicine.

To Committee on Finance.

**CO-AUTHOR OF SENATE BILL 28**

On motion of Senator Zaffirini, Senator Carona will be shown as Co-author of **SB 28**.

**CO-AUTHOR OF SENATE BILL 260**

On motion of Senator Davis, Senator Rodríguez will be shown as Co-author of **SB 260**.

**CO-AUTHOR OF SENATE BILL 313**

On motion of Senator Uresti, Senator Rodríguez will be shown as Co-author of **SB 313**.

**CO-AUTHORS OF SENATE BILL 403**

On motion of Senator Zaffirini, Senators Davis and West will be shown as Co-authors of **SB 403**.

**CO-AUTHOR OF SENATE BILL 495**

On motion of Senator Huffman, Senator West will be shown as Co-author of **SB 495**.

**CO-AUTHOR OF SENATE BILL 635**

On motion of Senator Duncan, Senator Carona will be shown as Co-author of **SB 635**.

**CO-AUTHOR OF SENATE RESOLUTION 300**

On motion of Senator Williams, Senator Nichols will be shown as Co-author of **SR 300**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**SR 319** by Schwertner, In memory of Gregory Wade Pickard of Bryan and College Station.

**SR 320** by Schwertner, In memory of Eric D. Wallace of Marlin, College Station, and Bryan.

**Congratulatory Resolutions**

**SR 312** by Rodríguez, Recognizing Hector "El Pipo" Barragan for his contributions to the City of El Paso.

**SR 316** by Lucio, Recognizing Joe A. Barrera III for his achievements regarding water issues in the Rio Grande Valley.

**SR 317** by Lucio, Recognizing Raul Gonzalez of El Paso on the occasion of his 82nd birthday.

**SR 318** by Lucio, Congratulating Eduardo Yáñez on being named Mr. Amigo 2013.

**Official Designation Resolution**

**SR 311** by Hegar, Recognizing February 27, 2013, as Waller County Day at the State Capitol.

**(Senator Taylor in Chair)**

**ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 11:59 a.m. adjourned until 11:00 a.m. tomorrow.

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**APPENDIX**

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**COMMITTEE REPORTS**

The following committee reports were received by the Secretary of the Senate in the order listed:

February 26, 2013

**HEALTH AND HUMAN SERVICES — CSSB 8, CSSB 127, SB 128, CSSB 190, SB 245, SB 425, SB 426, SB 427, SB 428, SB 429**

**RESOLUTIONS ENROLLED**

February 25, 2013

**SR 259, SR 268, SR 269, SR 270, SR 271, SR 272, SR 273, SR 275, SR 276, SR 277, SR 279, SR 280, SR 282, SR 283, SR 284, SR 285, SR 287, SR 288, SR 289, SR 290, SR 291, SR 292, SR 294, SR 295, SR 297, SR 298, SR 299, SR 300, SR 301, SR 302, SR 303, SR 306, SR 307, SR 308, SR 309**

# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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TWENTIETH DAY

(Wednesday, February 27, 2013)

The Senate met at 11:15 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, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Patrick, Paxton, Rodriguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

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

Pastor Bob Long, Bastrop Christian Fellowship, Bastrop, offered the invocation as follows:

Lord God in heaven, as I come before You this morning, I come with thanksgiving for the opportunity to live in Texas. I also want to thank You, Lord, for the Texas Senate: Lieutenant Governor Dewhurst, the Senators, and all the staff that support this body. May they all be guided by Your wisdom and have Your grace to make righteous decisions to benefit the citizens of our state. I pray, God, for Your will and purpose to be done in this Chamber today and throughout the entire legislative session. I pray for everyone present to walk in health, prosperity, protection, and peace. Finally, Lord, I pray for all the people of Texas that are represented by these Senators; may You continue to bless them and the great State 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.

## RESOLUTION SIGNED

The President announced the signing of the following enrolled resolution in the presence of the Senate: **SCR 16**.

**MESSAGES FROM THE GOVERNOR**

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

February 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 appointment:

To be the Commissioner of Workers' Compensation for a term to expire February 1, 2015:

Roderick Bordelon, Jr.

Austin, Texas

Commissioner Bordelon is being reappointed.

Respectfully submitted,

/s/Rick Perry

Governor

February 27, 2013

Austin, Texas

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

On January 16, 2013, I submitted the name of Rolando B. Pablos for appointment to the Public Utility Commission of Texas for a term to expire September 1, 2013.

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

On January 16, 2013, I submitted the name of Cynthia Tauss for appointment to the Texas Lottery Commission for a term to expire February 1, 2017.

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

Respectfully submitted,

/s/Rick Perry

Governor

**PHYSICIAN OF THE DAY**

Senator Whitmire was recognized and presented Dr. Kelly Gabler of Houston as the Physician of the Day.

The Senate welcomed Dr. Gabler 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 a Hill County delegation.

The Senate welcomed its guests.

**SENATE RESOLUTION 305**

Senator Taylor offered the following resolution:

**SR 305**, Recognizing February 27 and 28, 2013, as Pearland Days at the State Capitol.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Taylor was recognized and introduced to the Senate a City of Pearland delegation, accompanied by members of the Pearland Days team: Charles Eastland, Jim Johnson, Mahendra Rodrigo, and Susan Sherrouse, Mayor Pro Tempore.

The Senate welcomed its guests.

**SENATE RESOLUTION 278**

Senator Waison offered the following resolution:

**SR 278**, Recognizing the Mary Lee Foundation on the occasion of its 50th anniversary.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Watson was recognized and introduced to the Senate a Mary Lee Foundation delegation, accompanied by Charlene Crump, Founder and Executive Director; Don Lilljedahl, Director; Leigh Dunson, Administrator; and Fran Rodda, Development Coordinator.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Fraser was recognized and introduced to the Senate a Bell County delegation.

The Senate welcomed its guests.

**SENATE RESOLUTION 18**

Senator Van de Putte offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to join Texans across the state in celebrating February 27, 2013, as United Way Day at the Texas Capitol; and

WHEREAS, Charitable giving and volunteerism provide exceptional value to our state, and the United Way plays a vital role in encouraging and promoting those important principles; and

WHEREAS, There are 88 local United Way organizations in Texas, representing all areas of the state; these invaluable groups work to fulfill the specific needs and achieve the objectives of their respective communities while continuing to meet the United Way's system-wide goals of improving access to education, income, health, and 2-1-1 call center services; and

WHEREAS, Each year, United Way organizations collectively mobilize thousands of volunteers, who draw upon the strength and caring of their communities to improve lives; the charitable contributions made to these organizations are reinvested in the communities they serve; and

WHEREAS, United Way organizations have had a profound influence on the lives of countless Texans, and it is truly fitting that they be recognized for their many contributions to the state; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby commend the staff, volunteers, and donors of the United Way on their outstanding efforts to improve their communities and extend to them best wishes for a memorable United Way Day at the Texas Capitol; and, be it further

RESOLVED, That a copy of this Resolution be prepared to commemorate this special occasion.

**SR 18** was read and was adopted without objection.

#### **GUESTS PRESENTED**

Senator Van de Putte was recognized and introduced to the Senate a United Way delegation, accompanied by Anna C. Babin, President and CEO, Greater Houston; Debbie Bresette, President, Greater Austin; Tim McKinney, President and CEO, Tarrant County; Jennifer Moriarty, Chair, Women's Leadership Council; and Cecily Gooch, Chair, Women of Tocqueville.

The Senate welcomed its guests.

#### **GUEST PRESENTED**

Senator Ellis was recognized and introduced to the Senate Maria Rankka, CEO of the Stockholm Chamber of Commerce in Sweden.

The Senate welcomed its guest.

#### **SENATE RESOLUTION 310**

Senator Lucio offered the following resolution:

**SR 310**, Recognizing February 27, 2013, as Rio Grande Valley Day at the State Capitol.

LUCIO  
HINOJOSA  
ZAFFIRINI

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Lucio, joined by Senators Hinojosa and Zaffirini, was recognized and introduced to the Senate a Rio Grande Valley delegation, accompanied by the following Mayors: Tony Martinez, Brownsville; Richard Garcia, Edinburg; and Steve Brewer, La Feria; as well as Ramon Garcia, Hidalgo County Judge, and Joseph Palacios, Hidalgo County Commissioner, Precinct 4.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator West was recognized and introduced to the Senate Dallas area students participating in the Tuition Equalization Grant program.

The Senate welcomed its guests.

**SENATE RESOLUTION 327**

Senator Lucio offered the following resolution:

**SR 327**, Recognizing February 27, 2013, as Mid-Valley Day at the State Capitol.

**(Senator Eltife in Chair)**

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Lucio was recognized and introduced to the Senate a Mid-Valley Day delegation, accompanied by San Juanita Sanchez, San Juan Mayor, and A. C. Cuellar, Hidalgo County Commissioner, Precinct 1.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Davis, joined by Senator Van de Putte, was recognized and introduced to the Senate a Texas State Association of Fire Fighters delegation.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Watson was recognized and introduced to the Senate a Texas Land Trust Council delegation.

The Senate welcomed its guests.

**SENATE RESOLUTION 281**

Senator Rodriguez offered the following resolution:

**SR 281**, Recognizing February 27, 2013, as the Day of the Fallen at the State Capitol.

The resolution was read and was adopted without objection.

### GUESTS PRESENTED

Senator Rodríguez was recognized and introduced to the Senate a Build a Better Texas Coalition delegation, accompanied by Santiago Arias and Carmelo Ramirez, members of Living Hope Wheelchair Association; Remedios Arias; Christian Hurtado; and Victoria Garcia.

The Senate welcomed its guests.

### SENATE RESOLUTION 287

Senator Campbell offered the following resolution:

**SR 287**, Recognizing February 28, 2013, as Rare Disease Day.

The resolution was again read.

The resolution was previously adopted on Monday, February 25, 2013.

### GUESTS PRESENTED

Senator Campbell was recognized and introduced to the Senate a delegation of families and friends supporting Rare Disease Day, accompanied by Barbara Sonnen-Hernandez, Ambassador for Rare Disease Day; Kelly Trout, Health Consultant, International WAGR Syndrome Association; and Deborah Trejo, Co-founder, Velo-Cardio-Facial Syndrome Educational Foundation.

The Senate welcomed its guests.

### ACKNOWLEDGMENT

Senator Deuell was recognized and acknowledged the death of renowned pianist Van Cliburn.

### SENATE RESOLUTION 321

Senator Deuell offered the following resolution:

**SR 321**, Recognizing February 27, 2013, as National Multiple Sclerosis Society Texas Public Policy Conference Day at the State Capitol.

The resolution was read and was adopted without objection.

### GUESTS PRESENTED

Senator Deuell was recognized and introduced to the Senate a National Multiple Sclerosis Society delegation, accompanied by Kim Suiter, Executive Vice-president of Programs, Services, and Advocacy.

The Senate welcomed its guests.

### SENATE RESOLUTION 293

Senator Birdwell offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to join Texans across the state in celebrating February 27, 2013, as Baylor Day at the Capitol; and

WHEREAS, Baylor University was established February 1, 1845, by an act of the Congress of the Republic of Texas; it is the oldest continually operating university in the state; and

WHEREAS, This private Christian university and nationally ranked research institution provides a vibrant campus community to some 15,000 students; it offers 144 undergraduate degrees, 77 graduate degrees, 33 doctoral degrees, and a juris doctor in addition to a wide array of preprofessional tracks and specialized academic opportunities; and

WHEREAS, Baylor University is also home to a variety of exceptional athletic programs, and the 2011-2012 year has been widely recognized as the Year of the Bear; it was the only school in the nation to have a bowl-winning football team, an Elite Eight men's basketball team, and a Final Four women's basketball team; the women's basketball team won the national championship in a season that saw them record the nation's first 40-win season, and Robert Griffin III and Brittney Griner were named national players of the year; and

WHEREAS, The school's combination of interdisciplinary research and a faculty committed to teaching and scholarship have served to create an institution with an international reputation for educational excellence; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby commend Baylor University on its commitment to educating men and women for worldwide leadership and service and extend to its students, faculty, and staff best wishes for a memorable Baylor Day at the Capitol; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the university as an expression of esteem from the Texas Senate.

BIRDWELL  
HANCOCK  
PAXTON  
TAYLOR  
WATSON

**SR 293** was read and was adopted without objection.

#### **GUESTS PRESENTED**

Senator Birdwell, joined by Senators Paxton, Watson, Taylor, and Hancock, was recognized and introduced to the Senate a Baylor University delegation, accompanied by Ken Starr, President, and his wife, Alice; Tommye Lou Davis, Vice-president for Constituent Engagement; Gale Galloway, past Chair, Board of Regents; and Karla Leeper, Chief of Staff to President Starr.

The Senate welcomed its guests.

#### **SENATE RESOLUTION 304**

Senator Rodríguez offered the following resolution:

**SR 304**, Recognizing February 27, 2013, as Hudspeth County Day at the State Capitol.

The resolution was read and was adopted without objection.

### GUESTS PRESENTED

Senator Rodriguez was recognized and introduced to the Senate a Hudspeth County delegation, accompanied by Mike Doyal, County Judge, and Virginia Doyal, County Clerk.

The Senate welcomed its guests.

### SENATE RESOLUTION 240

Senator Huffman offered the following resolution:

**SR 240**, Recognizing February 27, 2013, as Mental Illness Awareness Day at the State Capitol.

The resolution was read and was adopted without objection.

### 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.

Judge, 248th Judicial District Court, Harris County: Katherine Ann Cabaniss, Harris County.

Adjutant General, Adjutant General's Department: John Frederick Nichols, Comal County.

Members, Advisory Board of Athletic Trainers: David R. Schmidt, Bexar County; Cathy Poerner Supak, Harris County.

Members, Commission on State Emergency Communications: Rick L. Campbell, Shelby County; Terry J. Henley, Fort Bend County; Laura Gibbs Maczka, Dallas County.

Member, Executive Council of Physical Therapy and Occupational Therapy Examiners: Arthur Roger Matson, Williamson County.

Members, Governing Board, Office of Violent Sex Offender Management: Elizabeth Christina Jack, Tarrant County; Leonardo Eloi Longoria, Hildago County; Daniel Patrick Powers, Denton County.

Members, Manufactured Housing Board: Bobby Ray McCarn, Calhoun County; Donnie W. Wisenbaker, Hopkins County.

Members, Board of Regents, Midwestern State University: Fenton Lynwood Givens, Collin County; Charles Jefferson Gregg, Baylor County; Samuel Molinar Sanchez, Tarrant County.

Members, Board of Directors, State Bar of Texas: David Richey Alders, Nacogdoches County; Timothy Scott Kelly, Travis County; Eliseo Ruiz, Cameron County; David D. Teuscher, Jefferson County.

Members, State Commission on Judicial Conduct: Joel P. Baker, Smith County; Valerie E. Ertz, Dallas County; Patti Hutton Johnson, Comal County; Ricky A. Raven, Fort Bend County.

Chief Administrative Law Judge, State Office of Administrative Hearings: Lyn Cathleen Parsley, Travis County.

Members, State Soil and Water Conservation Board: Larry Don Jacobs, Montgomery County; Joe Larry Ward, Fannin County.

Members, Board of Regents, Stephen F. Austin State University: David Richey Alders, Nacogdoches County; John R. Garrett, Smith County; Barry Earl Nelson, Dallas County; Constance M. Ware, Harrison County.

Members, Texas Appraiser Licensing and Certification Board: Walker Beard, El Paso County; Clayton Price Black, Martin County; Luis F. De La Garza, Webb County; Laurie Carden Fontana, Harris County; Keith William Kidd, Lamar County; Shannon K. McClendon, Travis County; Sheryl Rigsby Swift, Galveston County; Jamie Lou Sanders Wickliffe, Ellis County.

Members, Texas Board of Orthotics and Prosthetics: Richard M. Neider, Fort Bend County; Ray Deane Smith, Victoria County.

Member, Texas Commission on Environmental Quality: Christopher Tobias Baker, Travis County.

Members, State Board of Trustees, Texas Emergency Services Retirement System: Don Richard Shipman, Tarrant County; Francisco Torres, Willacy County; Stephen Keith Williams, Panola County.

Members, Texas Funeral Service Commission: Jean Lorraine Olinger, Childress County; Jonathan Frank Scepanski, Hidalgo County; Gary Eugene Shaffer, Tom Green County.

Members, Texas Judicial Council: Ashley Elizabeth Johnson, Dallas County; Virgil Justice, Gillespie County.

Members, Texas Optometry Board: Judith Ann Chambers, Hays County; Melvin Grover Cleveland, Tarrant County; Virginia Sosa, Uvalde County.

Members, Texas Racing Commission: Gary Paul Aber, Fort Bend County; Ronald Frank Ederer, Nueces County; John Thomas Steen, Harris County.

Members, Texas State Board of Examiners of Dietitians: Belinda Bazan-Lara, Bexar County; Aida L. Moreno-Brown, El Paso County; Dwight Albert Sharpe, Wise County.

Members, Texas State Board of Examiners of Professional Counselors: Sarah T. Abraham, Fort Bend County; Steven Douglas Christopherson, Harris County; Leslie Fischer Pohl, Travis County.

Members, Texas State Board of Examiners of Psychologists: Donna Lord Black, Fort Bend County; Jo Ann Campbell, Taylor County; John Robert Huffman, Tarrant County.

Members, Texas State Board of Pharmacy: Alice G. Mendoza, Kleberg County; Phyllis A. Stine, Taylor County; Jeanne D. Waggener, McLennan County.

Members, Texas State Board of Podiatric Medical Examiners: Brian Bradford Carpenter, Wise County; Fred E. Davis, Travis County; Travis A. Motley, Tarrant County.

Members, Board of Regents, Texas Tech University System: Juan Daniel Esparza, Travis County; Lawrence Frederick Francis, El Paso County; Ivan Tim Lancaster, Taylor County; John Bryan Walker, Harris County.

Members, Board of Regents, University of Houston System: Spencer D. Armour, Midland County; Roger Fleming Welder, Victoria County; Welcome Wade Wilson, Harris County.

Members, Board of Directors, Upper Neches River Municipal Water Authority: William Barry James, Anderson County; Milton Phillip Jenkins, Anderson County.

### SENATE RESOLUTION 328

Senator Lucio offered the following resolution:

WHEREAS, The Senate of the State of Texas joins people around the world in honoring the service of His Holiness Pope Benedict XVI, who will retire from the papacy on February 28, 2013, after eight years leading the Roman Catholic Church; and

WHEREAS, The spiritual leader of the world's 1.2 billion Roman Catholics, Pope Benedict XVI is celebrated for his defense of Christian values and for his emphasis on the inviolability of human life from conception to natural death; and

WHEREAS, An advocate for social justice, he interceded on behalf of migrants and refugees worldwide, speaking for those whose voices would not have been heard otherwise, and he has called for an equitable distribution of world resources and for environmental protections to ensure human health; and

WHEREAS, A proponent of religious freedom, tolerance, and cooperation, Benedict deepened ties with many religions during his tenure as Pope, including Judaism and Islam; he was the first Pope to visit and pray at a Mosque in more than 2,000 years; within his own Church, he expanded the use of the traditional Latin Mass and eased rules regarding the conversion of Anglicans to Catholicism; and

WHEREAS, Born Joseph Ratzinger on April 16, 1927, in Marktl am Inn, Germany, he was ordained a priest in 1951 and was a professor of theology at numerous European universities; he served as the Archbishop of Munich and Freising and was made a cardinal in 1977 by Pope Paul VI; he also served as the Prefect of the



Congregation for the Doctrine of the Faith and as Vice-Dean of the College of Cardinals; in April 2005, he was elected to the papacy at the age of 78, the oldest cardinal to become Pope in 275 years; and

WHEREAS, Known as an academic, scholar, and teacher, Pope Benedict is a prolific writer, having written 66 books throughout his life; he also has authored numerous articles and established a journal devoted to theology, and he oversaw the preparation of the new Catechism of the Catholic Church; he is noted for writings that promote maintaining traditional Christian values in the modern world; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby pay tribute to the service of Pope Benedict XVI; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of Pope Benedict XVI.

**SR 328** was read.

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

On motion of Senator Lucio, the resolution was adopted without objection.

#### **REMARKS ORDERED PRINTED**

On motion of Senator Williams and by unanimous consent, the remarks by Senator Lucio regarding **SR 328** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Thank you, Mr. President. Members, ladies, and gentlemen, I would like to take this moment and honor the service of the 265th Pope, His Holiness Pope Benedict the 16th. The world was shocked by Pope Benedict XVI's announcement just before Lent that he no longer has the strength to exercise ministry over the Catholic Church and that he would resign the papacy effective this day after an eight-year pontificate—the first Pope to resign in more than 600 years. It is clear that this was not a snap decision. He said that after having repeatedly examined his conscience before God, he became convinced that his strength and advanced age were no longer suited to an adequate exercise of the papacy. In our modern world of flashy media and massive ego, Pope Benedict's decision can seem perplexing. Many cannot understand why anyone would give up the power, the prestige, and trappings of office to retire and quietly fade away from the limelight. We should recognize that despite his age, Pope Benedict has always been well attuned to the modern world; he is the first Pope who joined Twitter, after all, and has noted that the rapid changes of today's world require a Pope who has both strength of mind and body. The key is that the decision, related by those close to Pope Benedict XVI, was his love and respect for the importance of a job of leading a church which represents the largest number of Christians in the world. His decision is a humble and brave one, and his wisdom is evident. Pope Benedict has honored his faith greatly through self-denial at the start of Lent. His was an unusual act of a remarkable man. It should teach and remind us all of something he knows

well: the papacy is not about the man, but about our communion with the Holy Spirit. The weakness of our mortal flesh is secondary to our commitment to God and our faith. His was a selfless expression of his devotion to the church's primary mission of spreading the Gospel. Pope Benedict XVI reminds us all that a faithful head of the Roman Catholic Church, he offers an example of selflessness and timeless leadership for which we should all respect.

### **SENATE CONCURRENT RESOLUTION 19**

The Presiding Officer laid before the Senate the following resolution:

WHEREAS, Section 17, Article III, Texas Constitution, provides that neither house of the legislature may adjourn for more than three days without the consent of the other house; now, therefore, be it

RESOLVED by the 83rd Legislature of the State of Texas, That each house grant the other permission to adjourn for more than three days during the period beginning on Wednesday, February 27, 2013, and ending on Monday, March 4, 2013.

WHITMIRE

**SCR 19** was read.

On motion of Senator Whitmire, the resolution was considered immediately and was adopted by the following vote: Yeas 30, Nays 0.

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

On motion of Senator Nelson and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Health and Human Services 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 the following bills today:

**SB 247, SB 499, SB 506, SB 529.**

### **SENATE BILL ON FIRST READING**

The following bill was introduced, read first time, and referred to the committee indicated:

**SB 894** by Whitmire, Birdwell, Campbell, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Patrick, Paxton, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, West, Williams, Zaffirini

Relating to exempting qualifying projects within the Capitol Complex from the public and private facilities and infrastructure contracting requirements.

To Committee on Economic Development.

**CO-AUTHOR OF SENATE BILL 8**

On motion of Senator Nelson, Senator Nichols will be shown as Co-author of **SB 8**.

**CO-AUTHORS OF SENATE BILL 245**

On motion of Senator West, Senators Nelson and Uresti will be shown as Co-authors of **SB 245**.

**CO-AUTHOR OF SENATE BILL 308**

On motion of Senator Fraser, Senator Rodríguez will be shown as Co-author of **SB 308**.

**CO-AUTHORS OF SENATE BILL 426**

On motion of Senator Nelson, Senators Deuell and West will be shown as Co-authors of **SB 426**.

**CO-AUTHOR OF SENATE BILL 639**

On motion of Senator Carona, Senator Lucio will be shown as Co-author of **SB 639**.

**CO-AUTHOR OF SENATE BILL 860**

On motion of Senator Lucio, Senator Hinojosa will be shown as Co-author of **SB 860**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolution**

**SR 322** by Davis, In memory of Robert Sneed Davie of Fort Worth.

**Congratulatory Resolutions**

**SR 323** by Davis, Recognizing the Fort Worth Office of Emergency Management and its director, Juan Ortiz, for establishing the Fort Worth Accessible Hazard Alert System.

**SR 324** by Watson, Recognizing the American YouthWorks AmeriCorps volunteers for their work in Bastrop County.

**SR 325** by Hegar, Recognizing Sean Friedrich of Giddings for his military service.

**SR 326** by Hegar, Honoring Prairie View A&M University on the occasion of its 137th anniversary.

**SR 329** by Watson and Schwertner, Recognizing Jesús H. Chávez on the occasion of his retirement as superintendent of the Round Rock Independent School District.

**Official Designation Resolution**

**SR 53** by Uresti, Celebrating March 6, 2013, as Uvalde County Day at the State Capitol.

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**ADJOURNMENT**

On motion of Senator Whitmire, the Senate at 12:35 p.m. adjourned until 2:00 p.m. Monday, March 4, 2013.

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**APPENDIX**

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**COMMITTEE REPORTS**

The following committee reports were received by the Secretary of the Senate in the order listed:

February 27, 2013

OPEN GOVERNMENT — **SB 279, SB 293**

STATE AFFAIRS — **SB 365, SB 381, SB 397, SB 422**

BUSINESS AND COMMERCE — **SB 327, SB 350, SB 383, SB 409, SB 474**

STATE AFFAIRS — **CSSB 148**

FINANCE — **SB 559, SB 758, CSHB 10**

BUSINESS AND COMMERCE — **CSSB 362, CSSB 408, CSSB 411, CSSB 473**

JURISPRUDENCE — **SB 370**

**RESOLUTIONS ENROLLED**

February 26, 2013

**SCR 16, SR 274, SR 296, SR 311, SR 312, SR 313, SR 316, SR 317, SR 318, SR 319, SR 320**

# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**TWENTY-FIRST DAY**

(Monday, March 4, 2013)

The Senate met at 2:13 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, 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 John Johnson, Saint John's Episcopal Church, Silsbee, offered the invocation as follows:

O God, source of all wisdom, whose will is good and gracious and whose law is truth: We still our minds for a moment to call to mind the things for which we are thankful both in our individual lives and in our common life, for all who have committed themselves to public service, and particularly those You have called to leadership as Senators in this great state. We beseech You to give them a spirit of wisdom and understanding, to guide and bless them in their deliberations, that their actions would please You, to the glory of Your name and for the welfare of Your people. 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, March 4, 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 35** Davis, Sarah

In memory of Sergeant Jimmie DeVeril Norman of the Bellaire Police Department.

**HCR 66** Lewis

Inviting the chief justice of the Supreme Court of Texas to address a joint session of the legislature on March 6, 2013.

**SCR 19** Whitmire

Sponsor: Alonzo

Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, February 27, 2013, and ending on Monday, March 4, 2013.

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:

February 28, 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 Council on Autism and Pervasive Developmental Disorders for terms to expire February 1, 2015:

Daniel S. Durany

Fort Worth, Texas

(replacing Anna Hundley of Dallas whose term expired)

Tammy Lemoine

Center, Texas

(Dr. Lemoine is being reappointed)

Frank C. McCamant

Austin, Texas

(Mr. McCamant is being reappointed)

Callie M. Vivion-Matthews

Fort Worth, Texas

(Ms. Vivion-Matthews is being reappointed)

To be members of the Texas Commission on Fire Protection for terms to expire February 1, 2019:

Joseph "Jody" Gonzalez  
Krugerville, Texas  
(Chief Gonzalez is being reappointed)

Joseph R. Gutheinz, Jr.  
Houston, Texas  
(replacing Arthur Pertile, III of Katy whose term expired)

John T. McMakin  
LaRue, Texas  
(Chief McMakin is being reappointed)

Leonardo L. Perez  
Brownsville, Texas  
(Chief Perez is being reappointed)

To be members of the Texas Juvenile Justice Board for terms to expire as indicated:

To Expire February 1, 2017:  
Rebecca "Becky" Gregory  
Dallas, Texas  
(replacing Rob Kyker of Richardson who resigned)

To Expire February 1, 2019:  
Carol Bush  
Waxahachie, Texas  
(Judge Bush is being reappointed)

Scott W. Fisker  
Bedford, Texas  
(Reverend Fisher is being reappointed)

D. Scott Mathew  
Georgetown, Texas  
(replacing Michael Meade of Simonton whose term expired)

Mary Lou Mendoza  
San Antonio, Texas  
(Ms. Mendoza is being reappointed)

To be members of the State Pension Review Board for terms to expire January 31, 2019:

Andrew Cable  
Wimberley, Texas  
(Judge Cable is being reappointed)

Robert M. May  
Austin, Texas  
(replacing Norman Parrish of The Woodlands whose term expired)

Richard E. McElreath  
Amarillo, Texas  
(Mr. McElreath is being reappointed)

To be members of the Texas School Safety Center Board for terms to expire February 1, 2015:

Barbara Ann Beto  
Round Rock, Texas  
(replacing Amy Clapper of Georgetown whose term expired)

Daniel F. Gilliam  
Victoria, Texas  
(Judge Gilliam is being reappointed)

Carl A. Montoya  
Brownsville, Texas  
(Dr. Montoya is being reappointed)

Adelaida "Laila" Olivarez  
Austin, Texas  
(Ms. Olivarez is being reappointed)

James R. Pendell  
Clint, Texas  
(Mr. Pendell is being reappointed)

To be members of the State Securities Board for terms to expire January 20, 2019:

Beth Ann Blackwood  
Dallas, Texas

E. Wallace "Wally" Kinney  
Dripping Springs, Texas

The individuals listed above are being reappointed.

To be presiding officer of the Central Texas Regional Mobility Authority for a term to expire February 1, 2015:

Ray A. Wilkerson  
Austin, Texas

Mr. Wilkerson is being reappointed.

To be presiding officer of the Sulphur River Regional Mobility Authority for a term to expire February 1, 2015:

E. Delbert Horton, III  
Cooper, Texas

Dr. Horton is being reappointed.

To be a member of the Commission on Law Enforcement Officer Standards and Education for a term to expire August 30, 2015:

Robert "Rob" Kyker  
Richardson, Texas

Mr. Kyker is replacing J. Randall Watson of Burleson who resigned.



To be presiding officer of the Camino Real Regional Mobility Authority for a term to expire February 1, 2015:

Scott A. McLaughlin  
El Paso, Texas

Mr. McLaughlin is being reappointed.

To be members of the Texas Municipal Retirement System for terms to expire February 1, 2019:

Bill Philibert  
Pasadena, Texas  
(replacing Ben Gorzell, Jr. of Helotes whose term expired)

Julie Oakley  
Spicewood, Texas  
(Ms. Oakley is being reappointed)

Respectfully submitted,

/s/Rick Perry  
Governor

March 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 appointments:

To be members of the Texas State Affordable Housing Corporation Board of Directors for terms to expire February 1, 2019:

William H. Dietz, Jr.  
Waco, Texas  
(Mr. Dietz is being reappointed)

Alejandro G. "Alex" Meade, III  
Mission, Texas  
(replacing Jo Van Hovel of Temple whose term expired)

To be a member of the Cancer Prevention and Research Institute of Texas Oversight Committee for a term to expire January 31, 2019:

Angelos G. Angelou  
Austin, Texas

Mr. Angelou is replacing Walker Moody of Houston whose term expired.

To be the Injured Employee Public Counsel for a term to expire February 1, 2015:

Norman Darwin  
Benbrook, Texas

Mr. Darwin is being reappointed.

Respectfully submitted,

/s/Rick Perry  
Governor

### PHYSICIAN OF THE DAY

Senator Deuell was recognized and presented Dr. Charlie Risinger of Terrell as the Physician of the Day.

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

### SENATE RESOLUTION 330

Senator Hancock offered the following resolution:

**SR 330**, Recognizing March 4, 2013, as Texas Young Republican Legislative Day at the State Capitol.

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

The resolution was read and was adopted without objection.

### GUESTS PRESENTED

Senator Hancock was recognized and introduced to the Senate a Texas Young Republican Federation delegation.

The Senate welcomed its guests.

### GUESTS PRESENTED

Senator Hegar was recognized and introduced to the Senate a City of Hempstead delegation, joined by Michael S. Wolfe, Sr., Hempstead Mayor, and City Councilmembers Patricia Chernosky, Ben Tibbs, Charles Hegemeyer, and Emma Washington.

The Senate welcomed its guests.

### SENATE RESOLUTION 333

Senator Van de Putte offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Texas Coalition for Quality Arts Education, an organization dedicated to the advancement of arts education in this state; and

WHEREAS, Texas is a state with a rich supply of natural resources, and one of the greatest among those resources is the artistic talent and creativity of our citizens; and

WHEREAS, More than 1.5 million middle school and high school students are enrolled in fine arts courses, and more than 2.3 million elementary school students are receiving fine arts instruction; and

WHEREAS, Hundreds of students from across the state are coming to Austin on March 4 and 5, 2013, to share their talents through performances and displays throughout the Capitol in celebration of Arts Education Days at the Capitol; and

WHEREAS, Art, music, theater, and dance offer unsurpassed opportunities for self-expression, and early exposure to the arts through educational programs greatly increases the quality of a child's education and development; and

WHEREAS, Studying fine arts gives students a unique opportunity to learn about our cultural heritage and the culture of others; and

WHEREAS, Countless studies have found that students who participate in fine arts courses in school perform better in other academic courses, especially math and science, and achieve higher scores on standardized tests; and

WHEREAS, Studies of Texas public school enrollment have found that campuses with a higher percentage of student enrollments in fine arts courses achieved higher academic ratings, and campuses showing academic rating improvement from 2006 to 2010 reported increases in fine arts course enrollments; campuses with a higher percentage of student enrollments in fine arts courses also reported higher graduation rates; and

WHEREAS, Fine arts education promotes creativity and innovative thinking that benefits all students, regardless of their field of study, and provides all students with skills that make them better prepared for college and for the 21st-century workforce; and

WHEREAS, Businesses and industries have identified creativity and innovation as the keys to our nation's continued success and leadership in the world economy; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby commend the students enrolled in fine arts courses in Texas public schools and the more than 10,000 fine arts educators in Texas for their dedication and their contributions to the quality of life and future prosperity of our state; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the Texas Coalition for Quality Arts Education as an expression of esteem from the Texas Senate.

**SR 333** was read and was adopted without objection.

#### **GUESTS PRESENTED**

Senator Van de Putte was recognized and introduced to the Senate a Texas Coalition for Quality Arts Education delegation, accompanied by Robert Floyd, Chair, and Joe Weir, President of the Texas Music Educators Association.

The Senate welcomed its guests.

#### **GUESTS PRESENTED**

Senator Patrick was recognized and introduced to the Senate students with the WoodCreek Junior High School Chamber Orchestra in Katy.

The Senate welcomed its guests.

**MOTION IN WRITING**

Senator Watson offered the following Motion In Writing:

Mr. President:

I ask unanimous consent for suspension of the Senate's admission rules to permit guests on the floor for the next resolution.

WATSON

The Motion In Writing was read and was adopted without objection.

**SENATE RESOLUTION 262**

Senator Watson offered the following resolution:

**SR 262**, Commending Susan Paynter for her work in behalf of the Baptist General Convention of Texas.

The resolution was again read.

The resolution was previously adopted on Monday, February 20, 2013.

**GUESTS PRESENTED**

Senator Watson was recognized and introduced to the Senate Suzii Paynter, accompanied by Roger Paynter, husband; Grayson Paynter, son; Mary Kathryn Paynter, daughter; and Carolee Youngblood, mother.

The Senate welcomed its guests.

**BIRTHDAY GREETINGS EXTENDED**

The President, on behalf of the Senate, extended birthday greetings to Senator Eltife.

**(Senator Eltife in Chair)**

**SENATE RESOLUTION 382**

Senator Williams offered the following resolution:

**SR 382**, Recognizing March 4 and 5, 2013, as Golden Triangle Days at the State Capitol.

WILLIAMS

NICHOLS

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Williams, joined by Senator Nichols, was recognized and introduced to the Senate a Golden Triangle Days delegation, accompanied by Jeff Branick, Jefferson County Judge; Carl Thibodeaux, Orange County Judge; Becky Ames, Beaumont Mayor; Jimmy Sims, Orange Mayor; and Deloris Prince, Port Arthur Mayor.

The Senate welcomed its guests.

**BIRTHDAY GREETINGS EXTENDED**

Senator Watson was recognized and, on behalf of the Senate, extended birthday greetings to Senator Rodríguez.

**SENATE RESOLUTION 344**

Senator Deuell offered the following resolution:

**SR 344**, Recognizing March 4, 2013, as Kaufman County Day at the State Capitol.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Deuell was recognized and introduced to the Senate a Kaufman County delegation, accompanied by Cody Frazier, Crandall Mayor; Darren Rozell, Forney Mayor; William Fortner, Kaufman Mayor; Hal Richards, Terrell Mayor; and Bruce Wood, Kaufman County Judge.

The Senate welcomed its guests.

**SENATE BILLS ON FIRST READING**

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

**SB 944** by Nelson

Relating to criminal history record checks for certain employees of facilities licensed by the Department of State Health Services.

To Committee on Health and Human Services.

**SB 945** by Nelson

Relating to the identification requirements of certain health care providers associated with a hospital.

To Committee on Health and Human Services.

**SENATE RESOLUTION 377**

Senator Deuell offered the following resolution:

**SR 377**, In memory of Mark Hasse.

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 Mark Hasse, the text of the resolution is printed at the end of today's *Senate Journal*.

Senator Deuell was recognized and introduced to the Senate Mike McLelland, Kaufman County District Attorney.

The Senate welcomed its guest and extended its sympathy.

**(President in Chair)**

**SENATE RESOLUTION 315**

Senator Birdwell offered the following resolution:

**SR 315**, In memory of Christopher Scott Kyle of Midlothian.

The resolution was read.

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

On motion of Senator Birdwell, **SR 315** was adopted by a rising vote of the Senate.

In honor of the memory of Christopher Scott Kyle, the text of the resolution is printed at the end of today's *Senate Journal*.

#### **ACKNOWLEDGMENT**

Senator Eltife was recognized and acknowledged the birth of Senator Williams' first grandchild, George Milton Williams.

#### **CO-AUTHOR OF SENATE BILL 28**

On motion of Senator Zaffirini, Senator Seliger will be shown as Co-author of **SB 28**.

#### **CO-AUTHOR OF SENATE BILL 170**

On motion of Senator West, Senator Hinojosa will be shown as Co-author of **SB 170**.

#### **CO-AUTHOR OF SENATE BILL 190**

On motion of Senator Huffman, Senator Campbell will be shown as Co-author of **SB 190**.

#### **CO-AUTHOR OF SENATE BILL 827**

On motion of Senator Whitmire, Senator Huffman will be shown as Co-author of **SB 827**.

#### **CO-AUTHORS OF SENATE JOINT RESOLUTION 8**

On motion of Senator Ellis, Senators Hinojosa, Uresti, and Van de Putte will be shown as Co-authors of **SJR 8**.

#### **RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

##### **Memorial Resolutions**

**SR 334** by Uresti and Van de Putte, In memory of Frank C. Stecklein of San Antonio.

**SR 340** by Hegar, In memory of Hilmar G. Moore of Richmond.

**SR 369** by Lucio, In memory of Jose Luis Montenegro, Jr., of San Juan.

**SR 371** by Lucio, In memory of Samuel Robert Sparks.

**SR 376** by Uresti, In memory of Karen Martinez of San Antonio.

**SR 380** by Ellis, In memory of Althea Lewis Renfro of Houston.

**SR 383** by Williams, In memory of Nancy Flake.

**SR 384** by Williams and Nichols, In memory of Whitson Etheridge of Conroe.

**SR 389** by Hinojosa, In memory of Christopher George Maloy Gelinás.

**SR 391** by Hinojosa, In memory of Eric Edmundo Farias of McAllen.

### **Welcome and Congratulatory Resolutions**

**SR 331** by Eltife, Congratulating Matthew Draeger of Paris for being named one of our state's top youth volunteers by the Prudential Spirit of Community Awards.

**SR 332** by Eltife, Congratulating Kelly Burnett of Texarkana for being named one of our state's top youth volunteers by the Prudential Spirit of Community Awards.

**SR 335** by Uresti, Congratulating Hector J. Cerna for being named 2012 Citizen of the Year by the Eagle Pass Chamber of Commerce.

**SR 337** by Birdwell, Welcoming the members of the Cleburne Chamber of Commerce and the Cleburne Tuesday Forum to the Capitol.

**SR 347** by Ellis, Commending SER-Niños Charter School on the occasion of the dedication of its new campus.

**SR 348** by Ellis, Recognizing Beatrice Lehman Green of Houston on the occasion of her 100th birthday.

**SR 349** by Watson, Recognizing Pat Crow of Austin on the occasion of her 70th birthday.

**SR 353** by Van de Putte, Commending Susan Stappenbeck for receiving the Presidential Employee Excellence Award from The University of Texas Health Science Center at San Antonio.

**SR 354** by Van de Putte, Commending Rebecca Smith for receiving the Presidential Employee Excellence Award from The University of Texas Health Science Center at San Antonio.

**SR 355** by Van de Putte, Commending Richard Ongkiko for receiving the Presidential Employee Excellence Award from The University of Texas Health Science Center at San Antonio.

**SR 356** by Van de Putte, Commending Gloria Matthews for receiving the Presidential Employee Excellence Award from The University of Texas Health Science Center at San Antonio.

**SR 357** by Van de Putte, Commending Rosanne Fohn for receiving the Presidential Employee Excellence Award from The University of Texas Health Science Center at San Antonio.

**SR 358** by Van de Putte, Commending Mark Soucy for receiving the Presidential Teaching Excellence Award from The University of Texas Health Science Center at San Antonio.

**SR 359** by Van de Putte, Commending Alan Sakaguchi for receiving the Presidential Teaching Excellence Award from The University of Texas Health Science Center at San Antonio.

**SR 360** by Van de Putte, Commending Ridley Ross for receiving the Presidential Teaching Excellence Award from The University of Texas Health Science Center at San Antonio.

**SR 361** by Van de Putte, Commending Alexandra Loffredo for receiving the Presidential Teaching Excellence Award from The University of Texas Health Science Center at San Antonio.

**SR 362** by Van de Putte, Commending Lily Dong for receiving the Presidential Teaching Excellence Award from The University of Texas Health Science Center at San Antonio.

**SR 363** by Van de Putte, Commending Gregory Anstead for receiving the Presidential Teaching Excellence Award from The University of Texas Health Science Center at San Antonio.

**SR 364** by Van de Putte, Commending Randal Robinson for receiving the Presidential Clinical Excellence Award from The University of Texas Health Science Center at San Antonio.

**SR 365** by Van de Putte, Commending Deborah Levine for receiving the Presidential Clinical Excellence Award from The University of Texas Health Science Center at San Antonio.

**SR 366** by Van de Putte, Commending Margaret Finley for receiving the Presidential Clinical Excellence Award from The University of Texas Health Science Center at San Antonio.

**SR 367** by Van de Putte, Commending Ken Hargreaves for receiving the Presidential Distinguished Senior Research Scholar Award from The University of Texas Health Science Center at San Antonio.

**SR 368** by Van de Putte, Commending Manjeet Rao for receiving the Presidential Distinguished Junior Research Scholar Award from The University of Texas Health Science Center at San Antonio.

**SR 370** by Lucio, Commending Reynaldo L. "Ray" Lopez of Brownsville on the occasion of his retirement.

**SR 374** by Ellis, Welcoming the delegation of citizens from the Republic of Azerbaijan to Texas.

**SR 375** by Uresti, Commending San Antonio Pets Alive! on the occasion of its first anniversary.

**SR 385** by Williams, Commending George Phydias Mitchell for his contributions to Texas A&M University.

**SR 386** by Campbell, Commending the sponsors and students of Youth Leadership New Braunfels.

**SR 390** by Hinojosa, Commending Gustavo "Gus" Barrera of Falfurrias for his legacy of public service.

**SR 392** by Hinojosa, Recognizing Mission City Manager Julio C. Cerda for his service to his community.



**SR 393** by Eltife, Commending the 2013 recipients of the Texas Medal of Arts Awards.

**SR 396** by Rodríguez, Commending Joella Methola of El Paso for receiving a 2013 Prudential Spirit of Community Award.

**SR 397** by Ellis, Commending Encourage, Empower, and Send Ministries for its work in the community.

**SR 398** by Lucio, Recognizing Incarnate Word Academy of Brownsville on the occasion of its 160th anniversary.

#### **Official Designation Resolutions**

**SR 255** by Davis and Birdwell, Recognizing March 6, 2013, as Mansfield Day at the State Capitol.

**SR 336** by Hancock and West, Recognizing March 6, 2013, as Grand Prairie Day at the State Capitol.

**SR 338** by Birdwell, Recognizing March 13, 2013, as West Day at the State Capitol.

**SR 341** by Hegar, Celebrating March 6, 2013, as Austin County Day at the State Capitol.

**SR 342** by Hegar, Recognizing March 5, 2013, as Matagorda County Day at the State Capitol.

**SR 343** by Hegar, Recognizing March 6, 2013, as Victoria County Day at the State Capitol.

**SR 346** by Uresti, Celebrating March 6, 2013, as Brewster County Day at the State Capitol.

**SR 381** by Birdwell, Celebrating March 5, 2013, as Hewitt Day at the State Capitol.

**SR 395** by Hegar, Celebrating March 4, 2013, as Hempstead Day at the State Capitol.

#### **ADJOURNMENT**

On motion of Senator Whitmire, the Senate at 3:09 p.m. adjourned, in honor of George Milton Williams, grandson of Senator Tommy Williams, and in memory of Mary Margaret Farabee, Mark Hasse, and Christopher Scott Kyle, until 11:00 a.m. tomorrow.

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#### **APPENDIX**

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#### **COMMITTEE REPORTS**

The following committee reports were received by the Secretary of the Senate in the order listed:

March 4, 2013

AGRICULTURE, RURAL AFFAIRS AND HOMELAND SECURITY — **SCR 6**,  
**SB 157**, **CSSB 166**

BUSINESS AND COMMERCE — **CSSB 259, SB 506, SB 529**

OPEN GOVERNMENT — **CSSB 176**

JURISPRUDENCE — **CSSB 330, CSSB 576, CSSB 353, CSSB 355**

INTERGOVERNMENTAL RELATIONS — **SB 382, SB 359, SB 351, SB 159, SB 193, SB 265, SB 273**

BUSINESS AND COMMERCE — **CSSB 499**

INTERGOVERNMENTAL RELATIONS — **CSSB 109**

BUSINESS AND COMMERCE — **CSSB 247**

INTERGOVERNMENTAL RELATIONS — **CSSB 194**

HEALTH AND HUMAN SERVICES — **CSSB 50, CSSB 53, CSSB 63, CSSB 64, CSSB 68, SB 126, SB 150, CSSB 227**

#### **RESOLUTIONS ENROLLED**

February 27, 2013

**SR 18, SR 53, SR 240, SR 278, SR 281, SR 293, SR 304, SR 305, SR 310, SR 321, SR 322, SR 323, SR 324, SR 325, SR 326, SR 327, SR 328, SR 329**

#### **SENT TO SECRETARY OF STATE**

February 28, 2013

**SCR 16**

**In Memory  
of  
Mark Hasse**

**Senate Resolution 377**

WHEREAS, The Senate of the State of Texas honors and commemorates the life of Mark Hasse, who died January 31, 2013; and

WHEREAS, Mark Hasse was born in Carbondale, Illinois, in 1955; he graduated from Thomas Jefferson High School in Dallas and earned a degree in history from Texas A&M University; he received a degree from Southern Methodist University School of Law in 1981; and

WHEREAS, Mark worked for the Dallas County District Attorney's office from 1982 to 1988 and rose to the position of felony chief for organized crime; he then entered the private practice of law, specializing in aviation law, family law, and criminal defense work; and

WHEREAS, Mr. Hasse moved his practice to Rockwall in 1992, and in 2010, he returned to criminal trial work as a member of the district attorney's office in Kaufman; he served as assistant district attorney and was particularly concerned with protecting victims of crime; and

WHEREAS, He was an enthusiastic aviator who had a commercial pilot's license and certifications to fly various types of aircraft, and he owned Intrepid Aircraft Sales, Incorporated, in Rockwall; and

WHEREAS, Mark Hasse was a man of courage, integrity, and generosity; he gave unselfishly to others and was noted for his love of animals, his story-telling ability, and his enthusiasm for living each day to the fullest; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby extend sincere condolences to the bereaved family of Mark Hasse; 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 Mark Hasse.

DEUELL

**In Memory**  
**of**  
**Christopher Scott Kyle**  
**Senate Resolution 315**

WHEREAS, The State of Texas and the entire nation are mourning the tragic loss of Christopher Scott Kyle of Midlothian, an American hero who died on February 2, 2013, at the age of 38; and

WHEREAS, Chris Kyle was born in Odessa on April 8, 1974, to Wayne and Deby Kyle; growing up on his parents' ranch, he enjoyed an active life; he learned marksmanship at an early age, hunting deer and pheasant, and when he was older, he challenged himself further as a professional bronco and bull rider; and

WHEREAS, After studying ranch and range management for two years at Tarleton State University and then working as a ranch hand, Mr. Kyle answered his nation's call to duty and joined the U.S. Navy in 1999; his skill and determination quickly led to his transfer to the SEALs, the navy's elite special operations force, where he prevailed throughout the team's strenuous selection process and was chosen to receive sniper training; and

WHEREAS, Throughout four combat tours, Mr. Kyle served with SEAL Team 3 in the thick of battle in such places as Ramadi, Fallujah, and Baghdad, and his exceptional ability as a marksman enabled him to save countless American lives and earned him legendary status as the most successful sniper in U.S. history; his outstanding record was recognized with two Silver Stars and five Bronze Stars with Valor, among many other decorations; following his combat deployments, he served as a chief instructor for training other navy snipers, and he wrote the first Navy SEAL sniper manual; and

WHEREAS, Chris Kyle retired from the navy in 2009 as a chief petty officer and returned to his family in Texas; his combat memoir, *American Sniper*, became a worldwide bestseller, with proceeds from the book going to the families of two fellow SEALs who were killed in battle; in addition, he cofounded Craft International, which trains military, police, and civilian security forces, and he also appeared on the NBC show *Stars Earn Stripes*; and

WHEREAS, More importantly, Mr. Kyle devoted himself to caring for his fellow veterans, and he helped found the FITCO Cares Foundation, which provides at-home fitness equipment to veterans recovering from the emotional and physical wounds of war; his commitment to the support of servicemen and servicewomen and their families was heartfelt, deep, and enduring; and

WHEREAS, Chris Kyle was an outstanding soldier, a humble patriot, a man of strong faith, and a loving husband, father, son, and brother; his generosity, good humor, and compassion encompassed not just those closest to him, but all those men and women who accept, as he did, both the sacrifice and the privilege of serving their nation; now, therefore, be it

RESOLVED, That the Senate of the 83rd Texas Legislature hereby pay tribute to the life of Christopher Scott Kyle and extend heartfelt condolences to the members of his family: to his wife, Taya, and their two children; to his parents, Wayne and Deby Kyle; to his brother, Jeff Kyle, his wife, Amy, and their two daughters; to his grandmothers, Joyce Kyle and Louise Mercer; to his parents-in-law, Kent and Kim Studebaker; to his sister-in-law, Ashley Purvis-Smith, her husband, Stewart, and their four children; and to his other relatives, friends, and many admirers across the Lone Star State and beyond; 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 Chris Kyle.

BIRDWELL



# SENATE JOURNAL

**EIGHTY-THIRD LEGISLATURE — REGULAR SESSION**

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**AUSTIN, TEXAS**

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**PROCEEDINGS**

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**TWENTY-SECOND DAY**

(Tuesday, March 5, 2013)

The Senate met at 11:08 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, 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 Jeff Gantz, First United Methodist Church, Bay City, offered the invocation as follows:

On behalf of these women and men who have been set aside to serve this great state, I ask for Your blessing this morning, O God. I pray for Your presence in their work here today and in the days to come. May You give them Your wisdom in the decisions they make, Your grace as they seek resolutions and compromises, Your creative vision as they help shape the future of a diverse people. Remind them this morning that what they are set aside to do is an awesome responsibility and also a wonderful gift of trust. As they work together, I also pray for Your blessing to extend beyond this room and to touch the lives of their families and support staff. Where there is sickness, bring Your healing, where there is brokenness, send Your spirit, and where there is confusion, shine Your light. And our response to Your blessings, O God, will be this: that we will offer the very best of ourselves to each other and to the work we do together. So, put us to service. Lead the way and we will follow with grateful hearts. 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.

## **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.

**SENATE RESOLUTION 410**

Senator Zaffirini offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Mexican and Spanish students who are enrolled at The University of Texas at Austin and welcome them on March 5, 2013, to the 12th annual reception honoring them at the Texas Senate; and

WHEREAS, Students from Mexico have studied at The University of Texas at Austin since 1940; the university and Mexico have historic ties due to shared academic endeavors, and the university's Graduate School of Business has developed joint degree programs with Mexican institutions; and

WHEREAS, In 1991, the Texas Legislature established a tuition assistance program to encourage students from Mexico with limited financial resources to study in our state, thus making Texas a responsive educational partner to Mexico; there are now 579 students from Mexico enrolled at the university; and

WHEREAS, Universities in Spain and The University of Texas have had ongoing relationships since before the 1980s; there are 40 students from Spain enrolled at The University of Texas; with 34 students from Texas studying in Mexico and 376 students from Texas studying in Spain, Spain is now the country of choice for University of Texas students studying abroad; and

WHEREAS, The generosity of BBVA Compass and their active participation in the university's community attest to their commitment to the university, and the school's distinguished record of educating Mexican and Spanish students is indicative of the successful collaboration between Texas and Mexico and Texas and Spain; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby commend BBVA Compass and the Mexican and Spanish students at The University of Texas at Austin for their special and unique contributions to the university and to our state; and, be it further

RESOLVED, That a copy of this Resolution be prepared as an expression of esteem from the Texas Senate.

**SR 410** was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Zaffirini was recognized and introduced to the Senate a delegation from The University of Texas, accompanied by Francisco Cigarroa, System Chancellor; Bill Powers, UT Austin President; Manolo Sánchez, President and CEO, BBVA Compass Bank; Omar Francisco Alatorre, student from Mexico; and Eduardo Fontan Alvarez, student from Spain.

The Senate welcomed its guests.



**RESOLUTION SIGNED**

The President announced the signing of the following enrolled resolution in the presence of the Senate: **SCR 19**.

**GUESTS PRESENTED**

Senator Williams was recognized and introduced to the Senate The Woodlands Christian Academy seventh-grade class.

The Senate welcomed its guests.

**SENATE RESOLUTION 394**

Senator Patrick offered the following resolution:

**SR 394**, Recognizing March 5, 2013, as KIPP Day at the State Capitol.

PATRICK  
VAN DE PUTTE

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Patrick, joined by Senator Van de Putte, was recognized and introduced to the Senate a Knowledge Is Power Program (KIPP) delegation.

The Senate welcomed its guests.

**PHYSICIAN OF THE DAY**

Senator Taylor was recognized and presented Dr. Michael Lyons of Webster as the Physician of the Day.

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

**SENATE RESOLUTION 279**

Senator Nelson offered the following resolution:

**SR 279**, Recognizing March of 2013 as Professional Social Work Month.

The resolution was again read.

The resolution was previously adopted on Monday, February 25, 2013.

**GUESTS PRESENTED**

Senator Nelson was recognized and introduced to the Senate a National Association of Social Workers delegation.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Hegar was recognized and introduced to the Senate a Port Aransas delegation.

The Senate welcomed its guests.

**SENATE RESOLUTION 265**

Senator Estes offered the following resolution:

**SR 265**, Recognizing March 4 and 5, 2013, as Collin County Days at the Capitol.

ESTES  
PAXTON

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Estes, joined by Senator Paxton, was recognized and introduced to the Senate a Collin County delegation, accompanied by Keith Self, County Judge, and Commissioners Matt Shaheen, Cheryl Williams, Chris Hill, and Duncan Webb.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Birdwell was recognized and introduced to the Senate a City of Cleburne delegation.

The Senate welcomed its guests.

**SENATE RESOLUTION 153**

Senator Rodríguez offered the following resolution:

**SR 153**, Recognizing the Roman Catholic Diocese of El Paso on the occasion of its 100th anniversary.

RODRÍGUEZ  
SELIGER  
URESTI

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Rodríguez was recognized and introduced to the Senate a Catholic Diocese of El Paso delegation, accompanied by Father Anthony C. Celino, Chancellor; Tracy Yellen, Foundation for the Diocese; and Deacon José Luis Sánchez, Saint Patrick Cathedral, El Paso.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Estes was recognized and introduced to the Senate a delegation of College Republicans of Texas-Tarleton Chapter.

The Senate welcomed its guests.

**SENATE RESOLUTION 350**

Senator Duncan offered the following resolution:

**SR 350**, Recognizing March 5, 2013, as Rolling Plains Day at the State Capitol.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Duncan was recognized and introduced to the Senate a City of Childress delegation, accompanied by Susan Leary, Chamber of Commerce and Main Street Program Director; Richard Decker, Childress County Commissioner; Jerry Jurado, Economic Development Corporation Board of Directors; Sharon Blackburn, City Councilmember; and Russell Graves, Economic Development Corporation Executive Director.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Hegar was recognized and introduced to the Senate a Lee County delegation and a Matagorda County delegation.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Birdwell was recognized and introduced to the Senate a Hewitt County delegation.

The Senate welcomed its guests.

**(Senator Eltife in Chair)****SENATE RESOLUTION 91**

Senator Schwertner offered the following resolution:

**SR 91**, Congratulating Willie Fritz of Sam Houston State University for being named the 2012 Liberty Mutual NCAA Division I Football Championship Subdivision Coach of the Year.

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 Sam Houston State University delegation, accompanied by Dana Gibson, President; Willie Fritz, Head Football Coach; and Bobby Williams, Athletics Director.

The Senate welcomed its guests.

**SENATE RESOLUTION 409**

Senator Lucio offered the following resolution:

**SR 409**, Recognizing the registered interior designers of Texas on the occasion of Interior Design Day at the State Capitol.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Lucio was recognized and introduced to the Senate a delegation of registered interior designers.

The Senate welcomed its guests.

**SENATE RESOLUTION 388**

Senator Hinojosa offered the following resolution:

**SR 388**, Recognizing March 5, 2013, as Coastal Bend Day at the State Capitol.

HINOJOSA  
HEGAR  
LUCIO  
ZAFFIRINI

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Hinojosa was recognized and introduced to the Senate a Coastal Bend Day delegation, accompanied by Nelda Martinez, Mayor of Corpus Christi; Loyd Neal, Nueces County Judge; Carol Scott, President, Corpus Christi ISD Board of Trustees; and Dee Hargis and Brian Murphy of Leadership Corpus Christi.

The Senate welcomed its guests.

**SENATE RESOLUTION 372**

Senator Lucio offered the following resolution:

**SR 372**, In memory of Leonard Joe Lozano.

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 Leonard Joe Lozano, the text of the resolution is printed at the end of today's *Senate Journal*.

Senator Lucio was recognized and introduced to the Senate family members of Leonard Lozano: Christina Guerra Lozano, Melina Treviño, Priscilla Lozano, Michelle Clark, and Morgan O'Hanlon.

The Senate welcomed its guests and extended its sympathy.

**HOUSE CONCURRENT RESOLUTION 66**

The Presiding Officer laid before the Senate the following resolution:

WHEREAS, Section 21.004(a), Government Code, provides: "At a convenient time at the commencement of each regular session of the legislature, the chief justice of the supreme court shall deliver a written or oral state of the judiciary message evaluating the accessibility of the courts to the citizens of the state and the future directions and needs of the courts of the state."; now, therefore, be it

RESOLVED by the 83rd Texas Legislature, Regular Session, That the Senate and House of Representatives of the State of Texas meet in Joint Session in the Hall of the House of Representatives for that purpose on Wednesday, March 6, 2013, at 11:00 a.m.; and, be it further

RESOLVED, That the Honorable Wallace B. Jefferson, Chief Justice of the Supreme Court of Texas, be, and is hereby, invited to address the Regular Session of the 83rd Legislature in Joint Session at that time.

WEST

**HCR 66** was read.

On motion of Senator West, the resolution was considered immediately and was adopted by the following vote: Yeas 30, Nays 0.

### NOMINATIONS RETURNED

Senator Hegar moved to grant the request of the Governor to return the following nominations:

Commissioner, Jefferson and Orange County Board of Pilot Commissioners: William Fred Scott, Jefferson County.

Commissioner, Public Utility Commission of Texas: Rolando Burgos Pablos, Bexar County.

Member, Texas Lottery Commission: Cynthia Tauss, Galveston County.

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

### CONCLUSION OF MORNING CALL

The Presiding Officer at 12:14 p.m. announced the conclusion of morning call.

(President in Chair)

### COMMITTEE SUBSTITUTE HOUSE BILL 10 ON SECOND READING

Senator Williams moved that the regular order of business be suspended and that **CSHB 10** be taken up for consideration at this time:

**CSHB 10**, Relating to making emergency supplemental appropriations and providing direction and transfer authority regarding certain appropriations.

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

The bill was read second time.

Senator Davis offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **CSHB 10** as follows:

SECTION 4 of the Committee Report for House Bill 10 is amended by adding a new Subsection (c) and amending the existing Subsection (c) on page \_\_, lines \_\_, to read as follows:

(c) Notwithstanding Rider 3 to the bill pattern of the appropriations to the Texas Education Agency in Chapter 1355 (H.B. 1), Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), the basic allotment for the Foundation School Program for the state fiscal year ending August 31, 2013, is \$4,867. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2013, the amount of \$400,000,000 is appropriated out of general revenue account number 0193, Foundation School, for the state fiscal year ending August 31, 2013, to the Texas Education Agency under Strategy A.1.1, FSP - Equalized Operations, as listed in Chapter 1355 (H.B. 1), Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), for the purpose of providing for the increase in the basic allotment.

(d) Notwithstanding Rider 3 to the bill pattern of the appropriations to the Texas Education Agency in Chapter 1355 (H.B. 1), Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), the sum certain appropriation to the Foundation School Program for the state fiscal year ending August 31, 2013, is increased by the amount of \$1,030,000,000 [~~630,000,000~~].

The amendment to **CSHB 10** was read.

Question—Shall Floor Amendment No. 1 to **CSHB 10** be adopted?

#### AT EASE

The President at 12:40 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

#### IN LEGISLATIVE SESSION

The President at 12:47 p.m. called the Senate to order as In Legislative Session.

Question—Shall Floor Amendment No. 1 to **CSHB 10** be adopted?

Senator Davis withdrew Floor Amendment No. 1.

**CSHB 10** was passed to third reading by the following vote: Yeas 30, Nays 0.

#### COMMITTEE SUBSTITUTE HOUSE BILL 10 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 **CSHB 10** be placed on its third reading and final passage.

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

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

#### SENATE BILL 758 ON SECOND READING

Senator Williams moved that the Constitutional 60-day Rule and the regular order of business be suspended and that **SB 758** be taken up for consideration at this time:

**SB 758**, Relating to the established schedule of payments from the foundation school fund of the yearly entitlement of certain school districts.

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

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

#### SENATE BILL 758 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 758** be placed on its third reading and final passage.

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

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

### **SENATE BILL 559 ON SECOND READING**

Senator Duncan moved that the Constitutional 60-day Rule, the regular order of business, and Senate Rule 5.14 be suspended and that **SB 559** be taken up for consideration at this time:

**SB 559**, Relating to the remittance dates of certain taxes and fees and the allocation dates of certain state money.

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

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

### **SENATE BILL 559 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 559** be placed on its third reading and final passage.

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

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

Judge, 36th Judicial District Court, Aransas, Bee, Live Oak, McMullen, and San Patricio Counties: Starr Boldrick Bauer, Bee County.

Members, Board of Directors, Central Colorado River Authority: Mathew Kemper Gaines, Coleman County; Herman Ira Law, Coleman County; Bruce Norris Pittard, Coleman County; Andrew Mark Young, Coleman County.

Members, Council on Cardiovascular Disease and Stroke: Paula Sela Gomez, Cameron County; Michael Murphy Hawkins, Bell County; Suzanne Scism Hildebrand, Bexar County; Floristene Johnson, Dallas County; Howard R. Marcus, Travis County; Cheryle Locke Pingel, Travis County; John Neal Rutledge, Travis County.

Members, Council on Sex Offender Treatment: Elsie Mae Allen, Tarrant County; Terri L. Bauer, Dallas County; Louis Gonzales, Williamson County.

Executive Commissioner, Health and Human Services Commission: Kyle Lee Janek, Travis County.

Inspector General, Health and Human Services Commission Office of Inspector General: Douglas Carl Wilson, Travis County.

Members, State Board for Educator Certification: Laurie Kuper Bricker, Harris County; Sandra Davis Bridges, Rockwall County; Dawn Carlisle Pearson Buckingham, Travis County; Jill Jolynn Harrison Druesedow, Haskell County.

Members, State Board of Examiners for Speech-Language Pathology and Audiology: Patricia Elaine Brannon, Bexar County; Vickie B. Dionne, Jefferson County; Sonya Nelda Salinas, Hidalgo County.

Members, State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments: Gary Allen Haun, Tom Green County; William Murdock McCrae, Bexar County; Jesus Fausto Rangel, Gregg County; Barbara Ann Willy, Fort Bend County.

Members, State Health Services Council: Jacinto Pablo Juarez, Webb County; William Terry Lovell, Dallas County; Jeffrey Alan Ross, Harris County; Maria Francisca Teran, El Paso County.

Members, Board of Directors, Sulphur River Basin Authority: Bradley Kyle Drake, Lamar County; Wallace Eugene Kraft, Lamar County.

Members, Texas Board of Professional Land Surveying: Jon Edwin Hodde, Washington County; William Edward Merten, Harris County.

Members, Texas State Board of Acupuncture Examiners: Rodrigo Ceballos, El Paso County; Allen D. Cline, Travis County; Raymond J. Graham, El Paso County; Jingyu Gu, Travis County; Karen Anne Siegel, Harris County; Rachelle L. Webb, Travis County.

Members, Board of Regents, Texas State University System: Charles E. Amato, Bexar County; Vernon Neal Reaser, Harris County; William Fred Scott, Jefferson 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.

### **MOTION TO ADJOURN**

On motion of Senator Whitmire and by unanimous consent, the Senate at 1:04 p.m. agreed to adjourn, in memory of Thomas J. Carbone and Leonard Joe Lozano, upon completion of the introduction of bills and resolutions on first reading, until 10:00 a.m. tomorrow.

### **SENATE BILLS AND RESOLUTIONS ON FIRST READING**

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

**SB 18** by Carona

Relating to the establishment of the Texas Property Insurance Program and the operation of the FAIR Plan Association and the Texas Windstorm Insurance Association.

To Committee on Business and Commerce.



**SB 19** by Carona

Relating to certain residential and other structures and mitigation of loss to those structures resulting from natural catastrophes; providing administrative and criminal penalties.

To Committee on Business and Commerce.

**SB 208** by Whitmire, Nichols

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.

To Committee on Business and Commerce.

**SB 790** by Rodríguez

Relating to administrative fees assessed when certain charges are dismissed.

To Committee on Transportation.

**SB 791** by Seliger

Relating to the regulation of low-level radioactive waste disposal facilities and radioactive substances.

To Committee on Natural Resources.

**SB 793** by Deuell

Relating to newborn hearing screening.

To Committee on Health and Human Services.

**SB 794** by Lucic

Relating to the development, hosting, and management of computer software for state agencies.

To Committee on Government Organization.

**SB 795** by Lucic

Relating to the composition and powers of a governing body in certain municipalities.

To Committee on Intergovernmental Relations.

**SB 796** by Lucic

Relating to a study on the use of technology and other methods to report, track, and prevent traffic violations and accidents.

To Committee on Transportation.

**SB 797** by Lucic

Relating to residency requirements for a hunting license.

To Committee on Natural Resources.

**SB 798** by Lucic

Relating to residency requirements for a hunting license.

To Committee on Natural Resources.

**SB 799** by Van de Putte

Relating to the operation of video gaming by authorized organizations and commercial operators that are licensed to conduct bingo or lease bingo premises; providing penalties; imposing fees.

To Committee on State Affairs.

**SB 800** by Van de Putte, Deuell

Relating to the disclosure of the calculation of out-of-network payments by the issuers of preferred provider benefit plans and by health maintenance organizations.

To Committee on State Affairs.

**SB 801** by Carona

Relating to security deposit requirements for certain insurance companies.

To Committee on Business and Commerce.

**SB 802** by Davis

Relating to the regulation of foundation repair contractors; providing penalties; authorizing fees.

To Committee on Business and Commerce.

**SB 803** by Davis

Relating to an exemption for certain persons who sell signs from the requirement to be licensed as an electrician.

To Committee on Business and Commerce.

**SB 804** by Carona

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.

To Committee on Business and Commerce.

**SB 805** by Carona

Relating to the regulation of banks, trust companies, and bank holding companies.

To Committee on Business and Commerce.

**SB 806** by Carona

Relating to the use of a credit or charge card by a state agency to make certain purchases.

To Committee on Government Organization.

**SB 807** by Deuell

Relating to the authority of the Department of State Health Services to admit certain nonresident tuberculosis patients to a state chest hospital.

To Committee on Health and Human Services.

**SB 808** by Nichols

Relating to county participation in a program for improvement of collection of court costs, fees, and fines imposed in criminal cases.

To Committee on Jurisprudence.

**SB 809** by Carona

Relating to Public Utility Commission of Texas consideration of the rates for certain equalization surcharges and emergency service fees.

To Committee on Business and Commerce.

**SB 810** by Nichols

Relating to a defense to prosecution of the offense of Medicaid fraud.

To Committee on Criminal Justice.

**SB 811** by Van de Putte

Relating to the continuation and duties of the Human Trafficking Prevention Task Force.

To Committee on Criminal Justice.

**SB 813** by Davis

Relating to benefit plan coverage for autism spectrum disorder.

To Committee on State Affairs.

**SB 814** by Davis

Relating to the collection and use of certain information by certain insurers; providing administrative penalties.

To Committee on Business and Commerce.

**SB 815** by Davis

Relating to the disconnection of electric or gas utility service.

To Committee on Business and Commerce.

**SB 816** by Hegar

Relating to the date by which a school district must complete a report of an initial evaluation of a student for special education services.

To Committee on Education.

**SB 817** by Hegar

Relating to certain requirements for political parties holding conventions and for officers of certain of those parties.

To Committee on State Affairs.

**SB 818** by Duncan

Relating to the official cotton growers boll weevil eradication foundation.

To Committee on Agriculture, Rural Affairs and Homeland Security.

**SB 819** by Duncan

Relating to the disposal of demolition waste from abandoned or nuisance buildings by certain local governments.

To Committee on Natural Resources.

**SB 820** by Williams

Relating to the management, breeding, and destruction of deer and to procedures regarding certain deer permits.

To Committee on Agriculture, Rural Affairs and Homeland Security.

**SB 821** by Schwertner

Relating to the prosecution of certain criminal offenses involving theft or involving fraud or other deceptive practices.

To Committee on Criminal Justice.

**SB 822** by Schwertner

Relating to the regulation of certain health care provider network contract arrangements.

To Committee on State Affairs.

**SB 823** by Carona

Relating to authorized acquisition and delinquency charges for certain consumer loans.

To Committee on Business and Commerce.

**SB 824** by Carona

Relating to the administrative fee authorized for certain consumer loans; changing the amount of the fee.

To Committee on Business and Commerce.

**SB 825** by Whitmire

Relating to disciplinary standards and procedures applicable to grievances alleging certain prosecutorial misconduct.

To Committee on Criminal Justice.

**SB 826** by Whitmire

Relating to the notification of a potential predator for civil commitment

To Committee on Criminal Justice.

**SB 827** by Whitmire

Relating to the fraudulent use of identifying information by certain sex offenders; providing criminal penalties.

To Committee on Criminal Justice.

**SB 828** by Van de Putte

Relating to the marketing of certain alcoholic beverages by manufacturers and their agents; providing for a permitting fee.

To Committee on Business and Commerce.

**SB 829** by Huffman

Relating to the initial use of certain property acquired for a public use.

To Committee on State Affairs.

**SB 830** by Schwertner

Relating to use of telemedicine in certain trauma facilities.

To Committee on Health and Human Services.

**SB 831** by Taylor

Relating to a list of mental health, substance abuse, and suicide prevention programs that may be selected for implementation by public schools.

To Committee on Education.

**SB 832** by Davis

Relating to training for school district liaisons who assist students in the conservatorship of the state with school enrollments and transfers.

To Committee on Education.

**SB 833** by Davis

Relating to the aggregation of data in the Public Education Information Management System (PEIMS) regarding public school students in foster care.

To Committee on Education.

**SB 834** by Estes

Relating to the confidentiality of certain grand juror information.  
To Committee on Criminal Justice.

**SB 835** by Lucio

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.  
To Committee on Finance.

**SB 836** by Hegar

Relating to the powers and duties of the Harris County Municipal Utility District No. 171; providing authority to impose a tax and issue bonds.  
To Committee on Intergovernmental Relations.

**SB 837** by Ellis

Relating to the authority of a municipality to require owners of real property to keep the property free of certain conditions.  
To Committee on Intergovernmental Relations.

**SB 838** by Birdwell

Relating to giving priority to United States citizens and permanent resident aliens in awarding state-funded student financial assistance.  
To Committee on Higher Education.

**SB 839** by Hancock

Relating to the provision of insurance coverage for certain portable electronic devices.  
To Committee on Business and Commerce.

**SB 840** by Hancock

Relating to certain promotional practices not considered to be prohibited discrimination, rebates, or inducements in insurance.  
To Committee on Business and Commerce.

**SB 841** by Hancock

Relating to certain authorized investments under the Insurance Code.  
To Committee on Business and Commerce.

**SB 842** by Hancock

Relating to authorizing the board of regents of The University of Texas System to acquire certain property in the city of Arlington.  
To Committee on Higher Education.

**SB 843** by Paxton

Relating to public access to boundary, financial, and tax rate information of certain political subdivisions.  
To Committee on Open Government.

**SB 844** by Ellis

Relating to unemployment compensation eligibility and chargebacks regarding certain persons who leave work to attend training.

To Committee on Economic Development.

**SB 845** by Carona

Relating to the use of e-mail and website technology by the Texas Department of Licensing and Regulation.

To Committee on Business and Commerce.

**SB 846** by Van de Putte

Relating to training, certification, and accreditation provided or regulated by the Texas Veterans Commission.

To Committee on Veteran Affairs and Military Installations.

**SB 847** by Carona

Relating to business entities and associations.

To Committee on Business and Commerce.

**SB 848** by Carona

Relating to assignment of rents to holders of certain security interests in real property.

To Committee on Business and Commerce.

**SB 849** by Carona

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.

To Committee on Business and Commerce.

**SB 850** by Taylor

Relating to the residual market for workers' compensation insurance in this state and to the operation, governance, and organization of the Texas Mutual Insurance Company.

To Committee on State Affairs.

**SB 851** by Taylor

Relating to a claim filing period and contractual limitations period in certain property insurance policies.

To Committee on Business and Commerce.

**SB 852** by Taylor

Relating to electronic availability of certain property and casualty insurance forms.

To Committee on Business and Commerce.

**SB 853** by Taylor

Relating to notice of a premium increase for certain health insurance policies.

To Committee on State Affairs.

**SB 854** by Van de Putte

Relating to the regulation of motor vehicle dealers, manufacturers, distributors, and representatives.

To Committee on Transportation.

**SB 855** by 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.

To Committee on Transportation.

**SB 856** by Rodríguez

Relating to the administration and management of elections and public information of the El Paso County Water Improvement District No. 1.

To Committee on Natural Resources.

**SB 857** by Seliger

Relating to the authority of the Texas Higher Education Coordinating Board regarding the initiation, consolidation, or elimination of a degree or certificate program offered by a public institution of higher education.

To Committee on Higher Education.

**SB 858** by Deuell

Relating to the number of classroom hours required in a handgun proficiency course that is taken to obtain a concealed handgun license.

To Committee on Criminal Justice.

**SB 859** by Deuell, Carona, Davis, Eltife, Hancock, Hinojosa, Nelson, Patrick, Paxton, Rodríguez, Schwertner, Seliger, Van de Putte, Watson

Relating to a sales and use tax exemption and a franchise tax credit related to certain research and development activities.

To Committee on Finance.

**SB 860** by Lucio

Relating to the provision of career and technology education courses in certain partnership programs to provide high school dropout recovery.

To Committee on Education.

**SB 861** by Davis

Relating to requiring certain notices to be posted on the premises of certain alcoholic beverage retailers.

To Committee on Business and Commerce.

**SB 862** by Taylor

Relating to the imposition of and a limitation on the sales tax imposed on certain vessels.

To Committee on Finance.

**SB 863** by Taylor

Relating to the creation of Pearland Municipal Management District No. 2; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

To Committee on Intergovernmental Relations.

**SB 864** by Campbell

Relating to a handgun proficiency course that is taken to obtain or renew a concealed handgun license.

To Committee on Criminal Justice.

**SB 865** by Hegar

Relating to the information required to be provided by a payor of proceeds from the sale of oil or gas from an oil or gas well to a payee.

To Committee on Natural Resources.

**SB 866** by Paxton

Relating to authorizing local governments to participate in statewide technology centers.

To Committee on Government Organization.

**SB 867** by Paxton

Relating to comprehensive performance reviews of certain special districts.

To Committee on Intergovernmental Relations.

**SB 868** by Eltife

Relating to the exclusion of certain flow-through payments related to petroleum and mineral interests in determining total revenue for purposes of the franchise tax.

To Committee on Finance.

**SB 869** by Van de Putte

Relating to the regulation of the practice of pharmacy; authorizing fees.

To Committee on Health and Human Services.

**SB 870** by Van de Putte

Relating to marketing items provided by manufacturers, wholesalers, and distributors of alcoholic beverages to retailers or consumers.

To Committee on Business and Commerce.

**SB 871** by Davis

Relating to the marketing and advertising of the veterans' assistance lottery game.

To Committee on Veteran Affairs and Military Installations.

**SB 872** by Deuell

Relating to county expenditures for certain health care services.

To Committee on Health and Human Services.

**SB 873** by Hegar

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.

To Committee on Natural Resources.

**SB 874** by Hegar

Relating to the operation of health care sharing ministries.

To Committee on State Affairs.

**SB 875** by Eltife

Relating to the purchase of plastic bulk merchandise containers by certain businesses; providing a civil penalty.

To Committee on Business and Commerce.



**SB 876** by Patrick

Relating to the discharge of a surety's liability on a bail bond in a criminal case.  
To Committee on Criminal Justice.

**SB 877** by Patrick

Relating to establishing the Citizens' Star of Texas Award.  
To Committee on Intergovernmental Relations.

**SB 878** by Patrick

Relating to criminal asset forfeiture, the disposition of proceeds and property from criminal asset forfeiture, and accountability for that disposition.  
To Committee on Criminal Justice.

**SB 879** by Ellis

Relating to the eligibility of certain persons for the supplemental nutrition assistance program.  
To Committee on Health and Human Services.

**SB 880** by Ellis

Relating to the expansion of eligibility for medical assistance to certain persons under the federal Patient Protection and Affordable Care Act.  
To Committee on Health and Human Services.

**SB 881** by Ellis

Relating to access to certain archaic information.  
To Committee on Open Government.

**SB 882** by Ellis

Relating to limitations on the percentage of money awarded by the Cancer Prevention and Research Institute of Texas for certain uses.  
To Committee on Health and Human Services.

**SB 883** by Van de Putte

Relating to promotional items provided by manufacturers, wholesalers, and distributors of alcoholic beverages to retailers.  
To Committee on Business and Commerce.

**SB 884** by West

Relating to certain criminal offenses for violations of the law regulating metal recycling entities.  
To Committee on Criminal Justice.

**SB 885** by Hincjosa

Relating to notice of utility rate increases.  
To Committee on Natural Resources.

**SB 886** by Uresti

Relating to extended foster care for certain young adults and the extended jurisdiction of a court in a suit affecting the parent-child relationship involving those young adults.  
To Committee on Health and Human Services.

**SB 887** by Uresti

Relating to certain correction instruments in the conveyance of real property.

To Committee on Intergovernmental Relations.

**SB 888** by Uresti

Relating to the initial inspection period for certain vehicles.

To Committee on Transportation.

**SB 889** by Uresti

Relating to the physician assistant board.

To Committee on Health and Human Services.

**SB 890** by Uresti

Relating to the creation of the Reeves County Groundwater Conservation District; providing authority to issue bonds; providing authority to impose fees, surcharges, and taxes.

To Committee on Natural Resources.

**SB 891** by Uresti

Relating to the creation of a county court at law in Atascosa County.

To Committee on Jurisprudence.

**SB 892** by Carona

Relating to the application of certain concealed handgun license laws to the attorney general and to assistant attorneys general, United States attorneys, assistant United States attorneys, and special assistant United States attorneys, and to the authority of those attorneys to carry certain weapons.

To Committee on Criminal Justice.

**SB 893** by Carona

Relating to certain conditions of, penalties for violating, or collection of information about protective orders issued in certain family violence, sexual assault or abuse, stalking, or trafficking cases.

To Committee on Criminal Justice.

**SB 895** by Davis, Ellis

Relating to access to records of a nonprofit organization supporting the Cancer Prevention and Research Institute of Texas under the public information law.

To Committee on Open Government.

**SB 896** by Estes, Birdwell, Hancock, Nelson

Relating to the administration and operation of the appellate judicial system for the Second Court of Appeals District.

To Committee on Jurisprudence.

**SB 897** by Estes

Relating to the offenses of interference with public duties, required obedience to the order or direction of a police officer, and assault, certain unsuccessful prosecutions therefor, and related civil liability of a governmental unit.

To Committee on State Affairs.

**SB 898** by Van de Putte

Relating to the mental health program for veterans.

To Committee on Veteran Affairs and Military Installations.

**SB 899** by Van de Putte

Relating to determination of the amount of certain child support obligations.

To Committee on Jurisprudence.

**SB 900** by Fraser

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.

To Committee on Natural Resources.

**SB 901** by Fraser

Relating to safety standards and practices applicable to the transportation by pipeline of certain substances.

To Committee on Natural Resources.

**SB 902** by Fraser

Relating to the operation, powers, and duties of certain water districts.

To Committee on Natural Resources.

**SB 903** by Van de Putte

Relating to display by certain alcoholic beverage manufacturers of branded promotional vehicles on a retailer's premises.

To Committee on Business and Commerce.

**SB 904** by Van de Putte

Relating to the adoption of certain voting procedures necessary to implement the federal Military and Overseas Voter Empowerment Act, including the modification of certain election deadlines.

To Committee on State Affairs.

**SB 905** by Van de Putte, Carona, Eltife

Relating to the sale of distilled spirits to ultimate consumers by the holder of a distiller's and rectifier's permit.

To Committee on Business and Commerce.

**SB 906** by Deuell

Relating to developmentally appropriate assessment of special education students.

To Committee on Education.

**SB 907** by Ellis

Relating to reporting requirements for employers that do not obtain or otherwise provide workers' compensation insurance coverage.

To Committee on State Affairs.

**SB 908** by Schwertner

Relating to a study regarding the fiscal effect of tax-exempt state property on school districts.

To Committee on Finance.

**SB 909** by Schwertner

Relating to the eligibility for service retirement annuities of certain elected officials convicted of certain crimes.

To Committee on State Affairs.

**SB 910** by Duncan

Relating to certain election practices and procedures.

To Committee on State Affairs.

**SB 911** by Rodríguez

Relating to decedents' estates.

To Committee on Jurisprudence.

**SB 912** by Lucio

Relating to birth records of adopted children.

To Committee on Jurisprudence.

**SB 913** by Lucio

Relating to the reexamination of an applicant for a professional counselor license.

To Committee on Health and Human Services.

**SB 914** by Lucio

Relating to a behavior improvement plan adopted for certain students with an individualized education program.

To Committee on Education.

**SB 915** by West

Relating to the automatic sealing in certain cases of juvenile records of adjudications of delinquent conduct or conduct indicating a need for supervision.

To Committee on Jurisprudence.

**SB 916** by Estes

Relating to quorums and meetings by teleconference of the Texas Bioenergy Policy Council and the Texas Bioenergy Research Committee.

To Committee on Open Government.

**SB 917** by Estes

Relating to the sale by the Brazos River Authority of certain property at Possum Kingdom Lake.

To Committee on Agriculture, Rural Affairs and Homeland Security.

**SB 918** by Estes

Relating to the sale by the Brazos River Authority and regulation of certain residential and commercial real property in the immediate vicinity of Possum Kingdom Lake.

To Committee on Agriculture, Rural Affairs and Homeland Security.

**SB 919** by Eltife

Relating to the shared work unemployment compensation program.

To Committee on Economic Development.

**SB 920** by Eltife

Relating to the requirement that an unemployed individual be actively seeking work to be eligible for unemployment compensation benefits.

To Committee on Economic Development.

**SB 921** by Deuell

Relating to the required completion date of a report concerning an initial evaluation of a student for purposes of special education services.

To Committee on Education.

**SCR 17** by Hinojosa

Urging Congress to restore the presumption of a service connection for Agent Orange exposure to United States Navy and United States Air Force veterans who served on the inland waterways, in the territorial waters, and in the airspace of the Republic of Vietnam and to institute a presumption of connection to employment for civilians exposed to Agent Orange in their workplaces.

To Committee on Veteran Affairs and Military Installations.

**SCR 18** by Hegar

Recognizing the annual Small Town Christmas celebration in the City of Bellville as the Official Small Town Christmas Event of Texas.

To Committee on Administration.

**SCR 20** by Estes

Designating the first week of May as Texas Bison Week for a 10-year period beginning in 2013.

To Committee on Agriculture, Rural Affairs and Homeland Security.

**SJR 37** by Van de Putte

Proposing a constitutional amendment authorizing the legislature to legalize the operation of video gaming in this state by persons and organizations licensed to conduct bingo or lease bingo premises and providing that federally recognized Indian tribes are not prohibited from conducting gaming on certain Indian lands.

To Committee on State Affairs.

**SJR 38** by Williams

Proposing a constitutional amendment providing for the creation of the state infrastructure fund and board to provide financial assistance for certain projects related to economic development infrastructure and for the transfer to the fund of money from the economic stabilization fund; making an appropriation.

To Committee on Finance.

**SJR 39** by Williams

Proposing a constitutional amendment providing for the creation of the new capacity fund and the dedication of certain state revenue to that fund.

To Committee on Finance.

**SJR 40** by Uresti

Proposing a constitutional amendment to authorize the Kickapoo Traditional Tribe of Texas to conduct gaming by executing a gaming agreement with this state.

To Committee on State Affairs.

**CO-AUTHORS OF SENATE BILL 28**

On motion of Senator Zaffirini, Senators Davis, Ellis, Lucio, and Watson will be shown as Co-authors of **SB 28**.

**CO-AUTHOR OF SENATE BILL 109**

On motion of Senator West, Senator Hinojosa will be shown as Co-author of **SB 109**.

**CO-AUTHOR OF SENATE BILL 330**

On motion of Senator Huffman, Senator West will be shown as Co-author of **SB 330**.

**CO-AUTHOR OF SENATE BILL 419**

On motion of Senator Zaffirini, Senator Watson will be shown as Co-author of **SB 419**.

**CO-AUTHOR OF SENATE BILL 441**

On motion of Senator Birdwell, Senator Schwertner will be shown as Co-author of **SB 441**.

**CO-AUTHOR OF SENATE BILL 785**

On motion of Senator Hinojosa, Senator Lucio will be shown as Co-author of **SB 785**.

**CO-AUTHOR OF SENATE BILL 860**

On motion of Senator Lucio, Senator Schwertner will be shown as Co-author of **SB 860**.

**CO-AUTHOR OF SENATE BILL 863**

On motion of Senator Taylor, Senator Ellis will be shown as Co-author of **SB 863**.

**CO-AUTHORS OF SENATE BILL 955**

On motion of Senator Schwertner, Senators Carona, Davis, Nichols, Watson, and Williams will be shown as Co-authors of **SB 955**.

**CO-AUTHORS OF SENATE CONCURRENT RESOLUTION 6**

On motion of Senator Estes, Senators Carona, Deuell, Paxton, Schwertner, Taylor, and Williams will be shown as Co-authors of **SCR 6**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**SR 400** by Davis, In memory of Joseph Wayne Julien of Benbrook.

**SR 401** by Davis, In memory of Clyde M. Magnuson, Sr., of Fort Worth.

**SR 402** by Davis, In memory of Raymond Phillip Peloubet, Jr.

**SR 403** by Davis, In memory of John P. Vittas.

**SR 405** by Davis, In memory of Herbert C. Sheppard.

**SR 406** by Lucic, In memory of Joe A. Hinojosa, Sr., of Brownsville.

**HCR 22** (Birdwell), In memory of Michael Gilles Purgason of Arlington.

### **Congratulatory Resolutions**

**SR 399** by West, Commending Ronnie A. Wilson for achieving the rank of Eagle Scout.

**SR 404** by Davis, Recognizing Matthew K. Rose for receiving the national 2013 Horatio Alger Award.

**SR 407** by Lucio, Commending Justin Edward Macmanus for achieving the rank of Eagle Scout.

**SR 408** by Lucio, Recognizing Alberto Kreimerman of McAllen, a recipient of the Neighborhood All-Star award, for his community leadership.

### **Official Designation Resolutions**

**SR 286** by Uresti, Celebrating March 6, 2013, as Dimmit County Day at the State Capitol.

**SR 411** by Huffman, Recognizing the Freeport Host Lions Club Fishing Fiesta Barbecue Cook-off as a Texas State Barbecue Championship competition.

**(Senator Watson in Chair)**

### **ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 1:24 p.m. adjourned, in memory of Thomas J. Carbone and Leonard Joe Lozano, until 10:00 a.m. tomorrow.

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## **APPENDIX**

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### **COMMITTEE REPORT**

The following committee report was received by the Secretary of the Senate:

March 5, 2013

**HEALTH AND HUMAN SERVICES — CSSB 7**

### **RESOLUTIONS ENROLLED**

March 4, 2013

**SCR 19, SR 255, SR 315, SR 330, SR 331, SR 332, SR 333, SR 334, SR 335, SR 336, SR 337, SR 338, SR 340, SR 341, SR 342, SR 343, SR 344, SR 346, SR 347, SR 348, SR 349, SR 353, SR 354, SR 355, SR 356, SR 357, SR 358, SR 359, SR 360, SR 361, SR 362, SR 363, SR 364, SR 365, SR 366, SR 367, SR 368, SR 369, SR 370, SR 371, SR 374, SR 375, SR 376, SR 377, SR 380,**

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**SR 381, SR 382, SR 383, SR 384, SR 385, SR 386, SR 389, SR 390, SR 391,  
SR 392, SR 393, SR 395, SR 396, SR 397, SR 398**

**SENT TO SECRETARY OF STATE**

March 5, 2013

**SCR 19**



**In Memory  
of  
Leonard Joe Lozano  
Senate Resolution 372**

WHEREAS, The Senate of the State of Texas honors and commemorates the life of Leonard Joe Lozano, who died September 27, 2012, at the age of 77; and

WHEREAS, Leonard Lozano was born April 19, 1935, in Poteet; he served his country with distinction in the United States Army as a member of the 82nd Airborne Division; and

WHEREAS, After his military service, he embarked on a long and distinguished career in law enforcement, beginning with a stint as an officer in the McAllen Police Department; he went on to serve with the Texas Alcoholic Beverage Commission during the notorious post-prohibition, bootlegging era; he was known as the most successful undercover agent in the commission's history; and

WHEREAS, He retired in 1993 after having risen through the ranks to become the first Hispanic director of the Texas Alcoholic Beverage Commission; throughout his life, he was a tireless supporter of education and fought to expand the limited educational opportunities for Hispanic students; and

WHEREAS, A man of courage, strength, and integrity, he gave generously to others, and his wisdom and his enthusiasm for living each day to the fullest will not be forgotten; and

WHEREAS, Leonard Lozano was a devoted husband, father, and grandfather, and he leaves behind memories that will be treasured forever by his family and many 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 Leonard Joe Lozano; 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 Leonard Joe Lozano.

LUCIO



# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**TWENTY-THIRD DAY**

(Wednesday, March 6, 2013)

The Senate met at 10:06 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, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Patrick, Paxton, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffrini.

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

Pastor Rusty Griffin, Christian City Fellowship, Sealy, offered the invocation as follows:

Our most gracious heavenly Father, I come to You on behalf of this great state for Senator Glenn Hegar, Lieutenant Governor David Dewhurst, Governor Rick Perry, and each and every elected and appointed official representing us on the state level as well as my home, Austin County, and the wonderful delegates with me from Judge Carolyn Bilski and the Commissioners to the Economic Development Council that is present. I come to You, Lord, and ask that You help this great state lead the way, that we would remain the best place to do business and an even better place to raise a family, that government would not restrain us, but free us. You temporarily provided for the children of Israel in the wilderness, but keep us from a wilderness mentality where breakfast, lunch, and dinner falls from the sky. Keep our eyes on You and Texas, a land that surely flows with milk and honey. Don't let us wonder around the same hill, to cover distance without taking ground. All the presence, power, and provision are no guarantee that we will ever come to the most important "P" which is purpose. Lord, grant us the promised land and the purpose to go and possess it. Give us the clarity to dream, the courage to do right, and the wisdom to know why. As we heap honor upon You, God, so will You honor us in return. You have even prepared a place for us called heaven. May we also prepare a place here for future generations of Texans. May we understand that life is not all about me, but everyone that is around me. Lord, may we remember that little mission called the Alamo and the people that gave their lives to give us opportunity. In Jesus' name I pray that the

Lone Star State not only be great but, Lord, help us to become exceptional. May we be and continue always to be a state of producers and not just a state of consumers. Bless this land, bless the people, and the Senate of the 83rd Legislature, and God bless 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.

### **PHYSICIAN OF THE DAY**

Senator Watson was recognized and presented Dr. Elliot Trester of Austin as the Physician of the Day.

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

### **SENATE RESOLUTION 133**

Senator Nichols offered the following resolution:

**SR 133**, Recognizing the Texas Forestry Association on the occasion of its seedling giveaway.

The resolution was again read.

The resolution was previously adopted on Wednesday, February 6, 2013.

### **GUESTS PRESENTED**

Senator Nichols was recognized and introduced to the Senate a Texas Forestry Association delegation.

The Senate welcomed its guests.

### **SENATE RESOLUTION 373**

Senator Lucio offered the following resolution:

**SR 373**, Recognizing March 6, 2013, as Harlingen Day at the State Capitol.

The resolution was read and was adopted without objection.

### **GUESTS PRESENTED**

Senator Lucio was recognized and introduced to the Senate a City of Harlingen delegation, accompanied by Chris Boswell, Mayor; Carlos Cuellar, Harlingen Area Chamber of Commerce; Manny Vela and Matt Stone, Valley Baptist Health System; and Brenda Ivory, Harlingen Medical Center.

The Senate welcomed its guests.

### **GUESTS PRESENTED**

Senator Hegar was recognized and introduced to the Senate a Victoria County delegation.

The Senate welcomed its guests.

**SENATE RESOLUTION 267**

Senator Hegar offered the following resolution:

**SR 267**, In memory of the life of James H. Calfee.

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

In honor of the memory of James H. Calfee, the text of the resolution is printed at the end of today's *Senate Journal*.

Senator Hegar was recognized and introduced to the Senate family members of James H. Calfee: Rosalie Bacica, Frances Arrington, Verna Yeamans, Carol Turner, and Debra Morris.

The Senate welcomed its guests and extended its sympathy.

**GUESTS PRESENTED**

Senator Taylor was recognized and introduced to the Senate a La Porte-Bayshore Chamber of Commerce delegation.

The Senate welcomed its guests.

**SENATE RESOLUTION 351**

Senator Duncan offered the following resolution:

**SR 351**, Recognizing March 6, 2013, as Wilbarger County and City of Vernon Day at the State Capitol.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Duncan was recognized and introduced to the Senate a Wilbarger County and City of Vernon Day delegation, accompanied by Dusty Johnston, President of Vernon College; Greg Tyra, Wilbarger County Judge; Jeff Bearden, Vernon Mayor; and Jim Gunn, Business Development Corporation of Vernon.

The Senate welcomed its guests.

**SENATE RESOLUTION 416**

Senator Uresti offered the following resolution:

**SR 416**, Recognizing District 19 Day and welcoming the Brewster, Atascosa, Dimmit, and Uvalde County delegations.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Uresti, joined by Senator Zaffirini, was recognized and introduced to the Senate a Senate District 19 delegation, accompanied by Diana Bautista, Atascosa County Judge; Francisco Ponce, Dimmit County Judge; and William R. Mitchell, Uvalde County Judge.

The Senate welcomed its guests.

**SENATE RESOLUTION 374**

Senator Ellis offered the following resolution:

**SR 374**, Welcoming the delegation of citizens from the Republic of Azerbaijan to Texas.

The resolution was again read.

The resolution was previously adopted on Monday, March 4, 2013.

**GUESTS PRESENTED**

Senator Ellis was recognized and introduced to the Senate an Azerbaijan delegation, accompanied by Ambassador Elin Suleymanov; Samad Seyidov, Chair of the Foreign Affairs Committee; Valeh Aleskerov, Speaker Pro Tempore; Konul Suleymanli, Embassy Second Secretary; Sevinj Fataliyeva, Deputy Chair, Foreign Affairs Committee; Asim Mollazade, Chair of the Democratic Reforms Party; Khalik Mammadov, Vice-president of the State Oil Company of Azerbaijan; and Sahiba Gafarova, Parliamentary Assembly of the Council of Europe.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Paxton was recognized and introduced to the Senate a Richardson delegation.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Hegar was recognized and introduced to the Senate an Austin County delegation.

The Senate welcomed its guests.

**SENATE RESOLUTION 336**

Senator Hancock offered the following resolution:

**SR 336**, Recognizing March 6, 2013, as Grand Prairie Day at the State Capitol.

HANCOCK  
WEST

The resolution was again read.

The resolution was previously adopted on Monday, March 4, 2013.

**GUESTS PRESENTED**

Senator Hancock was recognized and introduced to the Senate a City of Grand Prairie delegation.

The Senate welcomed its guests.

**SENATE RESOLUTION 352**

Senator Van de Putte offered the following resolution:

**SR 352**, Recognizing military veterans of Texas who have returned to school.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Van de Putte was recognized and introduced to the Senate a delegation of student veterans.

The Senate welcomed its guests.

**SENATE RESOLUTION 255**

Senator Davis offered the following resolution:

**SR 255**, Recognizing March 6, 2013, as Mansfield Day at the State Capitol.

DAVIS  
BIRDWELL

The resolution was again read.

The resolution was previously adopted on Monday, March 4, 2013.

**GUESTS PRESENTED**

Senator Davis, joined by Senator Birdwell, was recognized and introduced to the Senate a City of Mansfield delegation, accompanied by David Cook, Mayor; Larry Broseh, Mayor Pro Tempore; Clayton W. Chandler, City Manager; Jim Vaszauskas, Mansfield ISD Superintendent; and Dan Phillips, Mansfield Area Chamber of Commerce.

The Senate welcomed its guests.

**SENATE RESOLUTION 345**

Senator Huffman offered the following resolution:

**SR 345**, Recognizing the Greater Houston Women's Chamber of Commerce for its contributions to the community.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Huffman was recognized and introduced to the Senate a Greater Houston Women's Chamber of Commerce delegation.

The Senate welcomed its guests.

**SENATE RESOLUTION 412**

Senator West offered the following resolution:

**SR 412**, Recognizing March 6, 2013, as Young Professionals Day at the State Capitol.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator West was recognized and introduced to the Senate a Young Professionals Day delegation.

The Senate welcomed its guests.

**MOTION IN WRITING**

Senator West offered the following Motion In Writing:

I move that a committee of five members of the Senate be appointed by the President to escort the Chief Justice of the Texas Supreme Court to the Joint Session for the State of the Judiciary address today.

WEST

The Motion In Writing was read and was adopted without objection.

**ESCORT COMMITTEE APPOINTED**

In accordance with the provisions of **HCR 66**, the President announced the appointment of the following as a Committee to Escort Chief Justice Wallace B. Jefferson to the Joint Session: Senators West, Chair; Duncan, Estes, Schwertner, and Whitmire.

**SENATE CONCURRENT RESOLUTION 22**

The President laid before the Senate the following resolution:

WHEREAS, Section 17, Article III, Texas Constitution, provides that neither house of the legislature may adjourn for more than three days without the consent of the other house; now, therefore, be it

RESOLVED by the 83rd Legislature of the State of Texas, That each house grant the other permission to adjourn for more than three days during the period beginning on Wednesday, March 6, 2013, and ending on Monday, March 11, 2013.

WHITMIRE

**SCR 22** was read.

On motion of Senator Whitmire, the resolution was considered immediately and was adopted without objection.

**MOTION TO ADJOURN**

On motion of Senator Whitmire and by unanimous consent, the Senate at 11:07 a.m. agreed to adjourn, in memory of Jennifer Bobrick and James H. Calfee, upon conclusion of the Joint Session, until 2:00 p.m. Monday, March 11, 2013.

**JOINT SESSION**

(To hear the State of the Judiciary Address by the Honorable Wallace B. Jefferson, Chief Justice, Supreme Court of Texas)

The President announced the time had arrived for the Joint Session pursuant to the provisions of **HCR 66**.

The President of the Senate and the Senators present, escorted by the Secretary of the Senate and the Sergeant-at-Arms, proceeded to the Hall of the House of Representatives at 11:15 a.m.

The Honorable David Dewhurst was announced and, on invitation of the Speaker, occupied a seat at the Speaker's Rostrum.



The Senators were announced and were admitted and escorted to seats prepared for them along the aisle.

The Honorable Wallace B. Jefferson was announced and was escorted to the Speaker's Rostrum by Senators West, Chair; Duncan, Estes, Schwertner, and Whitmire on the part of the Senate, and Representatives Lewis, Chair; Moody, Carter, Herrero, and Riddle on the part of the House.

The Honorable David Dewhurst, President of the Senate, called the Senate to order and announced a quorum of the Senate present.

The Honorable Joe Straus, Speaker of the House of Representatives, called the House to order, announced a quorum of the House present, and stated the purpose of the Joint Session.

Speaker Straus introduced Rhonda Jefferson, wife of Chief Justice Wallace B. Jefferson.

The President introduced the Honorable Chief Justice Wallace B. Jefferson, who addressed the Joint Session as follows:

Governor Perry, Governor Dewhurst, Speaker Straus, Members of the Legislature, Presiding Judge Keller, and all of my judicial colleagues throughout Texas. This presentation is entitled "State of the Judiciary," but as I began to think about the message I would like to convey, it occurred to me that the challenges we face are much larger than whether our courts are funded adequately. The question is not how is the Judiciary? We must ask instead whether our system of justice is working for the people it has promised to serve. Do we have liberty and justice for all? Or have we come to accept liberty and justice only for some? So let's not limit our inquiry to whether the judiciary is healthy. Courts exist not to perpetuate the judicial branch for its own sake, but to ensure that the conflicts human beings encounter, whether criminal or civil, are adjudicated in a neutral forum, at an efficient price, producing fair outcomes.

#### *Basic Civil Legal Services*

For those who can afford legal services, we have a top-notch judicial system. Highly qualified lawyers help courts dispense justice fairly and efficiently. But that kind of representation is expensive. A larger swath of litigation exists in which the contestants lack wealth, insurance is absent, and public funding is not available. Some of our most essential rights—those involving families, homes, and livelihoods—are the least protected. Veterans languish for months before their disability, pension, and educational benefits arrive. As a result of the recent financial crisis, lower- and middle-income homeowners and tenants face foreclosure and eviction. Ever-increasing numbers of consumers and small businesses have filed for bankruptcy. And few can afford a lawyer to guide them through these crises. Nearly six million Texans qualify for legal aid. Yet our state's legal aid programs meet but 20% of the needs of indigent Texans, forcing many to go it alone in our courts. In South Texas, 2.6 million people qualify for legal

aid. That means that there are 21,000 potential clients for each lawyer employed by the region's main legal aid office. It is clear to me, then, that we must fund our state's legal aid programs. Fortunately, for our great state, it is clear to you, too. When we told you that the largest source of funding for these programs, interest on lawyers trust accounts, plummeted 75% in the last 5 years, you came to the rescue. The 81st Legislature appropriated \$20 million in general revenue for the 2010-2011 biennium. Even as the fiscal crisis hit Texas hard, the 82nd Legislature provided \$17.5 million for this biennium. And in this session, the House and Senate have indicated general-revenue funding will remain at these levels. On behalf of desperate Texans who have no other options, I thank you for your continued support of basic civil legal services. Without your assistance, the situation would be utterly hopeless. The legal profession is doing its part. Texas lawyers donate about 2.5 million hours of free legal services to the poor each year. In the Supreme Court, we have had tremendous success with a pro bono program that matches some of our pro se litigants with appellate lawyers who have donated their expertise to the cause of justice. More than 300 lawyers have signed up to participate, and we have referred dozens of cases to that program since 2007. Several of our intermediate appellate courts have adopted similar initiatives. But even if we were to require every Texas lawyer to represent at least one indigent client, we would serve less than 40% of the poor who seek help. We must do more, not to preserve the judiciary, but to keep the courthouse doors open for all of our neighbors.

#### *Indigent defense*

I have been talking about basic civil legal services. But on the 50-year anniversary of *Gideon v. Wainwright*, I cannot resist a few words about our criminal justice system. Gideon, charged with breaking and entering in Florida, asked for a lawyer; was denied counsel; and then was convicted. While in prison, he scrawled a petition on prison stationery, and asked the Supreme Court to reverse his conviction. In that famous case, the Court concluded unanimously that the Constitution guarantees a defendant the right to counsel in criminal proceedings. After retrial, with appointed counsel, Gideon was acquitted. And this brings up my second point. To sound Gideon's trumpet in Texas, we must insist that criminal defendants have qualified counsel who are equipped with the time and resources to mount a meaningful defense. Texas ranks 48th in per capita funding for indigent defense. As alarming as that figure sounds, it masks extraordinary improvements implemented here in just a few short years. The Texas Indigent Defense Commission, chaired by Presiding Judge Keller, has developed innovative programs to increase delivery of indigent defense services. With the Legislature's financial help, thousands more Texans now receive constitutionally guaranteed defense representation. A prime example is the Regional Public Defender Office for Capital Cases, headquartered in Lubbock. The pool of lawyers qualified to handle these complex cases is quite thin and, until recently, local communities had few resources to pay for these incredibly costly matters. This regional office,

servicing more than 155 counties, both ensures quality legal representation for the defendant and mitigates the expense a capital case inflicts on the county. The Harris County Public Defender office opened two years ago through a grant from the Indigent Defense Commission. Among other responsibilities, that office represents juvenile clients who are also victims of human trafficking. And Bell County developed a program, with assistance from the Commission, that provides specialized representation and legal support services to defendants who have mental health concerns. The most innovative project is happening right now in Comal County. The Commission gave the county a grant to fund a pilot project that will allow indigent defendants to select the qualified attorney of their choice, rather than receiving attorneys appointed by judges or court administrators. With this idea, new for the United States but standard practice in England and elsewhere, defense lawyers will be more directly aligned with the interests of their clients. Comal County will work with indigent defense experts to assess the current system and to recommend qualitative and quantitative improvements. A caveat. As with basic civil legal services, funding for indigent defense does not currently meet the demand. State funding through the Commission covers only 15 percent of the total indigent defense expenditures in Texas. For that reason, the Commission's appropriations request seeks to close the funding gap, providing relief to counties by sharing the costs of indigent defense equally with county government. We have seen the Commission's success in forging successful programs and partnerships with county governments. I encourage you to increase funding to the Commission so it can carry on this important work and ensure effective representation for all indigent defendants. A final, but important, word about our criminal justice system. If innocent people are rotting in prison for crimes they did not commit, we certainly have not achieved justice for all. Michael Morton's recent exoneration epitomizes the need to address the issue of wrongful convictions in Texas. He spent 25 years in prison, convicted of murdering his wife, until DNA evidence confirmed his innocence. In the last 25 years, 117 Texans have been exonerated. Forty-seven were cleared based on DNA testing, more than any other state. Wrongful convictions leave our citizens vulnerable, as actual perpetrators remain free. And they leave us with the distinct impression that we today suffer from a systemic deficit in our collective approach to the way we decide how to administer criminal justice. As in years past, I continue to recommend the creation of a commission to investigate each instance of exoneration, to assess the likelihood of wrongful convictions in future cases, and to establish statewide reforms. I appreciate the leadership of Senator Ellis and Representative McClendon in this area. I also appreciate the Legislature's support of the innocence projects at our state's four public law schools. Since 2006, the projects have helped identify and overturn ten wrongful convictions in our state. In many of these cases, the same investigation that cleared an innocent person also identified the actual perpetrator.

*Pro Se Litigants*

I have spoken about the indigent. But there is a dark secret that plagues our justice system as a whole. We in the judiciary must bring this secret to light. The sad fact is that the middle class and small businesses find our system unworkable and unaffordable. They believe there are too many unnecessary lawsuits, coupled with incessant legal wrangling that drags out cases. And they feel that even if they are entitled to a remedy for a legal wrong, they cannot afford the fees a lawyer quotes for vindication. It is time for us to do our part to answer these concerns, because if the remedy is unaffordable, justice is denied. Eligibility for legal aid is generally capped at 125% of federal poverty guidelines. A family of four with an income of \$30,000 does not qualify. After that family pays for shelter, sustenance, and the other necessities of daily life, it cannot possibly afford a lawyer for the most basic legal necessities of life. The most generous legal aid programs limit eligibility to those within 200% of federal poverty levels, meaning that a four-person household with income over \$46,100 does not qualify. Statutory rights to counsel generally apply only to the indigent, as do most pro bono efforts. Increasingly, litigants are representing themselves, because they have no real alternative. We have more lawyers in America than at any time in our history. In 1960, there was one lawyer for every 627 people in the United States. Today, there is one for every 252. Isn't it ironic that as litigants are increasingly forced to represent themselves, law school graduates cannot find jobs? I believe that we have to shift our thinking. Access to justice is about more than giving a poor person a lawyer. An accessible justice system requires that even broader segments of our society be able to use it, including those that are forced to navigate the judicial system alone. Our remedies must be expansive and creative. We must change the way we do business in our courts to meet the needs of all citizens and businesses while at the same time improving customer service, increasing transparency, and investing in technology to decrease costs and increase efficiency. We must develop a judicial climate in which people who lack money to hire a lawyer have a reasonable chance to vindicate their rights. To address this, the Supreme Court recently approved forms that litigants may use when seeking an uncontested divorce involving no children and no real property. Forty-eight states have court-approved family-law forms. Of the thirty-seven states that have forms for divorce proceedings, all have reported a positive impact on the overall efficiency of those cases. I commend the efforts of the Real Estate, Probate and Trust Law Section and Appellate Section of the State Bar, both of which have undertaken similar forms efforts in their respective specialties. Through the promulgation of procedural rules, we can reduce the expense and delay of litigation while simultaneously protecting the rights of litigants. At the Legislature's direction, the Supreme Court recently adopted rules to simplify proceedings in cases involving claims for monetary relief of less than \$100,000. Discovery is limited; the cases are expedited. Now, a case that is vital to the success of a small business owner can actually be tried, to

a verdict. A remedy for a legal injury—even for the individual who cannot afford to pay a lawyer \$500 an hour. The Supreme Court also adopted a rule allowing trial courts to dismiss cases that have no basis in law or fact. The net result is that cases that have no business in the courts will be shown the door, expediting relief for litigants who are subject to frivolous suits. Finally, we are working on rules to simplify and consolidate small claims cases in our justice courts. These rules will be comprehensible for citizens who are representing themselves in Court, and ensure the fair, expeditious, and inexpensive resolution of their cases.

### *E-filing*

One of the more intractable barriers to justice is antiquity. Our courts operate much like they did in 1891, with paper, stamps on paper, cabinets for paper, staples, storage, shredding of paper. To paraphrase, the era of big paper is over. We must modernize the courts so that the people can swiftly find case information, instructions for how to resolve their disputes, even videos demonstrating proper court protocol. Since 2007, all of the Supreme Court's arguments are webcast. And a new case management system, designed by the Office of Court Administration and now used by the Supreme Court and ten of the 14 intermediate appellate courts, has increased the speed with which we decide cases. The effect? The child from a broken home is returned to normalcy faster, the building tied up in litigation can finally be sold. Responsible investment in technology saves money and promotes efficiency. If paper is dead, what will take its place? In December, the Supreme Court mandated electronic filing in civil cases by attorneys in appellate, district, county, and statutory probate courts on a rolling schedule, beginning next year. The Court's order requires the use of one uniform, statewide e-filing system overseen by the Office of Court Administration. With e-filing, document storage expenses for court clerks decrease. Staff that formerly spent time sorting and file-stamping paper can be assigned to higher-skilled tasks. Important court documents are less likely to be damaged or lost. Attorneys can file their pleadings across the state without the need to master various filing systems. And litigants can more quickly access documents online. But e-filing currently requires litigants to pay a fee each and every time a document is filed. Those expenses add up quickly, even if only a few documents are filed in a case. This week Senator West and Senator Duncan filed SB 1146 and Representative Hunter and Representative Senfronia Thompson filed HB 2302 to address this problem. These bills decrease the cost of e-filing by shifting from a per-document fee to a one-time fee, paid at the beginning of each case. If these bills are passed, the per-case cost to e-file will be less than the per-document cost to e-file now. I commend and support efforts like these to lower the cost of litigation in our state, a key to ensuring access to our judicial system.

### *Juvenile Justice*

Now, if antiquity is the root of our paper problem, modernity is the curse of our juvenile justice system. In modern times, we have elected to give our children tickets for the kind of misbehavior that, in the old days, landed you and me in the principal's office. Class C misdemeanor tickets for "disruptive" school conduct. The child must appear in court to answer the charges. She has no right to counsel and no guarantee that her record will be sealed. Cash-strapped families forego representation, often with devastating consequences, like arrest warrants and criminal records. An estimated 300,000 misdemeanor tickets are issued in our state's schools each year. We are criminalizing our children for non-violent offenses. Students receiving these tickets are stigmatized. They often miss class or drop out of school altogether. We must keep our children in school, and out of our courts, to give them the opportunity to follow a path of success, not a path towards prison. Senator Whitmire leads in this area, not just in Texas, but nationally. He and Senator West have joined forces this session to address some of these issues. They both understand that we must work together—legislators, judges, educators, law enforcement officers, and others—to address misbehavior in our schools, promote good behavior, maintain the safety of our students, increase graduation rates, decrease students' exposure to the court system, refer students to proper community and mental-health resources when needed, and apply these policies consistently across schools and student bodies.

### *Guardianship*

After "liberty and justice for all," one of the most revered phrases I know is "honor thy father and mother." I am incredibly fortunate to have both my mother and father here with me today, and two of my siblings, Leah and Lamont, who love and care for them in San Antonio. But for each member of the greatest generation that has the tender care of family, there is an elderly citizen for whom Texas provides few protections from abuse. The population over age 65 in this state will increase by almost 50% by 2020 and will more than double by 2040. Many of those individuals will need help managing their affairs—some through the appointment of a guardian. But Texas currently has only 368 state-certified guardians who handle only 5,000 of the 40,000 pending guardianships. Families, friends, and attorneys serve as guardians in the remaining cases. Only ten of our 254 counties have probate courts with resources to adequately prevent abuse. An exploding elderly population will stress the guardianship system. We must begin to address these issues and prepare. For this reason, I am today announcing the creation of a special committee of the Texas Judicial Council whose sole mission will be to honor our mothers and fathers. The committee will make recommendations to ensure their safety and financial security, and I hope you will all support the effort.

### *Conclusion*

We must provide legal aid for the poor, modernize our system for the middle class, build a sane disciplinary regime for our children, protect our parents. We should do one more thing. Discard our broken system in which judges of enormous talent are removed from office not for ineptitude, but only because they happen to be a member of the wrong political party when partisan winds shift. All of these reforms are encompassed in the judiciary's obligation to provide access to justice. That phrase is often thought of in terms of providing legal services to the poor. It is that, to be sure, but an accessible justice system requires that even broader segments of our society be able to utilize it. Viewed this way, our remedies must be more expansive as well. Just as no single defect created the barriers, there is no unitary solution. So we must marshal all of our forces. On February 24, 1836, Texas forces were under siege from the Mexican army at the battle of the Alamo. William Barret Travis, the commander of the Texian soldiers, sent a desperate plea for help. Addressed to "the People of Texas & All Americans in the World," he asked "in the name of Liberty, of patriotism & everything dear to the American character, to come to our aid, with all dispatch." He vowed never to surrender or retreat, promising "victory or death." His fate was sealed March 6th, exactly 177 years ago. We are at a crossroads 177 years later. Addressing the challenges in our justice system requires a fundamental shift in thinking. Our courts are the final line of protection for individual rights. They provide access to justice, protect us from abuses of power by corporations or the government; they protect our most basic constitutional rights. But the courts must, themselves, reform. We need to change the way we do business to better meet the needs of citizens and employers across our state. That's why we are investing in technology to save taxpayers money and to provide better customer service to those who come to us for justice. My presentation today is not a State of the Judiciary. It is a call to arms. "[I]n the name of Liberty, of patriotism & everything dear to the American character," Commander Travis urged Texans to act with dispatch. Today, let's marshal our forces to confront our challenges so that we can better serve the people. We may not win the entire battle today. But, as we Texans like to say, remember the Alamo!

*(Note: Prepared text)*

### **REMARKS ORDERED PRINTED**

On motion of Senator West and by unanimous consent, the remarks by Chief Justice Wallace B. Jefferson were ordered reduced to writing and printed in the *Senate Journal*.

### **INTERPRETER FOR THE DEAF**

The interpretation of the proceedings of the Joint Session was provided by Billy Collins.

**HOUSE AT EASE**

Speaker Straus at 11:49 a.m. stated the purpose for which the Joint Session was held having been completed, the House, pursuant to a previously adopted motion, would stand At Ease pending the departure of its guests.

**CO-AUTHOR OF SENATE BILL 149**

On motion of Senator Nelson, Senator Eltife will be shown as Co-author of **SB 149**.

**CO-AUTHOR OF SENATE BILL 303**

On motion of Senator Deuell, Senator Lucio will be shown as Co-author of **SB 303**.

**CO-AUTHOR OF SENATE BILL 448**

On motion of Senator Fraser, Senator Birdwell will be shown as Co-author of **SB 448**.

**CO-AUTHOR OF SENATE BILL 515**

On motion of Senator Eltife, Senator Campbell will be shown as Co-author of **SB 515**.

**CO-AUTHOR OF SENATE BILL 516**

On motion of Senator Eltife, Senator Campbell will be shown as Co-author of **SB 516**.

**CO-AUTHOR OF SENATE BILL 517**

On motion of Senator Eltife, Senator Campbell will be shown as Co-author of **SB 517**.

**CO-AUTHOR OF SENATE BILL 518**

On motion of Senator Eltife, Senator Campbell will be shown as Co-author of **SB 518**.

**CO-AUTHOR OF SENATE BILL 639**

On motion of Senator Carona, Senator Watson will be shown as Co-author of **SB 639**.

**CO-AUTHORS OF SENATE BILL 955**

On motion of Senator Schwertner, Senators Ellis and Hancock will be shown as Co-authors of **SB 955**.

**CO-AUTHORS OF SENATE JOINT RESOLUTION 8**

On motion of Senator Ellis, Senators Lucio and Zaffirini will be shown as Co-authors of **SJR 8**.

**CO-AUTHOR OF SENATE RESOLUTION 417**

On motion of Senator Uresti, Senator Zaffirini will be shown as Co-author of **SR 417**.



**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolution**

**SR 414** by Davis, In memory of Glynis Renee Rhodes-Brown of Fort Worth.

**Welcome Resolution**

**SR 415** by Hegar, Welcoming the citizens of Wharton County to the State Capitol.

**Official Designation Resolutions**

**SR 387** by Carona, Observing March 6, 2013, as Commercial Real Estate Day.

**SR 417** by Uresti, Recognizing March 6, 2013, as Atascosa County Day at the State Capitol.

**SR 418** by Ellis, Recognizing the 2013 Frontier Fiesta BBQ Cook-Off as a Texas State Barbecue Championship competition.

**ADJOURNMENT**

The President at 11:49 a.m. stated the purpose for which the Joint Session was held having been completed, the Senate, pursuant to a previously adopted motion, adjourned, in memory of Jennifer Bobrick and James H. Calfee, until 2:00 p.m. Monday, March 11, 2013.

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**APPENDIX**

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**COMMITTEE REPORTS**

The following committee reports were received by the Secretary of the Senate in the order listed:

March 6, 2013

BUSINESS AND COMMERCE — **SB 631, SB 652, SB 699, SB 618, SB 562, SB 540**

EDUCATION — **SB 185**

BUSINESS AND COMMERCE — **CSSB 232, CSSB 512, CSSB 642, CSSB 661**

NATURAL RESOURCES — **SB 589, SB 447, SB 702, SB 683**

**BILLS ENGROSSED**

March 5, 2013

**SB 559, SB 758**

**RESOLUTIONS ENROLLED**March 5, 2013

**SR 153, SR 265, SR 286, SR 350, SR 372, SR 388, SR 394, SR 399, SR 400,  
SR 401, SR 402, SR 403, SR 404, SR 405, SR 406, SR 407, SR 408, SR 409,  
SR 410, SR 411**

**In Memory**  
**of**  
**James H. Calfee**  
**Senate Resolution 267**

WHEREAS, The Senate of the State of Texas honors and commemorates the life of United States Air Force Master Sergeant James H. Calfee, who died March 11, 1968, while bravely serving his country in the Vietnam War; and

WHEREAS, A native of Newgulf, Master Sergeant Calfee was one of a select number of highly skilled individuals of the 1st Combat Evaluation Group chosen to staff a top secret radar installation on a mountaintop in Laos known as Lima Site 85; he had specifically requested deployment to this dangerous mission and had to receive a special medical waiver to be able to participate; and

WHEREAS, The installation soon came under fire from North Vietnamese troops; Master Sergeant Calfee played an important role in training the detachment, most of whom were technicians rather than combat soldiers, in the use of the M-16 rifles they were supplied; and

WHEREAS, On the morning of March 11, 1968, North Vietnamese troops launched a concerted attack on the facility; despite being gravely wounded, Master Sergeant Calfee continued to engage the enemy, and thanks to his efforts, some of the other men were able to reach safety; for his valor and his courage under fire, he was posthumously awarded a Bronze Star with Valor device, which, when further details of the raid were established, was upgraded to a Silver Star; and

WHEREAS, Master Sergeant Calfee gave his last full measure of devotion in service to his country, and he joins the long line of courageous men and women whose selfless courage and strength have left an indelible mark on the world; it is truly fitting that this patriot who fought so bravely in defense of our nation's safety, security, and ideals be recognized for his heroism and devotion to duty; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby pay tribute to the life and legacy of United States Air Force Master Sergeant James H. Calfee and commemorate his posthumous receipt of the Silver Star; and, be it further

RESOLVED, That a copy of this Resolution be prepared for his family as an expression of gratitude and appreciation for his service, and that when the Senate adjourns this day, it do so in memory of Master Sergeant James H. Calfee.

HEGAR



# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**TWENTY-FOURTH DAY**

(Monday, March 11, 2013)

The Senate met at 2:05 p.m. pursuant to adjournment and was called to order by President Pro Tempore Van de Putte.

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 Pro Tempore announced that a quorum of the Senate was present.

Dr. Ken Baldwin, Kinney Avenue Christian Fellowship, Austin, offered the invocation as follows:

Our Father, who art in heaven, examine our thoughts; we are each an open book to You anyway. When there is a vote up or down, You know what each is thinking even before the vote is cast and even when someone casts a vote in our absence. You watch us when we are traveling and how we live at home. You know everything we do. You go before us and follow us. You shaped us each, first inside and then outside, from our conception in our mother's womb. Thank You for making each so wonderfully complex. Your workmanship is marvelous, how well we know it. You watched us being formed in utter seclusion as each was woven together in the dark of the womb. Every day of our life was recorded in Your book. Every moment was laid out. We pray, therefore, that all the thoughts and work of this great body of leadership be guided by these truths, and that all decisions made will seek to bring precious life to the citizens of the great State of 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.

**NOTICE FROM THE GOVERNOR**

The following notice from the Governor was read:

In the name and by the authority of the State of Texas, THIS IS TO CERTIFY that at a special election runoff held on Saturday, March 2, 2013, Sylvia R. Garcia was duly elected State Senator, District 6.

IN TESTIMONY WHEREOF, I have hereto signed my name and have officially caused the Seal of the State of Texas to be affixed at my Office in the City of Austin, Texas, this the 11th day of March, 2013.

(Seal)

/s/ Rick Perry  
Governor

Attest: /s/ Coby Shorter, III  
Deputy Secretary of State

**ACKNOWLEDGMENT**

The President Pro Tempore acknowledged the presence of newly elected Senator Sylvia Garcia.

The Senate welcomed Senator Garcia, and she briefly addressed the Senate.

**MESSAGE FROM THE LIEUTENANT GOVERNOR**

The following Message from the Lieutenant Governor was read and was filed with the Secretary of the Senate:

Pursuant to Senate Rule 11.02, I hereby appoint Senator Garcia to serve on the following Senate Standing Committees:

Government Organization  
Intergovernmental Relations  
Jurisprudence  
Nominations

DEWHURST

**PHYSICIAN OF THE DAY**

Senator Watson was recognized and presented Dr. Tamarah Duperval-Brownlee of Georgetown as the Physician of the Day.

The Senate welcomed Dr. Duperval-Brownlee and thanked her for her participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

**GUESTS PRESENTED**

Senator Fraser was recognized and introduced to the Senate Girl Scout Troop 85.

The Senate welcomed its guests.

**MESSAGES FROM THE GOVERNOR**

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

March 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 Texas Woman's University Board of Regents for terms to expire February 1, 2019:

Anna Maria Farias

Brownsville, Texas

(replacing P. Mike McCullough of Dallas whose term expired)

Nancy P. Paup

Fort Worth, Texas

(replacing Cecilia Moreno of Laredo whose term expired)

George R. Schrader

Dallas, Texas

(Mr. Schrader is being reappointed)

Respectfully submitted,

/s/Rick Perry

Governor

March 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 a member of the Texas Facilities Commission for a term to expire January 31, 2019:

Michael J. Novak

San Antonio, Texas

Mr. Novak is being reappointed.

To be a member of the Jefferson and Orange County Board of Pilot Commissioners for a term to expire August 22, 2013:

James Scott

Nederland, Texas

Mr. Scott is replacing William Scott of Nederland who resigned.

To be a member of the Texas Workforce Commission for a term to expire February 1, 2015:

Esperanza "Hope" Andrade  
Boerne, Texas

Secretary Andrade is replacing Thomas Pauken of Dallas who resigned.

To be members of the Commission on Human Rights for terms to expire February 1, 2019:

Thomas M. Anderson  
Richmond, Texas

Danny L. Osterhout  
Andrews, Texas

The individuals listed above are being reappointed.

Respectfully submitted,

/s/Rick Perry  
Governor

### MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Monday, March 11, 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 48** Branch  
In memory of George Pierce Cullum, Jr., of Dallas.

**HCR 52** Sheffield, Ralph  
In memory of Texas State Representative Ken Legler.

**HCR 67** Rodriguez, Eddie  
Recognizing March 2013 as Child Nutrition Month.

**SCR 22** Whitmire Sponsor: Isaac  
Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, March 6, 2013, and ending on Monday, March 11, 2013.

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 1724** by Patrick, Birdwell, Campbell, Hegar, Lucio, Paxton, Taylor  
Relating to high school graduation requirements, including end-of-course assessment instruments.

To Committee on Education.

**SESSION TO CONSIDER EXECUTIVE APPOINTMENTS**

The President Pro Tempore announced the time had arrived to consider executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given Tuesday, March 5, 2013, by Senator Hegar.

Senator Hegar moved confirmation of the nominees reported by the Committee on Nominations.

The President Pro Tempore 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.

Judge, 36th Judicial District Court, Aransas, Bee, Live Oak, McMullen, and San Patricio Counties: Starr Boldrick Bauer, Bee County.

Members, Board of Directors, Central Colorado River Authority: Mathew Kemper Gaines, Coleman County; Herman Ira Law, Coleman County; Bruce Norris Pittard, Coleman County; Andrew Mark Young, Coleman County.

Members, Council on Cardiovascular Disease and Stroke: Paula Sela Gomez, Cameron County; Michael Murphy Hawkins, Bell County; Suzanne Scism Hildebrand, Bexar County; Floristene Johnson, Dallas County; Howard R. Marcus, Travis County; Cheryle Locke Pingel, Travis County; John Neal Rutledge, Travis County.

Members, Council on Sex Offender Treatment: Elsie Mae Allen, Tarrant County; Terri L. Bauer, Dallas County; Louis Gonzales, Williamson County.

Executive Commissioner, Health and Human Services Commission: Kyle Lee Janek, Travis County.

Inspector General, Health and Human Services Commission Office of Inspector General: Douglas Carl Wilson, Travis County.

Members, State Board for Educator Certification: Laurie Kuper Bricker, Harris County; Sandra Davis Bridges, Rockwall County; Dawn Carlisle Pearson Buckingham, Travis County; Jill Jolynn Harrison Druessedow, Haskell County.

Members, State Board of Examiners for Speech-Language Pathology and Audiology: Patricia Elaine Brannon, Bexar County; Vickie B. Dionne, Jefferson County; Sonya Nelda Salinas, Hidalgo County.

Members, State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments: Gary Allen Haun, Tom Green County; William Murdock McCrae, Bexar County; Jesus Fausto Rangel, Gregg County; Barbara Ann Willy, Fort Bend County.

Members, State Health Services Council: Jacinto Pablo Juarez, Webb County; William Terry Lovell, Dallas County; Jeffrey Alan Ross, Harris County; Maria Francisca Teran, El Paso County.

Members, Board of Directors, Sulphur River Basin Authority: Bradley Kyle Drake, Lamar County; Wallace Eugene Kraft, Lamar County.

Members, Texas Board of Professional Land Surveying: Jon Edwin Hodde, Washington County; William Edward Merten, Harris County.

Members, Texas State Board of Acupuncture Examiners: Rodrigo Ceballos, El Paso County; Allen D. Cline, Travis County; Raymond J. Graham, El Paso County; Jingyu Gu, Travis County; Karen Anne Siegel, Harris County; Rachelle L. Webb, Travis County.

Members, Board of Regents, Texas State University System: Charles E. Amato, Bexar County; Vernon Neal Reaser, Harris County; William Fred Scott, Jefferson County.

#### AT EASE

The President Pro Tempore at 2:24 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

#### IN LEGISLATIVE SESSION

President Pro Tempore Van de Putte at 2:34 p.m. called the Senate to order as In Legislative Session.

#### HOUSE CONCURRENT RESOLUTION 52

The President Pro Tempore laid before the Senate the following resolution:

**HCR 52**, In memory of Texas State Representative Ken Legler.

TAYLOR

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

In honor of the memory of Ken Legler, the text of the resolution is printed at the end of today's *Senate Journal*.

Senator Taylor was recognized and introduced to the Senate family and friends of Ken Legler: Barbara Legler, Kip Legler, Krystina Legler, Tammie Nielsen, and Keith Nielsen.

The Senate welcomed its guests and extended its sympathy.

#### GUESTS PRESENTED

Senator West was recognized and introduced to the Senate participants in The Omega Sparks Youth Organization.

Senator West also introduced to the Senate Victoria Lennox, recipient of the Texas High School Mock Trial Outstanding Advocate Award, and her mother, Robin Davis.

The Senate welcomed its guests.

#### **ACKNOWLEDGMENT**

Senator Nelson was recognized and congratulated Yash Patel of Carrollton for his SAT score.

#### **GUESTS PRESENTED**

The President Pro Tempore introduced to the Senate students, Garrett Waits and Tess Waits.

The Senate welcomed its guests.

#### **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 Nominations 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 **SB 1724** tomorrow.

#### **CO-AUTHOR OF SENATE BILL 99**

On motion of Senator Patrick, Senator Davis will be shown as Co-author of **SB 99**.

#### **CO-AUTHOR OF SENATE BILL 459**

On motion of Senator Rodríguez, Senator Zaffirini will be shown as Co-author of **SB 459**.

#### **CO-AUTHOR OF SENATE BILL 589**

On motion of Senator Hegar, Senator Van de Putte will be shown as Co-author of **SB 589**.

#### **CO-AUTHOR OF SENATE BILL 635**

On motion of Senator Duncan, Senator Deuell will be shown as Co-author of **SB 635**.

#### **CO-AUTHOR OF SENATE BILL 860**

On motion of Senator Lucio, Senator Birdwell will be shown as Co-author of **SB 860**.

#### **CO-AUTHOR OF SENATE BILL 896**

On motion of Senator Estes, Senator Davis will be shown as Co-author of **SB 896**.

**CO-AUTHOR OF SENATE BILL 964**

On motion of Senator Williams, Senator Taylor will be shown as Co-author of **SB 964**.

**CO-AUTHOR OF SENATE BILL 987**

On motion of Senator Hegar, Senator Campbell will be shown as Co-author of **SB 987**.

**CO-AUTHOR OF SENATE BILL 1119**

On motion of Senator West, Senator Huffman will be shown as Co-author of **SB 1119**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**SR 422** by Van de Putte, In memory of Ruth Cowie Buerkle.

**SR 431** by Van de Putte, In memory of Edward Ancira Calderon of San Antonio.

**SR 435** by Davis, In memory of Pamela Jeanne Rogers of Fort Worth.

**Congratulatory Resolutions**

**SR 421** by Hegar, Recognizing Earl Ross Pence on the occasion of his retirement from the Giddings Police Department.

**SR 425** by Watson, Congratulating Adela Garcia of Austin for winning her seventh title as Ms. Fitness Olympia.

**SR 426** by Watson, Recognizing Joe Pulido on the occasion of his retirement from the Texas Lottery Commission.

**SR 427** by Schwertner, Congratulating the Mexia High School Lady Cats basketball team for winning a state championship title.

**SR 428** by Schwertner, Congratulating the Centerville High School Lady Tigers basketball team for advancing to the state tournament semifinals.

**SR 429** by Schwertner, Congratulating the Georgetown High School Lady Eagles basketball team for winning a state championship title.

**SR 430** by Campbell, Recognizing the citizens of Comal County on the occasion of the restoration and rededication of the Comal County Courthouse.

**SR 432** by Davis, Recognizing Mike Berry on the occasion of his induction into the North Texas Commercial Real Estate Hall of Fame.

**SR 434** by Davis, Congratulating Lillie Biggins for being honored by the Fort Worth Metropolitan Black Chamber of Commerce.

**SR 436** by Rodríguez, Recognizing Tony Harper for his 45-year career as a high school coach.

**SR 439** by Campbell, Recognizing William Alloway of New Braunfels on the occasion of his 102nd birthday.

**SR 440** by Campbell, Recognizing Tessye B. Maurer of Bulverde on the occasion of her 89th birthday.

**SR 441** by Seliger, Recognizing Roy Dale and MaryBeth Messer on the occasion of their 25th wedding anniversary.

**SR 442** by Schwertner, Congratulating Valerie Covey of Williamson County for receiving the Road Hand Award from the Texas Department of Transportation.

#### **Official Designation Resolutions**

**SR 438** by Campbell, Recognizing March 12, 2013, as TURF Day at the State Capitol.

**SR 443** by Carona, Recognizing March 13, 2013, as Responsible Pet Owners Alliance Lobby Day at the Capitol.

#### **ADJOURNMENT**

On motion of Senator Whitmire, the Senate at 3:00 p.m. adjourned, in memory of Adrienne McFarland and the Honorable Ken Legler, until 11:00 a.m. tomorrow.

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#### **APPENDIX**

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#### **COMMITTEE REPORTS**

The following committee reports were received by the Secretary of the Senate in the order listed:

March 11, 2013

TRANSPORTATION — **SB 165, SB 223, SB 274, SB 276, SB 466, SB 510, CSSB 139**

JURISPRUDENCE — **SB 714, SB 677, SB 394, CSSB 717**

HIGHER EDUCATION — **SB 31, SB 497, CSSB 24, CSSB 120, CSSB 498**

NATURAL RESOURCES — **CSSB 291, CSSB 198, CSSB 595, CSSB 347**

ADMINISTRATION — **SCR 1, SCR 12, SCR 13**

#### **RESOLUTIONS ENROLLED**

March 6, 2013

**SR 267, SR 345, SR 351, SR 352, SR 373, SR 387, SR 412, SR 414, SR 415, SR 416, SR 417, SR 418**

**In Memory**

**of**

**Ken Legler**

**House Concurrent Resolution 52**

WHEREAS, The untimely passing of State Representative Ken Legler on June 1, 2012, at the age of 54, brought a profound loss to the community of Pasadena and to the Lone Star State; and

WHEREAS, Born in Houston on December 27, 1957, Ken Legler was the son of Clarence and Shirley Legler; he attended Pasadena public schools and began his career with Houston Wire Works right out of high school, rising to become president of the firm; he and his wife, Barbara, bought the company in 2001 and went on to expand its operations abroad; and

WHEREAS, Representative Legler first won election to the Texas House in November 2008 and served the residents of District 144 with tremendous diligence and dedication; he shared his expertise as a member of both the Environmental Regulation and Pensions, Investments, and Financial Services Committees; with his sunny disposition, he brightened the days of his colleagues at the Capitol, and his wonderful sense of humor diffused tensions at stressful times; he even dressed as Colonel Sanders at the end of the 82nd Legislative Session to bring some welcome levity to the proceedings; and

WHEREAS, This dynamic Texan was a district staff officer and state liaison for the United States Coast Guard Auxiliary 8th Coastal Region, and he mentored and supervised state liaison officers in five states; he received a Coast Guard Unit Commendation for operations excellence in 2010; and

WHEREAS, Before joining the legislature, Representative Legler served by gubernatorial appointment as a member of the Texas Commission on Environmental Quality Advisory Board for Small Business; he also chaired the Federal Environmental Protection Agency National Advisory Board, and he was a member of the boards of the Texas Association of Business and the National Federation of Independent Business; in addition, he served on the boards of the local chamber of commerce and of area economic development organizations; committed to the youth of Pasadena, he coached boys' and girls' sports and gave generously of his time and talents as commissioner of teen baseball; moreover, he was a valued member of Zion Lutheran Church; and

WHEREAS, A devoted family man, Representative Legler shared a fulfilling marriage of 34 years with Barbara Legler, who was elected to finish his term in the Texas House; he was the proud father of three children, Joseph, Krystina, and Kathryn, and the devoted grandfather of Brendan, Tucker, and Olivia; and

WHEREAS, Ken Legler made a lasting, positive difference through his outstanding leadership in business and in civic life, and he is remembered with deepest respect and affection by all who were privileged to know him; now, therefore, be it

RESOLVED, That the 83rd Legislature of the State of Texas hereby pay tribute to the memory of the Honorable Ken Legler and extend sincere sympathy to the members of his family: to his wife, former state representative Barbara Legler; to his children, Joseph Legler and his wife, Victoria, Krystina Legler, and Kathryn Cruz and her husband, Shelby; to his grandchildren, Brendan, Tucker, and Olivia; to his brothers, Kip Legler and his wife, Linda, and Kim Legler; and to his many other relatives and friends; and, be it further

RESOLVED, That an official copy of this resolution be prepared for the members of his family and that when the Texas House of Representatives and Senate adjourn this day, they do so in memory of the Honorable Ken Legler.

TAYLOR





# SENATE JOURNAL

**EIGHTY-THIRD LEGISLATURE — REGULAR SESSION**

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**AUSTIN, TEXAS**

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**PROCEEDINGS**

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**TWENTY-FIFTH DAY**

(Tuesday, March 12, 2013)

The Senate met at 11:06 a.m. pursuant to adjournment and was called to order by President Pro Tempore Van de Putte.

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 Pro Tempore announced that a quorum of the Senate was present.

The Reverend G. V. Clark, Mount Zion Baptist Church, Austin, offered the invocation as follows:

O gracious God, we humbly beseech You for the people of Texas in general but especially for our Senate during the opening and continuing of this 83rd Legislature. You, O God, the fountain of wisdom, bless and guide these our lawmakers that they may so ordain for our governance such things that are good for the welfare of the peoples they represent and serve and that peace and happiness, truth and justice be established among us for all generations. We humbly pray to the glory of Thy name through Jesus, Thy son. 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 ATTORNEY GENERAL**

The following Message from the Attorney General was read and was referred to the Committee on Nominations:

**ATTORNEY GENERAL OF TEXAS**

Greg Abbott

March 12, 2013

The Honorable Patsy Spaw  
Secretary of the Texas Senate  
Texas State Capitol

Room 2E.22  
1200 Congress Avenue  
Austin, Texas 78701

Madam Secretary and Members of the Senate Nominations Committee:

The Office of the Attorney General of Texas has made the following reappointment which requires the advice and consent of the Senate:

To the School Land Board of Texas:

Mr. David Herrmann  
6 Renwick Court  
San Antonio, Texas 78218

Appointments to the School Land Board by the Attorney General are governed by Section 32.012(a)(3) of the Texas Natural Resources Code. In March 2013, I reappointed Mr. Herrmann for a two-year term that will expire on August 31, 2015.

Should you have any questions regarding this reappointment please contact Amy Jones in my Intergovernmental Relations Division at (512) 936-7940. The advice, consent, and confirmation of the Senate is requested for this reappointment.

Sincerely,

/s/ Greg Abbott  
Attorney General of Texas

#### **GUESTS PRESENTED**

Senator Lucio was recognized and introduced to the Senate his family: Minnie, his wife; Lynda Cisneros, his daughter; Representative Eddie Lucio, his son; and his grandchildren, Carlos, Alejandro, Anna Lynda, and Olivia Rose.

The Senate welcomed its guests.

#### **PHYSICIAN OF THE DAY**

Senator Campbell was recognized and presented Dr. Beverly Nuckols of New Braunfels as the Physician of the Day.

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

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

The President Pro Tempore 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 314**

Senator Birdwell offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Robert Griffin III for his many outstanding achievements; and

WHEREAS, Robert is the quarterback of the Washington Redskins of the National Football League; he was the second overall pick of the 2012 draft after a stellar career at Baylor University that saw him set or tie 54 school records; and

WHEREAS, He was named the winner of the 2011 Heisman Trophy, given annually to the most outstanding player in college football; he led the 2011 Bears to a record of 10-3 and the school's first bowl victory in 19 years, and he was a consensus all-American and the Big 12 Offensive Player of the Year; and

WHEREAS, Blessed with a combination of speed, arm strength and passing accuracy, and a cerebral approach to the game, he has continued to be successful in the National Football League, leading the Washington Redskins to a playoff berth as a rookie; and

WHEREAS, Robert is respected and admired by fans, teammates, and opponents alike; he handles himself with great dignity and is a wonderful role model, and it is truly fitting that he be recognized for his accomplishments; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby commend Robert Griffin III on his exemplary accomplishments 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 him as an expression of esteem from the Texas Senate.

**SR 314** was read and was adopted without objection.

#### **GUESTS PRESENTED**

Senator Birdwell, joined by Senators Paxton, Schwertner, Taylor, Watson, Fraser, Campbell, and West, was recognized and introduced to the Senate Robert Griffin III, Jacqueline Griffin, Rebecca Liddicoat, Jihan Griffin, Ken Starr, Ian McCaw, Don Willett, and Tommye Lou Davis.

The Senate welcomed its guests.

#### **SENATE RESOLUTION 446**

Senator Lucio offered the following resolution:

**SR 446**, In memory of Israel M. Nájera of Brownsville.

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 Israel M. Nájera, the text of the resolution is printed at the end of today's *Senate Journal*.

Senator Lucio was recognized and introduced to the Senate family members of Israel M. Nájera: Israel Nájera, Jr., Dorina Nájera, Desi Nájera, Carmen Nájera, and Desi Nájera, Jr.

The Senate welcomed its guests and extended its sympathy.

**(President in Chair)**

### RESOLUTIONS SIGNED

The President announced the signing of the following enrolled resolutions in the presence of the Senate: **SCR 22, HCR 22, HCR 52, HCR 66.**

#### SENATE RESOLUTION 444

Senator Davis offered the following resolution:

**SR 444**, Recognizing the Pantego Youth Leadership Council for its contributions to the North Texas community.

The resolution was read and was adopted without objection.

#### GUESTS PRESENTED

Senator Davis was recognized and introduced to the Senate a Pantego Youth Leadership Council delegation, accompanied by Nick Perez, Monica Bravo, Becky Fields, Hannah Lei, and Aubrey Parent.

The Senate welcomed its guests.

#### GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate Selissa Gonzales and Juan Gonzales, serving today as Honorary Senate Pages.

The Senate welcomed its guests.

#### SENATE RESOLUTION 420

Senator Deuell offered the following resolution:

**SR 420**, Recognizing March 12, 2013, as Balch Springs Day at the State Capitol.

The resolution was read and was adopted without objection.

#### GUESTS PRESENTED

Senator Deuell was recognized and introduced to the Senate a Balch Springs delegation, accompanied by Carrie Gordon, Mayor; Wanda Adams, Councilmember; Ed Morris, City Manager and Chief of Police; John Hubbard, Economic Development Corporation and Assistant City Manager; and Charles Fenner, Public Works Director and Assistant City Manager.

The Senate welcomed its guests.

#### SENATE RESOLUTION 339

Senator Birdwell offered the following resolution:

**SR 339**, Recognizing the Bob Bullock Scholars Program of Baylor University.

|          |          |
|----------|----------|
| BIRDWELL | WATSON   |
| CARONA   | WEST     |
| NELSON   | WHITMIRE |
| SELIGER  | WILLIAMS |

The resolution was read and was adopted without objection.

### GUESTS PRESENTED

Senator Birdwell, joined by Senators Carona, Nelson, Seliger, Watson, West, Whitmire, and Williams, was recognized and introduced to the Senate Bullock Scholars: Brooke Alger, Christopher Clark, Hannah Corning, Elizabeth Desselle, Jordan Jarreau, Stephen Leland, Kristin Smart, and Lauren Young, accompanied by Dr. James Curry.

The Senate welcomed its guests.

### SENATE RESOLUTION 438

Senator Campbell offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Texans Uniting for Reform and Freedom, whose members have come to Austin on March 12, 2013, to celebrate TURF Day at the State Capitol; and

WHEREAS, The mission of Texans Uniting for Reform and Freedom is to defend the property rights of Texans and the freedom of Texans to travel; and

WHEREAS, Texans Uniting for Reform and Freedom is a nonprofit organization whose goal is to educate the public on transportation issues, in particular those related to tolls and the funding of our highway infrastructure; and

WHEREAS, Texans Uniting for Reform and Freedom is a grassroots group of citizens active in government and united in pursuit of transportation solutions that are fiscally solvent and respectful of property rights even as they serve the public good; and

WHEREAS, Texans Uniting for Reform and Freedom works to provide comprehensive information and address concerns about the state's financing of toll roads and potential tolling of corridors; and

WHEREAS, Texans Uniting for Reform and Freedom has been crucial in bringing public awareness to concerns related to comprehensive development agreements and the Trans-Texas Corridor; and

WHEREAS, Texans Uniting for Reform and Freedom champions the taxpayer's right to transparency and accountability of state government agencies; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby recognize March 12, 2013, as TURF Day at the Capitol and call on all Texans to actively engage in the political process; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of this special day.

**SR 438** was again read.

The resolution was previously adopted on Monday, March 11, 2013.

### GUESTS PRESENTED

Senator Campbell was recognized and introduced to the Senate a Texans Uniting for Reform and Freedom delegation, accompanied by Terri Hall.

The Senate welcomed its guests.

**SENATE RESOLUTION 419**

Senator Deuell offered the following resolution:

**SR 419**, In memory of Karen E. Gray of Balch Springs.

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 Karen E. Gray, the text of the resolution is printed at the end of today's *Senate Journal*.

**CONCLUSION OF MORNING CALL**

The President at 12:20 p.m. announced the conclusion of morning call.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Tuesday, March 12, 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 10** Davis, Sarah  
Congratulating Robert Griffin III on winning the 2011 Heisman Trophy.

**HCR 83** Springer  
Designating the Shamrock St. Patrick's Day Celebration as the official St. Patrick's Day Celebration for the State of Texas.

THE HOUSE HAS CONCURRED IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

**HB 10** (148 Yeas, 0 Nays, 1 Present, not voting)

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**COMMITTEE SUBSTITUTE  
SENATE BILL 247 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 247** at this time on its second reading:

**CSSB 247**, Relating to the transfer of an ad valorem tax lien; providing an administrative penalty.

The bill was read second time.

Senator Carona offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 247** (Senate committee report) as follows:

(1) In SECTION 8 of the bill, in the recital (page 3, line 13), between "(a-8)," and "and (I)", insert "(a-9)".

(2) In SECTION 8 of the bill, in added Section 32.06(a-8), Tax Code (page 4, lines 24-25), strike "if the real property has been financed" and substitute "if the real property:

(1) has been financed".

(3) In SECTION 8 of the bill, in added Section 32.06(a-8), Tax Code (page 4, line 27), strike "of the grant or loan." and substitute "of the grant or loan; or

(2) is encumbered by a lien recorded under Subchapter A, Chapter 214, Local Government Code."

(4) In SECTION 8 of the bill, in added Section 32.06(a-8), Tax Code (page 4, line 28), before "The Finance", insert "(a-9)".

(5) In SECTION 8 of the bill, in added Section 32.06(a-8), Tax Code (page 4, lines 28-29), strike "this subsection." and insert "Subsection (a-8)."

The amendment to **CSSB 247** 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 247** 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 247 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 247** 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)**

**COMMITTEE SUBSTITUTE  
SENATE BILL 227 ON SECOND READING**

Senator Williams moved to suspend the regular order of business to take up for consideration **CSSB 227** at this time on its second reading:

**CSSB 227**, Relating to the dispensing of aesthetic pharmaceuticals by physicians and therapeutic optometrists; imposing fees.

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.

Senator Van de Putte offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 227**, in SECTION 1 of the bill, in added Section 116.004, Occupations Code (senate committee report page 2, lines 4-8), by striking the first sentence of the added section and substituting the following:

The Texas Medical Board and the Texas State Board of Pharmacy shall jointly adopt rules for physicians, and the Texas Optometry Board and the Texas State Board of Pharmacy shall jointly adopt rules for therapeutic optometrists, to govern the packaging, labeling, and dispensing of aesthetic pharmaceuticals under this chapter.

The amendment to **CSSB 227** 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 bill as amended.

**CSSB 227** 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, Schwertner.

**COMMITTEE SUBSTITUTE  
SENATE BILL 227 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 227** 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, Nelson, Nichols, Patrick, Paxton, Rodríguez, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Campbell, Schwertner.

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 18 ON SECOND READING**

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSJR 18** at this time on its second reading:

**CSSJR 18**, Proposing a constitutional amendment to authorize the making of a reverse mortgage loan for the purchase of homestead property and to amend certain requirements in connection with a reverse mortgage loan.

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 18 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 **CSSJR 18** 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 186 ON SECOND READING**

Senator Carona moved to suspend the regular order of business to take up for consideration **SB 186** at this time on its second reading:

**SB 186**, Relating to the abatement of mosquitoes in stagnant water located on certain uninhabited residential property.

The motion prevailed by the following vote: Yeas 28, Nays 3.

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

Nays: Birdwell, Nichols, Patrick.

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, Nichols, Patrick.

**SENATE BILL 186 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 186** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

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

Nays: Birdwell, Nichols, Patrick.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3. (Same as previous roll call)

**NOTICE GIVEN FOR  
LOCAL AND UNCONTESTED CALENDAR**

Senator Hancock 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 upon adjournment 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 11.10(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.

**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, Board of Pardons and Paroles: Romulo Chavez, Harris County; James Wayne LaFavers, Randall County; Michelle Marie Skyrme, Anderson County; Cynthia Tauss, Galveston County.

Presiding Officer, Camino Real Regional Mobility Authority: Scott Anthony McLaughlin, El Paso County.

Presiding Officer, Central Texas Regional Mobility Authority: Ray Allen Wilkerson, Travis County.

Members, Commission on Law Enforcement Officer Standards and Education: Patricia Scheckel Hollingsworth, Tarrant County; Ronald Eugene Hood, Hays County; Robert Paxton Kyker, Dallas County; James Neil Oakley, Burnet County.

Members, Governing Board, Department of Information Resources: Charles Edward Bacarisse, Harris County; Arthur C. Troilo, Travis County; Cynthia Villa, El Paso County.

Commissioner, Division of Workers' Compensation, Texas Department of Insurance: Roderick A. Bordelon, Travis County.

Members, State Pension Review Board: Andrew Winston Cable, Hays County; Robert M. May, Travis County; Richard Earl McElreath, Randall County.

Member, State Preservation Board: Mary Cris Crouch Graham, Gillespie County.

Members, State Securities Board: Beth Ann Blackwood, Dallas County; Eugene Wallace Kinney, Hays County.

Presiding Officer, Sulphur River Regional Mobility Authority: Earl Delbert Horton, Delta County.

Members, Texas Commission on Fire Protection: Laurence Patton Ekiss, Williamson County; Joseph Anthony Gonzalez, Denton County; Joseph Richard Gutheinz, Brazoria County; John Tilden McMakin, Henderson County; Robert Lamar Moore, Brazos County; Leonardo L. Perez, Cameron County; Ronald Joseph Poynter, Collin County.

Members, Texas Council on Autism and Pervasive Developmental Disorders: Daniel Sadri Durany, Tarrant County; Tammy Raye Lemoine, Shelby County; Frank Christian McCamant, Travis County; Nyria Melchor, Collin County; Pamela Rollins, Dallas County; Stephanie Ann Sokolosky, Cameron County; Callie M. Vivion-Matthews, Tarrant County.

Members, Board of Directors, Texas School Safety Center: Barbara Ann Beto, Williamson County; Dewey Michael Cox, Hays County; Garry Edward Eoff, Brown County; Daniel Fraine Gilliam, Victoria County; Daniel Riley Griffith, Travis County; Jason Robert Marlin, Dallas County; Carl Alonzo Montoya, Cameron County; Adelaida Olivarez, Travis County; James Richard Pendell, El Paso County; Dawn DuBose Randle, Harris County.

Members, Board of Directors, Texas State Affordable Housing Corporation: William Henry Dietz, McLennan County; Gerry Evenwel, Titus County; Alejandro G. Meade, Hidalgo 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 11.13 SUSPENDED (Consideration of Bills in Committees)**

On motion of Senator West and by unanimous consent, Senate Rule 11.13 was suspended to grant all committees permission to meet while the Senate was meeting today.

**MOTION TO ADJOURN**

On motion of Senator Whitmire and by unanimous consent, the Senate at 12:54 p.m. agreed to adjourn, in memory of Lieutenant Colonel (Retired) Borah Van Dormolen, Israel M. Nájera, Karen E. Gray, and Captain Andrew Keel, upon completion of the introduction of bills and resolutions on first reading and the signing of **HB 10**, until 11:00 a.m. tomorrow.

**SENATE BILLS AND RESOLUTIONS ON FIRST READING**

The following bills and resolutions, filed on or before Friday, March 8, 2013, were introduced, read first time, and referred to the committees indicated:

**SB 16** by Zaffirini, Eltife, Seliger

Relating to authorizing the issuance of revenue bonds to fund capital projects at public institutions of higher education.

To Committee on Finance.

**SB 17** by Patrick, Estes

Relating to the training in school safety of certain employees of a school district or an open-enrollment charter school authorized to carry a concealed handgun on school premises.

To Committee on Education.

**SB 23** by Patrick, Paxton

Relating to the establishment of the Texas Equal Opportunity Scholarship Program.

To Committee on Education.

**SB 25** by Hegar, Campbell

Relating to abortion at or after 20 weeks post-fertilization.

To Committee on State Affairs.

**SB 209** by Huffman, Nichols

Relating to the functions and operation of the State Commission on Judicial Conduct.

To Committee on Jurisprudence.

**SB 210** by Huffman, Nichols

Relating to the continuation and functions of the Texas Lottery Commission; providing penalties; imposing fees.

To Committee on State Affairs.

**SB 211** by Nichols

Relating to the continuation and functions of the Texas Facilities Commission; authorizing fees.

To Committee on State Affairs.

**SB 212** by Nichols, Huffman

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.

To Committee on Natural Resources.

**SB 213** by Whitmire, Nichols

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.

To Committee on Criminal Justice.

**SB 214** by Birdwell, Nichols

Relating to the continuation and functions of the Texas Department of Housing and Community Affairs; authorizing and otherwise affecting the application of certain fees.

To Committee on Intergovernmental Relations.

**SB 215** by Birdwell, Nichols

Relating to the continuation and functions of the Texas Higher Education Coordinating Board.

To Committee on Higher Education.

**SB 216** by Birdwell, Nichols

Relating to the continuation and functions of the Department of Information Resources and certain procurement functions of the comptroller of public accounts.

To Committee on Government Organization.

**SB 217** by Patrick, Nichols

Relating to the continuation and functions of the state employee charitable campaign.

To Committee on Government Organization.

**SB 218** by Patrick, Nichols

Relating to the continuation and functions of the Texas Education Agency and to the abolition of the State Board for Educator Certification and the transfer of its functions to the Texas Education Agency; changing the amounts of certain fees.

To Committee on Education.

**SB 219** by Huffman

Relating to ethics of public servants, including the functions and duties of the Texas Ethics Commission; the regulation of political contributions, political advertising, lobbying, and conduct of public servants; and the reporting of political contributions and expenditures and personal financial information; providing civil and criminal penalties.

To Committee on State Affairs.

**SB 220** by Birdwell, Nichols

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.

To Committee on State Affairs.

**SB 607** by Hegar

Relating to the creation of the Waller County Municipal Utility District No. 18; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

**SB 706** by Taylor

Relating to the creation of the Brazoria County Municipal Utility District No. 47; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

To Committee on Intergovernmental Relations.

**SB 789** by Hinojosa

Relating to the operation of video lottery games by licensed horse and greyhound racetrack operators, to a defense for the operation of video lottery by Indian tribes, to the authority of the Texas Lottery Commission and the Texas Racing Commission, and to the conduct of gambling in this state; providing penalties; authorizing fees.

To Committee on Finance.

**SB 792** by Seliger

Relating to end-of-course assessment requirements for high school graduation.

To Committee on Education.

**SB 922** by Birdwell

Relating to partnerships between the Texas State Technical College System and public junior colleges.

To Committee on Higher Education.

**SB 923** by Hinojosa

Relating to the creation and funding of the state water plan fund to assist the Texas Water Development Board in the funding of certain projects included in the state water plan; imposing a fee and a surcharge.

To Committee on Natural Resources.

**SB 924** by Lucio

Relating to strategic plans to address hunger, food, nutrition, and obesity in this state.

To Committee on Agriculture, Rural Affairs and Homeland Security.

**SB 925** by Lucio

Relating to a license requirement for licensed professional counselors employed by school districts.

To Committee on Education.

**SB 926** by Huffman

Relating to confidential and privileged communications between an insurance carrier and an employer under the Texas Workers' Compensation Act.

To Committee on State Affairs.

**SB 927** by Huffman

Relating to the regulation of and disclosures regarding consumer lawsuit lending transactions.

To Committee on State Affairs.

**SB 928** by Paxton

Relating to the regulation of electioneering at a polling location.  
To Committee on State Affairs.

**SB 929** by Paxton, Campbell

Relating to equal opportunity for access by home-schooled students to University Interscholastic League sponsored activities; authorizing a fee.  
To Committee on Education.

**SB 930** by Van de Putte

Relating to the sale of certain land used for a world exposition.  
To Committee on Intergovernmental Relations.

**SB 931** by Hancock

Relating to tax credits for investments in economically distressed communities.  
To Committee on Finance.

**SB 932** by Davis

Relating to ethics and accountability of certain public employees, public officers, political contributors, state contractors, and grant recipients; providing penalties.  
To Committee on State Affairs.

**SB 933** by Davis

Relating to the allocation of the proceeds from taxes imposed on the sale, storage, or use of sporting goods.  
To Committee on Finance.

**SB 934** by Davis

Relating to increasing or decreasing at the rate of inflation the rates of taxes imposed on cigarettes, cigars, and other tobacco products.  
To Committee on Finance.

**SB 935** by Davis

Relating to the sales and use tax on the repair, maintenance, creation, or restoration, or the sale, storage, use, or other consumption, of a computer program.  
To Committee on Finance.

**SB 936** by Davis

Relating to the availability and use of certain statutorily dedicated revenues and accounts.  
To Committee on Finance.

**SB 937** by West

Relating to the authority of certain facilities to temporarily detain a person with mental illness.  
To Committee on Health and Human Services.

**SB 938** by West

Relating to the payment of costs incurred by the involuntary commitment of persons with mental illness.  
To Committee on Health and Human Services.

**SB 939** by West

Relating to reporting child abuse and neglect and to training regarding recognizing and reporting child abuse and neglect at schools, institutions of higher education, and other entities.

To Committee on Health and Human Services.

**SB 940** by West

Relating to the application of whistleblower protections to employees of an open-enrollment charter school.

To Committee on State Affairs.

**SB 941** by Davis

Relating to the adoption of rules by the Railroad Commission of Texas regulating the exploration for and production of natural gas in the unincorporated areas of certain counties.

To Committee on Natural Resources.

**SB 942** by Davis

Relating to the creation and funding of the Railroad Commission of Texas operating account; providing a penalty.

To Committee on Finance.

**SB 943** by Davis

Relating to health benefit plan coverage of hearing aids for certain individuals.

To Committee on State Affairs.

**SB 946** by Nelson

Relating to the right to terminate a lease and avoid liability by a victim of certain sexual offenses or stalking.

To Committee on Jurisprudence.

**SB 947** by Nelson

Relating to requirements for an affidavit of adverse possession of real property.

To Committee on Jurisprudence.

**SB 948** by Nelson

Relating to management of a coordinated county transportation authority.

To Committee on State Affairs.

**SB 949** by Nelson

Relating to the definition of license holder in the Medical Practice Act.

To Committee on Health and Human Services.

**SB 950** by Carona

Relating to requiring certain alcoholic beverage permittees to be the primary source of supply for certain alcoholic beverages.

To Committee on Business and Commerce.

**SB 951** by Carona

Relating to surplus lines insurance.

To Committee on Business and Commerce.



**SB 952** by Carona

Relating to interest on commercial loans.  
To Committee on Business and Commerce.

**SB 953** by Carona

Relating to the adoption of the Uniform Trade Secrets Act.  
To Committee on State Affairs.

**SB 954** by Davis

Relating to the authority of the board of hospital managers of the Tarrant County Hospital District to adopt and implement a tobacco-related preventable disease policy.  
To Committee on Intergovernmental Relations.

**SB 955** by Schwertner, Deuell, Nelson, Uresti, Whitmire, Zaffirini

Relating to the training of employees of local mental health authorities and certain educators in mental health first aid and the establishment of the mental health first aid fund.  
To Committee on Health and Human Services.

**SB 956** by Fraser

Relating to authorizing the issuance of revenue bonds for a research building at Texas A&M University Health Science Center College of Medicine–Temple.  
To Committee on Finance.

**SB 957** by Fraser

Relating to the procedure for action by the Texas Commission on Environmental Quality on applications for certain environmental permits and administrative and judicial review of the commission's action.  
To Committee on Natural Resources.

**SB 958** by Fraser

Relating to the liability of certain special-purpose districts or authorities providing water to a purchaser for the generation of electricity.  
To Committee on State Affairs.

**SB 959** by Fraser

Relating to the payment of unemployment taxes under a staff leasing services contract.  
To Committee on Economic Development.

**SB 960** by Fraser

Relating to the franchise tax of certain nonqualified affiliates.  
To Committee on Finance.

**SB 962** by Carona

Relating to the approval of certain alcoholic beverages by the Texas Alcoholic Beverage Commission.  
To Committee on Business and Commerce.

**SB 963** by Williams

Relating to the use of an Internet application to allow access by court-appointed volunteer advocates to child protective services case information.

To Committee on Health and Human Services.

**SB 964** by Williams

Relating to the appropriation of amounts deposited into the oyster sales account and the abolishment of the oyster advisory committee.

To Committee on Finance.

**SB 965** by Williams

Relating to the correction of employment termination reports for law enforcement officers.

To Committee on Criminal Justice.

**SB 966** by West

Relating to creation of the Judicial Branch Certification Commission and the consolidation of judicial profession regulation; imposing penalties; authorizing fees.

To Committee on Jurisprudence.

**SB 967** by West

Relating to the authority of a municipality or county to retain certain service fees.

To Committee on Jurisprudence.

**SB 968** by West

Relating to public improvement districts designated by a municipality or county; authorizing assessments.

To Committee on Intergovernmental Relations.

**SB 969** by West

Relating to the electronic recording and admissibility of certain statements made by an accused as a result of custodial interrogation.

To Committee on Criminal Justice.

**SB 970** by Huffman

Relating to the execution of a search warrant for taking a DNA specimen.

To Committee on Criminal Justice.

**SB 971** by Williams

Relating to projects for which a transportation reinvestment zone may be created.

To Committee on Transportation.

**SB 972** by Carona

Relating to the repeal of certain offenses relating to certain occupations regulated by the Texas Department of Licensing and Regulation.

To Committee on Business and Commerce.

**SB 973** by Carona

Relating to the regulation of barbering and cosmetology; authorizing fees.

To Committee on Business and Commerce.

**SB 974** by Campbell

Relating to the name of Texas State University–San Marcos.  
To Committee on Higher Education.

**SB 975** by West

Relating to the requirements of and liability for a bail bond.  
To Committee on Criminal Justice.

**SB 976** by West

Relating to the temporary approval of an institution to participate in the tuition equalization grant program.  
To Committee on Higher Education.

**SB 977** by West

Relating to the procedure used to petition for an order of nondisclosure of criminal history record information.  
To Committee on Criminal Justice.

**SB 978** by Deuell

Relating to regulation by the Texas Medical Board of local anesthesia and peripheral nerve blocks administered in an outpatient setting.  
To Committee on Health and Human Services.

**SB 979** by Davis

Relating to the determination by a motor vehicle insurer of the value of a vehicle declared a total loss.  
To Committee on Business and Commerce.

**SB 980** by Davis

Relating to the creation of the individual development account program to provide savings incentives and opportunities for certain foster children to pursue home ownership, postsecondary education, and business development.  
To Committee on Health and Human Services.

**SB 981** by Van de Putte

Relating to electric utility bill payment assistance programs for certain veterans burned in combat.  
To Committee on Business and Commerce.

**SB 982** by Schwertner

Relating to hunting and fishing license fee exemptions for certain veterans.  
To Committee on Natural Resources.

**SB 983** by Ellis

Relating to in camera review and filing of the information at issue in a suit filed under the public information law.  
To Committee on Open Government.

**SB 984** by Ellis

Relating to the meeting of a governmental body held by videoconference call.  
To Committee on Open Government.

**SB 985** by Zaffirini

Relating to authorizing broker agreements for the sale of real property by certain municipalities.

To Committee on Intergovernmental Relations.

**SB 986** by Duncan

Relating to the powers and duties of the board of regents of the Texas Tech University System.

To Committee on Higher Education.

**SB 987** by Hegar

Relating to requiring the attorney general to obtain an injunction against a municipality or county that adopts prohibited regulations regarding firearms, ammunition, or firearm supplies.

To Committee on Agriculture, Rural Affairs and Homeland Security.

**SB 988** by Hegar

Relating to the exception of certain communications by law enforcement agencies and officers from disclosure under the public information law.

To Committee on Open Government.

**SB 989** by Hegar

Relating to the identification of breeder deer.

To Committee on Agriculture, Rural Affairs and Homeland Security.

**SB 990** by West

Relating to criminal history record information obtained or disseminated by a private entity; providing a civil penalty; authorizing fees.

To Committee on Criminal Justice.

**SB 991** by West

Relating to the eligibility of certain inmates for release on medically recommended intensive supervision.

To Committee on Criminal Justice.

**SB 992** by Taylor

Relating to misrepresentations in connection with certain drug testing devices or equipment; providing penalties.

To Committee on Business and Commerce.

**SB 993** by Deuell

Relating to the creation of the Texas Nonprofit Council to assist with faith- and community-based initiatives.

To Committee on Health and Human Services.

**SB 994** by Deuell

Relating to a pilot program conducted by the Department of Aging and Disability Services to authorize certain accreditation surveys of assisted living facilities.

To Committee on Health and Human Services.

**SB 995** by Deuell

Relating to allowing employers to issue individual insurance plans.  
To Committee on State Affairs.

**SB 996** by Deuell, Van de Putte

Relating to health benefit plan coverage for brain injury.  
To Committee on State Affairs.

**SB 997** by Deuell

Relating to the sales and use tax consequences of economic development agreements in certain municipalities.  
To Committee on Finance.

**SB 998** by Davis, Rodríguez

Relating to the partial repayment of certain extensions of consumer credit obtained for a consumer by a credit access business or that a credit access business assists the consumer in obtaining.  
To Committee on Business and Commerce.

**SB 999** by Davis, Rodríguez

Relating to municipal ordinances regulating a credit access business or an extension of consumer credit that a credit access business obtains for a consumer or assists a consumer in obtaining.  
To Committee on Business and Commerce.

**SB 1000** by Davis, Rodríguez

Relating to the authority of a municipality to regulate fees charged in connection with certain loans.  
To Committee on Business and Commerce.

**SB 1001** by Davis, Rodríguez

Relating to extensions of consumer credit a credit services organization obtains for a consumer or assists a consumer in obtaining.  
To Committee on Business and Commerce.

**SB 1002** by Nichols

Relating to the authority of the board of directors of the Nacogdoches County Hospital District to employ physicians.  
To Committee on Intergovernmental Relations.

**SB 1003** by Carona

Relating to the creation of the Adult and Juvenile Administrative Segregation Task Force.  
To Committee on Criminal Justice.

**SB 1004** by Carona

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.  
To Committee on Business and Commerce.

**SB 1005** by Carona

Relating to the regulation of money services businesses.

To Committee on Business and Commerce.

**SB 1006** by Carona

Relating to requirements regarding certain shareholder and policyholder dividends.

To Committee on Business and Commerce.

**SB 1007** by Carona

Relating to own risk and solvency assessment by insurers and insurance groups; providing a penalty.

To Committee on Business and Commerce.

**SB 1008** by Carona

Relating to the business, supervision, and regulation of state savings and loan associations and state savings banks; providing a criminal penalty.

To Committee on Business and Commerce.

**SB 1009** by Fraser

Relating to the creation of Burnet County Improvement District No. 1; providing authority to levy an assessment, impose a tax, and issue bonds.

To Committee on Intergovernmental Relations.

**SB 1010** by Taylor

Relating to access to certain facilities by search and rescue dogs and their handlers; providing a criminal penalty.

To Committee on Agriculture, Rural Affairs and Homeland Security.

**SB 1011** by Taylor

Relating to the use of human remains in the training of search and rescue animals.

To Committee on Agriculture, Rural Affairs and Homeland Security.

**SB 1012** by Zaffirini

Relating to the McMullen Groundwater Conservation District.

To Committee on Natural Resources.

**SB 1013** by Taylor

Relating to the administration of an immunization or vaccination by a pharmacist.

To Committee on Health and Human Services.

**SB 1014** by Paxton

Relating to the limitation on the rate of growth in appropriations from state tax revenues.

To Committee on Finance.

**SB 1015** by Paxton

Relating to a franchise tax or insurance premium tax credit for contributions made to certain certified nonprofit educational assistance organizations.

To Committee on Finance.

**SB 1016** by Paxton

Relating to the provision of driver's license and personal identification certificate services by license deputies.

To Committee on Transportation.

**SB 1017** by Paxton

Relating to the operation of state travel information centers by private and nonprofit entities.

To Committee on Transportation.

**SB 1018** by Carona

Relating to the agreements, costs, revenues, and finances of regional tollway authorities.

To Committee on Transportation.

**SB 1019** by Estes

Relating to the investment of funds by the governing boards of certain institutions of higher education.

To Committee on Higher Education.

**SB 1020** by Ellis

Relating to requirements for employers who do not obtain workers' compensation insurance coverage under the Texas Workers' Compensation Act.

To Committee on State Affairs.

**SB 1021** by Davis

Relating to access to certain stored communications of a provider of an electronic communications service or remote computing service in this state pursuant to a warrant issued in another state.

To Committee on Criminal Justice.

**SB 1022** by Watson

Relating to the creation of an additional judicial district composed of Travis County.

To Committee on Jurisprudence.

**SB 1023** by Watson

Relating to the renewal and extension and modification of a 99-year lease of certain state property to the City of Austin.

To Committee on Administration.

**SB 1024** by Watson

Relating to a study evaluating and making recommendations for wastewater management in the contributing zone of the Barton Springs segment of the Edwards Aquifer.

To Committee on Natural Resources.

**SB 1025** by Seliger

Relating to the offense of the carrying of a handgun by a concealed handgun license holder at certain meetings of a governmental entity.

To Committee on Criminal Justice.

**SB 1026** by Duncan

Relating to the nonsubstantive revision of certain local laws concerning special districts, including conforming amendments.

To Committee on Administration.

**SB 1027** by Campbell

Relating to the coordination of state and federal standards and reporting requirements related to the receipt of certain federal money.

To Committee on Finance.

**SB 1028** by Patrick

Relating to the regulation of crafted precious metal dealers; providing a criminal penalty.

To Committee on Business and Commerce.

**SB 1029** by Campbell

Relating to a prohibition on converting a nontolled state highway or segment of the state highway system to a toll project.

To Committee on Transportation.

**SB 1030** by Taylor

Relating to the exemption from ad valorem taxation of energy storage systems used for the control of air pollution in a nonattainment area.

To Committee on Finance.

**SB 1031** by Taylor

Relating to the Harris-Galveston Subsidence District; providing authority to impose a fee.

To Committee on Intergovernmental Relations.

**SB 1032** by West

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.

To Committee on Health and Human Services.

**SB 1033** by Carona

Relating to the registration and use of marks, including trademarks and service marks.

To Committee on Business and Commerce.

**SB 1034** by Carona

Relating to the unauthorized use of an alcoholic beverage permit or license; providing a criminal penalty.

To Committee on Business and Commerce.

**SB 1035** by Carona

Relating to alcoholic beverage license applications and fees.

To Committee on Business and Commerce.



**SB 1036** by Carona

Relating to applications for certain alcoholic beverage permits and licenses.  
To Committee on Business and Commerce.

**SB 1037** by Rodríguez

Relating to the education requirements for a notary public; authorizing a fee.  
To Committee on Jurisprudence.

**SB 1038** by Rodríguez

Relating to the disclosure by public institutions of higher education of the identity of private sponsors of certain research.  
To Committee on Higher Education.

**SB 1039** by Rodríguez

Relating to the report by the Water Conservation Advisory Council on progress made in water conservation in this state.  
To Committee on Natural Resources.

**SB 1040** by Taylor

Relating to automated dial announcing devices.  
To Committee on Business and Commerce.

**SB 1041** by Zaffirini

Relating to authorizing certain counties to impose a hotel occupancy tax.  
To Committee on Economic Development.

**SB 1042** by Rodríguez

Relating to authorizing the issuance of revenue bonds to fund an interdisciplinary research facility at The University of Texas at El Paso.  
To Committee on Finance.

**SB 1043** by Rodríguez

Relating to access to personal information about jurors in a criminal trial.  
To Committee on Criminal Justice.

**SB 1044** by Rodríguez

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.  
To Committee on Criminal Justice.

**SB 1045** by Rodríguez

Relating to an evaluation of the state supported living center system.  
To Committee on Health and Human Services.

**SB 1046** by Rodríguez

Relating to the requirement that certain municipalities and counties regulate subdivisions in the extraterritorial jurisdiction of the municipality by agreement.  
To Committee on Intergovernmental Relations.

**SB 1047** by Davis

Relating to the basic allotment and the equalized wealth level under the Foundation School Program.

To Committee on Finance.

**SB 1048** by Davis

Relating to the regular program adjustment factor under the Foundation School Program.

To Committee on Finance.

**SB 1049** by Van de Putte

Relating to unfair settlement practices with respect to workers' compensation insurance claims.

To Committee on State Affairs.

**SB 1050** by Van de Putte

Relating to charitable immunity of a licensed marriage and family therapist.

To Committee on State Affairs.

**SB 1051** by Van de Putte

Relating to the determination of the impairment rating of an employee with a lumbar injury under the workers' compensation system.

To Committee on State Affairs.

**SB 1052** by Carona

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.

To Committee on Criminal Justice.

**SB 1053** by Carona

Relating to the content of a notice provided to an owner or lienholder of a vehicle towed to a vehicle storage facility.

To Committee on Transportation.

**SB 1054** by Watson, Davis

Relating to the vaccination against bacterial meningitis of public school students and of certain entering students at public and private or independent institutions of higher education.

To Committee on Education.

**SB 1055** by Watson

Relating to the eligibility of certain employees of public institutions of higher education to participate in a state group benefits program.

To Committee on State Affairs.

**SB 1056** by Van de Putte

Relating to the administration by certain health care professionals of treatments, therapy, or medication ordered by an optometrist or therapeutic optometrist.

To Committee on Health and Human Services.

**SB 1057** by Nelson

Relating to information about private health care insurance coverage and the health insurance exchange for individuals applying for certain Department of State Health Services programs and services.

To Committee on Health and Human Services.

**SB 1058** by Nelson

Relating to the regulation of the practice of nursing.

To Committee on Health and Human Services.

**SB 1059** by Nelson

Relating to the consideration of strategies by the Health and Human Services Commission to ensure the appropriate use of diagnostic ancillary services in the Medicaid program.

To Committee on Health and Human Services.

**SB 1060** by Nelson

Relating to family cost share provisions in the early childhood intervention program.

To Committee on Health and Human Services.

**SB 1061** by Van de Putte

Relating to parking privileges of disabled veterans on the property of institutions of higher education.

To Committee on Veteran Affairs and Military Installations.

**SB 1062** by West

Relating to transportation of a student entitled to a public education grant.

To Committee on Education.

**SB 1063** by Hegar

Relating to the inclusion of natural gas as a public facility for a public facility corporation.

To Committee on Intergovernmental Relations.

**SB 1064** by Hegar

Relating to the creation of the Fort Bend County Municipal Utility District No. 208; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

**SB 1065** by Hegar

Relating to the creation of the Fort Bend County Municipal Utility District No. 209; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

**SB 1066** by Hegar

Relating to the creation of the Fort Bend County Municipal Utility District No. 210; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

**SB 1067** by Hegar

Relating to the creation of the Fort Bend County Municipal Utility District No. 211; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

**SB 1068** by Hegar

Relating to the creation of the Fort Bend County Municipal Utility District No. 212; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

**SB 1069** by Hegar

Relating to the creation of the Fort Bend County Municipal Utility District No. 213; granting a limited power of eminent domain; providing authority to impose a tax and issue bonds.

To Committee on Intergovernmental Relations.

**SB 1070** by Hegar

Relating to beef marketing, education, research, and promotion of the Texas Beef Council.

To Committee on Agriculture, Rural Affairs and Homeland Security.

**SB 1071** by Hegar

Relating to the creation of the Harris County Municipal Utility District No. 532; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

**SB 1072** by Hegar

Relating to the creation of the Harris County Municipal Utility District No. 533; granting a limited power of eminent domain; providing authority to issue bonds.

To Committee on Intergovernmental Relations.

**SB 1073** by Hegar

Relating to the creation of the Harris County Municipal Utility District No. 534; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

**SB 1074** by Hegar

Relating to electronic transmission of documentation involved in certain insurance transactions.

To Committee on Business and Commerce.

**SB 1075** by Hegar

Relating to the addition of land in the territory of the Ranch at Clear Fork Creek Municipal Utility District No. 1.

To Committee on Intergovernmental Relations.

**SB 1076** by Hegar

Relating to the circumstances under which an appraisal review board hearing shall be closed to the public.

To Committee on Finance.

**SB 1077** by Davis

Relating to the provision of lifetime income benefits under the workers' compensation system.

To Committee on State Affairs.

**SB 1078** by Duncan

Relating to the McCamey County Hospital District; authorizing the imposition of a tax.

To Committee on Intergovernmental Relations.

**SB 1079** by Duncan

Relating to the regulation of medical radiologic technology; providing penalties; imposing fees.

To Committee on Health and Human Services.

**SB 1080** by Lucio

Relating to a study on the adequacy and appropriateness of additional compensation paid to certain county judges.

To Committee on Jurisprudence.

**SB 1081** by Lucio

Relating to the certification of structural engineers; providing for a fee.

To Committee on Business and Commerce.

**SB 1082** by Rodríguez, Deuell

Relating to examination requirements for certain applicants for a license to practice medicine.

To Committee on Health and Human Services.

**SB 1083** by Rodríguez

Relating to an appeal from an interlocutory order of certain courts.

To Committee on Jurisprudence.

**SB 1084** by Hinojosa

Relating to the enterprise zone program.

To Committee on Economic Development.

**SB 1085** by Eltife

Relating to the definitions of certain terms for purposes of the ad valorem taxation of certain dealer's heavy equipment inventory.

To Committee on Finance.

**SB 1086** by Campbell

Relating to the authority to regulate certain water and sewage utilities to ensure public safety in and around certain municipalities.

To Committee on Natural Resources.

**SB 1087** by Campbell

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.

To Committee on Intergovernmental Relations.

**SB 1088** by Estes

Relating to warrants issued to obtain location information from wireless communications devices.

To Committee on Criminal Justice.

**SB 1089** by Hinojosa

Relating to the operation of the Texas Windstorm Insurance Association and to catastrophe preparedness in the seacoast territories of this state.

To Committee on Business and Commerce.

**SB 1090** by Carona

Relating to the manufacture, distribution, sale, and provision of alcoholic beverages and the regulation of those activities.

To Committee on Business and Commerce.

**SB 1091** by Birdwell

Relating to a credit against the access fee for a private dock charged by the Brazos River Authority in the event of a drought.

To Committee on Natural Resources.

**SB 1092** by Birdwell

Relating to the audit and review of river authorities.

To Committee on Natural Resources.

**SB 1093** by West

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.

To Committee on Administration.

**SB 1094** by Hinojosa

Relating to security interests in oil and gas production and its proceeds.

To Committee on Natural Resources.

**SB 1095** by Hinojosa

Relating to fever tick eradication; creating a penalty.

To Committee on Agriculture, Rural Affairs and Homeland Security.

**SB 1096** by Hinojosa

Relating to the monthly fee a defendant must pay during a period of community supervision.

To Committee on Criminal Justice.

**SB 1097** by Hinojosa

Relating to identification cards for certain members of the judiciary.

To Committee on Jurisprudence.

**SB 1098** by Hinojosa

Relating to the creation of the Padres Isles Management District; providing authority to issue bonds.

To Committee on Intergovernmental Relations.

**SB 1099** by Zaffirini

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

To Committee on Health and Human Services.

**SB 1100** by Van de Putte

Relating to the licensing and inspection of certain out-of-state pharmacies by the Texas State Board of Pharmacy; authorizing fees.

To Committee on Health and Human Services.

**SB 1101** by Van de Putte

Relating to the Cybersecurity, Education, and Economic Development Council.

To Committee on Government Organization.

**SB 1102** by Van de Putte

Relating to the appointment of a state cybersecurity coordinator.

To Committee on Government Organization.

**SB 1103** by Van de Putte

Relating to regulation of certain online poker facilities under federal law.

To Committee on State Affairs.

**SB 1104** by Duncan

Relating to the effect of rules and standards adopted by the Railroad Commission of Texas relating to the liquefied petroleum gas industry on ordinances, orders, or rules adopted by political subdivisions relating to that industry.

To Committee on Natural Resources.

**SB 1105** by Duncan

Relating to an agreement between the Department of Public Safety of the State of Texas and a county for the provision of renewal and duplicate driver's licenses and other identification certificate services in certain counties; authorizing a fee.

To Committee on Transportation.

**SB 1106** by Schwertner

Relating to the use of maximum allowable cost lists under a Medicaid managed care pharmacy benefit plan.

To Committee on Health and Human Services.

**SB 1107** by Zaffirini

Relating to the preference given by state and local governmental entities to agricultural products produced or grown in this state.

To Committee on Government Organization.

**SB 1108** by Duncan

Relating to the allocation of money in the judicial and court personnel training fund.

To Committee on Jurisprudence.

**SB 1109** by Deuell

Relating to suspending public school accountability ratings and certain interventions and sanctions for the 2012-2013 school year.

To Committee on Education.

**SB 1110** by Nichols

Relating to the purposes and designation of a transportation reinvestment zone.

To Committee on Transportation.

**SB 1111** by Duncan

Relating to the composition of the 198th Judicial District, the creation of a judicial district composed of Edwards, Kimble, McCulloch, Mason, and Menard Counties, and the creation of the office of district attorney for the 444th Judicial District.

To Committee on Jurisprudence.

**SB 1112** by Zaffirini

Relating to prohibiting organ transplant recipient discrimination on the basis of certain disabilities.

To Committee on Health and Human Services.

**SB 1113** by Zaffirini

Relating to matching private grants given to enhance an additional research activity at institutions of higher education.

To Committee on Higher Education.

**SB 1114** by Whitmire, West

Relating to the prosecution of certain misdemeanor offenses committed by children and to school district law enforcement.

To Committee on Criminal Justice.

**SB 1115** by Whitmire

Relating to reporting, standards, and restrictions regarding public school disciplinary actions.

To Committee on Education.

**SB 1116** by Zaffirini

Relating to the creation of the Crystal Clear Special Utility District; providing authority to issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

**SB 1117** by West

Relating to establishing teacher advisory councils to provide public advice on issues that affect public education.

To Committee on Education.

**SB 1118** by West

Relating to access to specialist physicians under managed care health benefit plans.

To Committee on State Affairs.



**SB 1119** by West

Relating to certain staff-to-child ratios applicable to nonresidential child-care facilities.

To Committee on Health and Human Services.

**SB 1120** by West

Relating to a residential tenant's lease obligation after the loss of the leased premises resulting from a natural disaster.

To Committee on Business and Commerce.

**SB 1121** by West

Relating to coverage for certain architectural engineering services under certain insurance policies.

To Committee on Business and Commerce.

**SB 1122** by West

Relating to a prohibition against the use of certain sprays, stun guns, and Tasers by school district peace officers, security personnel, and other employees against public school students.

To Committee on Education.

**SB 1123** by West

Relating to requiring child safety alarms in certain vehicles used by child-care facilities to transport children.

To Committee on Health and Human Services.

**SB 1124** by West

Relating to certain offenses relevant to maintaining public school discipline.

To Committee on Jurisprudence.

**SB 1125** by Carona

Relating to first-party indemnity coverage purchased by insurance purchasing groups.

To Committee on Business and Commerce.

**SB 1126** by Van de Putte

Relating to establishing the Texas State Seal of Bilingualism and Biliteracy for recognition of high school graduates who attain a high level of proficiency in both English and another language.

To Committee on Education.

**SB 1127** by Van de Putte

Relating to evaluating the performance, including computing dropout and completion rates, of public schools, including schools designated as dropout recovery schools and residential facilities.

To Committee on Education.

**SB 1128** by Patrick

Relating to curriculum requirements in American and Texas history at institutions of higher education.

To Committee on Higher Education.

**SB 1129** by Davis

Relating to a semiannual report on revenue collections prepared by the comptroller.  
To Committee on Finance.

**SB 1130** by Schwertner

Relating to the temporary licensing of a dentist who performs voluntary charity care.  
To Committee on Health and Human Services.

**SB 1131** by Ellis

Relating to the exemption from ad valorem taxation of real property leased to and used by certain schools.  
To Committee on Finance.

**SB 1132** by Rodríguez

Relating to certain gaming conducted in this state by federally recognized Indian tribes on tribal land.  
To Committee on Finance.

**SB 1133** by Rodríguez

Relating to contributions to certain fire and police pension funds.  
To Committee on State Affairs.

**SB 1134** by Ellis

Relating to the duties of the Department of Information Resources regarding cybersecurity.  
To Committee on Government Organization.

**SB 1135** by Ellis

Relating to certain donations by school districts or public schools of food provided to the district or school through the national free or reduced-price school lunch program.  
To Committee on Education.

**SB 1136** by Hinojosa

Relating to imposing a fee on the sale of cigarettes and cigarette tobacco products manufactured by certain companies; providing penalties.  
To Committee on Finance.

**SB 1137** by Lucio

Relating to the powers and duties of the Vehicle Crime Prevention Authority and to the creation of the vehicle crime prevention account.  
To Committee on Transportation.

**SB 1138** by Lucio

Relating to the rate of the municipal hotel occupancy tax in certain municipalities and the use of revenue from that tax.  
To Committee on Economic Development.

**SB 1139** by Carona

Relating to the exclusion of hospital facilities from a rolling blackout.  
To Committee on Business and Commerce.

**SB 1140** by Lucio

Relating to the state highway fund.

To Committee on Finance.

**SB 1141** by Duncan, Watson

Relating to an adult high school diploma and industry certification pilot program for adults 19 to 50 years of age.

To Committee on Education.

**SB 1142** by Duncan, Watson

Relating to an adult high school diploma and industry certification charter school pilot program for adults 19 to 50 years of age.

To Committee on Education.

**SB 1143** by Lucio

Relating to the allocation of state hotel occupancy tax revenue to certain municipalities for cleaning and maintenance of and erosion control for public beaches.

To Committee on Economic Development.

**SB 1144** by Lucio

Relating to the appointment and removal of directors of a spaceport development corporation.

To Committee on Economic Development.

**SB 1145** by Hegar

Relating to the intercollegiate athletics fee at Prairie View A&M University; authorizing an increase in the fee.

To Committee on Higher Education.

**SB 1146** by West, Duncan

Relating to the establishment of the statewide electronic filing system fund and to certain court fees and court costs to fund the account; imposing fees.

To Committee on Jurisprudence.

**SB 1147** by West

Relating to the electronic filing system established by rule or order of the Texas Supreme Court; authorizing fees.

To Committee on Jurisprudence.

**SB 1148** by West

Relating to possession of or access to a child by a grandparent or certain other persons.

To Committee on Jurisprudence.

**SB 1149** by Hinojosa

Relating to judicial review in district court of certain workers' compensation disputes.

To Committee on State Affairs.

**SB 1150** by Hinojosa

Relating to a provider protection plan that ensures efficiency and reduces administrative burdens on providers participating in a Medicaid managed care model or arrangement.

To Committee on Health and Human Services.

**SB 1151** by Hinojosa

Relating to sales and use tax treatment of certain snack items; eliminating a tax exemption.

To Committee on Finance.

**SB 1152** by Hinojosa

Relating to certain fees charged for adjudication of claims under health benefit plans.

To Committee on State Affairs.

**SB 1153** by Davis

Relating to reports issued by the comptroller on the effect of certain tax provisions.

To Committee on Finance.

**SB 1154** by Davis

Relating to delinquent motor vehicle registrations and inspections; authorizing a change in the amount of a fee.

To Committee on Transportation.

**SB 1155** by Hinojosa

Relating to the authority of counties to nominate projects in the extraterritorial jurisdictions of certain municipalities for designation as enterprise projects.

To Committee on Economic Development.

**SB 1156** by Hinojosa

Relating to land reclamation projects using tires.

To Committee on Natural Resources.

**SB 1157** by Schwertner

Relating to the conveyance of certain state property for use by Sam Houston State University.

To Committee on Higher Education.

**SB 1158** by Van de Putte

Relating to higher education for veterans and their families.

To Committee on Veteran Affairs and Military Installations.

**SB 1159** by Van de Putte

Relating to tuition and fee exemptions for certain military personnel and their dependents.

To Committee on Veteran Affairs and Military Installations.

**SB 1160** by Hancock

Relating to authorizing certain persons to file documents electronically for recording with a county clerk in certain counties.

To Committee on Jurisprudence.

**SB 1161** by Hancock

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.

To Committee on Education.

**SB 1162** by Watson, Nichols

Relating to requirements for the purchase or acquisition of a water or sewer system.

To Committee on Natural Resources.

**SB 1163** by Watson, Nichols

Relating to requirements for consolidating water and sewer utilities.

To Committee on Natural Resources.

**SB 1164** by Nichols, Watson

Relating to powers and duties of the Office of Public Utility Counsel to represent residential and small commercial consumers in certain water or sewer utility service matters before the Texas Commission on Environmental Quality.

To Committee on Natural Resources.

**SB 1165** by Hegar

Relating to the use of real property by the University of Houston–Sugar Land.

To Committee on Transportation.

**SB 1166** by Hegar

Relating to certain procedures and civil penalties under the Deceptive Trade Practices-Consumer Protection Act.

To Committee on State Affairs.

**SB 1167** by Hegar

Relating to the creation of a county assistance district.

To Committee on Intergovernmental Relations.

**SB 1168** by Hegar

Relating to interstate cooperation to address regional water issues.

To Committee on Natural Resources.

**SB 1169** by Hegar

Relating to water conservation.

To Committee on Natural Resources.

**SB 1170** by Hegar

Relating to water shortage reporting by water utilities.

To Committee on Natural Resources.

**SB 1171** by Hegar

Relating to Prairie View A&M University's eligibility to participate in the research development fund.

To Committee on Higher Education.

**SB 1172** by West

Relating to the eligibility of certain criminal defendants for an order of nondisclosure; authorizing a fee.

To Committee on Criminal Justice.

**SB 1173** by West

Relating to procedures for the sentencing and placement on community supervision of defendants charged with the commission of a state jail felony.

To Committee on Criminal Justice.

**SB 1174** by Deuell

Relating to the creation of a task force on domestic violence.

To Committee on Health and Human Services.

**SB 1175** by Deuell

Relating to the establishment of a reuse program for durable medical equipment provided to recipients under the Medicaid program.

To Committee on Health and Human Services.

**SB 1176** by Deuell

Relating to the regulation of medical waste.

To Committee on Health and Human Services.

**SB 1177** by Deuell

Relating to the designation of ST segment elevation myocardial infarction facilities.

To Committee on Health and Human Services.

**SB 1178** by Deuell

Relating to training for public school educators in identifying mental health and suicide risks among students.

To Committee on Education.

**SB 1179** by Deuell

Relating to a reduction in the mixed beverage tax for certain venues that present live music; authorizing a fee.

To Committee on Finance.

**SB 1180** by Van de Putte

Relating to licensing requirements of newly constructed assisted living facilities.

To Committee on Health and Human Services.

**SB 1181** by Van de Putte

Relating to the creation of a permit to allow alcoholic beverage wholesalers to store alcoholic beverages at certain auxiliary locations; providing for a permitting fee.

To Committee on Business and Commerce.

**SB 1182** by Van de Putte

Relating to the sale by an alcoholic beverage wholesaler of equipment, fixtures, or supplies used in the selling or dispensing of distilled spirits.

To Committee on Business and Commerce.

**SB 1183** by Huffman

Relating to testing of a juvenile for a sexually transmitted disease or human immunodeficiency virus (HIV) upon the filing of a petition alleging delinquent conduct.

To Committee on Criminal Justice.

**SB 1184** by Huffman

Relating to the presentation of a statement by a victim, close relative of a deceased victim, or guardian of a victim after the conclusion of a juvenile disposition hearing.

To Committee on Criminal Justice.

**SB 1185** by Huffman

Relating to the creation of a mental health jail diversion pilot program.

To Committee on Criminal Justice.

**SB 1186** by Huffman

Relating to the use by a medical examiner of certain medical waste and autopsy records.

To Committee on Health and Human Services.

**SB 1187** by Huffman

Relating to the determination of incompetency in criminal cases.

To Committee on Criminal Justice.

**SB 1188** by Huffman

Relating to a study on the use of certain credit management agreements by state agencies and political subdivisions.

To Committee on Finance.

**SB 1189** by Huffman

Relating to the disposition of certain firearms seized by a law enforcement agency.

To Committee on Criminal Justice.

**SB 1190** by Davis

Relating to requiring computer technicians to report images of child pornography; providing a criminal penalty.

To Committee on Criminal Justice.

**SB 1191** by Davis

Relating to the care provided to a sexual assault survivor by a health care facility.

To Committee on Criminal Justice.

**SB 1192** by Davis

Relating to the rights of certain victims of sexual assault.

To Committee on Criminal Justice.

**SB 1193** by Campbell

Relating to the powers and duties of the Texas Medical Board and the regulation of certain persons licensed by the board.

To Committee on Jurisprudence.

**SB 1194** by Campbell

Relating to a suit for possession of or access to a child by a grandparent.  
To Committee on Jurisprudence.

**SB 1195** by Ellis

Relating to a contract for the acquisition of goods or services to which The University of Texas M. D. Anderson Cancer Center is a party.  
To Committee on Government Organization.

**SB 1196** by Taylor

Relating to the applicability of the insurance laws of this state to certain conduct.  
To Committee on Business and Commerce.

**SB 1197** by Taylor

Relating to requirements of exclusive provider and preferred provider benefit plans.  
To Committee on State Affairs.

**SB 1198** by Taylor

Relating to requirements for physicians who perform abortions; creating an offense.  
To Committee on Health and Human Services.

**SB 1199** by Van de Putte

Relating to development of a pilot program of the Texas Veterans Commission to designate municipalities as Veteran and Military Friendly Cities.  
To Committee on Veteran Affairs and Military Installations.

**SB 1200** by Van de Putte

Relating to the Texas Military Preparedness Commission.  
To Committee on Veteran Affairs and Military Installations.

**SB 1201** by Patrick

Relating to ad valorem tax lien transfers.  
To Committee on Business and Commerce.

**SB 1202** by West

Relating to an order to conduct mediation following an application for expedited judicial foreclosure proceedings.  
To Committee on Jurisprudence.

**SB 1203** by Duncan

Relating to the Knox County Hospital District; authorizing the imposition of a tax.  
To Committee on Intergovernmental Relations.

**SB 1204** by Hegar

Relating to the qualifications of certain electric generation projects for programs designed to encourage the capture and utilization of carbon dioxide for use in enhanced oil recovery.  
To Committee on Natural Resources.

**SB 1205** by Van de Putte

Relating to the employment of certain peace officers, detention officers, county jailers, or firefighters who are injured in the course and scope of duty.  
To Committee on State Affairs.



**SB 1206** by Van de Putte

Relating to exemption from application of the Private Security Act of certain peace officers employed by a law enforcement agency.

To Committee on Criminal Justice.

**SB 1207** by Van de Putte

Relating to parking near the State Capitol for a state employee whose presence at the Capitol is requested by a member of the legislature.

To Committee on Government Organization.

**SB 1208** by Zaffirini

Relating to the creation of a regional food economy and food access task force.

To Committee on Agriculture, Rural Affairs and Homeland Security.

**SB 1209** by Fraser

Relating to reporting and information availability requirements for persons impounding, diverting, or otherwise using state water; providing a penalty.

To Committee on Natural Resources.

**SB 1210** by Zaffirini

Relating to conditions on the receipt of tuition and fee exemptions and waivers at public institutions of higher education.

To Committee on Higher Education.

**SB 1211** by West

Relating to the expunction of arrest records and files relating to an offense for which the person received a discharge and dismissal after successfully completing a term of deferred adjudication community supervision.

To Committee on Criminal Justice.

**SB 1212** by Estes

Relating to the applicability of certain provisions concerning the transfer of exotic species to certain transfers of water that supply populous areas.

To Committee on Agriculture, Rural Affairs and Homeland Security.

**SB 1213** by Patrick

Relating to the eligibility of temporary election officers for unemployment compensation.

To Committee on Economic Development.

**SB 1214** by Schwertner

Relating to certain economic development programs administered by the Department of Agriculture.

To Committee on Agriculture, Rural Affairs and Homeland Security.

**SB 1215** by Schwertner

Relating to meetings of the Medicaid and Public Assistance Fraud Oversight Task Force.

To Committee on Health and Human Services.

**SB 1577** by Fraser

Relating to the election of directors of certain electric cooperatives.  
To Committee on Business and Commerce.

**SCR 21** by West

Recognizing November 4-8, 2013 and November 3-7, 2014 as Municipal Courts Week.

To Committee on Administration.

**SJR 36** by Hinojosa

Proposing a constitutional amendment authorizing a state video lottery system to operate video lottery games at certain horse and greyhound racetracks and providing that federally recognized Indian tribes are not prohibited from conducting games of chance on certain Indian lands.

To Committee on Finance.

**SJR 41** by Davis

Proposing a constitutional amendment providing that certain fees charged in connection with certain consumer loans are attributable to the lender and included in the computation of interest for purposes of regulating interest rates.

To Committee on Business and Commerce.

**SJR 42** by Huffman, Nichols

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.

To Committee on Jurisprudence.

**SJR 43** by Van de Putte

Proposing a constitutional amendment to authorize online poker gaming regulated under federal law.

To Committee on Finance.

**SJR 44** by Ellis

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.

To Committee on Finance.

**SJR 45** by Rodríguez

Proposing a constitutional amendment authorizing the operation of certain gaming in this state by federally recognized Indian tribes on tribal land.

To Committee on Finance.

**SJR 46** by Lucio

Proposing a constitutional amendment prescribing the purposes for which revenue from motor vehicle registration fees, certain motor vehicle-related taxes, and certain revenues received from the federal government may be used.

To Committee on Finance.

**SJR 47** by Eltife

Proposing a constitutional amendment increasing the rate of the state sales and use tax

and dedicating revenue derived from that rate increase to repaying certain transportation bonds.

To Committee on Finance.

**(Senator Nelson in Chair)**

**ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 1:37 p.m. adjourned, in memory of Lieutenant Colonel (Retired) Deborah Van Dormolen, Israel M. Nájera, Karen E. Gray, and Captain Andrew Michael Keel, pending the signing of **HB 10**, until 11:00 a.m. tomorrow.

**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: **HB 10** (signed subject to Sec. 49-a, Art. III, Texas Constitution).

**CO-AUTHOR OF SENATE BILL 73**

On motion of Senator Ellis, Senator Davis will be shown as Co-author of **SB 73**.

**CO-AUTHORS OF SENATE BILL 115**

On motion of Senator Williams, Senators Campbell and Patrick will be shown as Co-authors of **SB 115**.

**CO-AUTHOR OF SENATE BILL 186**

On motion of Senator Carona, Senator West will be shown as Co-author of **SB 186**.

**CO-AUTHOR OF SENATE BILL 247**

On motion of Senator Carona, Senator Davis will be shown as Co-author of **SB 247**.

**CO-AUTHOR OF SENATE BILL 406**

On motion of Senator Nelson, Senator Patrick will be shown as Co-author of **SB 406**.

**CO-AUTHOR OF SENATE BILL 546**

On motion of Senator Williams, Senator Huffman will be shown as Co-author of **SB 546**.

**CO-AUTHOR OF SENATE BILL 589**

On motion of Senator Hegar, Senator Zaffirini will be shown as Co-author of **SB 589**.

**CO-AUTHORS OF SENATE BILL 643**

On motion of Senator Deuell, Senators Rodríguez and Zaffirini will be shown as Co-authors of **SB 643**.

**CO-AUTHOR OF SENATE BILL 906**

On motion of Senator Deuell, Senator Van de Putte will be shown as Co-author of **SB 906**.

**CO-AUTHOR OF SENATE JOINT RESOLUTION 8**

On motion of Senator Ellis, Senator Davis will be shown as Co-author of **SJR 8**.

**CO-AUTHORS OF SENATE RESOLUTION 314**

On motion of Senator Birdwell, Senators Hancock, Paxton, Taylor, and Watson will be shown as Co-authors of **SR 314**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**SR 450** by Watson, In memory of John Alfred Fleming, Jr.

**HCR 48** (Carona), In memory of George Pierce Cullum, Jr., of Dallas.

**Congratulatory Resolutions**

**SR 445** by Zaffirini, Recognizing Milford Nat Jacobs on the occasion of his 100th birthday.

**SR 449** by Schwertner, Commending Cody Michael Powell for achieving the rank of Eagle Scout.

**SR 451** by Davis, Recognizing the Brooks family of Fort Worth for their contributions to the city.

**ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 1:47 p.m. again adjourned, in memory of Lieutenant Colonel (Retired) Deborah Van Dormolen, Israel M. Nájera, Karen E. Gray, and Captain Andrew Michael Keel, until 11:00 a.m. tomorrow.

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**APPENDIX**

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**COMMITTEE REPORTS**

The following committee reports were received by the Secretary of the Senate in the order listed:

March 12, 2013

**EDUCATION — SB 132, SB 172, SB 573, SB 715**

**RESOLUTIONS ENROLLED**

March 11, 2013

**SCR 22, SR 421, SR 422, SR 425, SR 426, SR 427, SR 428, SR 429, SR 430, SR 431, SR 432, SR 434, SR 435, SR 436, SR 438, SR 439, SR 440, SR 441, SR 442, SR 443**

**In Memory**  
**of**  
**Israel M. Nájera**  
**Senate Resolution 446**

WHEREAS, The Senate of the State of Texas honors and pays tribute to the life of Brownsville resident Israel M. Nájera, who died February 17, 2013, at the age of 88; and

WHEREAS, This loving father and dedicated public servant was beloved by many for his integrity, courage, and abiding work ethic; he taught his children to cultivate opportunity and education and to believe that through concerted effort, they could succeed at anything; and

WHEREAS, Born October 14, 1924, Israel Nájera lost his father at the age of three and became a shoeshine boy at the age of six; the Great Depression had just begun, and he quickly learned that innovation and determination were keys to survival; when he was 16 years old, he joined the Civilian Conservation Corps and served in New Mexico; and

WHEREAS, After returning to Brownsville, he took a job with the Brownsville Fire Department in 1947; he would spend the next 40 years serving his community, ultimately becoming the city's assistant fire chief; he belonged to the International Association of Fire Fighters and was a charter and lifetime member of Brownsville Local 970; and

WHEREAS, Mr. Nájera was widely respected in his hometown of Brownsville; he was involved in many civic activities, and his friends and colleagues admired his devotion to his family and the way in which he passed down his values to his children and grandchildren, who will forever cherish his memory; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby extend sincere condolences to the bereaved family of Israel M. Nájera; 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 Israel Nájera.

LUCIO

**In Memory**  
**of**  
**Karen E. Gray**  
**Senate Resolution 419**

WHEREAS, The Senate of the State of Texas joins the citizens of Balch Springs in mourning the loss of longtime city council member Karen E. Gray, who died February 4, 2013; and

WHEREAS, Karen Gray was an exceptional public servant whose dedication, professionalism, and determination to do the right thing had a profound impact on her community; and

WHEREAS, Karen Gray moved to Balch Springs as a young woman and soon became active in the life of the city she adopted as her hometown; she served as a volunteer for numerous organizations in addition to her work in public service; and

WHEREAS, Karen served for three terms on the city council, and during her tenure, she focused her efforts on ensuring that the city remained fiscally sound; she also served on the Dallas County Water Control and Improvement District 6 Board of Directors, the Balch Springs Planning and Zoning Commission, the Civil Service Commission, and the Animal Advisory Board; and

WHEREAS, A woman of integrity, kindness, and courage, she earned the respect and admiration of her colleagues and area citizens, and her generous spirit and enthusiasm for living each day to the fullest will not be forgotten by those 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 and friends of Karen E. Gray; 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 Karen Gray.

DEUELL

# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**TWENTY-SIXTH DAY**

(Wednesday, March 13, 2013)

The Senate met at 11:15 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, Zaffini.

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

Minister René Trúan, The Foundry United Methodist Church, Houston, offered the invocation as follows:

Almighty God, maker of heaven and Earth, we are thankful because You have given this body of dedicated servants the responsibility to enact laws that will make our great State of Texas a safe and fruitful place to live in. Our prayer is that You will anoint this civil process with Your guidance and spirit. Give wisdom and discernment to our Lieutenant Governor and State Senators, whom You entrust authority to represent Your people, so that liberty, justice, opportunity, and peace will prevail through obedience to Your law and will. Lord, bless this day and unite our lawmakers as well as all Texans with understanding and thankful hearts as we seek moral objectives together. In the name of our Lord, who sustains us and gives us life eternal. 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 Estes was recognized and presented Dr. Mark Eidson of Weatherford as the Physician of the Day.

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

### SENATE RESOLUTION 413

Senator Van de Putte offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to join Texans across the state in celebrating Big Brothers Big Sisters of Texas Day at the Capitol; and

WHEREAS, Big Brothers Big Sisters, the largest volunteer-supported mentoring network, began its service to the children of Texas in Dallas in 1927 and has subsequently expanded those services to nine regional offices and 35 field offices throughout Texas; and

WHEREAS, The mission of Big Brothers Big Sisters is to provide children facing adversity with strong and enduring professionally supported one-to-one mentoring relationships that change their lives for the better, forever; and

WHEREAS, Over 16,000 students throughout Texas have Big Brother and Big Sister mentors and national research has shown that students mentored by a Big Brother or a Big Sister are less likely to start using drugs or alcohol, less likely to skip school, and even less likely to skip a class during the school day; and

WHEREAS, Additional national research shows that children mentored by a Big Brother or Big Sister have increased performance in science, mathematics, and oral language skills, and further research done in Central Texas revealed that 87 percent of children mentored by a Big Brother or Big Sister graduated from high school or received a general equivalency diploma; and

WHEREAS, Big Brothers Big Sisters is successful because of the efforts of thousands of volunteers, whose friendship, care, and encouragement can make a world of difference to a child; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby commend all those associated with Big Brothers Big Sisters on their efforts to help children in Texas achieve success in their lives and extend best wishes for a memorable Big Brothers Big Sisters of Texas Day at the Capitol; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the organization as an expression of esteem from the Texas Senate.

VAN DE PUTTE  
WATSON  
ZAFFIRINI

**SR 413** was read and was adopted without objection.

#### GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate a Big Brothers Big Sisters of Central Texas delegation, accompanied by Brent Fields, CEO and President; CJ Legare, Big Sister of the Year; and her Little Sister, Samantha Dickeson.

The Senate welcomed its guests.

#### GUESTS PRESENTED

Senator Birdwell was recognized and introduced to the Senate a City of West and McLennan County delegation.

The Senate welcomed its guests.



**SENATE RESOLUTION 437**

Senator West offered the following resolution:

**SR 437**, Commending Boy Scouts of America Troop 8 on the occasion of its 100th anniversary.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator West was recognized and introduced to the Senate a delegation of Boy Scouts from Troop 8, accompanied by Clarence "Tom" Bohannon, Scoutmaster; Jose Barrientos, Eddie Castillo, and Isela Romero.

The Senate welcomed its guests.

**SENATE RESOLUTION 447**

Senator Ellis offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize criminal justice activist Michael Morton, who was honored by the *Dallas Morning News* as one of its 2012 Texans of the Year, along with fellow exoneree Christopher Scott; and

WHEREAS, Mr. Morton was wrongfully convicted in 1987 of the murder of his wife; he spent the next 25 years in prison, serving part of a life sentence; he was formally exonerated in December of 2011; and

WHEREAS, Mr. Morton always maintained his innocence, and DNA evidence uncovered by the Innocence Project proved his claim; now, drawing on the memory of his life-altering ordeal, he uses his freedom to help others who have been wrongly accused of crimes; and

WHEREAS, Since his release from prison, Mr. Morton has spoken out on behalf of others like him; he has used his experience for positive means—to foster judicial reform and assist wrongfully accused individuals as they rejoin society; and

WHEREAS, Although Mr. Morton spent a quarter of a century in prison, and no amount of expiation can restore those years or erase the mental anguish of his detention, he has chosen to channel his energy into life-affirming works; this tenacious individual is indeed deserving of recognition for his indomitable spirit and his constructive outlook; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby commend Michael Morton for his fortitude in the face of extreme adversity and his determination to take positive action in the wake of his exoneration and extend to him sincere best wishes in all his future endeavors; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Michael Morton as an expression of high regard from the Texas Senate.

**SR 447** was read.

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

On motion of Senator Ellis, the resolution was adopted without objection.

### GUESTS PRESENTED

Senator Ellis was recognized and introduced to the Senate Michael Morton; Cynthia, his wife; Rodger Jones; and Tod Robberson.

The Senate welcomed its guests.

### REMARKS ORDERED PRINTED

On motion of Senator Uresti and by unanimous consent, the remarks by Senators Ellis and Whitmire regarding **SR 447** were ordered reduced to writing and printed in the *Senate Journal* as follows:

**Senator Ellis:** Thank you, Mr. President and Members. I have the honor of introducing an incredible human being, a man of courage, perseverance, and most of all, someone whose story none of us can fully comprehend. We have with us today one of the *Dallas Morning News*' 2012 Texans of the Year. Two exonerees were going to be here today, one didn't make it, but this one is here, and I'm so glad that he did come. I want to just quote the words from you that they used in the *Dallas Morning News* to describe this incredible human being. "Any man would need an ocean of inner strength to survive arrest, conviction, and hard prison time for a crime he did not commit. It takes even more strength to cling to the hope that someday, the system will make things right so he can clear his name and walk free. Rare is the man who emerges from the ordeal without bitterness and a hunger for revenge against those who wronged him." Michael Morton is such a man. Twenty-five years in prison for a crime he did not commit, he was accused and convicted of murdering the woman that he loved, incarcerated by the State of Texas, shunned by his family and friends, sustained for years by only hope. Members, Mr. Morton would have harbored incredible bitterness and simply tried to rebuild his own life outside the spotlight. He could've done that, but instead he concentrates on trying to make life better for other people who are wrongfully convicted in Texas. I want you to just think about what he went through. When he went to prison, he did not have a college degree. He got a college degree while he was in prison and then got a master's degree. Going against incredible odds, with all the full force of the State of Texas against him, he was fortunate enough that some folks decided to take on his case because there was DNA. He was testifying in a Senate committee on yesterday about an important piece of legislation. He's decided to devote a good bit of his time and energy to helping us understand and comprehend a number of criminal justice reforms. And I, I just, I'm amazed at how articulate, how kind, and how gentle he is. With him on the floor he happens to have his bride, because he was married. Most of us would be on a honeymoon, but he is here with his wife. Some of you know, I chair the board of the Innocence Project. Mr. Morton was married recently, and he was trying to decide where to register because so many people were calling saying, we want to give you gifts. He and his wife decided, instead of registering, they would ask that in lieu of gifts, that donations be made to the Innocence Project of New York. There was a great film about his life which premiered on Monday night. I think they're going to have another showing tonight at the Draffhouse and again on Saturday. Members, he is a remarkable human being. And before I close on the resolution, I'd like to yield to my friend and mentor on criminal justice issues, the Dean of the Texas Senate.

**Senator Whitmire:** Thank you, Senator Ellis, and Mr. President, Members. We have very impressive people come before us to be recognized, all-star athletes, presidents of universities, war heroes, and the list goes on and on. I cannot think of anyone more deserving to come before us and stand on this Senate floor than Michael Morton. Mr. Morton, to be recognized on this floor as a good man usually says it all. But you're more than a good man; you deserve more than to be called a good man. You're a remarkable man, a remarkable human being, and we can learn so much from you. You can be a role model, you are as you stand before us. We have already, in my office, started saying, What would Michael Morton do? And I do that as a practice of being down here a number of years. Similarly, when we're tied up in a legislative mess, we say, What would Bill Hobby do? Bill Hobby was a longtime Lieutenant Governor that could get us to where we needed to be legislatively. Now, when we're in a storm, we're upset about someone messing with a bill of ours, keeping it from going to local, we're going to say, What would Michael Morton do? Because you have demonstrated what a human being can do when you're in the eye of a storm. Members, I cannot imagine, and, Senator Ellis, and it's been so well-documented, not just losing 25 years of your life but being separated from your son, knowing that you're an innocent man. Mr. Morton, thank you for who you are, thank you for willing to work with us to go forward. Your lack of bitterness and being so upset with your adversaries, to want to get back at them, doesn't exist. And we want to thank you for that. You're here with your lovely wife, Cynthia, which we want to recognize as well. But let me just say something, Members, all he's asking for at this stage, he's probably the best witness I've ever had before Criminal Justice, is accountability—accountability that the facts will be what dictates criminal justice. He's agreed to work with me to examine the prison system, to help those that are still incarcerated and our correction officers to have a better working environment. This gentleman is a Texas asset. And I don't think, Mr. Morton, you actually fully recognize how an impact you can have on state government. Let me close by saying, when Mr. Morton left his cellblock for the last time, Members, the other inmates applauded him, not only because they knew he was innocent but because of the type of person he was when he served his 25 years. He counseled other inmates in their moments of depression and frustration, but let me tell you another thing he did. He was lucky and had some money in his commissary. And I have been told that he would take his goods that he bought from the commissary and share with the other inmates. I think it is a real treat to have Michael Morton and his wife and his friends with us today. I want to take this opportunity to give you a collective apology of the Members sitting before you today. The system failed you. We apologize, and we thank you for being here and look forward to watching you through the remainder of your life make such a difference in others' lives. Members, I am so proud that Senator Ellis brought Michael Morton and Cynthia before us today, and let's show him a real Senate welcome and let him join the Senate family that we so cherish among ourselves. Thank you for being here.

**Senator Ellis:** I should mention that along with Mr. Morton, we have Rodger Jones and Tod Robberson of the *Dallas Morning News*. They're going to present him, along with some of us, a copy of the framed article naming him one of the Texans of the Year. And I just want to reiterate, Dean, as you know, Mr. Morton is not alone. There are over 100 people who have been exonerated in Texas, and every time one of these

cases comes up, I think it's an opportunity for us to look at our criminal justice system and realize that we can do better. In closing, I want to say that Mr. Morton's faith, grace, courage, and strength remind us all that humanity can shine through even the darkest and most inhumane of treatment and that hope and belief in truth can move mountains and save lives.

### MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Wednesday, March 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:

**HCR 65**

Workman

Commemorating the 100th anniversary of the Rotary Club of Austin.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

### SENATE RESOLUTION 452

Senator Rodríguez offered the following resolution:

**SR 452**, In memory of Raymond L. Telles of El Paso.

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

In honor of the memory of Raymond L. Telles, the text of the resolution is printed at the end of today's *Senate Journal*.

### 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 12:00 p.m. announced the conclusion of morning call.

### SENATE RULE 7.12(a) SUSPENDED (Printing of Bills)

On motion of Senator Williams and by unanimous consent, Senate Rule 7.12(a) was suspended and the committee report for **CSSB 1** was ordered not printed.

**SENATE BILL 274 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 274** at this time on its second reading:

**SB 274**, Relating to permits for oversize and overweight vehicles in a certain county.

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

All Members are deemed to have voted "Yea" on the passage to engrossment.

**SENATE BILL 274 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 274** 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 24 ON SECOND READING**

Senator Hinojosa moved to suspend the regular order of business to take up for consideration **CSSB 24** at this time on its second reading:

**CSSB 24**, Relating to the creation of a new university in South Texas within The University of Texas System.

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 24 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 24** 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)

**REMARKS ORDERED PRINTED**

On motion of Senator Rodríguez and by unanimous consent, the remarks regarding **CSSB 24** were ordered reduced to writing and printed in the *Senate Journal* as follows:

**Senator Hinojosa:** Thank you, Mr. President and Members. Myself and Senator Zaffirini and Senator Lucio and Senator Seliger move to suspend the Senate regular order of business, take up and consider Senate Bill 24, and I will provide a brief explanation to the Members. Senate Bill 24 creates a new university in South Texas and what it does, it merges two existing universities: One is The University of Texas–Pan American located in Edinburg, the other one is The University of Texas located in Brownsville. And in addition the university will bring the RAHC, the Regional Academic Health Center, which is located in Harlingen, and the research center, which is located in Edinburg at UT–Pan American campus, under the new umbrella. This university would also allow for it to qualify for PUF funds, under the Permanent University Fund. And the Board of Regents, who recommended this piece of legislation, in addition, all the presidents from the different University of Texas System colleges have voted support to Senate Bill 24, in access to the Permanent University Fund. Where I was born in the valley in South Texas is one of the fastest-growing areas in the country, and we need more room to grow. Most of you know that our economy now has commerce over a billion dollars a day through Mexico. We don't have any room in our present buildings, universities, to educate all the growth that's taking place in South Texas. Many of you have heard me many times say that education is the best equalizer we have in our society. Education gives the knowledge, knowledge gives the power to succeed. I will also add that this would not cost any additional funds. The funds that are already appropriated will continue supporting the new university. On the contrary, this merger and creation of a new university will save anywhere of six to seven million dollars because of efficiency in the administration of a new university. There're two issues that might come up in terms of cost that were brought to my attention, one is the Center for Border Economic and Enterprise Development. That is presently funded out of our university funds and would not cost any additional money out of state funds. The same for the Texas Academy of Mathematics and Science, which is presently being supported by funds that are appropriated by the state and the local universities. There will be no additional cost to the state. And it is time, Mr. President, Members, if there are no questions, I would like to yield to my colleague, Senator Eddie Lucio. Senator Lucio.

**Senator Lucio:** Thank you, Mr. President, and thank you, Senator Hinojosa. Members, I am deeply honored to rise today to encourage passage of Senate Bill 24. Today is a historic day for the Rio Grande Valley. Today, by your vote, we place South Texas on the path to establishing a Tier One university for the 21st century with the state of the art facilities, top-notch faculty, and the future medical school. I want to take this moment to recognize some visitors from my district in the northwest corner of the gallery, Mayor Tony Martinez of Brownsville, a delegation from Brownsville Economic Development Corporation, Mary Rose Cardenas and David Oliveira, former trustees of Texas Southmost College, University of Texas at Brownsville President Juliet Garcia—and I want to thank her for giving me this tie this morning that

I'm wearing; I'm breaking tradition of wearing my bowtie on Wednesday—and also, Pan American President Robert Nelsen. I, along with Senator Hinojosa, are alumnus at Pan American University. They all came here, and others, to witness history in the making. I commend my fellow joint authors on the bill, Senator Hinojosa, Senator Seliger, and, of course, Senator Zaffirini, as well as all of my colleagues who subsequently signed on as co-authors—the up-to-date list that we have is Senators Campbell, Carona, Davis, Deuell, Ellis, Eltife, Hegar, Paxton, Rodríguez, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, and Williams—for recognizing and supporting the once-in-a-lifetime opportunity this new university presents to transform the valley into a future center for multinational culture, science, and commerce. Indeed, marshalling our higher education resources for the creation of a new university of this scale just makes sense. For one, it capitalizes on the region's bicultural heritage. The Rio Grande Valley is one of the largest and fastest-growing geographical areas in Texas. Our demographics already offer a preview of what the nation's demographics will look like within a generation. This new university will immediately become one of the largest Hispanic-serving institutions in the country. The passage of Senate Bill 24, of course, also offers more immediate, positive impacts to the valley in terms of jobs, access to health care, and greater educational opportunities. Through our actions today, we begin to correct generations of inequity in this economically distressed area of the state. Right now, the median household income in the valley is less than \$30,000 a year. Passage of Senate Bill 24 is a first step toward building a vibrant health care industry that will attract professionals from all over the world as well as build multinational industry around our water and international ports. Right now, the valley doesn't have nearly enough doctors to serve the citizens. Passage of Senate Bill 24 and the creation of the valley's first four-year medical school will ensure that as many as 75 to 80 percent of future medical students will be able to stay, train, and practice medicine in the valley after they complete their residencies. Right now, we're desperate to find ways to educate our young people, young people that President Garcia at UTB and President Nelson at UTPA will tell you are eager and hardworking, they just need a chance to prove it. After passage of Senate Bill 24, we will attract more students by using technology, online learning, and the additional state of the art campus facilities that will be made possible with access to the Permanent University Fund. To me, Members, this is quite special. Today marks the culmination of work that spans three decades of increasing education and special care in the valley that I have been involved with, with many of you, from the creation of The University of Texas at Brownsville, creation of South Texas College, to the creation of The University of Texas Health Science Center San Antonio, Regional Academic Health Center in the valley, to passage of Senate Bill 98 in 2009 to create the region's first medical school, and finally today. In particular, building the medical school has always been intended to be a regional project. I couldn't be more proud to stand here with my colleagues and take one more certain step toward realizing that goal. We knew when we started the session that creating this new valley-spanning university would be monumental; we couldn't afford to limit ourselves. So, congratulations, Members, on taking this bold step creating a more

prosperous Texas, and thank you, Mr. President, for your position and your support. And, Members, I yield as well to Senator Zaffirini and other Senators that might want to say a word or two, thank you. Thank you, Mr. President.

**Senator Zaffirini:** Thank you, Mr. President. Mr. President and Members, today I rise as a proud author of Senate Bill 24 along, especially, with my colleagues Senator Hinojosa and Senator Lucio, for the three of us together represent the Valley Region of South Texas. Great progress has been made in recent years, but the Border Region still has many, and Starr County in particular, faces many, many higher educational needs. I'm proud to represent Starr County in the valley and understand how this important legislation would contribute to the growth of the entire Valley Region of South Texas. It would provide numerous educational and health care benefits for the families of our region. Senate Bill 24 would have a significant impact on Starr County specifically through the incorporation of The University of Texas–Pan American Starr County campus. Rio Grande City in Starr County is host to UT–Pan American's upper level center, and this bill would further expand academic offerings in Starr County through an academic center. This academic merger was granted access to the Permanent University Fund, enabling the new institution to pool resources that would enable the Valley Region to serve more residents, therefore more families. What's more, as a larger institution, it would be able to serve more students from outside the immediate region, thereby expanding educational opportunities and improving access to health care for all of South Texas, including those from Laredo. The UT Health Science Center at San Antonio's regional campus in Laredo also would benefit especially by working with the new medical school. I'm delighted to co-author this transformative legislation which would meet critical investment needs in a region that historically was underserved but is now demonstrating great progress and rapid growth. Thank you, Mr. President, and thank you, Senators, for your confidence in this legislation, for your support of our region, and especially for passing this important legislation, Senate Bill 24. Together we thank you for your support.

**Senator Hinojosa:** Thank you, Mr. President, and I want to thank all of the co-authors and the valley delegation for working together to support this bill. I'd just like to point out one more issue and that is the medical school, that is just to clarify the medical school is not a new item on this piece of legislation. It was authorized in 2009, so it's in the process of getting there one way or the other.

#### **COMMITTEE SUBSTITUTE SENATE BILL 112 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 112** at this time on its second reading:

**CSSB 112**, Relating to a requirement for and the contents of a declarations page required for certain standard insurance policy forms for residential property insurance.

The bill was read second time.



Senator Lucio offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 112**, in SECTION 1 of the bill, in added Section 2301.056, Insurance Code (senate committee printing, page 1, between lines 39 and 40), by inserting the following:

(c) Notwithstanding Subsections (a) and (b), the list and explanation required by Subsection (a)(1), together with the disclosure required by Subsection (b), may be provided separately from the declarations page.

The amendment to **CSSB 112** was read.

On motion of Senator Lucio, further consideration of Floor Amendment No. 1 was temporarily postponed.

Question — Shall Floor Amendment No. 1 to **CSSB 112** be adopted?

**SENATE BILL 529 ON SECOND READING**

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 529** at this time on its second reading:

**SB 529**, Relating to the creation of the offense of installation, transfer, use, or possession of an automated sales suppression device or phantom-ware.

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 529 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 529** 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 120 ON SECOND READING**

Senator Rodríguez moved to suspend the regular order of business to take up for consideration **CSSB 120** at this time on its second reading:

**CSSB 120**, 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.

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 120 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 120** 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)

### REMARKS ORDERED PRINTED

On motion of Senator Rodríguez and by unanimous consent, the remarks regarding **CSSB 120** were ordered reduced to writing and printed in the *Senate Journal* as follows:

**Senator Rodríguez:** Thank you, Mr. President and Members. The Committee Substitute for Senate Bill 120 is a culmination of nearly two decades of hard work and close collaboration by the El Paso community and the Texas Tech University System. Last March, the Texas Tech University System Board of Regents voted to initiate the process of establishing a freestanding health science center university with the re-granting authority in El Paso. The new university will be the fourth component of the Texas Tech University System and will join Texas Tech University, Texas Tech University Health Science Center, and Angelo State University. As an independent health sciences university, the health science center in El Paso will be able to focus its efforts to reduce the shortage of health care professionals in the region, continue its research on diseases that affect Latino and Border populations, and provide high quality health care in a medically underserved region. In addition, the creation of a stand-alone health sciences university will grow our Medical Center of the Americas and spur economic development in the region. Mr. President, the Committee Substitute for Senate Bill 120 establishes a Texas Tech Health Sciences Center in El Paso as an independent component institution of the Texas Tech University System.

**Senator Duncan:** Senator, I want to congratulate you on your hard work to get this done. I also want to talk a little bit about the vision for the Texas Tech Health Science Center in El Paso. As everyone knows, it was initially a two-year school, an upper division medical school, and about 1998, with the vision of Eliot Shapleigh, who, as our former colleague here and your friend and mine, the Texas Tech four-year medical school came into being. And, but for the tenacity of Eliot Shapleigh on this floor and in this body and with the Tech System, this four-year medical school would never have been done. And this is the last leg of that, where it's now a freestanding institution. I know that he would be proud of the work you've done on that to get it to this point. But I just wanted to recognize the work he did and his vision to bring this forward. And so, with that also, I want to say, and I think El Paso is a good example

of how a community can rally around a vision and an issue and make it happen. And that's what happened. And this medical school wouldn't be here either without the support, political and financial support, given to it by the community leaders in El Paso. So, I want to congratulate you, Senator Shapleigh, and El Paso, and the community leaders in El Paso for reaching this point in the maturity of the Texas Tech University Health System in El Paso. I think it's a great, great opportunity for both the system and for the city and the region.

**Senator Rodriguez:** Thank you, Senator, for those kind remarks. I share your view about the tremendous contribution that Senator Shapleigh made to this effort and certainly want to thank you for your support and, of course, the community in El Paso, as you pointed out. And also, last but not least, Chancellor Hance, whose vision has been very key to the point where we are today on this legislation. Thank you for those remarks.

### **SENATE BILL 466 ON SECOND READING**

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 466** at this time on its second reading:

**SB 466**, Relating to the authority of the Texas Department of Transportation to participate in certain federal transportation 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.

### **SENATE BILL 466 ON THIRD READING**

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 466** 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 112 ON SECOND READING**

The President laid before the Senate **CSSB 112** by Senator Lucio on its second reading. The bill had been read second time, an amendment offered, and further consideration temporarily postponed:

**CSSB 112**, Relating to a requirement for and the contents of a declarations page required for certain standard insurance policy forms for residential property insurance.

Question — Shall Floor Amendment No. 1 to **CSSB 112** be adopted?

Senator Lucio withdrew Floor Amendment No. 1.

Senator Lucio offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **CSSB 112**, in SECTION 1 of the bill, in added Section 2301.056, Insurance Code (senate committee printing, page 1, between lines 39 and 40), by inserting the following:

(c) Notwithstanding Subsections (a) and (b), the list and explanation required by Subsection (a)(1), together with the disclosure required by Subsection (b), may be provided on a separate page from the declarations page.

The amendment to **CSSB 112** 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 Lucio and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSSB 112** 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 112 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 112** 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.

**SESSION TO CONSIDER EXECUTIVE APPOINTMENTS**

The President 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 President 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, Board of Pardons and Paroles: Romulo Chavez, Harris County; James Wayne LaFavers, Randall County; Michelle Marie Skyrme, Anderson County; Cynthia Tauss, Galveston County.

Presiding Officer, Camino Real Regional Mobility Authority: Scott Anthony McLaughlin, El Paso County.

Presiding Officer, Central Texas Regional Mobility Authority: Ray Allen Wilkerson, Travis County.

Members, Commission on Law Enforcement Officer Standards and Education: Patricia Scheckel Hollingsworth, Tarrant County; Ronald Eugene Hood, Hays County; Robert Paxton Kyker, Dallas County; James Neil Oakley, Burnet County.

Members, Governing Board, Department of Information Resources: Charles Edward Bacarisse, Harris County; Arthur C. Troilo, Travis County; Cynthia Villa, El Paso County.

Commissioner, Division of Workers' Compensation, Texas Department of Insurance: Roderick A. Bordelon, Travis County.

Members, State Pension Review Board: Andrew Winston Cable, Hays County; Robert M. May, Travis County; Richard Earl McElreath, Randall County.

Member, State Preservation Board: Mary Cris Crouch Graham, Gillespie County.

Members, State Securities Board: Beth Ann Blackwood, Dallas County; Eugene Wallace Kinney, Hays County.

Presiding Officer, Sulphur River Regional Mobility Authority: Earl Delbert Horton, Delta County.

Members, Texas Commission on Fire Protection: Laurence Patton Ekiss, Williamson County; Joseph Anthony Gonzalez, Denton County; Joseph Richard Gutheinz, Brazoria County; John Tilden McMakin, Henderson County; Robert Lamar Moore, Brazos County; Leonardo L. Perez, Cameron County; Ronald Joseph Poynter, Collin County.

Members, Texas Council on Autism and Pervasive Developmental Disorders: Daniel Sadri Durany, Tarrant County; Tammy Raye Lemoine, Shelby County; Frank Christian McCamant, Travis County; Nyria Melchor, Collin County; Pamela Rollins, Dallas County; Stephanie Ann Sokolosky, Cameron County; Callie M. Vivion-Matthews, Tarrant County.

Members, Board of Directors, Texas School Safety Center: Barbara Ann Beto, Williamson County; Dewey Michael Cox, Hays County; Garry Edward Eoff, Brown County; Daniel Fraine Gilliam, Victoria County; Daniel Riley Griffith, Travis County; Jason Robert Marlin, Dallas County; Carl Alonzo Montoya, Cameron County; Adelaida Olivarez, Travis County; James Richard Pendell, El Paso County; Dawn DuBose Randle, Harris County.

Members, Board of Directors, Texas State Affordable Housing Corporation: William Henry Dietz, McLennan County; Gerry Evenwel, Titus County; Alejandro G. Meade, Hidalgo County.

**SENATE CONCURRENT RESOLUTION 29**

The President laid before the Senate the following resolution:

WHEREAS, Section 17, Article III, Texas Constitution, provides that neither house of the legislature may adjourn for more than three days without the consent of the other house; now, therefore, be it

RESOLVED by the 83rd Legislature of the State of Texas, That each house grant the other permission to adjourn for more than three days during the period beginning on Wednesday, March 13, 2013, and ending on Monday, March 18, 2013.

WHITMIRE

**SCR 29** was read.

On motion of Senator Whitmire, the resolution was considered immediately and was adopted by the following vote: Yeas 31, Nays 0.

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

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

**MOTION IN WRITING**

Senator Eltife offered 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.

ELTIFE

The Motion In Writing was read and was adopted without objection.

**MOTION TO RECESS AND ADJOURN**

On motion of Senator Whitmire and by unanimous consent, the Senate at 12:58 p.m. agreed to recess until 1:10 p.m. today for the Local and Uncontested Calendar Session and completion of the introduction of bills and resolutions on first reading.

The Senate further agreed to adjourn, in memory of Raymond L. Telles, upon conclusion of the Local and Uncontested Calendar Session and completion of the introduction of bills and resolutions on first reading, until 2:00 p.m. Monday, March 18, 2013.

**AFTER RECESS**

The Senate met at 1:10 p.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 Hancock 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 50** (Zaffirini)

Relating to the Children's Policy Council, including the composition of the council.  
(viva voce vote) (31-0) (31-0)

**CSSB 53** (Zaffirini)

Relating to the definition of "advanced life support" for the purposes of providing emergency medical services.  
(viva voce vote) (31-0) (31-0)

**CSSB 60** (Nelson)

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.  
(viva voce vote) (31-0) (31-0)

**SB 61** (Nelson)

Relating to the licensing and regulation of military physicians who provide voluntary charity health care.  
(viva voce vote) (31-0) (31-0)

**CSSB 63** (Nelson)

Relating to consent to the immunization of certain children.  
(viva voce vote) (31-0) (31-0)

**CSSB 64** (Nelson)

Relating to a policy on vaccine-preventable diseases for licensed child-care facilities.  
(viva voce vote) (31-0) (31-0)

**CSSB 66** (Nelson)

Relating to the child fatality review team committee.  
(viva voce vote) (31-0) (31-0)

**SB 67** (Nelson)

Relating to reporting requirements for institutions of higher education conducting human stem cell research.  
(viva voce vote) (31-0) (31-0)

**CSSB 68** (Nelson)

Relating to a request for a waiver of the waiting period before human remains may be cremated.

(viva voce vote) (31-0) (31-0)

**CSSB 109** (West)

Relating to a housing plan developed and certain housing information collected and reported by the Texas Department of Housing and Community Affairs.

(viva voce vote) (31-0) (31-0)

**CSSB 111** (Lucio)

Relating to the designation of Texas Historical Use Buildings.

(viva voce vote) (31-0) (31-0)

**SB 126** (Nelson)

Relating to the creation of a mental health and substance abuse public reporting system.

(viva voce vote) (31-0) (31-0)

**CSSB 127** (Nelson)

Relating to the creation of certain funding formulas and policies and to certain public health evaluations by the Department of State Health Services.

(viva voce vote) (31-0) (31-0)

**SB 128** (Nelson)

Relating to criminal history record information concerning certain applicants and clients of the Department of Assistive and Rehabilitative Services.

(viva voce vote) (31-0) (31-0)

**SB 138** (Zaffirini)

Relating to procedures for filing complaints with, and providing notice of certain violations to, the Texas Board of Professional Geoscientists.

(viva voce vote) (31-0) (31-0)

**CSSB 141** (Huffman)

Relating to the requirements for issuance of a license to practice orthotics and prosthetics.

(viva voce vote) (31-0) (31-0)

**SB 147** (Deuell)

Relating to the amount of outstanding total liability of a mortgage guaranty insurer.

(viva voce vote) (31-0) (31-0)

**CSSB 148** (Williams)

Relating to certain legal advice or legal services rendered to certain public servants.

(viva voce vote) (31-0) (31-0)

**SB 153** (Nelson)

Relating to the amounts of administrative penalties assessed or imposed against certain health facilities.

(viva voce vote) (31-0) (31-0)



**SB 157** (Hegar)

Relating to the Parrie Haynes Trust.

(viva voce vote) (31-0) (31-0)

**SB 159** (Carona)

Relating to the definition of an authorized emergency vehicle.

(viva voce vote) (31-0) (31-0)

**CSSB 166** (Deuell)

Relating to the use by certain health care providers of electronically readable information from a driver's license or personal identification certificate.

(viva voce vote) (31-0) (31-0)

**SB 168** (Fraser)

Relating to the election of members of the board of directors of the Central Texas Groundwater Conservation District.

(viva voce vote) (31-0) (31-0)

**SB 169** (Hegar)

Relating to ballot language for an election to approve and finance a municipal or county venue project.

(viva voce vote) (31-0) (31-0)

**CSSB 176** (Carona)

Relating to the distribution of certain consultants' reports.

(viva voce vote) (31-0) (31-0)

**CSSB 183** (Carona)

Relating to certain inquiries made by the Texas Department of Insurance to insurers.

(viva voce vote) (31-0) (31-0)

**(Senator Uresti in Chair)****SB 185** (Deuell)

Relating to information regarding the number of public school students with dyslexia.

(viva voce vote) (31-0) (31-0)

**SB 192** (Carona)

Relating to access to criminal history record information by the banking commissioner.

(viva voce vote) (31-0) (31-0)

**SB 193** (West)

Relating to the exemption from ad valorem taxation of certain property used to provide low-income and moderate-income housing.

(viva voce vote) (31-0) (31-0)

**CSSB 194** (West)

Relating to ingress and egress for access by emergency vehicles and for use during evacuations in certain new residential subdivisions.

(viva voce vote) (31-0) (31-0)

**SB 228** (Williams)

Relating to the regulation of the practice of public accountancy.

(viva voce vote) (31-0) (31-0)

**SB 230** (Carona)

Relating to the applicability of state law governing funds transfers to certain remittance transfers.

(viva voce vote) (31-0) (31-0)

**CSSB 232** (Carona)

Relating to use of the Nationwide Mortgage Licensing System and Registry in connection with the regulatory authority of the consumer credit commissioner.

(viva voce vote) (31-0) (31-0)

**CSSB 244** (Carona)

Relating to the administration, operation, supervision, and regulation of credit unions.

(viva voce vote) (31-0) (31-0)

**SB 245** (West)

Relating to eligibility of children's advocacy centers for contracts to provide services for children and family members in child abuse and neglect cases.

(viva voce vote) (31-0) (31-0)

**SB 246** (West)

Relating to the electronic submission of a request for an attorney general opinion.

(viva voce vote) (31-0) (31-0)

**SB 251** (West)

Relating to an unsworn declaration made by an employee of a state agency or political subdivision in the performance of the employee's job duties.

(viva voce vote) (31-0) (31-0)

**CSSB 259** (Carona)

Relating to telecommunications services and markets.

(viva voce vote) (31-0) (31-0)

**SB 265** (Huffman)

Relating to bond requirements for county officers and employees.

(viva voce vote) (31-0) (31-0)

**SB 268** (Seliger)

Relating to the application of the professional prosecutors law to the district attorney for the 287th Judicial District.

(viva voce vote) (31-0) (31-0)

**SB 273** (Hegar)

Relating to the creation of the Fort Bend County Municipal Utility District No. 206; providing authority to impose taxes and issue bonds; granting a limited power of eminent domain.

(viva voce vote) (31-0) (31-0)

**SB 279** (Watson)

Relating to certain information about high-value data sets provided by state agencies to the Department of Information Resources.

(viva voce vote) (31-0) (31-0)

**CSSB 283** (Estes)

Relating to the number of members of the Texas Historical Commission.

(viva voce vote) (31-0) (31-0)

**CSSB 288** (Carona)

Relating to the regulation of crafted precious metal dealers.

(viva voce vote) (31-0) (31-0)

**CSSB 289** (Carona)

Relating to the approval requirement for a rental-purchase agreement that includes a loss damage waiver provision.

(viva voce vote) (31-0) (31-0)

**SB 293** (Williams)

Relating to the authority of certain water districts to hold meetings by teleconference or videoconference.

(viva voce vote) (31-0) (31-0)

**CSSB 297** (Carona)

Relating to prepaid funeral benefits contracts.

(viva voce vote) (31-0) (31-0)

**CSSB 306** (Huffman)

Relating to consideration of a student receiving treatment in a residential facility for public school accountability purposes.

(viva voce vote) (31-0) (31-0)

**(Senator Schwertner in Chair)****SB 327** (Carona)

Relating to termination of franchises to provide cable or video service in municipalities.

(viva voce vote) (31-0) (31-0)

**CSSB 328** (Carona)

Relating to entrepreneurs-in-residence at state agencies.

(viva voce vote) (31-0) (31-0)

**SB 349** (Nichols)

Relating to standards for power lines.

(viva voce vote) (31-0) (31-0)

**SB 350** (Williams)

Relating to the storage of certain imported alcoholic beverages.

(viva voce vote) (31-0) (31-0)

**SB 351** (Hegar)

Relating to the powers and duties of the Willow Point Municipal Utility District of Fort Bend and Waller Counties; providing authority to impose a tax and issue bonds.

(viva voce vote) (31-0) (31-0)

**CSSB 353** (West)

Relating to the ability of an emergency shelter facility to provide shelter or care for an unaccompanied minor without a license.

(viva voce vote) (31-0) (31-0)

**CSSB 355** (West)

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; providing an administrative fine.

(viva voce vote) (31-0) (31-0)

**SB 359** (Hinojosa)

Relating to the selection of certain members of the board of directors of an appraisal district.

(viva voce vote) (31-0) (31-0)

**CSSB 362** (Watson)

Relating to the practice of cosmetology.

(viva voce vote) (31-0) (31-0)

**CSSB 364** (Elife)

Relating to the authority of certain municipalities to provide sewer service to areas within the municipal boundaries without obtaining a certificate of public convenience and necessity.

(viva voce vote) (31-0) (31-0)

**SB 365** (Carona)

Relating to expedited credentialing for certain podiatrists providing services under a managed care plan.

(viva voce vote) (31-0) (31-0)

**SB 381** (Van de Putte)

Relating to the misuse of the name or symbols of the division of workers' compensation of the Texas Department of Insurance in a deceptive manner.

(viva voce vote) (31-0) (31-0)

**SB 382** (Carona)

Relating to the disbursement of county funds to a person owing delinquent property taxes.

(viva voce vote) (31-0) (31-0)

**SB 383** (Carona)

Relating to the repeal of certain provisions governing the sale and use of certain refrigerants.

(viva voce vote) (31-0) (31-0)

**CSSB 389** (West)

Relating to the imposition of court costs in certain criminal proceedings.

(viva voce vote) (31-0) (31-0)

**SB 390** (West)

Relating to the effective date of a new court cost or fee or of an amendment to the amount of a court cost or fee.

(viva voce vote) (31-0) (31-0)

**SB 391** (West)

Relating to a defendant's obligation to pay a fine or court cost after the expiration of a period of community supervision.

(viva voce vote) (31-0) (31-0)

**SB 397** (Duncan)

Relating to the statute of limitations for an action on a credit card account.

(viva voce vote) (31-0) (31-0)

**SB 398** (Hancock)

Relating to conforming the eligibility under a major events trust fund of a National Collegiate Athletic Association Division I Football Bowl Subdivision postseason event with the changes to the Bowl Championship Series system.

(viva voce vote) (31-0) (31-0)

**CSSB 406** (Nelson)

Relating to the delegation of prescriptive authority by physicians to and the supervision by physicians of certain advanced practice registered nurses and physician assistants.

(viva voce vote) (31-0) (31-0)

**CSSB 408** (Carona)

Relating to the confidentiality of certain complaints to and investigations by the Texas Department of Licensing and Regulation.

(viva voce vote) (31-0) (31-0)

**SB 409** (Watson)

Relating to the issuance of an alcoholic beverage permit or license covering certain premises where a previous permit or license holder has been evicted.

(viva voce vote) (31-0) (31-0)

**CSSB 411** (Carona)

Relating to insurers' duty to provide information in a fraud investigation.

(viva voce vote) (31-0) (31-0)

**SB 412** (Seliger)

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.

(viva voce vote) (31-0) (31-0)

**SB 422** (Duncan)

Relating to service of citation on a financial institution.

(viva voce vote) (31-0) (31-0)

**SB 425 (Nelson)**

Relating to foster care placement decisions made by the Department of Family and Protective Services.

(viva voce vote) (31-0) (31-0)

**SB 426 (Nelson)**

Relating to a home visiting program for at-risk families.

(viva voce vote) (31-0) (31-0)

**SB 428 (Nelson)**

Relating to background and criminal history checks for parents or other relatives of children in residential child-care facilities.

(viva voce vote) (31-0) (31-0)

**SB 429 (Nelson)**

Relating to the dismissal or nonsuit of a suit to terminate the parent-child relationship filed by a governmental entity.

(viva voce vote) (31-0) (31-0)

**SB 447 (Fraser)**

Relating to annual and special meetings of and election procedures for members of boards of directors for water supply or sewer service corporations.

(viva voce vote) (31-0) (31-0)

**SB 474 (Carona)**

Relating to financing statements and other records under the secured transactions law.

(viva voce vote) (31-0) (31-0)

**CSSB 499 (Lucio)**

Relating to the determination of actual damages to enable compensation from the manufactured homeowners' recovery trust fund.

(viva voce vote) (31-0) (31-0)

**SB 506 (Watson)**

Relating to an exemption from registration and regulation requirements for steam cookers.

(viva voce vote) (31-0) (31-0)

**CSSB 512 (Carona)**

Relating to the specialized telecommunications assistance program.

(viva voce vote) (31-0) (31-0)

**(Senator Uresti in Chair)****SB 540 (Carona)**

Relating to the regulation, registration, and certification of inspectors for elevators, escalators, and related equipment.

(viva voce vote) (31-0) (31-0)

**SB 562 (Carona)**

Relating to the license qualifications and continuing education requirements for polygraph examiners.

(viva voce vote) (31-0) (31-0)

**SB 589** (Hegar)

Relating to the designation of certain river or stream segments as being of unique ecological value.

(viva voce vote) (31-0) (31-0)

**SB 618** (Carona)

Relating to the elimination of the licensing and registration requirements for ringside physicians and timekeepers for combative sports events.

(viva voce vote) (31-0) (31-0)

**SB 631** (Carona)

Relating to certain statutory insurance deposit requirements.

(viva voce vote) (31-0) (31-0)

**CSSB 642** (Van de Putte)

Relating to the sale of distilled spirits to the holder of an industrial permit.

(viva voce vote) (31-0) (31-0)

**SB 652** (Van de Putte)

Relating to the transfer of alcoholic beverages for manufacturing purposes between certain permit and license holders.

(viva voce vote) (31-0) (31-0)

**CSSB 661** (Carona)

Relating to cemeteries and perpetual care cemetery corporations; creating an offense.

(viva voce vote) (31-0) (31-0)

**SB 699** (Carona)

Relating to the contents of an assumed name certificate filed by certain businesses or professionals.

(viva voce vote) (31-0) (31-0)

**SB 702** (Hegar)

Relating to certified and insured prescribed burn managers.

(viva voce vote) (31-0) (31-0)

**SCR 1** (Nelson)

Designating April as Water Safety Month for a 10-year period beginning in 2013.

(31-0)

**SCR 6** (Estes)

Urging Congress to reimburse the State of Texas for bearing the financial burden of the federal government's responsibility to secure the Texas-Mexico international border during the 2012-2013 budget cycle.

(28-3) "Nays" Ellis, Garcia, Rodríguez

**SCR 12** (Schwertner)

Designating pecan pie as the official State Pie of Texas.

(31-0)

**SCR 13** (Deuell)

Declaring the City of Canton to be the Walking Capital of Texas.

(31-0)

**BILL REMOVED FROM  
LOCAL AND UNCONTESTED CALENDAR**

Senator Carona, author of the bill, requested in writing that **SB 473** be removed from the Local and Uncontested Calendar.

**SESSION CONCLUDED FOR  
LOCAL AND UNCONTESTED CALENDAR**

The Presiding Officer announced that the session to consider bills and resolutions placed on the Local and Uncontested Calendar was concluded.

**SENATE BILLS AND RESOLUTION ON FIRST READING**

The following bills and resolution, filed on or before Friday, March 8, 2013, were introduced, read first time, and referred to the committees indicated:

**SB 812** by Eltife

Relating to the recovery of certain payments by motor vehicle manufacturers and distributors from motor vehicle dealers.

To Committee on Transportation.

**SB 1216** by Eltife

Relating to the creation of a standard request form for prior authorization of health care services.

To Committee on State Affairs.

**SB 1217** by Patrick

Relating to the authority of a county to deposit fees collected by a county bail bond board in a separate county fund.

To Committee on Intergovernmental Relations.

**SB 1218** by Campbell

Relating to the proof of an applicant's identity and age required for the issuance of a marriage license.

To Committee on Jurisprudence.

**SB 1219** by Davis

Relating to a customer's right to privacy of smart meter collected data.

To Committee on Business and Commerce.

**SB 1220** by Paxton

Relating to the use of certain funds from the Texas Health Insurance Pool.

To Committee on Finance.

**SB 1221** by 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.

To Committee on State Affairs.

**SB 1222** by Paxton

Relating to the control of conditional federal funds for state programs.

To Committee on Finance.



**SB 1223** by Taylor

Relating to an allotment under the public school finance system for the cost of windstorm and hail insurance.

To Committee on Education.

**SB 1224** by Taylor

Relating to the use by a property owner of a common or contract carrier to send a payment, report, application, statement, or other document or paper to a taxing unit or taxing official.

To Committee on Finance.

**SB 1225** by Taylor

Relating to the facilities to which Chapter 68, Water Code, applies.

To Committee on Natural Resources.

**SB 1226** by Zaffirini

Relating to the establishment of an employment-first policy and task force that promote opportunities for individuals with disabilities to earn a living wage with competitive employment.

To Committee on Health and Human Services.

**SB 1227** by Rodríguez

Relating to the creation of an on-bill repayment program to encourage improvements to real property related to water efficiency; authorizing a fee.

To Committee on Natural Resources.

**SB 1228** by Estes

Relating to an exemption from the sales tax for firearms and hunting supplies for a limited period.

To Committee on Finance.

**SB 1229** by West

Relating to increases in the records archive fees and the records management and preservation fees charged by district and county clerks.

To Committee on Jurisprudence.

**SB 1230** by West

Relating to the urban land bank demonstration program in certain municipalities.

To Committee on Intergovernmental Relations.

**SB 1231** by West

Relating to the operation of certain condominium unit owners' associations.

To Committee on Intergovernmental Relations.

**SB 1232** by West

Relating to expanding eligibility for medical assistance to certain persons under the federal Patient Protection and Affordable Care Act and ensuring the provision of quality care under and the effectiveness of the medical assistance program.

To Committee on Health and Human Services.

**SB 1233** by Schwertner

Relating to a state animal identification program and the identification of animals vaccinated for or infected with brucellosis.

To Committee on Agriculture, Rural Affairs and Homeland Security.

**SB 1234** by Whitmire

Relating to the establishment of progressive sanctions for students who fail to attend school and to the repeal of the offenses of failure to attend school and parent contributing to nonattendance.

To Committee on Criminal Justice.

**SB 1235** by West

Relating to guardianships, including assessments for and provision of guardianship services by the Department of Aging and Disability Services.

To Committee on Jurisprudence.

**SB 1236** by West

Relating to the extension of an emergency order for protective services for certain persons who are elderly or have disabilities.

To Committee on Jurisprudence.

**SB 1237** by Schwertner

Relating to referral of disputes for alternative dispute resolution, including victim-directed referrals; authorizing a fee.

To Committee on Jurisprudence.

**SB 1238** by Hinojosa, Huffman

Relating to the composition and duties of and investigations conducted by the Texas Forensic Science Commission, the administrative attachment of the Texas Forensic Science Commission to Sam Houston State University, and the accreditation of criminal laboratories by the Department of Public Safety of the State of Texas.

To Committee on Criminal Justice.

**SB 1239** by Rodríguez

Relating to compensation for excess electricity generated by a retail electric customer's on-site generation.

To Committee on Business and Commerce.

**SB 1240** by Duncan

Relating to the partition of mineral interests of a charitable trust.

To Committee on Jurisprudence.

**SB 1241** by Hegar

Relating to the Edwards Aquifer Authority's regulation of wells with limited production capabilities.

To Committee on Natural Resources.

**SB 1242** by Hegar

Relating to certain provisions applicable to an optometrist, therapeutic optometrist, or ophthalmologist providing services under a managed care plan.

To Committee on State Affairs.

**SB 1243** by Hegar

Relating to the issuance of interest-bearing time warrants and certain notes by school districts.

To Committee on Education.

**SB 1244** by Hegar

Relating to relating to the extraterritorial jurisdiction of certain municipalities.

To Committee on Intergovernmental Relations.

**SB 1245** by West

Relating to child custody evaluations and adoption evaluations conducted and testimony provided in certain suits affecting the parent-child relationship; providing penalties; authorizing fees.

To Committee on Jurisprudence.

**SB 1246** by West

Relating to possession of or access to a child.

To Committee on Jurisprudence.

**SB 1247** by Carona

Relating to certain extensions of consumer credit facilitated by credit access businesses; providing a civil penalty.

To Committee on Business and Commerce.

**SB 1248** by Carona

Relating to an amount charged by a dealer in connection with the sale of certain recreational vehicles and boats.

To Committee on Business and Commerce.

**SB 1249** by Carona

Relating to plugging, capping, repairing, or completing certain wells.

To Committee on Natural Resources.

**SB 1250** by Carona

Relating to the creation of an office of regulatory best practices in the Texas Department of Licensing and Regulation and the evaluation by the office of proposals by members of the legislature to regulate occupations.

To Committee on Business and Commerce.

**SB 1251** by Carona

Relating to authorized charges for certain consumer loans.

To Committee on Business and Commerce.

**SB 1252** by Patrick

Relating to a sales and use tax exemption for certain tangible personal property and services related to mineral exploration and production.

To Committee on Finance.

**SB 1253** by Zaffirini

Relating to the relationship between Texas Department of Transportation toll projects and adjoining free roads.

To Committee on Transportation.

**SB 1254** by Davis

Relating to lobbying by former state agency officers and executive heads; creating an offense.

To Committee on State Affairs.

**SB 1255** by Patrick

Relating to binding arbitration of an appraisal review board order determining a protest of an unequal appraisal of the owner's property.

To Committee on Finance.

**SB 1256** by Patrick

Relating to the requirements for a sale to be considered a comparable sale for ad valorem tax purposes.

To Committee on Finance.

**SB 1257** by Rodríguez

Relating to a settlement in a contested case involving an integrated utility operating outside of ERCOT in areas of the Western Electricity Coordinating Council.

To Committee on Business and Commerce.

**SB 1258** by Hinojosa

Relating to improving access to nursing education programs.

To Committee on Higher Education.

**SB 1259** by Rodríguez

Relating to the enforcement of an order to pay child support by contempt and the awarding of costs and fees in certain proceedings.

To Committee on Jurisprudence.

**SB 1260** by Rodríguez

Relating to the enforcement of spousal maintenance agreements and property distribution agreements incident to divorce or annulment.

To Committee on Jurisprudence.

**SB 1261** by Rodríguez

Relating to certain procedures in certain civil actions.

To Committee on State Affairs.

**SB 1262** by Rodríguez

Relating to the merger of housing authorities in certain municipalities and counties.

To Committee on Intergovernmental Relations.

**SB 1263** by Taylor, Patrick

Relating to allowing parents to petition for repurposing, alternative management, or closure of certain public school campuses.

To Committee on Education.

**SB 1264** by Hancock

Relating to the provision of 9-1-1 services; providing criminal penalties.

To Committee on Business and Commerce.

**SB 1265** by Nichols

Relating to the election of board members for emergency services districts in certain counties.

To Committee on Intergovernmental Relations.

**SB 1266** by Nichols

Relating to the creation of the Montgomery County Municipal Utility District No. 135; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

**SB 1267** by Nichols

Relating to the liability of individuals providing labor or assistance to the Texas Forest Service in the performance of certain fire suppression duties.

To Committee on State Affairs.

**SB 1268** by Lucio

Relating to recreational vehicles and recreational vehicle parks.

To Committee on Business and Commerce.

**SB 1269** by Lucio

Relating to authorizing home-taught driver education course providers to administer certain examinations required to obtain a driver's license.

To Committee on Transportation.

**SB 1270** by West

Relating to prohibiting seeking or imposing the death penalty on the basis of a person's race.

To Committee on Criminal Justice.

**SB 1271** by Eltife

Relating to the regulation and enforcement of dam safety by the Texas Commission on Environmental Quality.

To Committee on Natural Resources.

**SB 1273** by Watson

Relating to creating a commuter trip reduction pilot program for the Texas Department of Transportation.

To Committee on Transportation.

**SB 1274** by Watson

Relating to the certification of sheriffs and deputy sheriffs to enforce commercial motor vehicle safety standards in certain counties.

To Committee on Transportation.

**SB 1275** by Watson

Relating to the Texas Emissions Reduction Plan motor vehicle purchase or lease incentive program.

To Committee on Natural Resources.

**SB 1276** by Watson

Relating to the use of municipal hotel occupancy taxes in certain municipalities.  
To Committee on Economic Development.

**SB 1277** by Watson

Relating to the right of certain municipalities to maintain local control over wages, hours, and other terms and conditions of employment.  
To Committee on Intergovernmental Relations.

**SB 1278** by Watson

Relating to the appraisal for ad valorem tax purposes of solar energy property.  
To Committee on Finance.

**SB 1279** by Watson

Relating to cost recovery for certain demand-side electric energy resources in the competitive electric market.  
To Committee on Business and Commerce.

**SB 1280** by Watson

Relating to attaining reserve capacity margins in power regions to meet expected peak demand.  
To Committee on Business and Commerce.

**SB 1281** by Rodríguez

Relating to mechanic's, contractor's, or materialman's liens.  
To Committee on Business and Commerce.

**SB 1282** by Duncan, Seliger

Relating to deadlines for proposals for adoption by certain districts or authorities of desired future conditions of relevant aquifers.  
To Committee on Natural Resources.

**SB 1283** by Eltife

Relating to transactions involving the assignment of rights in an individual's legal claim; authorizing the imposition of a fee.  
To Committee on State Affairs.

**SB 1284** by Schwertner

Relating to the development and operation of advanced brackish desalination projects.  
To Committee on Natural Resources.

**SB 1285** by Williams

Relating to the operation of the special prosecution unit.  
To Committee on Criminal Justice.

**SB 1286** by Williams

Relating to the regulation of professional employer services.  
To Committee on Business and Commerce.

**SB 1287** by Williams, Taylor

Relating to the operation of all-terrain vehicles and recreational off-highway vehicles; creating an offense.  
To Committee on Transportation.

**SB 1288** by Williams

Relating to the disposition of fees collected by or on behalf of the Texas Department of Motor Vehicles; authorizing fees.

To Committee on Finance.

**SB 1289** by Williams

Relating to certain business entities engaged in the publication or other dissemination of mug shots and other information regarding the involvement of an individual in the criminal justice system; providing a civil penalty.

To Committee on Criminal Justice.

**SB 1290** by Ellis

Relating to group health benefits coverage for dependents and family members of persons wrongfully imprisoned.

To Committee on State Affairs.

**SB 1291** by Ellis

Relating to the penalty for possession of certain small amounts of Penalty Group 1 controlled substances.

To Committee on Criminal Justice.

**SB 1292** by Ellis

Relating to DNA testing of biological evidence in certain capital cases.

To Committee on Criminal Justice.

**SB 1293** by West

Relating to creating a disadvantaged business assistance program to be operated by the Texas Department of Transportation.

To Committee on Transportation.

**SB 1294** by Davis

Relating to the awarding of contracts by the Texas Department of Transportation to private sector providers.

To Committee on Transportation.

**SB 1295** by Davis

Relating to state agency purchasing.

To Committee on Government Organization.

**SB 1296** by Taylor

Relating to the regulation of real estate inspectors.

To Committee on Business and Commerce.

**SB 1297** by Watson

Relating to written electronic communications between members of a governmental body.

To Committee on Open Government.

**SB 1298** by Hegar, Patrick

Relating to the provision of electronic courses in public schools, electronic assessment of public school students, the state virtual school network, and school district digital capabilities.

To Committee on Education.

**SB 1299** by Patrick

Relating to powers of the West Harris County Regional Water Authority relating to certain wells.

To Committee on Natural Resources.

**SB 1300** by Eltife

Relating to environmental or health and safety audits under the Texas Environmental, Health, and Safety Audit Privilege Act.

To Committee on Natural Resources.

**SB 1301** by Davis

Relating to granting and revoking licenses for open-enrollment charter schools and to exempting certain open-enrollment charter schools from assignment of a performance rating.

To Committee on Education.

**SB 1302** by Davis

Relating to applicability of certain public school requirements to private schools that accept students with vouchers, tax credit scholarships, or certain other funding.

To Committee on Education.

**SB 1303** by Davis

Relating to a comprehensive review by the Texas Education Agency of weights, allotments, and adjustments under the public school finance system.

To Committee on Education.

**SB 1304** by Davis

Relating to a requirement for school districts to report disciplinary actions to the commissioner of education.

To Committee on Education.

**SB 1305** by Davis

Relating to transportation within a school district of a student entitled to a public education grant.

To Committee on Education.

**SB 1306** by Davis

Relating to the basic allotment for the Foundation School Program for the state fiscal year ending August 31, 2013; making an appropriation.

To Committee on Finance.

**SB 1307** by Davis

Relating to continuing education requirements for certain public school educators.

To Committee on Education.



**SB 1308** by Davis

Relating to auditing and monitoring of performance under contracts for state-adopted assessment instruments administered to public school students.

To Committee on Education.

**SB 1309** by Davis

Relating to assessment alternatives or accommodations for public school students in special education programs.

To Committee on Education.

**SB 1310** by Davis

Relating to standards for school district, public school campus, and open-enrollment charter school performance ratings.

To Committee on Education.

**SB 1311** by Davis

Relating to a review by the Texas Education Agency of certain assessment instruments administered to public school students.

To Committee on Education.

**SB 1312** by Schwertner

Relating to the regulation and practice of veterinary medicine; authorizing a fee.

To Committee on Agriculture, Rural Affairs and Homeland Security.

**SB 1313** by Schwertner

Relating to the Correctional Management Institute of Texas at Sam Houston State University.

To Committee on Higher Education.

**SB 1314** by Davis

Relating to the designation of a portion of Interstate Highway 35W as the Cesar Chavez Memorial Freeway.

To Committee on Transportation.

**SB 1315** by Whitmire

Relating to the exclusion of certain flow-through funds in determining total revenue for purposes of the franchise tax.

To Committee on Finance.

**SB 1316** by Whitmire

Relating to the prosecution of the offense of indecency with a child.

To Committee on Criminal Justice.

**SB 1317** by Whitmire

Relating to persons authorized to perform a marriage ceremony.

To Committee on Jurisprudence.

**SB 1318** by Lucio

Relating to optional fees imposed on vehicles registered in certain counties to fund transportation projects.

To Committee on Transportation.

**SB 1319** by Lucio

Relating to certain comprehensive development agreements of the Texas Department of Transportation or a regional mobility authority.

To Committee on Transportation.

**SB 1320** by Carona

Relating to the operation of the Texas Windstorm Insurance Association.

To Committee on Business and Commerce.

**SB 1321** by Duncan

Relating to the consideration of a life insurance policy in determining eligibility for medical assistance.

To Committee on Health and Human Services.

**SB 1322** by Van de Putte

Relating to the provision of ancillary services through limited services networks; providing penalties.

To Committee on State Affairs.

**SB 1323** by Seliger

Relating to the authority of a county to establish a centralized sex offender registration authority.

To Committee on Criminal Justice.

**SB 1324** by Seliger

Relating to the authority to organize volunteer safety groups at churches, synagogues, and other places of religious worship.

To Committee on Criminal Justice.

**SB 1325** by Seliger

Relating to Seminole Hospital District of Gaines County, Texas.

To Committee on Intergovernmental Relations.

**SB 1326** by Williams

Relating to disclaimers of estate property by certain beneficiaries.

To Committee on Jurisprudence.

**SB 1327** by Paxton

Relating to the reimbursement of utilities for relocation of utility facilities following improvement or construction of certain tolled highways.

To Committee on Transportation.

**SB 1328** by Paxton

Relating to the authority of a statutory probate court in Collin County to hear and determine certain matters pending in a district or statutory county court.

To Committee on Jurisprudence.

**SB 1329** by Paxton

Relating to remedies for nonpayment of regional tollway authority tolls.

To Committee on Transportation.

**SB 1330** by Estes

Relating to a sales and use tax exemption 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.

To Committee on Finance.

**SB 1331** by Campbell

Relating to voting eligibility requirements for members of a metropolitan planning organization policy board.

To Committee on Transportation.

**SB 1332** by Duncan

Relating to who is an employee for large and small employers for health benefit plans.

To Committee on State Affairs.

**SB 1333** by Carona

Relating to the creation of the Cotton Belt Rail Improvement District; providing authority to impose an assessment and issue bonds.

To Committee on Intergovernmental Relations.

**SB 1334** by Lucio

Relating to accounting and payoff statements for certain seller-financed residential loans; providing a penalty.

To Committee on Business and Commerce.

**SB 1335** by Lucio

Relating to an executory contract for the conveyance of real property; providing a penalty.

To Committee on Business and Commerce.

**SB 1336** by Lucio

Relating to the establishment of the Texas Commission on Immigration and Migration and a migrant worker visa pilot project.

To Committee on Agriculture, Rural Affairs and Homeland Security.

**SB 1337** by Lucio

Relating to the powers of the governing body of a public utility in certain municipalities.

To Committee on Intergovernmental Relations.

**SB 1338** by Lucio

Relating to the delivery system reform incentive payment pool under the Medicaid reform waiver.

To Committee on Health and Human Services.

**SB 1339** by Duncan

Relating to contractual subrogation rights of certain insurers and benefit plan issuers.

To Committee on State Affairs.

**SB 1340** by Seliger

Relating to the temporary operation of a race track extension location.  
To Committee on State Affairs.

**SB 1341** by Taylor

Relating to the authority of a county to advertise on leased vehicles.  
To Committee on Intergovernmental Relations.

**SB 1342** by Davis

Relating to evidence of inequality of appraisal in judicial appeals of appraisal review board orders.

To Committee on Finance.

**SB 1343** by Hinojosa

Relating to the establishment of a regional center for public safety excellence in the Rio Grande Valley.

To Committee on Higher Education.

**SB 1344** by Hinojosa

Relating to public high school graduation, including curriculum requirements for graduation.

To Committee on Education.

**SB 1345** by Hinojosa

Relating to the sale and distribution of certain alcoholic beverages.

To Committee on Business and Commerce.

**SB 1346** by Lucio

Relating to establishing a task force to design cultural competence education requirements for certain health education programs.

To Committee on Higher Education.

**SB 1347** by Lucio

Relating to the operation of certain managed care plans with respect to health care providers.

To Committee on State Affairs.

**SB 1348** by West

Relating to certain criminal offenses concerning the unlawful transfer or purchase of certain weapons.

To Committee on Criminal Justice.

**SB 1349** by West

Relating to the use of deadly force in defense of a person or property.

To Committee on Criminal Justice.

**SB 1350** by West

Relating to the motor vehicle inspection program; creating an offense; amending the amount of certain fees.

To Committee on Transportation.

**SB 1803** by Huffman

Relating to the Office of the Inspector General.  
To Committee on Health and Human Services.

**SJR 48** by Carona

Proposing a constitutional amendment to require a member of the legislature to obtain and file a report on the costs and benefits of a bill or amendment to impose or increase an occupational regulation.  
To Committee on Business and Commerce.

**CO-AUTHOR OF SENATE BILL 24**

On motion of Senator Hinojosa, Senator Garcia will be shown as Co-author of **SB 24**.

**CO-AUTHOR OF SENATE BILL 120**

On motion of Senator Rodríguez, Senator Garcia will be shown as Co-author of **SB 120**.

**CO-AUTHOR OF SENATE BILL 573**

On motion of Senator Patrick, Senator Campbell will be shown as Co-author of **SB 573**.

**CO-AUTHORS OF SENATE BILL 715**

On motion of Senator Lucio, Senators Patrick and West will be shown as Co-authors of **SB 715**.

**CO-AUTHOR OF SENATE BILL 922**

On motion of Senator Birdwell, Senator Lucio will be shown as Co-author of **SB 922**.

**CO-AUTHOR OF SENATE BILL 1639**

On motion of Senator Carona, Senator Birdwell will be shown as Co-author of **SB 1639**.

**CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 1**

On motion of Senator Nelson, Senator Hancock will be shown as Co-author of **SCR 1**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolution**

**SR 455** by Hegar, In memory of B. Jack Wendt.

### Congratulatory Resolutions

**SR 448** by Ellis, Recognizing Christopher Scott for being named a 2012 Texan of the Year.

**SR 453** by Campbell, Recognizing Madison Albrecht and Kaitlyn Dehaven for being honored by the Prudential Spirit of Community Awards.

**SR 454** by Hegar, Commending the members of the Matagorda County Cavalry.

**SR 456** by Davis, Recognizing the Texas launch of the Justice for Girls initiative.

**SR 457** by Ellis, Recognizing Roy Owens for his achievements.

**SR 458** by West, Recognizing Concord Missionary Baptist Church on the occasion of the dedication of its new sanctuary.

**HCR 10** (Birdwell), Congratulating Robert Griffin III on winning the 2011 Heisman Trophy.

### Official Designation Resolution

**HCR 83** (Seliger), Designating the Shamrock St. Patrick's Day Celebration as the official St. Patrick's Day Celebration for the State of Texas.

(Senator Duncan in Chair)

### ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 2:21 p.m. adjourned, in memory of Raymond L. Telles, until 2:00 p.m. Monday, March 18, 2013.

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## APPENDIX

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### COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

March 13, 2013

HEALTH AND HUMAN SERVICES — **CSSB 36, CSSB 49, CSSB 152, CSSB 404, CSSB 430, CSSB 746, SB 294, SB 380, SB 500, SB 747, SB 944, SB 945**

AGRICULTURE, RURAL AFFAIRS AND HOMELAND SECURITY — **CSSB 174, SB 284, SB 917, SCR 20, CSSB 918**

STATE AFFAIRS — **SJR 13, SB 160, CSSB 366, SB 531, SB 655, SB 692, CSSB 764, SB 777**

FINANCE — **SB 603, SB 464, SB 158, CSSB 1** (Ordered not printed)

BUSINESS AND COMMERCE — **SB 410, SB 649, SB 673, SB 698, SB 723, SB 801, SB 804, SB 805, SB 840, SB 845**

EDUCATION — **CSSB 401, CSSB 521**

NATURAL RESOURCES — **SB 454, SB 662, SB 819, SB 856, SB 890, SB 901, SB 902**

CRIMINAL JUSTICE — **SB 107, SB 188, SB 222, SB 252, SB 270, SB 369, SB 484, SB 825**

**BILLS AND RESOLUTION ENGROSSED**

March 12, 2013

**SB 186, SB 227, SB 247, SJR 18**

**RESOLUTIONS ENROLLED**

March 12, 2013

**SR 314, SR 339, SR 419, SR 420, SR 444, SR 445, SR 446, SR 449, SR 450, SR 451**

**SENT TO SECRETARY OF STATE**

March 13, 2013

**SCR 22**

**In Memory**  
**of**  
**Raymond L. Telles**  
**Senate Resolution 452**

WHEREAS, The Senate of the State of Texas honors and pays tribute to the life of former El Paso mayor Raymond L. Telles, who died March 8, 2013, at the age of 97; and

WHEREAS, This remarkable pioneer was the first Mexican American mayor of a major Southwestern city and was a former ambassador to Costa Rica; he spent his life in public service and in the political limelight; he was an advisor to President John F. Kennedy, but he also remained committed to local politics; he was particularly dedicated to elevating Hispanics to public office; and,

WHEREAS, Born September 5, 1915, Raymond Telles grew up in a very different El Paso than the one he left behind; Mr. Telles is credited with challenging certain beliefs held by the political establishment in the 1940s and 1950s and disproving the notion that Mexican Americans were not electable and were not capable of effectively running a city; he was elected to four terms as El Paso County clerk and two terms as mayor of El Paso, holding the latter office from 1957 to 1961; he ran his campaigns with dignity and served as a model for a whole generation; and,

WHEREAS, In the 1960s, Mr. Telles was one of the highest-ranking Mexican Americans in the federal government; he was a trusted advisor to many national politicians and agencies; and,

WHEREAS, This highly regarded public servant has been called a founding father of contemporary Latino politics in the United States; his accomplishments while serving El Paso included securing the world-renowned Kress art collection for the El Paso Art Museum and pushing the city to hire more Hispanics for police and fire department jobs; he was recognized in 2006 as Mayor Emeritus of El Paso, and in 2008, he received a lifetime achievement award from the Hispanos Triunfadores Awards program; and,

WHEREAS, A loving husband and father, he shared more than 65 years with his late wife, Delfina, and he taught his children to value service, honesty, loyalty, and community; and

WHEREAS, In his death, this honorable patriot and decorated military veteran leaves behind an extraordinary legacy as a dedicated public servant who gave Mexican Americans a voice in politics and who truly served his city, state, and country; his memory will long be cherished by those who shared 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 Raymond L. Telles; 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 Raymond Telles.

RODRÍGUEZ



# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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## TWENTY-SEVENTH DAY

(Monday, March 18, 2013)

The Senate met at 2:09 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, Watson, West, Whitmire, Williams, Zaffirini.

Absent-excused: Van de Putte.

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

Pastor David Butler, People's Church, Jacksonville, was introduced by Senator Nichols and offered the invocation as follows:

Dear heavenly Father, I come to You in the mighty name of Jesus, thanking You and praising You for our great State of Texas. I thank You for the plan You gave to our forefathers by which to govern our state and for the division of powers so that our destiny does not rest in the hands of one person. In praying for those in authority, I therefore lift up our Senate to You. I pray that by Your holy power, our legislative bodies would make laws that are just. Father, I ask You to give them wisdom to make decisions that would strengthen and prosper our state. I desire that they would make right decisions concerning the politics, the social welfare, and the economics of our state. I pray that they will be motivated by Your hand and not their own personal concerns. 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 important business.

**MESSAGES FROM THE GOVERNOR**

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

March 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 Texas A&M University System Board of Regents for terms to expire February 1, 2019:

Anthony G. "Tony" Buzbee

Friendswood, Texas

(replacing Richard Box of Austin whose term expired)

Morris E. Foster

Austin, Texas

(Mr. Foster is being reappointed)

Charles W. Schwartz

Houston, Texas

(replacing James Wilson, Jr. of Sugar Land whose term expired)

Respectfully submitted,

/s/Rick Perry

Governor

March 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 members of the Texas Department of Housing and Community Affairs for terms to expire January 31, 2019:

Leslie Bingham Escareño

Brownsville, Texas

Lowell A. Keig

Austin, Texas

The individuals listed above are being reappointed.

Respectfully submitted,

/s/Rick Perry

Governor

**ACKNOWLEDGMENT**

The President acknowledged the presence of Jimmy Mansour, Founding Chair of the Cancer Prevention and Research Institute of Texas Oversight Committee.

The Senate welcomed its guest.

**SENATE RESOLUTION 479**

Senator Ellis offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the 50th anniversary of the United States Supreme Court decision in *Gideon v. Wainwright*; and

WHEREAS, It was 50 years ago on March 18, 1963, that the United States Supreme Court unanimously decided the landmark case of *Gideon v. Wainwright* and ruled that state courts are required under the Constitution to provide counsel in criminal cases for defendants who are unable to afford to pay their own attorneys; and

WHEREAS, The court thus recognized that our adversarial system of criminal justice depends upon a fair contest between the prosecution and the defense, and it further recognized that the adversarial system is an effective means of arriving at just results only when both the prosecution and defense are adequately prepared and equipped to present their case effectively under the law; and

WHEREAS, In the words of Justice Hugo Black, "This noble ideal cannot be realized if the poor man charged with crime has to face his accusers without a lawyer to assist him"; and

WHEREAS, Because the assistance of counsel is essential to effectuate a meaningful defense when faced with prosecution by the state, Texas passed the *Fair Defense Act of 2001* to better ensure that the constitutional rights of all Texans would be more reliably safeguarded; and

WHEREAS, Implementation of the Fair Defense Act has led to many more people receiving public defense services, along with earlier access to counsel and improved quality of the services provided; and

WHEREAS, The Fair Defense Act created the Task Force on Indigent Defense, now known as the Texas Indigent Defense Commission, to provide technical support to counties to develop and maintain quality, cost-effective public defense systems and for the first time to provide financial assistance to meet the new requirements and foster innovation in the way public defense services are provided; and

WHEREAS, The new state grant funds administered by the commission have led to the creation of 13 new public defender offices and three managed assigned counsel programs to provide public defense services in more than 180 counties; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby affirm that the principles of fairness and justice recognized in *Gideon v. Wainwright* represent an important and historic step forward in American justice and, upon this occasion of the 50th anniversary of *Gideon v. Wainwright*, recognize and salute the important work being done across the United States and the State of Texas to ensure fairness and justice by guaranteeing access to counsel for all; and, be it further

RESOLVED, That a copy of this Resolution be prepared to commemorate the 50th anniversary of this landmark decision.

**SR 479** was read and was adopted without objection.

### **GUESTS PRESENTED**

Senator Ellis was recognized and introduced to the Senate David Lee Wiggins, exoneree; Sharon Keller, Presiding Judge, Texas Court of Criminal Appeals; Bruce Jacob, former Assistant Attorney General for the State of Florida; Buck Files, President, State Bar of Texas Board of Directors; and Lydia Clay-Jackson, President, Texas Criminal Defense Lawyers Association.

The Senate welcomed its guests.

### **MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Monday, March 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:

**SCR 29**                                      Whitmire                                      Sponsor: Murphy  
Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, March 13, 2013, and ending on Monday, March 18, 2013.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

### **PHYSICIAN OF THE DAY**

Senator Hinojosa was recognized and presented Dr. Steven Stoltz of Mission as the Physician of the Day.

The Senate welcomed Dr. Stoltz and thanked him for his 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 Leadership Gainesville delegation.

The Senate welcomed its guests.

**SENATE RESOLUTION 483**

Senator Lucio offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to acknowledge with great honor the recent election of Pope Francis I; and

WHEREAS, The new pontiff was born Jorge Mario Bergoglio; he is a former cardinal from Argentina and is widely admired as a man of the people; he was elected on March 13, 2013, and is the first pope from Latin America; and

WHEREAS, As a cardinal and as archbishop of Buenos Aires, he worked closely with his parishioners and his clergy; his assumption of the papacy is an affirmation and an acknowledgement of Latin Americans, who claim the largest share of the world's Catholics; and

WHEREAS, Pope Francis I specializes in the kind of pastoral work that will serve the greatest needs of today's Catholic Church; and

WHEREAS, Known for his character and humility, he is a skilled leader who has modernized the Church in Argentina while embracing traditional values, and his election as pope is truly an auspicious event for the Catholic Church; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby congratulate the members of the Catholic Church on the election of Pope Francis I; and, be it further

RESOLVED, That a copy of this Resolution be prepared to commemorate this historic occasion.

**SR 483** was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Zaffirini was recognized and introduced to the Senate a Boys & Girls Clubs of America delegation.

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 2:33 p.m. announced the conclusion of morning call.

**BIRTHDAY GREETINGS EXTENDED**

The President, on behalf of the Senate, extended birthday greetings to Senator Watson.

**COMMITTEE SUBSTITUTE**  
**SENATE BILL 198 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 198** at this time on its second reading:

**CSSB 198**, Relating to restrictive covenants regulating drought-resistant landscaping or water-conserving natural turf.

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 198 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 198** 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 223 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 223** at this time on its second reading:

**SB 223**, Relating to designation of certain vehicles of the Texas Division of Emergency Management as authorized emergency 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 except as follows:

Absent-excused: Van de Putte.

**SENATE BILL 223 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 223** 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 276 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 276** at this time on its second reading:

**SB 276**, Relating to the authority of certain transportation authorities to create a local government corporation.

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 276 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 276** 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 460 REREFERRED**

**(Motion In Writing)**

Senator Deuell submitted a Motion In Writing requesting that **SB 460** be withdrawn from the Committee on Education and rereferred to the Committee on Higher Education.

The Motion In Writing prevailed without objection.

#### **SENATE BILL 501 REREFERRED**

**(Motion In Writing)**

Senator West submitted a Motion In Writing requesting that **SB 501** be withdrawn from the Committee on Transportation and rereferred to the Committee on Jurisprudence.

The Motion In Writing prevailed without objection.

#### **RESOLUTIONS SIGNED**

The President announced the signing of the following enrolled resolutions in the presence of the Senate: **HCR 10, HCR 48, HCR 83.**

### MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 2:45 p.m. agreed to adjourn, upon completion of the introduction of bills and resolutions on first reading, until 11:00 a.m. tomorrow.

### SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions, filed on or before Friday, March 8, 2013, were introduced, read first time, and referred to the committees indicated:

**SB 1272** by Watson

Relating to the view of the State Capitol.  
To Committee on Economic Development.

**SB 1351** by Carona

Relating to demand-side electric energy resources in the competitive electric market.  
To Committee on Business and Commerce.

**SB 1352** by Van de Putte

Relating to inclusion of mental health concerns in existing state and local coordinated school health efforts.  
To Committee on Education.

**SB 1353** by Van de Putte

Relating to child-care licensing requirements for certain shelters.  
To Committee on Health and Human Services.

**SB 1354** by Van de Putte

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.  
To Committee on Health and Human Services.

**SB 1355** by Van de Putte

Relating to the period for which eligibility lists for beginning positions in certain municipal fire or police departments are effective.  
To Committee on Intergovernmental Relations.

**SB 1356** by Van de Putte

Relating to requiring trauma-informed care training for certain staff of county and state juvenile facilities.  
To Committee on Criminal Justice.

**SB 1357** by Davis

Relating to the use of administrative segregation or seclusion in county jails.  
To Committee on Criminal Justice.

**SB 1358** by Davis

Relating to animal encounter training for peace officers.  
To Committee on Criminal Justice.

**SB 1359** by Rodríguez

Relating to a prohibition of foods containing trans fat.  
To Committee on Business and Commerce.

**SB 1360** by Rodríguez

Relating to the punishment for the offense of tampering with a witness and the evidence that may be offered to show that offense.  
To Committee on Criminal Justice.

**SB 1361** by Rodríguez

Relating to a bill of rights for persons receiving Medicaid long-term services and supports under state benefits programs.  
To Committee on Health and Human Services.

**SB 1362** by Schwertner

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.  
To Committee on Education.

**SB 1363** by Huffman

Relating to testimony or the production of evidence before the legislature or a legislative committee.  
To Committee on State Affairs.

**SB 1364** by Schwertner

Relating to the computation of an electric utility's income taxes.  
To Committee on Business and Commerce.

**SB 1365** by Duncan, Patrick

Relating to the provision of credit by examination for public school students.  
To Committee on Education.

**SB 1366** by Duncan

Relating to the use of certain funds of the Texas Health Insurance Pool.  
To Committee on State Affairs.

**SB 1367** by Duncan

Relating to abolishing the Texas Health Insurance Pool.  
To Committee on State Affairs.

**SB 1368** by Davis

Relating to contracts by certain state governmental entities that involve the exchange or creation of public information.  
To Committee on Open Government.

**SB 1369** by Davis

Relating to providing information to the legislature regarding state and local fiscal impact of legislative measures.  
To Committee on Finance.

**SB 1370** by Davis

Relating to the deposit of money received from the federal government.  
To Committee on Finance.

**SB 1372** by Hinojosa

Relating to the powers and duties of timeshare owners' associations.  
To Committee on Business and Commerce.

**SB 1373** by Hinojosa

Relating to the display of the Honor and Remember flag.  
To Committee on Veteran Affairs and Military Installations.

**SB 1374** by Hinojosa

Relating to identification requirements for certain fire hydrants and flush valves.  
To Committee on Natural Resources.

**SB 1375** by Hinojosa

Relating to self-directed and semi-independent status of certain health care regulatory agencies; making an appropriation; authorizing fees.  
To Committee on Health and Human Services.

**SB 1376** by Eltife

Relating to specialty license plates issued to retired members of the United States armed forces.  
To Committee on Transportation.

**SB 1377** by Ellis, Davis, Lucio, Rodríguez

Relating to making an appropriation of money from the economic stabilization fund for the Foundation School Program.  
To Committee on Finance.

**SB 1378** by Ellis, Davis, Lucio, Rodríguez

Relating to the appropriations of money from the economic stabilization fund for the 2014-2015 state fiscal biennium.  
To Committee on Finance.

**SB 1379** by Hancock

Relating to the standard valuation for life insurance, accident and health insurance, and annuities.  
To Committee on State Affairs.

**SB 1380** by Patrick

Relating to the placement of video monitoring cameras in self-contained classrooms providing special education services.  
To Committee on Education.

**SB 1381** by Hancock

Relating to the effect of certain agreements with a collective bargaining organization on certain state-funded public work contracts.  
To Committee on Government Organization.

**SB 1382** by Hancock

Relating to the confidentiality of information obtained by or disclosed to the Texas Department of Insurance.  
To Committee on Business and Commerce.

**SB 1384** by Hancock

Relating to the authority of an independent school district to invest in local water projects.

To Committee on Education.

**SB 1385** by Hancock

Relating to notification procedures regarding the Texas Commission on Environmental Quality.

To Committee on Natural Resources.

**SB 1386** by Hancock

Relating to the nonforfeiture requirements of certain life insurance policies.

To Committee on State Affairs.

**SB 1387** by Carona

Relating to water well drillers and pump installers; authorizing fees.

To Committee on Natural Resources.

**SB 1388** by Carona

Relating to identity recovery service contracts.

To Committee on Business and Commerce.

**SB 1389** by Davis

Relating to the disclosure on personal financial statements of service retirement annuities received.

To Committee on State Affairs.

**SB 1390** by Davis

Relating to an audit by the state auditor of the Texas Enterprise Fund.

To Committee on Economic Development.

**SB 1391** by Davis

Relating to a requirement that the comptroller perform a study of the Texas Economic Development Act.

To Committee on Economic Development.

**SB 1392** by Davis

Relating to an audit by the state auditor and a study by the comptroller of the events trust funds.

To Committee on Economic Development.

**SB 1393** by Estes

Relating to the statewide homeland security strategy developed by the governor.

To Committee on Agriculture, Rural Affairs and Homeland Security.

**SB 1394** by Estes

Relating to the statewide critical infrastructure protection strategy.

To Committee on Agriculture, Rural Affairs and Homeland Security.

**SB 1395** by Estes

Relating to the regulation of dangerous wild animals.

To Committee on Agriculture, Rural Affairs and Homeland Security.

**SB 1396** by Estes

Relating to state agency investigations.  
To Committee on Government Organization.

**SB 1397** by Estes

Relating to the regulation of certain surety companies.  
To Committee on Business and Commerce.

**SB 1398** by Estes

Relating to rules governing the allocation of delegates to a political party's national presidential nominating convention.  
To Committee on State Affairs.

**SB 1399** by Estes

Relating to the use of proceeds from a junior college district branch campus maintenance tax.  
To Committee on Higher Education.

**SB 1400** by Estes

Relating to the municipal and county regulation of air guns.  
To Committee on Agriculture, Rural Affairs and Homeland Security.

**SB 1401** by Carona

Relating to the eligibility of certain providers of laboratory services for health and human services programs.  
To Committee on Health and Human Services.

**SB 1402** by Carona

Relating to access to records and certain information in those records regarding a child placed for adoption.  
To Committee on Health and Human Services.

**SB 1403** by Patrick, Hancock, Seliger

Relating to public school teachers.  
To Committee on Education.

**SB 1404** by Patrick, Uresti

Relating to attendance at and completion of high school by students who are in the conservatorship of the Department of Family and Protective Services.  
To Committee on Education.

**SB 1405** by Nichols

Relating to liability of certain persons assisting in man-made or natural disasters.  
To Committee on State Affairs.

**SB 1406** by Patrick, Campbell

Relating to State Board of Education oversight of regional education service center services and products concerning student curriculum.  
To Committee on Education.

**SB 1407** by Patrick

Relating to the establishment of the recovery school district.  
To Committee on Education.

**SB 1408** by Patrick

Relating to public school performance ratings that reflect acceptable and unacceptable performance.

To Committee on Education.

**SB 1409** by Patrick, Paxton

Relating to public information regarding facilities of school districts and open-enrollment charter schools.

To Committee on Open Government.

**SB 1410** by Patrick

Relating to the establishment of the Texas Equal Opportunity Scholarship Program.

To Committee on Education.

**SB 1411** by Deuell

Relating to regulation of traffic in a conservation and reclamation district by a commissioners court.

To Committee on Transportation.

**SB 1412** by Deuell

Relating to the periods during which breeder deer may be transferred for release.

To Committee on Agriculture, Rural Affairs and Homeland Security.

**SB 1413** by Deuell

Relating to the administration of retirement systems for paid, partly paid, or volunteer firefighters.

To Committee on State Affairs.

**SB 1414** by Deuell

Relating to certain retail public utilities affected by single certification in incorporated or annexed areas.

To Committee on Natural Resources.

**SB 1415** by 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.

To Committee on Transportation.

**SB 1416** by Deuell

Relating to the determination of whether a use of force against another is justified.

To Committee on Criminal Justice.

**SB 1417** by Deuell

Relating to enforcement of commercial motor vehicle safety standards in certain municipalities.

To Committee on Transportation.

**SB 1418** by Davis

Relating to the authority of the Department of Public Safety and certain local law enforcement agencies to establish a temporary checkpoint on a highway or street to determine whether persons are driving while intoxicated.

To Committee on Criminal Justice.

**SB 1419** by West

Relating to funding for juvenile case managers through certain fees and court costs and to the establishment of the truancy prevention and diversion fund.

To Committee on Jurisprudence.

**SB 1420** by West

Relating to court costs and fees in criminal proceedings.

To Committee on Jurisprudence.

**SB 1421** by West

Relating to the requirement that a will be attested by witnesses.

To Committee on Jurisprudence.

**SB 1422** by West

Relating to suits affecting the parent-child relationship.

To Committee on Jurisprudence.

**SB 1423** by Hinojosa

Relating to validating certain acts of the Lower Nueces River Water Supply District transferring real property rights.

To Committee on Natural Resources.

**SB 1424** by Hinojosa

Relating to the inclusion of optometrists, therapeutic optometrists, and ophthalmologists in the health care provider networks of certain Medicaid managed care organizations.

To Committee on Health and Human Services.

**SB 1425** by Hinojosa

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

To Committee on Intergovernmental Relations.

**SB 1426** by Hinojosa

Relating to the appointment of county auditors.

To Committee on Intergovernmental Relations.

**SB 1427** by Hinojosa

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.

To Committee on Agriculture, Rural Affairs and Homeland Security.



**SB 1428** by Hinojosa

Relating to the reformation of the sentences of juveniles convicted of capital felonies after being transferred to criminal court.

To Committee on Criminal Justice.

**SB 1429** by Hinojosa

Relating to the exemption of the Corpus Christi Aquifer Storage and Recovery Conservation District from certain provisions concerning the desired future conditions of an aquifer.

To Committee on Natural Resources.

**SB 1430** by Hinojosa

Relating to the applicability of certain public works contracting requirements.

To Committee on Government Organization.

**SB 1431** by Hinojosa

Relating to pharmacy benefit managers contracting with the child health plan program, the Medicaid managed care program, and health plans for certain government employees.

To Committee on Health and Human Services.

**SB 1432** by Hinojosa

Relating to the punishment for certain violations of a deer breeder's reporting requirements; providing an administrative penalty.

To Committee on Agriculture, Rural Affairs and Homeland Security.

**SB 1433** by Hinojosa

Relating to certain regulatory programs administered by the Department of Agriculture; providing penalties; imposing fees.

To Committee on Agriculture, Rural Affairs and Homeland Security.

**SB 1434** by Hegar

Relating to the definition of new property value for purposes of the calculation of certain ad valorem tax rates for a county.

To Committee on Finance.

**SB 1435** by Hinojosa

Relating to providers' rights to due process under the Medicaid program.

To Committee on Health and Human Services.

**SB 1436** by Paxton

Relating to the service retirement annuity of certain members of the Judicial Retirement System of Texas Plan One and the Judicial Retirement System of Texas Plan Two.

To Committee on State Affairs.

**SB 1437** by Paxton

Relating to authorizing a municipal clerk to file documents electronically for recording with a county clerk.

To Committee on Jurisprudence.

**SB 1438** by Paxton

Relating to the transportation of certain mental health patients.  
To Committee on Health and Human Services.

**SB 1439** by West

Relating to property and evidence technicians.  
To Committee on Criminal Justice.

**SB 1440** by West

Relating to adjudication and disposition of juvenile conduct.  
To Committee on Criminal Justice.

**SB 1441** by Lucio

Relating to mule deer management permits.  
To Committee on Agriculture, Rural Affairs and Homeland Security.

**SB 1442** by Lucio

Relating to the tort liability of juvenile probation departments and juvenile boards.  
To Committee on State Affairs.

**SB 1443** by Lucio

Relating to an exemption from sales and use tax for certain property purchased using money from the community development block grant disaster recovery program and used to repair or reconstruct a real property improvement damaged by a natural disaster.  
To Committee on Finance.

**SB 1444** by Hinojosa

Relating to the transfer of responsibility for regulating deer breeding from the Parks and Wildlife Department to the Texas Animal Health Commission.  
To Committee on Agriculture, Rural Affairs and Homeland Security.

**SB 1445** by Hinojosa

Relating to imposing an uncompensated care fee on certain hospitals to provide state funding for the Medicaid program.  
To Committee on Health and Human Services.

**SB 1446** by Hinojosa

Relating to the payment of individuals employed by recovery audit contractors to identify underpayments and overpayments under the Medicaid program.  
To Committee on Health and Human Services.

**SB 1447** by Hinojosa

Relating to the exclusion of certain flow-through funds by taxable entities engaged in the business of transporting barite in determining total revenue for purposes of the franchise tax.  
To Committee on Finance.

**SB 1448** by Hinojosa

Relating to orders of nondisclosure issued for records of certain fine-only misdemeanors; authorizing a fee.  
To Committee on Criminal Justice.

**SB 1449** by Hinojosa

Relating to the transfer of an ad valorem tax lien  
To Committee on Intergovernmental Relations.

**SB 1450** by Hinojosa

Relating to the abolishment of the Texas Racing Commission and the transfer of its powers and duties to the Texas Commission of Licensing and Regulation; providing penalties; authorizing fees.  
To Committee on State Affairs.

**SB 1451** by Hinojosa

Relating to the prosecution of the offense of money laundering and to the forfeiture of certain contraband.  
To Committee on Criminal Justice.

**SB 1452** by Lucio

Relating to authorizing certain border counties and municipalities in those counties to regulate land development; providing a penalty.  
To Committee on Intergovernmental Relations.

**SB 1453** by Rodríguez

Relating to rates charged and credits granted by certain electric utilities to retail customers with on-site solar generation capacity.  
To Committee on Business and Commerce.

**SB 1454** by Taylor

Relating to the regulation of plumbing.  
To Committee on Business and Commerce.

**SB 1455** by Taylor

Relating to the exemption from ad valorem taxation of real property leased to and used by certain schools.  
To Committee on Finance.

**SB 1456** by Taylor

Relating to the regulation of backflow prevention assembly testers by the Texas State Board of Plumbing Examiners; authorizing a fee.  
To Committee on Business and Commerce.

**SB 1457** by Duncan

Relating to transfer of management services for the physical facilities of the Texas School for the Blind and Visually Impaired and the Texas School for the Deaf from the schools' boards of trustees to the Texas Facilities Commission.  
To Committee on Government Organization.

**SB 1458** by Duncan

Relating to the administration of and benefits payable by the Teacher Retirement System of Texas.  
To Committee on State Affairs.

**SB 1459** by Duncan

Relating to the Employees Retirement System of Texas.

To Committee on State Affairs.

**SB 1460** by Lucio

Relating to appointment of a bailiff to serve the 105th District Court.

To Committee on Jurisprudence.

**SB 1461** by Carona

Relating to the addition of certain municipalities to the territory of a regional transportation authority.

To Committee on Transportation.

**SB 1462** by Duncan

Relating to the power of the Railroad Commission of Texas to adopt and enforce safety standards and practices applicable to the transportation by pipeline of certain substances and to certain pipeline facilities.

To Committee on Natural Resources.

**SB 1463** by West

Relating to certain contracts for Medicaid managed care.

To Committee on Health and Human Services.

**SB 1464** by Ellis

Relating to a postsecondary education paths pilot program in certain independent school districts.

To Committee on Education.

**SB 1465** by Estes

Relating to exempting certain amounts charged for certain cable television services from the sales and use tax.

To Committee on Finance.

**SB 1466** by Estes

Relating to the authority of a municipality to regulate state licensees.

To Committee on Intergovernmental Relations.

**SB 1467** by Estes

Relating to economic development incentives for firearms manufacturers, firearms accessory manufacturers, and ammunition manufacturers.

To Committee on Agriculture, Rural Affairs and Homeland Security.

**SB 1468** by Estes

Relating to the qualifications of certain electric generation projects for programs designed to encourage the capture and utilization of carbon dioxide for use in enhanced oil recovery.

To Committee on Natural Resources.

**SB 1469** by Deuell

Relating to alternative assessment of certain public school students under the public school accountability system.

To Committee on Education.

**SB 1470** by Davis

Relating to the statute of limitations on prosecution of the offenses of kidnapping and aggravated kidnapping of a minor.

To Committee on Criminal Justice.

**SB 1471** by West

Relating to the recusal or disqualification of a statutory probate court judge and subsequent assignment of another judge.

To Committee on Jurisprudence.

**SB 1472** by West

Relating to information that must be included on prepaid calling cards.

To Committee on Business and Commerce.

**SB 1473** by 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.

To Committee on Intergovernmental Relations.

**SB 1474** by Duncan

Relating to the adoption of major curriculum initiatives by a school district.

To Committee on Education.

**SB 1475** by Duncan

Relating to the development and use of a jail-based restoration of competency pilot program.

To Committee on Criminal Justice.

**SB 1476** by West

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

To Committee on Veteran Affairs and Military Installations.

**SB 1477** by Deuell

Relating to flexibility in the administration of the Medicaid program, a block grant funding approach to Medicaid expansion, and the establishment of a health benefit exchange tailored to the needs of the state.

To Committee on Health and Human Services.

**SB 1478** by Rodríguez

Relating to the satisfaction of annual renewable energy requirements by certain utilities.

To Committee on Business and Commerce.

**SB 1479** by Watson, Schwertner

Relating to the provision of emergency services in the Williamson-Travis Counties Water Control and Improvement District No. 1-F.

To Committee on Intergovernmental Relations.

**SB 1480** by Watson, Schwertner

Relating to the provision of emergency services in the Williamson-Travis Counties Water Control and Improvement District No. 1-G.

To Committee on Intergovernmental Relations.

**SB 1481** by Watson, Schwertner

Relating to the provision of emergency services in the Bella Vista Municipal Utility District.

To Committee on Intergovernmental Relations.

**SB 1482** by Watson

Relating to the issuance of a public security.

To Committee on Natural Resources.

**SB 1483** by Watson

Relating to evaluation of applications for the low income housing tax credit program.

To Committee on Intergovernmental Relations.

**SB 1484** by Watson, Davis, Lucio

Relating to health benefit plan coverage for enrollees diagnosed with autism spectrum disorder.

To Committee on State Affairs.

**SB 1485** by Watson

Relating to the definition of serious mental illness for purposes of certain group health benefit plans.

To Committee on State Affairs.

**SB 1486** by Watson

Relating to the authority of certain university systems to provide benefits to certain qualified individuals.

To Committee on State Affairs.

**SB 1487** by Watson

Relating to the abandonment of a county road.

To Committee on Transportation.

**SB 1488** by Watson

Relating to the authority for the department of transportation to enter into a comprehensive development agreement for the financing, design, acquisition, construction, maintenance, or operation of a rail facility or system.

To Committee on Transportation.

**SB 1489** by Watson

Relating to the powers and jurisdiction of a regional mobility authority.

To Committee on Transportation.

**SB 1490** by Duncan

Relating to the administration of and benefits payable by the Teacher Retirement System of Texas.

To Committee on State Affairs.

**SB 1491** by Van de Putte

Relating to the sale of alcoholic beverages to customers of a package store during certain hours.

To Committee on Business and Commerce.

**SB 1492** by Van de Putte

Relating to the dispute by an insurer of a determination of specific injuries and diagnoses in connection with a compensable injury in certain workers' compensation claims.

To Committee on State Affairs.

**SB 1493** by Van de Putte

Relating to delinquent payment of an alcoholic beverage retailer's account for liquor.

To Committee on Business and Commerce.

**SB 1495** by Hinojosa

Relating to the creation of a health care funding district in certain counties located on the Texas-Mexico border; authorizing the imposition of a tax.

To Committee on Finance.

**SB 1496** by Davis, West

Relating to use of the money from the Texas Enterprise Fund and the Texas emerging technology fund to benefit certain historically underutilized businesses.

To Committee on Economic Development.

**SB 1497** by Deuell

Relating to the cultural and fine arts district program administered by the Texas Commission on the Arts.

To Committee on Government Organization.

**SB 1498** by Deuell

Relating to a sales tax exemption for certain items sold to or used by certain venues that present live music.

To Committee on Finance.

**SB 1499** by West

Relating to establishing a local behavioral health intervention pilot project.

To Committee on Health and Human Services.

**SB 1500** by Rodríguez

Relating to the criteria to be used by the Texas Water Development Board in prioritizing applications for funds for the implementation of water supply projects.

To Committee on Natural Resources.

**SB 1552** by Lucio

Relating to an exemption from ad valorem taxation by a county of a portion of the value of the residence homestead of a veteran who has been honorably discharged.

To Committee on Veteran Affairs and Military Installations.

**SB 1619** by Paxton

Relating to the exemption of inventory of certain retail businesses from ad valorem taxation by a school district.

To Committee on Finance.

**SB 1655** by Williams

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.

To Committee on Finance.

**SB 1656** by Williams

Relating to the constitutional limit on the rate of growth of appropriations.

To Committee on Finance.

**SB 1686** by Duncan

Relating to public school finance matters, including the imposition of a state ad valorem tax for elementary and secondary school purposes and a school district ad valorem enrichment tax.

To Committee on Finance.

**SB 1700** by Taylor

Relating to the operation of the Texas Windstorm Insurance Association and the FAIR Plan Association.

To Committee on Business and Commerce.

**SB 1701** by Taylor

Relating to the payment of insured losses of the Texas Windstorm Insurance Association and funding of the catastrophe reserve trust fund.

To Committee on Business and Commerce.

**SB 1702** by Taylor

Relating to residential property insured by the Texas Windstorm Insurance Association.

To Committee on Business and Commerce.

**SB 1808** by Schwertner

Relating to the cost effects of expanding eligibility for medical assistance under the federal Patient Protection and Affordable Care Act.

To Committee on Finance.

**SCR 23** by Patrick

Rejecting unlimited submission to the current administration and Congress, reaffirming the sovereignty of our state, and opposing taxes imposed on the citizens of Texas by the passage of the Affordable Care Act.

To Committee on State Affairs.



**SCR 24** by 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.

To Committee on Economic Development.

**SCR 25** by West

Urging the attorney general of Texas to expeditiously advance any necessary appeals of the ruling of the 200th Judicial District Court in the school finance case.

To Committee on Finance.

**SCR 26** by 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.

To Committee on Health and Human Services.

**SCR 27** by 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.

To Committee on Natural Resources.

**SCR 28** by Uresti

Designating the first Tuesday in March as Texas Assisted Living Awareness Day for a 10-year period beginning in 2013.

To Committee on Administration.

**SJR 4** by Campbell, Paxton

Proposing a constitutional amendment relating to a person's freedom of religion.

To Committee on State Affairs.

**SJR 49** by Campbell, Paxton

Proposing a constitutional amendment relating to a person's freedom of religion.

To Committee on State Affairs.

**SJR 50** by Lucio

Proposing a constitutional amendment mandating the legislature to require candidates for public elective office in this state to undergo drug screening.

To Committee on State Affairs.

**SJR 51** by Paxton

Proposing a constitutional amendment authorizing the legislature to exempt from ad valorem taxation by one or more political subdivisions of this state a person's inventory held for sale at retail.

To Committee on Finance.

**SJR 52** by Taylor

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.

To Committee on Finance.

**SJR 53** by Estes

Rescinding every application made at any time by the Legislature of the State of Texas to the United States Congress to call a national convention, pursuant to Article V of the United States Constitution, for proposing any amendment or amendments to that Constitution.

To Committee on State Affairs.

**SJR 54** by Hinojosa

Proposing a constitutional amendment repealing the constitutional provision authorizing the creation of a hospital district in Hidalgo County.

To Committee on Intergovernmental Relations.

**SJR 55** by Williams

Proposing a constitutional amendment appropriating the system benefit fund for the purpose of returning system benefit fund fees to retail electric customers.

To Committee on Finance.

**SJR 56** by Williams

Proposing a constitutional amendment concerning the limitation on the rate of growth of state appropriations.

To Committee on Finance.

**SJR 57** by Hancock

Proposing a constitutional amendment to require the legislature to convene following each regular session of the legislature to consider the repeal of laws enacted during that regular session or at a subsequent special session.

To Committee on State Affairs.

**SJR 58** by Duncan

Proposing a constitutional amendment imposing a state property tax for public education, authorizing the legislature to establish for purposes of that tax a limit on the maximum appraised value of a residence homestead of 105 percent of the appraised value of the property for the preceding tax year, prohibiting school district property taxes for maintenance purposes, and authorizing school district property taxes for educational enrichment.

To Committee on Finance.

**SJR 59** by Lucio

Proposing a constitutional amendment to exempt from county ad valorem taxation a portion of the value of the residence homestead of a veteran of the United States armed services who has been honorably discharged.

To Committee on Veteran Affairs and Military Installations.

**SJR 60** by Ellis

Proposing a constitutional amendment to prohibit using voluntarily paid additional fees and surcharges that are dedicated by law for nondedicated general governmental purposes and to prohibit using that money for certification of appropriations for nondedicated purposes or entities.

To Committee on Finance.

**SJR 61** by Schwertner

Proposing a constitutional amendment requiring the reduction of amounts paid by Texans to provide health care to the uninsured if Medicaid eligibility is expanded in accordance with the federal Patient Protection and Affordable Care Act; requiring hospital district tax rate reductions.

To Committee on Finance.

**SJR 62** by Hinojosa

Proposing a constitutional amendment to authorize the creation of emergency and disaster response districts; providing authority to impose a tax and issue bonds.

To Committee on Finance.

**CO-AUTHOR OF SENATE BILL 49**

On motion of Senator Zaffirini, Senator West will be shown as Co-author of **SB 49**.

**CO-AUTHOR OF SENATE BILL 87**

On motion of Senator Ellis, Senator Hinojosa will be shown as Co-author of **SB 87**.

**CO-AUTHOR OF SENATE BILL 89**

On motion of Senator Ellis, Senator Hinojosa will be shown as Co-author of **SB 89**.

**CO-AUTHOR OF SENATE BILL 90**

On motion of Senator Ellis, Senator Hinojosa will be shown as Co-author of **SB 90**.

**CO-AUTHOR OF SENATE BILL 152**

On motion of Senator Nelson, Senator West will be shown as Co-author of **SB 152**.

**CO-AUTHOR OF SENATE BILL 401**

On motion of Senator Lucio, Senator West will be shown as Co-author of **SB 401**.

**CO-AUTHOR OF SENATE BILL 484**

On motion of Senator Whitmire, Senator West will be shown as Co-author of **SB 484**.

**CO-AUTHOR OF SENATE BILL 567**

On motion of Senator Watson, Senator Eltife will be shown as Co-author of **SB 567**.

**CO-AUTHOR OF SENATE BILL 628**

On motion of Senator Watson, Senator Zaffirini will be shown as Co-author of **SB 628**.

**CO-AUTHOR OF SENATE BILL 746**

On motion of Senator Nelson, Senator West will be shown as Co-author of **SB 746**.

**CO-AUTHOR OF SENATE BILL 750**

On motion of Senator Ellis, Senator Hinojosa will be shown as Co-author of **SB 750**.

**CO-AUTHOR OF SENATE BILL 922**

On motion of Senator Birdwell, Senator Schwertner will be shown as Co-author of **SB 922**.

**CO-AUTHOR OF SENATE BILL 955**

On motion of Senator Schwertner, Senator Birdwell will be shown as Co-author of **SB 955**.

**CO-AUTHOR OF SENATE BILL 1141**

On motion of Senator Duncan, Senator Schwertner will be shown as Co-author of **SB 1141**.

**CO-AUTHOR OF SENATE BILL 1142**

On motion of Senator Duncan, Senator Schwertner will be shown as Co-author of **SB 1142**.

**CO-AUTHOR OF SENATE BILL 1195**

On motion of Senator Ellis, Senator Zaffirini will be shown as Co-author of **SB 1195**.

**CO-AUTHOR OF SENATE BILL 1395**

On motion of Senator Estes, Senator Campbell will be shown as Co-author of **SB 1395**.

**CO-AUTHOR OF SENATE BILL 1611**

On motion of Senator Ellis, Senator Hinojosa will be shown as Co-author of **SB 1611**.

**CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 23**

On motion of Senator Patrick, Senator Taylor will be shown as Co-author of **SCR 23**.

**CO-AUTHORS OF SENATE JOINT RESOLUTION 13**

On motion of Senator Eltife, Senators Davis, Hinojosa, Lucio, Seliger, and Uresti will be shown as Co-authors of **SJR 13**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**SR 463** by Estes, In memory of Effie Mae Caffee.

**SR 468** by Campbell, In memory of Mary Lou Grier.

**SR 471** by Uresti, In memory of Larry Gale Nelson.

**SR 473** by West, In memory of Ellis Davis, Jr.

**Congratulatory Resolutions**

**SR 423** by Nelson, Recognizing Boy Scout Troop 7 in Grapevine on the occasion of its 100th anniversary.

**SR 424** by Nelson, Recognizing the Pregnancy Resource Centers in Texas.

**SR 433** by Davis and Ellis, Recognizing Ruby Cole Session for her achievements.

**SR 464** by Ellis, Commending Sharif Nassef Ariel Stallworth for achieving the rank of Eagle Scout.

**SR 465** by Ellis, Commending Jarrett O'Keith Villery for achieving the rank of Eagle Scout.

**SR 467** by Schwertner, Recognizing United Way of Williamson County for its service.

**SR 470** by Ellis, Recognizing the leaders of Boy Scout Troop 740 in Houston.

**SR 474** by Hancock, Commending the Texas Rangers baseball club for its 2012 season.

**SR 475** by Campbell, Commending Anne Cornell and Aaron Mason for visiting all the state's courthouses.

**SR 482** by Hinojosa, Commending Matthew Michael Bridges for achieving the rank of Eagle Scout.

**Official Designation Resolutions**

**SR 466** by Schwertner, Recognizing July 1 through July 4, 2013, as the Texas Family Reunion.

**SR 481** by Seliger, Recognizing the Best of the Basin BBQ Championship as a Texas State Barbecue Championship competition.

**(Senator Deuell in Chair)**

**ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 3:18 p.m. adjourned until 11:00 a.m. tomorrow.

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**APPENDIX**

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**COMMITTEE REPORTS**

The following committee reports were received by the Secretary of the Senate in the order listed:

March 18, 2013

GOVERNMENT ORGANIZATION — **CSSB 615, SB 533, SB 202, CSSB 700, CSSB 770**

CRIMINAL JUSTICE — **SB 12, CSSB 358, CSSB 187**

BUSINESS AND COMMERCE — **CSSB 697, CSSB 852, CSSB 847, CSSB 839, CSSB 569**

OPEN GOVERNMENT — **CSSB 471**

JURISPRUDENCE — **SB 129, SB 479**

CRIMINAL JUSTICE — **CSSB 462, CSSB 344**

JURISPRUDENCE — **CSSB 117, CSSB 130**

HIGHER EDUCATION — **SB 52**

HEALTH AND HUMAN SERVICES — **CSSB 58, SB 329, CSSB 348, CSSB 504, CSSB 771**

BUSINESS AND COMMERCE — **CSSB 614, CSSB 849**

ECONOMIC DEVELOPMENT — **SB 51, SB 551, SB 585**

INTERGOVERNMENTAL RELATIONS — **SB 564, SB 587, SB 604, SB 605, SB 606, SB 608, SB 609, SB 610, SB 696, SB 703, SB 704, SB 705**

CRIMINAL JUSTICE — **CSSB 231**

HIGHER EDUCATION — **CSSB 256**

INTERGOVERNMENTAL RELATIONS — **CSSB 543, CSSB 385**

BUSINESS AND COMMERCE — **CSSB 515, CSSB 516, CSSB 517, CSSB 518, CSSB 581, CSSB 639**

CRIMINAL JUSTICE — **CSSB 511**

ECONOMIC DEVELOPMENT — **CSSB 741, CSSB 658, CSSB 441**

GOVERNMENT ORGANIZATION — **CSSB 59**

JURISPRUDENCE — **CSSB 395**

NATURAL RESOURCES — **CSSB 448, CSSB 885**

ADMINISTRATION — **SCR 10**

**BILLS ENGROSSED**March 13, 2013

**SB 24, SB 50, SB 53, SB 60, SB 61, SB 63, SB 64, SB 66, SB 67, SB 68, SB 109, SB 111, SB 112, SB 120, SB 126, SB 127, SB 128, SB 138, SB 141, SB 147, SB 148, SB 153, SB 157, SB 159, SB 166, SB 168, SB 169, SB 176, SB 183, SB 185, SB 192, SB 193, SB 194, SB 228, SB 230, SB 232, SB 244, SB 245, SB 246, SB 251, SB 259, SB 265, SB 268, SB 273, SB 274, SB 279, SB 283, SB 288, SB 289, SB 293, SB 297, SB 306, SB 327, SB 328, SB 349, SB 350, SB 351, SB 353, SB 355, SB 359, SB 362, SB 364, SB 365, SB 381, SB 382, SB 383, SB 389, SB 390, SB 391, SB 397, SB 398, SB 406, SB 408, SB 409, SB 411, SB 412, SB 422, SB 425, SB 426, SB 428, SB 429, SB 447, SB 466, SB 474, SB 499, SB 506, SB 512, SB 529, SB 540, SB 562, SB 589, SB 618, SB 631, SB 642, SB 652, SB 661, SB 699, SB 702**

**RESOLUTIONS ENROLLED**March 13, 2013

**SR 413, SR 437, SR 447, SR 448, SR 452, SR 453, SR 454, SR 455, SR 456, SR 457, SR 458**





# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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## TWENTY-EIGHTH DAY

(Tuesday, March 19, 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, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

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

Pastor Dor. Anderson, Alvin Church of Christ, Alvin, was introduced by Senator Taylor and offered the invocation as follows:

Father: God, You alone are God. I humbly bow before Your throne and seek Your blessing for the men and women who make up this class of Texas Senators. Father, You tell us that when two or more are gathered together, there You will be also. So, I thank You for being a part of this moment and hearing my prayer. Father, what a blessing it is to live within a country and state where we freely and peacefully self-govern the land we live in as a nation, state, county, and city. We are blessed beyond our imagination to be able to freely share in the exchange of ideas, thoughts, and opinions in order to make this state a better place for all to live. Father, the men and women who comprise this Senate carry upon their shoulders a weight beyond what any of us could imagine. Yet the real burden that rests upon them is not restricted to the business that they debate on this floor, although that is significant, but it is found in the heaviness of the responsibility to represent and be the voice of those citizens who have elected them to their respective positions from all across the state. From the Panhandle in the north to the Sabine River in the east, from the magnificent sunsets of the western desert mountains down through the mighty Rio Grande Valley, from the Gulf Coast back up across the breathtaking Hill Country and in every corner of this great state, citizens are relying upon these men and women to speak and take appropriate legislative action in the best interest of their communities. And while everyone can have their say, not everyone can have their way, and that makes it tough in a world where winning is regarded at such a premium. I pray that You will give them peace in doing their jobs. May

You grant them wisdom beyond their measure. May You give them patience and discernment. May You give them the words to speak and the ears to hear, that all things might be considered that must be considered in order to make the best decisions for the State of Texas as a whole. And may the decisions that are made today, this week, and in the weeks to come be such that not only will benefit the current residents of this state but that those who are yet to call Texas their home will be blessed as well. Father, today I ask that the words of the Apostle Paul be a beacon of light for the Members of this Senate. It's not about who is the oldest or loudest. It's not about who speaks with elegance or the most passion nor has the most seniority. It's about putting the interest of others before themselves. May You gift this great body with such wisdom and devotion. Father, I thank You for this day, and I ask You to bless it abundantly. May the proceedings that come before this Senate Chamber be handled with honor, dignity, and selflessness. May You bestow these gifted and great servants with respect for each other and an awareness of those they represent. For I pray this blessing upon this Senate of the State of Texas, and I ask it in the name of my lord and savior, 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.

#### **PHYSICIAN OF THE DAY**

Senator Huffman was recognized and presented Dr. Nick Giannone of Lake Jackson as the Physician of the Day.

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

#### **RESOLUTION SIGNED**

The President announced the signing of the following enrolled resolution in the presence of the Senate: **SCR 29**.

#### **SENATE RESOLUTION 474**

Senator Hancock offered the following resolution:

**SR 474**, Commending the Texas Rangers baseball club for its 2012 season.

The resolution was again read.

The resolution was previously adopted on Monday, March 18, 2013.

#### **GUESTS PRESENTED**

Senator Hancock was recognized and introduced to the Senate a Texas Rangers delegation, accompanied by Rick George, President of Business Operations; and Kellie Fischer, CFO.

The Senate welcomed its guests.

**SENATE RESOLUTION 459**

Senator Huffman offered the following resolution:

**SR 459**, Recognizing *The Facts* newspaper on the occasion of its 100th anniversary.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Huffman was recognized and introduced to the Senate staff members of *The Facts* newspaper of Brazoria County.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Schwertner was recognized and introduced to the Senate members of United Way of Williamson County.

The Senate welcomed its guests.

**SENATE RESOLUTION 469**

Senator Taylor offered the following resolution:

**SR 469**, Welcoming the delegation from the Johnson Space Center on the occasion of NASA Space Day at the State Capitol.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Taylor was recognized and introduced to the Senate a Johnson Space Center delegation, accompanied by Ellen Ochoa, Director; Mike Kincaid, Director, External Relations; Bob Mitchell, President, Bay Area Houston Economic Partnership; Peggy Whitson, NASA Astronaut; and Darius Sanders, Texas Aerospace Scholars alumnus.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Hegar was recognized and introduced to the Senate a Wharton County delegation.

The Senate welcomed its guests.

**SENATE RESOLUTION 472**

Senator Uresti offered the following resolution:

**SR 472**, In memory of Raymond Paul Harle.

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

In honor of the memory of Raymond Paul Harle, the text of the resolution is printed at the end of today's *Senate Journal*.

Senator Uresti was recognized and introduced to the Senate family members of Raymond Paul Harle: Dorothy Harle, Sid Harle, and Brian Harle.

The Senate welcomed its guests and extended its sympathy.

**SENATE RESOLUTION 260**

Senator West offered the following resolution:

**SR 260**, Recognizing Saint Luke "Community" United Methodist Church of Dallas on the occasion of its 80th anniversary.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator West was recognized and introduced to the Senate members of Saint Luke "Community" United Methodist Church, accompanied by the Reverend Dr. Henry Masters, Sr., Pastor S. Dianna Masters, Geraldine Weatherall, Clara B. Johnson, and Carrie J. Marshall.

The Senate welcomed its guests.

**SENATE RESOLUTION 86**

Senator Huffman offered the following resolution:

**SR 86**, Recognizing March 19, 2013, as Brazoria County Day at the State Capitol.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Huffman was recognized and introduced to the Senate a Brazoria County delegation.

The Senate welcomed its guests.

**SENATE RESOLUTION 484**

Senator Birdwell offered the following resolution:

**SR 484**, Recognizing the members of the Burleson Area Chamber of Commerce.

BIRDWELL  
DAVIS

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Birdwell, joined by Senator Davis, was recognized and introduced to the Senate a Burleson Area Chamber of Commerce delegation, accompanied by Justin Bond, Burleson Economic Development Manager; Sherri Sechrist, President; Lisa Keese, Vice-chair-elect; and Kenny Howell, Johnson County Commissioner.

The Senate welcomed its guests.

**SENATE RESOLUTION 487**

Senator Zaffirini offered the following resolution:

**SR 487**, Commending Linda Jo G. Soliz on her service to her community.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Zaffirini was recognized and introduced to the Senate Linda Jo G. Soliz, Jim Hogg County Commissioner; Robert M. Soliz; Jo Ann Soliz Stacy; Steven Canales; and Juan Carlos Guerra, Hebbbronville Chamber of Commerce Board of Directors President.

The Senate welcomed its guests.

**SENATE RESOLUTION 486**

Senator Zaffirini offered the following resolution:

**SR 486**, Recognizing the 100th anniversary of Jim Hogg County.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Zaffirini was recognized and introduced to the Senate a Jim Hogg County delegation, accompanied by Sandalio Ruiz, Commissioner; Juan Lino Ramirez, Commissioner; Linda Jo G. Soliz, Commissioner; R. J. Molina, Historical Commission Vice-president; and Juan Carlos Guerra, Hebbbronville Chamber of Commerce Board of Directors President.

The Senate welcomed its guests.

**SENATE RESOLUTION 488**

Senator Zaffirini offered the following resolution:

**SR 488**, Recognizing First National Bank of Hebbbronville on the occasion of its 100th anniversary.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Zaffirini was recognized and introduced to the Senate a First National Bank of Hebbbronville delegation, accompanied by Israel Hinojosa, President and CEO; and Board of Directors members Robert Fulbright, Chair; Mario Martinez; Bill Hellen; and Bryan Gonzalez, Jr.

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 12:10 p.m. announced the conclusion of morning call.

**SENATE JOINT RESOLUTION 13 ON SECOND READING**

Senator Eltife moved to suspend the regular order of business to take up for consideration **SJR 13** at this time on its second reading:

**SJR 13**, Proposing a constitutional amendment limiting to two the number of consecutive terms for which a person may be elected or appointed to hold certain state offices.

The motion prevailed by the following vote: Yeas 27, Nays 4.

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

Nays: Birdwell, Estes, Hegar, Williams.

The resolution was read second time.

Senator Estes offered the following amendment to the resolution:

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

Amend **SJR 13** (senate committee report) as follows:

(1) Add the following appropriately numbered SECTION to the resolution and renumber subsequent SECTIONS accordingly:

SECTION \_\_\_\_ . Article V, Texas Constitution, is amended by adding Section 28a to read as follows:

Sec. 28a. (a) A person who has been elected to serve two consecutive terms as the Chief Justice of the Supreme Court, as a Justice of the Supreme Court, as the Presiding Judge of the Court of Criminal Appeals, as a Judge of the Court of Criminal Appeals, as the Chief Justice of a Court of Appeals, as a Justice of a Court of Appeals, or as a Judge of a District Court is not eligible for election to serve a third consecutive term in the same office to which the Justice or Judge was elected for two consecutive terms. This provision does not limit a person's eligibility for election to serve nonconsecutive terms.

(b) The term of a person appointed or elected to serve for the remainder of a term to fill a vacancy in the office of Chief Justice, Justice, Presiding Judge, or Judge is not counted in determining whether a person is eligible to serve under Subsection (a) of this section.

(2) In SECTION 2 of the resolution, in Subsection (a) of the TEMPORARY PROVISION (page 1, line 45), between "state offices" and the period, insert "or may be elected to serve as a justice or judge of the supreme court, the court of criminal appeals, a court of appeals, or a district court in this state".

(3) In SECTION 2 of the resolution, immediately following Subsection (b) of the TEMPORARY PROVISION (page 1, between lines 48 and 49), insert the following:

(c) Section 28a, Article V, of this constitution applies only to a justice or judge elected on or after January 1, 2014.

(4) In SECTION 2 of the resolution, in proposed Subsection (c) of the TEMPORARY PROVISION (page 1, line 49), strike "(c)" and substitute "(d)".

(5) In SECTION 3 of the resolution, in the ballot proposition (page 1, line 58), between "railroad commissioner" and the period, insert "or may be elected to serve as a justice or judge of the supreme court, the court of criminal appeals, a court of appeals, or a district court in this state".

The amendment to **SJR 13** was read.

**POINT OF ORDER**

Senator Eltife raised a point of order that Floor Amendment No. 1 was not germane to the body of the resolution.

**POINT OF ORDER RULING**

The President ruled that the point of order was well-taken and sustained.

Senator Estes offered the following amendment to the resolution:

**Floor Amendment No. 2**

Amend **SJR 13** (senate committee report) as follows:

(1) Add the following appropriately numbered SECTION to the resolution and renumber subsequent SECTIONS accordingly:

SECTION \_\_\_\_ . Article III, Texas Constitution, is amended by adding Section 7a to read as follows:

Sec. 7a. (a): A person who has been elected to serve two consecutive terms as a senator or two consecutive terms as a representative is not eligible for election to serve a third consecutive term. This provision does not limit a person's eligibility for election to serve nonconsecutive terms.

(b) The term of a person elected to serve for the remainder of a term to fill a vacancy in the legislature is not counted in determining whether a person is eligible to serve under Subsection (a) of this section.

(2) In SECTION 2 of the resolution, in Subsection (a) of the TEMPORARY PROVISION (page 1, line 45), between "state offices" and the period, insert "or may be elected to serve as a member of the legislature".

(3) In SECTION 2 of the resolution, immediately following Subsection (b) of the TEMPORARY PROVISION (page 1, between lines 48-49), insert the following:

(c) Section 7a, Article III, of this constitution applies only to a senator or a representative elected on or after September 1, 2013.

(4) In SECTION 2 of the resolution, in proposed Subsection (c) of the TEMPORARY PROVISION (page 1, line 49), strike "(c)" and substitute "(d)".

(5) In SECTION 3 of the resolution, in the ballot proposition, (page 1, line 58), between "railroad commissioner" and the period, insert "or may be elected to serve as a member of the legislature".

The amendment to **SJR 13** was read.

Senator Estes withdrew Floor Amendment No. 2.

**SJR 13** 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, Estes, Hegar, Williams.

### SENATE JOINT RESOLUTION 13 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 **SJR 13** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 4.

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

Nays: Birdwell, Estes, Hegar, Williams.

The resolution was read third time and was passed by the following vote: Yeas 27, Nays 4. (Same as previous roll call)

#### REASON FOR VOTE

Senator Williams submitted the following reason for vote on **SJR 13**:

I do not support term limits for statewide officeholders only.

WILLIAMS

### COMMITTEE SUBSTITUTE SENATE BILL 330 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 330** at this time on its second reading:

**CSSB 330**, Relating to certain information to which a social study evaluator is entitled in a suit affecting the parent-child relationship; providing a criminal penalty.

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 330 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 330** 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 160 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 160** at this time on its second reading:

**SB 160**, Relating to the identification of a person as an election poll watcher.



The bill was read second time.

Senator Huffman offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 160** (senate committee report) by striking all below the enacting clause and substituting the following:

SECTION 1. Section 33.051, Election Code, is amended by adding Subsection (f) to read as follows:

(f) On accepting a watcher for service, the election officer shall provide the watcher with a form of identification, prescribed by the secretary of state, to be displayed by the watcher during the watcher's hours of service at the polling place.

SECTION 2. This Act takes effect September 1, 2013.

The amendment to **SB 160** 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.

**SB 160** 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 160 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 160** 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 11.13 SUSPENDED**  
**(Consideration of Bills in Committees)**  
**(Motion In Writing)**

Senator Eltife submitted a Motion In Writing to suspend Senate Rule 11.13 to grant all committees permission to meet while the Senate was meeting today.

The Motion In Writing prevailed without objection.

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

Senator Whitmire submitted a Motion In Writing to suspend Senate Rule 7.07(b) to permit the introduction of the following bills: **SB 10, SB 1817, SB 1818, SB 1819.**

The Motion In Writing prevailed without objection.

## 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, Commission on Human Rights: Thomas M. Anderson, Fort Bend County; Danny Lee Osterhout, Andrews County.

Commissioners, Jefferson and Orange County Board of Pilot Commissioners: Martin Eloi Broussard, Jefferson County; George Washington Brown, Jefferson County; Gerald Raymond Callas, Jefferson County; Russell S. Covington, Orange County; James Scott, Jefferson County.

Public Counsel, Office of Injured Employee Counsel: Norman Wayne Darwin, Tarrant County.

Members, School Land Board: David S. Herrmann, Bexar County; Thomas Vernon Orr, Harris County.

Members, Board of Directors, Texas Economic Development Corporation: James Bruce Bugg, Bexar County; Robert Franco, Travis County.

Members, Board of Regents, Texas Woman's University: Anna Maria Farias, Cameron County; Nancy Painter Paup, Tarrant County; George Robert Schrader, Collin County.

Members, Texas Workforce Commission: Andres Alcantar, Travis County; Esperanza Andrade, 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 Carona and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Business and Commerce might meet today.

## MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 1:06 p.m. agreed to adjourn, in memory of Raymond Paul Harle, upon completion of the introduction of bills and resolutions on first reading, until 11:00 a.m. tomorrow.

## SENATE BILLS ON FIRST READING

The following bills, filed on or before Friday, March 8, 2013, were introduced, read first time, and referred to the committees indicated:

**SB 1383** by Hancock

Relating to requiring municipalities to provide compensation for certain signs required to be relocated due to road construction.

To Committee on Intergovernmental Relations.

**SB 1501** by Rodríguez

Relating to the allocation of state revenue used to provide financial assistance to political subdivisions for water supply projects.

To Committee on Natural Resources.

**SB 1502** by Lucio

Relating to providing parents with notice of a school district's promotion and retention policies.

To Committee on Education.

**SB 1503** by Lucio

Relating to the licensing and regulation of amusement redemption machines at certain locations; providing penalties.

To Committee on State Affairs.

**SB 1504** by Lucio

Relating to the imposition of the sales and use tax on taxable items sold or provided under certain contracts.

To Committee on Finance.

**SB 1505** by Schwertner

Relating to the frequency of the release of questions and answer keys to state assessment instruments administered in public schools.

To Committee on Education.

**SB 1506** by Schwertner

Relating to fire safety inspections.

To Committee on Business and Commerce.

**SB 1507** by Ellis

Relating to the eligibility of certain persons younger than 18 years of age to preregister to vote.

To Committee on State Affairs.

**SB 1508** by Hegar

Relating to the rendition of certain property.

To Committee on Finance.

**SB 1509** by Seliger

Relating to college readiness and success.

To Committee on Higher Education.

**SB 1510** by Hinojosa

Relating to the public notice required to be provided by certain taxing units before adopting an ad valorem tax rate.

To Committee on Finance.

**SB 1511** by Ellis

Relating to appraisal of land that is available to the public.

To Committee on Finance.

**SB 1512** by Ellis

Relating to the confidentiality of certain crime scene photographs and video recordings; providing a criminal penalty.

To Committee on Open Government.

**SB 1513** by Ellis

Relating to the interlocutory appeal of a denial of a motion to dismiss in an action involving the exercise of certain constitutional rights.

To Committee on State Affairs.

**SB 1514** by Ellis

Relating to a correction, clarification, or retraction of incorrect information published.

To Committee on State Affairs.

**SB 1515** by Ellis

Relating to the operation of a motor vehicle in the vicinity of an unprotected road user; providing penalties.

To Committee on Transportation.

**SB 1516** by West

Relating to the on-premises consumption of certain alcoholic beverages; providing a penalty and authorizing a fee.

To Committee on Business and Commerce.

**SB 1517** by Van de Putte

Relating to the placement of a child in disciplinary seclusion in a juvenile facility.

To Committee on Criminal Justice.

**SB 1518** by Van de Putte

Relating to the computation of the franchise tax by a taxable entity engaged in Internet hosting.

To Committee on Finance.

**SB 1519** by Van de Putte

Relating to educational materials on pardons for victims of trafficking of persons.

To Committee on Criminal Justice.

**SB 1520** by Van de Putte

Relating to the assessment of juveniles who are victims of sex trafficking.

To Committee on Criminal Justice.

**SB 1521** by Davis

Relating to an allotment under the public school finance system for dropout prevention.

To Committee on Education.

**SB 1522** by Hegar

Relating to the responsibility of the county to hold certain persons in county jail before a return or transfer of the person to the Texas Department of Criminal Justice.  
To Committee on Criminal Justice.

**SB 1523** by Hegar

Relating to changing the amount of the application fee for a certificate of registration as a private professional guardian.  
To Committee on Jurisprudence.

**SB 1524** by Seliger

Relating to the composition of districts for the election of members of the Texas Legislature and the United States House of Representatives from Texas.  
To Committee on State Affairs.

**SB 1525** by Zaffirini

Relating to including disability awareness training in risk management programs required for members and advisors of student organizations at postsecondary educational institutions.  
To Committee on Higher Education.

**SB 1526** by Ellis

Relating to criminal history background checks in connection with firearm transfers; creating offenses.  
To Committee on Criminal Justice.

**SB 1527** by Ellis

Relating to the creation of certain offenses concerning firearm sales at gun shows.  
To Committee on Agriculture, Rural Affairs and Homeland Security.

**SB 1528** by Hinojosa

Relating to identification and implementation of hospital funding solutions related to the Medicaid program.  
To Committee on Health and Human Services.

**SB 1529** by West

Relating to an exemption from property taxation for certain facilities that convert landfill generated methane into renewable natural gas.  
To Committee on Finance.

**SB 1530** by Seliger

Relating to the admission of undergraduate students to public institutions of higher education.  
To Committee on Higher Education.

**SB 1531** by Seliger

Relating to providing information to entering undergraduate students at general academic teaching institutions to promote timely graduation.  
To Committee on Higher Education.

**SB 1532** by Zaffirini

Relating to the power of the Texas Commission on Environmental Quality to authorize certain injection wells that transect or terminate in the Edwards Aquifer.

To Committee on Natural Resources.

**SB 1533** by Carona

Relating to municipal sales and use tax remittances by certain retailers.

To Committee on Finance.

**SB 1534** by Ellis

Relating to the automatic recurring payment of State Bar of Texas membership and additional fees.

To Committee on Jurisprudence.

**SB 1535** by West

Relating to increased oversight by the Department of State Health Services of hospitals that commit certain violations.

To Committee on Health and Human Services.

**SB 1536** by Van de Putte

Relating to the Texas military; imposing criminal penalties; authorizing fees.

To Committee on Veteran Affairs and Military Installations.

**SB 1537** by Deuell

Relating to certain required notices under the Texas Unemployment Compensation Act, including employer liability arising from failure to provide the notice.

To Committee on Economic Development.

**SB 1538** by Van de Putte, Lucio

Relating to evaluating the performance, including computing dropout and completion rates, of public schools, including schools designated as dropout recovery schools and residential facilities.

To Committee on Education.

**SB 1539** by Van de Putte

Relating to professional development training for certain public school personnel regarding student disciplinary procedures.

To Committee on Education.

**SB 1540** by Van de Putte

Relating to the establishment of the disaster identification system for a state of disaster.

To Committee on Agriculture, Rural Affairs and Homeland Security.

**SB 1541** by Van de Putte

Relating to discipline of public school students by school bus drivers.

To Committee on Education.

**SB 1542** by Van de Putte

Relating to clinical initiatives to improve the quality of care and cost-effectiveness of the Medicaid program.

To Committee on Health and Human Services.

**SB 1544** by Van de Putte

Relating to payment of and disclosures related to certain ambulatory surgical center charges.

To Committee on State Affairs.

**SB 1545** by Van de Putte

Relating to preregistration for participants in a political party's precinct conventions.

To Committee on State Affairs.

**SB 1546** by Eltife

Relating to the management and use of the Texas preservation trust fund.

To Committee on Government Organization.

**SB 1547** by Van de Putte

Relating to requiring the holders of certain alcoholic beverage permits and licenses to sell certain nonalcoholic beverages.

To Committee on Business and Commerce.

**SB 1548** by Eltife

Relating to the definition of "qualified employee" in an enterprise zone.

To Committee on Economic Development.

**SB 1549** by Lucio

Relating to pre-event disaster recovery program administration contracts in certain counties.

To Committee on Agriculture, Rural Affairs and Homeland Security.

**SB 1550** by Lucio

Relating to the amount and payment of attorney's fees in certain workers' compensation cases.

To Committee on State Affairs.

**SB 1551** by Lucio

Relating to the provision of affordable housing and other services in the Lower Rio Grande Valley.

To Committee on Intergovernmental Relations.

**SB 1553** by Lucio, Van de Putte

Relating to the Homes for Texas Heroes home loan program.

To Committee on Veteran Affairs and Military Installations.

**SB 1554** by Lucio

Relating to the establishment of a matching grant program for rural economic development.

To Committee on Agriculture, Rural Affairs and Homeland Security.

**SB 1555** by Lucio

Relating to requirements for state educator certification examinations.

To Committee on Education.

**SB 1556** by Seliger

Relating to the establishment of the School Safety Advisory Council and School Safety Certification Program.

To Committee on Education.

**SB 1557** by Lucio, Seliger, Van de Putte

Relating to business participation in supporting early college high schools.

To Committee on Education.

**SB 1558** by Taylor

Relating to the sale of event tickets.

To Committee on Business and Commerce.

**SB 1559** by Lucio

Relating to collection of fees for solid waste management in certain counties.

To Committee on Intergovernmental Relations.

**SB 1560** by Taylor

Relating to easements used for dune construction and maintenance projects.

To Committee on Natural Resources.

**SB 1561** by Taylor

Relating to the determination of the boundaries of, and the enforcement of the law governing access to, public beaches.

To Committee on Natural Resources.

**SB 1562** by Ellis

Relating to the applicability of the public information law to certain nongovernmental entities involved in law enforcement and corrections.

To Committee on Open Government.

**SB 1563** by Ellis

Relating to the definition of and access to public information.

To Committee on Open Government.

**SB 1564** by Ellis

Relating to an increase in the cigarette tax to fund the child health plan program.

To Committee on Finance.

**SB 1565** by Davis

Relating to the office of public insurance counsel's ability to initiate a hearing on insurance rates or rate filings.

To Committee on Business and Commerce.

**SB 1566** by Davis

Relating to the use by insurers of a standard residential property insurance policy form.

To Committee on Business and Commerce.

**SB 1567** by Davis

Relating to coverage of certain persons under an automobile insurance policy.

To Committee on Business and Commerce.



**SB 1568** by Davis

Relating to the minimum required term for personal automobile insurance policies used to demonstrate proof of financial responsibility.

To Committee on Business and Commerce.

**SB 1569** by Hinojosa

Relating to a municipality's comprehensive plan.

To Committee on Intergovernmental Relations.

**SB 1570** by Patrick

Relating to consideration of a bidder's principal place of business by public junior college districts in awarding certain contracts.

To Committee on Higher Education.

**SB 1571** by Patrick

Relating to home-rule school district charters and to the applicability of certain laws and procedures to those districts.

To Committee on Education.

**SB 1572** by Patrick

Relating to the character of and citation to enacted legislation.

To Committee on State Affairs.

**SB 1573** by Patrick

Relating to the amount of money authorized to be used for Clean Air Act local initiative projects related to vehicles.

To Committee on Natural Resources.

**SB 1574** by Lucio

Relating to the authority of certain counties and the General Land Office to temporarily close a beach or a beach access point.

To Committee on Natural Resources.

**SB 1575** by Campbell, Paxton

Relating to state savings and government efficiency through a taxpayer savings grant program.

To Committee on Education.

**SB 1576** by Zaffirini

Relating to a study and report of issues affecting persons with disabilities at state agencies and postsecondary educational institutions.

To Committee on Health and Human Services.

**SB 1578** by Duncan

Relating to the calculation of a service retirement annuity for certain members of the elected class.

To Committee on State Affairs.

**SB 1579** by Taylor

Relating to the appointment of a watermaster for the Brazos River Basin.

To Committee on Natural Resources.

**SB 1580** by Hinojosa

Relating to an exemption from the franchise tax for certain political subdivision corporations.

To Committee on Finance.

**SB 1581** by Hinojosa

Relating to the regulation of secondary market transactions related to the business of life settlements; providing penalties; authorizing fees.

To Committee on Business and Commerce.

**SB 1582** by Ellis

Relating to automatic voter registration on issuance or change of a driver's license or identification card by the Department of Public Safety.

To Committee on State Affairs.

**SB 1583** by Ellis

Relating to extending the court's jurisdiction in a suit affecting the parent-child relationship over certain young people for purposes of obtaining special immigrant juvenile status and Department of Family and Protective Services policies for handling cases involving those young people.

To Committee on Jurisprudence.

**SB 1584** by Rodríguez

Relating to the validation of the dissolution of the Development Corporation of Presidio and the creation of the Presidio Municipal Development District.

To Committee on Economic Development.

**SB 1585** by Rodríguez

Relating to the authority of certain counties to impose a hotel occupancy tax for the operation and maintenance of a fairground, county barn, and county park in the county.

To Committee on Economic Development.

**SB 1586** by Rodríguez

Relating to the definition of distributed renewable generation for certain generation systems installed on publicly owned land.

To Committee on Business and Commerce.

**SB 1587** by Zaffirini

Relating to establishment of the Texas Early Learning Council.

To Committee on Education.

**SB 1588** by Zaffirini

Relating to the regulation of child-care providers by the Texas Workforce Commission and local workforce development boards.

To Committee on Health and Human Services.

**SB 1589** by Zaffirini

Relating to assistance and education regarding personal finance for certain children in foster care.

To Committee on Health and Human Services.

**SB 1590** by Zaffirini

Relating to requirements for personal financial literacy training offered by public school districts and public universities.

To Committee on Higher Education.

**SB 1591** by Zaffirini

Relating to the emergency detention of persons with mental illness.

To Committee on Health and Human Services.

**SB 1592** by Zaffirini

Relating to a peace officer's determination whether medical services are needed for persons apprehended for emergency detention.

To Committee on Criminal Justice.

**SB 1593** by Zaffirini

Relating to a standard form of notification for the detention of a person with mental illness.

To Committee on Health and Human Services.

**SB 1594** by Zaffirini

Relating to the criteria for commitment of a person with mental illness.

To Committee on Health and Human Services.

**SB 1595** by Zaffirini

Relating to the nature of delivery of services to a person with mental illness.

To Committee on Health and Human Services.

**SB 1596** by Zaffirini

Relating to the annexation by a municipality of territory of an emergency services district.

To Committee on Intergovernmental Relations.

**SB 1597** by Zaffirini

Relating to the development of state agency information security plans.

To Committee on Government Organization.

**SB 1598** by Zaffirini

Relating to the authority of the chief appraiser of an appraisal district or a representative of the chief appraiser to enter the premises of a business, trade, or profession for ad valorem tax appraisal purposes.

To Committee on Finance.

**SB 1599** by Zaffirini

Relating to county and municipal land development regulation.

To Committee on Intergovernmental Relations.

**SB 1600** by Zaffirini

Relating to authorizing the county clerk in certain counties to conduct a marriage ceremony and collect a related fee.

To Committee on Jurisprudence.

**SB 1820** by Hegar

Relating to the creation of Waller County Improvement District No. 1; providing authority to impose an assessment, impose a tax, and issue bonds.

To Committee on Intergovernmental Relations.

**SB 1821** by Hegar

Relating to the creation of Waller County Improvement District No. 2; providing authority to impose an assessment, impose a tax, and issue bonds.

To Committee on Intergovernmental Relations.

**SB 1822** by Hegar

Relating to the name and powers and duties of the Port O'Connor Municipal Utility District; providing authority to impose a sales and use tax.

To Committee on Intergovernmental Relations.

**SB 1823** by Hegar

Relating to the administration, powers, and duties of the Fort Bend Municipal Utility District No. 134.

To Committee on Intergovernmental Relations.

**SB 1824** by Hegar

Relating to the powers of the Fort Bend County Municipal Utility District No. 188, including powers related to the construction, operation, and financing of roads; providing authority to issue bonds and impose a tax.

To Committee on Intergovernmental Relations.

**SENATE BILLS ON FIRST READING**

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

**SB 10** by Van de Putte

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

To Committee on Veteran Affairs and Military Installations.

**SB 1817** by Lucio

Relating to municipally owned utility systems.

To Committee on Natural Resources.

**SB 1818** by Lucio

Relating to the creation of a statutory probate court in Cameron County.

To Committee on Jurisprudence.

**SB 1819** by Deuell

Relating to the location of a sand mine; authorizing an administrative penalty.

To Committee on Natural Resources.

**CO-AUTHOR OF SENATE BILL 59**

On motion of Senator Nelson, Senator Paxton will be shown as Co-author of **SB 59**.

**CO-AUTHOR OF SENATE BILL 92**

On motion of Senator Van de Putte, Senator Paxton will be shown as Co-author of **SB 92**.

**CO-AUTHORS OF SENATE BILL 129**

On motion of Senator Nelson, Senators Garcia and Paxton will be shown as Co-authors of **SB 129**.

**CO-AUTHOR OF SENATE BILL 130**

On motion of Senator Nelson, Senator Garcia will be shown as Co-author of **SB 130**.

**CO-AUTHOR OF SENATE BILL 237**

On motion of Senator Van de Putte, Senator Davis will be shown as Co-author of **SB 237**.

**CO-AUTHOR OF SENATE BILL 771**

On motion of Senator Uresti, Senator Nelson will be shown as Co-author of **SB 771**.

**CO-AUTHOR OF SENATE BILL 922**

On motion of Senator Birdwell, Senator Eltife will be shown as Co-author of **SB 922**.

**CO-AUTHOR OF SENATE BILL 1111**

On motion of Senator Duncan, Senator Fraser will be shown as Co-author of **SB 1111**.

**CO-AUTHOR OF SENATE BILL 1240**

On motion of Senator Duncan, Senator Watson will be shown as Co-author of **SB 1240**.

**CO-AUTHOR OF SENATE BILL 1639**

On motion of Senator Carona, Senator Paxton will be shown as Co-author of **SB 1639**.

**CO-AUTHORS OF SENATE JOINT RESOLUTION 13**

On motion of Senator Eltife, Senators Carona, Deuell, Ellis, Nelson, Nichols, Patrick, Schwertner, Van de Putte, and Watson will be shown as Co-authors of **SJR 13**.

**CO-AUTHOR OF SENATE RESOLUTION 86**

On motion of Senator Huffman, Senator Taylor will be shown as Co-author of **SR 86**.

**CO-AUTHOR OF SENATE RESOLUTION 459**

On motion of Senator Huffman, Senator Taylor will be shown as Co-author of **SR 459**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**SR 477** by Van de Putte, In memory of Mary G. Trevino.

**SR 489** by Hegar, In memory of Mark Anthony Shepard, Sr.

**SR 491** by Fraser, Birdwell, Campbell, Carona, Deuell, Duncan, Eltife, Estes, Hancock, Hegar, Huffman, Nelson, Nichols, Patrick, Paxton, Schwertner, Seliger, Taylor, and Williams, In memory of Deborah "Borah" Van Dormolen.

**Congratulatory Resolutions**

**SR 476** by Van de Putte, Recognizing William B. Caldwell IV for his service to the nation.

**SR 478** by Van de Putte, Recognizing Jane Nolasco for being named Social Work Student of the Year.

**SR 480** by Van de Putte, Recognizing the 65th Infantry Regiment for its service to the nation.

**SR 493** by Ellis, Commending the Azerbaijani Cultural Center in Houston.

**SR 494** by Deuell, Recognizing Julia "Judy" Ewell on the occasion of her 90th birthday.

**SR 495** by Campbell, Recognizing Wanda Carter on the occasion of her retirement.

**SR 498** by Van de Putte, Congratulating Virginia Gregory Van Cleave for her induction into the San Antonio Women's Hall of Fame.

**SR 499** by Van de Putte, Congratulating Amita Patnaik for her induction into the San Antonio Women's Hall of Fame.

**SR 500** by Van de Putte, Congratulating Kirby Jameson for her induction into the San Antonio Women's Hall of Fame.

**SR 501** by Van de Putte, Congratulating Barbara Puckett Todd for her induction into the San Antonio Women's Hall of Fame.

**SR 502** by Van de Putte, Congratulating Charlseyy Sharon Chumley for her induction into the San Antonio Women's Hall of Fame.

**SR 503** by Van de Putte, Congratulating Lupe G. Ochoa for her induction into the San Antonio Women's Hall of Fame.

**SR 504** by Van de Putte, Congratulating Charlotte Ann Travis for her induction into the San Antonio Women's Hall of Fame.

**SR 505** by Van de Putte, Congratulating Gogi Dickson for her induction into the San Antonio Women's Hall of Fame.

**SR 506** by Van de Putte, Congratulating Lyda C. Arévalo-Flechas for her induction into the San Antonio Women's Hall of Fame.

**SR 507** by Van de Putte, Congratulating Tessa Martinez Pollack for her induction into the San Antonio Women's Hall of Fame.

**SR 508** by Van de Putte, Congratulating Arabia Vargas for her induction into the San Antonio Women's Hall of Fame.

**SR 509** by Van de Putte, Congratulating Frances A. Gonzalez for her induction into the San Antonio Women's Hall of Fame.

**SR 510** by Van de Putte, Congratulating Judith Holdt Markelz for her induction into the San Antonio Women's Hall of Fame.

**SR 511** by Van de Putte, Congratulating Karen S. Rankin for her induction into the San Antonio Women's Hall of Fame.

**SR 512** by Birdwell and Eltife, Recognizing Elisabeth Guldmann Brannon on the occasion of her 100th birthday.

#### **Official Designation Resolution**

**SR 496** by Nelson, Recognizing March 27, 2013, as Fast Growth School Day at the Capitol.

**(Senator Nelson in Chair)**

#### **ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 1:30 p.m. adjourned, in memory of Raymond Paul Harle, until 11:00 a.m. tomorrow.

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#### **APPENDIX**

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#### **BILLS ENGROSSED**

March 18, 2013

**SB 198, SB 223, SB 276**

#### **RESOLUTIONS ENROLLED**

March 18, 2013

**SCR 29, SR 423, SR 424, SR 433, SR 463, SR 464, SR 465, SR 466, SR 467, SR 468, SR 470, SR 471, SR 473, SR 474, SR 475, SR 479, SR 481, SR 482, SR 483**

#### **SENT TO SECRETARY OF STATE**

March 19, 2013

**SCR 29**

**In Memory**  
**of**  
**Raymond Paul Harle**  
**Senate Resolution 472**

WHEREAS, The Senate of the State of Texas joins the citizens of San Antonio in mourning the loss of Dr. Raymond Paul Harle, who died recently at the age of 85; and

WHEREAS, This exemplary gentleman and dedicated family physician tirelessly attended to the medical needs of his beloved patients for 55 years; and

WHEREAS, An innovative thinker and a talented diagnostician, Dr. Harle was among the first to refer a heart transplant patient to pioneering surgeon Dr. Denton Cooley; the groundbreaking transplant procedure proved successful; and

WHEREAS, Raymond Harle was born in San Antonio and graduated from Saint Mary's University; he received a medical degree from Southwestern Medical School in Dallas and married the love of his life, Dorothy Pitts; he then returned to his beloved San Antonio, where he was noted for treating individuals whether or not they could pay for medical attention; and

WHEREAS, Dr. Harle was an old-school family doctor who took care of generations of family members; he made house calls, performed minor surgeries, and always found time for hospital rounds, even after a full day at his office; Dr. Harle received a Lifetime Achievement Award from the Bexar County Medical Society in honor of his outstanding accomplishments as a physician; and

WHEREAS, He was devoted to his wife, sons, and grandchildren and was a true servant of the community and a caregiver of uncommon dedication; Dr. Harle will long be remembered for his generosity of spirit and for his warmth, wisdom, and devotion to his fellow man; 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. Raymond Paul Harle; 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 Raymond Harle.

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# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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## TWENTY-NINTH DAY

(Wednesday, March 20, 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.

The Reverend Daryl Horton, Mount Zion Baptist Church, Austin, offered the invocation as follows:

Heavenly Father, at the opening of a new day we take this time to give You thanks. As we assemble in this Chamber, we recognize our dependence on Your wisdom and guidance. For every Senator and their staff we pray for good health and sound minds. Keep them mindful of the privilege and responsibility to serve the State of Texas and every citizen therein. Touch their hearts, so they beat in unison with the hearts of all Texans. As they listen to one another and the voice of every constituent, give them the courage to stand for what is right. Be with them through every discussion and through every vote. May You be pleased with all that is said and done in this esteemed gathering. We pray all these things in the mighty name of Your son. 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:

March 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 presiding officer of the Alamo Regional Mobility Authority for a term to expire February 1, 2014:

John G. Clamp  
San Antonio, Texas

Mr. Clamp is replacing William Thornton of San Antonio whose term expired.

Respectfully submitted,  
/s/Rick Perry  
Governor

**PHYSICIAN OF THE DAY**

Senator Watson was recognized and presented Dr. Angela M. Guerra of Austin as the Physician of the Day.

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

**SENATE RESOLUTION 461**

Senator Duncan offered the following resolution:

**SR 461**, Recognizing March 18 through 22, 2013, as Texas Retired Teachers Week at the State Capitol.

The resolution was read.

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

On motion of Senator Duncan, the resolution was adopted without objection.

**GUESTS PRESENTED**

Senator Duncan was recognized and introduced to the Senate a Texas Retired Teachers Association delegation, accompanied by Tim Lee, Executive Director; Glenna Burns, member; Francis Plemmons, First Vice-president; Richard Briggs, District 5 Legislative Chair; and Herbert Norris, Immediate Past President.

The Senate welcomed its guests.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Wednesday, March 20, 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 47** Canales  
Commending Ciro Treviño on his legacy of public service.

**HCR 75** Craddick  
In memory of former state representative Frank Kell Cahoon of Midland.

**HCR 81** Bonnen, Dennis  
Commemorating the 50th anniversary of the agreement between the State of Texas and the Nuclear Regulatory Commission.

**HCR 85** Dukes  
In memory of Officer Jaime Padron of the Austin Police Department.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

#### GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate the following Navy SEALs: Scott Brauer, Chris Nicola, Mark Nicola, Matt Nicola, and Mark Bond.

The Senate welcomed its guests.

#### GUESTS PRESENTED

Senator Eltife was recognized and introduced to the Senate a City of Mount Pleasant delegation.

The Senate welcomed its guests.

#### SENATE RESOLUTION 462

Senator Watson offered the following resolution:

**SR 462**, Congratulating Ken Kramer on the occasion of his retirement as executive director of the Lone Star Chapter of the Sierra Club.

The resolution was read and was adopted without objection.

#### GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate Ken Kramer and Diane Kramer.

The Senate welcomed its guests.

#### SENATE RESOLUTION 379

Senator West offered the following resolution:

**SR 379**, Welcoming members of the Leadership Southwest Class of 2013 to the State Capitol.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator West was recognized and introduced to the Senate a Leadership Southwest Class of 2013 delegation, accompanied by Ella Goode Johnson, Grant Galliford, Kathy Dixon, Marcus Knight, Steve Mason, and Levatta Levels.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Zaffirini was recognized and introduced to the Senate Police Chiefs from South Texas (Senate District 21).

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Hancock, joined by Senator West, was recognized and introduced to the Senate a Grand Prairie ISD delegation, accompanied by students from the Young Women's Leadership Academy at Bill Arnold Middle School and the Young Men's Leadership Academy at Kennedy Middle School.

The Senate welcomed its guests.

**SENATE RESOLUTION 513**

Senator Fraser offered the following resolution:

**SR 513**, Recognizing March 20, 2013, as Rural Water Day at the State Capitol.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Fraser was recognized and introduced to the Senate a Texas Rural Water Association delegation.

The Senate welcomed its guests.

**SENATE RESOLUTION 492**

Senator Ellis offered the following resolution:

**SR 492**, Declaring March 20, 2013, Texas Tobacco-Free Kids Day.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Ellis was recognized and introduced to the Senate students representing Texas Tobacco-Free Kids Day.

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 12:01 p.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE  
SENATE BILL 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 **CSSB 1** at this time on its second reading:

**CSSB 1**, General Appropriations Bill.

The bill was read second time.

Senator Davis offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1** in Article III of the bill, following the appropriations to the Texas Education Agency (page III-19), by adding an appropriately numbered rider to read as follows:

\_\_\_\_\_. Contingency Increase in Appropriation 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 and estimate the anticipated revenue that will be received by and for the state during the state fiscal biennium ending August 31, 2015, and determine whether additional revenue is available for appropriation. Subject to Section 22, Article VIII, Texas Constitution, the additional revenue is appropriated to the Texas Education Agency for the state fiscal biennium ending August 31, 2015, for Strategy A.1.1, Foundation School Program - Equalized Operations, to be used to increase the basic allotment under Section 42.101, Education Code, to the greatest possible amount. The sum-certain appropriation to the Foundation School Program in Rider 3, Foundation School Program Funding, of the Texas Education Agency's bill pattern is increased by the amount appropriated under this rider. The comptroller of public accounts shall certify to the Legislative Budget Board and the governor each amount appropriated under this rider.

The amendment to **CSSB 1** was read.

Senator Davis withdrew Floor Amendment No. 1.

**CSSB 1** 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, Garcia.

**COMMITTEE SUBSTITUTE  
SENATE BILL 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 **CSSB 1** 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 29, Nays 2.

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

Nays: Davis, Garcia.

### REASON FOR VOTE

Senator Garcia submitted the following reason for vote on **CSSB 1**:

Regretfully, I am unable to support CSSB 1 at this time. It would be very difficult to go back to my district and say I voted for a budget that does not fully restore the cuts to education that were made last session after repeatedly promising to make education a priority and restore funding. I appreciate the progress that Chairman Williams and the Finance Committee have made and hope that I can join in supporting CSSB 1 when the Conference Committee Report is considered.

GARCIA

### MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Wednesday, March 20, 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 1000** Oliveira

Relating to the creation of a new university in South Texas within The University of Texas System.

**HB 1263** Lewis

Relating to the delay in the implementation of the abolishment of small claims courts.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

### SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President 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 President 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, Commission on Human Rights: Thomas M. Anderson, Fort Bend County; Danny Lee Osterhout, Andrews County.

Commissioners, Jefferson and Orange County Board of Pilot Commissioners: Martin Eloi Broussard, Jefferson County; George Washington Brown, Jefferson County; Gerald Raymond Callas, Jefferson County; Russell S. Covington, Orange County; James Scott, Jefferson County.

Public Counsel, Office of Injured Employee Counsel: Norman Wayne Darwin, Tarrant County.

Members, School Land Board: David S. Herrmann, Bexar County; Thomas Vernon Orr, Harris County.

Members, Board of Directors, Texas Economic Development Corporation: James Bruce Bugg, Bexar County; Robert Franco, Travis County.

Members, Board of Regents, Texas Woman's University: Anna Maria Farias, Cameron County; Nancy Painter Paup, Tarrant County; George Robert Schrader, Collin County.

Members, Texas Workforce Commission: Andres Alcantar, Travis County; Esperanza Andrade, Bexar County.

### **SENATE RULE 11.13 SUSPENDED (Consideration of Bills in Committees) (Motion In Writing)**

Senator Eltife 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.

ELTIFE

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 9:00 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 BILL 997 REREFERRED**  
**(Motion In Writing)**

Senator Deuell submitted a Motion In Writing requesting that **SB 997** be withdrawn from the Committee on Finance and rereferred to the Committee on Economic Development.

The Motion In Writing prevailed without objection.

**SENATE BILL 1220 REREFERRED**  
**(Motion In Writing)**

Senator Paxton submitted a Motion In Writing requesting that **SB 1220** be withdrawn from the Committee on Finance and rereferred to the Committee on State Affairs.

The Motion In Writing prevailed without objection.

**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 and resolutions:

**SB 1826, SB 1827, SB 1833, SB 1834, SB 1836, SB 1839, SB 1842, SJR 63, SJR 64, SCR 30.**

WHITMIRE

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 the following bills today: **SB 794, SB 1107.**

**MOTION TO RECESS AND ADJOURN**

On motion of Senator Whitmire and by unanimous consent, the Senate at 3:44 p.m. agreed to recess, upon completion of the introduction of bills and resolutions on first reading, until 9:00 a.m. tomorrow for the Local and Uncontested Calendar Session and the introduction of bills and resolutions on first reading.

The Senate further agreed to adjourn, upon conclusion of the Local and Uncontested Calendar Session, until 2:00 p.m. Monday, March 25, 2013.



**SENATE BILLS ON FIRST READING**

The following bills, filed on or before Friday, March 8, 2013, were introduced, read first time, and referred to the committees indicated:

**SB 1543** by Van de Putte

Relating to the administration of the Texas B-On-time loan program to permit a portion of tuition set-asides to be used to fund tuition exemptions for veterans and other student financial assistance.

To Committee on Higher Education.

**SB 1601** by 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.

To Committee on Intergovernmental Relations.

**SB 1602** by Zaffirini

Relating to reports and other information required of or held by institutions of higher education.

To Committee on Government Organization.

**SB 1603** by Zaffirini

Relating to risk management at institutions of higher education.

To Committee on Higher Education.

**SB 1604** by Zaffirini

Relating to asset management and acquisition by institutions of higher education.

To Committee on Higher Education.

**SB 1605** by Zaffirini

Relating to an optional county fee for transportation projects.

To Committee on Transportation.

**SB 1606** by Zaffirini

Relating to ad valorem tax liens on personal property.

To Committee on Finance.

**SB 1607** by Zaffirini

Relating to funding for emergency medical air transportation provided to patients enrolled in the state Medicaid program; imposing a surcharge.

To Committee on Health and Human Services.

**SB 1608** by Van de Putte

Relating to restricting certain state and school district assessments of public school students in prekindergarten and kindergarten.

To Committee on Education.

**SB 1609** by Sawertner

Relating to the training of employees of certain covered entities.

To Committee on Health and Human Services.

**SB 1610** by Schwertner

Relating to the notification of individuals following a breach of security of computerized data.

To Committee on Business and Commerce.

**SB 1611** by Ellis, Duncan

Relating to discovery in a criminal case.

To Committee on Criminal Justice.

**SB 1612** by 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.

To Committee on Natural Resources.

**SB 1613** by Zaffirini

Relating to the abolition of the Office of State-Federal Relations.

To Committee on Government Organization.

**SB 1614** by Duncan

Relating to employer participation in the Healthy Texas Program.

To Committee on State Affairs.

**SB 1615** by West

Relating to the administration of accelerated instruction programs.

To Committee on Education.

**SB 1616** by West

Relating to authorizing a school district to establish a higher education scholarship endowment; authorizing a tax.

To Committee on Education.

**SB 1617** by West

Relating to providing loan repayment assistance for physicians providing services to certain patients.

To Committee on Higher Education.

**SB 1618** by West

Relating to public school accountability, including assessment, and curriculum requirements.

To Committee on Education.

**SB 1620** by Paxton

Relating to certified Communication Access Realtime Translation providers.

To Committee on Jurisprudence.

**SB 1621** by Whitmire

Relating to the dissemination of Criminal History Record Information.

To Committee on Open Government.

**SB 1622** by Duncan

Relating to credit to certain ceding insurers for reinsurance ceded to certain certified assuming insurers.

To Committee on Business and Commerce.

**SB 1623** by Hinojosa

Relating to districts in certain counties located on the Texas-Mexico border and amending Chapter 288 of the Health and Safety Code.

To Committee on Intergovernmental Relations.

**SB 1624** by Davis

Relating to the establishment of regional water banks by the Texas Commission on Environmental Quality and the Texas Water Development Board.

To Committee on Natural Resources.

**SB 1625** by Davis

Relating to standards and procedures for determining whether a person who owns, operates, or manages a pipeline is a common carrier.

To Committee on State Affairs.

**SB 1626** by Davis

Relating to the contents of and public access to personal financial statements filed by public officials and candidates.

To Committee on State Affairs.

**SB 1627** by Lucio

Relating to the regulation of big cats and nonhuman primates; providing penalties.

To Committee on Criminal Justice.

**SB 1628** by Van de Putte

Relating to unemployment compensation chargebacks regarding certain persons who are involuntarily separated from employment.

To Committee on Economic Development.

**SB 1629** by West

Relating to the operation and administration of, and practice and procedures in courts in, the judicial branch of state government.

To Committee on Jurisprudence.

**SB 1630** by West

Relating to the protection of defendants against vexatious litigants.

To Committee on State Affairs.

**SB 1631** by Fraser

Relating to water management planning by the Lower Colorado River Authority.

To Committee on Natural Resources.

**SB 1632** by Hinojosa

Relating to the financing of transportation projects; authorizing fees.

To Committee on Transportation.

**SB 1633** by Deuell

Relating to the sales tax treatment of a fundraising sale by a qualified organization.  
To Committee on Finance.

**SB 1634** by Deuell

Relating to the administration, collection, and enforcement of sales and use taxes.  
To Committee on Finance.

**SB 1635** by Deuell

Relating to the transfer of the assets of and the dissolution of the Dallas County Water Control and Improvement District No. 6.  
To Committee on Intergovernmental Relations.

**SB 1636** by Deuell

Relating to the facilitation and operation of space flight activities in this state.  
To Committee on Economic Development.

**SB 1637** by Duncan

Relating to the authority of the Railroad Commission of Texas to determine whether a person who owns, operates, or manages a pipeline is a common carrier.  
To Committee on State Affairs.

**SB 1638** by Deuell

Relating to information included in the report of the Texas Economic Development Bank regarding the enterprise zone program.  
To Committee on Economic Development.

**SB 1639** by Carona

Relating to the application of foreign law and foreign forum selection in certain family law proceedings.  
To Committee on Jurisprudence.

**SB 1640** by Deuell

Relating to the allocation of enterprise project designations during a biennium.  
To Committee on Economic Development.

**SB 1641** by Williams

Relating to regulation of the manufacture, distribution, and disposition of controlled substances, precursors, and chemical laboratory apparatus; providing penalties; providing for a change in fees.  
To Committee on Health and Human Services.

**SB 1642** by Deuell

Relating to the number of enterprise projects the Texas Economic Development Bank may designate under the enterprise zone program.  
To Committee on Economic Development.

**SB 1643** by Williams

Relating to the monitoring of prescriptions for certain controlled substances.  
To Committee on Health and Human Services.

**SB 1644** by Williams

Relating to continuing medical education for physicians prescribing controlled substances.

To Committee on Health and Human Services.

**SB 1645** by Williams

Relating to the addition of certain substances to Penalty Group 3 of the Texas Controlled Substances Act; providing penalties.

To Committee on Criminal Justice.

**SB 1646** by Williams

Relating to the regulation of pain management services.

To Committee on Health and Human Services.

**SB 1647** by Deuell

Relating to the Texas Economic Development Act.

To Committee on Economic Development.

**SB 1648** by Williams

Relating to the motor fuel tax on compressed natural gas and liquefied natural gas; providing penalties.

To Committee on Finance.

**SB 1649** by Williams

Relating to procedures and requirements for the issuance of certificates of obligation.

To Committee on Finance.

**SB 1650** by Campbell

Relating to Internet broadcasts of open meetings held by governmental bodies, including regional tollway authorities, regional mobility authorities, and metropolitan planning organizations.

To Committee on Open Government.

**SB 1651** by Williams

Relating to ballot propositions authorizing certain political subdivisions to issue bonds.

To Committee on Finance.

**SB 1652** by Williams

Relating to the fiscal transparency and accountability of certain entities responsible for public money.

To Committee on Finance.

**SB 1653** by Williams

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.

To Committee on Finance.

**SB 1654** by Williams

Relating to directing payment, after approval, of certain miscellaneous claims and judgments against the state out of funds designated by this Act; making appropriations.

To Committee on Finance.

**SB 1657** by Williams

Relating to the waiver of penalties and interest on certain delinquent ad valorem taxes.

To Committee on Finance.

**SB 1658** by Paxton

Relating to the effect of certain state aid on school districts required to take action to equalize wealth under the school finance system.

To Committee on Education.

**SB 1659** by Estes

Relating to manufacturers and distributors of only all electric-powered or all battery-powered motor vehicles.

To Committee on Transportation.

**SB 1660** by Estes

Relating to the establishment of the School Safety Advisory Council and School Safety Certification Program.

To Committee on Education.

**SB 1825** by Hegar

Relating to the composition of the board of directors of the Fort Bend Subsidence District.

To Committee on Intergovernmental Relations.

**SB 1828** by Deuell

Relating to the creation of Mesquite Medical Center Management District; providing authority to levy an assessment, impose a tax, and issue bonds.

To Committee on Intergovernmental Relations.

**SB 1829** by Williams

Relating to the powers and duties of the Montgomery County Municipal Utility District No. 105; providing authority to issue bonds; providing authority to impose fees and taxes.

To Committee on Intergovernmental Relations.

**SB 1830** by Hegar

Relating to the powers and duties of Fort Bend County Municipal Utility District No. 194.

To Committee on Intergovernmental Relations.

**SB 1831** by Hegar

Relating to the power and duties of the Fulshear Municipal Utility District No. 1 of Fort Bend County.

To Committee on Intergovernmental Relations.

**SB 1832** by Uresti

Relating to the operation of the juvenile board of Edwards County.  
To Committee on Jurisprudence.

**SB 1835** by Hegar

Relating to the Calhoun County Groundwater Conservation District; providing authority to impose a voter-approved tax.  
To Committee on Natural Resources.

**SB 1837** by Hancock

Relating to the appointment of directors for the Viridian Municipal Management District.  
To Committee on Intergovernmental Relations.

**SB 1838** by Zaifirini

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.  
To Committee on Intergovernmental Relations.

**SB 1840** by 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.  
To Committee on Natural Resources.

**SB 1841** by 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.  
To Committee on Intergovernmental Relations.

**SB 1843** by Hegar

Relating to the creation of the Fulshear Municipal Utility District No. 2; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.  
To Committee on Intergovernmental Relations.

**SENATE BILLS AND RESOLUTIONS ON FIRST READING**

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

**SB 1826** by Elife

Relating to procedural and administrative requirements for appraisal review boards; providing a penalty.  
To Committee on Finance.

**SB 1827** by Deuell

Relating to an additional fee for filing civil cases in certain Rockwall County courts.  
To Committee on Jurisprudence.

**SB 1833** by Uresti

Relating to the rate of the hotel occupancy tax in certain counties.  
To Committee on Economic Development.

**SB 1834** by Ellis

Relating to the powers and duties of the Gulf Coast Waste Disposal Authority.  
To Committee on Intergovernmental Relations.

**SB 1836** by Deuell

Relating to funding of the Texas Home Visiting Program.  
To Committee on Health and Human Services.

**SB 1839** by Whitmire

Relating to the detention of certain juvenile offenders.  
To Committee on Criminal Justice.

**SB 1842** by Deuell

Relating to rules for restraint and seclusion procedures at certain facilities.  
To Committee on Health and Human Services.

**SCR 30** by Uresti

Granting permission to the State of Texas to sue The University of Texas System.  
To Committee on Jurisprudence.

**SJR 63** by Davis, Ellis, Garcia, Lucio, Rodríguez, West, Whitmire

Proposing a constitutional amendment appropriating money from the economic stabilization fund for purposes of public education.  
To Committee on Finance.

**SJR 64** by Carona

Proposing a constitutional amendment providing immediate additional revenue for the state budget by creating the Texas Gaming Commission, and authorizing and regulating the operation of casino games and slot machines by a limited number of licensed operators and certain Indian tribes.  
To Committee on Business and Commerce.

**CO-AUTHOR OF SENATE BILL 592**

On motion of Senator Ellis, Senator Hinojosa will be shown as Co-author of **SB 592**.

**CO-AUTHOR OF SENATE BILL 922**

On motion of Senator Birdwell, Senator Duncan will be shown as Co-author of **SB 922**.

**CO-AUTHOR OF SENATE BILL 1300**

On motion of Senator Eltife, Senator Hegar will be shown as Co-author of **SB 1300**.

**CO-AUTHOR OF SENATE BILL 1723**

On motion of Senator Patrick, Senator Taylor will be shown as Co-author of **SB 1723**.



**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

- SR 515** by Watson, In memory of Mary Margaret Farabee.
- SR 516** by Watson, In memory of Ross Herbert Ehlinger.
- SR 522** by Van de Putte, In memory of Erica Andrews.
- SR 523** by Van de Putte, In memory of Constance S. Reyna.

**Congratulatory Resolutions**

- SR 514** by Deuell, Recognizing the Martin's Mill Lady Mustangs basketball team for winning a state championship.
- SR 518** by Whitmire, Recognizing the dedication of a Texas Historical Marker commemorating the life of J. Vance Lewis.

**Official Designation Resolution**

- SR 520** by Huffman, Designating March of 2013 Women's History Month in Texas.  
(Senator Schwertner in Chair)

**RECESS**

Pursuant to a previously adopted motion, the Senate at 4:14 p.m. recessed until 9:00 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:

March 20, 2013

- STATE AFFAIRS — **SB 633, SB 874**
- AGRICULTURE, RURAL AFFAIRS AND HOMELAND SECURITY — **SB 361, CSSB 1212**
- BUSINESS AND COMMERCE — **SB 733, SB 809, SB 972, SB 1005, SB 1006**
- OPEN GOVERNMENT — **SB 458, SB 916**
- CRIMINAL JUSTICE — **SB 262, SB 345, SB 354, SB 367, SB 555**
- EDUCATION — **SB 65, CSSB 435, SB 453, CSSB 684**
- BUSINESS AND COMMERCE — **SB 131, SB 204**
- STATE AFFAIRS — **CSSB 396, CSSB 553, CSSB 635**

HEALTH AND HUMAN SERVICES — **SB 360, SB 519, SB 949, SB 1058**

JURISPRUDENCE — **SB 108**

STATE AFFAIRS — **CSSB 578**

JURISPRUDENCE — **SB 560**

TRANSPORTATION — **SB 530, SB 763**

GOVERNMENT ORGANIZATION — **CSSB 866**

AGRICULTURE, RURAL AFFAIRS AND HOMELAND SECURITY —  
**CSSB 1214**

HEALTH AND HUMAN SERVICES — **CSSB 1060**

BUSINESS AND COMMERCE — **CSSB 905, CSSB 841**

CRIMINAL JUSTICE — **SB 275, CSSB 249**

**BILLS AND RESOLUTION ENGROSSED**

March 19, 2013

**SB 160, SB 330, SJR 13**

**RESOLUTIONS ENROLLED**

March 19, 2013

**SR 86, SR 260, SR 459, SR 469, SR 472, SR 476, SR 477, SR 478, SR 480,  
SR 484, SR 486, SR 487, SR 488, SR 489, SR 491, SR 493, SR 494, SR 495,  
SR 496, SR 498, SR 499, SR 500, SR 501, SR 502, SR 503, SR 504, SR 505,  
SR 506, SR 507, SR 508, SR 509, SR 510, SR 511, SR 512**

# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**TWENTY-NINTH DAY**

(Continued)

(Thursday, March 21, 2013)

**AFTER RECESS**

The Senate met at 9:00 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.

**SB 31 (Zaffirini)**

Relating to formula funding for certain semester credit hours earned for dual course credit.

(viva voce vote) (31-0) (31-0)

**CSSB 36 (Zaffirini)**

Relating to the detention and transportation of a person with a mental illness.

(viva voce vote) (31-0) (31-0)

**CSSB 49 (Zaffirini)**

Relating to transitional living assistance and appropriate care settings for children with disabilities who reside in general residential operations.

(viva voce vote) (31-0) (31-0)

**SB 132 (Nelson)**

Relating to the contents and applicability of a school district's grading policy.

(viva voce vote) (31-0) (31-0)

**CSSB 139** (Eltife)

Relating to the designation of a segment of U.S. Highway 80 as the Sergeant Travis E. Watkins Memorial Highway.

(viva voce vote) (31-0) (31-0)

**SB 158** (Carona)

Relating to the average price below which a newspaper is exempt from the sales tax.

(viva voce vote) (31-0) (31-0)

**(Senator Uresti in Chair)****SB 165** (Van de Putte)

Relating to the issuance of specialty license plates to officers of the United States armed forces who graduated from certain United States military academies.

(viva voce vote) (31-0) (31-0)

**SB 172** (Carona)

Relating to diagnosing the reading development and comprehension of public school kindergarten students.

(viva voce vote) (31-0) (31-0)

**CSSB 174** (Estes)

Relating to the control of stray bison and other estrays.

(viva voce vote) (31-0) (31-0)

**SB 222** (Watson)

Relating to the venue for prosecution of certain computer crimes.

(viva voce vote) (31-0) (31-0)

**SB 250** (West)

Relating to the requirements of using certain technology to conduct certain mental health hearings or proceedings.

(viva voce vote) (31-0) (31-0)

**SB 270** (Seliger)

Relating to a limited exception to the prohibition on releasing personal information about a juror collected during the jury selection process in certain cases.

(viva voce vote) (31-0) (31-0)

**SB 294** (Van de Putte)

Relating to extending a local behavioral health intervention pilot project.

(viva voce vote) (31-0) (31-0)

**CSSB 347** (Seliger)

Relating to funding for the operations of the Texas Low-Level Radioactive Waste Disposal Compact Commission.

(viva voce vote) (31-0) (31-0)

**SB 369** (Whitmire)

Relating to certain information available to the public on a central database containing information about sex offenders.

(viva voce vote) (31-0) (31-0)

**SB 394 (West)**

Relating to restricting access to records of children convicted of or receiving deferred disposition for certain fine-only misdemeanors.

(viva voce vote) (31-0) (31-0)

**CSSB 401 (Lucio)**

Relating to a notification requirement if a school counselor is not assigned to a public school campus.

(viva voce vote) (30-1) "Nay" Nichols (30-1) "Nay" Nichols

**CSSB 404 (Schwertner)**

Relating to complaints filed with the Texas State Board of Pharmacy; authorizing fees.

(viva voce vote) (31-0) (31-0)

**(Senator Paxton in Chair)****CSSB 430 (Nelson)**

Relating to verification of the unavailability of community day care before the Department of Family and Protective Services provides day-care assistance or services.

(viva voce vote) (31-0) (31-0)

**SB 454 (Hegar)**

Relating to the authority of certain conservation and reclamation districts to file an annual financial report with the executive director of the Texas Commission on Environmental Quality in lieu of filing an annual audit report.

(viva voce vote) (31-0) (31-0)

**SB 484 (Whitmire)**

Relating to the creation of a prostitution prevention program; authorizing a fee.

(viva voce vote) (31-0) (31-0)

**SB 497 (Seliger)**

Relating to the number of semester credit hours required to earn an associate degree at public institutions of higher education.

(viva voce vote) (31-0) (31-0)

**CSSB 498 (Seliger)**

Relating to applying credit earned by a student at a general academic teaching institution to an associate's degree at a lower-division institution of higher education previously attended by the student.

(viva voce vote) (31-0) (31-0)

**SB 500 (Van de Putte)**

Relating to the Texas State Board of Pharmacy.

(viva voce vote) (31-0) (31-0)

**SB 510 (Nichols)**

Relating to passing certain vehicles on a highway; providing a penalty.

(viva voce vote) (31-0) (31-0)

**SB 531** (Duncan)

Relating to self-insurance funds established by governmental units.

(viva voce vote) (31-0) (31-0)

**CSSB 595** (Hegar)

Relating to the power of the North Fort Bend Water Authority to impose a charge on certain wells or classes of wells.

(viva voce vote) (31-0) (31-0)

**SB 603** (Williams)

Relating to the revocation and reinstatement of an end user number for purposes of purchasing dyed diesel fuel.

(viva voce vote) (31-0) (31-0)

**SB 649** (Rodríguez)

Relating to the exemption of certain property from seizure by creditors.

(viva voce vote) (31-0) (31-0)

**SB 655** (Birdwell)

Relating to the exercise of the power of eminent domain by certain authorized entities.

(viva voce vote) (31-0) (31-0)

**SB 662** (Carona)

Relating to the composition of the drought preparedness council.

(viva voce vote) (31-0) (31-0)

**SB 673** (Carona)

Relating to the requirements for elevators, escalators, and related equipment; providing penalties.

(viva voce vote) (31-0) (31-0)

**SB 677** (Paxton)

Relating to the electronic recording of proceedings in a statutory probate court in Collin County.

(viva voce vote) (31-0) (31-0)

**SB 683** (Birdwell)

Relating to the election of members of the board of directors of the Benbrook Water Authority.

(viva voce vote) (31-0) (31-0)

**SB 692** (Carona)

Relating to the filing by electronic mail of financial disclosures by certain county officers, county employees, or candidates for county office.

(viva voce vote) (31-0) (31-0)

**SB 698** (Carona)

Relating to the refund of unearned premium for a personal automobile or residential property insurance policy.

(viva voce vote) (31-0) (31-0)

**SB 715** (Lucio)

Relating to use of consistent terminology to refer to school counselors in the Education Code.

(viva voce vote) (31-0) (31-0)

**CSSB 717** (West)

Relating to consent by a minor to housing or care provided through a transitional living program.

(viva voce vote) (31-0) (31-0)

**SB 747** (Nelson)

Relating to the term for the independent ombudsman for state supported living centers.

(viva voce vote) (31-0) (31-0)

**CSSB 764** (Watson)

Relating to a limitation on liability for prescribed burning conducted on agricultural or conservation land.

(viva voce vote) (31-0) (31-0)

**SB 801** (Carona)

Relating to security deposit requirements for certain insurance companies.

(viva voce vote) (31-0) (31-0)

**SB 804** (Carona)

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.

(viva voce vote) (31-0) (31-0)

**SB 805** (Carona)

Relating to the regulation of banks, trust companies, and bank holding companies.

(viva voce vote) (31-0) (31-0)

**SB 840** (Hancock)

Relating to certain promotional practices not considered to be prohibited discrimination, rebates, or inducements in insurance.

(viva voce vote) (31-0) (31-0)

**SB 845** (Carona)

Relating to the use of e-mail and website technology by the Texas Department of Licensing and Regulation.

(viva voce vote) (31-0) (31-0)

**SB 856** (Rodríguez)

Relating to the administration and management of elections and public information of the El Paso County Water Improvement District No. 1.

(viva voce vote) (31-0) (31-0)

**SB 890** (Uresti)

Relating to the creation of the Reeves County Groundwater Conservation District; providing authority to issue bonds; providing authority to impose fees, surcharges, and taxes.

(viva voce vote) (31-0) (31-0)

**SB 901** (Fraser)

Relating to safety standards and practices applicable to the transportation by pipeline of certain substances.

(viva voce vote) (31-0) (31-0)

**SB 902** (Fraser)

Relating to the operation, powers, and duties of certain water districts.

(viva voce vote) (30-1) "Nay" Nelson (30-1) "Nay" Nelson

**SB 917** (Estes)

Relating to the sale by the Brazos River Authority of certain property at Possum Kingdom Lake.

(viva voce vote) (31-0) (31-0)

**CSSB 918** (Estes)

Relating to the sale by the Brazos River Authority and regulation of certain real property in the immediate vicinity of Possum Kingdom Lake.

(viva voce vote) (31-0) (31-0)

**SB 944** (Nelson)

Relating to criminal history record checks for certain employees of facilities licensed by the Department of State Health Services.

(viva voce vote) (31-0) (31-0)

**SB 945** (Nelson)

Relating to the identification requirements of certain health care providers associated with a hospital.

(viva voce vote) (31-0) (31-0)

**SCR 10** (Seliger)

Designating September 12 as Mary Ann "Molly" Goodnight Day for a 10-year period beginning in 2013.

(31-0)

**SCR 20** (Estes)

Designating the first week of May as Texas Bison Week for a 10-year period beginning in 2013.

(31-0)

**BILL REMOVED FROM  
LOCAL AND UNCONTESTED CALENDAR**

Senator Estes and Senator Duncan requested in writing that **SB 281** be removed from the Local and Uncontested Calendar.



(Senator Uresti in Chair)

**HOUSE BILL ON FIRST READING**

The following bill received from the House was read first time and referred to the committee indicated:

**HB 1263** to Committee on Administration.

**ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 9:25 a.m. adjourned until 2:00 p.m. Monday, March 25, 2013.

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**APPENDIX**

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**COMMITTEE REPORTS**

The following committee reports were received by the Secretary of the Senate in the order listed:

March 21, 2013

HIGHER EDUCATION — **SB 146, SB 490, SB 974**

BUSINESS AND COMMERCE — **CSSB 1007, CSSB 952, CSSB 848, CSSB 736, CSSB 630, CSSB 567**

**BILL ENGROSSED**

March 20, 2013

**SB 1**

**RESOLUTIONS ENROLLED**

March 20, 2013

**SR 379, SR 461, SR 462, SR 492, SR 513, SR 514, SR 515, SR 516, SR 518, SR 520, SR 522, SR 523**



# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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THIRTIETH DAY

(Monday, March 25, 2013)

The Senate met at 2:10 p.m. pursuant to adjournment and was called to order by President Pro Tempore Van de Putte.

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 Pro Tempore announced that a quorum of the Senate was present.

Pastor Dante Wright, Sweet Home Baptist Church, Round Rock, offered the invocation as follows:

O Lord, our God, how excellent is Your name in all the Earth. We honor You and reverence You on this day for loving us and for blessing us with life, love, and the pursuit of happiness. Today, bless our lawmakers, illuminate their hearts and minds with Your infinite wisdom. Teach these, Your elected public servants, to act justly, love mercy, and to walk humbly before You. Bless them with a spirit of open-mindedness and an attitude of compromise and cooperation so that they may effectively serve the diverse group of people of the great State of Texas. This prayer we pray in the name that is above all names, and in God we trust. 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:

March 22, 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 Department of Motor Vehicles Board for terms to expire February 1, 2019:

Robert S. "Barney" Barnwell, III  
Magnolia, Texas  
(Mr. Barnwell is being reappointed)

Luanne Caraway  
Kyle, Texas  
(replacing Cheryl Johnson of Friendswood whose term expired)

Raymond Palacios, Jr.  
El Paso, Texas  
(Mr. Palacios is being reappointed)

Respectfully submitted,

/s/Rick Perry  
Governor

**PHYSICIANS OF THE DAY**

Senator Watson was recognized and presented Drs. John and Judith Egerton of Austin as the Physicians of the Day.

The Senate welcomed the Egertons and thanked them for their participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Monday, March 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 1600**

Cook

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, and to the functions of the Office of Public Utility Counsel; authorizing a fee.

**HCR 90** Morrison  
Designating March 2013 as Women's History Month.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

### **SENATE RESOLUTION 423**

Senator Nelson offered the following resolution:

**SR 423**, Recognizing Boy Scout Troop 7 in Grapevine on the occasion of its 100th anniversary.

The resolution was again read.

The resolution was previously adopted on Monday, March 18, 2013.

### **GUESTS PRESENTED**

Senator Nelson was recognized and introduced to the Senate a Boy Scout Troop 7 delegation.

The Senate welcomed its guests.

### **SENATE RESOLUTION 541**

Senator Ellis offered the following resolution:

**SR 541**, Commending BikeTexas for promoting bicycle safety.

The resolution was read and was adopted without objection.

### **GUESTS PRESENTED**

Senator Ellis was recognized and introduced to the Senate a BikeTexas delegation.

The Senate welcomed its guests.

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

The President Pro Tempore 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 RULE 5.14(a) SUSPENDED (Intent Calendar)**

On motion of Senator Eltife 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 4:00 p.m. today.

### **SENATE RULE 7.12(a) SUSPENDED (Printing of Bills)**

On motion of Senator Eltife and by unanimous consent, Senate Rule 7.12(a) was suspended and the following committee reports were ordered not printed:

**SB 1026, SB 1093.**

## CONCLUSION OF MORNING CALL

The President Pro Tempore at 2:21 p.m. announced the conclusion of morning call.

### COMMITTEE SUBSTITUTE SENATE BILL 515 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 515** at this time on its second reading:

**CSSB 515**, Relating to the sale and production of malt liquor, ale, and beer by the holder of a brewpub license.

The bill was read second time.

Senator Eltife offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **CSSB 515** (senate committee printing) by striking SECTION 10 of the bill (page 3, lines 51-55) and substituting the following:

SECTION 10. (a) Subject to Subsection (b) of this section, 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.

(b) The changes in law made by this Act take effect only if each of the following bills is enacted and becomes law:

(1) Senate Bill No. 516, House Bill No. 1764, or another similar bill of the 83rd Legislature, Regular Session, 2013, that allows small brewers to sell ale to retailers;

(2) Senate Bill No. 517, House Bill No. 1765, or another similar bill of the 83rd Legislature, Regular Session, 2013, that allows small beer manufacturers to sell beer to retailers;

(3) Senate Bill No. 518, House Bill No. 1766, or another similar bill of the 83rd Legislature, Regular Session, 2013, that allows small brewers and beer manufacturers to sell beer and ale to ultimate consumers; and

(4) Senate Bill No. 639, House Bill No. 1538, or another similar bill of the 83rd Legislature, Regular Session, 2013, relating to sales of beer by a manufacturer to a distributor and certain agreements between a manufacturer and distributor.

The amendment to **CSSB 515** 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 Eltife and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSSB 515** 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 515 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 515** 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 639 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 639** at this time on its second reading:

**CSSB 639**, Relating to the sale of beer, ale, and malt liquor by a brewer or beer manufacturer to a wholesaler or distributor and contractual agreements between those entities.

The bill was read second time.

Senator Carona offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 639** (senate committee printing) by striking SECTIONS 2, 3, and 4 of the bill (page 2, lines 3-40) and substituting the following:

SECTION 2. (a) Subject to Subsection (b) of this section, 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.

(b) The changes in law made by this Act take effect only if each of the following bills is enacted and becomes law:

(1) Senate Bill No. 515, House Bill No. 1763, or another similar bill of the 83rd Legislature, Regular Session, 2013, that allows holders of brewpub licenses to self-distribute beer, malt liquor, or ale produced under the license to retailers;

(2) Senate Bill No. 516, House Bill No. 1764, or another similar bill of the 83rd Legislature, Regular Session, 2013, that allows small brewers to sell ale to retailers;

(3) Senate Bill No. 517, House Bill No. 1765, or another similar bill of the 83rd Legislature, Regular Session, 2013, that allows small beer manufacturers to sell beer to retailers; and

(4) Senate Bill No. 518, House Bill No. 1766, or another similar bill of the 83rd Legislature, Regular Session, 2013, that allows small brewers and beer manufacturers to sell beer and ale to ultimate consumers.

The amendment to **CSSB 639** 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 639** 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 639 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 639** 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 Zaffirini was recognized and introduced to the Senate Texas organ donors and recipients.

The Senate welcomed its guests.

**COMMITTEE SUBSTITUTE  
SENATE BILL 518 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 518** at this time on its second reading:

**CSSB 518**, Relating to the authority of certain brewers and manufacturers to sell beer and ale to ultimate consumers.

The bill was read second time.

Senator Eltife offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 518** (senate committee printing) by striking SECTION 5 of the bill (page 2, line 36) and substituting the following:

SECTION 5. (a) Subject to Subsection (b) of this section, 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.

(b) The changes in law made by this Act take effect only if each of the following bills is enacted and becomes law:

(1) Senate Bill No. 515, House Bill No. 1763, or another similar bill of the 83rd Legislature, Regular Session, 2013, that allows holders of brewpub licenses to self-distribute beer, malt liquor, or ale produced under the license to retailers;



(2) Senate Bill No. 516, House Bill No. 1764, or another similar bill of the 83rd Legislature, Regular Session, 2013, that allows small brewers to sell ale to retailers;

(3) Senate Bill No. 517, House Bill No. 1765, or another similar bill of the 83rd Legislature, Regular Session, 2013, that allows small beer manufacturers to sell beer to retailers; and

(4) Senate Bill No. 639, House Bill No. 1538, or another similar bill of the 83rd Legislature, Regular Session, 2013, relating to sales of beer by a manufacturer to a distributor and certain agreements between a manufacturer and distributor.

The amendment to **CSSB 518** 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 Eltife and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSSB 518** 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 518 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 518** 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 BILL 7 ON SECOND READING**

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 7** at this time on its second reading:

**CSSB 7**, Relating to improving the delivery and quality of certain health and human services, including the delivery and quality of Medicaid acute care services and long-term services and supports.

The bill was read second time.

Senator Nelson offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 7** (Senate Committee Printing) as follows:

(1) In SECTION 1.01 of the bill, between added Sections 534.001(3) and (4), Government Code (page 1, between lines 44 and 45), insert the following subdivision and renumber subsequent subdivisions of the section accordingly:

(4) "Functional need" means the measurement of an individual's services and supports needs, including the individual's intellectual, psychiatric, medical, and physical support needs.

(2) In SECTION 1.01 of the bill, strike added Section 534.001(7), Government Code (page 2, lines 4 through 6), and substitute the following:

(7) "Local intellectual and developmental disability authority" means an authority defined by Section 531.002(11), Health and Safety Code.

(3) In SECTION 1.01 of the bill, in added Section 534.051(3), Government Code (page 2, line 47), between "supports" and the underlined semicolon, insert "including the assessment of individuals' functional needs".

(4) In SECTION 1.01 of the bill, in added Section 534.051(9), Government Code (page 2, line 60), strike "and".

(5) In SECTION 1.01 of the bill, in added Section 534.051(10), Government Code (page 2, line 62), between "services" and the underlined period, insert the following:

;

(11) promote independent service coordination and independent ombudsmen services; and

(12) ensure that individuals with the most significant needs are appropriately served in the community and that processes are in place to prevent inappropriate institutionalization of individuals

(6) In SECTION 1.01 of the bill, in added Section 534.053(a)(1), Government Code (page 3, line 12), between "recipients" and the underlined semicolon, insert "including at least three representatives from intellectual and developmental disability advocacy organizations".

(7) In SECTION 1.01 of the bill, in added Section 534.053(a)(2), Government Code, on page 3, strike lines 13 and 14 and substitute the following:

(2) representatives of Medicaid managed care and non-managed care health care providers, including:

(8) In SECTION 1.01 of the bill, strike added Sections 534.053(a)(3)(A) through (E), Government Code (page 3, lines 24 through 33), and substitute the following:

(A) representatives of aging and disability resource centers established under the Aging and Disability Resource Center initiative funded in part by the federal Administration on Aging and the Centers for Medicare and Medicaid Services;

(B) representatives of community mental health and intellectual disability centers; and

(C) representatives of and service coordinators or case managers from private and public home and community-based services providers that serve individuals with intellectual and developmental disabilities; and

(9) In SECTION 1.01 of the bill, in added Section 534.054(a), Government Code (page 3, line 60), strike "December 1" and substitute "September 30".

(10) In SECTION 1.01 of the bill, between added Sections 534.106 and 534.107, Government Code (page 5, between lines 38 and 39), insert the following:

Sec. 534.1065. RECIPIENT PARTICIPATION IN PROGRAM VOLUNTARY. Participation in a pilot program established under this subchapter by an individual with an intellectual or developmental disability is voluntary, and the decision whether to participate in a program and receive long-term services and supports from a provider through that program may be made only by the individual or the individual's legally authorized representative.

(11) In SECTION 1.01 of the bill, strike added Section 534.152, Government Code (page 7, lines 18 through 25), and substitute the following:

Sec. 534.152. DELIVERY OF CERTAIN OTHER SERVICES UNDER STAR + PLUS AND STAR KIDS MEDICAID MANAGED CARE PROGRAMS. (a) The commission shall:

(1) implement the most cost-effective option for the delivery of basic attendant and habilitation services for individuals with intellectual and developmental disabilities under the STAR + PLUS and STAR Kids Medicaid managed care programs that maximizes federal funding for the delivery of services across those and other similar programs; and

(2) provide voluntary training to individuals receiving services under the STAR + PLUS and STAR Kids Medicaid managed care programs or their legally authorized representatives regarding how to select, manage, and dismiss personal attendants providing basic attendant and habilitation services under the programs.

(b) The commission shall require that each managed care organization that contracts with the commission for the provision of basic attendant and habilitation services under the STAR + PLUS or STAR Kids Medicaid managed care program in accordance with this section include in the organization's provider network for the provision of those services only:

(1) home and community support services agencies licensed under Chapter 142, Health and Safety Code, with which the commission has a contract to provide services under the community living assistance and support services (CLASS) waiver program; and

(2) persons exempted from licensing under Section 142.003(a)(19), Health and Safety Code, with which the commission has a contract to provide services under:

(A) the home and community-based services (HCS) waiver program; or

(B) the Texas home living (TxHmL) waiver program.

(c) The Department of Aging and Disability Services shall contract with local intellectual and developmental disability authorities to provide service coordination to individuals with intellectual and developmental disabilities under the STAR + PLUS and STAR Kids Medicaid managed care programs in accordance with this section. Local intellectual and developmental disability authorities providing service coordination under this section may not also provide attendant and habilitation services under this section.

(d) During the first three years basic attendant and habilitation services are provided to individuals with intellectual and developmental disabilities under the STAR + PLUS or STAR Kids Medicaid managed care program in accordance with this section, providers eligible to participate in the home and community-based

services (HCS) waiver program, the Texas home living (TxHmL) waiver program, or the community living assistance and support services (CLASS) waiver program on September 1, 2013, are considered significant traditional providers.

(12) In SECTION 1.01 of the bill, in added Section 534.202(b), Government Code (page 8, line 11), strike "Subsection (c)(1)" and substitute "Subsections (c)(1) and (g)".

(13) In SECTION 1.01 of the bill, strike added Section 534.202(c)(1), Government Code (page 8, lines 14 through 17), and substitute the following:

(1) continue operation of the Medicaid waiver programs or Medicaid ICF-IID program only for purposes of providing, if applicable:

(A) supplemental long-term services and supports not available under the managed care program delivery model selected by the commission; or

(B) long-term services and supports to Medicaid waiver program recipients who choose to continue receiving benefits under the waiver program as provided by Subsection (g); or

(14) In SECTION 1.01 of the bill, in added Section 534.202(c)(2), Government Code (page 8, line 18), between "(2)" and "provide", insert "subject to Subsection (g)".

(15) In SECTION 1.01 of the bill, in added Section 534.202(c)(2), Government Code (page 8, line 19), between "available" and "under", insert "only".

(16) In SECTION 1.01 of the bill, immediately following added Section 534.202(f), Government Code (page 8, between lines 36 and 37), insert the following:

(g) If the commission determines that all or a portion of the long-term services and supports previously available only under the Medicaid waiver programs should be provided through a managed care program delivery model under Subsection (c)(2), the commission shall, at the time of the transition, allow each recipient receiving long-term services and supports under a Medicaid waiver program the option of:

(1) continuing to receive the services and supports under the Medicaid waiver program; or

(2) receiving the services and supports through the managed care program delivery model selected by the commission.

(h) A recipient who chooses to receive long-term services and supports through a managed care program delivery model under Subsection (g) may not, at a later time, choose to receive the services and supports under a Medicaid waiver program.

(17) In SECTION 1.03(1) of the bill (page 8, line 49), strike "December 1, 2014" and substitute "September 30, 2014".

(18) In SECTION 1.03(2) of the bill (page 8, line 51), strike "December 1, 2023" and substitute "September 30, 2023".

(19) In SECTION 1.06(a)(2) of the bill (page 9, line 13), strike "December 1" and substitute "September 30".

(20) In ARTICLE 1 of the bill, add the following appropriately numbered SECTIONS and renumber subsequent SECTIONS of the ARTICLE accordingly:

SECTION 1.\_\_. Section 142.003(a), Health and Safety Code, is amended to read as follows:

(a) The following persons need not be licensed under this chapter:

(1) a physician, dentist, registered nurse, occupational therapist, or physical therapist licensed under the laws of this state who provides home health services to a client only as a part of and incidental to that person's private office practice;

(2) a registered nurse, licensed vocational nurse, physical therapist, occupational therapist, speech therapist, medical social worker, or any other health care professional as determined by the department who provides home health services as a sole practitioner;

(3) a registry that operates solely as a clearinghouse to put consumers in contact with persons who provide home health, hospice, or personal assistance services and that does not maintain official client records, direct client services, or compensate the person who is providing the service;

(4) an individual whose permanent residence is in the client's residence;

(5) an employee of a person licensed under this chapter who provides home health, hospice, or personal assistance services only as an employee of the license holder and who receives no benefit for providing the services, other than wages from the license holder;

(6) a home, nursing home, convalescent home, assisted living facility, special care facility, or other institution for individuals who are elderly or who have disabilities that provides home health or personal assistance services only to residents of the home or institution;

(7) a person who provides one health service through a contract with a person licensed under this chapter;

(8) a durable medical equipment supply company;

(9) a pharmacy or wholesale medical supply company that does not furnish services, other than supplies, to a person at the person's house;

(10) a hospital or other licensed health care facility that provides home health or personal assistance services only to inpatient residents of the hospital or facility;

(11) a person providing home health or personal assistance services to an injured employee under Title 5, Labor Code;

(12) a visiting nurse service that:

(A) is conducted by and for the adherents of a well-recognized church or religious denomination; and

(B) provides nursing services by a person exempt from licensing by Section 301.004, Occupations Code, because the person furnishes nursing care in which treatment is only by prayer or spiritual means;

(13) an individual hired and paid directly by the client or the client's family or legal guardian to provide home health or personal assistance services;

(14) a business, school, camp, or other organization that provides home health or personal assistance services, incidental to the organization's primary purpose, to individuals employed by or participating in programs offered by the business, school, or camp that enable the individual to participate fully in the business's, school's, or camp's programs;

(15) a person or organization providing sitter-companion services or chore or household services that do not involve personal care, health, or health-related services;

(16) a licensed health care facility that provides hospice services under a contract with a hospice;

(17) a person delivering residential acquired immune deficiency syndrome hospice care who is licensed and designated as a residential AIDS hospice under Chapter 248;

(18) the Texas Department of Criminal Justice;

(19) a person that provides home health, hospice, or personal assistance services only to persons receiving benefits under:

(A) the home and community-based services (HCS) waiver program;

(B) the Texas home living (TxHmL) waiver program; or

(C) Section 534.152, Government Code [enrolled in a program funded wholly or partly by the Texas Department of Mental Health and Mental Retardation and monitored by the Texas Department of Mental Health and Mental Retardation or its designated local authority in accordance with standards set by the Texas Department of Mental Health and Mental Retardation]; or

(20) an individual who provides home health or personal assistance services as the employee of a consumer or an entity or employee of an entity acting as a consumer's fiscal agent under Section 531.051, Government Code.

SECTION 1. \_\_. (a) In this section, "health and human services agencies" has the meaning assigned by Section 531.001, Government Code.

(b) The Health and Human Services Commission and any other health and human services agency implementing a provision of this Act that affects individuals with intellectual and developmental disabilities shall consult with the Intellectual and Developmental Disability System Redesign Advisory Committee established under Section 534.053, Government Code, as added by this article, regarding implementation of the provision.

(21) In SECTION 2.01 of the bill, in amended Section 533.0025(a), Government Code (page 9, lines 24 and 25), strike "and 533.00253" and substitute "533.00253, and 533.00254".

(22) In the recital to SECTION 2.02 of the bill (page 9, line 62), strike "and 533.00253" and substitute "533.00253, and 533.00254".

(23) In SECTION 2.02 of the bill, in added Section 533.00253(a), Government Code (page 11, between lines 31 and 32), add the following appropriately numbered subdivision and renumber existing subdivisions accordingly:

( ) "Advisory committee" means the STAR Kids Managed Care Advisory Committee established under Section 533.00254.

(24) In SECTION 2.02 of the bill, in added Section 533.00253(b), Government Code (page 11, line 41), between "shall" and "establish", insert ", in consultation with the advisory committee and the Children's Policy Council established under Section 22.035, Human Resources Code,".

(25) In SECTION 2.02 of the bill, in added Section 533.00253(c), Government Code (page 12, lines 3 and 4), strike "or a portion".

(26) In SECTION 2.02 of the bill, immediately following added Section 533.00253(d), Government Code (page 12, between lines 12 and 13), insert the following:

(e) The commission shall seek ongoing input from the Children's Policy Council regarding the establishment and implementation of the STAR Kids managed care program.

Sec. 533.00254. STAR KIDS MANAGED CARE ADVISORY COMMITTEE.

(a) The STAR Kids Managed Care Advisory Committee is established to advise the commission on the establishment and implementation of the STAR Kids managed care program under Section 533.00253.

(b) The executive commissioner shall appoint the members of the advisory committee. The committee must consist of:

(1) families whose children will receive private-duty nursing under the program;

(2) health care providers;

(3) providers of home and community-based services; and

(4) other stakeholders as the executive commissioner determines appropriate.

(c) The executive commissioner shall appoint the presiding officer of the advisory committee.

(d) A member of the advisory committee serves without compensation.

(e) The advisory committee is subject to the requirements of Chapter 551.

(f) On September 1, 2016:

(1) the advisory committee is abolished; and

(2) this section expires.

(27) In ARTICLE 2 of the bill, add the following appropriately numbered SECTIONS and renumber subsequent SECTIONS of the ARTICLE accordingly:

SECTION 2. \_\_. Section 533.041, Government Code, is amended by amending Subsection (a) and adding Subsections (c) and (d) to read as follows:

(a) The executive commissioner [~~commission~~] shall appoint a state Medicaid managed care advisory committee. The advisory committee consists of representatives of:

(1) hospitals;

(2) managed care organizations and participating health care providers;

(3) primary care providers and specialty care providers;

(4) state agencies;

(5) low-income recipients or consumer advocates representing low-income recipients;

(6) recipients with disabilities, including recipients with intellectual and developmental disabilities or physical disabilities, or consumer advocates representing those recipients [~~with a disability~~];

(7) parents of children who are recipients;

(8) rural providers;

(9) advocates for children with special health care needs;

(10) pediatric health care providers, including specialty providers;

(11) long-term services and supports [~~care~~] providers, including nursing facility [~~home~~] providers and direct service workers;

(12) obstetrical care providers;

(13) community-based organizations serving low-income children and their families; ~~and~~

(14) community-based organizations engaged in perinatal services and outreach;

(15) recipients who are 65 years of age or older;

(16) recipients with mental illness;

(17) nonphysician mental health providers participating in the Medicaid managed care program; and

(18) entities with responsibilities for the delivery of long-term services and supports or other Medicaid program service delivery, including:

(A) independent living centers;

(B) area agencies on aging;

(C) aging and disability resource centers established under the Aging and Disability Resource Center initiative funded in part by the federal Administration on Aging and the Centers for Medicare and Medicaid Services;

(D) community mental health and intellectual disability centers; and

(E) the NorthSTAR Behavioral Health Program provided under Chapter

534, Health and Safety Code.

(c) The executive commissioner shall appoint the presiding officer of the advisory committee.

(d) To the greatest extent possible, the executive commissioner shall appoint members of the advisory committee who reflect the geographic diversity of the state and include members who represent rural Medicaid program recipients.

SECTION 2. \_\_. Section 533.042, Government Code, is amended to read as follows:

Sec. 533.042. MEETINGS. (a) The advisory committee shall meet at the call of the presiding officer at least semiannually, but no more frequently than quarterly.

(b) The advisory committee:

(1) [5] shall develop procedures that provide the public with reasonable opportunity to appear before the committee ~~[committee]~~ and speak on any issue under the jurisdiction of the committee; [5] and

(2) is subject to Chapter 551.

SECTION 2. \_\_. Section 533.043, Government Code, is amended to read as follows:

Sec. 533.043. POWERS AND DUTIES. (a) The advisory committee shall:

(1) provide recommendations and ongoing advisory input to the commission on the statewide implementation and operation of Medicaid managed care, including:

(A) program design and benefits;

(B) systemic concerns from consumers and providers;

(C) the efficiency and quality of services delivered by Medicaid managed care organizations;

(D) contract requirements for Medicaid managed care organizations;

(E) Medicaid managed care provider network adequacy; and

(F) other issues as requested by the executive commissioner;



(2) assist the commission with issues relevant to Medicaid managed care to improve the policies established for and programs operating under Medicaid managed care, including the early and periodic screening, diagnosis, and treatment program, provider and patient education issues, and patient eligibility issues; and

(3) disseminate or make available to each regional advisory committee appointed under Subchapter B information on best practices with respect to Medicaid managed care that is obtained from a regional advisory committee.

(b) The commission and the Department of Aging and Disability Services shall ensure coordination and communication between the advisory committee, regional Medicaid managed care advisory committees appointed by the commission under Subchapter B, and other advisory committees or groups that perform functions related to Medicaid managed care, including the Intellectual and Developmental Disability System Redesign Advisory Committee established under Section 534.053, in a manner that enables the state Medicaid managed care advisory committee to act as a central source of agency information and stakeholder input relevant to the implementation and operation of Medicaid managed care.

(c) The advisory committee may establish work groups that meet at other times for purposes of studying and making recommendations on issues the committee determines appropriate.

SECTION 2. \_\_. Section 533.044, Government Code, is amended to read as follows:

Sec. 533.044. OTHER LAW. (a) Except as provided by Subsection (b) and other provisions of this subchapter, the advisory committee is subject to Chapter 2110.

(b) Section 2110.008 does not apply to the advisory committee.

SECTION 2. \_\_. Subchapter C, Chapter 533, Government Code, is amended by adding Section 533.045 to read as follows:

Sec. 533.045. COMPENSATION; REIMBURSEMENT. (a) Except as provided by Subsection (b), a member of the advisory committee is not entitled to receive compensation or reimbursement for travel expenses.

(b) A member of the advisory committee who is a Medicaid program recipient or the relative of a Medicaid program recipient is entitled to a per diem allowance and reimbursement at rates established in the General Appropriations Act.

SECTION 2. \_\_. (a) Not later than October 1, 2013, the executive commissioner of the Health and Human Services Commission shall appoint additional members to the state Medicaid managed care advisory committee to comply with Section 533.041, Government Code, as amended by this article.

(b) Not later than December 1, 2013, the presiding officer of the state Medicaid managed care advisory committee shall convene the first meeting of the advisory committee following appointment of additional members as required by Subsection (a) of this section.

(28) In SECTION 3.01 of the bill, strike added Sections 533.0335(a)(3) and (4), Health and Safety Code (page 12, line 68, through page 13, line 3), and substitute the following:

(3) "Functional need," "ICF-IID program," and "Medicaid waiver program" have the meanings assigned those terms by Section 534.001, Government Code.

(29) In Section 3.01 of the bill, strike added Section 533.0335(b), Health and Safety Code (page 13, lines 4 through 11), and substitute the following:

(b) Subject to the availability of federal funding, the department shall develop and implement a comprehensive assessment instrument and a resource allocation process for individuals with intellectual and developmental disabilities as needed to ensure that each individual with an intellectual or developmental disability receives the type, intensity, and range of services that are both appropriate and available, based on the functional needs of that individual, if the individual receives services through one of the following:

(1) a Medicaid waiver program;

(2) the ICF-IID program; or

(3) an intermediate care facility operated by the state and providing services for individuals with intellectual and developmental disabilities.

(b-1) In developing a comprehensive assessment instrument for purposes of Subsection (b), the department shall evaluate any assessment instrument in use by the department. In addition, the department may implement an evidence-based, nationally recognized, comprehensive assessment instrument that assesses the functional needs of an individual with intellectual and developmental disabilities as the comprehensive assessment instrument required by Subsection (b). This subsection expires September 1, 2015.

(30) Strike SECTION 5.02 of the bill (page 21, lines 38 through 49).

(31) In ARTICLE 7 of the bill, add the following appropriately numbered SECTION and renumber subsequent SECTIONS of the ARTICLE accordingly:

SECTION 7.\_\_. If the Health and Human Services Commission determines that it is cost-effective, the commission shall apply for and actively seek a waiver or authorization from the appropriate federal agency to allow the state to provide medical assistance under the waiver or authorization to medically fragile individuals:

(1) who are at least 21 years of age; and

(2) whose costs to receive care exceed cost limits under existing Medicaid waiver programs.

The amendment to **CSSB 7** 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 Zaffirini offered the following amendment to the bill:

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

Amend **CSSB 7** (Senate Committee Printing) as follows:

(1) Amend Section 1.01 of the bill, in added Section 534.053(a)(1), Government Code (page 3, line 12), to replace the word "or" before the word "individuals" and after the word "services" with "and."

(2) Amend Section 1.01 of the bill, 534.202, Government Code (page 8, between lines 36 and 37), insert the following subdivision: (f-1) Before transitioning the provision of Medicaid program benefits for adults with intellectual and developmental disabilities under this section, a managed care organization providing services under the managed care program delivery model selected by the commission

must demonstrate to the satisfaction of the commission that the organization's network of providers has experience and expertise in the provision of services to adults with intellectual and developmental disabilities.

The amendment to **CSSB 7** 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 Nelson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSSB 7** 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 7 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 **CSSB 7** 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 students from Central Catholic High School in San Antonio: Nathaniel Garcia and Desmond Bonsignore, accompanied by chaperones Richard Thompson and David Quigley.

The Senate welcomed its guests.

### **SENATE BILL 188 ON SECOND READING**

Senator Huffman moved to suspend the regular order of business to take up for consideration **SB 188** at this time on its second reading:

**SB 188**, Relating to interception of wire, oral, or electronic communications for law enforcement purposes.

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.

**SENATE BILL 188 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 188** 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)

**COMMITTEE SUBSTITUTE  
SENATE BILL 344 ON SECOND READING**

Senator Whitmire moved to suspend the regular order of business to take up for consideration **CSSB 344** at this time on its second reading:

**CSSB 344**, Relating to the procedure for an application for a writ of habeas corpus based on relevant scientific evidence.

The motion prevailed.

Senators Birdwell, Nelson, 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, Nelson, Patrick.

**COMMITTEE SUBSTITUTE  
SENATE BILL 344 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 344** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

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

Nays: Birdwell, Nelson, Patrick.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3. (Same as previous roll call)

**SENATE BILL 380 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 380** at this time on its second reading:

**SB 380**, Relating to the recording of an informal settlement conference to resolve a complaint to the Texas Medical Board against a physician.

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.

**MOTION TO PLACE  
SENATE BILL 380 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 380** be placed on its third reading and final passage.

The motion was lost by the following vote: Yeas 18, Nays 13. (Not receiving four-fifths vote of Members present)

Yeas: Birdwell, Campbell, Carona, Davis, Deuell, Duncan, Ellis, Estes, Fraser, Garcia, Hancock, Hinojosa, Paxton, Rodríguez, Schwertner, Taylor, Williams, Zaffirini.

Nays: Eltife, Hegar, Huffman, Lucio, Nelson, Nichols, Patrick, Seliger, Uresti, Van de Putte, Watson, West, Whitmire.

**COMMITTEE SUBSTITUTE  
SENATE BILL 581 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 581** at this time on its second reading:

**CSSB 581**, Relating to procedures for securing the deposit of public funds.

The bill was read second time.

Senator Carona offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 581** as follows:

(1) Strike SECTION 1 of the bill, amending Section 2257.045, Government Code, and substitute the following:

SECTION 1. Section 2257.045, Government Code, is amended to read as follows:

Sec. 2257.045. RECEIPT OF SECURITY BY CUSTODIAN. (a) On receipt of an investment security, a custodian shall[~~;~~

~~[(+)]~~ immediately identify on its books and records, by book entry or another method, the pledge of the security to the public entity.

(b) For a deposit of public funds under Subchapter F, the custodian shall issue and deliver to the comptroller a trust receipt for the pledged security.

(c) For any other deposit of public funds under this chapter, at the written direction of the appropriate public entity officer, the custodian shall:

(1) [~~and~~

~~[(2) promptly]~~ issue and deliver to the appropriate public entity officer a trust receipt for the pledged security; or

(2) issue and deliver a trust receipt for the pledged security to the public entity's depository and instruct the depository to deliver the trust receipt to the public entity officer immediately.

(d) The custodian shall issue and deliver the trust receipt as soon as practicable on the same business day on which the investment security is received.

(2) In SECTION 2 of the bill, in added Section 2257.046(d), Government Code, strike "the public entity, the public entity's custodian shall provide to the appropriate public entity officer" and substitute "the appropriate public entity officer, the public entity's custodian shall provide".

(3) Strike SECTION 3 of the bill, amending Section 116.051, Local Government Code.

(4) Renumber SECTIONS of the bill appropriately.

The amendment to **CSSB 581** 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 581** (senate committee report) in SECTION 2 of the bill, in added Section 2257.046(d), Government Code (page 1, lines 49 through 51), by striking added Subdivisions (2) and (3) of that subsection and substituting the following:

(2) the date the security was pledged to secure the public entity's deposit;

(3) the Committee on Uniform Security Identification Procedures (CUSIP) number of the security;

The amendment to **CSSB 581** 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 581** 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 581 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 581** 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 770 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 770** at this time on its second reading:

**CSSB 770**, Relating to a prohibition against naming public property after certain elected officials and former elected officials.

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 770 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 770** 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 1639 REREFERRED  
(Motion In Writing)**

Senator Carona submitted a Motion In Writing requesting that **SB 1639** be withdrawn from the Committee on Jurisprudence and rereferred to the Committee on Business and Commerce.

The Motion In Writing prevailed without objection.

**MOTION TO ADJOURN**

On motion of Senator Whitmire and by unanimous consent, the Senate at 3:34 p.m. agreed to adjourn, upon completion of the introduction of bills and resolutions on first reading, until 11:00 a.m. tomorrow.

**SENATE BILLS ON FIRST READING**

The following bills, filed on or before Friday, March 8, 2013, were introduced, read first time, and referred to the committees indicated:

**SB 1661** by Eştes

Relating to the consequences of engaging in certain conduct characteristic of organized crime, providing penalties.

To Committee on Criminal Justice.

**SB 1662** by Eltiş

Relating to certain appeals through binding arbitration of appraisal review board orders.

To Committee on Finance.

**SB 1663** by Taylor

Relating to certain water districts that do not provide water and sanitary sewer service to certain users in the districts' territory.

To Committee on Natural Resources.

**SB 1664** by Nichols

Relating to commercial driver's licenses and commercial learner's permits and the operation of commercial motor vehicles; creating an offense.

To Committee on Transportation.

**SB 1665** by Carona

Relating to the deposit of assessments and fees collected for examination expenses.

To Committee on Business and Commerce.

**SB 1666** by Carona

Relating to the regulation of amusement rides.

To Committee on Business and Commerce.

**SB 1667** by Duncan

Relating to a chronic neurological disease registry; authorizing a fee.

To Committee on Health and Human Services.

**SB 1668** by Zaffirini

Relating to the institutions of higher education eligible to participate in the Texas Science, Technology, Engineering, and Mathematics (T-STEM) Challenge Scholarship Program.

To Committee on Higher Education.

**SB 1669** by Nichols

Relating to the regulation of motor vehicles by counties and the Texas Department of Motor Vehicles; authorizing a fee; creating an offense.

To Committee on Transportation.

**SB 1670** by Nichols

Relating to the fees for oversize and overweight vehicle permits.

To Committee on Transportation.

**SB 1671** by Nichols

Relating to the fines for and other enforcement of laws providing for the operation of oversize or overweight vehicles.

To Committee on Transportation.

**SB 1672** by Taylor

Relating to the business of travel insurance; authorizing penalties.

To Committee on Business and Commerce.

**SB 1673** by Taylor

Relating to the regulation of industrialized housing by the manufactured housing division of the Texas Department of Housing and Community Affairs; providing a criminal penalty; authorizing fees.

To Committee on Business and Commerce.



**SB 1674** by Taylor

Relating to accelerated educational programs offered by public institutions of higher education to qualified persons seeking licensure as physician assistants.

To Committee on Higher Education.

**SB 1675** by Davis

Relating to establishing a demonstration project for preventative health care services, and implementation of related outreach activities.

To Committee on Health and Human Services.

**SB 1676** by Ellis

Relating to creating an offense for the unlawful possession or transfer of a large-capacity magazine.

To Committee on Criminal Justice.

**SB 1677** by Ellis

Relating to the reporting of a lost or stolen firearm; providing criminal penalties.

To Committee on Criminal Justice.

**SB 1678** by Deuell, Patrick

Relating to the eligibility, disbursement, and reporting requirements of the Major Events trust fund and the Events trust fund.

To Committee on Economic Development.

**SB 1679** by Zaffirini

Relating to state agency procurement.

To Committee on Government Organization.

**SB 1680** by Zaffirini

Relating to certain requirements applicable to contracts entered into by state agencies.

To Committee on Government Organization.

**SB 1681** by Zaffirini

Relating to oversight and management of state contracts.

To Committee on Government Organization.

**SB 1682** by Zaffirini

Relating to certain ethics requirements applicable to state agencies, including required disclosures by state contractors.

To Committee on State Affairs.

**SB 1683** by Huffman

Relating to providing a federal postcard applicant with a ballot for any election in which the applicant is eligible to vote.

To Committee on State Affairs.

**SB 1684** by Zaffirini

Relating to the registration of boat trailers.

To Committee on Transportation.

**SB 1685** by Zaffirini

Relating to exemptions from property taxation and sales and use taxation for certain offshore spill response and well containment property used to control pollution.  
To Committee on Finance.

**SB 1687** by Deuell

Relating to the establishment of a statewide system for stroke response and treatment.  
To Committee on Health and Human Services.

**SB 1688** by Lucio

Relating to certain exemptions to initial training requirements for employees, directors, and operators of a child-care facility.  
To Committee on Health and Human Services.

**SB 1689** by Rodríguez

Relating to the regulation of credit access businesses.  
To Committee on Business and Commerce.

**SB 1690** by Lucio

Relating to the establishment of a down payment assistance program by the manufactured housing division of the Texas Department of Housing and Community Affairs for the purchase of manufactured homes by low income individuals and families in rural areas.  
To Committee on Intergovernmental Relations.

**SB 1691** by Rodríguez

Relating to the administration of oaths and issuance of subpoenas in an arbitration proceeding involving county firefighters or police officers; creating an offense.  
To Committee on Intergovernmental Relations.

**SB 1692** by Lucio

Relating to a limitation on annexation by certain municipalities.  
To Committee on Intergovernmental Relations.

**SB 1693** by Ellis

Relating to the management of federal and state funds for the Texas Safe Routes to School (SRTS) program, and other programs directed toward the accommodation of pedestrians, bicyclists, persons with disabilities, children, senior citizens, users of public transportation, and persons of all ages and abilities on separate facilities and in conjunction with motorists on street and highway corridors, hereafter the "All-Ages, Active, Safe, and Economical Transportation in Texas (AASETT)" program.  
To Committee on Transportation.

**SB 1694** by Lucio

Relating to annexation by and disannexation from certain municipalities.  
To Committee on Intergovernmental Relations.

**SB 1695** by Lucio

Relating to the release of extraterritorial jurisdiction by certain municipalities.  
To Committee on Intergovernmental Relations.

**SB 1696** by Rodríguez

Relating to the short-term motor vehicle rental tax used to finance certain athletic events.

To Committee on Finance.

**SB 1697** by Lucio

Relating to procedures required for the continued annexation of certain areas annexed by certain municipalities.

To Committee on Intergovernmental Relations.

**SB 1698** by Lucio

Relating to a limitation on annexation by certain municipalities.

To Committee on Intergovernmental Relations.

**SB 1699** by Rodríguez

Relating to the application of municipal zoning regulations to certain commercial property in which the General Land Office retains an ownership interest.

To Committee on Government Organization.

**SB 1703** by Zaffirini

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

To Committee on Economic Development.

**SB 1704** by Lucio

Relating to cooperation with federal agencies on immigration issues in this state; authorizing fees.

To Committee on Agriculture, Rural Affairs and Homeland Security.

**SB 1705** by Campbell

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

To Committee on Transportation.

**SB 1706** by Rodríguez

Relating to mental health in juvenile cases.

To Committee on Criminal Justice.

**SB 1707** by Campbell

Relating to the allocation of certain revenue from the tax on the sale, rental, and use of motor vehicles to the Texas Mobility Fund.

To Committee on Finance.

**SB 1708** by Rodríguez

Relating to the acquisition of certain real property in El Paso for the construction of facilities for the Department of Public Safety of the State of Texas.

To Committee on Government Organization.

**SB 1709** by Davis

Relating to a study regarding the capacity and service capabilities of the Texas Women's Health Program.

To Committee on Health and Human Services.

**SB 1710** by Birdwell

Relating to measures to facilitate the transfer of students within the public higher education system and the timely graduation of students from public institutions of higher education.

To Committee on Higher Education.

**SB 1711** by Birdwell

Relating to the extent and management of the John Graves Scenic Riverway.

To Committee on Natural Resources.

**SB 1712** by Rodríguez

Relating to the prosecution of the offense of prostitution.

To Committee on Criminal Justice.

**SB 1713** by Davis

Relating to increasing funding for the basic allotment under the Foundation School Program.

To Committee on Finance.

**SB 1714** by Davis

Relating to insufficient funds charges and check or debit authorization for a deferred presentment transaction.

To Committee on Business and Commerce.

**SB 1715** by Davis

Relating to a requirement that a credit access business include copies of its agreements with third-party lenders in an application for a license.

To Committee on Business and Commerce.

**SB 1716** by Davis

Relating to extensions of consumer credit a credit services organization obtains for a consumer or assists a consumer in obtaining; providing a civil penalty.

To Committee on Business and Commerce.

**SB 1717** by Rodríguez

Relating to the authority of the office of independent ombudsman with the Texas Juvenile Justice Department in regard to juveniles in custody in facilities other than juvenile justice facilities.

To Committee on Criminal Justice.

**SB 1718** by West

Relating to the establishment of the Texas Achievement School District for educating students attending campuses removed from the jurisdiction of a school district or charter school.

To Committee on Education.

**SB 1719** by Rodríguez

Relating to the construction, remodeling, or rehabilitation of certain hotel projects.

To Committee on Economic Development.

**SB 1720** by Patrick

Relating to the Texas Teach Corps Loan Repayment Assistance Program for undergraduate students who agree to teach in school districts in this state that have shortages of teachers in mathematics or science.

To Committee on Higher Education.

**SB 1721** by Patrick

Relating to a requirement that a student's postsecondary transcript include the average or median grade awarded in each class.

To Committee on Higher Education.

**SB 1722** by Rodríguez

Relating to reforming the electoral process; providing a criminal penalty.

To Committee on State Affairs.

**SB 1723** by Patrick, Birdwell

Relating to the eligibility of certain citizens residing outside the United States to vote a full ballot.

To Committee on State Affairs.

**SB 1725** by Deuell

Relating to a prohibition of employment of a member or former member of the State Board of Education by an open-enrollment charter school; providing a penalty.

To Committee on Education.

**SB 1726** by Whitmire

Relating to the state classification officer's periodic salary studies at state agencies experiencing high employee turnover or attrition rates.

To Committee on Government Organization.

**SB 1727** by Deuell

Relating to the use of the Texas emissions reduction plan fund.

To Committee on Natural Resources.

**SB 1728** by Carona

Relating to forensic analysis and forensic evidence testimony in certain civil proceedings.

To Committee on Jurisprudence.

**SB 1729** by Nichols

Relating to an agreement between the Department of Public Safety and a county clerk or county assessor-collector for the provision of renewal and duplicate driver's license and other identification certificate services.

To Committee on Transportation.

**SB 1730** by Nichols

Relating to comprehensive development agreements of the Texas Department of Transportation or a regional mobility authority.

To Committee on Transportation.

**SB 1731** by Lucio

Relating to the establishment, fiscal oversight and administration of the Texas secure loan pilot program by the Texas Department of Housing and Community Affairs.

To Committee on Intergovernmental Relations.

**SB 1732** by Taylor

Relating to authorizing the sale of certain real property in Brazoria County by the Texas Board of Criminal Justice.

To Committee on Government Organization.

**SB 1733** by Taylor

Relating to a study regarding the creation of dunes on the gulf coast for storm surge protection.

To Committee on Natural Resources.

**SB 1734** by Taylor

Relating to an allowance of challenging a will.

To Committee on Jurisprudence.

**SB 1735** by Campbell

Relating to certain offenses involving the carrying of concealed handguns by license holders and to defenses and exceptions to the prosecution of those offenses.

To Committee on Criminal Justice.

**SB 1736** by Campbell

Relating to the regulation of dangerous wild animals.

To Committee on Agriculture, Rural Affairs and Homeland Security.

**SB 1737** by Van de Putte

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

To Committee on Veteran Affairs and Military Installations.

**SB 1738** by Rodríguez

Relating to the legal defense and indemnification of county officials and employees.

To Committee on Intergovernmental Relations.

**SB 1739** by Rodríguez

Relating to the Criminal Justice Legislative Oversight Committee, the appointment of members, and the members' duties and responsibilities.

To Committee on Criminal Justice.

**SB 1740** by Patrick

Relating to the public education grant program.

To Committee on Education.

**SB 1741** by Zaffirini

Relating to training requirements applicable to members of the governing board of a public institution of higher education.

To Committee on Higher Education.

**SB 1742** by Lucio

Relating to the creation, fiscal oversight and administration of the Texas Housing Innovations Competition Fund; making an appropriation.

To Committee on Intergovernmental Relations.

**SB 1743** by Rodríguez

Relating to prohibiting employer retaliation against employees who seek recovery of unpaid wages and procedures in wage claim hearings conducted by the Texas Workforce Commission; providing administrative penalties.

To Committee on Economic Development.

**SB 1744** by Uresti

Relating to license examination attempt limits for certain physicians.

To Committee on Health and Human Services.

**SB 1745** by Uresti

Relating to minimum pollution removal requirements for certain stormwater discharges in the Edwards Aquifer.

To Committee on Natural Resources.

**SB 1746** by Uresti

Relating to payment of out-of-network ambulatory surgery benefits by certain health benefit plans.

To Committee on State Affairs.

**SB 1747** by Uresti

Relating to a fund for certain county transportation infrastructure projects and the creation of County Energy Transportation Reinvestment Zones.

To Committee on Transportation.

**SB 1748** by Uresti

Relating to employee caseload standards for child and adult protective services and child-care licensing services and call processing standards for certain of those services.

To Committee on Health and Human Services.

**SB 1749** by Uresti

Relating to the exemption of a water well from certain permitting by and compliance with rules of a groundwater conservation district.

To Committee on Natural Resources.

**SB 1750** by Uresti

Relating to a criminal penalty for failure to handle certain animals in accordance with rules of the Texas Animal Health Commission.

To Committee on Agriculture, Rural Affairs and Homeland Security.

**SB 1751** by Uresti

Relating to the allocation of beds in and the commitment of certain persons to certain mental health facilities.

To Committee on Health and Human Services.

**SB 1752** by Uresti

Relating to advance directives for persons with mental illness.  
To Committee on Health and Human Services.

**SB 1753** by Uresti

Relating to ensuring the continuation of medical assistance benefits for individuals after release or discharge from certain facilities.  
To Committee on Health and Human Services.

**SB 1754** by Uresti

Relating to certification and recertification requirements for emergency services personnel.  
To Committee on Health and Human Services.

**SB 1755** by Uresti

Relating to exceptions to mental health information disclosure prohibitions.  
To Committee on Health and Human Services.

**SB 1756** by Uresti

Relating to the expedited processing of certain applications for permits under the Clean Air Act; authorizing a surcharge.  
To Committee on Natural Resources.

**SB 1757** by Uresti

Relating to the definition of license plate flipper and providing a penalty.  
To Committee on Criminal Justice.

**SB 1758** by Uresti

Relating to the establishment of a task force to examine hiring and management practices of the Department of Family and Protective Services.  
To Committee on Health and Human Services.

**SB 1759** by Uresti

Relating to the procedures for the appointment of and the duties of attorneys ad litem in certain suits affecting the parent-child relationship.  
To Committee on Jurisprudence.

**SB 1760** by Uresti

Relating to the development of brackish groundwater.  
To Committee on Natural Resources.

**SB 1761** by Uresti

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.  
To Committee on Intergovernmental Relations.

**SB 1762** by Uresti

Relating to an increase of certain credit unions' assets.  
To Committee on Business and Commerce.



**SB 1763** by Uresti

Relating to permitting requirements of groundwater conservation districts, including permits to transfer water.

To Committee on Natural Resources.

**SB 1764** by Deuell

Relating to the provision of a cranial molding orthosis under the medical assistance and child health plan programs.

To Committee on Health and Human Services.

**SB 1765** by Deuell

Relating to the reporting of health care-associated infections at health care facilities.

To Committee on Health and Human Services.

**SB 1766** by Rodríguez

Relating to the criteria and requirements for the closure, consolidation, or consolidation plan of state supported living centers.

To Committee on Health and Human Services.

**SB 1767** by Rodríguez

Relating to the authorization for and imposition of hospital assessments by hospital districts.

To Committee on Health and Human Services.

**SB 1768** by Rodríguez

Relating to the authorization for and imposition of hospital assessments by counties.

To Committee on Health and Human Services.

**SB 1769** by Rodríguez

Relating to the creation of an advisory committee to examine the fingerprinting practices of the Texas Juvenile Justice Department.

To Committee on Criminal Justice.

**SB 1770** by Carona

Relating to enforcement of a lien against certain decedents' interests in real property.

To Committee on Jurisprudence.

**SB 1771** by Campbell

Relating to the adjustment of the boundaries of the Cibolo Creek Municipal Authority.

To Committee on Natural Resources.

**SB 1772** by Huffman

Relating to the prosecution and punishment of certain offenses committed against juveniles in custody; imposing a criminal penalty.

To Committee on Criminal Justice.

**SB 1773** by Huffman

Relating to a select committee to review and make recommendations for substantive changes to laws overseen by the Texas Ethics Commission.

To Committee on State Affairs.

**SB 1774** by Huffman

Relating to the procedures for and the oversight of the commitment of sexually violent predators.

To Committee on Criminal Justice.

**SB 1775** by West

Relating to student eligibility to attend public school districts and charter schools, student transfers, and the Public Education Grant Program.

To Committee on Education.

**SB 1776** by Lucio

Relating to prohibited discrimination in the sale of distilled spirits to holders of wholesaler's permits.

To Committee on Business and Commerce.

**SB 1777** by Lucio

Relating to importation of liquor by local distributors.

To Committee on Business and Commerce.

**SB 1778** by Zaffirini

Relating to funding for certain county transportation infrastructure projects.

To Committee on Finance.

**SB 1779** by Zaffirini

Relating to ad valorem tax incentives for the recycling of water used in oil or gas drilling or production.

To Committee on Finance.

**SB 1780** by Zaffirini

Relating to the definition of new property value for purposes of the calculation of certain ad valorem tax rates for a county.

To Committee on Finance.

**SB 1781** by Zaffirini

Relating to the eligibility for grants for natural gas fueling stations under the Texas natural gas vehicle grant program.

To Committee on Transportation.

**SB 1782** by Zaffirini

Relating to the assessment of damages arising from a condemnation of a pipeline easement.

To Committee on State Affairs.

**SB 1783** by Zaffirini

Relating to the tax exemption for permanent hotel residents in certain oil and gas producing municipalities.

To Committee on Finance.

**SB 1784** by Zaffirini

Relating to establishing the Texas Landowner Ombudsman office in the General Land Office.

To Committee on State Affairs.

**SB 1785** by Lucio

Relating to a study conducted by the School Health Advisory Committee regarding commercial advertisements on public school property.

To Committee on Education.

**SB 1786** by Lucio

Relating to the restriction of certain foods at public schools.

To Committee on Education.

**SB 1787** by Uresti

Relating to the licensure of anesthesiologist assistants; providing penalties.

To Committee on Health and Human Services.

**SB 1788** by Uresti

Relating to the duties of the Council on Children and Families and creating a committee to advise the council on child abuse prevention issues.

To Committee on Health and Human Services.

**SB 1789** by Uresti

Relating to the stability of placements for children in the conservatorship of the Department of Family and Protective Services.

To Committee on Health and Human Services.

**SB 1790** by Watson

Relating to additional funding for transportation projects, including the issuance of revenue bonds; increasing motor vehicle registration fees.

To Committee on Transportation.

**SB 1791** by Watson

Relating to a county air quality fee imposed at the time of an emissions-related inspection.

To Committee on Natural Resources.

**SB 1792** by Watson

Relating to remedies for nonpayment of tolls; for the use of certain toll projects; authorizing a fee and certain investigative and court costs; creating an offense.

To Committee on Transportation.

**SB 1793** by Watson

Relating to remedies for nonpayment of tolls of Texas Department of Transportation toll projects; authorizing a fee and certain investigative and court costs.

To Committee on Transportation.

**SB 1794** by Watson

Relating to a transportation revolving fund for certain metropolitan planning organizations.

To Committee on Transportation.

**SB 1795** by Watson

Relating to the regulation of navigators for health benefit exchanges.

To Committee on State Affairs.

**SB 1796** by Watson

Relating to the release and use of certain information maintained by the State Bar of Texas on request of certain continuing legal education sponsors regarding attorneys.  
To Committee on Jurisprudence.

**SB 1797** by Watson

Relating to the creation of an additional county court at law in Travis County.  
To Committee on Jurisprudence.

**SB 1798** by Watson

Relating to the prosecution of the offense of obstruction or retaliation; providing penalties.  
To Committee on Criminal Justice.

**SB 1799** by Watson

Relating to the period of time allowed for issuance of decisions by the commissioner of education in certain appeals against school districts.  
To Committee on Education.

**SB 1800** by Watson

Relating to the establishment and duties of an event oversight committee for an event eligible to receive funding through an events trust fund for certain municipalities and counties.  
To Committee on Economic Development.

**SB 1801** by Watson

Relating to the adoption of fire hydrant requirements for a wildland-urban interface in certain municipalities.  
To Committee on Natural Resources.

**SB 1802** by Rodríguez

Relating to the reporting of certain information regarding inmates and the use of administrative segregation by the Texas Department of Criminal Justice.  
To Committee on Criminal Justice.

**SB 1804** by Huffman

Relating to the establishment of community collaboratives by local entities to provide services to and coordinate the care of persons who are homeless, persons with mental illness, and persons with substance abuse problems.  
To Committee on Health and Human Services.

**SB 1805** by Huffman

Relating to the renewal of a controlled substance registration by physicians.  
To Committee on Health and Human Services.

**SB 1806** by Eltife

Relating to the Harrison County Court at Law.  
To Committee on Jurisprudence.

**SB 1807** by Van de Putte

Relating to the display of flags at half-staff at state buildings to honor service members killed in action.

To Committee on Veteran Affairs and Military Installations.

**SB 1809** by Deuell

Relating to the establishment of a statewide system for the response to and treatment of certain types of heart attacks.

To Committee on Health and Human Services.

**SB 1810** by Ellis

Relating to an intercollegiate athletics fee at Texas Southern University.

To Committee on Higher Education.

**SB 1811** by Hegar

Relating to the Fort Bend Subsidence District.

To Committee on Natural Resources.

**SB 1812** by Duncan

Relating to state contributions for participation by certain junior college employees in the state employees group benefits program, Teacher Retirement System of Texas, and Optional Retirement System.

To Committee on State Affairs.

**SB 1813** by West

Relating to the transfer to the state of certain county public funds by certain counties for the purpose of providing the state share of Disproportionate Share Hospital payments.

To Committee on Health and Human Services.

**SB 1814** by Estes

Relating to request, receipt, and maintenance of certain security clearance by members of the Public Safety Commission.

To Committee on Agriculture, Rural Affairs and Homeland Security.

**SB 1815** by Zaffirini

Relating to voluntary donations to the Glenda Dawson Donate Life-Texas Registry.

To Committee on Transportation.

**SB 1816** by Rodríguez

Relating to the expansion of eligibility for medical assistance to certain persons under the federal Patient Protection and Affordable Care Act and funding of that expansion.

To Committee on Health and Human Services.

**SB 1844** by Schwertner

Relating to the Corn Hill Regional Water Authority.

To Committee on Natural Resources.

**SB 1845** by Taylor

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.

To Committee on Intergovernmental Relations.

**SB 1846** by Taylor

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.

To Committee on Intergovernmental Relations.

**SB 1847** by Taylor

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.

To Committee on Intergovernmental Relations.

**SB 1848** by Duncan

Relating to the dissolution of the Lipan Creek Flood Control District.

To Committee on Intergovernmental Relations.

**SB 1849** by Williams

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.

To Committee on Intergovernmental Relations.

**SB 1850** by Schwertner

Relating to the creation of Rock Prairie Management District No. 1; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

To Committee on Intergovernmental Relations.

**SB 1851** by Schwertner

Relating to the creation of Rock Prairie Management District No. 2; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

To Committee on Intergovernmental Relations.

**SB 1852** by Paxton

Relating to the powers and duties of the Collin County Water Control and Improvement District No. 3; providing authority to issue bonds.

To Committee on Intergovernmental Relations.

**CO-AUTHOR OF SENATE BILL 25**

On motion of Senator Hegar, Senator Hancock will be shown as Co-author of **SB 25**.

**CO-AUTHOR OF SENATE BILL 129**

On motion of Senator Nelson, Senator Uresti will be shown as Co-author of **SB 129**.

**CO-AUTHOR OF SENATE BILL 360**

On motion of Senator Watson, Senator Paxton will be shown as Co-author of **SB 360**.

**CO-AUTHORS OF SENATE BILL 459**

On motion of Senator Rodríguez, Senators Lucio and Uresti will be shown as Co-authors of **SB 459**.

**CO-AUTHOR OF SENATE BILL 955**

On motion of Senator Schwertner, Senator Van de Putte will be shown as Co-author of **SB 955**.

**CO-AUTHOR OF SENATE BILL 1212**

On motion of Senator Estes, Senator Paxton will be shown as Co-author of **SB 1212**.

**CO-AUTHOR OF SENATE BILL 1292**

On motion of Senator Ellis, Senator Schwertner will be shown as Co-author of **SB 1292**.

**CO-AUTHOR OF SENATE BILL 1655**

On motion of Senator Williams, Senator Hancock will be shown as Co-author of **SB 1655**.

**CO-AUTHOR OF SENATE JOINT RESOLUTION 55**

On motion of Senator Williams, Senator Hancock will be shown as Co-author of **SJR 55**.

**CO-AUTHORS OF SENATE JOINT RESOLUTION 63**

On motion of Senator Davis, Senators Van de Putte and Watson will be shown as Co-authors of **SJR 63**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**SR 525** by Van de Putte, In memory of Milton Guess.

**SR 527** by Watson, In memory of Josue V. Quintanilla.

**SR 535** by Van de Putte, In memory of Rosaura Gomez.

**SR 537** by Nelscn and Davis, In memory of Nancy Lee Bass.

**Welcome and Congratulatory Resolutions**

**SR 524** by Schwertner, Recognizing the members of the Grimes County Republican Women.

**SR 526** by Hegar, Campbell, Uresti, Van de Putte, and Zaffirini, Recognizing the achievements of the Edwards Aquifer Recovery Implementation Program.

**SR 528** by Schwertner, Birdwell, Hegar, and Uresti, Recognizing Alcoa on the occasion of its 125th anniversary.

**SR 529** by Zaffirini, Recognizing the Miakan-Garza Band of the Coahuiltecan Indians for its contributions to the State of Texas.

**SR 531** by Williams, Recognizing The John Cooper School on the occasion of its 25th anniversary.

**SR 533** by Van de Putte, Welcoming the Shen Yun Performing Arts group to San Antonio.

**SR 539** by Carona, Recognizing the Rowlett Citizen Corps Council on the occasion of its 10th anniversary.

**SR 542** by Birdwell, Recognizing the Association of the United States Army and its visiting delegation.

#### **Official Designation Resolutions**

**SR 530** by Eltife, Recognizing March 27, 2013, as Lamar County Day at the State Capitol.

**SR 532** by Van de Putte, Recognizing April of 2013 as Autism Awareness Month.

**SR 538** by Ellis, Recognizing March 14, 2013, as Joseph Chatoyer Day in Texas.

**(Senator Nelson in Chair)**

#### **ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 4:08 p.m. adjourned until 11:00 a.m. tomorrow.

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#### **APPENDIX**

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#### **COMMITTEE REPORTS**

The following committee reports were received by the Secretary of the Senate in the order listed:

March 25, 2013

CRIMINAL JUSTICE — **CSSB 701, CSSB 821, CSSB 1238**

HIGHER EDUCATION — **CSSB 1210, CSSB 680**

CRIMINAL JUSTICE — **CSSB 742**

GOVERNMENT ORGANIZATION — **SB 1107**

TRANSPORTATION — **CSSB 181, CSSB 487, CSSB 1110**

ECONOMIC DEVELOPMENT — **CSSB 307, CSSB 340, CSSB 920, SB 1041**

BUSINESS AND COMMERCE — **CSSB 672, CSSB 828**



**INTERGOVERNMENTAL RELATIONS — SB 233, SB 654, SB 660, SB 751, SB 752, SB 836, SB 877**

**GOVERNMENT ORGANIZATION — CSSB 794**

**EDUCATION — SB 547, CSSB 832, CSSB 833, CSSB 1724**

**BUSINESS AND COMMERCE — CSSB 19**

**TRANSPORTATION — CSSB 563**

**INTERGOVERNMENTAL RELATIONS — CSSB 170, CSSB 356**

**ECONOMIC DEVELOPMENT — CSSB 748**

**CRIMINAL JUSTICE — CSSB 1185, CSSB 213**

**VETERAN AFFAIRS AND MILITARY INSTALLATIONS — SB 229, SB 242, SB 442, SCR 17**

**INTERGOVERNMENTAL RELATIONS — CSSB 476**

**ADMINISTRATION — HB 1263, SCR 18, SCR 21**

**JURISPRUDENCE — CSSB 352**

**VETERAN AFFAIRS AND MILITARY INSTALLATIONS — CSSB 162**

#### **BILLS ENGROSSED**

March 21, 2013

**SB 31, SB 36, SB 49, SB 132, SB 139, SB 158, SB 165, SB 172, SB 174, SB 222, SB 250, SB 270, SB 294, SB 347, SB 369, SB 394, SB 401, SB 404, SB 430, SB 454, SB 484, SB 497, SB 498, SB 500, SB 510, SB 531, SB 595, SB 603, SB 649, SB 655, SB 662, SB 673, SB 677, SB 683, SB 692, SB 698, SB 715, SB 717, SB 747, SB 764, SB 801, SB 804, SB 805, SB 840, SB 845, SB 856, SB 890, SB 901, SB 902, SB 917, SB 918, SB 944, SB 945**



# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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THIRTY-FIRST DAY

(Tuesday, March 26, 2013)

The Senate met at 11:06 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.

The Reverend Cliff Warner, Christ Church, Austin, was introduced by Senator Estes and offered the invocation as follows:

Almighty God, maker of all things, You have made us in Your image to be stewards of all that You have created, to love, lead, and serve in this world, in Your holy name. We have not loved You with our whole hearts, nor have we loved our neighbors as ourselves. We are grateful for the gift of forgiveness and for Your compassion. Merciful God, the call to public leadership is a heavy burden, the pressures are great and the effects of our actions and decisions are real. I ask that You would grant each Member of this Senate Your strength to persevere, that they would not grow weary in doing good, and that You would restore their souls, refresh their minds, and strengthen their frame. And give us a vision, O Lord, of all that is true and good and beautiful, that even as we wrestle with the complexities of life together, that we might never lose hope in holding up the greatest ideals for which You created us. Guide our leaders now, I ask, to serve, lead, and make laws for our land that serve the common good and cause Texans everywhere to flourish. And now, with respect for people of every faith and no faith, I pray these things in Jesus' merciful 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.

### PHYSICIAN OF THE DAY

Senator Campbell was recognized and presented Dr. Fred Merian of Wimberley as the Physician of the Day.

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

### GUESTS PRESENTED

Senator Hinojosa was recognized and introduced to the Senate students from West Oso High School, accompanied by Mary Lou Walter, Assistant Principal; Jose Lopez, West Oso ISD Board of Directors; and teachers Andrea Hernandez, Holly Salazar, Drusilla Lomas, and Wendell Avery.

Senator Hinojosa also introduced delegations from Robstown and Banquete representing Texas Partnership for Out of School Time Advocacy Day.

The Senate welcomed its guests.

### SENATE RESOLUTION 424

Senator Nelson offered the following resolution:

**SR 424**, Recognizing the Pregnancy Resource Centers in Texas.

The resolution was again read.

The resolution was previously adopted on Monday, March 18, 2013.

### GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate representatives from pregnancy resource centers, maternity homes, and adoption centers across Texas.

The Senate welcomed its guests.

### GUESTS PRESENTED

Senator Estes was recognized and introduced to the Senate a Wichita Falls Chamber of Commerce delegation.

The Senate welcomed its guests.

### GUEST PRESENTED

Senator Lucio was recognized and introduced to the Senate Dolly Lucio Sevier.

The Senate welcomed its guest.

### GUESTS PRESENTED

Senator Hegar was recognized and introduced to the Senate a Senate District 18 delegation.

The Senate welcomed its guests.

### GUESTS PRESENTED

Senator Campbell was recognized and introduced to the Senate a Hays County delegation.

The Senate welcomed its guests.

**SENATE RESOLUTION 519**

Senator Duncan offered the following resolution:

**SR 519**, Recognizing March 26, 2013, as Lubbock Day at the State Capitol.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Duncan was recognized and introduced to the Senate a Lubbock Chamber of Commerce delegation, accompanied by Carlos Morales, Caprock Home Health Services; Beth Lawson; John Johnson, Plains Cotton Cooperative Association; David Park, Atmos Energy; and Norma Ritz Johnson.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Davis was recognized and introduced to the Senate a Texas House District 95 delegation.

The Senate welcomed its guests.

**SENATE RESOLUTION 536**

Senator Duncan offered the following resolution:

**SR 536**, In memory of Steve Jones.

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 Steve Jones, 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 Steve Jones: his wife, Patti, and his sons, Chad and Casey.

The Senate welcomed its guests and extended its sympathy.

**GUESTS PRESENTED**

Senator Watson was recognized and introduced to the Senate students from Austin High School's Youth and Government Program.

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 11:37 a.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE  
SENATE BILL 441 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 441** at this time on its second reading:

**CSSB 441**, Relating to the establishment of the Texas Fast Start Program to promote rapid delivery of workforce education and development.

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 441 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 441** 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 204 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 204** at this time on its second reading:

**SB 204**, Relating to the continuation and functions of the Texas Board of Professional Engineers; changing 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.

**SENATE BILL 204 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 204** 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

Tuesday, March 26, 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 93** Perry  
In memory of Steven Jones of Lubbock.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**SENATE BILL 12 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 12** at this time on its second reading:

**SB 12**, Relating to the admissibility of evidence of other similar offenses in the prosecution of certain sexual offenses.

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 12 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 12** 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 380 ON THIRD READING**

On motion of Senator Schwertner and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 380** at this time on its third reading and final passage:

**SB 380**, Relating to the recording of an informal settlement conference to resolve a complaint to the Texas Medical Board against a physician.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

#### **SENATE BILL 825 ON SECOND READING**

On motion of Senator Whitmire and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 825** at this time on its second reading:

**SB 825**, Relating to disciplinary standards and procedures applicable to grievances alleging certain prosecutorial misconduct.

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 825 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 **SB 825** 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 874 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 874** at this time on its second reading:

**SB 874**, Relating to the operation of health care sharing ministries.

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 874 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 874** 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 281 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 281** at this time on its second reading:

**SB 281**, Relating to the administration and powers of the Red River Authority of Texas.

The bill was read second time.



Senator Estes offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 281** by striking SECTION 3 of the bill (Committee Printing page 1, lines 53 and 54) and substituting the following:

SECTION 1. Section 25, Chapter 279, Acts of the 56th Legislature, Regular Session, 1959, is amended to read as follows:

Sec. 25. Nothing in this Act shall be construed as authorizing the Authority to acquire~~], regulate or control in any way]~~ underground water or underground water rights by condemnation ~~[or purchase or otherwise or to develop, regulate or control the use of underground water resources in any manner. This Act is intended to govern and shall be construed to govern and apply to surface water only].~~

The amendment to **SB 281** 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 Duncan offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **SB 281** by striking SECTION 4 of the bill (committee printing, page 1, lines 55-59) and substituting the following:

SECTION 4. This Act takes effect January 1, 2014.

The amendment to **SB 281** 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 Estes and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**SB 281** 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 281 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 281** 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 538 REREFERRED  
(Motion In Writing)**

Senator Rodríguez submitted a Motion In Writing requesting that **SB 538** be withdrawn from the Committee on State Affairs and rereferred to the Committee on Criminal Justice.

The Motion In Writing prevailed without objection.

**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 and resolution: **SB 1853, SB 1855, SB 1856, SCR 31.**

WHITMIRE

The Motion In Writing prevailed without objection.

**SENATE BILLS ON FIRST READING**

The following bills, filed on or before Friday, March 8, 2013, were introduced, read first time, and referred to the committees indicated:

**SB 1371** by Rodríguez

Relating to certain gaming activity conducted by an Indian tribe or tribal organization.  
To Committee on Finance.

**SB 1494** by Hinojosa

Relating to the licensing and regulation of horse and greyhound racing; providing penalties; authorizing a fee.  
To Committee on Finance.

**SENATE BILLS AND RESOLUTION ON FIRST READING**

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

**SB 1853** by Fraser

Relating to the amendment of restrictions affecting real property in certain subdivisions.  
To Committee on Intergovernmental Relations.

**SB 1855** by Eltife

Relating to the Texarkana College District.  
To Committee on Higher Education.

**SB 1856** by Eltife

Relating to the election of board members for emergency services districts in certain counties.  
To Committee on Intergovernmental Relations.

**SCR 31** by Ellis

Supporting the University of Houston System Board of Regents for their approval of a health science center at the University of Houston.  
To Committee on Higher Education.

**HOUSE BILL ON FIRST READING**

The following bill received from the House was read first time and referred to the committee indicated:

**HB 1600** to Committee on Business and Commerce.

**SENATE BILL 1610 REREFERRED**  
**(Motion In Writing)**

Senator Schwertner submitted a Motion In Writing requesting that **SB 1610** be withdrawn from the Committee on Business and Commerce and rereferred to the Committee on Health and Human Services.

The Motion In Writing prevailed without objection.

**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 Officer, Alamo Regional Mobility Authority: John Glenn Clamp, Bexar County.

Independent Ombudsman, Office of Independent Ombudsman, Texas Juvenile Justice Department: Deborah K. Unruh, Travis County.

Commissioner of Education: Michael Lawrence Williams, Tarrant County.

Member, Texas Facilities Commission: Michael Jeffrey Novak, Bexar County.

Members, Texas Juvenile Justice Board: John A. Brieden, Washington County; Joseph D. Brown, Grayson County; Carol Lynn Bush, Ellis County; Scott W. Fisher, Tarrant County; Rebecca Ann Gregory, Dallas County; Jane Anderson King, Randall County; David Scott Matthew, Williamson County; Mary Louise Mendoza, Bexar County; Rene Luis Olvera, Bexar County; Laura Lee Parker, Bexar County; James Robert Smith, Midland County; Calvin Wayne Stephens, Dallas County; Melissa Ann Weiss, Austin County.

Members, Board of Trustees, Texas Municipal Retirement System: Julie Oakley, Burnet County; Bill James Philibert, Harris 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 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 tomorrow:

**SB 507, SB 894.**

**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:

**SB 121, SB 457, SB 656.**

**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 1395** 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 **SB 1577** 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 and resolutions today:

**SB 163, SB 446, SB 485, SB 489, SB 546, SB 657, SB 908, SB 1076, SB 1224, SB 1255, SB 1256, SJR 16, SJR 32.**

**SENATE RULE 11.13 SUSPENDED**  
**(Consideration of Bills in Committees)**

On motion of Senator Hegar and by unanimous consent, Senate Rule 11.13 was suspended to grant all committees permission to meet while the Senate was meeting today.

**CO-AUTHORS OF SENATE BILL 10**

On motion of Senator Van de Putte, Senators Campbell, Davis, and Rodríguez will be shown as Co-authors of **SB 10**.

**CO-AUTHOR OF SENATE BILL 162**

On motion of Senator Van de Putte, Senator Rodríguez will be shown as Co-author of **SB 162**.

**CO-AUTHOR OF SENATE BILL 181**

On motion of Senator Hegar, Senator West will be shown as Co-author of **SB 181**.

**CO-AUTHOR OF SENATE BILL 229**

On motion of Senator Davis, Senator Rodríguez will be shown as Co-author of **SB 229**.

**CO-AUTHOR OF SENATE BILL 442**

On motion of Senator Birdwell, Senator Rodríguez will be shown as Co-author of **SB 442**.

**CO-AUTHOR OF SENATE BILL 459**

On motion of Senator Rodríguez, Senator Seliger will be shown as Co-author of **SB 459**.

**CO-AUTHOR OF SENATE BILL 553**

On motion of Senator Uresti, Senator Hegar will be shown as Co-author of **SB 553**.

**CO-AUTHOR OF SENATE BILL 680**

On motion of Senator West, Senator Hegar will be shown as Co-author of **SB 680**.

**CO-AUTHOR OF SENATE BILL 825**

On motion of Senator Whitmire, Senator West will be shown as Co-author of **SB 825**.

**CO-AUTHOR OF SENATE BILL 931**

On motion of Senator Hancock, Senator West will be shown as Co-author of **SB 931**.

**CO-AUTHOR OF SENATE BILL 1185**

On motion of Senator Huffman, Senator Whitmire will be shown as Co-author of **SB 1185**.

**CO-AUTHOR OF SENATE BILL 1210**

On motion of Senator Zaffirini, Senator West will be shown as Co-author of **SB 1210**.

**CO-AUTHOR OF SENATE BILL 1240**

On motion of Senator Duncan, Senator Carona will be shown as Co-author of **SB 1240**.

**CO-AUTHOR OF SENATE BILL 1583**

On motion of Senator Ellis, Senator Rodríguez will be shown as Co-author of **SB 1583**.

**CO-AUTHOR OF SENATE BILL 1655**

On motion of Senator Williams, Senator Birdwell will be shown as Co-author of **SB 1655**.

**CO-AUTHOR OF SENATE JOINT RESOLUTION 55**

On motion of Senator Williams, Senator Birdwell will be shown as Co-author of **SJR 55**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**SR 547** by Hinojosa, In memory of Geraldine D'Unger McGloin.

**SR 550** by Hinojosa, In memory of Roland Garcia, Sr.

**HCR 93** (Duncan), In memory of Steven Jones of Lubbock.

**Congratulatory Resolutions**

**SR 545** by Hancock, Birdwell, Davis, Duncan, Nelson, Seliger, West, and Zaffirini, Recognizing James D. Spaniolo on the occasion of his retirement as president of The University of Texas at Arlington.

**SR 546** by Hinojosa, Recognizing the United Veterans Burial Association in Alice for its contributions to the community.

**SR 548** by Hinojosa, Recognizing the Ben Bolt-Palito Blanco mariachi band for winning a state title.

**SR 549** by Hinojosa, Recognizing the Premont mariachi band for its second-place finish in the state competition.

**Official Designation Resolutions**

**SR 544** by Hegar, Celebrating March 26, 2013, as Burleson County Day at the Capitol.

**SR 551** by Deuell, Celebrating March 28, 2013, as Hopkins County Day at the State Capitol.

**REMARKS ORDERED PRINTED**

On motion of Senator Whitmire and by unanimous consent, the remarks by Senator Lucio regarding Carlos Rodriguez were ordered reduced to writing and printed in the *Senate Journal* as follows:

A very dear friend of mine and so many in the valley and around Texas passed away yesterday, a Weslaco, Texas, native, he died in Houston, Texas, of a heart attack. He was an outstanding Texas businessman. He and his wife, Elma, owned and operated a group of proprietary schools known in South Texas as South Texas Vo-Tech. Charlie, as I called him, and Elma were blessed with five beautiful daughters. Charlie was a pioneer in proprietary and private schools in Texas dating back to the late 1960s where he started a language academy in Brownsville, Texas. He had an incredible work ethic, and he contributed so much. He and his family were not only entrepreneurs but they did so much to help so many nonprofits. Because of the compassion they had for the community and the people that surrounded them, they were able to make a big difference in the lives of so many. Also

in the schools that they operated, they helped thousands of young men and women accomplish their vocational and technical educational goals. I wanted to just ask the Senate today, Members, to adjourn in his memory, and I would very much appreciate it in the same motion if my remarks could be entered into the Journal in his memory so that we could show his family that we truly respected this giant of a man who, again, made such an incredible difference in the lives of so many in South Texas who knew him. Thank you, Mr. President. Thank you, Members.

### **ADJOURNMENT**

On motion of Senator Whitmire, the Senate at 12:24 p.m. adjourned, in memory of Steve Jones and Carlos Rodriguez, until 11:00 a.m. tomorrow.

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### **APPENDIX**

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### **COMMITTEE REPORTS**

The following committee reports were received by the Secretary of the Senate in the order listed:

March 26, 2013

HEALTH AND HUMAN SERVICES — **CSSB 492, CSSB 502, CSSB 534, SB 537**

ADMINISTRATION — **SB 1026** (Amended) (Ordered not printed), **SB 1093** (Amended) (Ordered not printed)

STATE AFFAIRS — **SB 200, CSSB 953, SJR 22, CSSB 292, SB 948**

### **BILLS ENGROSSED**

March 25, 2013

**SB 7, SB 188, SB 344, SB 515, SB 518, SB 581, SB 639, SB 770**

### **RESOLUTIONS ENROLLED**

March 25, 2013

**SR 524, SR 525, SR 526, SR 527, SR 528, SR 529, SR 530, SR 531, SR 532, SR 533, SR 535, SR 537, SR 538, SR 539, SR 541, SR 542**

**In Memory****of****Steve Jones****Senate Resolution 536**

WHEREAS, The Senate of the State of Texas joins the citizens of Lubbock County in mourning the loss of Steve Jones, who died June 25, 2012, at the age of 59; and

WHEREAS, Steve Jones was a lifelong farmer and a leading citizen who had a deep love of the land; he was a 1982 recipient of the Outstanding Young Farmer of Texas award and had served as president of the Lubbock County Farm Bureau, the Lubbock County Agriculture Committee, and the New Deal School Board; and

WHEREAS, Steve Jones was born in Lubbock to Charlie Jones and Peggy Wilson Jones on February 21, 1953; he was raised on a farm, and he graduated from New Deal High School and attended Texas Tech University before returning to the farm; and

WHEREAS, Steve Jones and Patti James were neighbors and high school sweethearts; they married on August 18, 1973, and had two sons, Chad and Casey; and

WHEREAS, Steve Jones loved to farm and worked many years in the agriculture industry; he farmed with his father as Charlie and Steve Jones Farms and Jones Produce until 1990 and then as Jones Produce until 2002; for the last 12 years he farmed with his wife, Patti, as S&P Jones Farms; and

WHEREAS, Mr. Jones was a partner in Jones and Young Livestock, an enterprise that bred swine and produced numerous champions in 4-H and FFA youth livestock shows in Texas, New Mexico, Colorado, and Wyoming; and

WHEREAS, Mr. Jones was active in numerous agricultural organizations; he was a member of the New Deal Young Farmers, the Boll Weevil Eradication Program, the Lubbock County Agriculture Committee, and the Lubbock County Farm Bureau, and he was an active leader with the Texas AgriLife Demonstration Trials; he also served on the New Deal School Board for 12 years and was a faithful member of New Deal First Methodist Church; and

WHEREAS, Steve Jones contributed immeasurably to Texas and Lubbock County agriculture, helping to preserve the livelihood of farmers across the state and helping to ensure the continued success of the next generation of Texas farmers; his legacy will be a continuing source of inspiration for all who knew him; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby pay tribute to the memory of Steve Jones and extend sincere condolences to the members of his family: his wife, Patti; his sons, Chad and



Casey, and Casey's wife, Lacy; his sisters and brothers-in-law, Rita Binder and Bobby, Deanie Allen, and Karen Dunn and Rickey; his brother and sister-in-law, Phillip Jones and Denise; and 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 Steve Jones.

DUNCAN



# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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## THIRTY-SECOND DAY

(Wednesday, March 27, 2013)

The Senate met at 11:17 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, 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: Ellis.

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

The Reverend Charles McClure, Tarrytown United Methodist Church, Austin, offered the invocation as follows:

Most holy God, our creator and sustainer, in this most holy of seasons, we are called upon to remember the deliverance of Your people from all bondages and to know of Your ever-present and sacrificial love for all of Your children. Sensitize us to the many opportunities that we have to reflect Your love and Your compassion for people in the way that we go about our lives and the way that we do our appointed tasks. Save us from hardened hearts, lest we become the pharaohs and the Pilates of our time. We pray today for Your blessings and Your guidance upon this body of persons chosen for special responsibilities. We pray that they will always remember they are chosen not for places of honor but places of service. Guide them in their deliberations that they will not lose sight of the dreams that led them to this place and help them to be able at the end of the day to look back and be proud of their accomplishments. We pray for those who lead our nation and our state. Give them strength and courage to lead with boldness in the face of the many challenges that confront them. And in the end may they find that approval of hearing Your voice say, Well done, good and faithful servant. All of this we pray 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.

**LEAVE OF ABSENCE**

On motion of Senator Whitmire, Senator Ellis 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:

March 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 Transportation Commission for terms to expire February 1, 2019:

Jeff Austin, III  
Tyler, Texas  
(Mr. Austin is being reappointed)

Victor Vandergriff  
Arlington, Texas  
(replacing William Meadows of Fort Worth whose term expired)

Respectfully submitted,  
/s/Rick Perry  
Governor

**GUESTS PRESENTED**

Senator Eltife was recognized and introduced to the Senate a Lamar County delegation.

The Senate welcomed its guests.

**SENATE RESOLUTION 540**

Senator Paxton offered the following resolution:

WHEREAS, A valiant son of Texas, United States Congressman Sam Johnson demonstrated unflinching bravery and a resolute commitment to defending his country while a member of the armed forces, and February 2013 marks the 40th anniversary of his release as a prisoner of war; and

WHEREAS, Born in San Antonio, Sam Johnson grew up in Dallas, where he graduated from Woodrow Wilson High School and Southern Methodist University; he joined the U.S. Air Force at the age of 20, and he completed 62 combat missions during the Korean War; and

WHEREAS, Lieutenant Colonel Johnson went on to complete two tours of duty in Vietnam; on April 16, 1966, while flying his 25th combat mission of that war, he was shot down over enemy territory; and

WHEREAS, Sustaining severe injury after ejecting from his plane, he was captured and held at the infamous "Hanoi Hilton" prison camp, where he and his fellow prisoners endured horrific treatment; he ultimately spent nearly seven years in captivity, half of it in solitary confinement, before returning to his beloved country on February 17, 1973; and

WHEREAS, This distinguished officer retired from the air force with the rank of colonel in 1979, having earned a host of prestigious honors over the course of his 29-year career; his book *Captive Warriors: A Vietnam POW's Story* was published in 1992 by the Texas A&M University Press; and

WHEREAS, In 1984, Sam Johnson won election to the Texas House of Representatives, where he served for more than six years, and he has ably represented his constituents as a member of the U.S. Congress since 1991; in that capacity, he has worked tirelessly in behalf of current and former members of the military, and in 2009, his efforts were recognized with the National Patriot Award, the highest civilian accolade conferred by the Congressional Medal of Honor Society; and

WHEREAS, The people of our state and nation owe a tremendous debt of gratitude to Sam Johnson, a courageous aviator whose patriotism and iron determination remain a source of inspiration to all Americans; now, therefore, be it

RESOLVED, That the Senate of the 83rd Texas Legislature hereby honor U.S. Congressman Sam Johnson on the 40th anniversary of his return from Vietnam and commend him for his service to his country; and, be it further

RESOLVED, That an official copy of this resolution be prepared for Congressman Johnson as an expression of high regard by the Texas Senate.

**SR 540** was read.

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

On motion of Senator Paxton, the resolution was adopted without objection.

### **GUESTS PRESENTED**

Senator Paxton was recognized and introduced to the Senate Congressman Sam Johnson, accompanied by Major General John F. Nichols, Adjutant General of Texas; Major General Joyce L. Stevens, Commander, Texas Army National Guard, and Assistant Adjutant General-Army; Brigadier General Kenneth W. Wisian, Commander, Texas Air National Guard, and Assistant Adjutant General-Air; and Brigadier General Donald R. Prince, Air Component Commander at Texas State Guard.

The Senate welcomed its guests.

### **REMARKS ORDERED PRINTED**

On motion of Senator Taylor and by unanimous consent, the remarks regarding **SR 540** were ordered reduced to writing and printed in the *Senate Journal* as follows:

**Senator Paxton:** Thank you, Mr. President. Members, I rise today in support of SR 540 and to recognize my Congressman, Sam Johnson, for his distinguished public service and to celebrate the 40th anniversary of his release as a prisoner of war and return to the USA. Congressman Johnson has dedicated his life to serving our country

and our state on the front lines of both the Korean and Vietnam wars and our State Legislature and in Congress. In 1966, while flying his 25th combat mission in Vietnam, he was shot down over Vietnam. He was captured and spent the next seven years as a prisoner of war, much of it in solitary confinement, where he was subjected to horrific treatment at the hands of his captors. This February marks the 40th anniversary of his release and return to a nation forever grateful for his service. This distinguished officer retired from the Air Force with the rank of Colonel in '79 having earned many, many rewards during his career. Following his military career, Sam established a home building business in North Dallas, served in the Texas Legislature, and is currently representing his friends and neighbors in the U.S. House. Congressman Johnson's courage is admired, and I have to say just a few personal stories. There's one that he's told me. Right after he was shot down, he had a broken back, a broken arm, a dislocated shoulder, and probably many other injuries that he didn't even know about. And after a short time there, they brought him out, put him in front of a ditch, told him that he had been convicted of a crime that was worthy of death, and they put him in front of a firing squad. And they all lined up to fire and went click, click, click, and no shots were fired. And I asked him, What did you do then? He said, I laughed. Now, they apparently didn't appreciate that very much, and they pushed him in the ditch. But I think he said, after that he knew that God would take care of him, and he would be taken care of. And I think that story is indicative of the kind of courage that this man shows. A personal story that I'd like to tell: If you ever get invited to lunch by Congressman Johnson, you should go, and I can tell you what you're going to experience. You're going to go to El Fenix, you're going to order the chicken enchiladas, and you're going to eat this horrible lemon pie. But do it anyway because it's well worth the experience. So, anyway, thank you so much. It's an honor for me to be here recognizing you. You're truly my hero. You're a man that we all admire and respect, and we thank you for what you've done for our country and for what you've done for each of us.

**Senator Fraser:** Sam, welcome back to the Capitol. I hope I can get through this. This is a wonderful moment for us to recognize not only a great Texas hero but a great American hero. Sam and I have about as much history as anybody in the room. I sat next to him on the floor of the Texas House. We shared an office together. While he was in the House, we fought a lot of battles and got to know both he and his wife, Shirley. And if you'll allow me, I've got a couple of personal stories, because we've got history that some of you may not be aware of. Sam had written a book at that time. He gave me a copy of the book and signed it. And I would lay in bed, and I would read three or four pages, then I'd have to put it down. Knowing him and knowing Shirley, I was having trouble even getting through the book of his account of what he went through as a prisoner of war and the atrocities that they did to Sam. And I'm going to repeat my understanding. Shirley, during this whole period, they'd gone to her and they said, Shirley, Sam, we don't think he's coming back. We hadn't heard from him in years. We think you should go ahead and just accept. I don't think he's going to make it; you should start accepting benefits. Shirley said, Sam is not dead. Sam will come back, and I'm not going to accept that Sam is dead. And when the prisoners were released from Vietnam and those planes starting landing, the way I remember the story, that's the first time Shirley saw Sam get off that plane, and that's

when she realized that Sam was alive. Sam, when we served in the Legislature, was one of the strongest Members and great leaders that I can ever imagine. We shared a common bond. He was a pilot. Obviously, he'd crashed in Vietnam. Well, he continued to fly when he got back, and he had rented a plane while we were in the Legislature, in Addison, and I remember the story. He had four people in the plane, and as they took off, the engine failed, and he ended up having to crash-land the plane in Dallas, the tollway, came down, and as he was landing, he clipped one of the poles. The fuel tank blew up. The airplane caught on fire. Sam was getting out, he realized, and I believe it is his brother-in-law that was in the back of the plane, he went back into the airplane and pulled his brother-in-law out of the airplane and suffered a lot of burns. He went to the hospital. They treated him. He stayed in the hospital for several days, treated for the burns, and as they got in the car to go home, again, this is the way I remember the story, is that Sam went directly back to the airport and rented an airplane and got back up. And his thinking was, if I don't get back in the plane and fly it now, I'll never do it again. And he rented a plane and went back up again. That tells you a lot about this man and the strengths he has. Sam, you've been an unbelievable influence for a lot of us watching your career. Obviously, I hated to lose you in '91 when you went to Congress, but your career has been just fabulous. You've been a great friend, a great leader, a great mentor. The State of Texas and the United States of America are very, very fortunate to have people like Colonel Sam Johnson that was willing to put it all on the line, to represent not only the defense of the country but also now the defense of the nation in Congress. Thank you for your friendship.

**Senator Van De Putte:** Thank you, Mr. President. Mr. President and Members, I rise with my colleagues in offering the greatest respect to Colonel Johnson. Representative Johnson, back then, I don't know if you remember me, I was a little baby House freshman in the Texas House, and rather intimidated by the surroundings over there. And you were always so very gracious. At one point I was having some difficulty, and you recognized it. And I told you that I was being threatened by a vote, of course, that would never happen in any Chamber, but years back, it did. And what you told me was that if I had faith and conviction in what I believed in, that I couldn't be intimidated by anybody. And coming from you, knowing that your spirit was never broken and that your career in public service is so highly respected because there was no one, not any organization, business group, or another human being that could ever intimidate Sam Johnson. As Chair of the Veteran Affairs and Military Installations Committee now, I have the opportunity to interact with our Vietnam veterans. And in fact, we celebrated just a few days ago the dedication of our Vietnam veterans monument right here on the northeast part of our Capitol grounds. But when our Vietnam veterans learned that I served with you, they asked me, Do you know him? Have you met Colonel Johnson? Do you know his story? And so, I have to tell you that with your career in public service, please know that our veterans, and particularly our Vietnam veterans, ask about you, they know about you, and they just want to know if I've ever met you. Today, I am honored to have you here along with many of the people in this gallery. But there is a special young man that I'm going to ask to come join me over here. His name is Noble Wilson. Noble is in the fourth grade at Brentwood Christian. He is the son of Bill and Kathy Wilson, two Army veterans. He

is the grandson of Van Wilson, who was in the 1st Cavalry, 7th Regiment, in Vietnam. So, this young man today will get to meet you, and he is the grandson of one of the comrades that you had in our Vietnam War. It is an honor for us to be here today just to recognize you, and generation after generation of Texans will hold in high esteem Sam Johnson, including this young man here, whose grandfather served with you. Congratulations and best wishes.

**Senator Lucio:** Thank you, Mr. President. I, too, rise to honor a dear friend, a gentleman who I had the privilege to serve with in the 1980s in the House of Representatives, a gentleman that defines the words that I often use, that my father shared with us every day of his life, that was "Americanism" and "patriotism," a gentleman who deserves all the honors in the world, to remind us of the men and women that we're so blessed to have in our country who have gone over and beyond their call of duty as Americans to ensure that we here on this floor and in the gallery can live in the greatest country in the world. I lost about 12 buddies during the Vietnam War, very close friends and high school chums that graduated with me. It was a hard time during my life. A consolation that I had, along with my nine brothers and sisters, Sam, was that we had our dad always to remind us of being respectful and mindful of the men and women who had done so much for our country over the years. This is a time, Members, that we can embrace each other as Americans and blend together as one people of different cultures, different backgrounds, different socioeconomic statuses or categories, if you want to call it that, of people, and understand that we need to rise to the occasion in that respect and understand that we belong to one another as citizens of this great country. So, I'm so happy to see you back on this floor, which you visited many times as a State Rep, and I did, too, back in the '80s, to visit with Senators then. And I want to tell you, these Members here, Congressman, will say it's gotten a lot better than the 1980s in terms of those serving on the Senate floor. But I think we had men and women there, and we have men and women today who truly are engaged and doing the best thing for this state and being part of what we need to be in terms of making our country even better. So, welcome back on behalf of so many that I represent down in the southern part of the state where you find a lot of patriotic people and a lot of members of the Vietnam era, military men and women who dedicated a part of their lives to making our state and our country better. So, we can't thank you enough. And I can't thank you enough also for the support and the help you gave me as a freshman Representative, as well, back in 1987. Thank you, and God bless you, Sam. We're fortunate to have you here.

**Senator Hinojosa:** Thank you, Mr. President, Members. I, too, rise to support Senate Resolution 540. I served with Sam Johnson in the Texas House of Representatives, and I also served in Vietnam. Sam, for us, it was always a welcome sight when we saw those planes coming to help us out when we got stuck. But I have heard your stories, and you and I have shared experiences. It's really amazing, your valor and courage after you were shot down over Vietnam, to put up with abuses, the torture, the mental torture. And for me, when I hear your stories, it sends chills up my spine. Having served in Vietnam, losing three of my classmates from high school, having to walk through the swamps of Vietnam, the leeches, it's really nothing compared to what you went through, what we call Hanoi Hilton. And for me, I just want to thank you for your courage, for your valor. I know that the war was unpopular, but people



confused the unpopular war with the courage and valor of American soldiers like you. And for us as a country, what's really amazing, from all walks of life, rich or poor, African American, Hispanic, we're all Americans. And, Sam, thank you so much for serving our country. You still continue serving our country as a public official, and thank you so much for your valor and courage.

**Senator Deuell:** Thank you, Mr. President. Members, Congressman, it's an honor to have you here. We honor many people on the floor of the Senate and many of them do honor us with their presence. And I can think of no one who would honor us more than just to have you come and spend some time with us. I'm very honored to have my Senate district overlap with your Congressional district. Two of our three children are actually constituents of yours and think very highly of you. And I think you probably could have come home 40 years ago and just ran your business and no one would have faulted you for not wanting to give anymore. And yet, you chose to serve again in the House of Representatives here and in the U.S. Congress. I don't think people realize how much of a sacrifice that is, again, to be away from family, to commute back and forth to Washington, D.C. If the people listening to me have not read your book, they should. It's a story of courage, fortitude, faith in God. My wife and I collect memorabilia from our lives, and we're putting together sort of a scrapbook for our children and grandchildren, Senator Nelson. And I can assure you, every contact we've had with you, every photograph, your book, are in the materials that we accumulate that we hope will be passed on to our family. And thank you for your service.

**Senator Birdwell:** Thank you, Mr. President. Members, I've only had the opportunity to meet Congressman Johnson since, to get to know him, since 2006. And in those few occasions, as I feel now, I want to strive to be adequate to be in the room with you. When you returned home from Vietnam, a war that I watched on TV, and so many my age and generation did, you came home not to shower away the sting of battle or the smell of jungle but the contempt of your fellow Americans who didn't honor your service and your willingness to sacrifice and suffer. And it would not be until my own experience of being in a hospital, being tormented, and the agony that was inflicted upon me, but out of the love of the people doing it to me and for my very survival. And as I say that, I want folks to understand that are here in the building and listening on the Internet, that it is that description that makes me so inadequate to what you experienced and so many other veterans experienced. Because what was being done to me was for my survival and out of love for me, and as anguishing as that was, I cannot imagine what it was like for seven years to know that the people doing this to you was for the sheer torment and their enjoyment of doing it. I want everybody out there to understand that. That war was unpopular as you're very correct to say, Senator Hinojosa. But liberty is not. Men and women of this state and this nation that are enjoying those liberties, they may be God-given, because they are, but they're secured by men and women like yourself. I tease with my colleagues about when we have disagreements and arguments that if you want to take me on, you've got to bring something bigger than a 757. Ladies and gentlemen, a personality and a character and an honor bigger than a 757 stands before us. It's our privilege to honor you, Congressman Johnson. Thank you, Sir.

**President:** All of those comments were well-said. I rarely editorialize from the podium, but let me just say, it's an honor for you to be with us. You've always been a personal hero of mine. God bless you.

**Senator Paxton:** Mr. President, Members, thank you for sharing your thoughts of Congressman Johnson. I've not been here in this body long, but I can say for me, personally, there's no better honor that I've had than having you in this building with us, standing before us. And thank you for not only your service but just for the kind of person you are and the kind of friend you've been to all of us. And despite all of your accomplishments, you're one of the most humble, decent people I've ever met. So, God bless you, and thank you for being here today.

### RESOLUTION SIGNED

The President announced the signing of the following enrolled resolution in the presence of the Senate: **HCR 93**.

### GUESTS PRESENTED

Senator Hinojosa was recognized and introduced to the Senate students from La Joya High School.

The Senate welcomed its guests.

### GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate students from Pharr-San Juan-Alamo North High School.

The Senate welcomed its guests.

### MESSAGE FROM THE HOUSE

#### HOUSE CHAMBER

Austin, Texas

Wednesday, March 27, 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 78** Rodriguez, Eddie  
Congratulating Paul Qui of Austin on his achievements as a chef and restaurateur.

**HCR 92** Farney  
Commemorating the 125th anniversary of the founding of Alcoa Inc.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**SENATE RESOLUTION 554**

Senator Zaffirini offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to join Mental Health America of Texas and citizens from across the state in honoring the Mental Health Bell, which will be on display at the State Capitol on March 27, 2013; and

WHEREAS, In the early days of mental health treatment, asylum patients were often restrained with iron chains and shackles around their ankles and wrists; as the true nature of mental illnesses became better understood, and more effective treatments were discovered, this cruel and inhumane practice mercifully came to an end; and

WHEREAS, In the early 1950s, Mental Health America issued a call to asylums across the country for their discarded chains and shackles; these restraints were then melted down by the organization at the McShane Bell Foundry and recast into a symbol of hope, the Mental Health Bell; and

WHEREAS, The recasting of these chains and shackles into a bell reflected a sense of optimism in the field of mental health, the recognition of a new era in the treatment of mental illness, and the realization that mental health patients can be contributing members of society; it is truly fitting that the Mental Health Bell be celebrated as a tribute to the courage and strength of those facing mental illnesses and as a symbol of hope and progress in the field of mental health treatment; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby join Mental Health America of Texas in recognizing the Mental Health Bell and commend the efforts of all who have worked to improve the mental health system; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of this special occasion.

**SR 554** was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Zaffirini was recognized and introduced to the Senate a delegation representing Mental Health America of Texas, accompanied by Mike Peterson, Chair and Board Director; John Theiss, Chair-elect and Vice-chair of Public Policy; Molly Van Ort, Board member; Lynn Lasky Clark, President and CEO; and Gyl Switzer, Public Policy Director.

The Senate welcomed its guests.

**SENATE RESOLUTION 496**

Senator Nelson offered the following resolution:

**SR 496**, Recognizing March 27, 2013, as Fast Growth School Day at the Capitol.

The resolution was again read.

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

**GUESTS PRESENTED**

Senator Nelson was recognized and introduced to the Senate a Fast Growth School Coalition delegation.

The Senate welcomed its guests.

**SENATE RESOLUTION 517**

Senator Rodríguez offered the following resolution:

**SR 517**, Recognizing March 27, 2013, as Culberson County Day at the State Capitol.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Rodríguez was recognized and introduced to the Senate a Culberson County delegation, accompanied by Adrian Norman, Commissioner; Gilda Morales, Commissioner; Mark Cabezuela, Auditor; Susana Hinojos, Treasurer; Gracie Mendoza, Assistant Auditor; and Dion Corralez, Van Horn ISD Trustee.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Van de Putte was recognized and introduced to the Senate Doyle Beneby, Derek Howard, and Edward Steves.

The Senate welcomed its guests.

**(Senator Eltife in Chair)**

**SENATE RESOLUTION 497**

Senator Van de Putte offered the following resolution:

WHEREAS, The Senate of the State of Texas joins the Texas School Public Relations Association in observing March of 2013 as Celebrate Texas Public Schools Month; and

WHEREAS, During this time, the administrators and staff and faculty members of school districts across Texas host special events, such as open houses, to honor our state's public schools; and

WHEREAS, Public education is a cornerstone in Texas culture and in all prosperous societies; the belief that educational opportunity should be free and available to all children was the foundation of the early public school laws in Texas; the heroes of our state's public school system are the teachers, mentors, counselors, and administrators who help our youth learn and mature; and

WHEREAS, These diligent educators shape the next generation of Texans and enable them to set and reach educational goals that will lay the foundation for their future successes; in turn, those successes ensure a thriving future for all Texans; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby commend Texas public schools and the Texas School Public Relations Association and encourage the school districts across our state to observe March as Celebrate Texas Public Schools Month; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of the Texas public schools as an expression of high regard from the Texas Senate.

**SR 497** was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Van de Putte, joined by Senators Hinojosa and Lucio, was recognized and introduced to the Senate Hilda Garza-DeShazo, McAllen ISD Board of Trustees and School Board of the Year; Carol Scott, Corpus Christi ISD Board of Trustees; Alton Frailey, Katy ISD Superintendent and Texas Association of School Administrators (TASA) Vice-president; Darrell Floyd, Stephenville ISD Superintendent and TASA President-elect; Karen Slay, Texas PTA President; and James Ponce, McAllen ISD Superintendent.

The Senate welcomed its guests.

**SENATE RESOLUTION 490**

Senator Hancock offered the following resolution:

**SR 490**, Recognizing March 27, 2013, as Texas Chemicals Day at the State Capitol.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Hancock was recognized and introduced to the Senate a Texas Chemicals Day delegation: Rick Roberts, Senior Vice-president, Manufacturing, Chevron Phillips Chemical Company; Bobby Laughlin, Plant Manager, DuPont; Douglas Mathera, Plant Manager, LyondellBasell Industries; Neil Ackerman, Director, Supply Chain, OxyChem; and Mark Bogle, Site Manager, Eastman Chemical Company.

The Senate welcomed its guests.

**SENATE RESOLUTION 528**

Senator Schwertner offered the following resolution:

**SR 528**, Recognizing Alcoa on the occasion of its 125th anniversary.

The resolution was again read.

The resolution was previously adopted on Monday, March 25, 2013.

**GUESTS PRESENTED**

Senator Schwertner was recognized and introduced to the Senate an Alcoa Inc. delegation.

The Senate welcomed its guests.

**SENATE RESOLUTION 521**

Senator Seliger offered the following resolution:

**SR 521**, Recognizing March 25 through March 30, 2013, as Early College High School Week.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Seliger, joined by Senator Schwertner, was recognized and introduced to the Senate an Early College High School Week delegation from Bryan Collegiate High School, Alief Early College High School, and Trinidad Garza Early College High School at Mountain View.

The Senate welcomed its guests.

**CONCLUSION OF MORNING CALL**

The Presiding Officer at 12:34 p.m. announced the conclusion of morning call.

**SENATE BILL 146 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 146** at this time on its second reading:

**SB 146**, Relating to access by a public institution of higher education to the criminal history record information of certain persons seeking to reside in on-campus housing.

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: Ellis.

**SENATE BILL 146 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 146** be placed on its third reading and final passage.

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

Absent-excused: Ellis.

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

**SENATE BILL 479 ON SECOND READING**

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 479** at this time on its second reading:

**SB 479**, Relating to the application of the professional prosecutors law to the district attorney for the 79th Judicial 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: Ellis.

**SENATE BILL 479 ON THIRD READING**

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 479** be placed on its third reading and final passage.

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

Absent-excused: Ellis.

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 448 ON SECOND READING**

Senator Fraser moved to suspend the regular order of business to take up for consideration **CSSB 448** at this time on its second reading:

**CSSB 448**, Relating to the audit of certain river authorities.

The motion prevailed.

Senators Hegar, 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 Fraser offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 448** (senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. AUDIT. Chapter 321, Government Code, is amended by adding Section 321.024 to read as follows:

Sec. 321.024. CERTAIN RIVER AUTHORITIES SUBJECT TO AUDIT.

(a) The financial transactions of a river authority listed in Subsection (b) are subject to audit under this chapter.

(b) This section applies only to the:

(1) Brazos River Authority; and

(2) Lower Colorado River Authority.

(c) A river authority shall pay the cost incurred by the state auditor in conducting an audit of the authority under this section. The state auditor shall determine the cost, and the authority shall pay the amount promptly on receipt of a statement from the state auditor detailing the cost.

SECTION 2. BRAZOS RIVER AUTHORITY. Chapter 8502, Special District Local Laws Code, is amended by adding Section 8502.0051 to read as follows:

Sec. 8502.0051. AUDIT. The authority is subject to the audit provisions of Section 321.024, Government Code.

SECTION 3. LOWER COLORADO RIVER AUTHORITY. Section 8503.015, Special District Local Laws Code, is amended to read as follows:

Sec. 8503.015. AUDIT. The authority is subject to the audit provisions of:

- (1) Subchapter G, Chapter 49, Water Code; and
- (2) Section 321.024, Government Code.

SECTION 4. TRANSITION. (a) Subject to approval by the Legislative Audit Committee for inclusion in the audit plan under Section 321.013(c), Government Code, the state auditor shall audit the Brazos River Authority and the Lower Colorado River Authority under Section 321.024, Government Code, as added by this Act.

(b) A river authority audited under this section shall cooperate and provide assistance and access to all necessary records, confidential or nonconfidential, to the state auditor in conducting the audit under this section.

(c) Not later than December 31, 2015, the state auditor shall prepare a written report for an audit conducted under this section and file the report in accordance with Section 321.014, Government Code.

SECTION 5. EFFECTIVE DATE. 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 **CSSB 448** 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: Ellis.

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

**CSSB 448** 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, Huffman, Patrick.

Absent-excused: Ellis.

### COMMITTEE SUBSTITUTE SENATE BILL 448 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 448** 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, Duncan, Eltife, Estes, Fraser,



Garcia, Hancock, Hinojosa, Lucio, Nelson, Nichols, Paxton, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Hegar, Huffman, Patrick.

Absent-excused: Ellis.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 3. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 848 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 848** at this time on its second reading:

**CSSB 848**, Relating to assignment of rents to holders of certain security interests in real 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 except as follows:

Absent-excused: Ellis.

**COMMITTEE SUBSTITUTE  
SENATE BILL 848 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 848** be passed on its third reading and final passage.

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

Absent-excused: Ellis.

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 952 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 952** at this time on its second reading:

**CSSB 952**, Relating to interest on commercial loans.

The bill was read second time.

Senator Carona offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 952** (senate committee report) in SECTION 1 of the bill, in added Section 306.002(c), Finance Code (page 1, line 28), by striking "the chapter" and substituting "this chapter".

The amendment to **CSSB 952** 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: Ellis.

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

**CSSB 952** 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: Ellis.

**COMMITTEE SUBSTITUTE  
SENATE BILL 952 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 952** be placed on its third reading and final passage.

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

Absent-excused: Ellis.

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 680 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 680** at this time on its second reading:

**CSSB 680**, Relating to a pilot program to improve student loan default rates and financial aid literacy among postsecondary 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 except as follows:

Absent-excused: Ellis.

**COMMITTEE SUBSTITUTE  
SENATE BILL 680 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 680** be placed on its third reading and final passage.

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

Absent-excused: Ellis.

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 340 ON SECOND READING**

Senator Rodríguez moved to suspend the regular order of business to take up for consideration **CSSB 340** at this time on its second reading:

**CSSB 340**, Relating to administrative penalties assessed by the Texas Workforce Commission against certain employers for failure to pay wages.

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

Yeas: Birdwell, Campbell, Carona, Davis, Deuell, Duncan, Eltife, Garcia, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Rodríguez, Seliger, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Estes, Fraser, Patrick, Paxton, Schwertner, Taylor.

Absent-excused: Ellis.

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 340 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 340** be placed on its third reading and final passage.

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

Yeas: Birdwell, Campbell, Carona, Davis, Deuell, Duncan, Eltife, Garcia, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Rodríguez, Seliger, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Estes, Fraser, Patrick, Paxton, Schwertner, Taylor.

Absent-excused: Ellis.

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 462 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 462** at this time on its second reading:

**CSSB 462**, Relating to specialty court programs in this state.

The bill was read second time.

Senator Huffman offered the following amendment to the bill:

**Floor Amendment No. 1**

(1) Amend **CSSB 462** (Senate committee printing) in Section 2.02 of the bill (page 10, lines 19-23) by striking amended Section 59.062(f), Code of Criminal Procedure, and substituting the following:

(f) A civil penalty collected under this article shall be deposited to the credit of the drug court account in the general revenue fund to help fund drug court programs established under Chapter 122, 123, 124, or 125, Government [~~469, Health and Safety~~] Code, or former law.

(2) Amend **CSSB 462** (Senate committee printing) by striking Section 2.03 of the bill (page 10, lines 26-46) and substituting the following:

SECTION 2.03. Subsection (g), Section 102.0178, Code of Criminal Procedure, is amended to read as follows:

(g) The comptroller shall deposit the funds received under this article to the credit of the drug court account in the general revenue fund to help fund drug court programs established under Chapter 122, 123, 124, or 125, Government [~~469, Health and Safety~~] Code, or former law. The legislature shall appropriate money from the account solely to the criminal justice division of the governor's office for distribution to drug court programs that apply for the money.

(3) Amend **CSSB 462** (Senate committee printing) in Section 2.08 of the bill (page 12, lines 26-30), by striking amended Section 102.021(18), Government Code, and substituting the following:

(18) costs attendant to convictions under Chapter 49, Penal Code, and under Chapter 481, Health and Safety Code, to help fund drug court programs established under Chapter 122, 123, 124, or 125, Government [~~469, Health and Safety~~] Code, or former law (Art. 102.0178, Code of Criminal Procedure) . . . \$60.

The amendment to **CSSB 462** 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: Ellis.

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

**CSSB 462** 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: Ellis.

### **COMMITTEE SUBSTITUTE SENATE BILL 462 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 462** be placed on its third reading and final passage.

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

Absent-excused: Ellis.

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

(Senator Nelson in Chair)

**COMMITTEE SUBSTITUTE  
SENATE BILL 516 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 516** at this time on its second reading:

**CSSB 516**, Relating to the distribution of ale by certain brewers.

The bill was read second time.

Senator Eltife offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 516** (senate committee printing) as follows:

(1) In SECTION 2 of the bill, in added Section 12A.02(a), Alcoholic Beverage Code (page 2, line 7), strike "malt liquor" and substitute "ale".

(2) Strike SECTION 5 of the bill (page 2, lines 41-59) and substitute the following:

SECTION 5. (a) Subject to Subsection (b) of this section, 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.

(b) The changes in law made by this Act take effect only if each of the following bills is enacted and becomes law:

(1) Senate Bill No. 515, House Bill No. 1763, or another similar bill of the 83rd Legislature, Regular Session, 2013, that allows holders of brewpub licenses to self-distribute beer, malt liquor, or ale produced under the license to retailers;

(2) Senate Bill No. 517, House Bill No. 1765, or another similar bill of the 83rd Legislature, Regular Session, 2013, that allows small beer manufacturers to sell beer to retailers;

(3) Senate Bill No. 518, House Bill No. 1766, or another similar bill of the 83rd Legislature, Regular Session, 2013, that allows small brewers and beer manufacturers to sell beer and ale to ultimate consumers; and

(4) Senate Bill No. 639, House Bill No. 1538, or another similar bill of the 83rd Legislature, Regular Session, 2013, relating to sales of beer by a manufacturer to a distributor and certain agreements between a manufacturer and distributor.

The amendment to **CSSB 516** 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: Ellis.

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

**CSSB 516** 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: Ellis.

**COMMITTEE SUBSTITUTE  
SENATE BILL 516 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 516** be placed on its third reading and final passage.

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

Absent-excused: Ellis.

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 517 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 517** at this time on its second reading:

**CSSB 517**, Relating to the distribution of beer by certain manufacturers.

The bill was read second time.

Senator Eltife offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 517** (senate committee printing) by striking SECTION 5 of the bill (page 2, lines 39-57) and substituting the following:

SECTION 5. (a) Subject to Subsection (b) of this section, 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.

(b) The changes in law made by this Act take effect only if each of the following bills is enacted and becomes law:

(1) Senate Bill No. 515, House Bill No. 1763, or another similar bill of the 83rd Legislature, Regular Session, 2013, that allows holders of brewpub licenses to self-distribute beer, malt liquor, or ale produced under the license to retailers;

(2) Senate Bill No. 516, House Bill No. 1764, or another similar bill of the 83rd Legislature, Regular Session, 2013, that allows small brewers to sell ale to retailers;

(3) Senate Bill No. 518, House Bill No. 1766, or another similar bill of the 83rd Legislature, Regular Session, 2013, that allows small brewers and beer manufacturers to sell beer and ale to ultimate consumers; and

(4) Senate Bill No. 639, House Bill No. 1538, or another similar bill of the 83rd Legislature, Regular Session, 2013, relating to sales of beer by a manufacturer to a distributor and certain agreements between a manufacturer and distributor.

The amendment to **CSSB 517** 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: Ellis.

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

**CSSB 517** 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: Ellis.

### **COMMITTEE SUBSTITUTE SENATE BILL 517 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 517** be placed on its third reading and final passage.

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

Absent-excused: Ellis.

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

### **SENATE BILL 1510 REREFERRED (Motion In Writing)**

Senator Hinojosa submitted a Motion In Writing requesting that **SB 1510** be withdrawn from the Committee on Finance and rereferred to the Committee on Intergovernmental Relations.

The Motion In Writing prevailed without objection.

### **SENATE CONCURRENT RESOLUTION 32**

The Presiding Officer laid before the Senate the following resolution:

WHEREAS, Section 17, Article III, Texas Constitution, provides that neither house of the legislature may adjourn for more than three days without the consent of the other house; now, therefore, be it

RESOLVED by the 83rd Legislature of the State of Texas, That each house grant the other permission to adjourn for more than three days during the period beginning on Wednesday, March 27, 2013, and ending on Tuesday, April 2, 2013.

WHITMIRE

**SCR 32** was read.

On motion of Senator Eltife, on behalf of Senator Whitmire, the resolution was considered immediately and was adopted by the following vote: Yeas 30, Nays 0.

Absent-excused: Ellis.

### **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: Ellis.

Presiding Officer, Alamo Regional Mobility Authority: John Glenn Clamp, Bexar County.

Independent Ombudsman, Office of Independent Ombudsman, Texas Juvenile Justice Department: Deborah K. Unruh, Travis County.

Commissioner of Education: Michael Lawrence Williams, Tarrant County.

Member, Texas Facilities Commission: Michael Jeffrey Novak, Bexar County.

Members, Texas Juvenile Justice Board: John A. Brieden, Washington County; Joseph D. Brown, Grayson County; Carol Lynn Bush, Ellis County; Scott W. Fisher, Tarrant County; Rebecca Ann Gregory, Dallas County; Jane Anderson King, Randall County; David Scott Matthew, Williamson County; Mary Louise Mendoza, Bexar County; Rene Luis Olvera, Bexar County; Laura Lee Parker, Bexar County; James Robert Smith, Midland County; Calvin Wayne Stephens, Dallas County; Melissa Ann Weiss, Austin County.

Members, Board of Trustees, Texas Municipal Retirement System: Julie Oakley, Burnet County; Bill James Philibert, Harris County.

### **SENATE RULE 11.13 SUSPENDED (Consideration of Bills in Committees) (Motion In Writing)**

Senator Eltife 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.

ELTIFE

The Motion In Writing prevailed without objection.

### **SENATE RULES SUSPENDED (Posting Rules)**

On motion of Senator Eltife and by unanimous consent, Senate Rule 11.10(a)



and Senate Rule 11.18(a) were suspended in order that the Committee on Administration might meet and consider **SB 201** today.

**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 2:00 p.m. today and that all bills and resolutions would be considered on second and third reading in the order in which they were listed.

**(President in Chair)**

**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 **SB 1577** today.

**MOTION TO RECESS AND ADJOURN**

On motion of Senator Whitmire and by unanimous consent, the Senate at 1:24 p.m. agreed to recess until 2:00 p.m. today for the Local and Uncontested Calendar Session.

The Senate further agreed to adjourn, in memory of Sofia Carmen Garcia, upon conclusion of the Local and Uncontested Calendar Session, pending the receipt of committee reports before 3:00 p.m. tomorrow, until 11:00 a.m. Tuesday, April 2, 2013.

**AFTER RECESS**

The Senate met at 2:50 p.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 today.

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 1263** (Duncan)

Relating to the delay in the implementation of the abolishment of small claims courts.  
(viva voce vote) (30-0) (30-0)

**SB 51** (Zaffirini)

Relating to unemployment compensation eligibility and chargebacks regarding certain persons who are victims of sexual assault.  
(viva voce vote) (30-0) (30-0)

**SB 52** (Zaffirini)

Relating to exemptions for disabled peace officers from payment of tuition and fees at public institutions of higher education.

(viva voce vote) (30-0) (30-0)

**CSSB 58** (Nelson)

Relating to the integration of behavioral health and physical health services into the Medicaid managed care program.

(viva voce vote) (30-0) (30-0)

**CSSB 59** (Nelson)

Relating to required reports and other documents prepared by state agencies and institutions of higher education.

(viva voce vote) (30-0) (30-0)

**SB 65** (Nelson)

Relating to a program to recognize public schools with successful student health and fitness programs.

(viva voce vote) (30-0) (30-0)

**SB 107** (West)

Relating to the disclosure by a court of criminal history record information that is the subject of an order of nondisclosure.

(viva voce vote) (30-0) (30-0)

**SB 108** (West)

Relating to adverse possession of real property by a cotenant heir against other cotenant heirs.

(viva voce vote) (30-0) (30-0)

**SB 129** (Nelson)

Relating to proper venue for filing an application for a protective order against family violence.

(viva voce vote) (30-0) (30-0)

**CSSB 130** (Nelson)

Relating to representation by prosecuting attorneys in proceedings for protective orders against family violence and in certain other actions.

(viva voce vote) (30-0) (30-0)

**SB 131** (Nelson)

Relating to the hours of sale and consumption of wine at a winery.

(viva voce vote) (30-0) (30-0)

**CSSB 187** (Huffman)

Relating to the punishment for a capital felony committed by an individual younger than 18 years of age.

(viva voce vote) (30-0) (30-0)

**SB 202** (Huffman)

Relating to the continuation and functions of the Texas Commission on the Arts.

(viva voce vote) (30-0) (30-0)

**CSSB 231** (Carona)

Relating to the applicability of certain concealed handgun laws to certain associate judges and other judicial personnel.

(viva voce vote) (30-0) (30-0)

**CSSB 249** (Patrick)

Relating to the prosecution of the offense of breach of computer security.

(viva voce vote) (30-0) (30-0)

**SB 252** (West)

Relating to certain procedures regarding an application for a writ of habeas corpus filed in a noncapital felony case.

(viva voce vote) (30-0) (30-0)

**CSSB 256** (Deuell)

Relating to tracking career information for graduates of Texas medical schools and persons completing medical residency programs in Texas.

(viva voce vote) (30-0) (30-0)

**SB 284** (West)

Relating to granting limited state law enforcement authority to police officers with the Office of Security and Law Enforcement of the United States Department of Veterans Affairs.

(viva voce vote) (30-0) (30-0)

**SB 345** (Whitmire)

Relating to the abolition of the state boot camp program.

(viva voce vote) (30-0) (30-0)

**CSSB 348** (Schwertner)

Relating to a utilization review process for managed care organizations participating in the STAR + PLUS Medicaid managed care program.

(viva voce vote) (30-0) (30-0)

**CSSB 358** (Hinojosa)

Relating to the use of a polygraph statement as evidence that a defendant or releasee from the Texas Department of Criminal Justice has violated a condition of release.

(viva voce vote) (30-0) (30-0)

**SB 360** (Watson)

Relating to methods used by an animal shelter to euthanize a dog or cat.

(viva voce vote) (30-0) (30-0)

**SB 361** (Watson)

Relating to the duties of a magistrate to inform an arrested person of consequences of a plea of guilty or nolo contendere.

(viva voce vote) (30-0) (30-0)

**CSSB 366** (Taylor)

Relating to the authority of political subdivisions to offer certain deferred compensation plans to employees.

(viva voce vote) (30-0) (30-0)

**SB 367** (Whitmire)

Relating to the disposition of abandoned or unclaimed property seized at the time of certain arrests.

(viva voce vote) (30-0) (30-0)

**CSSB 385** (Carona)

Relating to authorizing assessments for water and energy improvements in districts designated by municipalities and counties.

(viva voce vote) (30-0) (30-0)

**CSSB 395** (West)

Relating to fines and court costs imposed on a child in a criminal case.

(viva voce vote) (30-0) (30-0)

**CSSB 396** (Hegar)

Relating to the provision of state death benefits to certain employees of the Department of Public Safety of the State of Texas.

(viva voce vote) (30-0) (30-0)

**SB 410** (Watson)

Relating to the management and operation of certain municipally owned electric utilities.

(viva voce vote) (30-0) (30-0)

**CSSB 435** (Duncan)

Relating to the payment of tuition for public high school students who participate in college credit programs.

(viva voce vote) (30-0) (30-0)

**SB 453** (Deuell)

Relating to payment of tuition to attend public schools for students holding certain United States student visas.

(viva voce vote) (30-0) (30-0)

**SB 458** (Rodríguez)

Relating to certain motor vehicle records excepted from disclosure under the Public Information Act.

(viva voce vote) (30-0) (30-0)

**SB 464** (Deuell)

Relating to the dismissal of complaints against property tax professionals.

(viva voce vote) (30-0) (30-0)

**(Senator Hancock in Chair)****CSSB 471** (Ellis)

Relating to technological efficiencies in the recording of certain open meetings.

(viva voce vote) (30-0) (30-0)

**CSSB 511** (Whitmire)

Relating to the commitment of certain juveniles to local post-adjudication secure correctional facilities in certain counties and to the release under supervision of those juveniles.

(viva voce vote) (30-0) (30-0)

**SB 519** (Deuell)

Relating to the definition of autism and other pervasive developmental disorders.

(viva voce vote) (30-0) (30-0)

**SB 530** (Birdwell)

Relating to the inclusion of the emblem of the veteran's branch of service on Disabled Veteran specialty license plates.

(viva voce vote) (30-0) (30-0)

**SB 533** (Zaffirini)

Relating to a review of cost savings to state agencies and institutions of higher education under energy savings performance contracts.

(viva voce vote) (30-0) (30-0)

**CSSB 543** (Seliger)

Relating to the authority of the Midland County Hospital District of Midland County, Texas, to employ and commission peace officers.

(viva voce vote) (30-0) (30-0)

**SB 551** (Uresti)

Relating to the use of municipal hotel occupancy tax revenue to enhance and upgrade sports facilities in certain municipalities.

(viva voce vote) (30-0) (30-0)

**CSSB 553** (Uresti)

Relating to certain high school students serving as early voting clerks in an election.

(viva voce vote) (30-0) (30-0)

**SB 555** (Davis)

Relating to provisions in protective orders regarding pets and other companion animals; providing a penalty.

(viva voce vote) (30-0) (30-0)

**SB 560** (Ellis)

Relating to authorization for biweekly installment payments for the compensation of certain justices, judges, and district attorneys.

(viva voce vote) (30-0) (30-0)

**SB 564** (Hegar)

Relating to the creation of the Harris County Municipal Utility District No. 536; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

(viva voce vote) (30-0) (30-0)

**CSSB 569** (Carona)

Relating to the examination requirements for an insurance adjuster license.

(viva voce vote) (30-0) (30-0)

**CSSB 578 (Duncan)**

Relating to use of countywide polling places for certain elections.  
(viva voce vote) (30-0) (30-0)

**SB 585 (Hegar)**

Relating to the use of municipal hotel occupancy tax revenue to enhance and upgrade sports facilities in certain municipalities.  
(viva voce vote) (30-0) (30-0)

**SB 587 (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) (30-0) (30-0)

**SB 604 (Hegar)**

Relating to the powers and duties of the Harris County Municipal Utility District No. 458; providing authority to impose a tax and issue bonds.  
(viva voce vote) (30-0) (30-0)

**SB 605 (Hegar)**

Relating to the creation of the Fort Bend County Improvement District No. 24; providing authority to impose an assessment, impose a tax, and issue bonds.  
(viva voce vote) (30-0) (30-0)

**(Senator Uresti in Chair)****SB 606 (Hegar)**

Relating to the powers and duties of the Harris County Municipal Utility District No. 457; providing authority to impose a tax and issue bonds.  
(viva voce vote) (30-0) (30-0)

**SB 608 (Hegar)**

Relating to the creation of the Harris-Waller Counties Municipal Utility District No. 3; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.  
(viva voce vote) (30-0) (30-0)

**SB 609 (Hegar)**

Relating to the creation of the Waller County Municipal Utility District No. 17; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.  
(viva voce vote) (30-0) (30-0)

**SB 610 (Hegar)**

Relating to the powers and duties of the Harris County Municipal Utility District No. 477; providing authority to impose a tax and issue bonds.  
(viva voce vote) (30-0) (30-0)

**CSSB 615 (Estes)**

Relating to the contracting authority of the Texas Historical Commission.  
(viva voce vote) (30-0) (30-0)

**CSSB 635** (Duncan)

Relating to the distribution of certain civil penalties and civil restitution received by the attorney general.

(viva voce vote) (29-1) "Nay" Nelson (29-1) "Nay" Nelson

**CSSB 684** (Deuell)

Relating to a physical assessment of students by a public school.

(viva voce vote) (28-2) "Nays" Nelson, Williams (28-2) "Nays" Nelson, Williams

**SB 696** (Duncan)

Relating to the board of the Lubbock Reese Redevelopment Authority.

(viva voce vote) (30-0) (30-0)

**CSSB 697** (Carona)

Relating to the qualifications of certain nonresident individuals to hold a surplus lines agent license.

(viva voce vote) (30-0) (30-0)

**CSSB 700** (Hegar)

Relating to energy and water management planning and reporting by state agencies and institutions of higher education.

(viva voce vote) (30-0) (30-0)

**SB 703** (Taylor)

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.

(viva voce vote) (30-0) (30-0)

**SB 704** (Taylor)

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.

(viva voce vote) (30-0) (30-0)

**SB 705** (Taylor)

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.

(viva voce vote) (30-0) (30-0)

**SB 723** (Taylor)

Relating to the location of certain public sales of real property.

(viva voce vote) (30-0) (30-0)

**SB 733** (Carona)

Relating to the Texas Automobile Insurance Plan Association.

(viva voce vote) (30-0) (30-0)

**SB 763** (Watson)

Relating to motorcycle training and the license requirements for a three-wheeled motorcycle; creating an offense.

(viva voce vote) (30-0) (30-0)

**CSSB 771** (Uresti)

Relating to training for certain employees of the Department of Family and Protective Services.

(viva voce vote) (30-0) (30-0)

**SB 777** (Ellis)

Relating to the terms of the public members of the Texas Holocaust and Genocide Commission.

(viva voce vote) (30-0) (30-0)

**SB 809** (Carona)

Relating to Public Utility Commission of Texas consideration of the rates for certain equalization surcharges and emergency service fees.

(viva voce vote) (30-0) (30-0)

**SB 819** (Duncan)

Relating to the disposal of demolition waste from abandoned or nuisance buildings by certain local governments.

(viva voce vote) (30-0) (30-0)

**CSSB 839** (Hancock)

Relating to the provision of insurance coverage for certain portable electronic devices.

(viva voce vote) (30-0) (30-0)

**CSSB 841** (Hancock)

Relating to certain authorized investments under the Insurance Code.

(viva voce vote) (30-0) (30-0)

**CSSB 847** (Carona)

Relating to business entities and associations.

(viva voce vote) (30-0) (30-0)

**CSSB 849** (Carona)

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.

(viva voce vote) (30-0) (30-0)

**CSSB 852** (Taylor)

Relating to availability of certain property and casualty insurance forms.

(viva voce vote) (30-0) (30-0)

**CSSB 866** (Paxton)

Relating to authorizing local governments to participate in statewide technology centers.

(viva voce vote) (30-0) (30-0)

**CSSB 885** (Hinojosa)

Relating to notice of utility rate increases.

(viva voce vote) (30-0) (30-0)



**CSSB 905** (Van de Putte)

Relating to the sale of distilled spirits to ultimate consumers by the holder of a distiller's and rectifier's permit.

(viva voce vote) (30-0) (30-0)

**SB 916** (Estes)

Relating to quorums and meetings by teleconference of the Texas Bioenergy Policy Council and the Texas Bioenergy Research Committee.

(viva voce vote) (30-0) (30-0)

**SB 949** (Nelson)

Relating to the definition of license holder in the Medical Practice Act.

(viva voce vote) (30-0) (30-0)

**SB 972** (Carona)

Relating to the repeal of certain offenses relating to certain occupations regulated by the Texas Department of Licensing and Regulation.

(viva voce vote) (30-0) (30-0)

**SB 1005** (Carona)

Relating to the regulation of money services businesses.

(viva voce vote) (30-0) (30-0)

**SB 1006** (Carona)

Relating to requirements regarding certain shareholder and policyholder dividends.

(viva voce vote) (30-0) (30-0)

**SB 1058** (Nelson)

Relating to the regulation of the practice of nursing.

(viva voce vote) (30-0) (30-0)

**CSSB 1060** (Nelson)

Relating to family cost share provisions in the early childhood intervention program.

(viva voce vote) (30-0) (30-0)

**CSSB 1212** (Estes)

Relating to the applicability of certain provisions concerning the transfer of exotic species to certain transfers of water that supply populous areas.

(viva voce vote) (30-0) (30-0)

**CSSB 1214** (Schwertner)

Relating to certain economic development programs administered by the Department of Agriculture.

(viva voce vote) (30-0) (30-0)

**SCR 18** (Hegar)

Recognizing the annual Small Town Christmas celebration in the City of Bellville as the Official Small Town Christmas Event of Texas.

(30-0)

**SCR 21 (West)**

Recognizing November 4-8, 2013, and November 3-7, 2014, as Municipal Courts Week.

(30-0)

**SESSION CONCLUDED FOR  
LOCAL AND UNCONTESTED CALENDAR**

Senator Uresti announced at 3:38 p.m. that the session to consider bills and resolutions placed on the Local and Uncontested Calendar was concluded.

**CO-AUTHOR OF SENATE BILL 3**

On motion of Senator Patrick, Senator Birdwell will be shown as Co-author of **SB 3**.

**CO-AUTHOR OF SENATE BILL 275**

On motion of Senator Watson, Senator Zaffirini will be shown as Co-author of **SB 275**.

**CO-AUTHOR OF SENATE BILL 340**

On motion of Senator Rodríguez, Senator Van de Putte will be shown as Co-author of **SB 340**.

**CO-AUTHOR OF SENATE BILL 557**

On motion of Senator Davis, Senator Rodríguez will be shown as Co-author of **SB 557**.

**CO-AUTHOR OF SENATE BILL 567**

On motion of Senator Watson, Senator Zaffirini will be shown as Co-author of **SB 567**.

**CO-AUTHOR OF SENATE BILL 643**

On motion of Senator Deuell, Senator Davis will be shown as Co-author of **SB 643**.

**CO-AUTHOR OF SENATE BILL 955**

On motion of Senator Schwertner, Senator Huffman will be shown as Co-author of **SB 955**.

**CO-AUTHOR OF SENATE BILL 974**

On motion of Senator Campbell, Senator Zaffirini will be shown as Co-author of **SB 974**.

**CO-AUTHOR OF SENATE BILL 1185**

On motion of Senator Huffman, Senator Schwertner will be shown as Co-author of **SB 1185**.

**CO-AUTHOR OF SENATE BILL 1724**

On motion of Senator Patrick, Senator Schwertner will be shown as Co-author of **SB 1724**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolution**

**SR 557** by Ellis, In memory of Adolph Joubert, Jr.

**Congratulatory Resolutions**

**SR 555** by Zaffirini, Recognizing Grace Post Wilson Farris on the occasion of her 90th birthday.

**SR 556** by Ellis, Recognizing North Star Baptist Church International on the occasion of its 35th anniversary.

**SR 558** by Ellis, Congratulating Jerome Davis on his installation as pastor of Mount Moriah Missionary Baptist Church.

**SR 559** by Estes, Recognizing Bobbie Roberts Ashley on the occasion of her 80th birthday.

**SR 560** by Deuell, Recognizing Selvaraj Sinnappan on the occasion of his 44th birthday and the 18th anniversary of his ordination.

**HCR 65** (Watson), Commemorating the 100th anniversary of the Rotary Club of Austin.

**Official Designation Resolution**

**SR 172** by Fraser, Recognizing March 28, 2013, as Texas Water Conservation Day at the State Capitol.

(Senator Uresti in Chair)

**ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 3:07 p.m. Thursday, March 28, 2013, adjourned, in memory of Sofia Carmen Garcia, until 11:00 a.m. Tuesday, April 2, 2013.

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**APPENDIX**

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**COMMITTEE REPORTS**

The following committee reports were received by the Secretary of the Senate in the order listed:

March 27, 2013

OPEN GOVERNMENT — **SB 983**

STATE AFFAIRS — **CSSB 679**

CRIMINAL JUSTICE — **SB 545, SB 686, SB 965, SB 1096**

BUSINESS AND COMMERCE — **SB 407, SB 1008, SB 1033**

**EDUCATION — SB 124, SB 1109, SB 122, SB 123, SB 1404**

**AGRICULTURE, RURAL AFFAIRS AND HOMELAND SECURITY —  
CSSB 818, SB 1394, CSSB 987, SB 1395, CSSB 1393, SB 1467**

**NATURAL RESOURCES — SB 611, SB 1241, SB 1012, SB 1156, SB 1271,  
SB 1169**

**TRANSPORTATION — SB 597, SB 1053, SB 1165, SB 1376**

**JURISPRUDENCE — SB 946, SB 1328**

**BUSINESS AND COMMERCE — SB 1577, CSSB 981**

**ADMINISTRATION — SB 201**

**ECONOMIC DEVELOPMENT — SB 248, SB 844, SB 997, SB 1833**

**OPEN GOVERNMENT — CSSB 1297**

**GOVERNMENT ORGANIZATION — SB 1134, SB 1102, SB 1101, CSSB 1602**

March 28, 2013

**JURISPRUDENCE — CSSB 393**

**CRIMINAL JUSTICE — CSSB 299, CSSB 1114, CSSB 1611, CSSB 1289**

**BUSINESS AND COMMERCE — CSSB 1074, CSSB 1125**

**HIGHER EDUCATION — SB 566**

**HEALTH AND HUMAN SERVICES — CSSB 33, CSSB 97, SB 423, CSSB 718,  
SB 769, CSSB 793, CSSB 869, SB 886, CSSB 1057, CSSB 1082**

**BUSINESS AND COMMERCE — CSSB 1248, CSSB 1251, CSSB 1702**

**ECONOMIC DEVELOPMENT — CSSB 507, CSSB 1537, CSSB 894**

**VETERAN AFFAIRS AND MILITARY INSTALLATIONS — SB 664, SB 846,  
SB 1373, SB 557**

#### **BILLS ENGROSSED**

March 26, 2013

**SB 12, SB 204, SB 281, SB 380, SB 441, SB 825, SB 874**

#### **RESOLUTIONS ENROLLED**

March 26, 2013

**SR 519, SR 536, SR 544, SR 545, SR 546, SR 547, SR 548, SR 549, SR 550,  
SR 551**

# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**THIRTY-THIRD DAY**

(Tuesday, April 2, 2013)

The Senate met at 11:06 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 Larry Dickson, Faith Assembly of God, Granbury, was introduced by Senator Birdwell and offered the invocation as follows:

Our Father, creator of all that is good, we stand in this Chamber today fully aware of the responsibility we have to pray for those who hold the authority to govern us by virtue of office. As a citizen of this great state, Father, I am personally grateful for the men and women within this Chamber who have chosen the path of public service as their purpose in life. We pray that You will give them wisdom as they set the course for the future of this great state. On the cusp of that future, the men and women in this room in leadership within our state face challenges unlike those of previous generations. They must deal with issues that are complex and difficult, challenges that will determine the future course we take. In light of all that we face, once again we declare that we are fully cognizant of our need for Your wisdom and guidance. With those who are coming behind us in mind, especially our children and grandchildren, we dare to ask that You would lead us in all our deliberations as well as our determinations so that these who follow after us may continue to enjoy the rich heritage of life that we have enjoyed by virtue of being a Texan. With the words of King Solomon we conclude, May the Lord our God be with us, as He was with our fathers. May He not leave us nor forsake us, that He may incline our hearts to walk in all His ways, and to keep His commandments, His statutes, and His judgments, which He commanded our fathers. (I Kings 8:57, 58) 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:

March 28, 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 a member of the Texas Crime Stoppers Council for a term to expire September 1, 2013:

Susan Rogers

Odessa, Texas

Ms. Rogers is replacing Katherine Cabaniss of Houston who resigned.

To be members of the Texas Council on Purchasing from People with Disabilities for terms to expire as indicated:

To Expire January 31, 2015:

Beverly Jackson Loss

Wolfe City, Texas

(replacing Victor Kilman of Lubbock who resigned)

To Expire January 31, 2019:

Jack D. "Dan" Bremer

New Braunfels, Texas

(replacing Leslie Butler of Fort Worth whose term expired)

Kevin M. Jackson

Austin, Texas

(Mr. Jackson is being reappointed)

Alfred "Al" Matson

Tyler, Texas

(replacing James Daugherty of Irving whose term expired)

To be members of the Rio Grande Regional Water Authority for terms to expire February 1, 2017:

Troy Allen

Edcouch, Texas

Dario V. Guerra, Jr.

Edinburg, Texas

Arturo "Sonny" Hinojosa, Jr.  
Edinburg, Texas

Sonia Lambert  
San Benito, Texas

Lance Neuhaus  
Mercedes, Texas

Joe A. Pennington  
Raymondville, Texas

Frank "Jo Jo" White  
Mercedes, Texas

The individuals listed above are being reappointed.

To be members of the Credit Union Commission for terms to expire February 15, 2019:

Allyson "Missy" Morrow  
San Benito, Texas  
(Ms. Morrow is being reappointed)

Barbara Kay Stewart  
Daingerfield, Texas  
(replacing Dale Kimble of Denton whose term expired)

Vic Vad  
Austin, Texas  
(replacing Thomas Butler of Deer Park whose term expired)

To be members of the Risk Management Board for terms to expire February 1, 2019:

Lloyd Garland  
Lubbock, Texas

John W. Youngblood  
Cameron, Texas

The individuals listed above are being reappointed.

Respectfully submitted,  
/s/Rick Perry  
Governor

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER  
Austin, Texas

Tuesday, April 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 4** Ritter

Relating to the funding of certain water-related projects by the Texas Water Development Board; authorizing the issuance of revenue bonds.

**HB 5** Aycock

Relating to public school accountability, including assessment, and curriculum requirements.

**HB 144** Raymond

Relating to a mental examination of a child subject to the juvenile justice system.

**HB 281** Lucio III

Relating to the right of one immediate family member of certain deceased peace officers to make an oral statement regarding the terms of a plea bargain agreement.

**HB 677** Geren

Relating to the regulation and enforcement of dam safety by the Texas Commission on Environmental Quality.

**HB 812** Cook

Relating to the sunset review of the board of trustees of the Employees Retirement System of Texas.

**SCR 32** Whitmire

Sponsor: Dutton

Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, March 27, 2013, and ending on Tuesday, April 2, 2013.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

### PHYSICIAN OF THE DAY

Senator Rodríguez was recognized and presented Dr. David Palafox of El Paso as the Physician of the Day.

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

### HOUSE CONCURRENT RESOLUTION 65

The Presiding Officer laid before the Senate the following resolution:

**HCR 65**, Commemorating the 100th anniversary of the Rotary Club of Austin.

WATSON

The resolution was again read.

The resolution was previously adopted on Wednesday, March 27, 2013.



**GUESTS PRESENTED**

Senator Watson was recognized and introduced to the Senate a Rotary Club of Austin delegation, accompanied by W. Gaines Bagby, President; Sherry Workman, Centennial Chair; Bruce Golden, Centennial Co-chair; Jack Mayo, historian and consultant; and Leslie Bagby.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Van de Putte was recognized and introduced to the Senate an ACE Mentor Program delegation.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Taylor was recognized and introduced to the Senate a City of La Marque Leadership delegation.

The Senate welcomed its guests.

**SENATE RESOLUTION 572**

Senator Uresti offered the following resolution:

**SR 572**, Recognizing April of 2013 as Child Abuse Prevention Month in Texas.

|          |         |              |
|----------|---------|--------------|
| URESTI   | HANCOCK | RODRÍGUEZ    |
| BIRDWELL | HUFFMAN | SELIGER      |
| CARONA   | LUCIO   | VAN DE PUTTE |
| DAVIS    |         |              |

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Uresti was recognized and introduced to the Senate John Specia, Department of Family and Protective Services Commissioner; Madeline McClure, TexProtects Executive Director; and statewide blue ribbon task force members: Annette Burrhus-Clay, Nancy Harper, Mary Tipps, and James Castro.

Senator Uresti also introduced to the Senate Daniela Ariel Chavez and Elyssa Madeline Chavez, serving today as Honorary Senate Pages.

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 11:35 a.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE**  
**SENATE BILL 1110 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 1110** at this time on its second reading:

**CSSB 1110**, Relating to the purposes and designation of a transportation reinvestment zone.

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 1110 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 1110** 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 152 ON SECOND READING**

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 152** at this time on its second reading:

**CSSB 152**, Relating to the protection and care of persons who are elderly or disabled or who are children.

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 152 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 **CSSB 152** 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 275 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 275** at this time on its second reading:

**SB 275**, Relating to the penalty for the offense of leaving the scene of an accident that involves personal injury or death.

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 275 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 275** 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 504 ON SECOND READING**

Senator Deuell moved to suspend the regular order of business to take up for consideration **CSSB 504** at this time on its second reading:

**CSSB 504**, Relating to the requirement that certain schoolchildren be screened for abnormal spinal curvature.

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 Deuell offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 504** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in amended Section 37.001(b), Health and Safety Code (page 1, line 27), strike "or private".

(2) In SECTION 1 of the bill, in amended Section 37.001(b), Health and Safety Code (page 1, line 30), strike "or private" and substitute "~~[or private]~~".

(3) In SECTION 1 of the bill, in amended Section 37.001(b), Health and Safety Code (page 1, line 33), strike "or private".

(4) In SECTION 2 of the bill, in amended Section 37.002(a), Health and Safety Code (page 1, line 43), strike "or private".

The amendment to **CSSB 504** 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 504** 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: Zaffirini.

**COMMITTEE SUBSTITUTE  
SENATE BILL 504 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 504** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Zaffirini.

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 213 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 213** at this time on its second reading:

**CSSB 213**, 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.

The bill was read second time.

Senator Carona offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 213** (senate committee printing) as follows:

(1) In SECTION 7 of the bill, in amended Section 501.133(a), Government Code (page 5, line 17), strike "five" and substitute "seven [five]".

(2) In SECTION 7 of the bill, in amended Section 501.133(a), Government Code, strike page 5, lines 28-36, and substitute the following:

~~[(4)] 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;~~

(4) two members appointed by the governor who are licensed mental health professionals; and

(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.

(3) In SECTION 7 of the bill, in added Section 501.133(c), Government Code (page 5, line 37), strike "(a)(4)" and substitute "(a)(5)".

(4) Add the following appropriately numbered SECTION to the bill and renumber the remaining SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Not later than January 31, 2014, the governor shall appoint the two mental health professionals to the Correctional Managed Health Care Committee as required by Section 501.133(a), Government Code, as amended by this Act.

The amendment to **CSSB 213** 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 Hinojosa offered the following amendment to the bill:

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

Amend **CSSB 213** on page 13, after line 19, to read as follows:

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) In conjunction with the contracting entities the department 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.

The amendment to **CSSB 213** 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 West offered the following amendment to the bill:

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

Amend **CSSB 213** (Senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 9(a), Article 42.12, Code of Criminal Procedure, is amended to read as follows:

(a) Except as provided by Subsection (g) [~~of this section~~], before the imposition of sentence by a judge in a felony case, and except as provided by Subsection (b) [~~of this section~~], before the imposition of sentence by a judge in a misdemeanor case the judge shall direct a supervision officer to report to the judge in writing on the circumstances of the offense with which the defendant is charged, the amount of restitution necessary to adequately compensate a victim of the offense, the criminal and social history of the defendant, and any other information relating to the defendant or the offense requested by the judge. It is not necessary that the report contain a sentencing recommendation, but the report must contain a proposed client

supervision plan describing programs and sanctions that the community supervision and corrections department would provide the defendant if the judge suspended the imposition of the sentence or granted deferred adjudication. If the defendant is charged with a state jail felony, the report must contain recommendations for conditions of community supervision that the community supervision and corrections department considers advisable or appropriate based on the circumstances of the offense and other factors addressed in the report.

SECTION \_\_\_\_\_. Section 15(a)(2), Article 42.12, Code of Criminal Procedure, is amended to read as follows:

(2) On conviction of a state jail felony punished under Section 12.35(a), Penal Code, other than a state jail felony listed in Subdivision (1), the judge may:

(A) suspend the imposition of the sentence and place the defendant on community supervision; or

(B) ~~may~~ order the sentence to be executed:

(i) in whole; or

(ii) in part, with a term of community supervision to commence immediately on release of the defendant from confinement.

SECTION \_\_\_\_\_. Section 15(c)(1), Article 42.12, Code of Criminal Procedure, is amended to read as follows:

(1) Before imposing a sentence in a state jail felony case, the judge shall review the presentence investigation report prepared for the defendant under Section 9 and shall determine whether the best interests of justice require the judge to suspend the imposition of the sentence and place the defendant on community supervision or to order the sentence to be executed in whole or in part as provided by Subsection (a)(2). A judge may impose any condition of community supervision on a defendant that the judge could impose on a defendant placed on supervision for an offense other than a state jail felony and, if the judge suspends the execution of the sentence or orders the execution of the sentence only in part, shall impose conditions of community supervision consistent with the recommendations contained in the presentence investigation report prepared for the defendant.

SECTION \_\_\_\_\_. The changes in law made by this Act to Sections 9 and 15, Article 42.12, Code of Criminal Procedure, apply only to the sentencing and placement on community supervision of a defendant for an offense that is committed on or after the effective date of this Act. The sentencing and placement on community supervision of a defendant for an offense that is committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and that 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.

The amendment to **CSSB 213** was read.

Senator West withdrew Floor Amendment No. 3.

On motion of Senator Whitmire, further consideration of **CSSB 213** was temporarily postponed.

Question — Shall **CSSB 213** as amended be passed to engrossment?

**SENATE BILL 242 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 242** at this time on its second reading:

**SB 242**, Relating to the eligibility requirements for certain occupational licenses issued to applicants with military experience.

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 242 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 242** 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 832 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 832** at this time on its second reading:

**CSSB 832**, Relating to training for school district and open-enrollment charter school liaisons who assist students in the conservatorship of the state with school enrollments and transfers.

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 832 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 832** 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 BILL 162 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 162** at this time on its second reading:

**CSSB 162**, 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.

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 162 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 162** 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 833 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 833** at this time on its second reading:

**CSSB 833**, Relating to the collection of data through the Public Education Information Management System (PEIMS) as to the foster care status of 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.

**COMMITTEE SUBSTITUTE  
SENATE BILL 833 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 833** 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 200 ON SECOND READING**

On motion of Senator Patrick and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 200** at this time on its second reading:

**SB 200**, Relating to the continuation and functions of the State Pension Review Board.

The bill was read second time.

Senator Whitmire offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 200** as follows:

(1) Add the following appropriately numbered SECTIONS and renumber the SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 801.102(a), Government Code, is amended to read as follows:

(a) The board is composed of seven ~~nine~~ members.

SECTION \_\_\_\_\_. 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 \_\_\_\_\_. Section 801.1061(a), 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 \_\_\_\_\_. (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 on the effective date of this Act.

(2) In SECTION 11 of the bill (page 6, line 20), strike "Section 802.103(c), Government Code, is" and substitute "Sections 801.104 and 802.103(c), Government Code, are".

The amendment to **SB 200** 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 Patrick and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**SB 200** 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 200 ON THIRD READING**

Senator Patrick moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 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.

#### **COMMITTEE SUBSTITUTE**

#### **SENATE BILL 1185 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 1185** at this time on its second reading:

**CSSB 1185**, Relating to the creation of a mental health jail diversion pilot 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 1185 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 1185** 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 213 ON SECOND READING**

The President laid before the Senate **CSSB 213** by Senator Whitmire on its second reading. The bill had been read second time, amended, and further consideration temporarily postponed today:

**CSSB 213**, 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.

Question — Shall **CSSB 213** as amended be passed to engrossment?

Senator Hinojosa offered the following amendment to the bill:

**Floor Amendment No. 4**

Amend **CSSB 213** on page 4, after line 64, by striking SECTIONS 6 and 7 of the bill and substituting the following:

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 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 Medical Program.

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) two members who are physicians, each of whom is [~~one member who is a physician and~~] employed full-time by a medical school [~~The University of Texas Medical Branch at Galveston~~], appointed by the governor [~~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) one member who is a physician and employed full-time by the University of Texas Medical Branch, appointed by the president of the medical branch;

(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) 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)(6) shall assist the department with developing the expertise needed to accurately assess health care costs and determine appropriate rates.

The amendment to **CSSB 213** was read and was adopted by a viva voce vote.

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

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

**CSSB 213** 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 213 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 213** 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.

#### **BILL SIGNED**

The President announced the signing of the following enrolled bill in the presence of the Senate after the caption had been read: **HB 1263**.

#### **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 1857, SB 1860, SB 1861**.

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 1857** by Estes

Relating to the training of certain qualified handgun instructors to conduct school safety training.

To Committee on Agriculture, Rural Affairs and Homeland Security.

**SB 1858** by 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.

To Committee on Intergovernmental Relations.

**SB 1859** by 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.

To Committee on Intergovernmental Relations.

**SB 1860** by Deuell

Relating to the provision of and funding for certain primary health care services.

To Committee on Health and Human Services.

**SB 1861** by Taylor

Relating to the Angleton-Danbury Hospital District of Brazoria County, Texas.

To Committee on Intergovernmental Relations.

**SB 1862** by 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.

To Committee on Intergovernmental Relations.

**HOUSE BILL ON FIRST READING**

The following bill received from the House was read first time and referred to the committee indicated:

**HB 5** to Committee on Education.

**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 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 **SB 1474** 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 **SJR 31** today.

**CO-AUTHOR OF SENATE BILL 229**

On motion of Senator Davis, Senator Uresti will be shown as Co-author of **SB 229**.

**CO-AUTHOR OF SENATE BILL 242**

On motion of Senator Carona, Senator Uresti will be shown as Co-author of **SB 242**.

**CO-AUTHOR OF SENATE BILL 275**

On motion of Senator Watson, Senator Hinojosa will be shown as Co-author of **SB 275**.

**CO-AUTHOR OF SENATE BILL 393**

On motion of Senator West, Senator Whitmire will be shown as Co-author of **SB 393**.

**CO-AUTHOR OF SENATE BILL 846**

On motion of Senator Van de Putte, Senator Rodríguez will be shown as Co-author of **SB 846**.

**CO-AUTHOR OF SENATE BILL 1611**

On motion of Senator Ellis, Senator Rodríguez will be shown as Co-author of **SB 1611**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

- SR 562** by Davis, In memory of Hans Johann Muller.
- SR 563** by Davis, In memory of Carl R. "Dick" Coers III.
- SR 564** by Davis, In memory of Randall Cross Stegall.
- SR 565** by Davis, In memory of McKinley Jackson, Sr.
- SR 569** by Watson, In memory of Jane Swann Nethercut.
- SR 574** by Ellis, In memory of Lee Elliott Brown.
- SR 575** by Zaffirini, In memory of Esther Gonzalez-Arroyo Buckley.
- SR 578** by Van de Putte, In memory of Alex Taylor Olmsted.
- SR 582** by Davis, In memory of Emory D. Estes.

### **Congratulatory Resolutions**

**SR 552** by Nelsen, Recognizing Trietsch Memorial United Methodist Church on the occasion of its 30th anniversary.

**SR 561** by Davis, Recognizing Margaret and Gerald D. "Griff" Griffith on the occasion of their 66th wedding anniversary.

**SR 567** by Schwertner, Commending Richard Louis Sieggreen IV for achieving the rank of Eagle Scout.

**SR 568** by Schwertner, Commending Lucas Hiney for achieving the rank of Eagle Scout.

**SR 573** by Uresti, Recognizing the Parish of Our Lady of Perpetual Help on the occasion of its 100th anniversary.

**SR 577** by Watson, Congratulating The University of Texas at Austin women's volleyball team for winning the 2012 national championship title.

**SR 580** by Hegar, Recognizing Joe Al Picone on the occasion of his retirement as executive director of the Blinn College Foundation.

**SR 584** by West, Congratulating the Duncanville High School Pantherettes basketball team for winning a state championship title.

**HCR 81** (Seliger), Commemorating the 50th anniversary of the agreement between the State of Texas and the Nuclear Regulatory Commission.

### **Official Designation Resolutions**

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

**SR 576** by Watson, Proclaiming April 9, 2013, as 9-1-1 Day at the Capitol.

### **ADJOURNMENT**

On motion of Senator Whitmire, the Senate at 1:03 p.m. adjourned until 11:00 a.m. tomorrow.

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## **APPENDIX**

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### **COMMITTEE REPORTS**

The following committee reports were received by the Secretary of the Senate in the order listed:

April 2, 2013

GOVERNMENT ORGANIZATION — **CSSB 1597**

EDUCATION — **CSSB 1142**

INTERGOVERNMENTAL RELATIONS — **SB 286, SB 320, SB 321, SB 322, SB 323, SB 324, SB 334, SB 623, SB 624, SB 795, SB 985**

BUSINESS AND COMMERCE — **CSSB 617, CSSB 1388, CSSB 1286, CSSB 951**  
 HIGHER EDUCATION — **CSSB 1113**  
 OPEN GOVERNMENT — **CSSB 656, CSSB 457**  
 CRIMINAL JUSTICE — **CSSB 990**  
 AGRICULTURE, RURAL AFFAIRS AND HOMELAND SECURITY — **CSSB 820**  
 JURISPRUDENCE — **CSSB 1237, CSSB 1437, CSSB 92, CSSB 1147, CSSB 387, CSSB 966**  
 BUSINESS AND COMMERCE — **CSSB 973, CSSB 1035**  
 HEALTH AND HUMAN SERVICES — **CSSB 1803, CSSB 11, CSSB 505, CSSB 45**  
 EDUCATION — **SB 831, SB 1380, SB 1352, CSSB 1178, CSSB 1538, CSSB 1263, CSSB 1365, CSSB 119, CSSB 1115, CSSB 816**  
 HIGHER EDUCATION — **CSSB 215**  
 ADMINISTRATION — **SCR 28**  
 HIGHER EDUCATION — **CSSB 62**  
 NATURAL RESOURCES — **CSSB 1282, CSSB 1299, CSSB 1300, CSSB 272, CSSB 302**  
 OPEN GOVERNMENT — **CSSB 121**  
 JURISPRUDENCE — **CSSB 753**

### BILLS ENGROSSED

March 27, 2013

**SB 51, SB 52, SB 58, SB 59, SB 65, SB 107, SB 108, SB 129, SB 130, SB 131, SB 146, SB 187, SB 202, SB 231, SB 249, SB 252, SB 256, SB 284, SB 340, SB 345, SB 348, SB 358, SB 360, SB 361, SB 366, SB 367, SB 385, SB 395, SB 396, SB 410, SB 435, SB 448, SB 453, SB 458, SB 462, SB 464, SB 471, SB 479, SB 511, SB 516, SB 517, SB 519, SB 530, SB 533, SB 543, SB 551, SB 553, SB 555, SB 560, SB 564, SB 569, SB 578, SB 585, SB 587, SB 604, SB 605, SB 606, SB 608, SB 609, SB 610, SB 615, SB 635, SB 680, SB 684, SB 696, SB 697, SB 700, SB 703, SB 704, SB 705, SB 723, SB 733, SB 763, SB 771, SB 777, SB 809, SB 819, SB 839, SB 841, SB 847, SB 848, SB 849, SB 852, SB 866, SB 885, SB 905, SB 916, SB 949, SB 952, SB 972, SB 1005, SB 1006, SB 1058, SB 1060, SB 1212, SB 1214**

### RESOLUTIONS ENROLLED

March 27, 2013

**SR 172, SR 490, SR 497, SR 517, SR 521, SR 540, SR 554, SR 555, SR 556, SR 557, SR 558, SR 559, SR 560**



# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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## THIRTY-FOURTH DAY

(Wednesday, April 3, 2013)

The Senate met at 11:07 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 C. Gregory Long, Lost Pines Cowboy Church, Elgin, offered the invocation as follows:

Eternal Lord God, creator and sustainer of all that is and will ever be, accept our thanks for this day and all its blessings. We honor You today in prayer and thanksgiving. We pray for the Members of this legislative assembly, their families, and staffs. May Your special blessings be upon the Members of this assembly in the important and sometimes difficult work they do. We are keenly aware that we must meet the obligations and stewardship of trust that is placed upon us, and we, therefore, come to You seeking courage and strength to perform our tasks well. In these decisive days through which we are living, make us genuine enough to maintain our integrity, great enough to be humble, and good enough to keep our faith, always regarding public office as a sacred trust. Make these men and women peacemakers, healers, and bridge-builders, so urgently needed in our wounded and broken times. Give them wisdom as they make good decisions, courage that they will hold fast to Your truth, and compassion that all should prosper from their service. 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 Schwertner was recognized and presented Dr. Paul Berg of Georgetown as the Physician of the Day.

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

#### **SENATE RESOLUTION 586**

Senator Lucio offered the following resolution:

**SR 586**, Recognizing Ricky Phillips for his contributions to the field of popular music.

The resolution was read and was adopted without objection.

#### **GUEST PRESENTED**

Senator Lucio was recognized and introduced to the Senate Ricky Phillips.

The Senate welcomed its guest.

**(President in Chair)**

#### **SENATE RESOLUTION 571**

Senator Birdwell offered the following resolution:

**SR 571**, Congratulating the North Central Texas Academy Lady Pioneers for winning a state basketball championship.

The resolution was read and was adopted without objection.

#### **GUESTS PRESENTED**

Senator Birdwell was recognized and introduced to the Senate North Central Texas Academy Lady Pioneers basketball team and coaches, accompanied by Melissa Rivera, Brooke Moss, Kali Mulchahy, Grace Na, McKenna House, Wendi Pei, Sydney Lindsey, and Casey Wiliford.

The Senate welcomed its guests.

#### **GUESTS PRESENTED**

Senator Eltife was recognized and introduced to the Senate a Rusk County delegation.

The Senate welcomed its guests.

#### **RESOLUTIONS SIGNED**

The President announced the signing of the following enrolled resolutions in the presence of the Senate: **SCR 32, HCR 65**.

#### **SENATE RESOLUTION 589**

Senator Ellis offered the following resolution:

**SR 589**, Welcoming Turkish minister of economy Zafer Caglayan to Texas.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Ellis was recognized and introduced to the Senate a delegation from the Republic of Turkey: Zafer Caglayan, Turkish minister of economy; Fehmi Kupcu; Cuma Icten; Aydin Ayaydin; Halil Aksoy; Ervil Bombar; and Susan Combs, Texas Comptroller.

The Senate welcomed its guests.

**(Senator Eltife in Chair)**

**SENATE RESOLUTION 581**

Senator Duncan offered the following resolution:

**SR 581**, Recognizing April 3, 2013, as PART Day.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Duncan was recognized and introduced to the Senate members of the Parent Association for the Retarded of Texas, Incorporated.

The Senate welcomed its guests.

**CONCLUSION OF MORNING CALL**

The Presiding Officer at 11:36 a.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE****SENATE BILL 614 ON SECOND READING**

Senator Lucio moved to suspend the regular order of business to take up for consideration **CSSB 614** at this time on its second reading:

**CSSB 614**, Relating to an electric utility surcharge to assist owners of certain historic structures with electric bill payments and to promote energy conservation and efficiency.

The motion prevailed by the following vote: Yeas 21, Nays 10.

Yeas: Campbell, Carona, Davis, Deuell, Ellis, Eltife, Estes, Garcia, Hancock, Hinojosa, Lucio, Patrick, Rodriguez, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Duncan, Fraser, Hegar, Huffman, Nelson, Nichols, Paxton, Schwertner, Seliger.

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 614** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in added Section 44.002, Utilities Code (page 1, line 37), strike "and".

(2) In SECTION 1 of the bill, in added Section 44.002, Utilities Code (page 1, line 39), between "adopted" and the period, insert the following:

; and

(5) has approved the application of this chapter to the county as provided by Section 44.004

(3) In SECTION 1 of the bill, in added Section 44.003(a), Utilities Code (page 1, lines 41-42), strike "in the general revenue fund".

(4) In SECTION 1 of the bill, in added Section 44.003(a), Utilities Code (page 1, line 42), strike "commission" and substitute "commissioners court of a county to which this chapter applies".

(5) In SECTION 1 of the bill, in added Section 44.003(b), Utilities Code (page 1, line 46), strike "commission" and substitute "commissioners court of a county to which this chapter applies by order".

(6) In SECTION 1 of the bill, in added Section 44.003(b), Utilities Code (page 1, line 48), between "cooperatives" and "to", insert "that provide service to a county that has approved the application of this chapter to the county as provided by Section 44.004".

(7) In SECTION 1 of the bill, in added Section 44.003(c), Utilities Code (page 1, line 53), strike "commission" and substitute "commissioners court of a county to which this chapter applies by order".

(8) In SECTION 1 of the bill, in added Section 44.003(d), Utilities Code (page 2, line 1), strike "commission by rule" and substitute "commissioners court of a county to which this chapter applies by order".

(9) In SECTION 1 of the bill, in added Section 44.003(e), Utilities Code (page 2, line 5), strike "commission" and substitute "commissioners court of a county to which this chapter applies".

(10) In SECTION 1 of the bill, in added Section 44.003(e), Utilities Code (page 2, line 6), strike "commission's".

(11) At the end of SECTION 1 of the bill, in added Chapter 44, Utilities Code (page 2, between lines 9 and 10), add the following:

(f) The commissioners court of a county to which this chapter applies may consult with the commission concerning the provision of energy assistance under this chapter.

Sec. 44.004. APPROVAL OF COMMISSIONERS COURT. (a) A commissioners court of a county by order may approve the application of this chapter to the county.

(b) A commissioners court of a county must hold a public hearing at which a member of the public may present testimony before the commissioners court approves the application of this chapter to the county.

The amendment to **CSSB 614** 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 614** as amended was passed to engrossment by the following vote: Yeas 16, Nays 15.

Yeas: Carora, Davis, Deuell, Ellis, Eltife, Garcia, Hancock, Lucio, Rodríguez, Taylor, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Campbell, Duncan, Estes, Fraser, Hegar, Hinojosa, Huffman, Nelson, Nichols, Patrick, Paxton, Schwertner, Seliger, Uresti.

**(President in Chair)**

### **SENATE BILL 122 ON SECOND READING**

Senator Rodríguez moved to suspend the regular order of business to take up for consideration **SB 122** at this time on its second reading:

**SB 122**, Relating to the removal from office of a member of the board of trustees of an independent school district.

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.

### **SENATE BILL 122 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 122** 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 123 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 123** at this time on its second reading:

**SB 123**, Relating to the authority of the commissioner of education to issue subpoenas and conduct accreditation investigations.

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 123 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 123** 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 124 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 124** at this time on its second reading:

**SB 124**, Relating to the punishment for the offense of tampering with certain governmental records based on certain reporting for school districts and open-enrollment charter schools.

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 124 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 124** 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 352 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 352** at this time on its second reading:

**CSSB 352**, Relating to visitation for certain children in the temporary managing conservatorship of the Department of Family and Protective Services.

The bill was read second time.

Senator West offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **CSSB 352** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in added Section 262.115(d), Family Code (page 1, lines 44-45), strike "that allows the most visits between the child and each parent of the child" and substitute "for the child's visits with each parent. The visitation schedule may conform to the department's minimum visitation policies".

(2) In SECTION 4 of the bill, in added Section 263.107(b), Family Code (page 2, lines 11-12), strike "that allows the most visits between the child and each parent of the child".

The amendment to **CSSB 352** 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 352** 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 352 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 352** 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 149 ON SECOND READING**

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 149** at this time on its second reading:

**CSSB 149**, Relating to the Cancer Prevention and Research Institute of Texas.

The bill was read second time.

Senator Nelson offered the following amendment to the bill:

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

Amend **CSSB 149** (senate committee report) as follows:

(1) In SECTION 7 of the bill, in proposed Section 102.058(a), Health and Safety Code (page 3, lines 34-35), strike "receiving or applying to receive money from the institute" and substitute "described by this section".

(2) In SECTION 7 of the bill, strike added Section 102.058(c)(1), Health and Safety Code (page 3, lines 44-47), and renumber the subdivisions of Subsection (c) accordingly.

(3) In SECTION 7 of the bill, in added Section 102.058, Health and Safety Code, immediately following Subsection (c) of the section (between page 3, line 69, and page 4, line 1), insert the following:

(c-1) A person has a professional interest in an entity applying to receive money from the institute if the person is a member of the board of directors, the other governing board, or any committee of the entity, or of a foundation or similar organization affiliated with the entity, during the same grant cycle.

(4) In SECTION 7 of the bill, strike added Section 102.059(a)(7), Health and Safety Code (page 4, lines 38-39), and substitute the following:

(7) serve on the board of directors of:

(A) a nonprofit organization established with a grant from the institute;

or

(B) a grant recipient.

(5) In SECTION 7 of the bill, in added Section 102.059(d), Health and Safety Code (page 4, line 60), strike "commercialization" and substitute "development".

(6) In SECTION 7 of the bill, in added Section 102.063(a), Health and Safety Code (page 6, line 34), strike "commercialization" and substitute "development".

(7) In SECTION 7 of the bill, in added Section 102.063, Health and Safety Code, immediately following Subsection (g) of the section (page 6, between lines 65 and 66), insert the following:

(h) The compliance officer shall attend and observe the meetings of the program integration committee to ensure that the committee fulfills its duties under this chapter.

(8) In SECTION 8 of the bill, in amended Section 102.101(e), Health and Safety Code (page 7, line 11), strike ", at the time the person is appointed,".

(9) In SECTION 16 of the bill, in amended Section 102.251(a), Health and Safety Code (page 9, line 56), strike "commercialization" and substitute "development [commercialization]".

(10) In SECTION 16 of the bill, in added Section 102.251(d), Health and Safety Code (page 10, line 10), strike "The chief executive officer" and substitute "A member of the program integration committee".

(11) In SECTION 18 of the bill, in amended Section 102.255(b)(2), Health and Safety Code (page 10, line 47), strike ", as of a date specified in the contract," and substitute "[, as of a date specified in the contract,]".

(12) In SECTION 21 of the bill, strike added Section 102.264(a), Health and Safety Code (page 12, lines 14-22), and substitute the following:

(a) The institute shall establish a program integration committee. The committee is composed of the following five members:

(1) the chief executive officer;

(2) the chief scientific officer;

(3) the development officer;

(4) the commissioner of state health services; and

(5) the chief prevention officer.

The amendment to **CSSB 149** 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 149** (Senate Committee Printing) in SECTION 20 of the bill, strike added Subsection (c) and add new Subsection (c) to read:

(c) The records of the institute and of a nonprofit organization established to provide support to the institute shall be made available to the public. A record that is available under this subsection is public information subject to Chapter 552, Government Code.

The amendment to **CSSB 149** was read.

Senator Davis withdrew Floor Amendment No. 2.

Senator Davis offered the following amendment to the bill:

**Floor Amendment No. 3**

Amend **CSSB 149** (senate committee printing) as follows:

(1) In the recital to SECTION 20 of the bill (page 11, line 24), strike "Subsection (c) and substitute "Subsections (c) and (d)".

(2) In SECTION 20 of the bill, in added Section 102.262, Health and Safety Code, immediately following Subsection (c) (page 11, between lines 32 and 33), insert the following:

(d) The institute shall post the records described by Subsection (c) on the institute's Internet website. The information posted on the website must include each donor's name and the amount and date of the donation.

The amendment to **CSSB 149** 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 Davis offered the following amendment to the bill:

**Floor Amendment No. 4**

Amend **CSSB 149** (senate committee report) as follows:

(1) Immediately following SECTION 15 of the bill (page 8, between lines 68 and 69), insert the following:

SECTION 16. Section 102.203(e), Health and Safety Code, is amended to read as follows:

(e) Not less ~~[more]~~ than 10 percent of the money awarded under this subchapter each year must ~~[may]~~ be used for cancer prevention and control programs ~~[during any year]~~.

(2) Renumber subsequent SECTIONS of the bill accordingly.

The amendment to **CSSB 149** was read.

On motion of Senator Nelson, Floor Amendment No. 4 was tabled by the following vote: Yeas 20, Nays 9.

Yeas: Birdwell, Campbell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Hancock, Hegar, Hinojosa, Huffman, Nelson, Nichols, Patrick, Paxton, Schwertner, Seliger, Taylor, Whitmire.

Nays: Davis, Ellis, Garcia, Lucio, Rodríguez, Uresti, Watson, West, Zaffirini.

Absent: Van de Putte, Williams.

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

**CSSB 149** 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 149 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 **CSSB 149** 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, April 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:

**HCR 24**                                      Clardy  
Designating Nacogdoches as the official Garden Capital of Texas.

**HCR 53**                                      Farney  
Designating pecan pie as the official State Pie of Texas.

**HCR 91**                                      Hughes  
In memory of U.S. Army Staff Sergeant Chauncy Ryan Mays of Cookville.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**SENATE BILL 150 ON SECOND READING**

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 150** at this time on its second reading:

**SB 150**, Relating to the cancer prevention and research fund.

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 150 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 **SB 150** 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 545 RECOMMITTED**

Senator Nelson moved to recommit **SB 545** to the Committee on Health and Human Services.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Fraser, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Patrick, Rodriguez, Schwertner, Seliger, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Campbell, Estes, Garcia, Hancock, Paxton, Taylor.

#### **COMMITTEE SUBSTITUTE**

#### **SENATE BILL 567 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 567** at this time on its second reading:

**CSSB 567**, 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.

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 567 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 567** 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 534 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 534** at this time on its second reading:

**CSSB 534**, Relating to requiring permanency planning meetings for certain children in the conservatorship of the Department of Family and Protective Services.

The bill was read second time.

Senator West offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 534** (senate committee printing), in SECTION 2 of the bill, by striking added Section 263.009(b), Family Code (page 1, lines 40-43), and relettering subsequent subsections of added Section 263.009, Family Code, and references to those subsections as appropriate.

The amendment to **CSSB 534** 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 534** 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 534 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 534** 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 492 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 492** at this time on its second reading:

**CSSB 492**, Relating to the licensing and regulation of prescribed pediatric extended care centers; providing penalties; imposing 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 492 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 492** 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 672 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 672** at this time on its second reading:

**CSSB 672**, Relating to the regulation of industrialized housing.

The bill was read second time.

Senator Carona offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 672** (senate committee report) as follows:

- (1) In SECTION 1 of the bill, in added Section 1202.107(a), Occupations Code (page 1, line 26), between "commission" and "or", insert ", executive director,".
- (2) In SECTION 1 of the bill, in added Section 1202.107(b), Occupations Code (page 1, line 33), strike "department" and substitute "executive director".
- (3) In SECTION 1 of the bill, in added Section 1202.107(b), Occupations Code (page 1, line 33), between "penalty" and "in", insert "or sanction".
- (4) In SECTION 1 of the bill, in added Section 1202.107(b), Occupations Code (page 1, line 35), between "commission" and "or", insert ", executive director,".

The amendment to **CSSB 672** 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 672** 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 672 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 672** 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 11.13 SUSPENDED**  
**(Consideration of Bills in Committees)**  
**(Motion In Writing)**

Senator Eltife 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.

ELTIFE

The Motion In Writing prevailed without objection.

**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 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 **SB 418** tomorrow.

**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 8:30 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 agreed to adjourn, upon conclusion of the Local and Uncontested Calendar Session, until 11:00 a.m. tomorrow.

**CO-AUTHOR OF SENATE BILL 537**

On motion of Senator Deuell, Senator Williams will be shown as Co-author of **SB 537**.

**CO-AUTHOR OF SENATE BILL 1142**

On motion of Senator Duncan, Senator Patrick will be shown as Co-author of **SB 1142**.

**CO-AUTHOR OF SENATE BILL 1538**

On motion of Senator Van de Putte, Senator Davis will be shown as Co-author of **SB 1538**.

**CO-AUTHOR OF SENATE BILL 1611**

On motion of Senator Ellis, Senator Carona will be shown as Co-author of **SB 1611**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Congratulatory Resolutions**

**SR 585** by Schwertner, Recognizing Williamson County Republican Women for its civic engagement.

**SR 587** by Van de Putte, Commending Weldon Woolf Hammond, Jr., for his contributions to The University of Texas at San Antonio.

**SR 588** by Ellis, Recognizing John W. Bland for being honored by the A. Philip Randolph Institute.

**SR 590** by Schwertner, Recognizing Georgetown Area Republican Women for its accomplishments.

**RECESS**

On motion of Senator Whitmire, the Senate at 1:15 p.m. recessed until 8:30 a.m. tomorrow for the Local and Uncontested Calendar Session.

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**APPENDIX**

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**COMMITTEE REPORTS**

The following committee reports were received by the Secretary of the Senate in the order listed:

April 3, 2013

STATE AFFAIRS — **SB 1332, SB 1267, SB 211**

INTERGOVERNMENTAL RELATIONS — **CSSB 280, CSSB 332, CSSB 449, CSSB 593**

EDUCATION — **CSSB 2**

BUSINESS AND COMMERCE — **SB 875, SB 1665**

CRIMINAL JUSTICE — **CSSB 767**

INTERGOVERNMENTAL RELATIONS — **CSSB 552**

GOVERNMENT ORGANIZATION — **SB 1613, SB 1430, SB 1195, SB 217**

NATURAL RESOURCES — **SB 1094, SB 1835, SB 1423, SB 1225, SB 467**  
JURISPRUDENCE — **CSSB 1146**  
ADMINISTRATION — **CSSB 1023**

**BILLS ENGROSSED**

April 2, 2013

**SB 152, SB 162, SB 200, SB 213, SB 242, SB 275, SB 504, SB 832, SB 833,  
SB 1110, SB 1185**

**RESOLUTIONS ENROLLED**

April 2, 2013

**SCR 32, SR 552, SR 561, SR 562, SR 563, SR 564, SR 565, SR 567, SR 568,  
SR 569, SR 570, SR 572, SR 573, SR 574, SR 575, SR 576, SR 577, SR 578,  
SR 580, SR 582, SR 584**

**SENT TO SECRETARY OF STATE**

April 3, 2013

**SCR 32**



# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**THIRTY-FOURTH DAY**

(Continued)

(Thursday, April 4, 2013)

**AFTER RECESS**

The Senate met at 8:30 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.

**CSSB 181 (Hegar)**

Relating to the use of a wireless communication device to provide evidence of motor vehicle financial responsibility.

(viva voce vote) (31-0) (31-0)

**SB 229 (Davis)**

Relating to an exception to the domicile requirement for issuance of a commercial driver's license for certain military personnel.

(viva voce vote) (31-0) (31-0)

**SB 233 (Patrick)**

Relating to the use of funds of certain municipal hospital authorities.

(viva voce vote) (31-0) (31-0)

**SB 354 (West)**

Relating to permitting electronic delivery of certain documents in a criminal case.

(viva voce vote) (31-0) (31-0)

**CSSB 356 (Carona)**

Relating to the audit of court registry funds in certain counties.

(viva voce vote) (31-0) (31-0)

**SB 407** (Carona)

Relating to an exemption for persons who sell certain burglar and fire alarm components from the requirement to be licensed as an air conditioning and refrigeration contractor.

(viva voce vote) (31-0) (31-0)

**SB 442** (Birdwell)

Relating to leave for certain veterans returning to state employment.

(viva voce vote) (31-0) (31-0)

**CSSB 487** (Davis)

Relating to all-terrain vehicles and recreational off-highway vehicles.

(viva voce vote) (31-0) (31-0)

**SB 490** (Seliger)

Relating to the expiration of tuition equalization grant requirements for grants awarded before the 2005-2006 academic year.

(viva voce vote) (31-0) (31-0)

**CSSB 502** (West)

Relating to placement of children with certain relatives or other designated caregivers.

(viva voce vote) (31-0) (31-0)

**CSSB 563** (Hegar)

Relating to the issuance of specialty license plates to honor recipients of the Defense Superior Service Medal.

(viva voce vote) (31-0) (31-0)

**SB 597** (Birdwell)

Relating to the issuance of specialty license plates for certain Operation Enduring Freedom veterans.

(viva voce vote) (31-0) (31-0)

**SB 654** (West)

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.

(viva voce vote) (31-0) (31-0)

**SB 660** (West)

Relating to assessment collection in certain public improvement districts.

(viva voce vote) (31-0) (31-0)

**(Senator Uresti in Chair)****CSSB 679** (Duncan)

Relating to certain records and supporting affidavits filed as evidence in certain actions.

(viva voce vote) (31-0) (31-0)

**SB 686** (Huffman)

Relating to the change of the name of the Commission on Law Enforcement Officer Standards and Education to the Texas Commission on Law Enforcement.

(viva voce vote) (31-0) (31-0)

**CSSB 701** (Hegar)

Relating to a defense to prosecution for criminal trespass.

(viva voce vote) (31-0) (31-0)

**CSSB 736** (Watson)

Relating to insurance rating and underwriting practices and declinations based on certain consumer inquiries.

(viva voce vote) (31-0) (31-0)

**CSSB 742** (Carona)

Relating to reports of missing children or attempted child abductions and to education and training for peace officers regarding missing or exploited children.

(viva voce vote) (31-0) (31-0)

**CSSB 748** (Nelson)

Relating to the use of certain tax revenue to enhance and upgrade convention center facilities, multipurpose arenas, multiuse facilities, and related infrastructure in certain municipalities.

(viva voce vote) (31-0) (31-0)

**SB 751** (Patrick)

Relating to the creation of the Harris County Municipal Utility District No. 531; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

(viva voce vote) (31-0) (31-0)

**SB 752** (Patrick)

Relating to the creation of the Harris County Municipal Utility District No. 530; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

(viva voce vote) (31-0) (31-0)

**CSSB 818** (Duncan)

Relating to boll weevil eradication activities and programs.

(viva voce vote) (31-0) (31-0)

**CSSB 821** (Schwertner)

Relating to the prosecution of certain criminal offenses involving theft or involving fraud or other deceptive practices.

(viva voce vote) (31-0) (31-0)

**CSSB 828** (Van de Putte)

Relating to the marketing of certain alcoholic beverages by manufacturers and their agents; providing for a permitting fee.

(viva voce vote) (31-0) (31-0)

**SB 836** (Hegar)

Relating to the powers and duties of the Harris County Municipal Utility District No. 171; providing authority to impose a tax and issue bonds.

(viva voce vote) (31-0) (31-0)

**SB 877** (Patrick)

Relating to establishing the Citizens' Star of Texas Award.

(viva voce vote) (31-0) (31-0)

**CSSB 920** (Eltife)

Relating to the requirement that an unemployed individual be actively seeking work to be eligible for unemployment compensation benefits.

(viva voce vote) (31-0) (31-0)

**(Senator Hancock in Chair)****SB 946** (Nelson)

Relating to the right to terminate a lease and avoid liability by a victim of certain sexual offenses or stalking.

(viva voce vote) (31-0) (31-0)

**SB 948** (Nelson)

Relating to management of a coordinated county transportation authority.

(viva voce vote) (31-0) (31-0)

**SB 965** (Williams)

Relating to the correction of employment termination reports for law enforcement officers.

(viva voce vote) (31-0) (31-0)

**SB 983** (Ellis)

Relating to in camera review and filing of the information at issue in a suit filed under the public information law.

(viva voce vote) (31-0) (31-0)

**SB 1008** (Carona)

Relating to the business, supervision, and regulation of state savings and loan associations and state savings banks; providing a criminal penalty.

(viva voce vote) (31-0) (31-0)

**SB 1026** (Duncan)

Relating to the nonsubstantive revision of certain local laws concerning special districts, including conforming amendments.

(viva voce vote) (31-0) (31-0)

Senator Duncan offered the following committee amendment to the bill:

**Committee Amendment No. 1**

Amend **SB 1026** (introduced version) in ARTICLE 1 of the bill, in SECTION 1.04, as follows:

(1) In proposed Section 8504.104(a)(8), Special District Local Laws Code (page 363, line 23), strike "meet".

(2) In proposed Section 8504.106(c), Special District Local Laws Code (page 365, line 12), strike "that is" and substitute "and all other rights that are".

The amendment to **SB 1026** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Committee 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.

**SB 1033** (Carona)

Relating to the registration and use of marks, including trademarks and service marks.  
(viva voce vote) (31-0) (31-0)

**SB 1053** (Carona)

Relating to the content of a notice provided to an owner or lienholder of a vehicle towed to a vehicle storage facility.  
(viva voce vote) (31-0) (31-0)

**SB 1096** (Hinojosa)

Relating to the monthly fee a defendant must pay during a period of community supervision.  
(viva voce vote) (31-0) (31-0)

**SB 1107** (Zaffirini)

Relating to the preference given by state and local governmental entities to agricultural products produced or grown in this state.  
(viva voce vote) (31-0) (31-0)

**SB 1156** (Hinojosa)

Relating to land reclamation projects using tires.  
(viva voce vote) (31-0) (31-0)

**SB 1169** (Hegar)

Relating to water conservation.  
(viva voce vote) (31-0) (31-0)

**SB 1241** (Hegar)

Relating to the Edwards Aquifer Authority's regulation of wells with limited production capabilities.  
(viva voce vote) (31-0) (31-0)

**SB 1376** (Eltfie)

Relating to specialty license plates issued to retired members of the United States armed forces.  
(viva voce vote) (31-0) (31-0)

**SB 1577** (Fraser)

Relating to the election of directors of certain electric cooperatives.  
(viva voce vote) (31-0) (31-0)

**SCR 17** (Hinojosa)

Urging Congress to restore the presumption of a service connection for Agent Orange exposure to United States Navy and United States Air Force veterans who served on the inland waterways, in the territorial waters, and in the airspace of the Republic of Vietnam and to institute a presumption of connection to employment for civilians exposed to Agent Orange in their workplaces.

(31-0)

**SCR 28** (Uresti)

Designating the first Tuesday in March as Texas Assisted Living Awareness Day for a 10-year period beginning in 2013.

(31-0)

**ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 8:50 a.m. adjourned until 11:00 a.m. today.

# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**THIRTY-FIFTH DAY**

(Thursday, April 4, 2013)

The Senate met at 11:15 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, 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: Deuell.

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

Pastor Craig Etheredge, First Baptist Church, Colleyville, offered the invocation as follows:

Dear Father, I thank You for this day and for the opportunity to come before You and seek Your face. Your word tells us that if we, Your people, will humble ourselves and seek Your face and turn from our ways, You will hear from heaven and forgive our sins and heal our land. So, we come to You today based on that promise. I thank You, Father, for these men and women whom You have appointed as leaders of our state. I thank You that You have raised them up for this moment and for this momentous task. Father, I ask that You give them discernment and wisdom. Order their steps and lead them by Your spirit. And may the decisions made today be aligned with Your will. We praise You and acknowledge You as our ultimate leader and sovereign 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 Deuell was granted leave of absence for today on account of important business.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Thursday, April 4, 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 115** Larson

Relating to identification numbers on vessels.

**HB 174** Alonzo

Relating to creating American Indian Heritage Day.

**HB 222** Huberty

Relating to a public school student's eligibility for a public education grant to attend another public school.

**HB 241** Otto

Relating to the notice provided by the chief appraiser of an appraisal district of the availability of agreement forms authorizing certain electronic communications.

**HB 242** Otto

Relating to the requirement that certain ad valorem tax-related notices be delivered to a property owner by certified mail.

**HB 243** Menéndez

Relating to the authority of a community center that provides mental health or mental retardation services to sell certain real property of the center.

**HB 402** Davis, Sarah

Relating to a medal for certain members of the state military forces who served during the Cold War; authorizing a fee.

**HB 410** King, Phil

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.

**HB 419** Farias

Relating to designating the first Friday in November as Texas Arbor Day.

**HB 424** Burkett

Relating to the sex offender status of a person who becomes a resident of certain group home facilities.



- HB 442** Muñoz, Jr.  
Relating to the recognition of a portion of U.S. Highway 83 as a memorial to Trooper Eduardo Chavez.
- HB 487** Bell  
Relating to liability of certain persons assisting in man-made or natural disasters.
- HB 597** Guillen  
Relating to boater education and examinations on preventing the spread of exotic harmful or potentially harmful aquatic plants, fish, and shellfish.
- HB 622** Eiland  
Relating to the report by the General Land Office to the legislature on the effectiveness of the coastal management program.
- HB 634** Farias  
Relating to the verification of an inmate's veteran status by the Texas Department of Criminal Justice.
- HB 680** Burkett  
Relating to provisions in the dedicatory instruments of property owners' associations regarding display of flags.
- HB 712** Murphy  
Relating to the responsibility for keeping fire-fighting equipment furnished to a volunteer fire department by a county in good working order.
- HB 736** Farias  
Relating to the composition of the housing and health services coordination council.
- HB 757** Pickett  
Relating to the eligibility requirements for occupational licenses issued to applicants with military experience and to military spouses.
- HB 764** Guillen  
Relating to verification of the unavailability of community day care before the Department of Family and Protective Services provides day-care assistance or services.
- HB 774** Guillen  
Relating to applying credit earned by a student at a general academic teaching institution to an associate's degree at a lower-division institution of higher education previously attended by the student.
- HB 802** Rose  
Relating to the definition of an authorized emergency vehicle.
- HB 808** Zerwas  
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.
- HB 984** Elkins  
Relating to certain information required to be provided to an applicant for a marriage license.

- HB 1097** Sheets  
Relating to the definition of a construction or maintenance work zone on a highway or street.
- HB 1120** Riddle  
Relating to the duties of the Texas Crime Stoppers Council to encourage individuals to report criminal activity related to trafficking of persons.
- HB 1186** Thompson, Senfronia  
Relating to the Texas Racing Commission's ability to share investigatory information with other state regulatory agencies.
- HB 1187** Thompson, Senfronia  
Relating to the power of stewards or judges to impose penalties under the Texas Racing Act; providing penalties.
- HB 1241** Guillen  
Relating to the adoption of rules by the Parks and Wildlife Commission to protect the public water of this state from the spread of aquatic invasive species.
- HB 1264** Huberty  
Relating to information regarding the number of public school students with dyslexia.
- HB 1493** King, Tracy O.  
Relating to the transfer of programs from the Texas Department of Rural Affairs to the Department of Agriculture.
- HB 1648** Raymond  
Relating to the confidentiality of certain information held by the Department of Family and Protective Services.
- HB 2256** Howard  
Relating to the view of the State Capitol.
- HB 2377** Geren  
Relating to the use of legislatively produced audio or visual materials; providing penalties.
- HB 2472** Cook  
Relating to the continuation and functions of the Department of Information Resources and certain procurement functions of the comptroller of public accounts.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

### PHYSICIAN OF THE DAY

Senator Huffman was recognized and presented Dr. Troy Fiesinger of Sugar Land as the Physician of the Day.

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

**SENATE RESOLUTION 460**

Senator Watson offered the following resolution:

**SR 460**, Recognizing the Young Men's Business League of Austin on the occasion of its 100th anniversary.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Watson was recognized and introduced to the Senate a Young Men's Business League delegation: Jason Magdalena, Daniel Becka, Yann Curtis, Adam Dukelow, and Sheldon Busch.

The Senate welcomed its guests.

**SENATE RESOLUTION 475**

Senator Campbell offered the following resolution:

WHEREAS, The Senate of the State of Texas takes pleasure in recognizing Anne Cornell and Aaron Mason, who recently completed their shared mission to visit all of the state's historic courthouses; and

WHEREAS, The pair took a journey to see these architectural gems because they both have a passion for historic preservation and because Texas is renowned for its stately and impressive courthouses; and

WHEREAS, Anne and Aaron set out to explore the diversity of architecture that characterizes these famous structures; they were halfway through their tour when they decided to become engaged and to marry in one of the courthouses; they decided to wed in one of their favorite structures, the Ellis County Courthouse in Waxahachie; and

WHEREAS, The buildings that house regional seats of government are reflections of not only the designers' sensibilities but of the region itself; the structures often employ materials that are native to the area, and in many ways they represent a county's ambitions, as well as its past; and

WHEREAS, Anne and Aaron took a unique journey to honor Texas history; in the process, they realized they wanted to create their own history as a couple; the story of their architectural journey and its lasting influence is one they will share with loved ones for years to come; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby commend Anne Cornell and Aaron Mason on their appreciation of historical architecture and interest in preservation and extend to them congratulations on their recently completed trip to explore all of the state's historic courthouses; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Anne and Aaron as an expression of high regard from the Texas Senate.

**SR 475** was again read.

The resolution was previously adopted on Monday, March 18, 2013.

**GUESTS PRESENTED**

Senator Campbell was recognized and introduced to the Senate Anne Cornell and Aaron Mason.

The Senate welcomed its guests.

**SENATE RESOLUTION 600**

Senator Seliger offered the following resolution:

**SR 600**, Recognizing April 4, 2013, as Educational Technology Day.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Seliger was recognized and introduced to the Senate a Texas Computer Education Association delegation.

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.

**GUESTS PRESENTED**

Senator Hegar was recognized and introduced to the Senate a City of Katy delegation.

The Senate welcomed its guests.

**CONCLUSION OF MORNING CALL**

The President at 11:31 a.m. announced the conclusion of morning call.

**SENATE BILL 769 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 769** at this time on its second reading:

**SB 769**, Relating to the establishment of a pilot program to provide specialized training to foster parents of certain children.

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: Deuell.

**SENATE BILL 769 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 769** be placed on its third reading and final passage.

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

Absent-excused: Deuell.

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

**SENATE BILL 423 ON SECOND READING**

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 423** at this time on its second reading:

**SB 423**, Relating to the flexible response system for investigations of child abuse or neglect reports by 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: Deuell.

**SENATE BILL 423 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 **SB 423** be placed on its third reading and final passage.

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

Absent-excused: Deuell.

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 816 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 816** at this time on its second reading:

**CSSB 816**, Relating to the date by which a school district must complete a report of an initial evaluation of a student for special education 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: Deuell.

**COMMITTEE SUBSTITUTE  
SENATE BILL 816 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 816** be placed on its third reading and final passage.

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

Absent-excused: Deuell.

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

**BIRTHDAY GREETINGS EXTENDED**

The President, on behalf of the Senate, extended birthday greetings to Senator Patrick.

**(Senator Eltife in Chair)**

**SENATE BILL 1404 ON SECOND READING**

On motion of Senator Patrick and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1404** at this time on its second reading:

**SB 1404**, Relating to attendance at and completion of high school by students who are in the conservatorship 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: Deuell.

**SENATE BILL 1404 ON THIRD READING**

Senator Patrick moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1404** be placed on its third reading and final passage.

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

Absent-excused: Deuell.

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 393 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 393** at this time on its second reading:

**CSSB 393**, Relating to the prosecution of children accused of certain Class C misdemeanors.

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: Deuell.

**COMMITTEE SUBSTITUTE  
SENATE BILL 393 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 393** be placed on its third reading and final passage.

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

Absent-excused: Deuell.

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 1238 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 1238** at this time on its second reading:

**CSSB 1238**, Relating to the composition and duties of and investigations conducted by the Texas Forensic Science Commission, the administrative attachment of the Texas Forensic Science Commission to Sam Houston State University, and the accreditation of criminal laboratories by the Department of Public Safety of the State of Texas.

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: Deuell.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1238 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 1238** be placed on its third reading and final passage.

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

Absent-excused: Deuell.

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 1297 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 1297** at this time on its second reading:

**CSSB 1297**, Relating to written electronic communications between members of a governmental body.

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: Deuell.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1297 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 1297** be placed on its third reading and final passage.

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

Absent-excused: Deuell.

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

**SENATE BILL 557 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 557** at this time on its second reading:

**SB 557**, Relating to a voluntary contribution to the fund for veterans' assistance when applying for a driver's license or personal identification certificate.

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: Deuell.

**SENATE BILL 557 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 557** be placed on its third reading and final passage.

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

Absent-excused: Deuell.



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 981 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 981** at this time on its second reading:

**CSSB 981**, Relating to electric utility bill payment assistance programs for certain veterans burned in combat.

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: Deuell.

**COMMITTEE SUBSTITUTE  
SENATE BILL 981 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 981** be placed on its third reading and final passage.

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

Absent-excused: Deuell.

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

**SENATE BILL 664 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 664** at this time on its second reading:

**SB 664**, Relating to the allocation of certain grants from the fund for veterans' assistance.

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: Deuell.

**SENATE BILL 664 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 664** be placed on its third reading and final passage.

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

Absent-excused: Deuell.

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

#### **SENATE BILL 886 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 886** at this time on its second reading:

**SB 886**, Relating to extended foster care for certain young adults and the extended jurisdiction of a court in a suit affecting the parent-child relationship involving those young adults.

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: Deuell.

#### **SENATE BILL 886 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 886** be placed on its third reading and final passage.

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

Absent-excused: Deuell.

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 1286 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 1286** at this time on its second reading:

**CSSB 1286**, Relating to the regulation of professional employer services; 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 except as follows:

Absent-excused: Deuell.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1286 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 1286** be placed on its third reading and final passage.

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

Absent-excused: Deuell.

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 1289 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 1289** at this time on its second reading:

**CSSB 1289**, Relating to certain business entities engaged in the publication of mug shots and other information regarding the involvement of an individual in the criminal justice system; providing a civil penalty.

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: Deuell.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1289 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 1289** be placed on its third reading and final passage.

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

Absent-excused: Deuell.

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 820 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 820** at this time on its second reading:

**CSSB 820**, Relating to procedures relating to the issuance and renewal of, and certain notice requirements associated with, certain deer permits.

The bill was read second time.

Senator Williams offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 820** (Senate Committee Printing) as follows:

(1) In SECTION 4 of the bill, in proposed Section 12.607(b), Parks and Wildlife Code (page 3, lines 38-42), strike "district court in:

(1) the county where the permitted facility, if applicable, is located;

(2) the county where the permittee resides; or

(3) Travis County."

and substitute "district court in Travis County."

(2) In SECTION 4 of the bill, at the end of proposed Section 12.607(b), Parks and Wildlife Code (page 3, between lines 42 and 43), insert the following:

(c) The appeal shall be by trial de novo.

The amendment to **CSSB 820** 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: Deuell.

Senator Williams offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **CSSB 820** (Senate Committee Printing) as follows:

(1) In SECTION 5 of the bill, at the end of proposed Section 43.370(b), Parks and Wildlife Code (page 3, between lines 57 and 58), insert the following:

(c) The deer breeder may waive the 10-day waiting period required under Subsection (b)(2).

(2) In SECTION 6 of the bill, at the end of proposed Section 43.6055(b), Parks and Wildlife Code (page 4, between lines 3 and 4), insert the following:

(c) The permit holder may waive the 10-day waiting period required under Subsection (b)(2).

(3) In SECTION 7 of the bill, at the end of proposed Section 43.6255(b), Parks and Wildlife Code (page 4, between lines 18 and 19), insert the following:

(c) The permit holder may waive the 10-day waiting period required under Subsection (b)(2).

The amendment to **CSSB 820** 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: Deuell.

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

**CSSB 820** 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: Deuell.

**COMMITTEE SUBSTITUTE  
SENATE BILL 820 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 820** be placed on its third reading and final passage.

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

Absent-excused: Deuell.

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

**(President in Chair)**

**COMMITTEE SUBSTITUTE  
SENATE BILL 894 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 894** at this time on its second reading:

**CSSB 894**, Relating to real property within the Capitol complex.

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: Deuell.

**COMMITTEE SUBSTITUTE  
SENATE BILL 894 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 894** be placed on its third reading and final passage.

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

Absent-excused: Deuell.

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 507 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 507** at this time on its second reading:

**CSSB 507**, Relating to public and private facilities and infrastructure.

The bill was read second time.

**(Senator Nelson in Chair)**

Senator Watson offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 507** (senate committee report), in SECTION 11 of the bill, by striking amended Section 2268.052(a), Government Code (page 7, lines 39-50), and substituting the following:

(a) The commission consists of the following five [~~11~~] members:

(1) the chair of the House Appropriations Committee [~~or the chair's designee~~];

(2) one representative [~~three representatives~~] appointed by the speaker of the house of representatives;

(3) the chair of the Senate Finance Committee [~~or the chair's designee~~];

(4) one senator [~~three senators~~] appointed by the lieutenant governor; and

(5) one public member [~~three representatives of the executive branch~~], appointed by the governor.

The amendment to **CSSB 507** 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: Deuell.

Senator Watson offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **CSSB 507** (senate committee report), by adding a new SECTION 17 as follows and renumbering subsequent sections appropriately:

SECTION 17. Section 552.153, Government Code, as added by Acts 2011, 82nd Legislature, Regular Session, Ch. 1334, Sec. 2, is repealed.

The amendment to **CSSB 507** 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: Deuell.

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

**CSSB 507** 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: Deuell.

**COMMITTEE SUBSTITUTE  
SENATE BILL 507 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 507** be placed on its third reading and final passage.

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

Absent-excused: Deuell.

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 299 ON SECOND READING**

Senator Estes moved to suspend the regular order of business to take up for consideration **CSSB 299** at this time on its second reading:

**CSSB 299**, Relating to the intentional display of a handgun by a person licensed to carry a concealed handgun.

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

Yeas: Birdwell, Campbell, Carona, Davis, 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.

Absent-excused: Deuell.

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 299 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 299** 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, 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.

Absent-excused: Deuell.

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

**SENATE BILL 1380 ON SECOND READING**

Senator Patrick moved to suspend the regular order of business to take up for consideration **SB 1380** at this time on its second reading:

**SB 1380**, Relating to the placement of video monitoring cameras in self-contained classrooms providing special education services.

The motion prevailed.

Senators Estes, Fraser, Hegar, Nelson, 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 Patrick offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 1380** (senate committee printing) in SECTION 2 of the bill, at the end of added Section 29.022(a), Education Code (page 1, at the end of line 44), by inserting the following:

Cameras placed under this section must be capable of covering all areas of the classroom.

The amendment to **SB 1380** 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, Fraser, Nelson, Nichols, Schwertner.

Absent-excused: Deuell.

Senator Patrick offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **SB 1380** (senate committee printing) in SECTION 2 of the bill, following added Section 29.022(b), Education Code (page 1, between lines 48 and 49), by inserting the following:

(c) A school district shall retain video recorded from a camera placed under this section until at least the first anniversary of the date the video was recorded.

The amendment to **SB 1380** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2 except as follows:

Nays: Estes, Fraser, Nelson, Nichols, Schwertner.

Absent-excused: Deuell.

**VOTE RECONSIDERED**

On motion of Senator Patrick and by unanimous consent, the vote by which Floor Amendment No. 1 was adopted was reconsidered.

Question — Shall Floor Amendment No. 1 to **SB 1380** be adopted?

Senator Patrick again offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 1380** (senate committee printing) in SECTION 2 of the bill, at the end of added Section 29.022(a), Education Code (page 1, at the end of line 44), by inserting the following:

Cameras placed under this section must be capable of covering all areas of the classroom.



The amendment to **SB 1380** was again read and was again 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, Fraser, Nelson, Nichols, Schwertner.

Absent-excused: Deuell.

Senator Patrick offered the following amendment to the bill:

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

Amend **SB 1380** (senate committee printing) in SECTION 2 of the bill, following added Section 29.022(b), Education Code (page 1, between lines 48 and 49), by inserting the following:

(d) A school district may solicit and accept gifts, grants, and donations from any person for use in placing video monitoring cameras in classrooms under this section.

The amendment to **SB 1380** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 3 except as follows:

Nays: Estes, Fraser, Nelson, Nichols, Schwertner.

Absent-excused: Deuell.

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

**SB 1380** 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: Estes, Fraser, Hegar, Nelson, Nichols, Schwertner.

Absent-excused: Deuell.

### **SENATE BILL 1380 ON THIRD READING**

Senator Patrick moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1380** be placed on its third reading and final passage.

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

Yeas: Birdwell, Campbell, Carona, Davis, Duncan, Ellis, Eltife, Garcia, Hancock, Hinojosa, Huffman, Lucio, Patrick, Paxton, Rodríguez, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Estes, Fraser, Hegar, Nelson, Nichols, Schwertner.

Absent-excused: Deuell.

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 617 ON SECOND READING**

Senator Carona moved to suspend the regular order of business to take up for consideration **CSSB 617** at this time on its second reading:

**CSSB 617**, Relating to the regulation of energy efficiency professionals; providing penalties.

The motion prevailed by the following vote: Yeas 20, Nays 10.

Yeas: Carona, Davis, Duncan, Ellis, Estes, Garcia, Hancock, Hegar, Hinojosa, Lucio, Nichols, Rodríguez, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Campbell, Eltife, Fraser, Huffman, Nelson, Patrick, Paxton, Schwertner, Seliger.

Absent-excused: Deuell.

The bill was read second time.

Senator Carona offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 617** (senate committee report) in SECTION 1 of the bill, in added Section 1307.101, Occupations Code (page 3, line 59), between "perform" and "an", by inserting "or offer to perform".

The amendment to **CSSB 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 except as follows:

Absent-excused: Deuell.

Senator Carona offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **CSSB 617** (senate committee report) in SECTION 3(b) of the bill (page 7, line 11), by striking "Subchapter D" and substituting "Subchapters D and E".

The amendment to **CSSB 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. 2 except as follows:

Absent-excused: Deuell.

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

**CSSB 617** as amended was passed to engrossment by the following vote: Yeas 16, Nays 14.

Yeas: Carona, Davis, Duncan, Ellis, Garcia, Hegar, Hinojosa, Lucio, Rodríguez, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Campbell, Eltife, Estes, Fraser, Hancock, Huffman, Nelson, Nichols, Patrick, Paxton, Schwertner, Seliger, Taylor.

Absent-excused: Deuell.

**SENATE BILL 201 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 201** at this time on its second reading:

**SB 201**, Relating to the continuation and functions of the State Preservation Board.

The bill was read second time.

Senator Eltife offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 201** by adding appropriately numbered sections as follows:

SECTION \_\_\_\_\_. Chapter 443, Government Code, is amended by adding Section 443.031 to read as follows:

Sec. 443.031. MANSION RENEWAL TRUST FUND. (a) The Mansion renewal trust fund is created as a trust fund outside the treasury with the comptroller and shall be administered by the board, as a trustee on behalf of the people of this state, to maintain and preserve the Governor's Mansion. The fund consists of:

(1) money transferred to the fund at the direction of the legislature; or

(2) money donated to the board for the purposes of preserving and maintaining the Governor's Mansion.

(b) money in the fund may be used only for the purpose of major repairs to or preservation of the Governor's Mansion, as determined by the board.

(c) The interest received from investment of money in the fund shall be credited to the fund.

SECTION \_\_\_\_\_. Chapter 445, Government Code, is amended by adding Section 445.014 to read as follows:

Section 445.014. The board shall formulate and adopt reasonable policies for naming spaces within the museum, including the designation of rooms, exhibition halls, or other areas in honor of donors or other benefactors, if appropriate.

The amendment to **SB 201** 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: Deuell.

Senator Watson offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **SB 201** (introduced version) as follows:

(1) Insert a new SECTION 4 to read as follows and renumber subsequent SECTIONs accordingly.

SECTION 4. Section 443.0071, Government Code, is amended to read as follows:

Sec. 443.0071. REVIEW OF CONSTRUCTION IN CAPITOL COMPLEX.

(a) A proposal to construct a building, monument, or other improvement in the Capitol complex must be:

(1) consistent with Capitol Complex design guidelines or standards adopted as part of a 1989 planning process or subsequently adopted based on a Capitol Complex master plan; and

(2) submitted to the board for its review and comment at the earliest planning stages of any such project.

(b) Not later than the 60th day after the date the board receives final designs for a building in the Capitol complex, the board may by a public vote disapprove the project if the board determines that the project does not meet the requirements of Subsection (a)(1) or is not in the best interest of the state or of the Capitol complex.

(c) The project is considered to be approved by the board if the board does not hold the public vote authorized by Subsection (b) on or before the date required under that subsection.

(d) In this section, "Capitol complex" means the state-owned property within the area bounded on the north by Martin Luther King, Jr., Boulevard, bounded on the east by Trinity Street, bounded on the south by 10th Street, and bounded on the west by Lavaca Street.

The amendment to **SB 201** 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: Deuell.

Senator Whitmire offered the following amendment to the bill:

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

Amend **SB 201** (committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill as appropriate:

SECTION \_\_\_\_\_. Subchapter F, Chapter 2165, Government Code, is amended by adding Section 2165.259 to read as follows:

Sec. 2165.259. SMOKING TOBACCO ON STATE CAPITOL GROUNDS. (a) In this section, "State Capitol grounds" has the meaning assigned by Section 2165.255.

(b) A person commits an offense if the person is in possession of a burning tobacco product or smokes tobacco on the State Capitol grounds.

(c) An offense under this section is a Class C misdemeanor.

(d) The State Preservation Board shall adopt rules on the enforcement and notification of Section 2165.259.

The amendment to **SB 201** was read and was adopted by the following vote: Yeas 23, Nays 6.

Yeas: Birdwell, Campbell, Carona, Davis, Duncan, Ellis, Eltife, Garcia, Hancock, Hinojosa, Huffman, Lucio, Nelson, Patrick, Rodríguez, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Estes, Hegar, Nichols, Paxton, Schwertner, Seliger.

Absent: Fraser.

Absent-excused: Deuell.

Senator Zaffirini offered the following amendment to the bill:

**Floor Amendment No. 4**

Amend **SB 201** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION \_\_. The State Preservation Board shall develop and conduct a study to evaluate the feasibility of establishing lactation suites in the Capitol Complex for breastfeeding mothers, specifically to facilitate their expressing breast milk.

|           |            |              |
|-----------|------------|--------------|
| ZAFFIRINI | HINOJOSA   | VAN DE PUTTE |
| CARONA    | LUCIO      | WATSON       |
| DAVIS     | RODRÍGUEZ  | WEST         |
| ELLIS     | SCHWERTNER | WHITMIRE     |
| GARCIA    | URESTI     |              |

The amendment to **SB 201** was read.

Senator Seliger offered the following amendment to Floor Amendment No. 4:

**Floor Amendment No. 5**

Amend Amendment No. 4 by Zaffirini to **SB 201** by striking "lactation suites in the Capitol Complex" and substituting "a lactation suite in Room 1E.14 of the Capitol building".

The amendment to Floor Amendment No. 4 to **SB 201** was read.

Senator Seliger withdrew Floor Amendment No. 5.

Question — Shall Floor Amendment No. 4 to **SB 201** be adopted?

Senator Birdwell moved to table Floor Amendment No. 4.

Senator Birdwell withdrew the motion to table Floor Amendment No. 4.

Question recurring on the adoption of Floor Amendment No. 4 to **SB 201**, the amendment 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: Deuell.

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

**SB 201** 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: Deuell.

### **SENATE BILL 201 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 201** be placed on its third reading and final passage.

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

Absent-excused: Deuell.

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 987 ON SECOND READING**

Senator Hegar moved to suspend the regular order of business to take up for consideration **CSSB 987** at this time on its second reading:

**CSSB 987**, Relating to allowing the attorney general to obtain an injunction against a municipality or county that adopts prohibited regulations regarding firearms, ammunition, or firearm supplies.

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

Yeas: Birdwell, Campbell, Carona, Davis, Duncan, Eltife, Estes, Fraser, Hancock, Hegar, Hinojosa, Huffinan, Nelson, Nichols, Patrick, Paxton, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Williams, Zaffirini.

Nays: Ellis, Garcia, Lucio, Watson, West, Whitmire.

Absent-excused: Deuell.

The bill was read second time.

Senator Birdwell offered the following amendment to the bill:

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

Amend **CSSB 987** (senate committee printing) as follows:

(1) In the recital to SECTION 1 of the bill (page 1, line 22), strike "Subsection (f)" and substitute "Subsections (f), (g), and (h)".

(2) In SECTION 1 of the bill, following Section 229.001(f), Local Government Code (page 1, between lines 25 and 26), insert the following:

(g) A person or an organization whose membership is adversely affected by a regulation adopted by a municipality in violation of this section may file suit against the municipality in the appropriate court for equitable relief, including a declaratory judgment and injunctive relief, and for actual and consequential damages. Notwithstanding any other provision of law and in addition to other remedies available, a person who brings an action under this section is entitled to recover reasonable attorney's fees and costs and:

(1) actual damages if, not later than the 30th day after the date the suit is filed and not earlier than the date of the court's final determination of the case, the municipality repeals the regulation adopted in violation of this section;

(2) an amount equal to three times the total of actual prejudgment damages if, after the 30th day after the date the suit is filed and not earlier than the date of the court's final determination of the case, the municipality repeals the regulation adopted in violation of this section; or

(3) an amount equal to three times the total of actual damages if the court makes a final determination in favor of the person bringing the action under this section.

(h) Sovereign immunity to suit and from liability is waived and abolished to the extent of liability created by Subsection (g), and a claimant may sue a municipality for damages allowed by that subsection.

(3) In SECTION 2 of the bill, in amended Section 236.002, Local Government Code (page 1, between lines 39 and 40), insert the following:

(c) A person or an organization whose membership is adversely affected by a regulation adopted by a county in violation of this section may file suit against the county in the appropriate court for equitable relief, including a declaratory judgment and injunctive relief, and for actual and consequential damages. Notwithstanding any other provision of law and in addition to other remedies available, a person who brings an action under this section is entitled to recover reasonable attorney's fees and costs and:

(1) actual damages if, not later than the 30th day after the date the suit is filed and not earlier than the date of the court's final determination of the case, the county repeals the regulation adopted in violation of this section;

(2) an amount equal to three times the total of actual prejudgment damages if, after the 30th day after the date the suit is filed and not earlier than the date of the court's final determination of the case, the county repeals the regulation adopted in violation of this section; or

(3) an amount equal to three times the total of actual damages if the court makes a final determination in favor of the person bringing the action under this section.

(d) Sovereign immunity to suit and from liability is waived and abolished to the extent of liability created by Subsection (c), and a claimant may sue a county for damages allowed by that subsection.

The amendment to **CSSB 987** was read.

Senator Birdwell withdrew Floor Amendment No. 1.

**CSSB 987** was passed to engrossment by a viva voce vote.

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

Nays: Ellis, Garcia, Lucio, Watson, West, Whitmire.

Absent-excused: Deuell.

(President in Chair)

**COMMITTEE SUBSTITUTE  
SENATE BILL 987 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 987** be placed on its third reading and final passage.

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

Yeas: Birdwell, Campbell, Carona, Davis, Duncan, Eltife, Estes, Fraser, Hancock, Hegar, Hinojosa, Huffman, Nelson, Nichols, Patrick, Paxton, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Williams, Zaffirini.

Nays: Ellis, Garcia, Lucio, Watson, West, Whitmire.

Absent-excused: Deuell.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 6. (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 1863**, **SB 1866**, **SB 1871**.

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 1863** by Hinojosa

Relating to use of district funds by the Nueces County Hospital District.  
To Committee on Intergovernmental Relations.

**SB 1864** by Hegar

Relating to the creation of Fulshear Parkway Improvement District; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.  
To Committee on Intergovernmental Relations.

**SB 1865** by Williams

Relating to the boundaries of the East Montgomery County Municipal Utility Districts Nos. 6 and 7.  
To Committee on Intergovernmental Relations.



**SB 1866** by Uresti

Relating to the regulation of certain water wells by the Brewster County Groundwater Conservation District.

To Committee on Natural Resources.

**SB 1867** by Campbell

Relating to the creation of the Cascades Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

**SB 1868** by Campbell

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.

To Committee on Intergovernmental Relations.

**SB 1869** by 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.

To Committee on Intergovernmental Relations.

**SB 1870** by Hegar

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.

To Committee on Natural Resources.

**SB 1871** by Estes

Relating to burial on property dedicated for cemetery purposes as part of the State Cemetery.

To Committee on Administration.

**HOUSE BILL AND RESOLUTIONS ON FIRST READING**

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

**HB 677** to Committee on Administration.

**HCR 24** to Committee on Administration.

**HCR 53** to Committee on Administration.

**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 **SB 545** 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.

**MOTION TO ADJOURN**

On motion of Senator Whitmire and by unanimous consent, the Senate at 1:54 p.m. agreed to adjourn, pending the receipt of committee reports, until 2:00 p.m. Monday, April 8, 2013.

**CO-AUTHOR OF SENATE BILL 248**

On motion of Senator Davis, Senator Van de Putte will be shown as Co-author of **SB 248**.

**CO-AUTHOR OF SENATE BILL 393**

On motion of Senator West, Senator Hinojosa will be shown as Co-author of **SB 393**.

**CO-AUTHORS OF SENATE BILL 557**

On motion of Senator Davis, Senators Campbell and Hinojosa will be shown as Co-authors of **SB 557**.

**CO-AUTHOR OF SENATE BILL 597**

On motion of Senator Birdwell, Senator Nelson will be shown as Co-author of **SB 597**.

**CO-AUTHOR OF SENATE BILL 816**

On motion of Senator Hegar, Senator Deuell will be shown as Co-author of **SB 816**.

**CO-AUTHOR OF SENATE BILL 820**

On motion of Senator Williams, Senator Campbell will be shown as Co-author of **SB 820**.

**CO-AUTHORS OF SENATE BILL 981**

On motion of Senator Van de Putte, Senators Davis and Hinojosa will be shown as Co-authors of **SB 981**.

**CO-AUTHOR OF SENATE BILL 1197**

On motion of Senator Taylor, Senator Hancock will be shown as Co-author of **SB 1197**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**SR 601** by Watson, In memory of Thomas David Kirksey.

**SR 602** by Watson, In memory of Robert Vasquez "Pinaco" Abeita.

**SR 604** by Davis, In memory of Sandra Lutz.

**SR 606** by Davis, In memory of James Bryan Killebrew.

### **Congratulatory Resolutions**

**SR 593** by Fraser, Recognizing the Texas Water Smart Coalition.

**SR 594** by Lucio, Recognizing Sacred Heart Church on the occasion of its 100th anniversary.

**SR 596** by Ellis, Commending James C. Roland for his 32 years in the ministry.

**SR 597** by Ellis, Recognizing Joyce Faye Smith and Royce Ray Smith on the occasion of their 80th birthday.

**SR 599** by Schwertner, Recognizing Cash and Esther Harper on the occasion of their 60th anniversary.

**SR 603** by Davis, Recognizing Carlos Walker and Deterrius Boose for their achievements.

**SR 605** by Davis, Recognizing John Robinson for receiving the 2013 Judge Scott Moore Award.

### **Official Designation Resolutions**

**SR 595** by Hegar, Huffman, and Patrick, Recognizing April 4, 2013, as Katy Day.

**SR 598** by Schwertner, Recognizing April 23, 2013, as Williamson County Day.

**(Senator Eltife in Chair)**

### **ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 4:15 p.m. adjourned until 2:00 p.m. Monday, April 8, 2013.

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## **APPENDIX**

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### **COMMITTEE REPORTS**

The following committee reports were received by the Secretary of the Senate in the order listed:

April 4, 2013

BUSINESS AND COMMERCE — **CSSB 1120**

STATE AFFAIRS — **CSSB 1773, CSSB 632, CSSB 1367, CSSB 817**

BUSINESS AND COMMERCE — **CSSB 1004, CSSB 1090, CSSB 1372**

HIGHER EDUCATION — **SB 1019, SB 1530**

INTERGOVERNMENTAL RELATIONS — SB 706, SB 757, SB 1009, SB 1063, SB 1064, SB 1065, SB 1066, SB 1067, SB 1068, SB 1069, SB 1071, SB 1072, SB 1073, SB 1266, SB 1822, SB 1825, SB 1829, SB 1830, SB 1831, SB 1843

BUSINESS AND COMMERCE — CSSB 1672

EDUCATION — SB 1362, CSSB 929

TRANSPORTATION — CSSB 1487

ECONOMIC DEVELOPMENT — CSSB 1548, SB 1584

TRANSPORTATION — SB 1411, CSSB 1314

GOVERNMENT ORGANIZATION — CSSB 1457

ECONOMIC DEVELOPMENT — CSSB 919

GOVERNMENT ORGANIZATION — CSSB 1680, CSSB 1681

NATURAL RESOURCES — CSSB 1429, CSSB 1811, CSSB 1385

EDUCATION — CSSB 503

JURISPRUDENCE — SB 1832, SB 1236, SB 774

HIGHER EDUCATION — CSSB 857, CSSB 986

HEALTH AND HUMAN SERVICES — SB 545

FINANCE — SB 446, SB 485, SB 546, SB 1076, SB 1224

CRIMINAL JUSTICE — SB 670, SB 727, SB 826, SB 864, SB 970

#### **BILLS ENGROSSED**

April 3, 2013

**SB 122, SB 123, SB 124, SB 149, SB 150, SB 352, SB 492, SB 534, SB 567, SB 672**

#### **RESOLUTIONS ENROLLED**

April 3, 2013

**SR 571, SR 581, SR 585, SR 586, SR 587, SR 588, SR 589, SR 590**

# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**THIRTY-SIXTH DAY**

(Monday, April 8, 2013)

The Senate met at 2:13 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.

Pastor David Smith, Community Baptist Church, Danbury, offered the invocation as follows:

Dear heavenly Father, we come to You today thanking You for the many blessings You have given us. We thank You for building this nation and this great State of Texas as one nation under God. May we never forget or lose sight of Your direction for this world. Thank You, Lord, for those who have fought and served before and for those who are serving today. Thank You for giving us a government "of the people, by the people, and for the people." And so we pray, O Lord, for this Texas Legislature. We ask You to grant them wisdom as they work hard to fulfill that which they are called to do. May all of their decisions be based on Your holy and sufficient word. We thank You, Lord, for their service and commitment to doing Your will for the people of the State of Texas. We ask You to bless them and their families as they serve You in their duties. May You grant each leader here with ideas and desires that would bring the people of Texas closer to You and Your grace. May all the decisions made here in this building today and in the future be glorifying and honoring to You, Lord. So, we thank You for building this great state into one of the spiritual leaders of our country and this world. And we thank You for those who have worked hard to keep us focused on "one nation under God." May You give every leader here and each citizen of Texas strength and determination to remain focused on Your desire for Your people. Thank You, Lord, for answering these prayers and for Your grace and mercy. We ask all these things in the holy name of Jesus Christ our 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.

### MESSAGES FROM THE GOVERNOR

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

April 4, 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 Professional Geoscientists for terms to expire February 1, 2019:

Joseph P. DeWoody

Fort Worth, Texas

(replacing Ronald Kitchens of Harper whose term expired)

Charles T. "Tom" Hallmark

Hearne, Texas

(Dr. Hallmark is being reappointed)

W. David Prescott, II

Amarillo, Texas

(replacing Barbara Roeling of Austin whose term expired)

To be members of the Health and Human Services Council for terms to expire February 1, 2019:

James Richard Barajas

Fort Worth, Texas

(replacing Sharon Barnes of Rosharon whose term expired)

Leon J. Leach

New Ulm, Texas

(Dr. Leach is being reappointed)

Thomas C. Wheat

University Park, Texas

(Mr. Wheat is being reappointed)

To be members of the Brazos River Authority Board of Directors for terms to expire February 1, 2019:

Richard Ball

Mineral Wells, Texas

(Mr. Ball is being reappointed)

F. LeRoy Bell  
Tuscola, Texas  
(Mr. Bell is being reappointed)

Peter Bennis  
Fort Worth, Texas  
(Mr. Bennis is being reappointed)

William A. "Bill" Masterson  
Guthrie, Texas  
(Mr. Masterson is being reappointed)

G. Dave Scott, III  
Richmond, Texas  
(Mr. Scott is being reappointed)

Raleigh R. White, IV  
Temple, Texas  
(replacing Grady Barr of Abilene whose term expired)

Salvatore A. Zaccagnino  
Caldwell, Texas  
(Mr. Zaccagnino is being reappointed)

To be members of the Texas Real Estate Commission for terms to expire January 31, 2019:

Adrian A. Arriaga, Sr.  
McAllen, Texas  
(Mr. Arriaga is being reappointed)

Chart H. Westcott  
Dallas, Texas  
(replacing R. Christopher Day of Jacksonville whose term expired)

Avis Wukasch  
Georgetown, Texas  
(Ms. Wukasch is being reappointed)

To be Judge of the 357th Judicial District Court, Cameron County, for a term until the next General Election and until his successor shall be duly elected and qualified:

Oscar X. Garcia  
Port Isabel, Texas

Mr. Garcia is replacing Judge Leonel Alejandro who resigned.

Respectfully submitted,

/s/Rick Perry  
Governor

### SENATE RESOLUTION 579

Senator Van de Putte offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to join Texans across the state in celebrating April 8 through 12, 2013, as Healthy Texas Week; and

WHEREAS, The rate of obese and overweight adults in Texas has doubled over the last 20 years, and a comprehensive, long-term commitment to improving the health of all Texans is essential to the future of the state; and

WHEREAS, It will take the cooperation of all Texans, along with the efforts of health-promoting organizations and businesses, to address the current health crisis and reverse this trend in a concerted effort to make healthy the norm in the Lone Star State; and

WHEREAS, Businesses across the state can encourage healthy shopping by offering healthy food, cooking demonstrations, employee engagement, shopping incentives, fitness groups, and events and competitions organized around the three critical pillars of health: food, body, and life; and

WHEREAS, Trailblazing organizations such as H-E-B and Blue Cross Blue Shield of Texas model for other businesses the leadership needed to promote consumer, employee, and community health; and

WHEREAS, Social media can assist in the advancement of this cause; the Healthy Texas Week website will connect Texans to resources and to local healthy activities and allow them to log healthy actions; and

WHEREAS, Families, friends, and neighbors are encouraged to gather together for healthy potluck meals and to share healthy recipes; schools are called upon to celebrate health and to encourage students and staff to form healthy habits, including physical, nutritional, and emotional habits; and

WHEREAS, Employers can do their part by supporting employees' participation in physical activity and healthy food choices at the office, and employees can help to motivate others within their workplace; and

WHEREAS, Texans can gather as neighbors for a regular evening of healthy celebration by walking, running, or riding their bicycles together; with a renewed focus on healthy habits, entire neighborhoods will find an increased appreciation of healthful foods and physical fitness and will discover shared bonds as they pursue the goal of better health; and

WHEREAS, Texans looking for other ways to improve their health are encouraged to dedicate time to volunteer with local health-based nonprofit organizations and the local parks department; and

WHEREAS, Healthy Texas Week is a valuable initiative that will help to unite, motivate, and empower Texans in communities across the state to make healthy the norm; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby encourage all Texans to observe Healthy Texas Week with a commitment to pursuing a healthy lifestyle by moving more, eating better, and living well; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of Healthy Texas Week.

**SR 579** was read and was adopted without objection.

#### **GUESTS PRESENTED**

Senator Van de Putte was recognized and introduced to the Senate Healthy Texas Week honorees: Kate Rogers, Vice-president of Communication and Engagement, H-E-B; Baker Harrell, CEO of ACTIVE Life; Matt Mitchell, Senior Vice-president



and Chief Operating Officer of YMCA Greater San Antonio; Christine Pollei, Executive Director of Marathon Kids; and a delegation of individuals representing Healthy Texas Week.

The Senate welcomed its guests.

### MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Monday, April 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 437** Davis, John  
Relating to career and technical education programs.

**HB 695** Phillips  
Relating to funding state highway markers.

**HB 860** Turner, Chris  
Relating to an exception to the domicile requirement for issuance of a commercial driver's license for certain military personnel.

**HB 1390** Harper-Brown  
Relating to the electronic submission of a request for an attorney general opinion.

**SB 1** Williams Sponsor: Pitts  
General Appropriations Bill.  
(Committee Substitute/Amended)

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

### PHYSICIAN OF THE DAY

Senator Campbell was recognized and presented Dr. Gabriel Ortiz of San Antonio as the Physician of the Day.

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

### RESOLUTION SIGNED

The President announced the signing of the following enrolled resolution in the presence of the Senate: **HCR 81**.

**SENATE RESOLUTION 607**

Senator Hinojosa offered the following resolution:

**SR 607**, Congratulating Ken Baker on the occasion of his retirement.

HINOJOSA  
LUCIO

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Hinojosa was recognized and introduced to the Senate Ken Baker; his wife, Susan Baker; J. D. Baker; Donald Baker; and Craig Hunter.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator West was recognized and introduced to the Senate a Delta Sigma Theta delegation, accompanied by Mae Frances Rowlett, Southwest Regional Director; Sonya Jackson, Texas/New Mexico State Coordinator; Delores Rice, State Social Action Co-coordinator; and State Representative Toni Rose.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Davis was recognized and introduced to the Senate students from the Schieffer School of Journalism at Texas Christian University.

The Senate welcomed its guests.

**SENATE RESOLUTION 618**

Senator Paxton offered the following resolution:

**SR 618**, In memory of Kevin Khoi Signo.

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 Kevin Khoi Signo, the text of the resolution is printed at the end of today's *Senate Journal*.

Senator Paxton was recognized and introduced to the Senate the parents of Kevin Khoi Signo, Henry and Jackie Signo, and other family and friends.

The Senate welcomed its guests and extended its sympathy.

**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 2:53 p.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE  
SENATE BILL 307 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 307** at this time on its second reading:

**CSSB 307**, Relating to the transfer of adult education and literacy programs from the Texas Education Agency to the Texas Workforce 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 307 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 307** 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 CONCURRENT RESOLUTION 78**

The President laid before the Senate the following resolution:

**HCR 78**, Congratulating Paul Qui of Austin on his achievements as a chef and restaurateur.

WATSON

The resolution was read.

On motion of Senator Watson and by unanimous consent, the resolution was considered immediately and was adopted without objection.

**GUESTS PRESENTED**

Senator Watson was recognized and introduced to the Senate Paul Qui, chef at Uchi, Uchiko, East Side King, and East Side King @ Hole in the Wall; Deana Saukam; and Moto Utsunomiya, business partner to Paul Qui.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Van de Putte was recognized and introduced to the Senate Sophia Montemayor, serving today as an Honorary Senate Page, accompanied by her mother, Elsa Williams; her teacher, Elizabeth Apodaca; and principal, B. J. Nelsen.

The Senate welcomed its guests.

**COMMITTEE SUBSTITUTE  
SENATE BILL 119 ON SECOND READING**

Senator Rodríguez moved to suspend the regular order of business to take up for consideration **CSSB 119** at this time on its second reading:

**CSSB 119**, Relating to the operation of special student recovery programs by certain school districts.

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 119 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 119** 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 121 ON SECOND READING**

Senator Rodríguez moved to suspend the regular order of business to take up for consideration **CSSB 121** at this time on its second reading:

**CSSB 121**, Relating to prohibited retaliation against certain state or local public employees for reporting to certain persons violations of law.

The motion prevailed by the following vote: Yeas 23, Nays 8.

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

Nays: Birdwell, Campbell, Fraser, Hancock, Huffman, Nelson, Patrick, Paxton.

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, Fraser, Hancock, Hegar, Huffman, Nelson, Patrick, Paxton.

### **SENATE BILL 1109 ON SECOND READING**

Senator Deuell moved to suspend the regular order of business to take up for consideration **SB 1109** at this time on its second reading:

**SB 1109**, Relating to suspending public school accountability ratings and certain interventions and sanctions for the 2012-2013 school year.

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.

### **SENATE BILL 1109 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 1109** 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)

### **SENATE BILL 545 ON SECOND READING**

On motion of Senator Hancock and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 545** at this time on its second reading:

**SB 545**, Relating to the peace officers authorized to operate an authorized emergency service vehicle used to conduct a police escort.

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 545 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 **SB 545** 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 611 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 611** at this time on its second reading:

**SB 611**, Relating to the irrigation powers and functions of certain water districts.

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **SB 611** (senate committee printing) as follows:

(c) In SECTION 5 of the bill, in amended Section 51.305, Water Code (page 2, line 36), between "water" and the period strike "and other charges approved by the board".

The amendment to **SB 611** 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 Lucio offered the following amendment to the bill:

#### Floor Amendment No. 2

Amend **SB 611** (senate committee printing) as follows:

(1) In SECTION 9 of the bill, in amended Section 51.309, Water Code (page 3, line 10), between the period and "The" insert "(a)".

(2) In SECTION 9 of the bill, in amended Section 51.309, Water Code (page 3), between lines 14 and 15 insert the following:

(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.

(3) In SECTION 21 of the bill (page 5, lines 39 and 40) strike the recital and substitute the following:

SECTION 21. Section 55.359, Water Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(4) In SECTION 21 of the bill, in amended Section 55.359, Water Code (page 5), between lines 45 and 46 insert the following:

(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.

(5) In SECTION 34 of the bill, in amended Section 58.309, Water Code (page 7, line 67), between the period and "The" insert "(a)".

(6) In SECTION 34 of the bill, in amended Section 58.309, Water Code (page 8), between lines 2 and 3, insert the following:

(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.

The amendment to **SB 611** 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 Lucio and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**SB 611** 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 611 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 611** 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 302 ON SECOND READING**

Senator Seliger moved to suspend the regular order of business to take up for consideration **CSSB 302** at this time on its second reading:

**CSSB 302**, Relating to the management, operation, rulemaking authority, and oversight of groundwater conservation districts.

The motion prevailed.

Senators Campbell, 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: Campbell, Nelson, Nichols.

**COMMITTEE SUBSTITUTE  
SENATE BILL 302 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 302** 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, Patrick, Paxton, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Campbell, Nelson, Nichols.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 630 ON SECOND READING**

Senator Carona moved to suspend the regular order of business to take up for consideration **CSSB 630** at this time on its second reading:

**CSSB 630**, Relating to certain obligations of and limitations on residential landlords.

The motion prevailed.

Senators Birdwell, Estes, and Huffman 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, Estes, Huffman.

**COMMITTEE SUBSTITUTE  
SENATE BILL 630 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 630** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

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

Nays: Birdwell, Estes, Huffman.



The bill was read third time and was passed by the following vote: Yeas 28, Nays 3. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 1082 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 1082** at this time on its second reading:

**CSSB 1082**, Relating to examination requirements for certain applicants for a license to practice medicine.

The bill was read second time.

Senator Schwertner offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1082** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 154.006(b), Occupations Code, is amended to read as follows:

(b) A profile must contain the following information on each physician:

(1) the name of each medical school attended and the dates of:

(A) graduation; or

(B) Fifth Pathway designation and completion of the Fifth Pathway

Program;

(2) a description of all graduate medical education in the United States or Canada;

(3) the number of attempts taken by the physician to pass each part of the licensing examination required under Section 155.051;

(4) any specialty certification held by the physician and issued by a medical licensing board that is a member of the American Board of Medical Specialties or the Bureau of Osteopathic Specialists;

(5) [(4)] the number of years the physician has actively practiced medicine in:

(A) the United States or Canada; and

(B) this state;

(6) [(5)] the name of each hospital in this state in which the physician has privileges;

(7) [(6)] the physician's primary practice location;

(8) [(7)] the type of language translating services, including translating services for a person with impairment of hearing, that the physician provides at the physician's primary practice location;

(9) [(8)] whether the physician participates in the Medicaid program;

(10) [(9)] a description of any conviction for a felony, a Class A or Class B misdemeanor, or a Class C misdemeanor involving moral turpitude;

(11) [~~(10)~~] a description of any charges reported to the board to which the physician has pleaded no contest, for which the physician is the subject of deferred adjudication or pretrial diversion, or in which sufficient facts of guilt were found and the matter was continued by a court;

(12) [~~(11)~~] a description of any disciplinary action against the physician by the board;

(13) [~~(12)~~] a description of any disciplinary action against the physician by a medical licensing board of another state;

(14) [~~(13)~~] a description of the final resolution taken by the board on medical malpractice claims or complaints required to be opened by the board under Section 164.201;

(15) [~~(14)~~] whether the physician's patient service areas are accessible to disabled persons, as defined by federal law;

(16) [~~(15)~~] a description of any formal complaint against the physician initiated and filed under Section 164.005 and the status of the complaint; and

(17) [~~(16)~~] a description of any medical malpractice claim against the physician, not including a description of any offers by the physician to settle the claim, for which the physician was found liable, a jury awarded monetary damages to the claimant, and the award has been determined to be final and not subject to further appeal.

The amendment to **CSSB 1082** 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.

**CSSB 1082** 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 1082 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 1082** 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 505 ON SECOND READING**

Senator Deuell moved to suspend the regular order of business to take up for consideration **CSSB 505** at this time on its second reading:

**CSSB 505**, Relating to an exemption from the licensing requirement for certain persons who measure or fit orthoses under the supervision of a physician.

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.

**COMMITTEE SUBSTITUTE  
SENATE BILL 505 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 505** 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)

**SENATE BILL 1012 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 1012** at this time on its second reading:

**SB 1012**; Relating to the McMullen Groundwater Conservation 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.

**SENATE BILL 1012 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 1012** 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 1007 ON SECOND READING**

Senator Carona moved to suspend the regular order of business to take up for consideration **CSSB 1007** at this time on its second reading:

**CSSB 1007**, Relating to own risk and solvency assessment by insurers and insurance groups; providing a penalty.

The motion prevailed.

Senators Hancock 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 engrossment by a viva voce vote.

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

Nays: Hancock, Taylor.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1007 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 1007** 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, Patrick, Paxton, Rodríguez, Schwertner, Seliger, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Hancock, Taylor.

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 1210 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 1210** at this time on its second reading:

**CSSB 1210**, Relating to conditions on the receipt of tuition and fee exemptions and waivers at public 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 **CSSB 1210** (senate committee printing) in SECTION 1 of the bill as follows:

(1) In added Section 54.2001(d), Education Code (page 2), strike lines 16-17 and substitute the following:

"(3) the student's active duty or other service in the United States armed forces or the student's active duty in the Texas National Guard; or"

(2) In added Section 54.2001(g)(1), Education Code (page 2, line 28), strike "to".

(3) In added Section 54.2001(g)(1), Education Code (page 2, line 31), strike "or".

(4) In added Section 54.2001(g)(2), Education Code (page 2, line 32), between "(2)" and "any provision", insert the following:  
"the exemption provided by Section 54.341(a-2)(1)(A), (B), (C), or (D) or (b)(1)(A), (B), (C), or (D); or  
(3)"

The amendment to **CSSB 1210** 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 **CSSB 1210** (senate committee printing) in SECTION 1 of the bill, in added Section 54.2001(d)(4), Education Code (page 2, line 19), between "institution" and ":", insert ", such as hardships endured by those students currently or formerly in the conservatorship of the Department of Family and Protective Services".

The amendment to **CSSB 1210** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2 except as follows:

Nays: Seliger.

Senator Uresti offered the following amendment to the bill:

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

Amend **CSSB 1210** (senate committee printing) in SECTION 1 of the bill as follows:

(1) In added Section 54.2001(g)(1), Education Code (page 2, line 28), strike "to".

(2) In added Section 54.2001(g)(1), Education Code (page 2, line 31), strike "or".

(3) In added Section 54.2001(g)(2), Education Code (page 2, line 32), between "(2)" and "any provision", insert the following:  
"the exemption provided by Section 54.342; or  
(3)"

The amendment to **CSSB 1210** 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 Zaffirini and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSSB 1210** 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 1210 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 1210** 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 617 ON THIRD READING**

Senator Carona moved to suspend the regular order of business to take up for consideration **CSSB 617** at this time on its third reading and final passage:

**CSSB 617**, Relating to the regulation of energy efficiency professionals; providing penalties.

The motion prevailed by the following vote: Yeas 22, Nays 9.

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

Nays: Birdwell, Campbell, Eltife, Fraser, Huffman, Nichols, Patrick, Rodríguez, Schwertner.

The bill was read third time and was passed by the following vote: Yeas 16, Nays 15.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Garcia, Hinojosa, Lucio, Rodríguez, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Campbell, Eltife, Estes, Fraser, Hancock, Hegar, Huffman, Nelson, Nichols, Patrick, Paxton, Schwertner, Seliger, Taylor.

**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 1875**.

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 1872** by Zaffirini, Watson

Relating to the creation of Onion Creek Metro Park District; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

To Committee on Intergovernmental Relations.

**SB 1873** by Estes

Relating to the authority to issue bonds of the Mustang Special Utility District.

To Committee on Intergovernmental Relations.

**SB 1874** by Estes

Relating to the dissolution of the Parker County Utility District No. 1.

To Committee on Intergovernmental Relations.

**SB 1875** by Estes

Relating to the Jack County Hospital District; authorizing the imposition of a tax.

To Committee on Intergovernmental Relations.

**SB 1876** by Hegar

Relating to the election of members of the board of directors of the Pecan Valley Groundwater Conservation District.

To Committee on Natural Resources.

**SB 1877** by Estes

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.

To Committee on Intergovernmental Relations.

**SB 1878** by Estes

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.

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 4** to Committee on Natural Resources.

**HB 410** to Committee on Jurisprudence.

**HB 487** to Committee on State Affairs.

**HB 712** to Committee on Intergovernmental Relations.

**HB 808** to Committee on Health and Human Services.

**HB 1120** to Committee on Criminal Justice.

**HB 2256** to Committee on Economic Development.

**HB 2472** to Committee on Government Organization.

**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 Nominations might meet today.

**CO-AUTHOR OF SENATE BILL 237**

On motion of Senator Van de Putte, Senator Watson will be shown as Co-author of **SB 237**.

**CO-AUTHOR OF SENATE BILL 329**

On motion of Senator Huffman, Senator Garcia will be shown as Co-author of **SB 329**.

**CO-AUTHOR OF SENATE BILL 459**

On motion of Senator Rodríguez, Senator Eltife will be shown as Co-author of **SB 459**.

**CO-AUTHOR OF SENATE BILL 537**

On motion of Senator Deuell, Senator Paxton will be shown as Co-author of **SB 537**.

**CO-AUTHOR OF SENATE BILL 630**

On motion of Senator Carona, Senator West will be shown as Co-author of **SB 630**.

**CO-AUTHOR OF SENATE BILL 971**

On motion of Senator Williams, Senator Ellis will be shown as Co-author of **SB 971**.

**CO-AUTHOR OF SENATE BILL 1253**

On motion of Senator Zaffirini, Senator Campbell will be shown as Co-author of **SB 1253**.

**CO-AUTHOR OF SENATE BILL 1263**

On motion of Senator Taylor, Senator Campbell will be shown as Co-author of **SB 1263**.

**CO-AUTHOR OF SENATE BILL 1309**

On motion of Senator Davis, Senator Deuell will be shown as Co-author of **SB 1309**.

**CO-AUTHOR OF SENATE BILL 1702**

On motion of Senator Taylor, Senator Hinojosa will be shown as Co-author of **SB 1702**.

**CO-AUTHOR OF SENATE RESOLUTION 618**

On motion of Senator Paxton, Senator Hancock will be shown as Co-author of **SR 618**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolution**

**SR 617** by Ellis, In memory of Paul F. Rogers.



### **Congratulatory Resolutions**

**SR 611** by Zaffirini, Commending Bella Mercado for raising funds for Saint Jude Children's Hospital.

**SR 612** by Whitmire, Recognizing W. E. "Pete" Snelson on the occasion of his 90th birthday.

**SR 614** by Taylor, Congratulating the Galveston County 4-H Senior Horse Quiz Bowl Team for winning first place.

**SR 616** by Watson, Recognizing Ben Frank Barnes on the occasion of his 75th birthday.

**SR 620** by Carona, Recognizing Dorothy A. "Dot" Adler for her contributions to the Texas Republican Party.

### **Official Designation Resolution**

**SR 613** by Taylor, Recognizing April of 2013 as Financial Literacy Month in Texas.

### **ADJOURNMENT**

On motion of Senator Whitmire, the Senate at 4:22 p.m. adjourned, in memory of Kevin Khoi Signo and Alex Taylor Olmsted, until 11:00 a.m. tomorrow.

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## **APPENDIX**

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### **COMMITTEE REPORTS**

The following committee reports were received by the Secretary of the Senate in the order listed:

April 8, 2013

**BUSINESS AND COMMERCE — CSSB 583, CSSB 1296**

**STATE AFFAIRS — SB 904, SB 1363**

**CRIMINAL JUSTICE — CSSB 336, CSSB 743, CSSB 745, CSSB 1173**

**JURISPRUDENCE — CSSB 778, CSSB 1235, CSSB 1422**

**ECONOMIC DEVELOPMENT — CSSB 21**

**EDUCATION — CSSB 48, CSSB 418, SB 1474**

**BUSINESS AND COMMERCE — CSSB 992, CSSB 1247**

**TRANSPORTATION — CSSB 459, CSSB 971, CSSB 1017, CSSB 1253, CSSB 1294, CSSB 1729, CSSB 1730, CSSB 1815**

**HIGHER EDUCATION — CSSB 1157**

**JURISPRUDENCE — CSSCR 30**

**BUSINESS AND COMMERCE — CSSB 734**

INTERGOVERNMENTAL RELATIONS — **CSSB 637, CSSB 863, CSSB 1623, CSSB 607, CSSB 1075, CSSB 1265, CSSB 1823, CSSB 1824**

HEALTH AND HUMAN SERVICES — **CSSB 646, SB 889, CSSB 939, CSSB 312, CSSB 421, CSSB 1186, CSSB 1226, CSSB 978, CSSB 993**

NATURAL RESOURCES — **CSSB 791**

CRIMINAL JUSTICE — **CSSB 263, CSSB 264**

GOVERNMENT ORGANIZATION — **CSSB 1679**

FINANCE — **CSSB 657**

JURISPRUDENCE — **CSSB 768**

HIGHER EDUCATION — **CSSB 15**

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — **SB 164, CSSB 871, CSSB 260, CSSB 898, SB 1159**

JURISPRUDENCE — **CSSB 967**

STATE AFFAIRS — **CSSB 219, CSSB 346, CSSB 910**

#### **BILLS ENGROSSED**

April 4, 2013

**SB 181, SB 201, SB 229, SB 233, SB 299, SB 354, SB 356, SB 393, SB 407, SB 423, SB 442, SB 487, SB 490, SB 502, SB 507, SB 557, SB 563, SB 597, SB 654, SB 660, SB 664, SB 679, SB 686, SB 701, SB 736, SB 742, SB 748, SB 751, SB 752, SB 769, SB 816, SB 818, SB 820, SB 821, SB 828, SB 836, SB 877, SB 886, SB 894, SB 920, SB 946, SB 948, SB 965, SB 981, SB 983, SB 987, SB 1008, SB 1026, SB 1033, SB 1053, SB 1096, SB 1107, SB 1156, SB 1169, SB 1238, SB 1241, SB 1286, SB 1289, SB 1297, SB 1376, SB 1380, SB 1404, SB 1577**

#### **RESOLUTIONS ENROLLED**

April 4, 2013

**SR 460, SR 593, SR 594, SR 595, SR 596, SR 597, SR 598, SR 599, SR 600, SR 601, SR 602, SR 603, SR 604, SR 605, SR 606**

**In Memory**  
**of**  
**Kevin Khoi Signo**  
**Senate Resolution 618**

WHEREAS, No words can adequately express the heartache felt at the tragic loss of Kevin Khoi Signo of Frisco, who passed away on March 3, 2013, at the age of 18; and

WHEREAS, Born to Henry and Jackie Signo in Parkridge, Illinois, on March 15, 1994, Kevin Signo graduated from Frisco High School; at the time of his death, he was a freshman at Baylor University, where he was studying pre-biology; and

WHEREAS, Mr. Signo was known for his friendliness, generosity, and spirituality; he was active in numerous campus organizations, including the Filipino Student Association and its traditional dance group, the Vietnamese Student Association, and Asians for Christ; in addition, he was an avid soccer player and a member of the university's club team; and

WHEREAS, Although his days were far too few, Kevin Signo brought much joy to his loved ones, and he will forever be remembered with deep affection by all who held him close to their hearts; now, therefore, be it

RESOLVED, That the Senate of the 83rd Texas Legislature hereby pay tribute to the life of Kevin Signo and extend sincere sympathy to the members of his family: to his parents, Henry and Jackie Signo; to his sister, Julie Signo; to his grandparents, Genaro and Julita Signo and Quynh and Long Nguyen; to his aunts and uncles, Art Signo and his wife, Malou, John Signo and his wife, Debbie, Kiki Pham and her husband, Kris, Tran Bui and her husband, Hai, and Khai Nguyen and his wife, Sushma; to his cousins, Andrew, Anthony, and Vivian Pham, Eric, Geoffrey, and Steven Bui, and Bryan, Richard, Jared, Christopher, Justin, and Michael Signo; 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 Senate adjourns this day, it do so in memory of Kevin Signo.

PAXTON



# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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THIRTY-SEVENTH DAY

(Tuesday, April 9, 2013)

The Senate met at 11:09 a.m. pursuant to adjournment and was called to order by President Pro Tempore Van de Putte.

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 Pro Tempore announced that a quorum of the Senate was present.

Daniel Cardinal DiNardo, Archdiocese of Galveston-Houston, offered the invocation as follows:

Lord God, heavenly Father, we humbly invoke Your assistance over this legislative assembly and over each of its Members. We ask that the deliberations of the Senate of the State of Texas be imbued with a spirit of right judgment and wisdom and that the decisions made here reflect a selfless and disinterested concern for the public good. May each Senator act with generous concern for the good of all who dwell here, and may their votes be a reflection of a good and clear conscience. May they take to heart how their exercise of political judgment will affect the lives of the children, women, and men who form the communities, great and small, that make up the State of Texas. May they find the courage to stand up and protect the poor and vulnerable from falling prey to exploitation by predatory actors. O Lord, bless all of us in this state to take up generously our responsibilities to one another, that ours may be a peaceable reflection of that kingdom of justice, compassion, and peace, which though not yet come to fulfillment is yet destined by Your grace to renew the face of the Earth. In our Lord's 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.

**SENATE RESOLUTION 627**

Senator Lucio offered the following resolution:

**SR 627**, Recognizing April 9, 2013, as Catholic Faith in Action Advocacy Day.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Lucio was recognized and introduced to the Senate His Eminence Daniel Cardinal DiNardo, Archdiocese of Galveston-Houston, accompanied by Bishops Patrick J. Zurek, Diocese of Amarillo; Joe Vasquez, Diocese of Austin; Michael D. Pfeifer, Diocese of San Angelo; Daniel Flores, Diocese of Brownville; George A. Sheltz, Archdiocese of Galveston-Houston; Placido Rodriguez, Diocese of Lubbock; and Curtis Guillory, Diocese of Beaumont.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Patrick was recognized and introduced to the Senate a delegation of students from the Rainard School in Houston.

The Senate welcomed its guests.

**PHYSICIAN OF THE DAY**

Senator Paxton was recognized and presented Dr. N. Christopher Lawrence of McKinney as the Physician of the Day.

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

**SENATE RESOLUTION 531**

Senator Williams offered the following resolution:

**SR 531**, Recognizing The John Cooper School on the occasion of its 25th anniversary.

The resolution was again read.

The resolution was previously adopted on Monday, March 25, 2013.

**GUESTS PRESENTED**

Senator Williams was recognized and introduced to the Senate a delegation from The John Cooper School, accompanied by Joe Broccoli, Assistant Head of School and Head of Upper School; Deb Spiess, Director of Marketing and Communications; and Jennifer Guza, Alumni Coordinator.

The Senate welcomed its guests.

**SENATE RESOLUTION 608**

Senator Hinojosa offered the following resolution:

**SR 608**, Welcoming Mariela Hernandez, 2012 queen of Feria de Las Flores, and contestants of the 2013 scholarship pageant.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Hinojosa was recognized and introduced to the Senate the 2012 Feria de Las Flores queen, Mariela Hernandez, and contestants of the 2013 scholarship pageant.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Watson was recognized and introduced to the Senate fourth-grade students from the Austin Jewish Academy.

The Senate welcomed its guests.

**SENATE RESOLUTION 591**

Senator Birdwell offered the following resolution:

**SR 591**, In memory of Chad Hutson Littlefield.

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

In honor of the memory of Chad Hutson Littlefield, the text of the resolution is printed at the end of today's *Senate Journal*.

Senator Birdwell was recognized and introduced to the Senate family members of Chad Littlefield: Leanne Littlefield, wife; Judy Littlefield, mother; Don Littlefield, father; and Jerry Richardson, brother.

The Senate welcomed its guests and extended its sympathy.

**SENATE RESOLUTION 622**

Senator Zaffirini offered the following resolution:

**SR 622**, Recognizing April 9, 2013, as Blue Ribbon Lobby Day.

|           |           |              |
|-----------|-----------|--------------|
| ZAFFIRINI | HINOJOSA  | VAN DE PUTTE |
| DAVIS     | LUCIO     | WATSON       |
| ELLIS     | RODRÍGUEZ | WEST         |
| GARCIA    | URESTI    | WHITMIRE     |

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Zaffirini was recognized and introduced to the Senate a delegation representing Blue Ribbon Lobby Day, accompanied by Diane Mosier, ROADwomen President; Choco Meza, Bexar County Democratic Women; Donna Beth McCormick, Texas Democratic Women President; Cynthia Hinojosa, Cameron County Democratic Women; and Fredericka Petry Phillips, Fort Bend Democratic Women President.

The Senate welcomed its guests.

**(President in Chair)**

**SENATE RESOLUTION 619**

Senator Carona offered the following resolution:

**SR 619**, Recognizing April 9, 2013, as Texas Realtor Appreciation Day.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Carona was recognized and introduced to the Senate a Texas Association of Realtors delegation, accompanied by Shad Bogany, Chair, Board of Directors; Dan Hatfield, Chair-elect; Scott Kesner, Secretary and Treasurer; Leslie Rouda-Smith, Secretary and Treasurer-elect; and Joe Stewart, Immediate Past President.

The Senate welcomed its guests.

**GUEST PRESENTED**

Senator Van de Putte was recognized and introduced to the Senate her brother, Roland San Miguel.

The Senate welcomed its guest.

**(Senator Eltife in Chair)**

**GUEST PRESENTED**

Senator Hinojosa was recognized and introduced to the Senate Angelica Hernandez, Judge of the 105th District Court.

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 at 12:03 p.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1115 ON SECOND READING**

Senator Whitmire moved to suspend the regular order of business to take up for consideration **CSSB 1115** at this time on its second reading:

**CSSB 1115**, Relating to reporting, standards, restrictions, and requirements regarding public school disciplinary actions.

The motion prevailed.

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

The bill was read second time.



Senator Whitmire offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1115** (senate committee printing) as follows:

(1) In SECTION 4 of the bill, in added Section 37.0201(b), Education Code (page 2, line 58), strike "evaluate" and substitute "review".

(2) In SECTION 4 of the bill, in added Section 37.0202, Education Code (page 3, line 27), strike "(a)".

(3) In SECTION 4 of the bill, strike added Section 37.0202(b), Education Code (page 3, lines 40-48).

The amendment to **CSSB 1115** 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 Whitmire and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSSB 1115** 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, Nichols.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1115 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 1115** 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, Patrick, Paxton, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Hancock, Nichols.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3.

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

Nays: Hancock, Hegar, Nichols.

**SENATE BILL 427 ON SECOND READING**

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 427** at this time on its second reading:

**SB 427**, Relating to the regulation of certain child-care facilities and administrators of those 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.

#### **SENATE BILL 427 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 **SB 427** 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 1538 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 1538** at this time on its second reading:

**CSSB 1538**, Relating to evaluating the performance, including computing dropout and completion rates, of public schools designated as dropout recovery schools.

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 1538 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 1538** 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 449 ON SECOND READING**

Senator Hinojosa moved to suspend the regular order of business to take up for consideration **CSSB 449** at this time on its second reading:

**CSSB 449**, Relating to a prohibition on the issuance of certain capital appreciation bonds by local governments.

The motion prevailed by the following vote: Yeas 28, Nays 3.

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

Nays: Lucio, Van de Putte, Watson.

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: Lucio, Van de Putte, Watson.

**COMMITTEE SUBSTITUTE  
SENATE BILL 449 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 449** 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, Hancock, Hegar, Hinojosa, Huffman, Nelson, Nichols, Patrick, Paxton, Rodríguez, Schwertner, Seliger, Taylor, Uresti, West, Whitmire, Williams, Zaffirini.

Nays: Lucio, Van de Putte, Watson.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3. (Same as previous roll call)

**GUEST PRESENTED**

Senator Zaffirini was recognized and introduced to the Senate 17 fifth-grade students from the Boys & Girls Club of South Central Texas, accompanied by their sponsors, Chelsea Bright and Carlton Fairley.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Campbell was recognized and introduced to the Senate a Jarvis Christian College delegation.

The Senate welcomed its guests.

**COMMITTEE SUBSTITUTE  
SENATE BILL 121 ON THIRD READING**

On motion of Senator Rodríguez and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 121** at this time on its third reading and final passage:

**CSSB 121**, Relating to prohibited retaliation against certain state or local public employees for reporting to certain persons violations of law.

The bill was read third time.

Senator Duncan offered the following amendment to the bill:

**Floor Amendment No. 1 on Third Reading**

Amend **CSSB 121** on third reading as follows:

(1) In the recital to SECTION 1 of the bill (page 1, line 22), strike "Subsection (a-1)" and substitute "Subsections (a-1) and (a-2)".

(2) In SECTION 1 of the bill, after added Section 554.002(a-1), Government Code (page 1, between lines 37 and 38), insert the following:

(a-2) Subsection (a-1) does not prohibit a school district or a public school to which that subsection applies from suspending or terminating the employment of, or taking other adverse personnel action against, a district or school employee who makes a good faith report under Subsection (a-1) for a reason other than one directly or indirectly related to the report.

The amendment to **CSSB 121** 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 Rodríguez and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSSB 121** as amended was finally passed by the following vote: Yeas 25, Nays 6.

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

Nays: Birdwell, Fraser, Hancock, Hegar, Nelson, Patrick.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1803 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 1803** at this time on its second reading:

**CSSB 1803**, Relating to the office of inspector general of the Health and Human Services Commission.

The bill was read second time.

Senator Huffman offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1803** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in added Section 531.1011(3), Government Code (page 1, line 45), strike "Chapter 36, Human Resources Code, or".

(2) In the recital to SECTION 2 of the bill (page 2, line 18), strike "Subsection (g) and adding Subsections (l) and (m)" and substitute "Subsections (f) and (g) and adding Subsections (l), (m), and (n)".

(3) In SECTION 2 of the bill, immediately following the recital (page 2, between lines 19 and 20), insert the following:

(f)(1) If the commission receives a complaint of Medicaid fraud or abuse from any source, the office must conduct a preliminary investigation [~~an integrity review~~] to determine whether there is a sufficient basis to warrant a full investigation. A preliminary investigation [~~An integrity review~~] must begin not later than the 30th day after the date the commission receives a complaint or has reason to believe that fraud or abuse has occurred. A preliminary investigation [~~An integrity review~~] shall be completed not later than the 90th day after it began.

(2) If the findings of a preliminary investigation [~~an integrity review~~] give the office reason to believe that an incident of fraud or abuse involving possible criminal conduct has occurred in the Medicaid program, the office must take the following action, as appropriate, not later than the 30th day after the completion of the preliminary investigation [~~integrity review~~]:

(A) if a provider is suspected of fraud or abuse involving criminal conduct, the office must refer the case to the state's Medicaid fraud control unit, provided that the criminal referral does not preclude the office from continuing its investigation of the provider, which investigation may lead to the imposition of appropriate administrative or civil sanctions; or

(B) if there is reason to believe that a recipient has defrauded the Medicaid program, the office may conduct a full investigation of the suspected fraud.

(4) In SECTION 2 of the bill, in amended Section 531.102(g)(2), Government Code (page 2, line 28), strike "~~may shall~~" and substitute "shall".

(5) In SECTION 2 of the bill, in amended Section 531.102(g)(2), Government Code (page 2, line 29), strike "hold on payment of" and substitute "payment hold on [~~payment of~~]".

(6) In SECTION 2 of the bill, in amended Section 531.102(g)(2), Government Code (page 2, lines 36 and 37), strike "hold on payment" and substitute "payment hold [~~on payment~~]".

(7) In SECTION 2 of the bill, in amended Section 531.102(g)(2), Government Code (page 2, line 38), strike "Notwithstanding" and substitute "In addition to".

(8) In SECTION 2 of the bill, in added Section 531.102(g)(2)(A), Government Code (page 2, lines 41 and 42), strike ", if available,".

(9) In SECTION 2 of the bill, in added Section 531.102(g)(2)(A), Government Code (page 2, line 43), between "investigation" and the underlined semicolon, insert "and a representative sample of any documents that form the basis of the hold".

(10) In SECTION 2 of the bill, in amended Section 531.102(g)(3), Government Code (page 2, line 48), strike "hold on payment" and substitute "payment hold [~~on payment~~]".

(11) In SECTION 2 of the bill, in amended Section 531.102(g)(3), Government Code (page 2, line 53), strike "10th" and substitute "30th [~~10th~~]".

(12) In SECTION 2 of the bill, at the end of amended Section 531.102(g)(3), Government Code (page 2, line 65), add the following:

The executive commissioner and the State Office of Administrative Hearings shall jointly adopt rules that require a provider, before a hearing, to advance security for the costs for which the provider is responsible under this subdivision.

(13) In SECTION 2 of the bill, in amended Section 531.102(g)(4), Government Code (page 2, line 67), strike "hold on payment" and substitute "payment hold".

(14) In SECTION 2 of the bill, strike added Section 531.102(g)(5), Government Code (page 3, lines 2 through 32), and substitute the following:

(5) The executive commissioner [commission] shall adopt rules that allow a provider subject to a [hold on] payment hold under Subdivision (2), other than a hold requested by the state's Medicaid fraud control unit, to seek an initial informal resolution of the issues identified by the office in the notice provided under that subdivision. A provider must request [seek] an initial informal resolution meeting under this subdivision not later than the deadline prescribed by Subdivision (3). On receipt of a timely request, the office shall schedule an initial informal resolution meeting not later than the 60th day after the date the office receives the request from the provider, but the office shall schedule the meeting on a later date as determined by the office if requested by the provider. The office shall give notice to the provider of the time and place of the initial informal resolution meeting not later than the 30th day before the date the initial informal resolution meeting is to be held. A provider may request a second informal resolution meeting not later than the 20th day after the date of the initial informal resolution meeting. On receipt of a timely request, the office shall schedule a second informal resolution meeting not later than the 45th day after the date the office receives the request from the provider, but the office shall schedule the meeting on a later date as determined by the office if requested by the provider. The office shall give notice to the provider of the time and place of the second informal resolution meeting not later than the 20th day before the date the second informal resolution meeting is to be held. A provider shall have an opportunity to provide additional information before the second informal resolution meeting for consideration by the office. A provider's decision to seek an informal resolution under this subdivision does not extend the time by which the provider must request an expedited administrative hearing under Subdivision (3). However, a hearing initiated under Subdivision (3) shall be stayed [at the office's request] until the informal resolution process is completed.

(15) In SECTION 2 of the bill, in added Section 531.102(g)(6), Government Code (page 3, line 35), strike "holds on payment" and insert "payment holds [on payment]".

(16) In SECTION 2 of the bill, in added Section 531.102(l), Government Code (page 3, line 40), between "Board" and the underlined period, insert ", and who preferably has significant knowledge of the Medicaid program".

(17) In SECTION 2 of the bill, in added Section 531.102(l), Government Code (page 3, line 42), between "of" and "care", insert "medical".

(18) In SECTION 2 of the bill, in added Section 531.102(m), Government Code (page 3, line 46), strike "(m) The" and substitute the following:

(m) The office shall employ a dental director who is a licensed dentist under Subtitle D, Title 3, Occupations Code, and the rules adopted under that subtitle by the State Board of Dental Examiners, and who preferably has significant knowledge of the Medicaid program. The dental director shall ensure that any investigative findings based on the necessity of dental services or the quality of dental care have been reviewed by a qualified expert as described by the Texas Rules of Evidence before the office imposes a payment hold or seeks recoupment of an overpayment, damages, or penalties.

(n) To the extent permitted under federal law, the

(19) In the recital to SECTION 3 of the bill (page 3, line 55), strike "and 531.1201" and substitute "531.1201, and 531.1202".

(20) In SECTION 3 of the bill, in the heading to added Section 531.118, Government Code (page 3, line 57), strike "INTEGRITY REVIEWS OF ALLEGATIONS OF FRAUD" and substitute "PRELIMINARY INVESTIGATIONS OF ALLEGATIONS OF FRAUD OR ABUSE".

(21) In SECTION 3 of the bill, in added Section 531.118(a), Government Code (page 3, line 59), between "fraud" and "against", insert "or abuse".

(22) In SECTION 3 of the bill, in added Section 531.118(a), Government Code (page 3, line 60), between "fraud" and "was", insert "or abuse".

(23) In SECTION 3 of the bill, strike added Section 531.118(b), Government Code (page 3, lines 63 through 69), and substitute the following:

(b) If the commission receives an allegation of fraud or abuse against a Medicaid provider from any source, the office must conduct a preliminary investigation of each allegation of fraud or abuse to determine whether there is sufficient basis to warrant a full investigation. A preliminary investigation must begin not later than the 30th day after the date the commission receives or identifies an allegation of fraud or abuse.

(24) In SECTION 3 of the bill, in added Section 531.118(c), Government Code (page 4, line 1), strike "An integrity review" and substitute "A preliminary investigation".

(25) In SECTION 3 of the bill, in added Section 531.118(d), Government Code (page 4, line 13), between "completed" and the underlined period, insert ", or until the Medicaid fraud control unit, other law enforcement agency, or other prosecuting authorities determine that there is insufficient evidence of fraud by the provider".

(26) In SECTION 3 of the bill, in added Section 531.119, Government Code (page 4, line 28), strike "description, in plain English, of the" and substitute "description in plain English of, and a video explaining, the".

(27) In SECTION 3 of the bill, in added Section 531.119, Government Code (page 4, line 30), strike "hold on a payment to" and substitute "payment hold on".

(28) In SECTION 3 of the bill, in added Section 531.120(a), Government Code (page 4, lines 37 and 38), strike "if available," and substitute "a representative sample of any documents that form the basis of the overpayment,".

(29) In SECTION 3 of the bill, in added Section 531.120(a), Government Code (page 4, line 38), strike "the calculation of" and substitute "calculation of the".

(30) In SECTION 3 of the bill, in added Section 531.120(a), Government Code (page 4, line 41), strike "an informal review" and substitute "the provider's right to request informal resolution meetings under this section".

(31) In SECTION 3 of the bill, strike added Section 531.120(b), Government Code (page 4, lines 43 through 63), and substitute the following:

(b) A provider must request an initial informal resolution meeting under this section not later than the 30th day after the date the provider receives notice under Subsection (a). On receipt of a timely request, the office shall schedule an initial informal resolution meeting not later than the 60th day after the date the office receives the request from the provider, but the office shall schedule the meeting on a

later date as determined by the office if requested by the provider. The office shall give notice to the provider of the time and place of the initial informal resolution meeting not later than the 30th day before the date the initial informal resolution meeting is to be held. A provider may request a second informal resolution meeting not later than the 20th day after the date of the initial informal resolution meeting. On receipt of a timely request, the office shall schedule a second informal resolution meeting not later than the 45th day after the date the office receives the request from the provider, but the office shall schedule the meeting on a later date as determined by the office if requested by the provider. The office shall give notice to the provider of the time and place of the second informal resolution meeting not later than the 20th day before the date the second informal resolution meeting is to be held. A provider shall have an opportunity to provide additional information before the second informal resolution meeting for consideration by the office.

(32) In SECTION 3 of the bill, in added Section 531.1201(a), Government Code (page 4, line 67), strike "receives notice under Section 531.120(a)" and substitute "is notified that the commission or the commission's office of inspector general will seek to recover an overpayment or debt from the provider".

(33) In SECTION 3 of the bill, at the end of added Section 531.1201(a), Government Code (page 5, line 20), add the following:  
The executive commissioner and the State Office of Administrative Hearings shall jointly adopt rules that require a provider, before a hearing, to advance security for the costs for which the provider is responsible under this subsection.

(34) In SECTION 3 of the bill, immediately following added Section 531.1201, Government Code (page 5, between lines 25 and 26), add the following:

Sec. 531.1202. PRESENCE OF NEUTRAL THIRD PARTY AT INFORMAL RESOLUTION MEETINGS. The commission shall employ a person whose salary is paid by the commission and who is independent of the commission's office of inspector general to attend the informal resolution meetings held under Sections 531.102(g)(5) and 531.120(b) as a neutral third-party observer. The person shall report to the executive commissioner on the proceedings and outcome of each informal resolution meeting.

(35) In SECTION 4 of the bill, in amended Section 32.0291(b), Human Resources Code (page 5, line 38), strike "payment of" and substitute "~~payment of~~".

The amendment to **CSSB 1803** 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 Hinojosa offered the following amendment to the bill:

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

Amend **CSSB 1803** (senate committee report), as follows:

(1) In SECTION 1 of the bill, in amended Section 531.1011, Government Code (page 1, between lines 40 and 41), immediately following Subdivision (2) of the section, insert the following:



(3) "Credible allegation of fraud" means an allegation of fraud that has been verified by the state. An allegation is considered to be credible when the commission has:

(A) verified that the allegation has indicia of reliability; and

(B) reviewed all allegations, facts, and evidence carefully and acts judiciously on a case-by-case basis.

(2) In SECTION 1 of the bill, in amended Section 531.1011, Government Code (page 1, line 41), strike "(3)" and substitute "(4)".

(3) In SECTION 1 of the bill, in amended Section 531.1011, Government Code (page 1, line 47), strike "(4)" and substitute "(5)".

(4) In SECTION 1 of the bill, in amended Section 531.1011, Government Code (page 1, line 53), strike "(5)" and substitute "(6)".

(5) In SECTION 1 of the bill, in amended Section 531.1011, Government Code (page 1, line 56), strike "(6)" and substitute "(7)".

(6) In SECTION 1 of the bill, in amended Section 531.1011, Government Code (page 2, line 3), strike "(7)" and substitute "(8)".

(7) In SECTION 1 of the bill, in amended Section 531.1011, Government Code (page 2, line 6), strike "(8)" and substitute "(9)".

(8) In SECTION 1 of the bill, in amended Section 531.1011, Government Code (page 2, line 10), strike "(9)" and substitute "(10)".

The amendment to **CSSB 1803** 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 Huffman and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSSB 1803** 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 1803 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 1803** 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 BILL 1367 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 1367** at this time on its second reading:

**CSSB 1367**, Relating to abolishing the Texas Health Insurance Pool.

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 1367 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 1367** 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 966 ON SECOND READING**

Senator West moved to suspend the regular order of business to take up for consideration **CSSB 966** at this time on its second reading:

**CSSB 966**, Relating to creation of the Judicial Branch Certification Commission and the consolidation of judicial profession regulation; imposing penalties; authorizing fees.

The motion prevailed.

Senators Nelson and Nichols 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 **CSSB 966** in SECTION 1 of the bill, in added Section 152.001, Government Code (Committee printing page 1, line 49), by striking "2025 and every 12th year after 2025" and substituting "2019 and every 12th year after 2019".

The amendment to **CSSB 966** 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 966** 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: Nelson, Nichols.

**COMMITTEE SUBSTITUTE  
SENATE BILL 966 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 966** 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, Patrick, Paxton, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Nelson, Nichols.

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 291 ON SECOND READING**

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 291** at this time on its second reading:

**CSSB 291**, Relating to notice requirements for gas utilities entering certain real property; providing an administrative penalty.

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 291 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 **CSSB 291** 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 1467 ON SECOND READING**

Senator Estes moved to suspend the regular order of business to take up for consideration **SB 1467** at this time on its second reading:

**SB 1467**, Relating to economic development incentives for firearms manufacturers, firearms accessory manufacturers, and ammunition manufacturers.

The motion prevailed by the following vote: Yeas 23, Nays 8.

Yeas: Campbell, Carona, Davis, Deuell, Duncan, Eltife, Estes, Fraser, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Patrick, Paxton, Schwertner, Seliger, Taylor, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Ellis, Garcia, Rodríguez, Uresti, Van de Putte, Watson, West.

The bill was read second time.

Senator Williams offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 1467** (Senate Committee Printing) as follows:

(1) In SECTION 1 of the bill, in proposed Section 481.0297(b), Government Code (page 1, line 35), strike "shall" and substitute "may".

The amendment to **SB 1467** 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.

**SB 1467** 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: Birdwell, Ellis, Garcia, Rodríguez, Uresti, Watson, West.

**SENATE BILL 1530 ON SECOND READING**

Senator Seliger moved to suspend the regular order of business to take up for consideration **SB 1530** at this time on its second reading:

**SB 1530**, Relating to the admission of undergraduate students to public institutions of higher education.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Birdwell, Campbell, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Hancock, Hegar, Hinojosa, Nelson, Nichols, Patrick, Paxton, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Carona, Garcia, Huffman, Lucio, Van de Putte, Williams.

The bill was read second time.

Senator Garcia offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 1530** (senate committee printing) as follows:

(1) In the recital to SECTION 1 of the bill (page 1, lines 20 and 21), strike "Subsections (a-3) and (k), Section 51.803, Education Code, are amended to read as follows" and substitute "Section 51.803, Education Code, is amended by amending Subsections (a-3) and (k) and adding Subsection (k-1) to read as follows:".

(2) At the end of SECTION 1 of the bill, immediately following amended Section 51.803(k), Education Code (page 1, between lines 43 and 44), insert the following:

(k-1) If, on the date of The University of Texas at Austin's general deadline for applications for admission of first-time undergraduate students for an academic year, federal law as then interpreted by applicable judicial decisions prohibits the institution from considering an applicant's race or ethnicity as a factor in the institution's decisions relating to first-time undergraduate admissions:

(1) the percentage of the institution's designated enrollment capacity for those students that authorizes the institution to elect to offer admission as provided by Subsection (a-1) for that academic year is 80 percent rather than 75 percent; and

(2) the percentage of the institution's designated enrollment capacity for first-time resident undergraduate students that must be offered admission for that academic year according to high school grade point average under Subsection (a-1) is 80 percent rather than 75 percent.

The amendment to **SB 1530** was read.

Senator Garcia withdrew Floor Amendment No. 1.

**SB 1530** was passed to engrossment by the following vote: Yeas 25, Nays 6.

Yeas: Birdwell, Campbell, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Hancock, Hegar, Hinojosa, Nelson, Nichols, Patrick, Paxton, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Carona, Garcia, Huffman, Lucio, Van de Putte, Williams.

### **SENATE BILL 1530 ON THIRD READING**

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1530** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Birdwell, Campbell, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Hancock, Hegar, Hinojosa, Nelson, Nichols, Patrick, Paxton, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Carona, Garcia, Huffman, Lucio, Van de Putte, Williams.

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 552 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 552** at this time on its second reading:

**CSSB 552**, Relating to an application filed with a county commissioners court to revise a subdivision plat; authorizing 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 552 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 552** 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 953 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 953** at this time on its second reading:

**CSSB 953**, Relating to the adoption of the Uniform Trade Secrets 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 953 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 953** 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 547 ON SECOND READING**

On motion of Senator Hancock and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 547** at this time on its second reading:

**SB 547**, Relating to the applicability of certain laws to open-enrollment charter schools.

The bill was read second time.

Senator Hancock offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 547** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 12.1056(b), Education Code (page 1, line 33), strike "as defined by Section 101.001" and substitute "for purposes of Chapter 101".

(2) In SECTION 1 of the bill, in added Section 12.1056(b), Education Code (page 1, lines 34 and 35), strike "Chapter 101, Civil Practice and Remedies Code," and substitute "that chapter".

(3) In SECTION 1 of the bill, in added Section 12.1056(c), Education Code (page 1, line 38), strike "as defined by Section 102.001" and substitute "for purposes of Chapter 102".

(4) In SECTION 1 of the bill, in added Section 12.1056(c), Education Code (page 1, lines 39 and 40), strike "Chapter 102, Civil Practice and Remedies Code" and substitute "that chapter".

(5) In SECTION 1 of the bill, in added Section 12.1056(d), Education Code (page 1, line 42), strike "as defined by Section 271.151" and substitute "for purposes of Subchapter I, Chapter 271".

(6) In SECTION 1 of the bill, in added Section 12.1056(d), Education Code (page 1, line 44), strike "Subchapter I, Chapter 271, Local Government Code," and substitute "that subchapter".

The amendment to **SB 547** 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 Hancock and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**SB 547** 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 547 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 **SB 547** 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 1437 ON SECOND READING**

Senator Paxton moved to suspend the regular order of business to take up for consideration **CSSB 1437** at this time on its second reading:

**CSSB 1437**, Relating to authorizing certain persons to file documents electronically for recording with a county clerk.

The motion was lost by the following vote: Yeas 9, Nays 21.

Yeas: Campbell, Estes, Garcia, Hancock, Hegar, Paxton, Rodríguez, Schwertner, Zaffirini.

Nays: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Fraser, Hinojosa, Huffman, Lucio, Nelson, Nichols, Patrick, Seliger, Uresti, Van de Putte, Watson, West, Whitmire, Williams.

Absent: Taylor.

Senator Paxton again moved to suspend the regular order of business to take up for consideration **CSSB 1437** at this time on its second reading.

The motion prevailed.

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 1437 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 1437** 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 1879**, **SB 1881**, **SB 1882**.

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 1879** by Eltife

Relating to the powers of the TexAmericas Center.

To Committee on Intergovernmental Relations.



**SB 1880** by Eltife

Relating to the County Court at Law of Lamar County.  
To Committee on Jurisprudence.

**SB 1881** by Nichols

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.  
To Committee on Jurisprudence.

**SB 1882** by Zaffirini

Relating to information for legislative purposes requested under the Texas Public Information Act.  
To Committee on Open Government.

**SB 1883** by Schwertner

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.  
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 144** to Committee on Criminal Justice.

**HB 174** to Committee on Administration.

**HB 222** to Committee on Education.

**HB 241** to Committee on Intergovernmental Relations.

**HB 242** to Committee on Intergovernmental Relations.

**HB 281** to Committee on Criminal Justice.

**HB 402** to Committee on Veteran Affairs and Military Installations.

**HB 419** to Committee on Administration.

**HB 597** to Committee on Agriculture, Rural Affairs and Homeland Security.

**HB 1186** to Committee on State Affairs.

**HB 1187** to Committee on State Affairs.

**HB 1241** to Committee on Agriculture, Rural Affairs and Homeland Security.

**HB 1493** to Committee on Agriculture, Rural Affairs and Homeland Security.

**HB 2377** to Committee on Administration.

**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 **SB 1876** today.

## 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, Oversight Committee, Cancer Prevention and Research Institute of Texas: Angelos G. Angelou, Travis County; Arthur Gerald Geistweidt, Mason County.

Members, Credit Union Commission: Allyson Morrow, Cameron County; Barbara Kay Stewart, Morris County; Vik Vad, Travis County.

Members, Board of Directors, Rio Grande Regional Water Authority: Troy Coby Allen, Hidalgo County; Dario Vidal Guerra, Hidalgo County; Arturo Hinojosa, Hidalgo County; Sonia Lambert, Cameron County; Lance Scott Neuhaus, Hidalgo County; Joe Alfred Pennington, Willacy County; Frank White, Hidalgo County.

Members, Risk Management Board, State Office of Risk Management: Lloyd Marshall Garland, Lubbock County; John Wesley Youngblood, Milam County.

Justice, Supreme Court of Texas: Jeffrey Scott Boyd, Travis County.

Members, Texas Council on Purchasing from People with Disabilities: Jack Daniel Bremer, Comal County; Michael Kevin Cloud, Travis County; Glenn Ray Hagler, Williamson County; Kevin Milanes Jackson, Travis County; Beverly Jackson Loss, Hunt County; Alfred Harlow Matson, Smith County; Dietrich Matthew Grogan von Biedenfeld, Brazoria County.

Members, Texas Transportation Commission: Jeff Austin, Smith County; Jeffrey Alan Moseley, Harris County; Victor Thomas Vandergriff, Tarrant 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 Carona and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Business and Commerce might meet today.

## CO-AUTHOR OF SENATE BILL 11

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

**CO-AUTHOR OF SENATE BILL 15**

On motion of Senator Seliger, Senator Uresti will be shown as Co-author of **SB 15**.

**CO-AUTHORS OF SENATE BILL 143**

On motion of Senator Nelson, Senators Duncan, Watson, and West will be shown as Co-authors of **SB 143**.

**CO-AUTHOR OF SENATE BILL 467**

On motion of Senator Hegar, Senator Schwertner will be shown as Co-author of **SB 467**.

**CO-AUTHORS OF SENATE BILL 898**

On motion of Senator Van de Putte, Senators Davis and Rodríguez will be shown as Co-authors of **SB 898**.

**CO-AUTHOR OF SENATE BILL 1115**

On motion of Senator Whitmire, Senator Van de Putte will be shown as Co-author of **SB 1115**.

**CO-AUTHOR OF SENATE BILL 1158**

On motion of Senator Van de Putte, Senator Rodríguez will be shown as Co-author of **SB 1158**.

**CO-AUTHORS OF SENATE BILL 1538**

On motion of Senator Van de Putte, Senators Hinojosa and Patrick will be shown as Co-authors of **SB 1538**.

**CO-AUTHOR OF SENATE BILL 1553**

On motion of Senator Lucio, Senator Rodríguez will be shown as Co-author of **SB 1553**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolution**

**SR 623** by Hegar, In memory of Bernard Clifton Terrell, Jr.

**Welcome and Congratulatory Resolutions**

**SR 624** by Schwertner, Recognizing the City of College Station on the occasion of its 75th anniversary.

**SR 626** by Schwertner, Welcoming students from Mrs. Mac's Shining Stars school.

**ADJOURNMENT**

On motion of Senator Whitmire, the Senate at 2:17 p.m. adjourned, in memory of Chad Hutson Littlefield, until 11:00 a.m. tomorrow.

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**APPENDIX**

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**COMMITTEE REPORTS**

The following committee reports were received by the Secretary of the Senate in the order listed:

April 9, 2013

EDUCATION — **CSSB 1408**

STATE AFFAIRS — **CSSB 958, CSSB 1340**

FINANCE — **CSSB 1256, CSSB 1255, CSSB 489, CSSJR 32**

HIGHER EDUCATION — **CSSB 143**

FINANCE — **CSSJR 55, CSSB 1655**

GOVERNMENT ORGANIZATION — **SB 1546**

STATE AFFAIRS — **CSSB 1398, CSSB 94, CSSB 822**

**BILLS ENGROSSED**

April 8, 2013

**SB 119, SB 302, SB 307, SB 505, SB 545, SB 611, SB 617, SB 630, SB 1007, SB 1012, SB 1082, SB 1109, SB 1210**

**RESOLUTIONS ENROLLED**

April 8, 2013

**SR 579, SR 607, SR 611, SR 612, SR 613, SR 614, SR 616, SR 617, SR 618, SR 620**

**In Memory**  
**of**  
**Chad Hutson Littlefield**  
**Senate Resolution 591**

WHEREAS, Words cannot adequately express the sorrow felt by people across the Lone Star State and beyond at the death of Chad Hutson Littlefield of Midlothian on February 2, 2013, at the age of 35; and

WHEREAS, The son of Don and Judy Littlefield, Chad Littlefield was born in Dallas on February 11, 1977, and was proud to be a lifelong Texan; he graduated from DeSoto High School in 1995 and went on to pursue a career at Eagle Labs, where he worked as the facilities and logistics manager; and

WHEREAS, A devoted husband and father, Mr. Littlefield took great pleasure in family life; he was a source of strength and support to his wife, Leanne, and his daughter, Morgan, as well as to his many friends, who looked to him when in need of a kind or comforting word; his desire to help people extended outside his circle of loved ones, and he often assisted his friend Chris Kyle with his nonprofit in behalf of veterans; and

WHEREAS, Mr. Littlefield was sustained by a deep faith, and his steadfast beliefs guided his actions; he was known as a man who approached each day with optimism and good humor; and

WHEREAS, Although Chad Littlefield's life ended far too soon, he leaves behind a legacy that will be forever treasured by all those who were privileged to know him; now, therefore, be it

RESOLVED, That the Senate of the 83rd Texas Legislature hereby pay tribute to the memory of Chad Hutson Littlefield and extend sincere sympathy to the members of his family: to his wife, Leanne Littlefield; to his daughter, Morgan Littlefield; to his parents, Don and Judy Littlefield; to his brother, Jerry Richardson, and his wife, Teresa; to his nephew, Colten Richardson; to his niece, Cami Richardson; to his grandmother, Geraldine Conlan; to his aunts, Dorothy Mitchell, Frances Cooper, Diana Cheek, and Jean Doty; to his uncle, Richard Mitchell; 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 Chad Hutson Littlefield.

BIRDWELL



# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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THIRTY-EIGHTH DAY

(Wednesday, April 10, 2013)

The Senate met at 11:16 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.

Rabbi Alan Freedman, Temple Beth Shalom, Austin, offered the invocation as follows:

O Lord, as we begin our legislative day, we stand before You with our heads bowed in prayer taking the words of scripture, Your words, into our work and into our hearts. We are standing before You so that we might remember to stand up and, in the words of Leviticus, to proclaim liberty throughout the land. We bow our heads to remind us that no matter how exalted our position in life might be, our ultimate mission remains, in the words of the prophet Micah, to do justice, to love mercy, and to walk humbly with our God. And as we proceed through our day, as we do the work of the people of this great state, let us always remember to heed the words of the prophet Isaiah, who proclaimed God's call to come, let us reason together. May You, O God, bless the work of our hands this day and may You grant each Member of this Chamber a heart of wisdom so as to make this and every day count in service to You and to the people of 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.

**MESSAGE FROM THE GOVERNOR**

The following Message from the Governor was read and was referred to the Committee on Nominations:

April 9, 2013  
Austin, Texas

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

On January 16, 2013, I submitted the name of Ernest W. "Ernie" Kuehne, Jr. for appointment to the University of North Texas System Board of Regents for a term to expire May 22, 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

**RESOLUTION SIGNED**

The President announced the signing of the following enrolled resolution in the presence of the Senate: **HCR 78**.

**PHYSICIAN OF THE DAY**

Senator Watson was recognized and presented Dr. Wil Foadey of Austin as the Physician of the Day.

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

**SENATE RESOLUTION 609**

Senator Watson offered the following resolution:

**SR 609**, Congratulating J. B. and Edna Snead on the occasion of their 75th wedding anniversary.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Lucio was recognized and introduced to the Senate a City of Raymondville delegation.

The Senate welcomed its guests.

**SENATE RESOLUTION 629**

Senator Lucio offered the following resolution:

**SR 629**, Recognizing Texas Bow Tie Day.

The resolution was read and was adopted without objection.



**GUESTS PRESENTED**

Senator Lucio was recognized and introduced to the Senate Loriana Hernandez, Greg Swindell, Commissioner of Education Michael Williams, and Ross Bennett.

The Senate welcomed its guests.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Wednesday, April 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:

**HCR 94** Workman  
Honoring Raleigh K. Roussell for his service to the commercial building industry in Texas.

**HCR 95** Workman  
Honoring the Greater Austin Crime Commission's Longhorn Leaders program on the occasion of its 10th anniversary.

**HJR 71** Thompson, Senfronia  
Proposing a constitutional amendment to provide that the governor, and the lieutenant governor when acting as governor, retain executive authority unless unavailable as provided by law.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**GUESTS PRESENTED**

Senator Van de Putte was recognized and introduced to the Senate a City Public Service Energy Citizens Advisory Committee delegation.

The Senate welcomed its guests.

**SENATE RESOLUTION 615**

Senator Uresti offered the following resolution:

**SR 615**, Recognizing April 10, 2013, as Crystal City Day.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Uresti was recognized and introduced to the Senate a City of Crystal City delegation.

The Senate welcomed its guests.

**SENATE RESOLUTION 628**

Senator West offered the following resolution:

**SR 628**, Recognizing April 10, 2013, as Best Southwest Partnership Day.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator West was recognized and introduced to the Senate a Best Southwest Partnership delegation: Kevin Fegan, Chair; Marcus Knight, Immediate Past Chair; Grant Galliford, Chair-elect; Rob Franke, Past Chair; and Joe Johnson, Executive Director.

The Senate welcomed its guests.

**SENATE RESOLUTION 632**

Senator Ellis offered the following resolution:

**SR 632**, Commending Jared Fogle for his many achievements.

The resolution was read and was adopted without objection.

**GUEST PRESENTED**

Senator Ellis was recognized and introduced to the Senate Jared Fogle of The Jared Foundation.

The Senate welcomed its guest.

**GUESTS PRESENTED**

Senator Hegar was recognized and introduced to the Senate Special Rangers from the Texas and Southwestern Cattle Raisers Association.

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 11:49 a.m. announced the conclusion of morning call.

**SENATE BILL 1019 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 1019** at this time on its second reading:

**SB 1019**, Relating to the investment of funds by the governing boards of certain 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.

#### **SENATE BILL 1019 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 1019** 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 1076 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 1076** at this time on its second reading:

**SB 1076**, Relating to the circumstances under which an appraisal review board hearing shall be closed to the public.

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 1076 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 1076** 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 1811 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 1811** at this time on its second reading:

**CSSB 1811**, Relating to the Fort Bend Subsidence District.

The bill was read second time.

Senator Hegar offered the following amendment to the bill:

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

Amend **CSSB 1811** (senate committee report) as follows:

- (1) In the recital to SECTION 1 of the bill (page 1, line 27) strike "(1-b)".
- (2) In SECTION 1 of the bill, in amended Section 8834.001, Special District Local Laws Code (page 1, lines 35-38), strike proposed Subdivision (1-a).

(3) In SECTION 1 of the bill, in amended Section 8834.001, Special District Local Laws Code (page 1, line 39), strike "(1-b)" and substitute "(1-a)".

The amendment to **CSSB 1811** 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 1811** 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 1811 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 1811** 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 1120 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 1120** at this time on its second reading:

**CSSB 1120**, Relating to a residential tenant's lease obligation after the loss of the leased premises resulting from a natural disaster.

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

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

Nays: Hegar.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1120 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 1120** 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 30, Nays 1.

Nays: Hegar.

**SENATE BILL 1467 ON THIRD READING**

Senator Estes moved to suspend the regular order of business to take up for consideration **SB 1467** at this time on its third reading and final passage:

**SB 1467**, Relating to economic development incentives for firearms manufacturers, firearms accessory manufacturers, and ammunition manufacturers.

The motion prevailed by the following vote: Yeas 24, Nays 7.

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

Nays: Birdwell, Ellis, Garcia, Rodríguez, Uresti, Watson, West.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 7. (Same as previous roll call)

**(President Pro Tempore Van de Putte in Chair)**

**COMMITTEE SUBSTITUTE****SENATE BILL 1142 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 1142** at this time on its second reading:

**CSSB 1142**, Relating to an adult high school diploma and industry certification charter school pilot program for adults 19 to 50 years of age.

The bill was read second time.

Senator Duncan offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1142** (senate committee printing) as follows:

(1) Strike SECTION 5 of the bill (page 2, line 49, through page 3, line 9) and renumber subsequent SECTIONS of the bill accordingly.

(2) In SECTION 6 of the bill, in added Section 29.259(h)(1), Education Code (page 3, lines 63-64), strike "funds appropriated for adult basic education" and substitute "general revenue funds appropriated for the pilot program".

The amendment to **CSSB 1142** 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 1142** 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 1142 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 1142** 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 11 ON SECOND READING**

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 11** at this time on its second reading:

**CSSB 11**, Relating to the drug testing of certain persons seeking financial assistance 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 11 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 **CSSB 11** 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 Campbell was recognized and introduced to the Senate students from Texas State University—San Marcos: Andrew Potter, Megan Trexler, Tiffany Young, Drake VanDuker, and Vanessa Cortez.

The Senate welcomed its guests.

**SENATE BILL 1395 ON SECOND READING**

Senator Estes moved to suspend the regular order of business to take up for consideration **SB 1395** at this time on its second reading:

**SB 1395**, Relating to the regulation of dangerous wild animals.

The motion prevailed.

Senators 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 Zaffirini offered the following amendment to the bill:

### Floor Amendment No. 1

Amend **SB 1395** (senate committee printing) as follows:

(1) Strike the recital to SECTION 2 of the bill, amending Section 822.102(a), Health and Safety Code (page 1, lines 39-40), and substitute "Section 822.102, Health and Safety Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:".

(2) In SECTION 2 of the bill, in amended Section 822.102(a), Health and Safety Code (page 1, line 41), strike "This" and substitute "Except as otherwise provided by Subsection (c), this [This]".

(3) In SECTION 2 of the bill, immediately following amended Section 822.102(a), Health and Safety Code (page 2, between lines 49 and 50), insert the following:

(c) Section 822.1025 applies to an organization described by Subsection (a)(13) and a wildlife sanctuary described by Subsection (a)(14).

(4) Add the following appropriately numbered SECTION and renumber subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Subchapter E, Chapter 822, Health and Safety Code, is amended by adding Section 822.1025 to read as follows:

Sec. 822.1025. DUTIES OF CERTAIN ENTITIES. (a) Not later than December 31 of each year, an organization described by Section 822.102(a)(13) or a wildlife sanctuary described by Section 822.102(a)(14) shall provide to the animal registration agency and the department an annual notification, on a form provided by the department, that includes:

(1) the name, address, and telephone number of the organization or sanctuary;

(2) a complete identification of each dangerous wild animal in the custody and control of the organization or sanctuary, including species, sex, and age, if known; and

(3) the exact location where each animal is to be kept.

(b) Not later than the 10th day after the date on which an organization described by Section 822.102(a)(13) or a wildlife sanctuary described by Section 822.102(a)(14) acquires a dangerous wild animal, the organization or sanctuary shall provide to the animal registration agency and the department an update to the annual notification described by Subsection (a).

(c) The animal registration agency may establish and charge reasonable fees for the notification under this section in order to recover the costs associated with the administration and enforcement of this section. The fee under this subsection may not exceed \$50 for each animal listed in the notice and may not exceed \$500, regardless of the number of animals listed in the notice.

(d) The department may charge a reasonable fee in an amount sufficient to recover the costs associated with accepting and processing a notification under this section.

(e) Sections 822.107 and 822.110 apply to an organization described by Section 822.102(a)(13) or a wildlife sanctuary described by Section 822.102(a)(14).

(f) An organization described by Section 822.102(a)(13) or a wildlife sanctuary described by Section 822.102(a)(14) that violates Subsections (a)-(d) is subject to Sections 822.113-822.115 as if the organization or sanctuary had violated Section 822.103(a). An organization or sanctuary that violates Subsection (e) is subject to Sections 822.113 and 822.115, as applicable.

(5) Add the following appropriately numbered SECTION and renumber subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. (a) Except as otherwise provided by Subsection (b) of this section, each animal registration agency in this state and the Department of State Health Services shall establish procedures to comply with Section 822.1025, Health and Safety Code, as added by this Act, not later than January 1, 2014.

(b) An animal registration agency is not required to establish procedures under Subsection (a) of this section if the municipality or county in which the agency is located prohibits the ownership, possession, or confinement of dangerous wild animals as defined by Section 822.101, Health and Safety Code.

The amendment to **SB 1395** 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.

**SB 1395** 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: Huffman, Patrick.

### **SENATE BILL 1395 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 1395** 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, Lucio, Nelson, Nichols, Paxton, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Huffman, Patrick.

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 753 ON SECOND READING**

Senator Patrick moved to suspend the regular order of business to take up for consideration **CSSB 753** at this time on its second reading:



**CSSB 753**, Relating to the production of the index of the parties to all suits by the clerk of a district court.

The motion prevailed.

Senators Duncan, Hancock, 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: Duncan, Hancock, Paxton.

**COMMITTEE SUBSTITUTE  
SENATE BILL 753 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 753** 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, Ellis, Eltife, Estes, Fraser, Garcia, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Patrick, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Duncan, Hancock, Paxton.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3. (Same as previous roll call)

**SENATE BILL 1267 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 1267** at this time on its second reading:

**SB 1267**, Relating to the liability of individuals providing labor or assistance to the Texas Forest Service in the performance of certain fire suppression duties.

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 1267 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 1267** 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 974 ON SECOND READING**

Senator Campbell moved to suspend the regular order of business to take up for consideration **SB 974** at this time on its second reading:

**SB 974**, Relating to the name of Texas State University—San Marcos.

The motion prevailed by the following vote: Yeas 25, Nays 4.

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

Nays: Davis, Lucio, Watson, West.

Absent: Deuell, Ellis.

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 974 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 974** 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 632 ON SECOND READING**

Senator Carona moved to suspend the regular order of business to take up for consideration **CSSB 632** at this time on its second reading:

**CSSB 632**, Relating to contracts between optometrists or therapeutic optometrists and health maintenance organizations or insurers.

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.

**COMMITTEE SUBSTITUTE  
SENATE BILL 632 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 632** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Campbell.

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 33 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 33** at this time on its second reading:

**CSSB 33**, Relating to the electronic monitoring of residents at state supported living centers; providing criminal 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.

**COMMITTEE SUBSTITUTE  
SENATE BILL 33 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 33** 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.

**SESSION TO CONSIDER EXECUTIVE APPOINTMENTS**

The President 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 President 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, Present-not voting 1.

Present-not voting: Garcia.

Members, Oversight Committee, Cancer Prevention and Research Institute of Texas: Angelos G. Angelou, Travis County; Arthur Gerald Geistweidt, Mason County.

Members, Credit Union Commission: Allyson Morrow, Cameron County; Barbara Kay Stewart, Morris County; Vik Vad, Travis County.

Members, Board of Directors, Rio Grande Regional Water Authority: Troy Coby Allen, Hidalgo County; Dario Vidal Guerra, Hidalgo County; Arturo Hinojosa, Hidalgo County; Sonia Lambert, Cameron County; Lance Scott Neuhaus, Hidalgo County; Joe Alfred Pennington, Willacy County; Frank White, Hidalgo County.

Members, Risk Management Board, State Office of Risk Management: Lloyd Marshall Garland, Lubbock County; John Wesley Youngblood, Milam County.

Justice, Supreme Court of Texas: Jeffrey Scott Boyd, Travis County.

Members, Texas Council on Purchasing from People with Disabilities: Jack Daniel Bremer, Comal County; Michael Kevin Cloud, Travis County; Glenn Ray Hagler, Williamson County; Kevin Milanes Jackson, Travis County; Beverly Jackson Loss, Hunt County; Alfred Harlow Matson, Smith County; Dietrich Matthew Grogan von Biedenfeld, Brazoria County.

Members, Texas Transportation Commission: Jeff Austin, Smith County; Jeffrey Alan Moseley, Harris County; Victor Thomas Vandergriff, Tarrant County.

### REASON FOR VOTE

Senator Garcia submitted the following reason for vote on the confirmation of nominees reported by the Committee on Nominations:

While I voted "Present-not voting" on the slate of nominations presented on the Senate floor today, I want to register my opposition to the confirmation of Justice Jeffrey S. Boyd to the Supreme Court of Texas. Due to a lack of authored judicial opinions by which to determine his judicial philosophy, I do not have sufficient evidence with which to determine his qualifications for the position and how his appointment may impact my constituents and the people of Texas. I do support all the other nominations presented today.

GARCIA

### 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 resolution: **SJR 1**.

WHITMIRE

The Motion In Writing prevailed without objection.

**SENATE BILLS AND RESOLUTION ON FIRST READING**

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

**SB 1884** by Taylor

Relating to the creation of the Westwood Management District; providing authority to issue bonds; providing authority to impose fees or taxes.

To Committee on Intergovernmental Relations.

**SB 1885** by Estes

Relating to the creation of the Comanche Municipal Management District No. 1.

To Committee on Intergovernmental Relations.

**SB 1886** by Estes

Relating to the creation of the Old Celina Municipal Management District No. 1.

To Committee on Intergovernmental Relations.

**SJR 1** by Williams

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.

To Committee on Finance.

**SENATE RULE 11.13 SUSPENDED**  
**(Consideration of Bills in Committees)**  
**(Motion In Writing)**

Senator Eltife 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.

ELTIFE

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 8:30 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 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 **SJR 1** 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 **SB 906** tomorrow.

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

On motion of Senator Nelson and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Health and Human Services 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 the following bills today:

**SB 400, SB 598, SB 861, SB 950, SB 962, SB 1034, SB 1268, SB 1280, SB 1364, SB 1639, HB 1600.**

**MOTION TO ADJOURN**

On motion of Senator Whitmire and by unanimous consent, the Senate at 1:34 p.m. agreed to adjourn, in memory of the life of Carlos Truan, upon conclusion of the Local and Uncontested Calendar Session, until 11:00 a.m. tomorrow.

**CO-AUTHOR OF SENATE BILL 11**

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

**CO-AUTHOR OF SENATE BILL 21**

On motion of Senator Williams, Senator Schwertner will be shown as Co-author of **SB 21**.

**CO-AUTHOR OF SENATE BILL 248**

On motion of Senator Davis, Senator Garcia will be shown as Co-author of **SB 248**.

**CO-AUTHOR OF SENATE BILL 459**

On motion of Senator Rodríguez, Senator Garcia will be shown as Co-author of **SB 459**.

**CO-AUTHOR OF SENATE BILL 1398**

On motion of Senator Estes, Senator Van de Putte will be shown as Co-author of **SB 1398**.

**CO-AUTHOR OF SENATE BILL 1476**

On motion of Senator West, Senator Rodríguez will be shown as Co-author of **SB 1476**.

**CO-AUTHOR OF SENATE BILL 1655**

On motion of Senator Williams, Senator Estes will be shown as Co-author of **SB 1655**.

**CO-AUTHORS OF SENATE JOINT RESOLUTION 55**

On motion of Senator Williams, Senators Deuell and Estes will be shown as Co-authors of **SJR 55**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Congratulatory Resolutions**

**SR 630** by Lucio, Recognizing the Pharr Oratory of Saint Philip Neri School System on the occasion of its 30th anniversary.

**SR 631** by Ellis, Recognizing Eva Perkins on the occasion of her 74th birthday.

**RECESS**

On motion of Senator Whitmire, the Senate at 1:34 p.m. recessed until 8:30 a.m. tomorrow for the Local and Uncontested Calendar Session.

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**APPENDIX**

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**COMMITTEE REPORTS**

The following committee reports were received by the Secretary of the Senate in the order listed:

April 10, 2013

AGRICULTURE, RURAL AFFAIRS AND HOMELAND SECURITY — **CSSB 1857**

CRIMINAL JUSTICE — **SB 481, SB 834, SB 892, SB 1316**

EDUCATION — **SB 914, CSSB 1406, SB 860**

GOVERNMENT ORGANIZATION — **CSSB 1708**

EDUCATION — **CSSB 17**

NATURAL RESOURCES — **SB 1162, SB 1163, SB 1844, SB 873, SB 1876**

**BILLS ENGROSSED**

April 9, 2013

**SB 121, SB 291, SB 427, SB 449, SB 547, SB 552, SB 953, SB 966, SB 1115, SB 1367, SB 1437, SB 1530, SB 1538, SB 1803**

**RESOLUTIONS ENROLLED**

April 9, 2013

**SR 591, SR 608, SR 619, SR 622, SR 623, SR 624, SR 626, SR 627**



# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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## PROCEEDINGS

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### THIRTY-EIGHTH DAY

(Continued)

(Thursday, April 11, 2013)

### AFTER RECESS

The Senate met at 8:30 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.

#### **CSSB 45** (Zaffirini)

Relating to the provision of employment assistance and supported employment to certain Medicaid waiver program participants.

(viva voce vote) (31-0) (31-0)

#### **CSSB 62** (Nelson)

Relating to the vaccination against bacterial meningitis of entering students at public and private or independent institutions of higher education.

(viva voce vote) (31-0) (31-0)

#### **CSSB 92** (Van de Putte)

Relating to the designation of a juvenile court and a program for certain juveniles who may be the victims of human trafficking.

(viva voce vote) (31-0) (31-0)

#### **SB 217** (Patrick)

Relating to the continuation and functions of the state employee charitable campaign.

(viva voce vote) (31-0) (31-0)

**CSSB 272 (Seliger)**

Relating to water well recordkeeping and reporting requirements, including the production and use of groundwater.

(viva voce vote) (31-0) (31-0)

**CSSB 280 (Zaffirini)**

Relating to the creation and operation of a park and recreation district in a county with frontage on the San Marcos River and to the authority of the district to collect fees; providing penalties.

(viva voce vote) (31-0) (31-0)

**SB 286 (Hinojosa)**

Relating to a home loan program operated by the Texas State Affordable Housing Corporation.

(viva voce vote) (31-0) (31-0)

**SB 320 (Williams)**

Relating to the powers and duties of the Montgomery County Water Control and Improvement District No. 3.

(viva voce vote) (31-0) (31-0)

**SB 321 (Williams)**

Relating to the powers and duties of the Montgomery County Water Control and Improvement District No. 2.

(viva voce vote) (31-0) (31-0)

**SB 322 (Williams)**

Relating to the period for confirmation and the terms of the temporary directors of the Montgomery County Municipal Utility District No. 102.

(viva voce vote) (31-0) (31-0)

**SB 323 (Williams)**

Relating to the period for confirmation and the terms of the temporary directors of the Montgomery County Municipal Utility District No. 104.

(viva voce vote) (31-0) (31-0)

**SB 324 (Williams)**

Relating to the period for confirmation and the terms of the temporary directors of the Montgomery County Municipal Utility District No. 117.

(viva voce vote) (31-0) (31-0)

**CSSB 332 (Rodríguez)**

Relating to commissioners court oversight of certain emergency services districts.

(viva voce vote) (31-0) (31-0)

**SB 334 (Rodríguez)**

Relating to preliminary review of complaints filed with a county ethics commission.

(viva voce vote) (31-0) (31-0)

**CSSB 387 (Nichols)**

Relating to county participation in a program for improvement of collection of court costs, fees, and fines imposed in criminal cases.

(viva voce vote) (31-0) (31-0)

**CSSB 457** (Rodríguez)

Relating to the confidentiality of certain autopsy records.

(viva voce vote) (31-0) (31-0)

**CSSB 476** (Hinojosa)

Relating to installment agreements for the payment of delinquent ad valorem taxes.

(viva voce vote) (31-0) (31-0)

**SB 566** (Eltife)

Relating to the establishment of a pharmacy school at The University of Texas at Tyler.

(viva voce vote) (31-0) (31-0)

**SB 623** (Williams)

Relating to the creation of the Montgomery County Municipal Utility District No. 138; 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 624** (Williams)

Relating to the creation of the Montgomery County Municipal Utility District No. 137; 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)

**CSSB 718** (West)

Relating to voluntary and involuntary mental health services.

(viva voce vote) (31-0) (31-0)

**CSSB 793** (Deuell)

Relating to newborn hearing screening.

(viva voce vote) (31-0) (31-0)

**(Senator Uresti in Chair)****SB 795** (Lucio)

Relating to the composition and powers of a governing body in certain municipalities.

(viva voce vote) (31-0) (31-0)

**SB 831** (Taylor)

Relating to a list of mental health, substance abuse, and suicide prevention programs that may be selected for implementation by public schools.

(viva voce vote) (31-0) (31-0)

**SB 844** (Ellis)

Relating to unemployment compensation eligibility and chargebacks regarding certain persons who leave work to attend training.

(viva voce vote) (28-3) "Nays" Fraser, Huffman, Nelson (28-3) "Nays" Fraser, Huffman, Nelson

**SB 846** (Van de Putte)

Relating to training, certification, and accreditation provided or regulated by the Texas Veterans Commission.

(viva voce vote) (31-0) (31-0)

**CSSB 869** (Van de Putte)

Relating to the regulation of the practice of pharmacy; authorizing fees.

(viva voce vote) (31-0) (31-0)

**SB 875** (Eltife)

Relating to the purchase of plastic bulk merchandise containers by certain businesses; providing a civil penalty.

(viva voce vote) (30-1) "Nay" Fraser (30-1) "Nay" Fraser

**CSSB 951** (Carona)

Relating to surplus lines insurance.

(viva voce vote) (31-0) (31-0)

**CSSB 973** (Carona)

Relating to the regulation of barbering and cosmetology; authorizing fees.

(viva voce vote) (31-0) (31-0)

**CSSB 990** (West)

Relating to criminal history record information obtained or disseminated by certain private entities; providing a civil penalty; authorizing fees.

(viva voce vote) (31-0) (31-0)

**SB 997** (Deuell)

Relating to the sales and use tax consequences of economic development agreements in certain municipalities.

(viva voce vote) (31-0) (31-0)

**CSSB 1023** (Watson)

Relating to the renewal and extension and modification of a 99-year lease of certain state property to the City of Austin.

(viva voce vote) (31-0) (31-0)

**CSSB 1035** (Carona)

Relating to alcoholic beverage license applications and fees.

(viva voce vote) (31-0) (31-0)

**SB 1041** (Zaffirini)

Relating to authorizing certain counties to impose a hotel occupancy tax.

(viva voce vote) (31-0) (31-0)

**CSSB 1057** (Nelson)

Relating to information about private health care insurance coverage and the health insurance exchange for individuals applying for certain Department of State Health Services health or mental health benefits, services, and assistance.

(viva voce vote) (31-0) (31-0)

**CSSB 1074** (Hegar)

Relating to electronic transmission of documentation involved in certain insurance transactions.

(viva voce vote) (31-0) (31-0)

**SB 1093** (West)

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.

(viva voce vote) (31-0) (31-0)

Senator West offered the following committee amendment to the bill:

**Committee Amendment No. 1**

Amend **SB 1093** (introduced version) in SECTION 10.003 of the bill by striking the language of Subsection (a) of that SECTION and relettering subsequent subsections of that SECTION accordingly.

The amendment to **SB 1093** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Committee 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 1094** (Hinojosa)

Relating to security interests in oil and gas production and its proceeds.

(viva voce vote) (31-0) (31-0)

**SB 1101** (Van de Putte)

Relating to the Cybersecurity, Education, and Economic Development Council.

(viva voce vote) (31-0) (31-0)

**SB 1102** (Van de Putte)

Relating to the appointment of a state cybersecurity coordinator.

(viva voce vote) (31-0) (31-0)

**CSSB 1113** (Zaf̄irini)

Relating to matching private grants given to enhance additional research activities at institutions of higher education.

(viva voce vote) (31-0) (31-0)

**CSSB 1114** (Whitmire)

Relating to the prosecution of certain misdemeanor offenses committed by children and to school district law enforcement.

(viva voce vote) (31-0) (31-0)

**CSSB 1125** (Carona)

Relating to first-party indemnity coverage purchased by insurance purchasing groups.

(viva voce vote) (31-0) (31-0)

**(Senator Hancock in Chair)****SB 1134** (Ellis)

Relating to the duties of the Department of Information Resources regarding cybersecurity.

(viva voce vote) (31-0) (31-0)

**SB 1165** (Hegar)

Relating to the use of real property by the University of Houston–Sugar Land.

(viva voce vote) (31-0) (31-0)

**CSSB 1178** (Deuell)

Relating to training for public school educators in identifying mental health and suicide risks among students.

(viva voce vote) (31-0) (31-0)

**SB 1195** (Ellis)

Relating to a contract for the acquisition of goods or services to which The University of Texas M. D. Anderson Cancer Center is a party.

(viva voce vote) (31-0) (31-0)

**CSSB 1237** (Schwertner)

Relating to referral of disputes for alternative dispute resolution, including victim-directed referrals; authorizing a fee.

(viva voce vote) (31-0) (31-0)

**CSSB 1248** (Carona)

Relating to the documentary fee charged in connection with the sale of certain recreational vehicles and boats.

(viva voce vote) (31-0) (31-0)

**CSSB 1251** (Carona)

Relating to authorized charges and terms for certain consumer loans.

(viva voce vote) (31-0) (31-0)

**CSSB 1282** (Duncan)

Relating to deadlines for proposals for adoption by certain districts or authorities of desired future conditions of relevant aquifers.

(viva voce vote) (31-0) (31-0)

**CSSB 1299** (Patrick)

Relating to powers of the West Harris County Regional Water Authority relating to certain wells.

(viva voce vote) (31-0) (31-0)

**CSSB 1300** (Eltife)

Relating to environmental or health and safety audits under the Texas Environmental, Health, and Safety Audit Privilege Act.

(viva voce vote) (31-0) (31-0)

**SB 1332** (Duncan)

Relating to who is an employee for large and small employers for health benefit plans.

(viva voce vote) (31-0) (31-0)

**SB 1352** (Van de Putte)

Relating to inclusion of mental health concerns in existing state and local coordinated school health efforts.

(viva voce vote) (31-0) (31-0)

**SB 1373** (Hinojosa)

Relating to the display of the Honor and Remember flag.

(viva voce vote) (31-0) (31-0)

**CSSB 1388** (Carona)

Relating to identity recovery services; imposing a fee.

(viva voce vote) (31-0) (31-0)

**CSSB 1393** (Estes)

Relating to homeland security strategy.

(viva voce vote) (31-0) (31-0)

**SB 1394** (Estes)

Relating to the statewide critical infrastructure protection strategy.

(viva voce vote) (31-0) (31-0)

**SB 1423** (Hinojosa)

Relating to validating certain acts of the Lower Nueces River Water Supply District transferring real property rights.

(viva voce vote) (31-0) (31-0)

**SB 1430** (Hinojosa)

Relating to the applicability of certain public works contracting requirements.

(viva voce vote) (31-0) (31-0)

**CSSB 1537** (Deuell)

Relating to certain required notices under the Texas Unemployment Compensation Act, including employer liability arising from failure to provide the notice.

(viva voce vote) (31-0) (31-0)

**CSSB 1597** (Zaffirini)

Relating to the development of state agency information security plans.

(viva voce vote) (31-0) (31-0)

**CSSB 1602** (Zaffirini)

Relating to reports and other information required of or held by institutions of higher education.

(viva voce vote) (31-0) (31-0)

**SB 1613** (Zaffirini)

Relating to the abolition of the Office of State-Federal Relations.

(viva voce vote) (31-0) (31-0)

**SB 1665** (Carona)

Relating to the deposit of assessments and fees collected for examination expenses.

(viva voce vote) (31-0) (31-0)

**CSSB 1702** (Taylor)

Relating to residential property insured by the Texas Windstorm Insurance Association.

(viva voce vote) (31-0) (31-0)

**SB 1833** (Uresti)

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

(viva voce vote) (28-3) "Nays" Fraser, Hancock, Schwertner (28-3) "Nays" Fraser, Hancock, Schwertner

**SB 1835** (Hegar)

Relating to the Calhoun County Groundwater Conservation District; providing authority to impose a voter-approved tax.

(viva voce vote) (31-0) (31-0)

**ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 9:00 a.m. adjourned, in memory of the life of Carlos Truan, until 11:00 a.m. today.



# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**THIRTY-NINTH DAY**

(Thursday, April 11, 2013)

The Senate met at 11:12 a.m. pursuant to adjournment and was called to order by Senator Nelson.

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 Ron Brunson, New Covenant Church, Plainview, offered the invocation as follows:

Our Father in heaven, blessed be Your name. Lord, we are gathered here again this morning in this assembly hall and in Your presence like so many of our predecessors have. Ever since Texas has been in existence our leaders have called on You for guidance, protection, and wisdom. Many, many times in this very room our fathers have invoked Your holy name, even as we do today. Thank You for hearing both their prayers and ours. Thank You for Your guidance, protection, and wisdom that have made us a great state and in many ways leader to the other 49 states. Thank You for Governor Perry, Lieutenant Governor David Dewhurst, and others who have publicly and unashamedly called on Your name and boldly given You credit for whatever good that has been done. Grant, O Lord, that every Senator here today may verbalize, convince, and vote in that same spirit. Remind us today that every one of us in leadership carry great responsibility not only to this generation and many to come but also on that great judgment day. Your holy word says, (James 3:1) My brethren, let not many of you become teachers, knowing that we shall receive a stricter judgment. (Matthew 12:36-37) But I say to you that for every idle word men may speak, they will give account of it in the day of judgment. For by your words you will be justified, and by your words you will be condemned. May every decision, objection, and vote made today be carefully considered against the backdrop that it is no man who will eventually pass judgment,

but You. And now I release a joyful, honest, respectful, and peaceful spirit in this place, and I declare that much progress will be made today in the name of the Father and of the Son and of the Holy Spirit. 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

Thursday, April 11, 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 38** Menéndez  
Relating to the penalty for an offense involving motor vehicle airbags.

**HB 86** Callegari  
Relating to the criteria for review by the Sunset Advisory Commission of an agency that licenses an occupation.

**HB 468** Davis, John  
Relating to reporting requirements and other information in connection with an award under the Texas emerging technology fund.

**HB 829** Thompson, Senfronia  
Relating to the governor's executive authority while traveling outside of the state.

**HB 838** Zerwas  
Relating to the monitoring of certain medications provided to foster children.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

### PHYSICIAN OF THE DAY

Senator Hancock was recognized and presented Dr. Erica Swegler of Keller as the Physician of the Day.

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

**MESSAGE FROM THE GOVERNOR**

The following Message from the Governor was read and was referred to the Committee on Nominations:

April 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 appointment:

To be District Attorney of Kaufman County for a term until the next General Election and until her successor shall be duly elected and qualified:

Erleigh Norville Wiley

Forney, Texas

Judge Wiley is replacing Mike McLelland who is deceased.

Respectfully submitted,

/s/Rick Perry

Governor

**SENATE RESOLUTION 625**

Senator Van de Putte offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to join the Texas Pharmacy Association in recognizing students who have chosen to dedicate themselves to the study of pharmacy; and

WHEREAS, Since 1879, the Texas Pharmacy Association has helped improve the quality of medication and pharmaceutical services in Texas; the group works to ensure the advancement, protection, and unification of the pharmacy profession and to assist patients in leading healthy lives; and

WHEREAS, In choosing to study pharmacy, students join a vital health profession whose members play a central role in maintaining the well-being of communities across the state; and

WHEREAS, There are more than 20,000 pharmacists practicing in Texas today; they, along with student pharmacists and pharmacy technicians, help patients maximize the benefits attainable from their medications; and

WHEREAS, Pharmacists also safeguard the health of innumerable Texans by preventing drug-related contraindications and other conditions that can arise from the overlapping use of multiple medications; and

WHEREAS, The use of medication as a cost-effective alternative to expensive medical procedures is becoming a major force in the moderation of health care costs; pharmacists play an invaluable role not only in the lives of patients, but in the overall well-being of the Texas health care system; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby commend pharmacy students across the state for their dedication to the health of their fellow man and extend to them sincere appreciation for their ongoing contributions to the medical field; and, be it further

RESOLVED, That a copy of this Resolution be prepared for them as an expression of high regard from the Texas Senate.

**SR 625** was read and was adopted without objection.

### **GUESTS PRESENTED**

Senator Van de Putte was recognized and introduced to the Senate a Texas Pharmacy Association and pharmacy college students delegation, accompanied by Jobby John, Texas Pharmacy Association; Andrew Morris, University of Houston College of Pharmacy; Stephanie M. Bishop, Texas A&M Health Science Center Irma Lerma Rangel College of Pharmacy; Carolyn Johnson, Texas Tech University Health Sciences Center School of Pharmacy; and Amanda M. Zessin, University of the Incarnate Word Feik School of Pharmacy.

The Senate welcomed its guests.

### **FORMER MEMBERS DAY**

Senator Whitmire was recognized and introduced to the Senate former Lieutenant Governors, Deans of the Senate, and Senators.

#### **Former Lieutenant Governors**

The Honorable Ben Barnes–DeLeon  
Lieutenant Governor–1969 to 1973

The Honorable William P. Hobby–Houston  
Lieutenant Governor–1973 to 1991

#### **Former Senators**

The Honorable Don Adams–Jasper  
State Senator–1973 to 1977

The Honorable Richard Anderson–Marshall  
State Senator–1986 to 1989

The Honorable Ken Armbrister–Victoria  
State Senator–1987 to 2007

The Honorable Kip Averitt–McLennan  
State Senator–2002 to 2010

The Honorable Gonzalo Barrientos–Austin  
State Senator–1985 to 2007

The Honorable David Bernsen–Beaumont  
State Senator–1999 to 2003

The Honorable Chet Brooks–Pasadena  
State Senator–1967 to 1993  
Dean of the Senate–1981 to 1993

The Honorable J. E. "Buster" Brown–Lake Jackson  
State Senator–1981 to 2002

- The Honorable David Cain–Dallas  
State Senator–1995 to 2003
- The Honorable Kent Caperton–Bryan  
State Senator–1981 to 1991
- The Honorable Ron Clower–Garland  
State Senator–1973 to 1981
- The Honorable Ray Farabee–Wichita Falls  
State Senator–1975 to 1988
- The Honorable Michael Galloway–The Woodlands  
State Senator–1995 to 1999
- The Honorable Bill Haley–Center  
State Senator–1989 to 1995
- The Honorable Kyle Janek–Harris  
State Senator–2002 to 2008
- The Honorable Glenn Kothmann–San Antonio  
State Senator–1971 to 1987
- The Honorable Cyndi Krier–San Antonio  
State Senator–1985 to 1993
- The Honorable Ted Lyon–Rockwall  
State Senator–1983 to 1993
- The Honorable Bill Meier–Euleess  
State Senator–1973 to 1983
- The Honorable John T. Montford–Lubbock  
State Senator–1983 to 1996
- The Honorable Jack Ogg–Houston  
State Senator–1973 to 1983
- The Honorable Bill Sarpalius–Amarillo  
State Senator–1981 to 1989
- The Honorable A. R. "Babe" Schwartz–Galveston  
State Senator–1960 to 1981
- The Honorable John Sharp–Victoria  
State Senator–1982 to 1987
- The Honorable Dan Shelley–Crosby  
State Senator–1993 to 1995
- The Honorable E. L. Short–Tahoka  
State Senator–1979 to 1983
- The Honorable David Sibley–Waco  
State Senator–1991 to 2002

The Honorable W. E. "Pete" Snelson—Midland  
 State Senator—1965 to 1983  
 Dean of the Senate—1981 to 1983

The Honorable Hector Uribe—Brownsville  
 State Senator—1981 to 1991

The Honorable Craig Washington—Houston  
 State Senator—1985 to 1990

### **Former Secretary of the Senate**

Charles Schnabel  
 Secretary of the Senate—1955 to 1977

The Senate welcomed its guests.

### **IN MEMORIAM**

Senator Eltife was recognized to read from "A State of Remembrance, April 11, 2013" the following names:

The Honorable Mario V. Gallegos, Jr.—Harris County  
 State Senator—1995 to 2012

The Honorable Robert Alton Gammage—Harris County  
 State Senator—1973 to 1976

The Honorable John Nesbett Leedom—Dallas County  
 State Senator—1981 to 1996

The Honorable George O. Nokes, Jr.—Navarro County  
 State Senator—1950 to 1953

The Honorable Carlos Flores Truan—Nueces County  
 State Senator—1977 to 2003  
 Dean of the Senate—1995 to 2003

### **(President in Chair)**

### **ACKNOWLEDGMENTS**

Senator Ellis was recognized and spoke on the history of Members of the Texas Senate.

Senator Zaffirini was recognized and spoke on the history of women and minorities in the Texas Senate.

### **CONCLUSION**

Senator Whitmire was again recognized for closing remarks and thanked the honored guests for their service to the State of Texas.

### **AT EASE**

The President at 11:55 a.m. announced the Senate would stand At Ease subject to the call of the Chair.

### **IN LEGISLATIVE SESSION**

The President at 12:27 p.m. called the Senate to order as In Legislative Session.

**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 12:27 p.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1611 ON SECOND READING**

Senator Ellis moved to suspend the regular order of business to take up for consideration **CSSB 1611** at this time on its second reading:

**CSSB 1611**, Relating to discovery in a criminal case.

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 Ellis offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1611** (senate committee printing) in SECTION 2 of the bill as follows:

(1) In the first sentence of amended Article 39.14(a), Code of Criminal Procedure (page 1, line 33), between "electronic" and "photographing", strike "duplication [copying] or" and substitute "duplication, copying, and [or]".

(2) In the first sentence of amended Article 39.14(a), Code of Criminal Procedure (page 1, lines 34-35), between "any offense" and "any designated documents", strike "reports or of" and substitute "reports,".

(3) In the first sentence of amended Article 39.14(a), Code of Criminal Procedure (page 1, line 40), between "report" and "[~~]~~, books", insert "or any designated".

(4) In the first sentence of amended Article 39.14(a), Code of Criminal Procedure (page 1, lines 40-41), between "objects or" and "tangible things", insert "other".

(5) In the first sentence of amended Article 39.14(a), Code of Criminal Procedure (page 1, line 41), between "otherwise privileged" and "constitute", strike "[~~]~~ which" and substitute "that [~~which~~]".

(6) In the first sentence of amended Article 39.14(a), Code of Criminal Procedure (page 1, lines 42-43), between "action and" and "are in the possession", strike "which" and substitute "that [~~which~~]".

(7) In amended Article 39.14(a), Code of Criminal Procedure (page 1, lines 45-47), strike the second sentence of the subsection and substitute the following:  
The state may provide to the defendant electronic duplicates of any documents or other information described by this article.

(8) In the first sentence of added Article 39.14(c), Code of Criminal Procedure (page 2, lines 1-2), between "remaining portion" and "and may withhold", insert "that is not subject to discovery".

(9) In the third sentence of added Article 39.14(d), Code of Criminal Procedure (page 2, lines 18-19), between "inspection of" and "document", strike "the" and substitute "a".

(10) In the third sentence of added Article 39.14(d), Code of Criminal Procedure (page 2, lines 21-23), between "information but" and the underlined period, strike "notwithstanding Subsection (a), is not required to allow electronic duplication of the document, item, or information" and substitute "is not required to allow electronic duplication as described by Subsection (a)".

(11) In added Article 39.14(f), Code of Criminal Procedure (page 2, lines 30-31), between "The state shall" and "information provided", strike "document or otherwise electronically record the documents, items, and" and substitute "electronically record or otherwise document any document, item, or other".

(12) In added Article 39.14(g), Code of Criminal Procedure (page 2, lines 35-36), between "list of" and "documents", strike "the" and substitute "all".

(13) In added Article 39.14(h), Code of Criminal Procedure (page 2, line 39), between "any additional" and "information", strike "documents, items," and substitute "document, item,".

(14) In added Article 39.14(h), Code of Criminal Procedure (page 2, line 41), between "existence of the" and "or information", strike "documents, items," and substitute "document, item,".

(15) In added Article 39.14(i), Code of Criminal Procedure (page 2, lines 44-45), between "may not exceed" and "Chapter 552", strike "those provided for by" and substitute "the charges prescribed by Subchapter F,".

The amendment to **CSSB 1611** 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 Huffman offered the following amendment to the bill:

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

Amend **CSSB 1611** as follows:

(1) In SECTION 2 of the bill, in amended Article 39.14(a), Code of Criminal Procedure, (Committee Printing page 1, line 32), strike "Article 39.15" and substitute "Section 264.408, Family Code, and Article 39.15 of this code".

(2) In SECTION 2 of the bill, in added Subsection (d), Article 39.14, Code of Criminal Procedure, strike the first two sentences (Committee Printing page 2, lines 8-17).

(3) In SECTION 2 of the bill, in amended Article 39.14, Code of Criminal Procedure, after added Subsection (d) (Committee Printing page 2, between lines 23 and 24), add new Subsections (e), (f), and (g) and reletter the remaining subsections and cross-references accordingly:



(e) Except as provided by Subsection (f), the defendant, the attorney representing the defendant, or an investigator, expert, consulting legal counsel, or other agent of the attorney representing the defendant may not disclose to a third party any documents, evidence, materials, or witness statements received from the state under this article unless:

(1) a court orders the disclosure upon a showing of good cause after notice and hearing after considering the security and privacy interests of any victim or witness; or

(2) the documents, evidence, materials, or witness statements have already been publicly disclosed.

(f) The attorney representing the defendant, or an investigator, expert, consulting legal counsel, or agent for the attorney representing the defendant, may allow a defendant, witness, or prospective witness to view the information provided under this article, but may not allow that person to have copies of the information provided, other than a copy of the witness's own statement. Before allowing that person to view a document or the witness statement of another under this subsection, the person possessing the information shall redact the address, telephone number, driver's license number, social security number, date of birth, and any bank account or other identifying numbers contained in the document or witness statement. For purposes of this section, the defendant may not be the agent for the attorney representing the defendant.

(g) Nothing in this section shall be interpreted to limit an attorneys' ability to communicate regarding his or her case within the Texas Disciplinary Rules of Professional Conduct, except for the communication of information identifying any victim or witness, including name, except as provided in subsections (e) and (f), address, telephone number, driver's license number, social security number, date of birth, and bank account information or any information that by reference would make it possible to identify a victim or a witness. Nothing in this subsection shall prohibit the disclosure of identifying information to an administrative, law enforcement, regulatory or licensing agency for the purposes of making a good faith complaint.

(4) In SECTION 2 of the bill, in amended Article 39.14, Code of Criminal Procedure, after added Subsection (j) (Committee Printing page 2, between lines 46 and 47), add new Subsection (k) to read as follows:

(k) This article does not prohibit the parties from agreeing to discovery and documentation requirements equal to or greater than those required under this article.

(5) Reletter the existing subsections of amended Article 39.14, Code of Criminal Procedure, accordingly.

The amendment to **CSSB 1611** 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 Ellis and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSSB 1611** 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 1611 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 1611** 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 Ellis and by unanimous consent, the remarks regarding **CSSB 1611** were ordered reduced to writing and printed in the *Senate Journal* as follows:

**President:** Chair recognizes Senator Ellis for a motion to suspend the Senate's regular order of business to take up and consider Committee Substitute to Senate Bill 1611.

**Senator Ellis:** Thank you, Mr. President and Members. Senator Robert Duncan and I came together to work on this Committee Substitute to Senate Bill 1611 because there's nothing more vital than the reliability and quality of our justice system in Texas than bringing all of the relevant facts to light to ensure we're protecting the innocent, convicting only the guilty, and providing justice to people that we can trust. Members, I want to take a moment, if I might, to thank Senator Duncan, in particular, and his staff, as well as my staff, and a lot of other people who worked on this bill, my friend and colleague, Senator West, whom I've nicknamed Thurgood, going through this process, Dean Whitmire, Senator Huffman, the Lieutenant Governor's staff, and the Lieutenant Governor personally, the District and County Attorneys Association, the defense bar, the Governor's office, and Thomas Ratliff. I want to thank all of the stakeholders who've been involved in this issue in trying to put justice first, working out an agreement in the best interest of everybody of Texas, and coming together on this important step toward making our criminal justice system a much better one. In particular, I want to thank someone over to my right that I took the privilege of bringing on the floor, with permission from Senate Administration. I want to thank Michael Morton for using his life's tragedy to make a difference to protect others, to make sure they wouldn't end up in a similar predicament. There were times when this bill fell apart, when I, quite frankly, was ready to walk away and work on something else. But I thought about Dean Whitmire's comments when he introduced Michael Morton on one of his bills and we had them on the floor, and he said, What would Michael do? But Michael Morton and his lovely bride really worked on this and did a lot to bring us all together over the last couple of days. Michael's tragic case brought to the forefront something that we already knew in Texas, but we too long neglected. Our criminal discovery process in Texas needs serious reform. Clearly, exculpatory evidence was in the possession of the state in his case, but it was never revealed for over 25 years. Regardless of whether those facts were intentional or not, what is clear is that a more open and transparent discovery process would've helped Michael Morton and hopefully many other people in Texas. Mr. Morton was kind enough to

work on this bill; we decided to name it after him. So, henceforward, hoping it passes today, this will be known as the Michael Morton Act. Here are the four important things that the bill does. It removes barriers to discovery processes in Texas to ensure a more relevant evidence procedure comes forward and evidence that is relevant will be disclosed; it has to be disclosed. It allows prosecutors to withhold information through a protective order to protect a victim or witness to make sure that they are safe. Number three, it provides greater transparency by requiring a record of all items disclosed to avoid disputes later in the process. And fourth, which is the other main component, it requires continuing discovery after trial has commenced. Members, the discovery statute in Texas has not been changed since 1965. I know we had a lot of former Members here today, and if any of them were in this body in 1965, I'm sure they tried to do a good job. But God knows, we were not ahead of our time in 1965. As I stated earlier, it is an agreed-to bill. I have a perfecting amendment to correct typos that Senator Huffman and Senator Whitmire have looked at and approved, and Senator Huffman has an amendment that she's going to offer at the appropriate time to address some of her concerns. There'll be some Q&A in terms of legislative intent, hopefully to make sure that no unintended consequences in this bill, but I think we have an agreed-to product. I would respectfully move that the Senate suspend all necessary rules to take up and consider the Committee Substitute to Senate Bill 1611, the Michael Morton Act.

**Senator Davis:** Thank you. Senator Ellis, I just want to compliment your incredible work on the bill that we're voting on right now. I know it has not been an easy process for you, and, unfortunately, it resulted from experiences like those borne by Mr. Morton in our criminal justice system, but it is an incredibly important piece of work going forward to make sure that, hopefully, we don't have more Michael Morton stories in Texas' future. You are to be congratulated for what you have done in putting this bill together. I know it has not been an easy process, and I just want you to know how much I admire the difference that you're making in people's lives, that we will never know, will be impacted by the work that you put forward in this bill today. Thank you very much.

**Senator Ellis:** Thank you, Senator. I have good staff and a good co-sponsor, so we've been pretty lucky. But thank you, Members, one and all.

**Senator Huffman:** Senator Ellis, you and I worked on this, and I am absolutely certain you're going to take my amendment, but just to quell some of the questions that I'm receiving here on the floor, you do intend to accept the amendment that I will be offering?

**Senator Ellis:** That is correct, I will. And I appreciate the time and work that you put into it, Senator, and all of the Members. We had a long collaborative meeting on yesterday and over a lot of days, and so, I appreciate the work of everyone.

**Senator Whitmire:** Senator Ellis, as you well know, sometimes some of the grassroots of ours and grassroots of Senator Huffman and Senator Duncan will ask us, well, are you familiar that sometimes they say, Why do y'all work with the Republicans? Why don't you distinguish our side from their side? Would you not agree with me, this is a classic example of where you and Senator Duncan came

together to craft some legislation in a bipartisan form? Senator Huffman had some concerns based on her experiences as a prosecutor and a judge, but I was in the working session yesterday, and I'm going to tell you publicly, it was as fine a moment for the legislative process as I've seen, maybe ever, certainly in a long time. You've been here a long time, as well. Do you not agree with me that as we pass this piece of legislation with Mr. Morton and his wife, Cynthia, here, isn't it a great tribute to this body, to the Mortons, that they would stay involved and make a difference? Not only for future cases, I mean, we can't undo the harm and the tragedy of his case but, I mean, I just can't tell you how impressed I was yesterday to watch how serious you and Duncan and Huffman and Senator West and your advisors took this subject with Mr. Morton at the table. So, would you not agree with me that that is why we're sent down here to legislate and to make a difference in state policy?

**Senator Ellis:** Dean, it is, and it's really a testament to all of us. I mean, we know that our law enforcement people have a tough job to do. And you and Members of your committee do a good job of advocating for them, but it is a government program, and sometimes the government makes mistakes. Every other state in the country has a discovery process. Some people on my side of the aisle would say, well, why do you have to do anything, because it's pretty clear from court precedents from the Supreme Court, most of this stuff should've been given over anyway, 254 counties, it's not always given over. So, I think all sides came together. I had a good conversation with the prosecutor from Bexar County on yesterday, and I think she raised some legitimate concerns. Senator Huffman put a lot of time into it. Dean, you helped a lot. It's a tough issue. You know, I point out all the time, I'm not a criminal lawyer, and Senator Duncan is not either, but we've had a lot of good experts and a lot of goodwill in this body, including the Presiding Officer, to do a meeting with Mr. Morton on short notice on yesterday when the wheels fell off. I think it's a good product that we'll all be proud of.

**Senator Whitmire:** Having been here a while, I have referenced many times that long-time Lieutenant Governor Bob Bullock would put us in the Ramsey Room and tell us not to come out until we have an agreement. Well, yesterday, our current Lieutenant, Dewhurst, because the Ramsey Room was full, he put us in the great room and told us not to come out until we had an agreement. So that's, once again, what it's all about, to come together. We'll disagree on the budget, and we're going to have some heated discussions about charters, but for the moment, let me just tell you, this is why we're sent down here. And I hope our friends and supporters understand why we agree to disagree sometime, and then we come up with a package that'll make our constituents have better opportunities when they go to court.

**Senator Ellis:** Thank you, Dean.

**President:** Well said, Senator Whitmire.

**Senator Rodríguez:** I'm just rising to express my appreciation for the great work that was done by Senator Ellis, Senator Duncan, and Senator Huffman, and I did find out about your key role, Mr. President. And having been a prosecutor and also having done some criminal defense work when I was in private practice, in my brief stint as a private practice lawyer, I have an appreciation for how difficult it was to reach this

point where there was some resistance on both sides, and yet the role that Mr. Morton and his wife played in it was able to convince all of us, and I especially want to thank Senator Huffman for her key role in working out this compromise that is in the bill today, to have us at least move forward, finally. For many, many years we hadn't done any changes, significant changes to the discovery rules in the criminal arena, and this is a major step forward in promoting a fair, a more just criminal justice system, so I wanted to thank you for that great work, all of you, for having done this for the state. Thank you, Mr. President.

**Senator Ellis:** Senator, I want to thank you for having dinner with me and the Mortons the other night, a good three hours. You told me you were going to stop by, and I'm sure the fact that he was there, his wife was there—they're trying to go on their honeymoon sometime soon—that you and Senator West stayed a couple of hours working through this bill a couple of nights ago. Thank you very much.

**Senator West:** Senator Ellis, I know that there had to be a lobbyist group that brought this bill to you. There had to be a lobbyist group, so what lobbyist group brought this bill to you?

**Senator Ellis:** No lobbyist group brought this and, Senator, you know, I think back to last session and some of the controversy on the Forensic Science Commission. You remember that, and it was a very heated exchange between me and some of our friends in the prosecutor community and, you know, of course, you roll forward. I guess history sort of proved I knew that there was something going on when Michael Morton walked out of that courtroom as a free man after our last session, but really, this is not one, I attribute my staff. I mean, there were a lot of meetings about what could be done, and a lot of proposals were put on the table as a result of the Morton tragedy. I mean, he's just one, there are many others. You know, there are about 312 people that have been exonerated in this country. That's a tough thing when you go up against the full force of the federal government or any state, but this is not one that, to be honest with you, it wouldn't have been on my top list of things to do coming into this session. I understand there was a meeting in which our staff members were there, your staff may have been there, the stakeholders, Mr. Morton, and old Thomas Ratliff, and nobody was picking this one up off the table. So, a young gal, my staff, picked it up, and I said, Well, you know, good luck, maybe we'll do a bill. We had a long, I think 30-page bill that you had a little heartburn over.

**Senator West:** I had a lot of heartburn over.

**Senator Ellis:** Yeah, we had some deep discussions about that late at night where we were going to bust up the Black Caucus on that bill, so we decided to go with something we could pass, but this is not one. You know, I chair the board of the Innocence Project. The Innocence Project will not take a position on this issue because there are still people in the defense community who are going to get some heartburn. I mean, there'll be some discussion when your amendment comes up that I'm going to accept, and I suspect there are some people in the prosecutor community who will still have some heartburn. Change does not come easily, although we're the

last state not to have an open discovery process. But no, no, this is not one where it was the lobby, it was really our staffs and us really wanting to do something because of what this man went through.

**Senator West:** You know, there's, and I'm going to introduce them in a few minutes. I'm glad that I've got some students down from my senatorial district that I'll introduce in a minute, so they can hear what's going on on the floor of the Senate. Because Senator Whitmire is correct, this is probably one of our finest moments. I think that even though we're dealing with juvenile issues, truancy, and all of that, I think this is going to be one of the—we get it through the House, and the whole nine yards—it's going to be one of the top criminal justice bills this legislative session because it's going to make a difference. And I concur with Senator Whitmire. When you think about the talent—and I think LeBron James took his talents to South, what was it, South Beach, okay—you think about the talents on this floor that had input into this particular process, the experience, we had judicial experience, prosecutorial experience, defense counsel experience, and then everyday people experience, in terms of the impact that it has, that some of the things that have happened in our criminal justice, that have on our citizens. All of those experiences, as well as the leadership of our Lieutenant Governor came to bear on this particular issue. That's why I'm glad that we're taking a moment to just kind of reflect on how this particular bill ultimately will be passed in the Senate, hopefully become law, and use this as a blueprint as we go through other issues of importance. Sitting down—yes, we get noise and knots out all the time, in terms of what we should and shouldn't do—but we should use it as a blueprint to go forth on other issues. So, I applaud the work group that we were able to put together in getting this particular bill to the floor and, hopefully, passage today.

**Senator Ellis:** Senator, I thank you, and you know I nicknamed you Thurgood because when my friends come to me with these technical questions about the criminal justice system in terms of a practitioner's perspective, that's above my pay grade. And you and John Whitmire made a really big difference on this bill, and I appreciate it.

**President:** Members, well said. And, Senator Ellis, you've got my commitment and partnership to work with the House on this bill, make sure that it passes. Members, you've heard the motion by Senator Ellis, is there objection from any Member as to the suspension of the Senate's rules? Hearing no objection, the rules are suspended. Chair lays out on second reading, Committee Substitute to Senate Bill 1611, the Secretary will read the caption. Chair lays out Floor Amendment 1 by Senator Ellis, the Secretary will read the amendment.

**Secretary of the Senate:** Floor Amendment Number 1 by Ellis.

**President:** Chair recognizes Senator Ellis to explain Floor Amendment 1.

**Senator Ellis:** Mr. President and Members, it is purely cleanup, this floor amendment is simply a Lege Council cleanup of the Committee Substitute to Senate Bill 1611, so we don't have things like hysterical instead of historical, and Senator Huffman has looked at it. Purely cleanup, no trick stuff in here. I may have something in another bill, but not on this one. If there are no questions, I move adoption.

**President:** Well, thank you for giving us an insight into your other bills. Members, you've heard the motion by Senator Ellis, is there objection from any Member? Chair hears no objection and Floor Amendment Number 1 is adopted. Chair lays out Floor Amendment Number 2 by Senator Huffman. The Secretary will read the amendment.

**Secretary of the Senate:** Floor Amendment Number 2 by Huffman.

**President:** Chair recognizes Senator Huffman to explain Floor Amendment Number 2.

**Senator Huffman:** Thank you, Mr. President. As Senator Ellis explained, this is an amendment which I felt was necessary to complete the bill. I was very supportive and, I think most, the great majority of those in the prosecutor community, I think, were very supportive of change in the discovery process, knowing that, as Senator Ellis said, it's been over 40 years since we've made any changes, and it was time to do it. Many of the big urban counties had started to implement open-file policies and started to make their own discovery reforms, but I think many of us believed that it was necessary in the interest of justice that it be uniform throughout the State of Texas. That seemed like the right thing to do. But it's very difficult in these situations to balance the need to get the information that a defendant needs to adequately prepare defense and balance that with just the duties that we have as a state, as the prosecutors have, the duties they have to protect the vulnerability of witnesses and victims who find themselves in the criminal justice system, many times, of course, through no fault of their own. And so, I worked with the prosecutors and with the other stakeholders to kind of come up with some language that would, hopefully we could all agree on, and after a little head butting, but some good substantive discussion, we were able to do that. So, I feel comfortable with this amendment, that it brings us to a place of balance that will be both fair to the defendant and fair to the victims and witnesses. Basically, the amendment just goes a little step farther, tightens up protections of a witness or a victim's identity, though it still allows the defendant all the tools that he needs and the access to information by his inner circle, and by inner circle I mean his defense lawyer, his group of experts, his investigators, and so forth, will have the information they need, but it provides for steps if that information needs to be released outside of the inner circle. It also provides something in there that would allow a defense counsel to do what he or she would need to publicly speak about the case that's pending within the rules of professional responsibility. So, I think it's a good amendment, I think it makes this bill a workable bill, and I move adoption of the amendment.

**President:** Senator West, for what purpose do you rise, Sir?

**Senator West:** A couple of questions for legislative intent purposes of Senator Huffman.

**President:** Will Senator Huffman yield?

**Senator Huffman:** Yes, Sir.

**Senator West:** Senator Huffman, I got about three questions I want to ask you. Will your amendment permit a defense attorney to confer with a more experienced defense attorney who is not a part of the defense team on the case about issues raised by discovery received from the state?

**Senator Huffman:** Yes, the amendment specifically refers to consulting legal counsel, and I believe that what you're asking would certainly be under the definition of a consulting legal counsel. So, that would be within that inner circle because that's a person that would be under the same ethical rules of professional responsibility, so certainly be willing to respect the parameters of the bill in keeping the confidentiality that is required under the bill.

**Senator West:** With the amendment, does the legislation allow lawyers to fulfill their ethical obligations by reporting misconduct to the State Bar and oversight agencies, when reporting misconduct involves providing information received in discovery and identifying a witness by name?

**Senator Huffman:** Yes, under Subsection (g), we specifically address that an attorney who wanted to make a complaint could do that, to whatever administrative law enforcement regulatory or licensing agent. If they made a good faith complaint, it did not violate the bill.

**Senator West:** And last question, will your amendment allow defense attorneys to comply with their professional responsibilities pursuant to Rule 3.07 as to trial publicity of the Texas Disciplinary Rules of Professional Conduct and the Supreme Court decision in *Gentile v. State Bar of Nevada* and respond publicly the statements made by law enforcements or the state characterizing the strength of the case or the evidence to the press?

**Senator Huffman:** Yes, and that again is covered in Subsection (g), and as discussed, the Texas rules of professional responsibility lay out the obligations and ethical duties of a lawyer and the parameters that they can follow when they're publicly discussing a pending criminal case or a pending case.

**Senator Hinojosa:** Senator Huffman, I'm just reading your amendment. I just want to make sure I understand it. Down where I practice law we have an open policy, open-file policy, which helps a lot in process cases for us attorneys who represent the defendant in criminal cases to make better decisions on the plea or go to trial or punishment. And basically, if I understand your amendment correctly, you do not allow an attorney who receives any information from the prosecuting lawyer to disclose any information to a third party dealing with witnesses, other personal information, that may be in the file.

**Senator Huffman:** That's correct. You are allowed to show a witness information and documents, but you can't, you have to redact certain information, and that's laid out in the bill. And you can discuss information, and you can let them look at information. You can't give them a copy unless it's a copy of the witness' own statement.

**Senator Hinojosa:** Now, if the press has already disclosed information such as the names of the witnesses or victims, then I'm not under the same obligations.



**Senator Huffman:** Correct, and the bill, again, the amendment specifically addresses the issue of information that has already been publicly disclosed is not covered by the bill. So, if the newspaper's already put it on their front page or if it's in a probable cause affidavit, that's become public record, not sealed, then all of that could be considered public record.

**Senator Hinojosa:** Okay, and I guess the reality is when you look at the, most defense lawyers will not disclose this information to a client, in terms of social security, bank accounts, other identifying information, as to address. But here you have, we could get a court order to disclose this information, a showing of good cause, I guess. For what purpose? I'm trying to figure that out.

**Senator Huffman:** Well, I think there was a concern by the defense bar, if there were a situation that it was necessary to disclose, for purpose of trial preparation in some way, shape, or form. If they just felt they needed to do that, it just gave them an opportunity to do that by going before the court. And if they had a good reason, if they had good cause, then the judge could set the parameters, and it may, I would envision it would be set within very strict parameters, whatever the judge felt was necessary for the defense to properly prepare their defense.

**Senator Hinojosa:** And actually, I guess, as I get to read the amendment, and I apologize, I didn't have it beforehand, as a defense lawyer, I'm allowed to actually show the information to an expert or even the defendant, my client, as long as I read the information that will be personal to that particular victim or other witness.

**Senator Huffman:** That's correct. Of course, you can't give copies, but you can show, as long as you redacted the information as set out in the amendment.

**Senator Hinojosa:** Okay, and well, the amendment is getting better now that I'm getting to read it and discuss it with you. I have, I guess, as I look, I guess the other one is, and you have an amendment, or you have here in your amendment that I'm not prohibited from discussing any information that I have, if it's properly requested by law enforcement or any disciplinary agency or is required by law to provide that information.

**Senator Huffman:** I think that came, that was added, there was a concern if you needed to maybe file a complaint against, if you felt like a police officer needed to be complained against or, I think, a chemist and so forth, so we wanted to make sure that we weren't making it impossible for lawyers to complain against individuals in that capacity. So, that's why they were excluded.

#### GUESTS PRESENTED

Senator Ellis was recognized and introduced to the Senate Michael Morton and his wife, Cynthia.

The Senate welcomed its guests.

**(Senator Eltife in Chair)**

**GUESTS PRESENTED**

Senator West was recognized and introduced to the Senate the Lincoln High School girls' 4A championship basketball team and the James Madison High School boys' 3A championship basketball team, accompanied by their coaches.

The Senate welcomed its guests.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1623 ON SECOND READING**

Senator Hinojosa moved to suspend the regular order of business to take up for consideration **CSSB 1623** at this time on its second reading:

**CSSB 1623**, Relating to the creation of health care funding districts in certain counties located on the Texas-Mexico border; authorizing the imposition of a tax.

The motion prevailed.

Senators Birdwell, Estes, and Paxton 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 1623** (senate committee printing), in SECTION 9 of the bill, immediately following added Section 288.155(d), Health and Safety Code (page 2, between lines 63 and 64), insert the following:

(e) A local provider participation fund created under this section shall be abolished on the expiration of a waiver under Section 1115 of the federal Social Security Act (42 U.S.C. Section 1315) in connection with the fund.

The amendment to **CSSB 1623** 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 1623** 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: Birdwell, Estes, Paxton.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1623 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 1623** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

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

Nays: Birdwell, Estes, Paxton.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 656 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 656** at this time on its second reading:

**CSSB 656**, Relating to providing transparency in the budget adoption process of municipalities and counties.

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 656 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 656** 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 657 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 657** at this time on its second reading:

**CSSB 657**, Relating to procedural requirements for adopting and filing a school district budget.

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 657 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 657** 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 1294 ON SECOND READING**

Senator Davis moved to suspend the regular order of business to take up for consideration **CSSB 1294** at this time on its second reading:

**CSSB 1294**, Relating to the awarding of contracts by the Texas Department of Transportation to private sector providers.

The motion prevailed.

Senators Fraser 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: Fraser, Nelson.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1294 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 1294** 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, Garcia, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nichols, Patrick, Paxton, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Fraser, Nelson.

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 958 ON SECOND READING**

On motion of Senator Fraser and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 958** at this time on its second reading:

**CSSB 958**, Relating to the liability of certain special-purpose districts or authorities providing water to a purchaser for the generation of electricity.

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 958 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 958** 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 Watson and by unanimous consent, the remarks by Senators Fraser and Watson regarding **CSSB 958** were ordered reduced to writing and printed in the *Senate Journal* as follows:

**Senator Watson:** Thank you, Mr. President. Thank you, Chairman Fraser. I support this bill, but I want to ask you one question for the purpose of establishing some legislative intent. As you've just laid out, and I think when I read the bill, Senate Bill 958 appears to create a narrow waiver of sovereign immunity in the limited instance of a suit against a special purpose district or authority for breach of contract for the sale of water supply for use in connection with the generation of electricity. But your bill, by creating this waiver, doesn't imply or become a basis, and you don't intend for it to imply or become a basis, for arguing that sovereign immunity would apply in any other contract situations. In other words, its silence as to all other contract situations isn't a statement that there is sovereign immunity in those instances. So, here's my question. For purposes of establishing legislative intent, this bill's about one narrow instance and doesn't speak to whether sovereign immunity would or would not apply in any other breach of contract situation. It's your intent that those other instances are to be guided by other statute, common law, the specific contract language, or otherwise. Is that correct?

**Senator Fraser:** Senator Watson, your description and the question, you're correct. Senate Bill 958 speaks only to these narrow facts and says in this limited instance immunity is waived. It does not address any other breach of contract action and does not say whether immunity is waived or not waived in any other contract situation. Any other contract situation in which the law is solid presents an issue for the courts to decide.

**Senator Watson:** Thank you, Chairman Fraser.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1457 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 1457** at this time on its second reading:

**CSSB 1457**, Relating to management services for the physical facilities of the Texas School for the Blind and Visually Impaired and the Texas School for the Deaf.

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 1457 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 1457** 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 746 ON SECOND READING**

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 746** at this time on its second reading:

**CSSB 746**, Relating to unlawful acts against and criminal offenses involving the Medicaid program.

The bill was read second time.

Senator Nelson offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 746** as follows:

(1) Strike SECTION 2 of the bill (Committee printing page 2, line 59 through page 3, line 2) and substitute the following:SECTION 2. Section 36.104, Human Resources Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) If the state declines to take over the action, the person bringing the action may proceed without the state's participation. A person proceeding under this subsection may recover for an unlawful act for a period of up to six years before the date the lawsuit was filed, or for a period beginning when the unlawful act occurred until up to three years from the date the state knows or reasonably should have known facts material to the unlawful act, whichever of these two periods is longer, regardless of whether the unlawful act occurred more than six years before the date the lawsuit was filed. Notwithstanding the preceding sentence, in no event shall a person proceeding under this subsection recover for an unlawful act that occurred more than 10 years before the date the lawsuit was filed.

(b-1) On request by the state, the state is entitled to be served with copies of all pleadings filed in the action and be provided at the state's expense with copies of all deposition transcripts. If the person bringing the action proceeds without the state's participation, the court, without limiting the status and right of that person, may permit the state to intervene at a later date on a showing of good cause.

(2) In SECTION 3 of the bill, in amended Subsection (b), Section 36.110, Human Resources Code (Committee printing page 3, line 8), strike "state criminal or civil hearing, in a state" and substitute "Texas or federal criminal or civil hearing, in a Texas or federal".

(3) In SECTION 4 of the bill, in amended Subsection (b), Section 36.113, Human Resources Code (Committee printing page 3, line 32), strike "state" and substitute "Texas or federal".

(4) In SECTION 4 of the bill, in amended Subsection (b), Section 36.113, Human Resources Code (Committee printing page 3, line 34), strike "state legislative or administrative report, or other state" and substitute "Texas legislative or administrative report, or other Texas".

The amendment to **CSSB 746** 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 Nelson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSSB 746** 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 746 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 **CSSB 746** 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 971 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 971** at this time on its second reading:

**CSSB 971**, Relating to the purposes, designation, and funding of a transportation reinvestment zone for port projects; providing authority to issue bonds; authorizing an assessment.

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 971 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 971** 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 262 ON SECOND READING**

Senator Huffman moved to suspend the regular order of business to take up for consideration **SB 262** at this time on its second reading:

**SB 262**, Relating to the reporting of criminal disposition completeness percentage data.

The motion prevailed.

Senators Fraser, Lucio, 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 Huffman offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 262** (senate committee report) by striking SECTION 2 of the bill, amending Article 60.14, Code of Criminal Procedure (page 2, lines 25-43), and renumbering the SECTIONS of the bill appropriately.

The amendment to **SB 262** 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.

**SB 262** 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: Lucio, Seliger.

**SENATE BILL 262 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 262** 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, Nelson, Nichols, Patrick, Paxton, Rodríguez, Schwertner, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Lucio, Seliger.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

#### **SENATE BILL 1236 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 1236** at this time on its second reading:

**SB 1236**, Relating to the extension of an emergency order for protective services for certain persons who are elderly or have disabilities.

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 1236 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 1236** 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 1363 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 1363** at this time on its second reading:

**SB 1363**, Relating to testimony or the production of evidence before the legislature or a legislative committee.

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 1363 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 1363** 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 BILL 21 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 21** at this time on its second reading:

**CSSB 21**, Relating to drug screening or testing as a condition for the receipt of unemployment compensation benefits by certain individuals.

The bill was read second time.

Senator Davis offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 21** (senate committee printing), in SECTION 2 of the bill, as follows:

(1) In added Section 207.026(b), Labor Code (page 2, line 1), strike "An individual who fails a drug test under this subsection" and substitute "An individual who is determined to have failed a drug test under this subsection under a final determination or decision made by the commission under this section".

(2) In added Section 207.026, Labor Code, between added Subsections (d) and (e) (page 2, between lines 17 and 18), insert the following:

(e) The commission's procedures for an appeal and the retaking of a failed drug test under Subsection (d) must provide for:

(1) the provision to each individual who fails a drug test under Subsection (b) of:

(A) privacy with regard to the individual's test result for at least 10 days following the date the individual receives initial notice of the result during which the individual may appeal the result or retake the failed drug test; and

(B) prompt notice regarding:

(i) the manner in which the individual may appeal the result or retake the failed drug test; and

(ii) common potential causes of a false positive test result; and

(2) full payment by the commission of the costs of the retaking of failed drug tests by any individual who contests the individual's failed drug test as a false positive result and passes a subsequently taken test.

(3) In added Section 207.026(e), Labor Code (page 2, line 18), strike "(e)" and substitute "(f)".

The amendment to **CSSB 21** 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 21** (senate committee printing), in SECTION 2 of the bill, in added Section 207.026(c), Labor Code, as follows:

(1) In added Subdivision (1), between ";" and "or" (page 2, line 11), insert the following:

(2) the individual enrolls in a treatment program for drug abuse not later than the seventh day after the date the individual receives initial notice of the failed drug test result;

(2) In added Subdivision (2) (page 2, line 12), strike "(2)" and substitute "(3)".

The amendment to **CSSB 21** 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 Williams and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSSB 21** 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 21 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 21** 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.

Senator Williams moved to temporarily postpone further consideration of **CSSB 21**.

The motion prevailed.

Question — Shall **CSSB 21** be finally passed?

### SENATE BILL 211 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 211** at this time on its second reading:

**SB 211**, Relating to the continuation and functions of the Texas Facilities Commission; authorizing fees.

The bill was read second time.

**(Senator Eltife in Chair)**

Senator Nichols offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **SB 211** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 2268.055, Government Code, is amended to read as follows:

Sec. 2268.055. MEETINGS. (a) The commission shall hold meetings quarterly or on the call of the presiding officer.

(b) Commission meetings are subject to Chapter 551.

SECTION \_\_\_\_\_. Sections 2268.058(e), (g), and (i), Government Code, are amended to read as follows:

(e) The [if the] commission in a public hearing by majority vote of the members present shall approve or disapprove each detailed [accepts a] proposal submitted to the commission for review and may [the commission shall] provide its findings and recommendations to the responsible governmental entity not later than the 45th day after the date the commission receives complete copies of the detailed proposal. If the commission does not provide its findings or recommendations to the responsible governmental entity by that date, the commission is considered to [have declined review of the proposal and to] not have made any findings or recommendations on the proposal.

(g) The commission shall include in any [review accepted detailed proposals and provide] findings and recommendations provided to the responsible governmental entity [that include]:

(1) a determination on whether the terms of the proposal and proposed qualifying project create state tax-supported debt, taking into consideration the specific findings of the comptroller with respect to the recommendation;

(2) an analysis of the potential financial impact of the qualifying project;

(3) a review of the policy aspects of the detailed proposal and the qualifying project; and

(4) proposed general business terms.

(i) The [Except as provided by Subsection (e), the] responsible governmental entity may not negotiate [begin negotiation of] an interim or comprehensive agreement for a detailed proposal that has been disapproved by [until] the commission [has submitted its recommendations or declined to accept the detailed proposals for review].

SECTION \_\_\_\_\_. Section 2268.058(d), Government Code, is repealed.

The amendment to **SB 211** 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 Nichols offered the following amendment to the bill:

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

Amend **SB 211** (committee report version), in SECTION 12 of the bill, immediately following added Section 2166.106, Government Code (page 6, between lines 36 and 37), by inserting the following:

Sec. 2166.1065. REVIEW OF CAPITOL COMPLEX MASTER PLAN BY PARTNERSHIP ADVISORY COMMISSION. (a) After a proposed Capitol Complex master plan or proposed update to the plan is submitted and considered approved under Section 2166.106 and before the commission adopts the plan or update, the commission must submit the plan or update to the Partnership Advisory Commission established under Chapter 2268 for review and comment.

(b) Not later than the 60th day after the date the Partnership Advisory Commission receives the plan or update, the advisory commission shall in a public hearing by majority vote of the members present:

- (1) vote to approve the plan or update; or
- (2) submit to the commission written comments and recommended modifications to the plan or update.

The amendment to **SB 211** 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 Whitmire offered the following amendment to the bill:

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

Amend **SB 211** (senate committee printing) as follows:

(1) In SECTION 12 of the bill, in proposed Section 2166.105(a), Government Code (page 5, lines 39-59), strike proposed Subdivisions (4)-(11) and substitute the following:

(4) detailed, site-specific proposals for state property in the Capitol Complex, including proposals on the use of property and space for public sector purposes;

(5) an analysis of and recommendations for building design guidelines to ensure appropriate quality in new or remodeled buildings in the Capitol Complex;

(6) an analysis of and recommendations for Capitol Complex infrastructure needs, including transportation, utilities, and parking;

(7) for projects identified in the plan, an analysis of and recommendations for financing options;

(8) time frames for implementing the plan components and any projects identified in the plan;

(9) consideration of alternative options for meeting state space needs outside the Capitol Complex; and

(10) other information relevant to the Capitol Complex as the commission determines appropriate.

(2) In SECTION 12 of the bill, in proposed Section 2166.107(a), Government Code (page 6, line 40), strike ", including property in the Capitol Complex,".

(3) In SECTION 12 of the bill, in proposed Section 2166.107(b), Government Code (page 6, lines 48 and 49), strike "and, for Capitol Complex property, the State Preservation Board and the Texas Historical Commission".

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

SECTION \_\_\_\_ . Subchapter F, Chapter 2165, Government Code, is amended by adding Section 2165.259 to read as follows:

Sec. 2165.259. CAPITOL COMPLEX. (a) In this section, "Capitol Complex" has the meaning assigned by Section 443.0071.

(b) Notwithstanding Subchapter D, the commission may not lease, sell, or otherwise dispose of real property or an interest in real property located in the Capitol Complex.

(c) This section does not affect the commission's authority under Subchapter E to lease space in state office buildings and parking garages.

SECTION \_\_\_\_\_. Section 2267.003, Government Code, as added by Chapter 1334 (S.B. 1048), Acts of the 82nd Legislature, Regular Session, 2011, is amended to read as follows:

Sec. 2267.003. APPLICABILITY. This chapter does not apply to:

(1) the financing, design, construction, maintenance, or operation of a highway in the state highway system;

(2) a transportation authority created under Chapter 451, 452, 453, or 460, Transportation Code; ~~or~~

(3) any telecommunications, cable television, video service, or broadband infrastructure other than technology installed as part of a qualifying project that is essential to the project; or

(4) a qualifying project located in the Capitol Complex, as defined by Section 443.0071.

The amendment to **SB 211** 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 **SB 211** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 30.022, Education Code, is amended by amending Subsection (h) and adding Subsection (h-1) to read as follows:

(h) Except as provided by Subsection (h-1), the [The] board has [exclusive] jurisdiction over the physical assets of the school and shall administer and spend appropriations made for the benefit of the school.

(h-1) The Texas Facilities Commission shall provide facilities maintenance services for the physical facilities of the school, including facilities construction, cabling, facility reconfiguration, and any other services as provided by a memorandum of understanding between the board and the Texas Facilities Commission.

SECTION \_\_\_\_\_. Section 30.052, Education Code, is amended by amending Subsection (h) and adding Subsection (h-1) to read as follows:

(h) Except as provided by Subsection (h-1), the [The] board has [exclusive] jurisdiction over the physical assets of the school and shall administer and spend appropriations to carry out the purposes of the school as provided by Section 30.051.

(h-1) The Texas Facilities Commission shall provide facilities maintenance services for the physical facilities of the school, including facilities construction, cabling, facility reconfiguration, and any other services as provided by a memorandum of understanding between the board and the Texas Facilities Commission.

SECTION \_\_\_\_\_. Section 2165.007(b), Government Code, is amended to read as follows:

(b) Notwithstanding any other law, the commission shall provide facilities management services in relation to all state agency facilities in Travis County or a county adjacent to Travis County. The commission's duty does not apply to:

- (1) a facility owned or operated by an institution of higher education;
- (2) military facilities;
- (3) facilities owned or operated by the Texas Department of Criminal Justice;

(4) facilities owned or operated by the Texas Department of Juvenile Justice [~~Youth Commission~~];

(5) facilities owned or operated by the Texas Department of Transportation;

(6) the Capitol, including the Capitol Extension, the General Land Office building, the Bob Bullock Texas State History Museum, any museum located on the Capitol grounds, the Governor's Mansion, and any property maintained by the Texas Historical Commission under Sections 442.0072 and 442.0073;

(7) a facility determined by the commission to be completely residential;

(8) a regional or field office of a state agency;

(9) a facility located within or on state park property;

(10) the property known as the Finance Commission Building described by deed recorded in Volume 5080, Page 1099, of the Deed Records of Travis County, Texas; ~~or~~

(11) the property known as the Credit Union Department Building described by deed recorded in Volume 6126, Page 27, of the Deed Records of Travis County, Texas;

(12) facilities owned or operated by the Texas School for the Blind and Visually Impaired; or

(13) facilities owned or operated by the Texas School for the Deaf.

SECTION \_\_\_\_\_. (a) Not later than January 1, 2014, the following are transferred from the Texas School for the Blind and Visually Impaired to the Texas Facilities Commission:

(1) the powers, duties, functions, programs, and activities of the Texas School for the Blind and Visually Impaired relating to the maintenance of the school's physical facilities;

(2) any obligations and contracts of the Texas School for the Blind and Visually Impaired that are directly related to implementing a power, duty, function, program, or activity transferred under this subsection; and

(3) all property and records in the custody of the Texas School for the Blind and Visually Impaired that are related to a power, duty, function, program, or activity transferred under this subsection and all funds appropriated by the legislature for that power, duty, function, program, or activity.

(b) The Texas Facilities Commission and the Texas School for the Blind and Visually Impaired shall enter into a memorandum of understanding as provided by Section 30.022(h-1), Education Code, as added by this Act, that:

(1) identifies in detail the applicable powers and duties that are transferred between the two agencies by this Act; and

(2) establishes a plan for the identification and transfer of the records, personnel, property, and unspent appropriations of the Texas School for the Blind and Visually Impaired that are used for purposes of the commission's powers and duties directly related to the maintenance of the school's physical facilities under Section 30.022, Education Code.

SECTION \_\_\_\_\_. (a) Not later than January 1, 2014, the following are transferred from the Texas School for the Deaf to the Texas Facilities Commission:

(1) the powers, duties, functions, programs, and activities of the Texas School for the Deaf relating to the maintenance of the school's physical facilities;

(2) any obligations and contracts of the Texas School for the Deaf that are directly related to implementing a power, duty, function, program, or activity transferred under this subsection; and

(3) all property and records in the custody of the Texas School for the Deaf that are related to a power, duty, function, program, or activity transferred under this subsection and all funds appropriated by the legislature for that power, duty, function, program, or activity.

(b) The Texas Facilities Commission and the Texas School for the Deaf shall enter into a memorandum of understanding as provided by Section 30.052(h-1), Education Code, as added by this Act, that:

(1) identifies in detail the applicable powers and duties that are transferred between the two agencies by this Act; and

(2) establishes a plan for the identification and transfer of the records, personnel, property, and unspent appropriations of the Texas School for the Deaf that are used for purposes of the commission's powers and duties directly related to the maintenance of the school's physical facilities under Section 30.052, Education Code.

The amendment to **SB 211** 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 Watson offered the following amendment to the bill:

#### **Floor Amendment No. 5**

Amend **SB 211** (Senate Committee Report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 2267.001, Government Code, as added by Chapter 1334 (S.B. 1048), Acts of the 82nd Legislature, Regular Session, 2011, is amended by adding Subdivision (1-a) to read as follows:

(1-a) "Commission" means the Partnership Advisory Commission established under Chapter 2268.

SECTION \_\_\_\_\_. Subchapter A, Chapter 2267, Government Code, as added by Chapter 1334 (S.B. 1048), Acts of the 82nd Legislature, Regular Session, 2011, is amended by adding Sections 2267.005, 2267.006, 2267.007, and 2267.008 to read as follows:



Sec. 2267.005. APPLICABILITY OF MUNICIPAL ZONING REGULATIONS. (a) Except as provided by Subsection (b) and Section 2267.006, a qualifying project that is to be performed or located in a municipality must comply with the zoning and land use regulations of the municipality.

(b) This section does not apply to a qualifying project that:

(1) uses a building, other structure, or land under the control, administration, or jurisdiction of a state agency for the same public purposes for which the state agency is authorized under the governing law that established the agency to use the building, structure, or land; or

(2) is located within the Capitol Complex, as defined by Section 411.061(a)(1).

Sec. 2267.006. SPECIAL BOARD OF REVIEW. (a) If a qualifying project does not comply with the zoning and land use regulations of a municipality as required by Section 2267.005 and the municipality denies a rezoning request for the qualifying project, the matter may be appealed to a special board of review consisting of the following members:

(1) the land commissioner;

(2) the administrative head of the governing body of the responsible governmental entity;

(3) the mayor of the municipality;

(4) the county judge of the county in which the municipality is located;

(5) one state senator selected by the lieutenant governor;

(6) one member of the house of representatives selected by the speaker of the house; and

(7) the commission member appointed by the governor.

(b) The land commissioner shall serve as presiding officer of the special board of review.

(c) The special board of review shall conduct one or more public hearings to consider the proposed qualifying project. The hearings must be conducted in accordance with rules adopted by the General Land Office for conduct of special review. The hearings are not considered a contested case proceeding under Chapter 2001.

(d) If after the hearings, the special board of review determines that the zoning and land use regulations are detrimental to the best interest of this state, the special board of review shall issue an order establishing a development plan to govern the use of the real property related to the qualifying project. Development of the real property must be in accordance with the plan and comply with all applicable municipal regulations, orders, or ordinances except as specifically identified by the order of the special board of review. If substantial progress is not made in implementing the qualifying project before the fifth anniversary of the date the development plan is adopted by the special board of review, the municipal zoning and land use regulations become applicable to development of the property, unless the special board of review adopts a new development plan.

(e) A development plan adopted by the special board of review and any plan accepted by a responsible governmental entity is final and binding on the state, the responsible governmental entity, lessees, successors in interest and assigns, and the affected municipality unless revised by the special board of review.

(f) A responsible governmental entity, builder, developer, or any other person may not modify the development plan without specific approval by the special board of review.

Sec. 2267.007. CONFLICT OF INTEREST. An employee of a responsible governmental entity or a person related to the employee within the second degree by consanguinity or affinity, as determined under Chapter 573, may not accept money, a financial benefit, or other consideration from a contracting person that has entered into a comprehensive agreement with the responsible governmental entity.

Sec. 2267.008. PROHIBITED EMPLOYMENT WITH FORMER OR RETIRED GOVERNMENTAL ENTITY EMPLOYEES. (a) A contracting person may not employ or enter into a professional services contract or a consulting services contract under Chapter 2254 with a former or retired employee of the responsible governmental entity with which the person has entered into a comprehensive agreement before the first anniversary of the date on which the former or retired employee terminates employment with the entity.

(b) This section does not prohibit the contracting person from entering into a professional services contract with a corporation, firm, or other business organization that employs a former or retired employee of the responsible governmental entity before the first anniversary of the date the former or retired employee terminates employment with the entity if the former or retired employee does not perform services for the corporation, firm, or other business organization under the comprehensive agreement with the responsible governmental entity that the former or retired employee worked on before terminating employment with the entity.

SECTION \_\_\_\_\_. (a) Section 2267.051, Government Code, as added by Chapter 1334 (S.B. 1048), Acts of the 82nd Legislature, Regular Session, 2011, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) Except as provided by Subsection (a-1), a [A] person may not develop or operate a qualifying project unless the person obtains the approval of and contracts with the responsible governmental entity under this chapter. The person may initiate the approval process by submitting a proposal requesting approval under Section 2267.053(a), or the responsible governmental entity may request proposals or invite bids under Section 2267.053(b).

(a-1) A person may not develop or operate a qualifying project on property located within the Capitol Complex, as defined by Section 411.061(a)(1), unless the person obtains the approval of and contracts with the responsible governmental entity under this chapter. The person may not initiate the approval process by submitting a proposal requesting approval under Section 2267.053(a). The responsible governmental entity may request proposals or invite bids under Section 2267.053(b).

(b) If S.B. No. 894, Acts of the 83rd Legislature, Regular Session, 2013, or similar legislation relating to real property within the Capitol Complex is enacted and becomes law, this section has no effect.

SECTION \_\_\_\_. Section 2267.052, Government Code, as added by Chapter 1334 (S.B. 1048), Acts of the 82nd Legislature, Regular Session, 2011, is amended by amending Subsections (b) and (c) and adding Subsection (d) to read as follows:

(b) The guidelines for a responsible governmental entity described by Section 2267.001(5)(A) must:

(1) require the responsible governmental entity to:

(A) make a representative of the entity available to meet with persons who are considering submitting a proposal; and

(B) provide notice of the representative's availability;

(2) provide reasonable criteria for choosing among competing proposals;

(3) contain suggested timelines for selecting proposals and negotiating an interim or comprehensive agreement;

(4) allow the responsible governmental entity to accelerate the selection, review, and documentation timelines for proposals involving a qualifying project considered a priority by the entity;

(5) include financial review and analysis procedures that at a minimum consist of:

(A) a cost-benefit analysis;

(B) an assessment of opportunity cost;

(C) consideration of the degree to which functionality and services similar to the functionality and services to be provided by the proposed project are already available in the private market; and

(D) consideration of the results of all studies and analyses related to the proposed qualifying project;

(6) allow the responsible governmental entity to consider the nonfinancial benefits of a proposed qualifying project;

(7) include criteria for:

(A) the qualifying project, including the scope, costs, and duration of the project and the involvement or impact of the project on multiple public entities;

(B) the creation of and the responsibilities of an oversight committee, with members representing the responsible governmental entity, that acts as an advisory committee to review the terms of any proposed interim or comprehensive agreement; and

(C) compliance with the requirements of Chapter 2268;

(8) require the responsible governmental entity to analyze the adequacy of the information to be released by the entity when seeking competing proposals and require that the entity provide more detailed information, if the entity determines necessary, to encourage competition, subject to Section 2267.053(g);

(9) establish criteria, key decision points, and approvals required to ensure that the responsible governmental entity considers the extent of competition before selecting proposals and negotiating an interim or comprehensive agreement; and

(10) require the posting and publishing of public notice of a proposal requesting approval of a qualifying project, including:

(A) specific information and documentation regarding the nature, timing, and scope of the qualifying project, as required under Section 2267.053(a);

(B) a reasonable period, as determined by the responsible governmental entity, of not less than 45 days or more than 180 days, or a longer period specified by the governing body of the responsible governmental entity to accommodate a large-scale project, ~~[as determined by the responsible governmental entity,]~~ to encourage competition and partnerships with private entities and other persons in accordance with the goals of this chapter, during which the responsible governmental entity must accept the submission of competing proposals for the qualifying project; and

(C) a requirement for advertising the notice on the governmental entity's Internet website and on TexasOnline or the state's official Internet website.

(c) The guidelines of a responsible governmental entity described by Section 2267.001(5)(B) must include:

(1) ~~[may include]~~ the provisions required under Subsection (b); and

(2) ~~[must include]~~ a requirement that the governmental entity engage the services of qualified professionals, including an architect, professional engineer, or certified public accountant, not otherwise employed by the governmental entity, to provide independent analyses regarding the specifics, advantages, disadvantages, and long-term and short-term costs of any proposal requesting approval of a qualifying project unless the governing body of the governmental entity determines that the analysis of the proposal is to be performed by employees of the governmental entity.

(d) A responsible governmental entity described by Section 2267.001(5)(A) shall submit a copy of the guidelines adopted by the entity under this section to the commission for approval by the commission. The commission shall prescribe the procedure for submitting the guidelines for review under this section. The governmental entity may not request or consider a proposal for a qualifying project until the guidelines are approved by the commission.

SECTION \_\_. Section 2267.053, Government Code, as added by Chapter 1334 (S.B. 1048), Acts of the 82nd Legislature, Regular Session, 2011, is amended by amending Subsections (a) and (b) and adding Subsections (a-1), (b-1), and (b-2) to read as follows:

(a) A private entity or other person may submit a proposal requesting approval of a qualifying project by the responsible governmental entity. The proposal must be accompanied by the following, unless waived by the responsible governmental entity:

(1) a topographic map, with a 1:2,000 or other appropriate scale, indicating the location of the qualifying project;

(2) a description of the qualifying project, including:

(A) the conceptual design of any facility or a conceptual plan for the provision of services or technology infrastructure; and

(B) a schedule for the initiation of and completion of the qualifying project that includes the proposed major responsibilities and timeline for activities to be performed by the governmental entity and the person;

(3) a statement of the method the person proposes for securing necessary property interests required for the qualifying project;

(4) information relating to any current plans for the development of facilities or technology infrastructure to be used by a governmental entity that are similar to the qualifying project being proposed by the person for each affected jurisdiction;

(5) a list of all permits and approvals required for the development and completion of the qualifying project from local, state, or federal agencies and a projected schedule for obtaining the permits and approvals;

(6) a list of any facilities that will be affected by the qualifying project and a statement of the person's plans to accommodate the affected facilities;

(7) a statement on the person's general plans for financing the qualifying project, including the sources of the person's funds and identification of any dedicated revenue source or proposed debt or equity investment for the person;

(8) the name and address of each individual who may be contacted for further information concerning the request;

(9) user fees, lease payments, and other service payments over the term of any applicable interim or comprehensive agreement and the methodology and circumstances for changes to the user fees, lease payments, and other service payments over time;

(10) a statement of the specific public purpose served by the qualifying project;

(11) a statement describing the qualifying project's compliance with the responsible governmental entity's best value determination under Subsection (b-1); and

(12) [(10)] any additional material and information the responsible governmental entity reasonably requests.

(a-1) A responsible governmental entity that approves a proposal for a qualifying project under Subsection (a) shall select the contracting person for the project by soliciting additional proposals through a request for qualifications, request for proposals, or invitation to bid.

(b) A responsible governmental entity may request proposals or invite bids from persons for the development or operation of a qualifying project.

(b-1) A responsible governmental entity shall make a best value determination in evaluating the proposals received and consider the total project cost as one factor in evaluating the proposals. The responsible governmental entity [received, but] is not required to select the proposal that offers the lowest total project cost and [The responsible governmental entity] may consider the following factors:

(1) the proposed cost of the qualifying project;

(2) the general reputation, industry experience, and financial capacity of the person submitting a proposal;

(3) the proposed design and overall quality of the qualifying project;

(4) the eligibility of the project for accelerated selection, review, and documentation timelines under the responsible governmental entity's guidelines;

(5) comments from local citizens and affected jurisdictions;

(6) benefits to the public;

(7) the person's good faith effort to comply with the goals of a historically underutilized business plan;

(8) the person's plans to employ local contractors and residents;

(9) for a qualifying project that involves a continuing role beyond design and construction, the person's proposed rate of return and opportunities for revenue sharing;

(10) the relationship and conformity of the qualifying project to a state or local community plan impacted by the qualifying project or to the uses of property surrounding the qualifying project;

(11) the historic significance of the property on which the qualifying project is proposed to be located;

(12) the environmental impact of the qualifying project; and

(13) [(+0)] other criteria that the responsible governmental entity considers appropriate.

(b-2) A responsible governmental entity may approve a qualifying project that the governmental entity determines serves a public purpose. The responsible governmental entity must include in the comprehensive agreement for the qualifying project a written declaration of the specific public purpose served by the project.

SECTION \_\_. Subsection (a), Section 2267.058, Government Code, as added by Chapter 1334 (S.B. 1048), Acts of the 82nd Legislature, Regular Session, 2011, is amended to read as follows:

(a) Before developing or operating the qualifying project, the contracting person must enter into a comprehensive agreement with a responsible governmental entity. The comprehensive agreement shall provide for:

(1) delivery of letters of credit or other security in connection with the development or operation of the qualifying project, in the forms and amounts satisfactory to the responsible governmental entity, and delivery of performance and payment bonds in compliance with Chapter 2253 for all construction activities;

(2) review of plans and specifications for the qualifying project by the responsible governmental entity and approval by the responsible governmental entity indicating that [≠] the plans and specifications conform to standards acceptable to the responsible governmental entity, except that the contracting person may not be required to provide final design documents for [complete the design of] a qualifying project before the execution of a comprehensive agreement;

(3) inspection of the qualifying project by the responsible governmental entity to ensure that the contracting person's activities are acceptable to the responsible governmental entity in accordance with the comprehensive agreement;

(4) maintenance of a public liability insurance policy, copies of which must be filed with the responsible governmental entity accompanied by proofs of coverage, or self-insurance, each in the form and amount satisfactory to the responsible governmental entity and reasonably sufficient to ensure coverage of tort liability to the public and project employees and to enable the continued operation of the qualifying project;

(5) monitoring of the practices of the contracting person by the responsible governmental entity to ensure that the qualifying project is properly maintained;

(6) reimbursement to be paid to the responsible governmental entity for services provided by the responsible governmental entity;

(7) filing of appropriate financial statements on a periodic basis; and

(8) policies and procedures governing the rights and responsibilities of the responsible governmental entity and the contracting person if the comprehensive agreement is terminated or there is a material default by the contracting person, including conditions governing:

(A) assumption of the duties and responsibilities of the contracting person by the responsible governmental entity; and

(B) the transfer or purchase of property or other interests of the contracting person to the responsible governmental entity.

SECTION \_\_\_\_. The heading to Section 2267.066, Government Code, is amended to read as follows:

Sec. 2267.066. POSTING OF PROPOSALS; PUBLIC COMMENT; PUBLIC ACCESS TO PROCUREMENT RECORDS; FINAL VOTE.

SECTION \_\_\_\_. Section 2267.066, Government Code, is amended by amending Subsections (c) and (d) and adding Subsection (e-1) to read as follows:

(c) Chapter 552 applies to qualifying project proposals [~~Trade secrets, financial records, or other records of the contracting person excluded from disclosure under Section 552.101 may not be posted or made available for public inspection except as otherwise agreed to by the responsible governmental entity and the contracting person~~].

(d) The responsible governmental entity shall hold a public hearing on the proposal during the proposal review process not later than the 30th day before the date the entity enters into an interim or comprehensive agreement. The public hearing shall be held in the area in which the proposed qualifying project is to be performed.

(e-1) After making the proposed comprehensive agreement available as required by Subsection (e), the responsible governmental entity shall hold a public hearing on the final version of the proposed comprehensive agreement and vote on the proposed comprehensive agreement after the hearing. The hearing must be held not later than the 10th day before the date the entity enters into a comprehensive agreement with a contracting person.

SECTION \_\_\_\_. (a) Subchapter B, Chapter 2267, Government Code, as added by Chapter 1334 (S.B. 1048), Acts of the 82nd Legislature, Regular Session, 2011, is amended by adding Section 2267.067 to read as follows:

Sec. 2267.067. QUALIFYING PROJECT IN CAPITOL COMPLEX. (a) A qualifying project for property located in the Capitol Complex, as defined by Section 411.061(a)(1), must be consistent with Capitol Complex design guidelines or standards adopted as part of the Capitol Complex master plan developed under Section 2166.105.

(b) A responsible governmental entity shall include design guidelines and standards defined in Subsection (a) in the request for proposals or invitation for bids for the development or operation of a qualifying project and inform the persons who submit proposals of the requirement to comply with the design guidelines and standards. The final proposal or invitation must be submitted to the State Preservation Board for verification that the proposal complies with the design guidelines and standards.

(c) A responsible governmental entity shall submit a final qualifying project proposal for property in the area described by Subsection (a) to the State Preservation Board. The board by majority vote may disapprove the proposal not later than the 60th day after the date the proposal is received by the board.

(d) A responsible governmental entity may not approve a qualifying project proposal for property in the area described by Subsection (a) before September 1, 2015. This subsection expires September 1, 2015.

(b) If S.B. No. 894, Acts of the 83rd Legislature, Regular Session, 2013, or similar legislation relating to real property within the Capitol Complex is enacted and becomes law, this section has no effect.

SECTION \_\_\_\_. Subsection (a), Section 2268.052, Government Code, is amended to read as follows:

(a) The commission consists of the following five [++] members:

(1) the chair of the House Appropriations Committee [~~or the chair's designee~~];

(2) one representative [~~three representatives~~] appointed by the speaker of the house of representatives;

(3) the chair of the Senate Finance Committee [~~or the chair's designee~~];

(4) one senator [~~three senators~~] appointed by the lieutenant governor; and

(5) one public member [~~three representatives of the executive branch~~], appointed by the governor.

SECTION \_\_\_\_. Subsection (a), Section 2268.056, Government Code, is amended to read as follows:

(a) The State Preservation Board [~~legislative body that the presiding officer serves~~] shall provide administrative staff support for the commission.

SECTION \_\_\_\_. Subsection (c), Section 211.013, Local Government Code, is amended to read as follows:

(c) Except as provided by Section 2267.005, Government Code, this [This] subchapter does not apply to a building, other structure, or land under the control, administration, or jurisdiction of a state or federal agency.

SECTION \_\_\_\_. Not later than December 1, 2016, the Partnership Advisory Commission established under Chapter 2268, Government Code, shall submit to the lieutenant governor, the speaker of the house of representatives, and the appropriate legislative standing committees recommendations on proposed amendments to Chapters 2267 and 2268, Government Code.

SECTION \_\_\_\_. Section 552.153, Government Code, as added by Chapter 1334 (S.B. 1048), Acts of the 82nd Legislature, Regular Session, 2011, is repealed.

The amendment to **SB 211** 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.

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

**SB 211** 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 211 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 211** 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

Thursday, April 11, 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 31** Eiland  
Designating the Kemp's ridley sea turtle as the official State Sea Turtle of Texas.

**HCR 36** Smith  
Designating February 16 as Texas Homemade Pie Day for a 10-year period beginning in 2013.

**HCR 43** Geren  
Authorizing the lieutenant governor and speaker to appoint interim joint committees.

**HCR 55** Lucio III  
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.

**SB 157** Hegar Sponsor: Aycock  
Relating to the Parrie Haynes Trust.

Respectfully,  
/s/Robert Haney, Chief Clerk  
House of Representatives

**COMMITTEE SUBSTITUTE  
SENATE BILL 15 ON SECOND READING**

Senator Seliger moved to suspend the regular order of business to take up for consideration **CSSB 15** at this time on its second reading:

**CSSB 15**, Relating to the governance of public institutions of higher education in this state.

The motion prevailed.

Senators Birdwell 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, Paxton.

**COMMITTEE SUBSTITUTE  
SENATE BILL 15 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 15** be placed on its third reading and final passage.

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, Rodriguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Paxton.

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 21 ON THIRD READING**

The Presiding Officer, Senator Eltife in Chair, laid before the Senate **CSSB 21** by Senator Williams on its third reading. The bill had been passed to engrossment as amended, read third time, and further consideration temporarily postponed:

**CSSB 21**, Relating to drug screening or testing as a condition for the receipt of unemployment compensation benefits by certain individuals.

Question — Shall **CSSB 21** be finally passed?

Senator Watson offered the following amendment to the bill:

**Floor Amendment No. 1 on Third Reading**

Amend Second Reading Amendment No. 2 by Watson to **CSSB 21** on third reading in the proposed Section 207.026(c)(2), Labor Code, between "enrolls in" and "a treatment program" by inserting "and attends".

The amendment to **CSSB 21** 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 21** as again amended was finally passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE  
SENATE BILL 215 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 215** at this time on its second reading:

**CSSB 215**, Relating to the continuation and functions of the Texas Higher Education Coordinating Board.

The bill was read second time.

Senator Birdwell offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 215** (senate committee printing) in SECTION 15 of the bill as follows:

(1) In amended Section 61.0512(b), Education Code (page 7, lines 17 through 19), strike "secure preliminary approval from [college or university shall notify] the board to carry out that planning" and substitute "[college or university shall] notify the board before the institution may carry out that planning".

(2) In added Section 61.0512(c), Education Code (page 7, line 23), strike "begins preliminary planning for" and substitute "requests to implement".

The amendment to **CSSB 215** 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 Duncan offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **CSSB 215** (senate committee printing) in SECTION 2 of the bill, in added Section 51.406(d), Education Code (page 1, line 37), by striking "consult" and substituting "engage in negotiated rulemaking under Chapter 2008, Government Code,".

The amendment to **CSSB 215** 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 the bill:

**Floor Amendment No. 3**

Amend **CSSB 215** (senate committee printing) by striking SECTION 10 of the bill (page 3, line 66, through page 4, line 11), striking SECTION 29 of the bill (page 10, line 59, through page 11, line 1), and renumbering the remaining SECTIONS of the bill accordingly.

The amendment to **CSSB 215** 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 Watson offered the following amendment to the bill:

**Floor Amendment No. 4**

Amend **CSSB 215** (senate committee printing) by striking SECTION 13 of the bill (page 4, line 46, through page 5, line 63) and substituting the following appropriately numbered SECTION:

SECTION \_\_\_\_\_. Subchapter B, Chapter 61, Education Code, is amended by adding Section 61.035 to read as follows:

Sec. 61.035. COMPLIANCE MONITORING. (a) The board by a negotiated rulemaking process in accordance with Chapter 2008, Government Code, shall establish an agency-wide, risk-based compliance monitoring function for:

(1) funds allocated by the board to institutions of higher education, private or independent institutions of higher education, and other entities, including student financial assistance funds, academic support grants, and any other grants, to ensure that those funds are distributed in accordance with applicable law and board rule; and

(2) data reported by institutions of higher education to the board and used by the board for funding or policymaking decisions, including data used for formula funding allocations, to ensure the data is reported accurately.

(b) For purposes of this section, student financial assistance includes grants, scholarships, loans, and work-study.

(c) After considering potential risks and the board's resources, the board shall review a reasonable portion of the total funds allocated by the board and of data reported to the board. The board shall use various levels of monitoring, according to risk, ranging from checking reported data for errors and inconsistencies to conducting comprehensive audits, including site visits.

(d) In developing the board's risk-based approach to compliance monitoring under this section, the board shall consider the following factors relating to an institution of higher education or private or independent institution of higher education:

(1) the amount of student financial assistance or grant funds allocated to the institution by the board;

(2) whether the institution is required to obtain and submit an independent audit;

(3) the institution's internal controls;

(4) the length of time since the institution's last desk review or site visit;

(5) past misuse of funds or misreported data by the institution;

(6) in regard to data verification, whether the data reported to the board by the institution is used for determining funding allocations; and

(7) other factors as considered appropriate by the board.

(e) The board shall train compliance monitoring staff to ensure that the staff has the ability to monitor both funds compliance and data reporting accuracy. Program staff in other board divisions who conduct limited monitoring and contract administration shall coordinate with the compliance monitoring function to identify risks and avoid duplication.

(f) If the board determines through its compliance monitoring function that funds awarded by the board to an institution of higher education or private or independent institution of higher education have been misused or misallocated by the

institution, the board shall present its determination to the institution's governing board and provide an opportunity for a response from the institution. Following the opportunity for response, the board shall report its determination and the institution's response, together with any recommendations, to the institution's governing board, the governor, and the Legislative Budget Board.

(g) If the board determines through its compliance monitoring function that an institution of higher education has included errors in the institution's data reported for formula funding, the board:

(1) for a public junior college, may adjust the appropriations made to the college for a fiscal year as necessary to account for the corrected data; and

(2) for a general academic teaching institution, a medical and dental unit, or a public technical institute, shall calculate a revised appropriation amount for the applicable fiscal year based on the corrected data and report that revised amount to the governor and Legislative Budget Board for consideration as the basis for budget execution or other appropriate action, and to the comptroller.

(h) In conducting the compliance monitoring function under this section, the board may partner with internal audit offices at institutions of higher education and private or independent institutions of higher education, as institutional resources allow, to examine the institutions' use of funds allocated by, and data reported to, the board. To avoid duplication of effort and assist the board in identifying risk, an internal auditor at an institution shall notify the board of any audits conducted by the auditor involving funds administered by the board or data reported to the board. The board by rule may determine the timing and format of the notification required by this subsection.

(i) The board may seek technical assistance from the state auditor in establishing the compliance monitoring function under this section. The state auditor may periodically audit the board's compliance monitoring function as the state auditor considers appropriate.

(j) In this section:

(1) "Desk review" means an administrative review by the board that is based on information reported by an institution of higher education or private or independent institution of higher education, including supplemental information required by the board for the purposes of compliance monitoring, except that the term does not include information or accompanying notes gathered by the board during a site visit.

(2) "Site visit" means an announced or unannounced in-person visit by a representative of the board to an institution of higher education or private or independent institution of higher education for the purposes of compliance monitoring.

The amendment to **CSSB 215** 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 **CSSB 215** (senate committee printing) in SECTION 15 of the bill, in amended Section 61.0512(a), Education Code, (page 7, line 13) insert the following sentence at the end of the subsection: "A new degree or certificate program is considered approved if the board has not completed a review under this section and acted to approve or disapprove the proposed program before the first anniversary of the date on which an institution of higher education submits a completed application to the board. The board may not summarily disapprove a program without completing the review required by this section."

The amendment to **CSSB 215** was read.

Senator West offered the following amendment to Floor Amendment No. 5:

**Floor Amendment No. 6**

Amend Floor Amendment No. 5 to **CSSB 215**, on page 1, line 11, after "section.", insert "The board shall specify by rule the elements that constitute a completed application and shall make an administrative determination of the completeness of the application not later than the fifth business day after receiving the application. A request for additional information in support of an application that has been determined administratively complete does not toll the period within which the application is considered approved under this section. The board may not summarily disapprove a program without completing the review required by this section."

The amendment to Floor Amendment No. 5 to **CSSB 215** 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.

Question recurring on the adoption of Floor Amendment No. 5 to **CSSB 215**, 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. 5 as amended.

Senator Duncan offered the following amendment to the bill:

**Floor Amendment No. 7**

Amend **CSSB 215** (senate committee printing) in SECTION 23 of the bill by striking added Section 61.07761, Education Code (page 9, lines 27 through 36), and substituting the following:

Sec. 61.07761. FINANCIAL AID AND OTHER TRUSTEED FUNDS ALLOCATION. (a) For any funds trusted to the board for allocation to institutions of higher education and private or independent institutions of higher education, including financial aid program funds, the board by rule shall:

- (1) establish and publish the allocation methodologies; and
- (2) develop procedures to verify the accuracy of the application of those allocation methodologies by board staff.

(b) The board shall engage in negotiated rulemaking as described by Chapter 2008, Government Code, in adopting rules under this section.

The amendment to **CSSB 215** was read.

Senator Birdwell moved to table Floor Amendment No. 7.

The motion to table was lost by the following vote: Yeas 13, Nays 17.

Yeas: Birdwell, Carona, Deuell, Eltife, Hancock, Hegar, Huffman, Nelson, Nichols, Patrick, Paxton, Taylor, Whitmire.

Nays: Campbell, Davis, Duncan, Ellis, Estes, Fraser, Garcia, Lucio, Rodríguez, Schwertner, Seliger, Uresti, Van de Putte, Watson, West, Williams, Zaffirini.

Absent: Hinojosa.

Question recurring on the adoption of Floor Amendment No. 7 to **CSSB 215**, the amendment was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 7.

Senator Zaffirini offered the following amendment to the bill:

#### **Floor Amendment No. 8**

Amend **CSSB 215** (senate committee report) as follows:

In SECTION 25 of the bill, in amended Section 61.822(a), Education Code, (page 9, lines 43-44), strike "develop and implement policies to promote" and substitute "encourage".

The amendment to **CSSB 215** 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 Duncan offered the following amendment to the bill:

#### **Floor Amendment No. 9**

Amend **CSSB 215** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 61.033, Education Code, is amended to read as follows:

Sec. 61.033. [~~NEGOTIATED RULEMAKING;~~] ALTERNATIVE DISPUTE RESOLUTION. (a) The board shall develop and implement a policy to encourage the use of[~~:~~

[~~(1) negotiated rulemaking procedures under Chapter 2008, Government Code, for the adoption of board rules; and~~

[~~(2)~~] appropriate alternative dispute resolution procedures under Chapter 2009, Government Code, 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 designate a trained person to[-

~~(1) coordinate the implementation of the policy adopted under Subsection (a);~~

~~(2) serve as a resource for any training needed to implement the procedures for negotiated rulemaking or alternative dispute resolution[-and~~

~~(3) collect data concerning the effectiveness of those procedures, as implemented by the board].~~

SECTION \_\_\_\_\_. Subchapter B, Chapter 61, Education Code, is amended by adding Section 61.0331 to read as follows:

Sec. 61.0331. NEGOTIATED RULEMAKING REQUIRED. If the board is required by this code or other law to consult or cooperate with institutions of higher education in the development of a policy, procedure, or rule, the board must engage the institutions in a negotiated rulemaking process as described by Chapter 2008, Government Code, before the policy, procedure, or rule may take effect.

The amendment to **CSSB 215** was read.

Senator Birdwell moved to table Floor Amendment No. 9.

The motion to table was lost by the following vote: Yeas 10, Nays 21.

Yeas: Birdwell, Carona, Eltife, Hegar, Huffman, Nelson, Nichols, Paxton, Van de Putte, Whitmire.

Nays: Campbell, Davis, Deuell, Duncan, Ellis, Estes, Fraser, Garcia, Hancock, Hinojosa, Lucio, Patrick, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Watson, West, Williams, Zaffirini.

Question recurring on the adoption of Floor Amendment No. 9 to **CSSB 215**, the amendment was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 9.

Senator Seliger offered the following amendment to the bill:

### **Floor Amendment No. 10**

Amend **CSSB 215** as follows:

(1) In amended Section 61.0512, Education Code, strike Subsections (f) and (g) (Committee printing page 7, lines 45-53) and substitute the following:

(f) The board may not order the consolidation or elimination of any degree or certificate program offered by an institution of higher education but may, based on the board's review under Subsections (d) and (e), recommend such action to an institution's governing board. If an institution's governing board does not accept recommendations to consolidate or eliminate a degree or certificate program, the university system or, where a system does not exist, the institution, must identify the programs recommended for consolidation or elimination on the next legislative appropriations request submitted by the system or institution.



(2) In Subsection (h), Section 61.0512, Education Code (Committee printing page 7, line 54), strike "h" and substitute "g".

The amendment to **CSSB 215** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 10.

Senator Seliger offered the following amendment to the bill:

#### **Floor Amendment No. 11**

Amend **CSSB 215** by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subsection (f), Section 130.0012, Education Code, is amended to read as follows:

(f) Each public junior college that offers a baccalaureate degree program under this section must enter into an articulation agreement for the first five years of the program with one or more general academic teaching institutions to ensure that students enrolled in the degree program have an opportunity to complete the degree if the public junior college ceases to offer the degree program. The coordinating board may require a general academic teaching institution that offers a comparable degree program to enter into an articulation agreement with the public junior college as provided by this subsection.

The amendment to **CSSB 215** 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. 11.

Senator West offered the following amendment to the bill:

#### **Floor Amendment No. 12**

Amend **CSSB 215** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter C, Chapter 61, Education Code, is amended by adding Section 61.0763 to read as follows:

Sec. 61.0763. STUDENT LOAN DEFAULT PREVENTION AND FINANCIAL AID LITERACY PILOT PROGRAM. (a) In this section, "career school or college" has the meaning assigned by Section 132.001.

(b) Not later than January 1, 2014, the board shall establish and administer a pilot program at selected postsecondary educational institutions to ensure that students of those institutions are informed consumers with regard to all aspects of student financial aid, including:

(1) the consequences of borrowing to finance a student's postsecondary education;

(2) the financial consequences of a student's academic and career choices;  
and

(3) strategies for avoiding student loan delinquency and default.

(c) The board shall select at least one institution from each of the following categories of postsecondary educational institutions to participate in the program:

(1) general academic teaching institutions;

- (2) public junior colleges;
- (3) private or independent institutions of higher education; and
- (4) career schools or colleges.

(d) In selecting postsecondary educational institutions to participate in the pilot program, the board shall give priority to institutions that have a three-year cohort student loan default rate, as reported by the United States Department of Education:

- (1) of more than 20 percent; or
- (2) that has above average growth as compared to the rates of other postsecondary educational institutions in this state.

(e) The board, in consultation with postsecondary educational institutions, shall adopt rules for the administration of the pilot program, including rules governing the selection of postsecondary educational institutions to participate in the pilot program consistent with the requirements of Subsection (d).

(f) The board may contract with one or more entities to administer the pilot program according to criteria established by board rule.

(g) Not later than January 1 of each year, beginning in 2016:

(1) the board shall submit a report to the governor, the lieutenant governor, and the speaker of the house of representatives regarding the outcomes of the pilot program, as reflected in the federal student loan default rates reported for the participating institutions; and

(2) each participating institution shall submit a report to the governor, the lieutenant governor, and the speaker of the house of representatives regarding the outcomes of the pilot program at the institution, as reflected in the federal student loan default rate reported for the institution.

(h) This section expires December 31, 2020.

SECTION \_\_\_\_\_. The Texas Higher Education Coordinating Board shall adopt rules for the administration of Section 61.0763, Education Code, as added by this Act, as soon as practicable after this Act takes effect. For that purpose, the coordinating board may adopt the initial rules in the manner provided by law for emergency rules.

The amendment to **CSSB 215** 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.

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

**CSSB 215** 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 215 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 215** 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)

**COMMITTEE SUBSTITUTE  
SENATE BILL 1255 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 1255** at this time on its second reading:

**CSSB 1255**, Relating to binding arbitration of an appraisal review board order determining a protest of an unequal appraisal of the owner's 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.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1255 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 1255** 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.

**NOMINATION RETURNED**

Senator Hegar moved to grant the request of the Governor to return the following nomination:

Member, Board of Regents, University of North Texas System: Ernest W. Kuehne, Dallas County.

The motion prevailed 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 bill: **SB 1887**.

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 1887** by Carona

Relating to excellence funding for health-related institutions of higher education.  
To Committee on Finance.

**SB 1888** by Hinojosa

Relating to the creation of a county court at law in Jim Wells County.  
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 243** to Committee on Health and Human Services.

**HB 424** to Committee on Health and Human Services.

**HB 442** to Committee on Transportation.

**HB 634** to Committee on Criminal Justice.

**HB 680** to Committee on Intergovernmental Relations.

**HB 695** to Committee on Transportation.

**HB 736** to Committee on Health and Human Services.

**HB 757** to Committee on Veteran Affairs and Military Installations.

**HB 1097** to Committee on Transportation.

**HB 1648** to Committee on Health and Human Services.

(President in Chair)

### COMMITTEE SUBSTITUTE SENATE BILL 2 ON SECOND READING

Senator Patrick moved to suspend the regular order of business to take up for consideration **CSSB 2** at this time on its second reading:

**CSSB 2**, Relating to certain charter schools.

The motion prevailed.

Senators Nichols, 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 Patrick offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **CSSB 2** (senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter D, Chapter 11, Education Code, is amended by adding Sections 11.1542 and 11.1543 to read as follows:

Sec. 11.1542. OPEN-ENROLLMENT CHARTER SCHOOL OFFER FOR DISTRICT FACILITY. (a) The board of trustees of an independent school district that intends to sell, lease, or allow use for a purpose other than a district purpose of an unused or underused district facility must give each open-enrollment charter school located wholly or partly within the boundaries of the district the opportunity to make

an offer to purchase, lease, or use the facility, as applicable, in response to any terms established by the board of trustees, before offering the facility for sale or lease or to any other specific entity.

(b) This section does not require the board of trustees of a school district to accept an offer made by an open-enrollment charter school.

Sec. 11.1543. CHARTER SCHOOL PAYMENT FOR FACILITIES USE OR FOR SERVICES. (a) An independent school district may not require a campus or campus program that has been granted a charter under Subchapter C, Chapter 12, and that is the result of the conversion of the status of an existing school district campus to pay rent for or to purchase a facility in order to use the facility.

(b) An independent school district may not require a campus or campus program described by Subsection (a) or an open-enrollment charter school to pay for any service provided by the district under a contract between the district and the campus, campus program, or open-enrollment charter school an amount that is greater than the amount of the actual costs to the district of providing the service.

SECTION 2. Subchapter C, Chapter 12, Education Code, is amended by adding Section 12.0522 to read as follows:

Sec. 12.0522. DISTRICT CHARTER AUTHORIZATION. (a) Notwithstanding Section 12.052, in the manner provided by this section, the board of trustees of a school district or the governing body of a home-rule school district may grant a district charter to a campus to the extent authorized under this section.

(b) Except as otherwise provided by this subsection or Subsection (c), a district charter may be granted under this section only to one or more campuses serving in total a percentage of the district's student enrollment equal to not more than 15 percent of the district's student enrollment for the preceding school year. The percentage limit may not prevent a district from granting a district charter to at least one feeder pattern of schools, including an elementary, middle or junior high, and high school.

(c) A district charter may be granted to any campus that has received the lowest performance rating under Subchapter C, Chapter 39.

(d) Subchapter D applies to a campus granted a district charter under this section as though the campus were granted a charter under Subchapter D, and the campus is considered an open-enrollment charter school.

(e) A charter granted under this section is not considered for purposes of the limit on the number of charters for open-enrollment charter schools imposed by Section 12.101.

(f) The commissioner may adopt rules as necessary for the administration of this section.

SECTION 3. Section 12.055, Education Code, is amended to read as follows:

Sec. 12.055. APPLICABILITY OF LAWS AND RULES TO CAMPUS OR PROGRAM GRANTED CHARTER. (a) A campus or program for which a charter is granted under this subchapter is subject to federal and state laws and rules governing public schools, except that the campus or program is subject to this code and rules adopted under this code only to the extent the applicability to a campus or program for which a charter is granted under this subchapter of a provision of this code or a rule adopted under this code is specifically provided.

(b) A school district may contract with another district or an open-enrollment charter school for services at a campus charter. An employee of the district or open-enrollment charter school providing contracted services to a campus charter is eligible for membership in and benefits from the Teacher Retirement System of Texas if the employee would be eligible for membership and benefits if holding the same position at the employing district or open-enrollment charter school.

SECTION 4. Section 12.056(b), Education Code, is amended to read as follows:

(b) A campus or program for which a charter is granted under this subchapter is subject to:

(1) a provision of this title establishing a criminal offense; and

(2) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:

(A) the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with this subchapter as determined by the commissioner;

(B) criminal history records under Subchapter C, Chapter 22;

(C) high school graduation under Section 28.025;

(D) special education programs under Subchapter A, Chapter 29;

(E) bilingual education under Subchapter B, Chapter 29;

(F) prekindergarten programs under Subchapter E, Chapter 29;

(G) extracurricular activities under Section 33.081;

(H) health and safety under Chapter 38; and

(I) public school accountability under Subchapters B, C, D, E, F, and J, Chapter 39.

SECTION 5. Section 12.057, Education Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) An employee of a charter holder, as defined by Section 12.1012, who is employed on a campus or in a program granted a charter under this subchapter and who qualifies for membership in the Teacher Retirement System of Texas shall be covered under the system in the same manner and to the same extent as a qualified employee of an independent school district who is employed on a regularly operating campus or in a regularly operating program.

SECTION 6. Section 12.059, Education Code, is amended to read as follows:

Sec. 12.059. CONTENT. Each charter granted under this subchapter must:

(1) describe the educational program to be offered, which may be a general or specialized program;

(2) provide that continuation of the charter is contingent on satisfactory student performance under Subchapter B, Chapter 39, satisfactory financial performance under Subchapter D, Chapter 39, and ~~[on]~~ compliance with other applicable accountability provisions under Chapter 39;

(3) specify any basis, in addition to a basis specified by this subchapter, on which the charter may be ~~[placed on probation or]~~ revoked;

(4) prohibit discrimination in admission on the basis of national origin, ethnicity, race, religion, or disability;

(5) describe the governing structure of the campus or program;

(6) specify any procedure or requirement, in addition to those under Chapter 38, that the campus or program will follow to ensure the health and safety of students and employees; and

(7) describe the manner in which an annual audit of financial and programmatic operations of the campus or program is to be conducted, including the manner in which the campus or program will provide information necessary for the school district in which it is located to participate, as required by this code or by commissioner ~~[State Board of Education]~~ rule, in the Public Education Information Management System (PEIMS).

SECTION 7. Section 12.101, Education Code, is amended by amending Subsections (a) and (b) and adding Subsections (b-0), (b-1), (b-2), (b-3), (b-4), (b-5), and (b-6) to read as follows:

(a) In accordance with this subchapter, the commissioner ~~[State Board of Education]~~ may grant a charter on the application of an eligible entity for an open-enrollment charter school to operate in a facility of a commercial or nonprofit entity, an eligible entity, or a school district, including a home-rule school district. In this subsection, "eligible entity" means:

(1) an institution of higher education as defined under Section 61.003;

(2) a private or independent institution of higher education as defined under Section 61.003;

(3) an organization that is exempt from taxation under Section 501(c)(3), Internal Revenue Code of 1986 (26 U.S.C. Section 501(c)(3)); or

(4) a governmental entity.

(b) After thoroughly investigating and evaluating an applicant, the commissioner ~~[The State Board of Education]~~ may grant a charter for an open-enrollment charter school only to an applicant that meets any financial, governing, educational, and operational standards adopted by the commissioner under this subchapter, that the commissioner determines is capable of carrying out the responsibilities provided by the charter and likely to operate a school of high quality, and that:

(1) has not within the preceding 10 years had a charter under this chapter or a similar charter issued under the laws of another state surrendered under a settlement agreement, revoked, denied renewal, or returned; or

(2) is not, under rules adopted by the commissioner, considered to be a corporate affiliate of or substantially related to an entity that has within the preceding 10 years had a charter under this chapter or a similar charter issued under the laws of another state surrendered under a settlement agreement, revoked, denied renewal, or returned.

(b-0) The commissioner shall notify the State Board of Education of each charter the commissioner proposes to grant under this subchapter. Unless, before the 90th day after the date on which the board receives the notice from the commissioner, a majority of the members of the board present and voting vote against the grant of that charter, the commissioner's proposal to grant the charter takes effect. The board may not deliberate or vote on any grant of a charter that is not proposed by the commissioner.

(b-1) In granting charters for open-enrollment charter schools, the commissioner [The State Board of Education] may not grant a total of more than:

- (1) 215 charters through the fiscal year ending August 31, 2014;
- (2) 225 charters beginning September 1, 2014;
- (3) 240 charters beginning September 1, 2015;
- (4) 255 charters beginning September 1, 2016;
- (5) 275 charters beginning September 1, 2017;
- (6) 295 charters beginning September 1, 2018;
- (7) 315 charters beginning September 1, 2019; or
- (8) 330 charters beginning September 1, 2020 [for an open enrollment charter school].

(b-2) Beginning September 1, 2021, the total number of charters for open-enrollment charter schools that may be granted is the sum of the number of charters authorized to be granted as of the preceding fiscal year plus 10 additional charters.

(b-3) The commissioner may not grant more than one charter for an open-enrollment charter school to any charter holder. The commissioner may consolidate charters for an open-enrollment charter school held by multiple charter holders into a single charter held by a single charter holder with the written consent to the terms of consolidation by or at the request of each charter holder affected by the consolidation.

(b-4) A charter holder having an accreditation status of accredited and at least 50 percent of its student population in grades assessed under Subchapter B, Chapter 39, may establish one or more new open-enrollment charter school campuses under an existing charter held by the charter holder if:

(1) the charter holder is currently evaluated under the standard accountability procedures for evaluation under Chapter 39 and received a district rating in the highest or second highest performance rating category under Subchapter C, Chapter 39, for three of the last five years with at least 75 percent of the campuses rated under the charter also receiving a rating in the highest or second highest performance rating category and with no campus with a rating in the lowest performance rating category in the most recent ratings;

(2) the charter holder provides written notice to the commissioner of the establishment of any campus under this subsection in the time, manner, and form provided by rule of the commissioner; and

(3) not later than the 60th day after the date the charter holder provides written notice under Subdivision (2), the commissioner does not provide written notice to the charter holder disapproving a new campus under this section.

(b-5) The initial term of a charter granted under this section is five years.

(b-6) The commissioner shall adopt rules to modify criteria for granting a charter for an open-enrollment charter school under this section to the extent necessary to address changes in performance rating categories or in the financial accountability system under Chapter 39.

SECTION 8. Subchapter D, Chapter 12, Education Code, is amended by adding Section 12.1011 to read as follows:



Sec. 12.1011. CHARTER AUTHORIZATION FOR HIGH-PERFORMING ENTITIES; LIMIT NOT APPLICABLE. (a) Notwithstanding Section 12.101(b), the commissioner may grant a charter for an open-enrollment charter school to an applicant that is:

(1) an eligible entity under Section 12.101(a)(3) that proposes to operate the charter school program of a charter operator that operates one or more charter schools in another state and with which the eligible entity is affiliated and, as determined by the commissioner in accordance with commissioner rule, has performed at a level of performance comparable to performance under the highest or second highest performance rating category under Subchapter C, Chapter 39; or

(2) an entity that has operated one or more charter schools established under this subchapter or Subchapter C or E and, as determined by the commissioner in accordance with commissioner rule, has performed in the highest or second highest performance rating category under Subchapter C, Chapter 39.

(b) A charter holder granted a charter for an open-enrollment charter school under Subsection (a) may vest management of corporate affairs in a member entity provided that the member entity may change the members of the governing body of the charter holder before the expiration of a member's term only with the express written approval of the commissioner.

(c) The initial term of a charter granted under this section is five years.

(d) A charter granted under this section is not considered for purposes of the limit on the number of charters for open-enrollment charter schools imposed by Section 12.101.

(e) The commissioner shall adopt rules to modify criteria for granting a charter for an open-enrollment charter school under this section to the extent necessary to address changes in performance rating categories under Subchapter C, Chapter 39.

SECTION 9. Subchapter D, Chapter 12, Education Code, is amended by adding Section 12.1013 to read as follows:

Sec. 12.1013. CHARTER AUTHORIZER ACCOUNTABILITY. (a) The commissioner shall annually report under Subchapters J and K, Chapter 39, the performance of open-enrollment charter schools by authorizer compared to campus charters and matched traditional campuses based on student achievement indicators adopted under Section 39.053.

(b) The format of the report must enable the public to distinguish and compare the performance of each type of public school by classifying the schools as follows:

(1) open-enrollment charters granted by the State Board of Education;

(2) open-enrollment charters granted by the commissioner;

(3) charters granted by school districts; and

(4) matched traditional campuses.

(c) The report must include the performance of each public school in each class described by Subsection (b) as measured by the student achievement indicators adopted under Section 39.053.

(d) The report must also:

(1) aggregate and compare the performance of open-enrollment charter schools granted charters by the State Board of Education, open-enrollment charter schools granted charters by the commissioner, campuses and programs granted charters by school districts, and matched traditional campuses; and

(2) rate the aggregate performance of elementary, middle or junior high, and high schools within each class described by Subsection (b) as indicated by the composite rating that would be assigned to the class of elementary, middle or junior high, and high schools if the students attending all schools in that class were cumulatively enrolled in one elementary, middle or junior high, or high school.

SECTION 10. Section 12.102, Education Code, is amended to read as follows:

Sec. 12.102. AUTHORITY UNDER CHARTER. An open-enrollment charter school:

(1) shall provide instruction to students at one or more elementary or secondary grade levels as provided by the charter;

(2) is governed under the governing structure described by the charter;

(3) retains authority to operate under the charter to the extent authorized under Sections 12.1141 and 12.115 and Subchapter E, Chapter 39 ~~[contingent on satisfactory student performance as provided by the charter in accordance with Section 12.111]; and~~

(4) does not have authority to impose taxes.

SECTION 11. Section 12.104(b), Education Code, is amended to read as follows:

(b) An open-enrollment charter school is subject to:

(1) a provision of this title establishing a criminal offense; and

(2) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:

(A) the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with this subchapter as determined by the commissioner;

(B) criminal history records under Subchapter C, Chapter 22;

(C) reading instruments and accelerated reading instruction programs under Section 28.006;

(D) accelerated instruction under Section 28.0211;

(E) high school graduation requirements under Section 28.025;

(F) special education programs under Subchapter A, Chapter 29;

(G) bilingual education under Subchapter B, Chapter 29;

(H) prekindergarten programs under Subchapter E, Chapter 29;

(I) extracurricular activities under Section 33.081;

(J) discipline management practices or behavior management techniques under Section 37.0021;

(K) health and safety under Chapter 38;

(L) public school accountability under Subchapters B, C, D, E, F, G, and J, Chapter 39;

(M) the requirement under Section 21.006 to report an educator's misconduct; and

(N) intensive programs of instruction under Section 28.0213.

SECTION 12. Section 12.1051, Education Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) With respect to the operation of an open-enrollment charter school, except as provided by Subsection (c), any requirement in Chapter 551 or 552, Government Code, or another law that concerns open meetings or the availability of information, that applies to a school district, the board of trustees of a school district, or public school students applies to an open-enrollment charter school, the governing body of a charter holder, the governing body of an open-enrollment charter school, or students attending an open-enrollment charter school.

(c) Notwithstanding Subchapter F, Chapter 551, Government Code, the commissioner shall provide by rule for meetings by telephone conference call or video conference call where a majority of the quorum of the governing body of a charter holder or charter school is not physically present at one location of the meeting. The rule may apply only to meetings of the governing body of a charter holder or charter school with its central administrative offices in a state other than this state.

SECTION 13. Section 12.1053(a), Education Code, is amended to read as follows:

(a) This section applies to an open-enrollment charter school unless the school's charter otherwise describes procedures for purchasing and contracting and the procedures are approved by the commissioner [~~State Board of Education~~].

SECTION 14. Section 12.1057(a), Education Code, is amended to read as follows:

(a) An employee of an open-enrollment charter school [~~operating under a charter granted by the State Board of Education~~] who qualifies for membership in the Teacher Retirement System of Texas shall be covered under the system to the same extent a qualified employee of a school district is covered.

SECTION 15. Sections 12.110(a), (c), and (d), Education Code, are amended to read as follows:

(a) The commissioner [~~State Board of Education~~] shall adopt:

(1) an application form and a procedure that must be used to apply for a charter for an open-enrollment charter school; and

(2) criteria to use in selecting a program for which to grant a charter.

(c) As part of the application procedure, the commissioner [~~board~~] may require a petition supporting a charter for a school signed by a specified number of parents or guardians of school-age children residing in the area in which a school is proposed or may hold a public hearing to determine parental support for the school.

(d) The commissioner shall [~~board may~~] approve or deny an application based on:

(1) documented evidence collected through the application review process;

(2) merit; and

(3) other criteria as adopted by the commissioner, which [~~it adopts. The criteria the board adopts~~] must include:

(A) criteria relating to the capability of the applicant to carry out the responsibilities provided by the charter and the likelihood that the applicant will operate a school of high quality;

(B) [(4)] criteria relating to improving student performance and encouraging innovative programs; and

(C) [(2)] a statement from any school district whose enrollment is likely to be affected by the open-enrollment charter school, including information relating to any financial difficulty that a loss in enrollment may have on the district.

SECTION 16. Section 12.1101, Education Code, is amended to read as follows:

Sec. 12.1101. NOTIFICATION OF CHARTER APPLICATION OR ESTABLISHMENT OF CAMPUS. The commissioner by rule shall adopt a procedure for providing notice to the following persons on receipt by the commissioner [State Board of Education] of an application for a charter for an open-enrollment charter school under Section 12.110 or of notice of the establishment of a campus as authorized under Section 12.101(b-4):

(1) the board of trustees of each school district from which the proposed open-enrollment charter school or campus is likely to draw students, as determined by the commissioner; and

(2) each member of the legislature that represents the geographic area to be served by the proposed school or campus, as determined by the commissioner.

SECTION 17. Section 12.111(a), Education Code, is amended to read as follows:

(a) Each charter granted under this subchapter must:

(1) describe the educational program to be offered, which must include the required curriculum as provided by Section 28.002;

(2) ~~specify the period for which the charter or any charter renewal is valid;~~

[(3)] provide that continuation [or renewal] of the charter is contingent on the status of the charter as determined under Section 12.1141 or 12.115 or under Subchapter E, Chapter 39 [acceptable student performance on assessment instruments adopted under Subchapter B, Chapter 39, and on compliance with any accountability provision specified by the charter, by a deadline or at intervals specified by the charter];

(3) specify the academic, operational, and financial performance expectations by which a school operating under the charter will be evaluated, which must include applicable elements of the performance frameworks adopted under Section 12.1181 [(4) establish the level of student performance that is considered acceptable for purposes of Subdivision (3)];

(4) [(5)] specify:

(A) any basis, in addition to a basis specified by this subchapter or Subchapter E, Chapter 39, on which the charter may be [placed on probation or] revoked, [or on which] renewal of the charter may be denied, or the charter may be allowed to expire; and

(B) the standards for evaluation of a school operating under the charter for purposes of charter renewal, denial of renewal, expiration, revocation, or other intervention in accordance with Section 12.1141 or 12.115 or Subchapter E, Chapter 39, as applicable;

(5) ~~[(6)]~~ prohibit discrimination in admission policy on the basis of sex, national origin, ethnicity, religion, disability, academic, artistic, or athletic ability, or the district the child would otherwise attend in accordance with this code, although the charter may:

(A) provide for the exclusion of a student who has a documented history of a criminal offense, a juvenile court adjudication, or discipline problems under Subchapter A, Chapter 37; and

(B) provide for an admission policy that requires a student to demonstrate artistic ability if the school specializes in performing arts;

(6) ~~[(7)]~~ specify the grade levels to be offered;

(7) ~~[(8)]~~ describe the governing structure of the program, including:

(A) the officer positions designated;

(B) the manner in which officers are selected and removed from office;

(C) the manner in which members of the governing body of the school are selected and removed from office;

(D) the manner in which vacancies on that governing body are filled;

(E) the term for which members of that governing body serve; and

(F) whether the terms are to be staggered;

(8) ~~[(9)]~~ specify the powers or duties of the governing body of the school that the governing body may delegate to an officer;

(9) ~~[(10)]~~ specify the manner in which the school will distribute to parents information related to the qualifications of each professional employee of the program, including any professional or educational degree held by each employee, a statement of any certification under Subchapter B, Chapter 21, held by each employee, and any relevant experience of each employee;

(10) ~~[(11)]~~ describe the process by which the person providing the program will adopt an annual budget;

(11) ~~[(12)]~~ describe the manner in which an annual audit of the financial and programmatic operations of the program is to be conducted, including the manner in which the person providing the program will provide information necessary for the school district in which the program is located to participate, as required by this code or by commissioner ~~[State Board of Education]~~ rule, in the Public Education Information Management System (PEIMS);

(12) ~~[(13)]~~ describe the facilities to be used;

(13) ~~[(14)]~~ describe the geographical area served by the program; ~~and~~

(14) ~~[(15)]~~ specify any type of enrollment criteria to be used;

(15) provide information, as determined by the commissioner, relating to any management company that will provide management services to a school operating under the charter; and

(16) specify that the governing body of an open-enrollment charter school accepts and may not delegate ultimate responsibility for the school, including the school's academic performance and financial and operational viability, and is responsible for overseeing any management company providing management services for the school and for holding the management company accountable for the school's performance.

SECTION 18. Section 12.112, Education Code, is amended to read as follows:

Sec. 12.112. FORM. A charter for an open-enrollment charter school shall be in the form of a written contract signed by the commissioner [~~chair of the State Board of Education~~] and the chief operating officer of the school.

SECTION 19. Section 12.113(a), Education Code, is amended to read as follows:

(a) Each charter the commissioner [~~State Board of Education~~] grants for an open-enrollment charter school must:

(1) satisfy this subchapter; and

(2) include the information that is required under Section 12.111 consistent with the information provided in the application and any modification the commissioner [~~board~~] requires.

SECTION 20. Subchapter D, Chapter 12, Education Code, is amended by adding Section 12.1141 to read as follows:

Sec. 12.1141. RENEWAL OF CHARTER; DENIAL OF RENEWAL; EXPIRATION. (a) The commissioner shall develop and by rule adopt a procedure for renewal, denial of renewal, or expiration of a charter for an open-enrollment charter school at the end of the term of the charter. The procedure must include consideration of the performance under Chapter 39 of the charter holder and each campus operating under the charter and must include three distinct processes, which must be expedited renewal, discretionary consideration of renewal or denial of renewal, and expiration. To renew a charter at the end of the term, the charter holder must submit a petition for renewal to the commissioner in the time and manner established by commissioner rule.

(b) At the end of the term of a charter for an open-enrollment charter school, if a charter holder submits to the commissioner a petition for expedited renewal of the charter, the charter automatically renews unless, not later than the 30th day after the date the charter holder submits the petition, the commissioner provides written notice to the charter holder that expedited renewal of the charter is denied. The commissioner may not deny expedited renewal of a charter if:

(1) the charter holder has been assigned the highest or second highest performance rating under Subchapter C, Chapter 39, for the three preceding school years;

(2) the charter holder has been assigned a financial performance accountability rating under Subchapter D, Chapter 39, indicating financial performance that is satisfactory or better for the three preceding school years; and

(3) no campus operating under the charter has been assigned the lowest performance rating under Subchapter C, Chapter 39, for the three preceding school years or such a campus has been closed.

(c) At the end of the term of a charter for an open-enrollment charter school, if a charter holder submits to the commissioner a petition for renewal of the charter and the charter does not meet the criteria for expedited renewal under Subsection (b) or for expiration under Subsection (d), the commissioner shall use the discretionary consideration process. The commissioner's decision under the discretionary consideration process must take into consideration the results of annual evaluations under the performance frameworks established under Section 12.1181. The renewal of the charter of an open-enrollment charter school that is registered under the

agency's alternative education accountability procedures for evaluation under Chapter 39 shall be considered under the discretionary consideration process regardless of the performance ratings under Subchapter C, Chapter 39, of the open-enrollment charter school or of any campus operating under the charter, except that if the charter holder has been assigned a financial accountability performance rating under Subchapter D, Chapter 39, indicating financial performance that is lower than satisfactory for any three of the five preceding school years, the commissioner shall allow the charter to expire under Subsection (d). In considering the renewal of the charter of an open-enrollment charter school that is registered under the agency's alternative education accountability procedures for evaluation under Chapter 39, such as a dropout recovery school or a school providing education within a residential treatment facility, the commissioner shall use academic criteria established by commissioner rule that are appropriate to measure the specific goals of the school. The criteria established by the commissioner shall recognize growth in student achievement as well as educational attainment. For purposes of this subsection, the commissioner shall designate as a dropout recovery school an open-enrollment charter school or a campus 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.

(d) At the end of the term of a charter for an open-enrollment charter school, if a charter holder submits to the commissioner a petition for renewal of the charter, the commissioner may not renew the charter and shall allow the charter to expire if:

(1) the charter holder has been assigned the lowest performance rating under Subchapter C, Chapter 39, for any three of the five preceding school years;

(2) the charter holder has been assigned a financial accountability performance rating under Subchapter D, Chapter 39, indicating financial performance that is lower than satisfactory for any three of the five preceding school years;

(3) the charter holder has been assigned any combination of the ratings described by Subdivision (1) or (2) for any three of the five preceding school years; or

(4) any campus operating under the charter has been assigned the lowest performance rating under Subchapter C, Chapter 39, for the three preceding school years and such a campus has not been closed.

(e) Notwithstanding any other law, a determination by the commissioner under Subsection (d) is final and may not be appealed.

(f) Not later than the 90th day after the date on which a charter holder submits a petition for renewal of a charter for an open-enrollment charter school at the end of the term of the charter, the commissioner shall provide written notice to the charter holder, in accordance with commissioner rule, of the basis on which the charter qualified for expedited renewal, discretionary consideration, or expiration, and of the commissioner's decision regarding whether to renew the charter, deny renewal of the charter, or allow the charter to expire.

(g) Except as provided by Subsection (e), a decision by the commissioner to deny renewal of a charter for an open-enrollment charter school is subject to review by the State Office of Administrative Hearings. Notwithstanding Chapter 2001, Government Code:

(1) the administrative law judge shall uphold a decision by the commissioner to deny renewal of a charter for an open-enrollment charter school unless the judge finds the decision is arbitrary and capricious or clearly erroneous; and

(2) a decision of the administrative law judge under this subsection is final and may not be appealed.

(h) If a charter holder submits a petition for renewal of a charter for an open-enrollment charter school, notwithstanding the expiration date of the charter, the charter term is extended until the commissioner has provided notice to the charter holder of the renewal, denial of renewal, or expiration of the charter.

(i) The term of a charter renewed under this section is 10 years for each renewal.

(j) The commissioner shall adopt rules to modify criteria for renewal, denial of renewal, or expiration of a charter for an open-enrollment charter school under this section to the extent necessary to address changes in performance rating categories or in the financial accountability system under Chapter 39.

SECTION 21. Section 12.115, Education Code, is amended to read as follows:

Sec. 12.115. BASIS FOR CHARTER ~~[MODIFICATION, PLACEMENT ON PROBATION,]~~ REVOCATION~~;~~ OR MODIFICATION OF GOVERNANCE ~~[DENIAL OF RENEWAL]~~. (a) Except as provided by Subsection (c), the [The] commissioner shall [may modify, place on probation,] revoke~~;~~ or deny renewal of the charter of an open-enrollment charter school or reconstitute the governing body of the charter holder if the commissioner determines that the charter holder:

(1) committed a material violation of the charter, including failure to satisfy accountability provisions prescribed by the charter;

(2) failed to satisfy generally accepted accounting standards of fiscal management;

(3) failed to protect the health, safety, or welfare of the students enrolled at the school; ~~or~~

(4) failed to comply with this subchapter or another applicable law or rule;

(5) failed to satisfy the performance framework standards adopted under Section 12.1181; or

(6) is imminently insolvent as determined by the commissioner in accordance with commissioner rule.

(b) The action the commissioner takes under Subsection (a) shall be based on the best interest of the open-enrollment charter school's students, the severity of the violation, ~~and~~ any previous violation the school has committed, and the accreditation status of the school.

(c) Except as provided by Subsection (d), the commissioner shall revoke the charter of an open-enrollment charter school if:

(1) the charter holder has been assigned an unacceptable performance rating under Subchapter C, Chapter 39, for the three preceding school years;



(2) the charter holder has been assigned a financial accountability performance rating under Subchapter D, Chapter 39, indicating financial performance lower than satisfactory for the three preceding school years; or

(3) the charter holder has been assigned any combination of the ratings described by Subdivision (1) or (2) for the three preceding school years.

(d) Subsections (c)(1) and (3) do not apply to a charter holder registered under the agency's alternative education accountability procedures for evaluation under Chapter 39.

(e) This section does not limit the authority of the attorney general to take any action authorized by law.

(f) A charter holder rated as academically unacceptable under Subchapter D, Chapter 39, as that subchapter existed on January 1, 2009, for the 2010-2011 school year is considered to have been assigned an unacceptable performance rating for that school year under Subsection (c)(1). This subsection expires September 1, 2015.

SECTION 22. Section 12.116, Education Code, is amended to read as follows:

Sec. 12.116. PROCEDURE FOR ~~[MODIFICATION, PLACEMENT ON PROBATION,]~~ REVOCATION~~;~~ OR MODIFICATION OF GOVERNANCE ~~[DENIAL OF RENEWAL]~~. (a) The commissioner shall adopt an informal ~~[a]~~ procedure to be used for ~~[modifying, placing on probation,]~~ revoking~~;~~ or denying renewal ~~of~~ the charter of an open-enrollment charter school or for reconstituting the governing body of the charter holder as authorized by Section 12.115.

~~(b) [The procedure adopted under Subsection (a) must provide an opportunity for a hearing to the charter holder and to parents and guardians of students in the school. A hearing under this subsection must be held at the facility at which the program is operated.]~~

~~[(e)] Chapter 2001, Government Code, does not apply to a procedure [hearing] that is related to a [modification, placement on probation,] revocation~~;~~ or modification of governance [denial of renewal] under this subchapter.~~

(c) A decision by the commissioner to revoke a charter is subject to review by the State Office of Administrative Hearings. Notwithstanding Chapter 2001, Government Code:

(1) the administrative law judge shall uphold a decision by the commissioner to revoke a charter unless the judge finds the decision is arbitrary and capricious or clearly erroneous; and

(2) a decision of the administrative law judge under this subsection is final and may not be appealed.

(d) If the commissioner revokes the charter of an open-enrollment charter school, the commissioner may:

(1) manage the school until alternative arrangements are made for the school's students; and

(2) assign operation of one or more campuses formerly operated by the charter holder who held the revoked charter to a different charter holder who consents to the assignment.

SECTION 23. Section 12.1161(a), Education Code, is amended to read as follows:

(a) If [~~Except as provided by Subsection (b), if~~] the commissioner revokes or denies the renewal of a charter of an open-enrollment charter school[~~;~~] or [~~if~~] an open-enrollment charter school surrenders its charter, the school may not:

- (1) continue to operate under this subchapter; or
- (2) receive state funds under this subchapter.

SECTION 24. Section 12.1163(c), Education Code, is amended to read as follows:

(c) Unless the commissioner has specific cause to conduct an additional audit, the commissioner may not conduct more than one on-site audit [~~under Section 12.1163~~] during any fiscal year, including any financial and administrative records. For purposes of this subsection, an audit of a charter holder or management company associated with an open-enrollment charter school is not considered an audit of the school.

SECTION 25. Section 12.1164(a), Education Code, is amended to read as follows:

(a) The commissioner must notify the Teacher Retirement System of Texas in writing of the revocation, denial of renewal, expiration, or surrender of a charter under this subchapter not later than the 10th business day after the date of the event.

SECTION 26. Subchapter D, Chapter 12, Education Code, is amended by adding Section 12.1181 to read as follows:

Sec. 12.1181. PERFORMANCE FRAMEWORKS; ANNUAL EVALUATIONS. (a) The commissioner shall develop and by rule adopt performance frameworks that establish standards by which to measure the performance of an open-enrollment charter school. The commissioner shall develop and by rule adopt separate, specific performance frameworks by which to measure the performance of an open-enrollment charter school that is registered under the agency's alternative education accountability procedures for evaluation under Chapter 39. The performance frameworks shall be based on national best practices that charter school authorizers use in developing and applying standards for charter school performance. In developing the performance frameworks, the commissioner shall solicit advice from charter holders, the members of the governing bodies of open-enrollment charter schools, and other interested persons.

(b) The performance frameworks may include a variety of standards. In evaluating an open-enrollment charter school, the commissioner shall measure school performance against an established set of quality standards developed and adopted by the commissioner.

(c) Each year, the commissioner shall evaluate the performance of each open-enrollment charter school based on the applicable performance frameworks adopted under Subsection (a).

SECTION 27. Section 12.119, Education Code, is amended to read as follows:

Sec. 12.119. BYLAWS; ANNUAL REPORT. (a) A charter holder shall file with the commissioner [~~State Board of Education~~] a copy of its articles of incorporation and bylaws, or comparable documents if the charter holder does not have articles of incorporation or bylaws, within the period and in the manner prescribed by the commissioner [~~board~~].

(b) Each year within the period and in a form prescribed by the commissioner [State Board of Education], each open-enrollment charter school shall file with the commissioner [board] the following information:

(1) the name, address, and telephone number of each officer and member of the governing body of the open-enrollment charter school; and

(2) the amount of annual compensation the open-enrollment charter school pays to each officer and member of the governing body.

(c) On request, the commissioner [State Board of Education] shall provide the information required by this section and Section 12.111(a)(7) [12.111(a)(8)] to a member of the public. The commissioner [board] may charge a reasonable fee to cover the commissioner's [board's] cost in providing the information.

SECTION 28. Subchapter D, Chapter 12, Education Code, is amended by adding Section 12.1211 to read as follows:

Sec. 12.1211. NAMES OF MEMBERS OF GOVERNING BODY LISTED ON WEBSITE. An open-enrollment charter school shall list the names of the members of the governing body on the home page of the school's Internet website.

SECTION 29. Section 12.122(a), Education Code, is amended to read as follows:

(a) Notwithstanding the applicable provisions of the Business Organizations Code [Texas Non-Profit Corporation Act (Article 1396 1.01 et seq., Vernon's Texas Civil Statutes)] or other law, on request of the commissioner, the attorney general may bring suit against a member of the governing body of an open-enrollment charter school for breach of a fiduciary duty by the member, including misapplication of public funds.

SECTION 30. Section 12.128(a), Education Code, is amended to read as follows:

(a) Property purchased or leased with funds received by a charter holder under Section 12.106 after September 1, 2001:

(1) is considered to be public property for all purposes under state law;

(2) is property of this state held in trust by the charter holder for the benefit of the students of the open-enrollment charter school; and

(3) may be used only for a purpose for which a school district may use school district property.

SECTION 31. Subchapter D, Chapter 12, Education Code, is amended by adding Section 12.1231 to read as follows:

Sec. 12.1231. TRAINING FOR AGENCY EMPLOYEES. Not later than October 1, 2013, each agency employee assigned responsibility related to granting charters for open-enrollment charter schools or providing oversight or monitoring of charter holders or open-enrollment charter schools must participate in training on charter school authorization, oversight, and monitoring provided by a nationally recognized organization of charter school authorizers identified by the commissioner. This section expires January 1, 2014.

SECTION 32. Sections 12.152 and 12.154, Education Code, are amended to read as follows:

Sec. 12.152. AUTHORIZATION. ~~(a)~~ In accordance with this subchapter and Subchapter D, the commissioner ~~[State Board of Education]~~ may grant a charter on the application of:

(1) a public senior college or university for an open-enrollment charter school to operate on the campus of the public senior college or university or in the same county in which the campus of the public senior college or university is located; or

(2) a public junior college for an open-enrollment charter school to operate on the campus of the public junior college or in the same county in which the campus of the public junior college is located.

Sec. 12.154. CONTENT. (a) Notwithstanding Section 12.110(d), the commissioner ~~[State Board of Education]~~ may grant a charter under this subchapter to a public senior college or university only if the following criteria are satisfied in the public senior college's or university's application, as determined by the commissioner ~~[State Board of Education]~~:

(1) the college or university charter school's educational program must include innovative teaching methods;

(2) the college or university charter school's educational program must be implemented under the direct supervision of a member of the teaching or research faculty of the public senior college or university;

(3) the faculty member supervising the college or university charter school's educational program must have substantial experience and expertise in education research, teacher education, classroom instruction, or educational administration;

(4) the college or university charter school's educational program must be designed to meet specific goals described in the charter, including improving student performance, and each aspect of the program must be directed toward the attainment of the goals;

(5) the attainment of the college or university charter school's educational program goals must be measured using specific, objective standards set forth in the charter, including assessment methods and a time frame; and

(6) the financial operations of the college or university charter school must be supervised by the business office of the public senior college or university.

(b) Notwithstanding Section 12.110(d), the commissioner ~~[State Board of Education]~~ may grant a charter under this subchapter to a public junior college only if the following criteria are satisfied in the public junior college's application, as determined by the commissioner ~~[State Board of Education]~~:

(1) the junior college charter school's educational program must be implemented under the direct supervision of a member of the faculty of the public junior college;

(2) the faculty member supervising the junior college charter school's educational program must have substantial experience and expertise in teacher education, classroom instruction, or educational administration;

(3) the junior college charter school's educational program must be designed to meet specific goals described in the charter, such as dropout recovery, and each aspect of the program must be directed toward the attainment of the goals;

(4) the attainment of the junior college charter school's educational program goals must be measured using specific, objective standards set forth in the charter, including assessment methods and a time frame; and

(5) the financial operations of the junior college charter school must be supervised by the business office of the junior college.

SECTION 33. Section 12.156(b), Education Code, is amended to read as follows:

(b) A charter granted under this subchapter is not considered for purposes of the limit on the number of open-enrollment charter schools imposed by Section 12.101 [~~12.101(b)~~].

SECTION 34. Section 39.152, Education Code, is amended to read as follows:

Sec. 39.152. REVIEW BY STATE OFFICE OF ADMINISTRATIVE HEARINGS: SANCTIONS. (a) A school district or open-enrollment charter school that intends to challenge a decision by the commissioner under this chapter to close the district or a district campus or the charter school or to pursue alternative management of a district campus or the charter school must appeal the decision under this section [~~the procedures provided for a contested case under Chapter 2001, Government Code~~].

(b) A challenge to a decision under this section is under the substantial evidence rule as provided by Subchapter G, Chapter 2001, Government Code. The commissioner shall adopt procedural rules for a challenge under this section.

(c) Notwithstanding other law:

(1) the State Office of Administrative Hearings shall conduct [~~provide~~] an expedited review of a challenge under this section;

(2) the administrative law judge shall issue a final order not later than the 30th day after the date on which the hearing is finally closed; [~~and~~]

(3) the decision of the administrative law judge is final and may not be appealed; and

(4) the decision of the administrative law judge may set an effective date for an action under this section.

SECTION 35. Section 221.0071(a), Human Resources Code, is amended to read as follows:

(a) Notwithstanding any other law and in addition to the number of charters allowed under Subchapter D, Chapter 12, Education Code, the commissioner of education [~~State Board of Education~~] may grant a charter on the application of a detention, correctional, or residential facility established only for juvenile offenders under Section 51.12, 51.125, or 51.126, Family Code.

SECTION 36. Section 221.056(d), Human Resources Code, is amended to read as follows:

(d) Notwithstanding any other law and in addition to the number of charters allowed under Subchapter D, Chapter 12, Education Code, the commissioner of education [~~State Board of Education~~] shall grant a charter on the application of a residential treatment facility established under this section for a school chartered for the purposes of this section.

SECTION 37. The following provisions of the Education Code are repealed:

(1) Section 12.113(b); and

(2) Section 12.1161(b).

SECTION 38. This Act takes effect September 1, 2013.

The amendment to **CSSB 2** was read.

Senator West offered the following amendment to Floor Amendment No. 1:

**Floor Amendment No. 2**

Amend the proposed floor substitute for **CSSB 2** (83r21408) as follows:

(1) In the recital to SECTION 7 of the bill (page 5, line 20), strike "and (b-6)" and substitute "(b-6), and (b-7)".

(2) In SECTION 7 of the bill, strike added Sections 12.101(b-1) and (b-2), Education Code (page 6, line 30, through page 7, line 15), and substitute the following:

(b-1) In granting charters for open-enrollment charter schools, the commissioner [The State Board of Education] may not grant a total of more than:

(1) 215 charters through the fiscal year ending August 31, 2014;

(2) 225 charters beginning September 1, 2014;

(3) 240 charters beginning September 1, 2015;

(4) 255 charters beginning September 1, 2016;

(5) 270 charters beginning September 1, 2017; and

(6) 285 charters beginning September 1, 2018 [for an open enrollment charter school].

(b-2) Beginning September 1, 2019, the total number of charters for open-enrollment charter schools that may be granted is 305 charters.

(3) In SECTION 7 of the bill, immediately following added Section 12.101(b-6), Education Code (page 8, between lines 20 and 21), insert the following:

(b-7) A charter granted under this section for a dropout recovery school is not considered for purposes of the limit on the number of charters for open-enrollment charter schools imposed by this section. For purposes of this subsection, an open-enrollment charter school is considered to be a dropout recovery school if the school meets the criteria for designation as a dropout recovery school under Section 12.1141(c).

(4) In SECTION 8 of the bill, in the heading to added Section 12.1011, Education Code (page 8, line 24), strike "; LIMIT NOT APPLICABLE".

(5) In SECTION 8 of the bill, strike added Section 12.1011(d), Education Code (page 9, lines 17-19).

(6) In SECTION 8 of the bill, in added Section 12.1011(e), Education Code (page 9, line 20), strike "(e)" and substitute "(d)".

The amendment to Floor Amendment No. 1 to **CSSB 2** 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 West offered the following amendment to Floor Amendment No. 1:

**Floor Amendment No. 3**

Amend Floor Amendment No. 1 to **CSSB 2**, by adding, in Section 15, amending Section 12.110, Education Code, subsection (e) to read as follows:

(e) The commissioner shall give priority and approval to applications that include:

- (1) a plan to increase the educational and performance levels of students in campuses that received unacceptable performance ratings under Section 39.054; and
- (2) educate populations of students to be enrolled at the campus.

The amendment to Floor Amendment No. 1 to **CSSB 2** 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.

Question recurring on the adoption of Floor Amendment No. 1 to **CSSB 2**, 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:

Nays: Nichols.

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

**CSSB 2** 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 2 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 2** 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)

**REASON FOR VOTE**

Senator Nichols submitted the following reason for vote on **CSSB 2**:

I want to commend Senator Patrick on the work he has put into **CSSB 2** relating to charter school expansion. In my district, most public schools receive less funding per student than charter schools statewide. Additionally, public schools have more

rules and state regulations than charters. Unfortunately, **CSSB 2** does not adequately address these two important issues. Until the playing field is leveled and school funding is addressed, I cannot support further charter expansion.

NICHOLS

**COMMITTEE SUBSTITUTE  
SENATE BILL 421 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 421** at this time on its second reading:

**CSSB 421**, Relating to the Texas System of Care and the development of local mental health systems of care for certain children.

The bill was read second time.

Senator Zaffirini offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 421** (Senate Committee Printing) by striking: SECTION 3 of the bill.

The amendment to **CSSB 421** 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 421** as amended was passed to engrossment by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE  
SENATE BILL 421 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 421** 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 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 1489, SB 1670, SB 1671.**



**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 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.

**REMARKS ORDERED PRINTED**

On motion of Senator Williams and by unanimous consent, his remarks regarding Thomas Peyton Battle were ordered reduced to writing and printed in the *Senate Journal* as follows:

Thomas Peyton Battle, 70, passed April 3, 2013, at St. Luke's Episcopal Hospital in the Houston Medical Center. His final weeks were spent surrounded by his family after having undergone a lung transplant approximately one month earlier. Tom was born August 20, 1942, in Atlanta, Georgia, to Carlos and Lillian Battle. He attended Kilgore High School in Kilgore, Texas. He continued his education, graduating with a Bachelor of Science in mechanical engineering from Southern Methodist University in Dallas, Texas, in 1964. In 1967, Tom was granted a Juris Doctor from The University of Texas. Following graduation from law school, Tom began working in various engineering, planning, legal, and management positions at Exxon USA and Exxon Minerals. In 1982, Tom left Exxon to become the General Counsel of Mitchell Energy & Development Corporation, retiring in 2002 as the Senior Vice-president of Legal and Governmental Affairs. Following retirement from Mitchell, Tom worked part time with the law firm of King & Spalding, LLP, and then as an arbitrator. Tom also served on various charitable boards, including as Chairman of the Board of The Cynthia Woods Mitchell Pavilion, Montgomery County United Way, and L'Alliance Francaise de Houston. Tom was an avid runner, artist, traveler, and foodie. He is survived by his wife of 45 years, Nancy Battle; his daughter, Christine, and her spouse, Simon Longbottom, and their two children, Peyton and Alex, of Perth, Australia; his daughter, Kelly, and her spouse, Tom Schmidt, and their children, Cate and Charlie, of Houston, Texas; and his brother, Jack Battle, and his family of Austin, Texas.

**CO-AUTHOR OF SENATE BILL 2**

On motion of Senator Patrick, Senator Campbell will be shown as Co-author of **SB 2**.

**CO-AUTHOR OF SENATE BILL 11**

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

**CO-AUTHOR OF SENATE BILL 15**

On motion of Senator Seliger, Senator Hinojosa will be shown as Co-author of **SB 15**.

**CO-AUTHOR OF SENATE BILL 346**

On motion of Senator Seliger, Senator Nichols will be shown as Co-author of **SB 346**.

**CO-AUTHOR OF SENATE BILL 421**

On motion of Senator Zaffirini, Senator Rodríguez will be shown as Co-author of **SB 421**.

**CO-AUTHOR OF SENATE BILL 467**

On motion of Senator Hegar, Senator Paxton will be shown as Co-author of **SB 467**.

**CO-AUTHOR OF SENATE BILL 657**

On motion of Senator Paxton, Senator Campbell will be shown as Co-author of **SB 657**.

**CO-AUTHOR OF SENATE BILL 895**

On motion of Senator Davis, Senator Nelson will be shown as Co-author of **SB 895**.

**CO-AUTHOR OF SENATE BILL 898**

On motion of Senator Van de Putte, Senator Nelson will be shown as Co-author of **SB 898**.

**CO-AUTHORS OF SENATE BILL 971**

On motion of Senator Williams, Senators Garcia, Hinojosa, Lucio, and Taylor will be shown as Co-authors of **SB 971**.

**CO-AUTHOR OF SENATE BILL 1390**

On motion of Senator Davis, Senator Eltife will be shown as Co-author of **SB 1390**.

**CO-AUTHOR OF SENATE BILL 1398**

On motion of Senator Estes, Senator Campbell will be shown as Co-author of **SB 1398**.

**CO-AUTHOR OF SENATE BILL 1406**

On motion of Senator Patrick, Senator Nelson will be shown as Co-author of **SB 1406**.

**CO-AUTHOR OF SENATE BILL 1611**

On motion of Senator Ellis, Senator West will be shown as Co-author of **SB 1611**.

**CO-AUTHOR OF SENATE JOINT RESOLUTION 55**

On motion of Senator Williams, Senator Campbell will be shown as Co-author of **SJR 55**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**SR 633** by Deuell, In memory of Melvin K. Price, Jr.

**SR 635** by Davis, In memory of Charles Cleveland Curry.

**SR 636** by Lucio, In memory of Carlos Rodriguez, Jr.

**Congratulatory Resolutions**

**SR 634** by Davis, Congratulating Martin Frost for being elected chairman of the board of the National Endowment for Democracy.

**SR 637** by Uresti, Recognizing Rachel Cedillo on the occasion of her retirement.

**SR 640** by Schwertner, Congratulating Nicole Hagerty for her selection as 2013 Region 13 Assistant Principal of the Year.

**SR 641** by Schwertner, Recognizing Republican Women of Brazos Valley for its service.

**ADJOURNMENT**

On motion of Senator Whitmire, the Senate at 3:46 p.m. adjourned, in memory of Thomas Peyton Battle and former Senators Mario V. Gallegos, Jr., Robert Alton Gammage, John Nesbitt Leedom, George O. Nokes, Jr., and Carlos Flores Truan, until 2:00 p.m. Monday, April 15, 2013.

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**APPENDIX**

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**COMMITTEE REPORTS**

The following committee reports were received by the Secretary of the Senate in the order listed:

April 11, 2013

AGRICULTURE, RURAL AFFAIRS AND HOMELAND SECURITY — **SB 772, SB 1095, CSSB 1233, CSSB 1312, CSSB 1814**

CRIMINAL JUSTICE — **CSSB 1356**

OPEN GOVERNMENT — **CSSB 881, CSSB 895, SB 1650**

ECONOMIC DEVELOPMENT — **SB 1390, SB 1640, SB 1638, SB 1496**  
EDUCATION — **CSSB 709, CSSB 1541**  
OPEN GOVERNMENT — **CSSB 667, CSSB 984, CSSB 1409**  
CRIMINAL JUSTICE — **CSSB 876, CSSB 357, CSSB 1052, CSSB 1839**  
BUSINESS AND COMMERCE — **CSSB 400, CSSB 1280, SB 1364**  
TRANSPORTATION — **SB 1274, SB 1415, SB 1605, SB 1705**  
CRIMINAL JUSTICE — **CSSB 893**  
NATURAL RESOURCES — **CSSB 900, CSSB 1387**  
FINANCE — **SJR 1**  
INTERGOVERNMENTAL RELATIONS — **SB 634, SB 773, SB 837, SB 887,  
SB 1167, SB 1341, SB 1601, SB 1820, SB 1821, SB 1837, SB 1838, SB 1841,  
SB 1845**  
JURISPRUDENCE — **SB 1806, SB 1460**  
INTERGOVERNMENTAL RELATIONS — **SB 1846, SB 1847, SB 1852, SB 1853,  
SB 1868**  
HIGHER EDUCATION — **SB 301, SB 439, SB 922, SB 976, SB 1509, SB 1855**  
EDUCATION — **SB 906**  
HEALTH AND HUMAN SERVICES — **SB 1610, SB 1402, SB 1177, SB 1175,  
SB 34, SCR 26, SB 1099, CSSB 1130**  
CRIMINAL JUSTICE — **CSSB 1292**

#### **BILLS ENGROSSED**

April 10, 2013

**SB 11, SB 33, SB 632, SB 753, SB 974, SB 1019, SB 1076, SB 1120, SB 1142,  
SB 1267, SB 1395, SB 1467, SB 1811**

#### **RESOLUTIONS ENROLLED**

April 10, 2013

**SR 609, SR 615, SR 628, SR 629, SR 630, SR 631, SR 632**

# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**FORTIETH DAY**

(Monday, April 15, 2013)

The Senate met at 2:10 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 Troy Brewer, Open Door Church, Joshua, was introduced by Senator Birdwell and offered the invocation as follows:

Our heavenly Father, thank You for the honor and privilege to stand before You this day as we gather together in unity for the business at hand that pertains to the great State of Texas. It is unity that makes us a conduit for Your purpose and will. You bless us with goodness and the ability to serve Your people. We ask for a heavenly download of wisdom, knowledge, and discernment and for new ideas that may best serve the people of Texas. Give us strength to complete the task at hand and give us guidance along the way. Thank You for the opportunity to bring hope into the lives of others. As our fallen hero, William Barret Travis, said, Confusion to our enemies, and, Lord, may the soles of their feet never touch the ramparts of our freedom. Bless each and every one, protect this house and all of theirs. In Jesus' name, we ask these things. 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 Eltife was recognized and presented Dr. Rodney Wiseman of Whitehouse as the Physician of the Day.

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

**BILL SIGNED**

The President announced the signing of the following enrolled bill in the presence of the Senate after the caption had been read: **SB 157**.

**MESSAGES FROM THE GOVERNOR**

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

April 11, 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 Architectural Examiners for terms to expire January 31, 2019:

Charles "Chuck" Anastos

Corpus Christi, Texas

(Mr. Anastos is being reappointed)

M. Chad Davis

Lubbock, Texas

(replacing Linda Steinbrueck of Driftwood whose term expired)

William D. "Davey" Edwards

Alvord, Texas

(replacing Brandon Pinson of Midland whose term expired)

To be members of the Texas Industrialized Building Code Council for terms to expire February 1, 2015:

Roland L. Brown

Midlothian, Texas

(Mr. Brown is being reappointed)

Edward "Eddie" Martin, Jr.

Austin, Texas

(replacing Robert Bowling, IV of El Paso whose term expired)

Scott A. McDonald

Canyon, Texas

(Mr. McDonald is being reappointed)

Douglas O. Robinson

Coppell, Texas

(Mr. Robinson is being reappointed)

Rolando R. Rubiano

Harlingen, Texas

(Mr. Rubiano is being reappointed)

Larry E. Wilkinson  
Friendswood, Texas  
(Mr. Wilkinson is being reappointed)

To be the Presiding Judge of the Second Administrative Judicial Region for a term to expire four years from the date of qualification:

Olen U. Underwood  
Willis, Texas

Judge Underwood is being reappointed.

To be members of the Texas Farm and Ranch Lands Conservation Council for terms to expire February 1, 2019:

Thomas R. Kelsey  
Houston, Texas  
(Mr. Kelsey is being reappointed)

John E. Zacek  
Inez, Texas  
(replacing Mark Jones of Brady whose term expired)

To be a member of the Sabine River Authority Board of Directors for a term to expire July 6, 2017:

M. Sharon Newcomer  
Orange, Texas

Ms. Newcomer is replacing Don Covington of Orange whose term expired.

To be members of the Texas State Board of Examiners of Marriage and Family Therapists for terms to expire February 1, 2019:

Michael Miller  
Belton, Texas  
(Mr. Miller is being reappointed)

Keith Rosenbaum  
Joshua, Texas  
(replacing Sandra DeSobe of Houston whose term expired)

Jennifer Smothermon  
Abilene, Texas  
(Ms. Smothermon is being reappointed)

To be members of the Texas Board of Physical Therapy Examiners for terms to expire January 31, 2019:

Jeffrey A. Tout  
Granbury, Texas  
(replacing Karen Gordon of Port O'Connor whose term expired)

Philip Vickers  
Aledo, Texas  
(replacing Frank Bryan, Jr. of Austin whose term expired)

Shari Waldie  
Austin, Texas  
(Ms. Waldie is being reappointed)

To be members of the Texas Board of Professional Engineers for terms to expire as indicated:

To Expire September 26, 2013:

Sina K. Nejad

Beaumont, Texas

(replacing Gary Raba of San Antonio who resigned)

To Expire September 26, 2017:

R. Kyle Womack

Horseshoe Bay, Texas

(replacing G. Kemble Bennett of College Station whose term expired)

To be members of the Texas Board of Criminal Justice for terms to expire February 1, 2019:

J. Eric Gambrell

Dallas, Texas

(Mr. Gambrell is being reappointed)

R. Terrell McCombs

San Antonio, Texas

(Mr. McCombs is being reappointed)

Annette P. Ragette

Austin, Texas

(replacing J. David Nelson of Lubbock whose term expired)

Respectfully submitted,

/s/Rick Perry

Governor

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Monday, April 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:

**HB 35** Menéndez

Relating to the authority of a property owners' association to regulate the use of certain lots for residential purposes.



- HB 45** 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.
- HB 120** Larson  
Relating to the issuance of military specialty license plates; providing an exemption from a fee.
- HB 150** Larson  
Relating to the display of flags at half-staff at the Capitol building to honor service members killed in action.
- HB 195** Farias  
Relating to the availability on the Internet of reports of political expenditures and contributions filed in connection with certain county and municipal offices.
- HB 200** Murphy  
Relating to liability of certain electric utilities that allow certain uses of land that the electric utility owns, occupies, or leases.
- HB 232** Guillen  
Relating to allowing certain minors convicted of certain alcohol offenses to perform community service instead of attending an alcohol awareness program.
- HB 248** Walle  
Relating to the regulation of automotive wrecking and salvage yards in certain counties.
- HB 326** Dutton  
Relating to eligibility to serve on the appraisal review board of an appraisal district.
- HB 338** Guillen  
Relating to the court in which a hearing regarding the towing of a motor vehicle may be held.
- HB 377** Burnam  
Relating to the designation of a portion of Interstate Highway 35W as the Cesar Chavez Memorial Freeway.
- HB 389** Thompson, Senfronia  
Relating to the enforcement of spousal maintenance agreements and property distribution agreements incident to divorce or annulment.
- HB 455** Dukes  
Relating to excused absences from public school for certain students.
- HB 474** Muñoz, Jr.  
Relating to an optional procedure for the issuance of a permit by certain governmental entities for the movement of oversize or overweight vehicles carrying agricultural products; authorizing a fee.
- HB 525** Aycock  
Relating to the collection of data relating to military-connected students through the Public Education Information Management System (PEIMS).

- HB 560** Davis, John  
Relating to the appointment of honorary or advisory directors of a credit union.
- HB 567** Smith  
Relating to the definition of an authorized emergency vehicle.
- HB 588** Craddick  
Relating to the regulation of the practice of physical therapy; authorizing fees.
- HB 610** Larson  
Relating to an exemption from license requirements for the sale of certain manufactured housing.
- HB 616** Darby  
Relating to the civil jurisdiction of the County Court of Glasscock County.
- HB 633** Farias  
Relating to a voluntary contribution to the fund for veterans' assistance when applying for a driver's license or personal identification certificate.
- HB 699** Davis, John  
Relating to the location of certain public sales of real property.
- HB 701** Farney  
Relating to the Corn Hill Regional Water Authority; providing authority to impose fees and taxes.
- HB 719** Morrison  
Relating to the operation of a golf cart or utility vehicle on a public highway in certain counties.
- HB 748** Raymond  
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.
- HB 752** Longoria  
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.
- HB 753** Villarreal  
Relating to certain information to be provided by school districts to parents concerning supplemental educational services and to Texas Education Agency approval and investigation of supplemental educational services providers.
- HB 789** King, Phil  
Relating to the allowance in lieu of exempt property in the administration of a decedent's estate.
- HB 807** Zerwas  
Relating to the practice of psychology; authorizing a fee.
- HB 834** Davis, John  
Relating to the establishment of the Texas Fast Start Program to promote rapid delivery of workforce education and development.

- HB 869** Ashby  
Relating to the issuance of a marriage license for an absent applicant, the participation of a proxy in certain marriage ceremonies, and the maintenance and submission of records relating to a marriage license issued for an absent applicant.
- HB 893** Geren  
Relating to consumption of alcoholic beverages in certain public entertainment facilities.
- HB 944** Riddle  
Relating to an exemption from license requirements for a limited number of sales of manufactured housing.
- HB 949** Smithee  
Relating to continuation of automobile insurance coverage for certain motor vehicles acquired during a personal automobile insurance policy term.
- HB 1016** Davis, Sarah  
Relating to legal representation for civil suits against peace officers employed by a school district.
- HB 1093** Fletcher  
Relating to the composition of the Texas Private Security Board.
- HB 1106** Larson  
Relating to the identification and operation of vessels in the waters of this state; authorizing a change in fees.
- HB 1158** Kuempel  
Relating to the amendment of restrictive covenants applicable to certain subdivisions.
- HB 1222** Turner, Chris  
Relating to venue for certain alleged violations or offenses under the Water Safety Act.
- HB 1238** Price  
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.
- HB 1248** Bell  
Relating to the composition of the 155th Judicial District.
- HB 1268** Harper-Brown  
Relating to the peace officers authorized to operate an authorized emergency service vehicle used to conduct a police escort.
- HB 1271** Martinez Fischer  
Relating to providing links in the online text of proposed legislation to other state laws referenced in that legislation.
- HB 1272** Thompson, Senfronia  
Relating to the continuation and duties of the Human Trafficking Prevention Task Force.

- HB 1290** Phillips  
Relating to the authority for local governments to jointly administer transportation reinvestment zones.
- HB 1296** Alvarado  
Relating to information regarding postsecondary education and career opportunities and workforce needs in this state.
- HB 1297** Alvarado  
Relating to the review of certain skills development fund workforce training programs.
- HB 1334** Márquez  
Relating to the composition of the El Paso County juvenile board.
- HB 1347** González, Mary  
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.
- HB 1513** Lewis  
Relating to increases in the records archive fees and the records management and preservation fees charged by district and county clerks.
- HB 1521** Clardy  
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.
- HB 1550** Bell  
Relating to unemployment compensation chargebacks regarding certain persons who are involuntarily separated from employment.
- HB 1589** Cortez  
Relating to the awarding of the Texas Legislative Medal of Honor.
- HB 1642** Bonnen, Dennis  
Relating to the Port of Houston Authority.
- HB 1711** Fletcher  
Relating to civil liability for prohibited barratry.
- HB 1718** Guillen  
Relating to the eligibility of certain terminally ill individuals to purchase a resident hunting license.
- HB 1721** Villarreal  
Relating to use of the Nationwide Mortgage Licensing System and Registry in connection with the regulatory authority of the consumer credit commissioner; affecting fees.
- HB 1738** Naishtat  
Relating to a standard form of notification for the detention of a person with mental illness.
- HB 1871** King, Tracy O.  
Relating to the allocation of the expenses of a joint election to certain school districts.

**HB 1968** Deshotel  
Relating to the transfer of certain state property from the Texas Juvenile Justice Department to Jefferson County.

**HB 2034** Vo  
Relating to unemployment compensation eligibility and chargebacks regarding certain persons who leave work to attend training.

**HB 2035** Vo  
Relating to the shared work unemployment compensation program.

**HB 2095** Thompson, Senfronia  
Relating to the regulation of barbering and cosmetology; authorizing fees.

**HB 2738** Elkins  
Relating to a study by the Department of Information Resources regarding state agency technology efficiency.

**SB 398** Hancock Sponsor: Patrick, Diane  
Relating to conforming the eligibility under a major events trust fund of a National Collegiate Athletic Association Division I Football Bowl Subdivision postseason event with the changes to the Bowl Championship Series system.

Respectfully,  
/s/Robert Haney, Chief Clerk  
House of Representatives

**GUESTS PRESENTED**

Senator Lucio was recognized and introduced to the Senate students from Harmony Science Academy of Brownsville.

The Senate welcomed its guests.

**SENATE RESOLUTION 657**

Senator Van de Putte offered the following resolution:

**SR 657**, Commending the San Antonio Old Spanish Trail Centennial Celebration Association.

VAN DE PUTTE  
CAMPBELL  
URESTI  
ZAFFIRINI

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Van de Putte was recognized and introduced to the Senate the Old Spanish Trail Centennial Team, accompanied by Charlotte Kahl, Centennial Chairperson; Konni Kahl, Publicist; Joanne Walsh, Infrastructure Team member; and John Tolleson, Historian.

The Senate welcomed its guests.

(Senator Eltife in Chair)

**HOUSE CONCURRENT RESOLUTION 95**

The Presiding Officer laid before the Senate the following resolution:

**HCR 95**, Honoring the Greater Austin Crime Commission's Longhorn Leaders program on the occasion of its 10th anniversary.

WATSON

The resolution was read.

On motion of Senator Watson and by unanimous consent, the resolution was considered immediately and was adopted without objection.

**GUESTS PRESENTED**

Senator Watson was recognized and introduced to the Senate a Longhorn Leaders delegation, accompanied by Mack Brown, Head Football Coach, and Longhorn Leaders: Quan Cosby, Lashaila Mitchum, Michael Lauderdale, and students from Kealing Middle School.

Senator Watson also introduced members of the Greater Austin Crime Commission, accompanied by Pamela P. Willeford, President, and former State Representative Wilhelmina Delco.

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.

**SENATE RESOLUTION 667**

Senator Zaffirini offered the following resolution:

WHEREAS, Residents of Live Oak County are gathering in Austin on April 15, 2013, to share their justifiable pride in their unique part of the Lone Star State; and

WHEREAS, In the years before the land became part of Texas, the area now known as Live Oak County was home to Native American tribes, Spanish and Mexican colonists, and Irish immigrants, and this rich cultural diversity has greatly influenced the development of the area; and

WHEREAS, The county was created on February 2, 1856, from San Patricio and Nueces Counties and was named after the imposing and majestic live oaks that grew throughout much of the region; and

WHEREAS, The rugged beauty of Live Oak County's brushy plains is complemented by the Frio, Nueces, and Atascosa Rivers, and admirers of the Texas landscape are drawn to such attractions as Lake Corpus Christi and Choke Canyon State Park; and

WHEREAS, Area revenue originally came from sheep, cattle, and cotton, but later was diversified by the discovery of oil and natural gas in the county in the 1930s and by the discovery of uranium in the 1960s; and

WHEREAS, In addition to George West, the county seat, the communities located in Live Oak County include Three Rivers, Dinero, Lagarto, Oakville, Pernitas Point, and Whitsett, and residents of these towns join in honoring their distinctive part of Texas; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby recognize April 15, 2013, as Live Oak County Day at the State Capitol and extend to all those associated with this event best wishes for a meaningful and memorable day; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of this occasion.

**SR 667** was read and was adopted without objection.

#### **GUESTS PRESENTED**

Senator Zaffirini was recognized and introduced to the Senate a Live Oak County delegation, accompanied by Jim Huff, County Judge; Commissioners Richard Lee, Emilio Garza, Donna Mills, and Willie James; James Liska; Heidi Jean Liska; Larry Busby; and Leslie Marie Hatch, Miss Live Oak County, and her court.

The Senate welcomed its guests.

#### **GUEST PRESENTED**

Senator Garcia was recognized and introduced to the Senate Lauro Cruz.

The Senate welcomed its guest.

#### **GUESTS PRESENTED**

Senator Van de Putte was recognized and introduced to the Senate a Lone Star Veterans Association delegation, accompanied by Brad Morris, Stefanie Gomez-Pelkey, Arthur Davis, John Boerstler, Michelle Garcia, Bryan Escobedo, Robert Pechukas, James Castillo, Tony Solomon, Blake Wallin, Mike Records, Phil Butcher, Christine Eberle, and Joel Powell.

The Senate welcomed its guests.

#### **SENATE RESOLUTION 668**

Senator Zaffirini offered the following resolution:

WHEREAS, Proud residents of McMullen County are gathering in Austin to celebrate McMullen County Day at the State Capitol on April 15, 2013; and

WHEREAS, Located in the center of South Texas, McMullen County is made up of more than 1,000 square miles of flat and rolling brushland; artifacts discovered in the county indicate that human settlement dates back perhaps as far as 11,000 years, with groups of hunter-gatherers in the area until the 1700s; and

WHEREAS, Several Spanish expeditions passed through the area in the 17th and 18th centuries, but the population was sparse until shortly before the Civil War, when settlers began to move in to take advantage of the grasslands where wild mustangs and cattle could be found; and

WHEREAS, The county was established in 1858, and a group of resourceful adventurers settled where the Leoncita Creek flowed into the Rio Frio; the town was first called Rio Frio, then Dog Town, and finally Tilden, after Samuel J. "Whispering Sammy" Tilden, the unsuccessful Democratic candidate for president in 1876; the town eventually became the county seat; and

WHEREAS, Cattle and sheep ranching dominate the county's economy, though oil and gas have grown in importance since the 1930s, and the region is also a destination for hunters; and

WHEREAS, McMullen County residents are stewards of an area of fascinating history and culture, and their unique county merits special recognition; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby recognize April 15, 2013, as McMullen County Day at the State Capitol and extend best wishes to the visiting delegation for an informative and enjoyable stay in Austin; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of this special day.

**SR 668** was read and was adopted without objection.

#### **GUESTS PRESENTED**

Senator Zaffirini was recognized and introduced to the Senate a McMullen County delegation, accompanied by James Teal, County Judge, and Kimberly Kreider-Dusek, County Attorney.

The Senate welcomed its guests.

#### **CONCLUSION OF MORNING CALL**

The Presiding Officer at 2:46 p.m. announced the conclusion of morning call.

#### **SENATE BILL 546 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 546** at this time on its second reading:

**SB 546**, Relating to continuing education requirements and a registration exemption for county tax assessor-collectors.

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 546 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 546** 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 8 ON SECOND READING**

Senator Nelson moved to suspend the regular order of business to take up for consideration **CSSB 8** at this time on its second reading:

**CSSB 8**, Relating to the provision and delivery of certain health and human services in this state, including the provision of those services through the Medicaid program and the prevention of fraud, waste, and abuse in that program and other programs.

The motion prevailed.

Senator Watson asked to be recorded as "Present-not voting" on suspension of the regular order of business.

The bill was read second time.

Senator Nelson offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 8** (Senate committee printing) as follows:

(1) In SECTION 2 of the bill, in added Section 531.02115(c)(1), Government Code (page 2, between lines 38 and 39) insert paragraph (C) to read as follows:

(C) engaging in a marketing activity that has been submitted for review and obtained a notice of prior authorization from the commission under Subsection (d); or

(2) In SECTION 2 of the bill, strike added Section 531.02115(d), Government Code (page 2, lines 45 and 46) and substitute the following:

(d) The commission shall establish a process by which providers may submit proposed marketing activities for review and prior authorization to ensure that providers are in compliance with the requirements of this section and, if applicable, Section 533.008, or to determine whether the providers are exempt from a requirement of this section and, if applicable, Section 533.008. The commission may grant or deny a provider's request for authorization to engage in a proposed marketing activity.

(e) The executive commissioner shall adopt rules as necessary to implement this section, including rules relating to provider marketing activities that are exempt from the requirements of this section and, if applicable, Section 533.008.

(3) Strike SECTION 3 of the bill (page 2, line 47, through page 3, line 9) and substitute the following appropriately numbered SECTION:

SECTION \_\_\_\_ . Section 531.02414, Government Code, is amended by amending Subsection (d) and adding Subsections (g) and (h) to read as follows:

(d) Subject to Section 533.00254, the [The] commission may contract with a public transportation provider, as defined by Section 461.002, Transportation Code, a private transportation provider, or a regional transportation broker for the provision of public transportation services, as defined by Section 461.002, Transportation Code, under the medical transportation program.

(g) The commission shall enter into a memorandum of understanding with the Texas Department of Motor Vehicles and the Texas Department of Public Safety for purposes of obtaining the motor vehicle registration and driver's license information of a provider of medical transportation services, including a regional contracted broker and a subcontractor of the broker, to confirm that the provider complies with applicable requirements adopted under Subsection (e).

(h) The commission shall establish a process by which providers of medical transportation services, including providers under a managed transportation delivery model, that contract with the commission may request and obtain the information described under Subsection (g) for purposes of ensuring that subcontractors providing medical transportation services meet applicable requirements adopted under Subsection (e).

(4) Strike SECTION 6 of the bill (page 3, lines 42-64) and substitute the following appropriately numbered SECTION:

SECTION \_\_\_\_. (a) Subchapter A, Chapter 533, Government Code, is amended by adding Section 533.00254 to read as follows:

Sec. 533.00254. DELIVERY OF MEDICAL TRANSPORTATION PROGRAM SERVICES. (a) In this section:

(1) "Managed transportation organization" means:

(A) a rural or urban transit district created under Chapter 458, Transportation Code;

(B) a public transportation provider defined by Section 461.002, Transportation Code;

(C) a regional contracted broker defined by Section 531.02414;

(D) a local private transportation provider approved by the commission to provide Medicaid nonemergency medical transportation services; or

(E) any other entity the commission determines meets the requirements of this section.

(2) "Medical transportation program" has the meaning assigned by Section 531.02414.

(3) "Transportation service area provider" means a for-profit or nonprofit entity that provides demand response, curb-to-curb, nonemergency transportation under the medical transportation program.

(b) Subject to Subsection (h), the commission shall provide medical transportation program services on a regional basis through a managed transportation delivery model using managed transportation organizations and providers, as appropriate, that:

(1) operate under a capitated rate system;

(2) assume financial responsibility under a full-risk model;

(3) operate a call center;

(4) use fixed routes when available and appropriate; and

(5) agree to provide data to the commission if the commission determines that the data is required to receive federal matching funds.

(c) The commission shall procure managed transportation organizations under the medical transportation program through a competitive bidding process.

(d) A managed transportation organization that participates in the medical transportation program must attempt to contract with medical transportation providers that:

(1) are considered significant traditional providers, as defined by rule by the executive commissioner;

(2) meet the minimum quality and efficiency measures required under Subsection (g) and other requirements that may be imposed by the managed transportation organization; and

(3) agree to accept the prevailing contract rate of the managed transportation organization.

(e) To the extent allowed under federal law, a managed transportation organization may own, operate, and maintain a fleet of vehicles or contract with an entity that owns, operates, and maintains a fleet of vehicles.

(f) The commission shall consider the ownership, operation, and maintenance of a fleet of vehicles by a managed transportation organization to be a related-party transaction for purposes of applying experience rebates, administrative costs, and other administrative controls determined by the commission.

(g) The commission shall require that managed transportation providers participating in the medical transportation program meet minimum quality and efficiency measures as determined by the commission.

(h) The commission may delay providing medical transportation program services through a managed transportation delivery model in areas of this state in which the commission on September 1, 2013, is operating a full-risk transportation broker model.

(b) The Health and Human Services Commission shall begin providing medical transportation program services through the delivery model required by Section 533.00254, Government Code, as added by this section, not later than September 1, 2014, subject to Section 533.00254(h), Government Code, as added by this section.

The amendment to **CSSB 8** 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: Watson.

Senator Uresti offered the following amendment to the bill:

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

Amend **CSSB 8** (senate committee report) in SECTION 14 of the bill as follows:

(1) Strike Subsection (g) of the SECTION (page 7, line 62, through page 8, line 5) and reletter the subsequent subsections of the SECTION accordingly.

(2) Strike Subsections (h)(3), (4), and (5) of the SECTION (page 8, line 39, through page 9, line 7), substitute the following subdivisions, and renumber the subsequent subdivisions of Subsection (h) accordingly:

(3) The legislature declares that a rule or policy adopted by the Health and Human Services Commission before the effective date of this Act to require that, in order for a Medicaid provider to be reimbursed for services provided to a child under the early and periodic screening, diagnosis, and treatment program or the medical

transportation program, the child must be accompanied by the child's parent or guardian or another adult whom the child's parent or guardian has authorized to accompany the child is conclusively presumed, as of the date the rule or policy was adopted, to be a valid exercise of the commission's authority and consistent with the intent of the legislature, provided that the rule or policy:

(A) was adopted pursuant to Subsection (s), Section 32.024, Human Resources Code; and

(B) prohibits the child's parent or guardian from authorizing the provider or the provider's employee or associate as an adult who may accompany the child.

(4) Subdivision (3) of this subsection does not apply to:

(A) an action or decision that was void at the time the action was taken or the decision was made;

(B) an action or decision that violates federal law or the terms of a federal waiver; or

(C) an action or decision that, under a statute of this state or the United States, was a misdemeanor or felony at the time the action was taken or the decision was made.

The amendment to **CSSB 8** 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:

Present-not voting: Watson.

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

**CSSB 8** 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: Watson.

### **COMMITTEE SUBSTITUTE SENATE BILL 8 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 **CSSB 8** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0, Present-not voting 1.

Present-not voting: Watson.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0, Present-not voting 1. (Same as previous roll call)

### **REASON FOR VOTE**

Senator Watson submitted the following reason for vote on **CSSB 8**:

I am a partner at a law firm, and I am aware of a client that may be directly affected by CSSB 8. Although I have no involvement with this client, to avoid even the appearance of a conflict, I chose to register as "Present-not voting" on CSSB 8.

WATSON

**COMMITTEE SUBSTITUTE  
SENATE BILL 898 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 898** at this time on its second reading:

**CSSB 898**, Relating to the mental health program 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.

**COMMITTEE SUBSTITUTE  
SENATE BILL 898 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 898** 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 1365 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 1365** at this time on its second reading:

**CSSB 1365**, Relating to the provision of credit by examination for 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.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1365 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 1365** 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 336 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 336** at this time on its second reading:

**CSSB 336**, Relating to the qualifications for appointment as a medical examiner.

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 336 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 336** 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.

**COMMITTEE SUBSTITUTE  
SENATE BILL 939 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 939** at this time on its second reading:

**CSSB 939**, Relating to reporting child abuse and neglect and to training regarding recognizing and reporting child abuse and neglect at schools, institutions of higher education, and other 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:

Nays: Hegar.

Absent-excused: Williams.

**COMMITTEE SUBSTITUTE  
SENATE BILL 939 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 939** 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 29, Nays 1.

Nays: Hegar.

Absent-excused: Williams.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1406 ON SECOND READING**

Senator Patrick moved to suspend the regular order of business to take up for consideration **CSSB 1406** at this time on its second reading:

**CSSB 1406**, Relating to State Board of Education oversight of regional education service center activities concerning certain curriculum management systems.

The motion prevailed.

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

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

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

Nays: Zaffirini.

Absent-excused: Williams.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1406 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 1406** be placed on its third reading and final passage.

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

Nays: Zaffirini.

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)

**SENATE BILL 904 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 904** at this time on its second reading:

**SB 904**, Relating to the adoption of certain voting procedures necessary to implement the federal Military and Overseas Voter Empowerment Act, including the modification of certain election deadlines.

The bill was read second time.

Senator Estes offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 904** (Senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 145.092(a), Election Code, is amended to read as follows:

(a) Except as otherwise provided by this section, a candidate may not withdraw from an election after 5 p.m. of the fifth [~~third~~] day after the deadline for filing the candidate's application for a place on the ballot.

The amendment to **SB 904** 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: Williams.

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 904** 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: Williams.

**SENATE BILL 904 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 904** 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)

**COMMITTEE SUBSTITUTE**

**SENATE BILL 1398 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 1398** at this time on its second reading:

**CSSB 1398**, Relating to rules governing the allocation of delegates to a political party's national presidential nominating convention.

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: Williams.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1398 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 1398** 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)

**COMMITTEE SUBSTITUTE  
SENATE BILL 1173 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 1173** at this time on its second reading:

**CSSB 1173**, Relating to procedures for the sentencing and placement on community supervision of defendants charged with the commission of a state jail felony.

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: Williams.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1173 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 1173** 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)

**COMMITTEE SUBSTITUTE  
SENATE BILL 1857 ON SECOND READING**

Senator Estes moved to suspend the regular order of business to take up for consideration **CSSB 1857** at this time on its second reading:

**CSSB 1857**, Relating to the certification of certain qualified handgun instructors to conduct school safety training.

The motion prevailed.

Senator Garcia 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.

Absent-excused: Williams.

#### **COMMITTEE SUBSTITUTE SENATE BILL 1857 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 1857** be placed on its third reading and final passage.

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

Nays: Garcia.

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)

**(President in Chair)**

#### **SENATE BILL 485 ON SECOND READING**

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 485** at this time on its second reading:

**SB 485**, Relating to the sales tax exemption period for clothing and footwear.

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: Williams.

#### **SENATE BILL 485 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 485** 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)

#### **SENATE BILL 774 ON SECOND READING**

Senator Uresti moved to suspend the regular order of business to take up for consideration **SB 774** at this time on its second reading:

**SB 774**, Relating to requiring dental support for a child subject to a child support order.

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: Hegar, Nichols.

Absent-excused: Williams.

#### **SENATE BILL 774 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 774** be placed on its third reading and final passage.

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

Nays: Nichols.

Absent-excused: Williams.

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

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

Nays: Hegar, Nichols.

Absent-excused: Williams.

#### **COMMITTEE SUBSTITUTE SENATE BILL 459 ON SECOND READING**

Senator Rodríguez moved to suspend the regular order of business to take up for consideration **CSSB 459** at this time on its second reading:

**CSSB 459**, Relating to the sale, storage, transportation, and disposal of scrap, unsafe, or used tires; providing a civil penalty; creating an offense.

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 and was passed to engrossment by a viva voce vote.

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

Nays: Hegar.

Absent-excused: Williams.

**COMMITTEE SUBSTITUTE  
SENATE BILL 459 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 459** be placed on its third reading and final passage.

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

Nays: Hegar.

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)

**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 1889, SJR 65**.

WHITMIRE

The Motion In Writing prevailed without objection.

**SENATE BILLS AND RESOLUTION ON FIRST READING**

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

**SB 1854** by Hegar

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.  
To Committee on Intergovernmental Relations.

**SB 1889** by Eltife

Relating to the transport of a mental health patient who is not a resident of this state.  
To Committee on Health and Human Services.

**SB 1890** by Hinojosa

Relating to procedures for the dissolution of the Hidalgo County Water Improvement District No. 3.

To Committee on Intergovernmental Relations.

**SJR 65** by Seliger

Proposing a constitutional amendment establishing a transportation infrastructure fund to assist counties in this state in the construction, reconstruction, or maintenance of transportation infrastructure that is intended to alleviate degradation caused by the exploration, development, or production of oil or gas.

To Committee on Finance.

**HOUSE BILL AND RESOLUTIONS ON FIRST READING**

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

**HB 829** to Committee on State Affairs.

**HCR 43** to Committee on Administration.

**HJR 71** to Committee on State Affairs.

**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 **SCR 15** today.

**CO-AUTHOR OF SENATE BILL 17**

On motion of Senator Patrick, Senator Nelson will be shown as Co-author of **SB 17**.

**CO-AUTHOR OF SENATE BILL 219**

On motion of Senator Huffman, Senator Campbell will be shown as Co-author of **SB 219**.

**CO-AUTHOR OF SENATE BILL 237**

On motion of Senator Van de Putte, Senator Garcia will be shown as Co-author of **SB 237**.

**CO-AUTHOR OF SENATE BILL 897**

On motion of Senator Estes, Senator West will be shown as Co-author of **SB 897**.

**CO-AUTHOR OF SENATE BILL 898**

On motion of Senator Van de Putte, Senator Hinojosa will be shown as Co-author of **SB 898**.

**CO-AUTHOR OF SENATE BILL 1406**

On motion of Senator Patrick, Senator Paxton will be shown as Co-author of **SB 1406**.

**CO-AUTHOR OF SENATE BILL 1655**

On motion of Senator Williams, Senator Paxton will be shown as Co-author of **SB 1655**.

**CO-AUTHORS OF SENATE BILL 1729**

On motion of Senator Nichols, Senators Duncan and Paxton will be shown as Co-authors of **SB 1729**.

**CO-AUTHORS OF SENATE BILL 1747**

On motion of Senator Uresti, Senators Campbell, Davis, Hegar, Seliger, Van de Putte, and Zaffirini will be shown as Co-authors of **SB 1747**.

**CO-AUTHORS OF SENATE BILL 1857**

On motion of Senator Estes, Senators Campbell and Patrick will be shown as Co-authors of **SB 1857**.

**CO-AUTHOR OF SENATE JOINT RESOLUTION 55**

On motion of Senator Williams, Senator Paxton will be shown as Co-author of **SJR 55**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**SR 642** by Schwertner, In memory of Wade Wilson.

**SR 654** by Estes, In memory of Louis Pitcock, Jr.

**SR 658** by Van de Putte, In memory of Clarice Orise.

**SR 664** by Watson, In memory of Helen Grace Burkhart Prehn.

**SR 666** by Schwertner, In memory of the life of Scott Hamilton Burgess.

**SR 671** by Ellis, In memory of Clyde Broussard.

**SR 672** by Taylor, In memory of Sylvia Renée Adame.

**Congratulatory Resolutions**

**SR 643** by Van de Putte, Recognizing Inman Christian Center on the occasion of its 100th anniversary.

**SR 644** by Van de Putte, Recognizing Fiesta San Antonio.

**SR 645** by Van de Putte, Recognizing the Battle of Medina on the occasion of its 200th anniversary.

**SR 646** by Van de Putte, Recognizing Christiana Johnson for being honored as a Distinguished Graduate of San Antonio College.

**SR 647** by Zaffirini, Recognizing Arguindegui Oil Company on its induction into the Junior Achievement of Laredo Business Hall of Fame.

**SR 648** by Zaffirini, Recognizing Hortense Reuthinger Offerle on her induction into the Junior Achievement of Laredo Business Hall of Fame.

**SR 649** by Zaffirini, Recognizing Roque Vela on his induction into the Junior Achievement of Laredo Business Hall of Fame.

**SR 650** by Zaffirini, Recognizing Maria del Refugio Quintero "Cookie" Vela on her induction into the Junior Achievement of Laredo Business Hall of Fame.

**SR 651** by West, Recognizing Raleigh K. Rousell on the occasion of his retirement.

**SR 652** by West, Recognizing Ida Mae Brantley on the occasion of her 100th birthday.

**SR 653** by Schwertner, Recognizing Walker County Republican Women.

**SR 655** by Taylor, Recognizing Walter R. Dassdorf on the occasion of his 100th birthday.

**SR 656** by Van de Putte, Recognizing the opening of WellCare.

**SR 661** by Seliger, Recognizing Thomas R. Craddick on being inducted into the Petroleum Hall of Fame.

**SR 663** by Watson, Recognizing Harper Hill for receiving the Congressional Award Bronze Medal.

**SR 665** by Schwertner, Recognizing Joseph Stephen Rosenberger on receiving the Congressional Award Gold Medal.

**SR 669** by Ellis, Recognizing Tommy Ray Scott on the occasion of his retirement.

**SR 673** by Hegar, Recognizing the Fort Bend Travis High School boys' basketball team on winning a state championship.

#### **Official Designation Resolution**

**SR 670** by Ellis, Recognizing May 12, 2013, as Miller Outdoor Theatre Day.

#### **ADJOURNMENT**

On motion of Senator Whitmire, the Senate at 3:55 p.m. adjourned, in memory of Antonio "Tony" Oliveira, until 11:00 a.m. tomorrow.

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#### **APPENDIX**

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#### **COMMITTEE REPORTS**

The following committee reports were received by the Secretary of the Senate in the order listed:

April 15, 2013

OPEN GOVERNMENT — **CSSB 843**

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — **SB 238, SB 1807**

BUSINESS AND COMMERCE — **CSSB 962, CSSB 1034, CSSB 1268**

ECONOMIC DEVELOPMENT — **CSSB 1084, CSSB 1636, CSSB 1703**  
BUSINESS AND COMMERCE — **CSSB 950, CSSB 1639, CSSB 861**  
TRANSPORTATION — **CSSB 1018, CSSB 1461, CSSB 1489, CSSB 1747**  
EDUCATION — **CSSB 1556, CSSB 1298, CSSB 542**  
BUSINESS AND COMMERCE — **CSHB 1600**  
TRANSPORTATION — **CSSB 1792**  
CRIMINAL JUSTICE — **CSSB 991**  
NATURAL RESOURCES — **CSSB 199, CSSB 1086, CSSB 1532, CSSB 1727, CSSB 1756, CSSB 1771, CSSB 1840, CSSB 1870**  
EDUCATION — **CSSB 1062, CSSB 1775**  
HIGHER EDUCATION — **CSSB 496, CSSB 620, CSSB 1668**  
ADMINISTRATION — **HCR 24**  
VETERAN AFFAIRS AND MILITARY INSTALLATIONS — **SB 10**  
INTERGOVERNMENTAL RELATIONS — **CSSB 433, CSSB 659, CSSB 690, CSSB 1031**  
VETERAN AFFAIRS AND MILITARY INSTALLATIONS — **SB 1061**  
INTERGOVERNMENTAL RELATIONS — **CSSB 1098, CSSB 1116**  
VETERAN AFFAIRS AND MILITARY INSTALLATIONS — **CSSB 1158, SB 1199**  
INTERGOVERNMENTAL RELATIONS — **CSSB 1425**  
VETERAN AFFAIRS AND MILITARY INSTALLATIONS — **SB 1476**  
INTERGOVERNMENTAL RELATIONS — **SB 1473, CSSB 1479, CSSB 1480, SB 1599, CSSB 1828**  
HIGHER EDUCATION — **CSSB 27**  
NATURAL RESOURCES — **SB 1631**  
CRIMINAL JUSTICE — **CSSB 1234**  
JURISPRUDENCE — **CSSB 651, CSSB 1759**  
HEALTH AND HUMAN SERVICES — **CSSB 303, CSSB 316, CSSB 830, CSSB 872, CSSB 913, CSSB 1079, CSSB 1106**

### **BILLS ENGROSSED**

April 11, 2013

**SB 2, SB 15, SB 21, SB 45, SB 62, SB 92, SB 211, SB 215, SB 217, SB 262, SB 272, SB 280, SB 286, SB 320, SB 321, SB 322, SB 323, SB 324, SB 332, SB 334, SB 387, SB 421, SB 457, SB 476, SB 566, SB 623, SB 624, SB 656, SB 657, SB 718, SB 746, SB 793, SB 795, SB 831, SB 844, SB 846, SB 869, SB 875, SB 951, SB 958, SB 971, SB 973, SB 990, SB 997, SB 1023, SB 1035, SB 1041, SB 1057, SB 1074, SB 1093, SB 1094, SB 1101, SB 1102, SB 1113,**



**SB 1114, SB 1125, SB 1134, SB 1165, SB 1178, SB 1195, SB 1236, SB 1237, SB 1248, SB 1251, SB 1255, SB 1282, SB 1294, SB 1299, SB 1300, SB 1332, SB 1352, SB 1363, SB 1373, SB 1388, SB 1393, SB 1394, SB 1423, SB 1430, SB 1457, SB 1537, SB 1597, SB 1602, SB 1611, SB 1613, SB 1623, SB 1665, SB 1702, SB 1833, SB 1835**

**BILL AND RESOLUTIONS ENROLLED**

April 11, 2013

**SR 625, SR 633, SR 634, SR 635, SR 636, SR 637, SR 640, SR 641**

April 12, 2013

**SB 157**



# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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## FORTY-FIRST DAY

(Tuesday, April 16, 2013)

The Senate met at 11:06 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, Zaffirini.

Absent-excused: Whitmire, Williams.

The Presiding Officer announced that a quorum of the Senate was present.

Pastor Matthew Thrasher, Crossroads Church, Belton, offered the invocation as follows:

Lord of heaven and Earth, we thank You for another day. Our thoughts go out to those affected by the tragic events in Boston. Grant our leaders wisdom to lead the great State of Texas and the solidarity to work together. We ask this in the name of Your son, Jesus Christ. Amen.

Senator Nelson 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 Nelson, Senator Whitmire was granted leave of absence for today on account of important business.

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

## SENATE RESOLUTION 485

Senator Rodríguez offered the following resolution:

**SR 485**, Recognizing The University of Texas at El Paso on the occasion of its 100th anniversary.

The resolution was read and was adopted without objection.

### GUESTS PRESENTED

Senator Rodríguez was recognized and introduced to the Senate a delegation from The University of Texas at El Paso, accompanied by Diana Natalicio, President; Larry Goodman, Development Board Chairman; and Russell Vandenberg, Centennial Campaign Leadership Council Chairman; and The University of Texas System representatives Paul Foster, Board of Regents, and Francisco Cigarroa, Chancellor.

The Senate welcomed its guests.

### PHYSICIAN OF THE DAY

Senator Davis was recognized and presented Dr. A. Duane Selman of North Richland Hills as the Physician of the Day.

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

### SENATE RESOLUTION 659

Senator Deuell offered the following resolution:

**SR 659**, Commending the Texas section of the United States Tennis Association.

The resolution was read and was adopted without objection.

### GUESTS PRESENTED

Senator Deuell was recognized and introduced to the Senate Ken McAllister, Bobby Castillo, Al Trevino, Bert Cole, Nya Cheatham, and Jane Morrill.

The Senate welcomed its guests.

### SENATE RESOLUTION 639

Senator Watson offered the following resolution:

**SR 639**, Congratulating Samsung Electronics on the expansion of the Samsung Austin Semiconductor plant.

WATSON

PAXTON

The resolution was read and was adopted without objection.

### GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate a Samsung Electronics delegation, accompanied by Woosung Han, President, Samsung Austin Semiconductor; Katherine Morris; Buddy Nicoson, Vice-president, Fab Engineering and General Manager; and Michael Raiford, Vice-president, Manufacturing, Systems; as well as Kevin Packingham, Senior Vice-president and Chief Protocol Officer, and Tim Sheppard, Vice-president and Chief Customer Officer, both of Samsung Telecommunications America in Dallas.

The Senate welcomed its guests.

**SENATE RESOLUTION 610**

Senator Lucio offered the following resolution:

**SR 610**, Commending the Westlake High School Cheerleaders for winning a national championship.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Lucio was recognized and introduced to the Senate a Westlake High School Cheerleaders delegation, accompanied by captains N'Kisha Heffington and Bridget Person; Jeff Nixon, head coach; and Missy Hall, competition coach, niece of Senator Lucio.

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 11:33 a.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1340 ON SECOND READING**

Senator Seliger moved to suspend the regular order of business to take up for consideration **CSSB 1340** at this time on its second reading:

**CSSB 1340**, Relating to the temporary operation of a race track extension location.

The motion prevailed by the following vote: Yeas 20, Nays 9.

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

Nays: Birdwell, Campbell, Estes, Hancock, Huffman, Nelson, Patrick, Paxton, Taylor.

Absent-excused: Whitmire, Williams.

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, Estes, Hancock, Huffman, Nelson, Patrick, Paxton, Taylor.

Absent-excused: Whitmire, Williams.

**MOTION TO PLACE  
COMMITTEE SUBSTITUTE  
SENATE BILL 1340 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 1340** be placed on its third reading and final passage.

Senator Seliger withdrew the motion to suspend Senate Rule 7.18 and the Constitutional Rule.

**GUESTS PRESENTED**

Senator Lucio was recognized and introduced to the Senate a Texas health care long-term care nurses delegation.

The Senate welcomed its guests.

**SENATE BILL 1224 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 1224** at this time on its second reading:

**SB 1224**, Relating to the use by a property owner of a common or contract carrier to send a payment, report, application, statement, or other document or paper to a taxing unit or taxing official.

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: Whitmire, Williams.

**SENATE BILL 1224 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 1224** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Whitmire, 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 JOINT RESOLUTION 32 ON SECOND READING**

On motion of Senator Paxton and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSJR 32** at this time on its second reading:

**CSSJR 32**, Proposing a constitutional amendment to authorize a political subdivision other than a school district to establish a limitation on the amount of ad valorem taxes that the political subdivision may impose on the residence homesteads of persons who are disabled or elderly and their surviving spouses.

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

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

Absent-excused: Whitmire, Williams.

**COMMITTEE SUBSTITUTE  
SENATE JOINT RESOLUTION 32 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 **CSSJR 32** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Whitmire, Williams.

The resolution was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 489 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 489** at this time on its second reading:

**CSSB 489**, Relating to the authority of a taxing unit other than a school district to establish a limitation on the amount of ad valorem taxes that the taxing unit may impose on the residence homesteads of individuals who are disabled or elderly and their surviving spouses.

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: Whitmire, Williams.

**COMMITTEE SUBSTITUTE  
SENATE BILL 489 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 489** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Whitmire, 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 772 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 772** at this time on its second reading:

**SB 772**, Relating to the elimination of obsolete and redundant reporting requirements for the Department of Agriculture.

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: Whitmire, Williams.

#### **SENATE BILL 772 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 772** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Whitmire, 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 895 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 895** at this time on its second reading:

**CSSB 895**, Relating to access to records of a nonprofit organization supporting the Cancer Prevention and Research Institute of Texas under the public information law.

The bill was read second time.

Senator Davis offered the following amendment to the bill:

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

Amend **CSSB 895** (senate committee report), in SECTION 1 of the bill, by striking added Section 102.262(c), Health and Safety Code (page 1, lines 23 through 26), and substituting the following:

(c) The records of a nonprofit organization established to provide support to the institute are public information subject to Chapter 552, Government Code.

The amendment to **CSSB 895** 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: Whitmire, Williams.

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

**CSSB 895** 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: Whitmire, Williams.

**COMMITTEE SUBSTITUTE  
SENATE BILL 895 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 895** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Whitmire, 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 1730 ON SECOND READING**

Senator Nichols moved to suspend the regular order of business to take up for consideration **CSSB 1730** at this time on its second reading:

**CSSB 1730**, Relating to comprehensive development agreements of the Texas Department of Transportation or a regional mobility authority.

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 Lucio offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1730** (senate committee printing) in SECTION 2 of the bill, in amended Section 223.2011(a)(3)(A), Transportation Code (page 3, line 14), by striking "77/83" and substituting "77 [~~77/83~~]".

The amendment to **CSSB 1730** 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: Whitmire, Williams.

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

**CSSB 1730** 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.

Absent-excused: Whitmire, Williams.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1730 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 1730** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Campbell.

Absent-excused: Whitmire, Williams.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 1. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 709 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 709** at this time on its second reading:

**CSSB 709**, Relating to representation of a person in a special education impartial due process hearing.

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: Whitmire, Williams.

**COMMITTEE SUBSTITUTE  
SENATE BILL 709 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 709** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Whitmire, 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 346 ON SECOND READING**

Senator Seliger moved to suspend the regular order of business to take up for consideration **CSSB 346** at this time on its second reading:

**CSSB 346**, Relating to reporting requirements of certain persons who do not meet the definition of political committee.

The motion prevailed.

Senators Birdwell, Campbell, Estes, Fraser, Nelson, 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, Campbell, Estes, Fraser, Nelson, Paxton.

Absent-excused: Whitmire, Williams.

**COMMITTEE SUBSTITUTE  
SENATE BILL 346 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 346** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 5.

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

Nays: Birdwell, Campbell, Estes, Fraser, Paxton.

Absent-excused: Whitmire, Williams.

The bill was read third time and was passed by the following vote: Yeas 23, Nays 6.

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

Nays: Birdwell, Campbell, Estes, Fraser, Nelson, Paxton.

Absent-excused: Whitmire, Williams.

**REASON FOR VOTE**

Senator Birdwell submitted the following reason for vote on **CSSB 346**:

Today I cast my vote in opposition to Senate Bill 346. The bill was primarily captioned to address transparency—"Relating to reporting requirements of certain persons who do not meet the definition of a political committee"—and while I am certainly a strong proponent for such open government and transparency, I had

constitutional concerns on the bill. First, the bill establishes separate reporting requirements for corporations. Some corporations like labor unions are exempt, while other corporations like 501(c)(4) entities are not. In 1990, the Supreme Court determined in *Austin vs. Michigan Chamber of Commerce* that different restrictions on speech related to spending based upon corporate identity were constitutional. Had SB 346 been passed while that 1990 case had still been the prevailing precedent, I believe it would have been constitutional. However, in 2010 the Supreme Court decision in the *Citizens United vs. Federal Election Commission* case determined that the First Amendment to the U.S. Constitution prohibited the government from restricting independent political expenditures by corporations, associations, or labor unions. The court also found that the First Amendment protects associations or individuals in addition to individual speakers. Corporations, as associations of individuals, therefore have First Amendment rights. Second, SB 346 treats corporations differently from labor unions and associations in what they must report. SB 346 requires that corporations which spend less than \$25,000 must report expenditures, while those corporations which spend more than \$25,000 must not only report expenditures, but report their donors. Again, this is a disparate treatment not only among corporations based upon their spending levels, but corporations as they are treated in relation to labor unions and associations. The reporting requirement of donors also begs another constitutional question. In 1995, in *McIntyre vs. Ohio Election Commission*, the Supreme Court determined that citizens had the right to engage in anonymous political speech. Since corporations now have the same First Amendment rights as individuals to anonymous political speech, requiring the reporting of donors strikes me as a violation of the First Amendment. For these reasons and concerns I voted against SB 346 today.

BIRDWELL

(Senator Nelson in Chair)

**COMMITTEE SUBSTITUTE  
SENATE BILL 992 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 992** at this time on its second reading:

**CSSB 992**, Relating to misrepresentations in connection with certain drug testing devices or equipment; 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: Whitmire, Williams.

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

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Whitmire, 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 446 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 446** at this time on its second reading:

**SB 446**, Relating to allowable transfers to the Parks and Wildlife Department and the Texas Historical Commission of proceeds from the taxes on the sale, storage, or use of sporting goods.

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: Whitmire, Williams.

**SENATE BILL 446 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 446** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Whitmire, 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 1265 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 1265** at this time on its second reading:

**CSSB 1265**, Relating to the election of board members for emergency services districts in certain counties.

The bill was read second time.

Senator Eltife offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1265** (senate committee report) as follows:

(1) In SECTION 1 of the bill, amending Section 775.034(h), Health and Safety Code, strike amended Subsection (h) (page 1, lines 22-26) and substitute the following:

(h) This section does not apply to a district located wholly in a county:

(1) with a population of more than three million;

(2) with a population of more than 200,000 that borders Lake Palestine; or

(3) with a population of less than 200,000 that borders another state and the

Gulf Intracoastal Waterway.

(2) In the recital to SECTION 3 of the bill (page 1, line 31), strike "Subsection (a)," and substitute "Subsections (a), (e), (f), and (g),".

(3) In the recital to SECTION 3 of the bill (page 1, line 32), strike "is" and substitute "are".

(4) In SECTION 3 of the bill, amending Section 775.0345(a), Health and Safety Code, strike amended Subsection (a) (page 1, lines 33-37) and substitute the following:

(a) This section applies only to a district located wholly in a county:

(1) with a population of more than three million;

(2) with a population of more than 200,000 that borders Lake Palestine; or

(3) with a population of less than 200,000 that borders another state and the

Gulf Intracoastal Waterway.

(5) In SECTION 3 of the bill, amending Section 775.0345, Health and Safety Code (page 1, between lines 37 and 38), insert the following:

(e) A candidate for emergency services commissioner on an initial board must give the voter registrar of the county [~~clerk~~] a sworn notice of the candidate's intention to run for office. The notice must state the person's name, age, and address and state that the person is serving notice of intent to run for emergency services commissioner. On receipt of the notice, the voter registrar of the county [~~clerk~~] shall have the candidate's name placed on the ballot.

(f) The voter registrar of the county [~~clerk~~] shall appoint an election judge to certify the results of the election.

(g) After the election is held, the voter registrar or deputy registrar of the county [~~clerk or the clerk's deputy~~] shall prepare a sworn statement of the election costs incurred by the county. The statement shall be given to the newly elected board, which shall order the appropriate official to reimburse the county for the county's election costs.

(6) In SECTION 5 of the bill, amending Section 775.0445(b), Health and Safety Code, strike amended Subsection (b) (page 1, lines 44-48) and substitute the following:

(b) This section applies only to a district located wholly in a county:

(1) with a population of more than three million;

(2) with a population of more than 200,000 that borders Lake Palestine; or

(3) with a population of less than 200,000 that borders another state and the Gulf Intracoastal Waterway.

(7) In SECTION 6(d) of the bill (page 2, line 6), strike "Subdivision (2)" and substitute "Subdivision (2) or (3)".

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

SECTION \_\_\_\_\_. The heading to Section 775.0355, Health and Safety Code, is amended to read as follows:

Sec. 775.0355. DISQUALIFICATION OF EMERGENCY SERVICES COMMISSIONERS IN CERTAIN ~~POPULOUS~~ COUNTIES.

SECTION \_\_\_\_\_. Section 775.0355(b), Health and Safety Code, is amended to read as follows:

(b) This section applies only to a district located wholly in a county:

(1) with a population of more than three million; or

(2) with a population of more than 200,000 that borders Lake Palestine.

The amendment to **CSSB 1265** 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: Whitmire, Williams.

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

**CSSB 1265** 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: Whitmire, Williams.

### COMMITTEE SUBSTITUTE SENATE BILL 1265 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 1265** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Whitmire, 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 857 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 857** at this time on its second reading:

**CSSB 857**, Relating to the authority of the Texas Higher Education Coordinating Board regarding the initiation, consolidation, or elimination of a degree or certificate program offered by a public institution of higher education.

The bill was read second time.

Senator Birdwell offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 857** (senate committee printing), in SECTION 1 of the bill, in amended Section 61.051, Education Code, by adding the following at the end of added Subsection (e-1) (page 1, line 53):

If the institution's governing board does not accept the board's recommendation to consolidate or eliminate a degree or certificate program, the institution, or, if applicable, the university system of which the institution is a component institution, shall identify the program as recommended for consolidation or elimination on the next legislative appropriation request submitted to the legislature by the institution or university system.

The amendment to **CSSB 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. 1 except as follows:

Absent-excused: Whitmire, Williams.

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

**CSSB 857** 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: Whitmire, Williams.

**COMMITTEE SUBSTITUTE  
SENATE BILL 857 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 857** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Whitmire, 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 1390 ON SECOND READING**

Senator Davis moved to suspend the regular order of business to take up for consideration **SB 1390** at this time on its second reading:

**SB 1390**, Relating to an audit by the state auditor of the Texas Enterprise Fund.

The motion prevailed.



Senators Hancock, 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: Hancock, Nichols, Schwertner.

Absent-excused: Whitmire, Williams.

### SENATE BILL 1390 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 1390** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 3.

Yeas: Birdwell, Campbell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Garcia, Hegar, Hinojosa, Huffman, Lucio, Nelson, Patrick, Paxton, Rodríguez, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Zaffirini.

Nays: Hancock, Nichols, Schwertner.

Absent-excused: Whitmire, Williams.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 3. (Same as previous roll call)

### COMMITTEE SUBSTITUTE SENATE BILL 1729 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 1729** at this time on its second reading:

**CSSB 1729**, Relating to an agreement between the Department of Public Safety and a county for the provision of renewal and duplicate driver's license and other identification certificate services; authorizing a fee.

The bill was read second time.

Senator Nichols offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **CSSB 1729** (senate committee printing) in SECTION 1 of the bill as follows:

(1) In the heading to proposed Section 521.008, Transportation Code (page 1, line 28), strike "AGREEMENT" and substitute "PILOT PROGRAM".

(2) In proposed Section 521.008(a), Transportation Code (page 1, line 30), strike "(a) The" and substitute "(a) The department may establish a pilot program for the provision of renewal and duplicate driver's license, election identification certificate, and personal identification certificate services in:

(1) not more than three counties with a population of 50,000 or less;

(2) not more than three counties with a population of more than 50,000 but less than 1,000,001; and

(3) not more than two counties with a population of more than 1 million.

(a-1) Under the pilot program, the

(3) In proposed Section 521.008(b), Transportation Code (page 1, line 48), strike "(a)" and substitute "(a-1)".

(4) Strike proposed Section 521.008(d), Transportation Code (page 1, lines 55-57), and substitute the following:

(d) The commissioners court of a county may provide services through any consenting county office. A county office may decline or consent to provide services under this section by providing written notice to the commissioners court.

(5) In proposed Section 521.008(e), Transportation Code (page 1, line 59), strike "(a)" and substitute "(a-1)".

The amendment to **CSSB 1729** 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: Whitmire, Williams.

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

**CSSB 1729** 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: Whitmire, Williams.

### **COMMITTEE SUBSTITUTE SENATE BILL 1729 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 1729** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Whitmire, 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 1546 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 1546** at this time on its second reading:

**SB 1546**, Relating to the management and use of the Texas preservation trust fund.

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: Whitmire, Williams.

**SENATE BILL 1546 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 1546** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Whitmire, 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 1541 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 1541** at this time on its second reading:

**CSSB 1541**, Relating to discipline of public school students by school bus drivers.

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: Whitmire, Williams.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1541 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 1541** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Whitmire, 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 1584 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 1584** at this time on its second reading:

**SB 1584**, Relating to the validation of the dissolution of the Development Corporation of Presidio and the creation of the Presidio Municipal Development 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: Whitmire, Williams.

#### **SENATE BILL 1584 ON THIRD READING**

Senator Rodriguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1584** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Whitmire, 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 1409 ON SECOND READING**

Senator Patrick moved to suspend the regular order of business to take up for consideration **CSSB 1409** at this time on its second reading:

**CSSB 1409**, Relating to public information regarding facilities of school districts and open-enrollment charter schools.

The motion prevailed.

Senators Birdwell 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: Birdwell, Nelson.

Absent-excused: Whitmire, Williams.

#### **COMMITTEE SUBSTITUTE SENATE BILL 1409 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 1409** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 2.

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

Nays: Birdwell, Nelson.

Absent-excused: Whitmire, Williams.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 2. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 1708 ON SECOND READING**

Senator Rodríguez moved to suspend the regular order of business to take up for consideration **CSSB 1708** at this time on its second reading:

**CSSB 1708**, Relating to the acquisition of certain real property in El Paso County for the construction of facilities for the Department of Public Safety of the State of Texas.

The motion prevailed.

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

The bill was read second time.

Senator Rodríguez offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1708** (senate committee printing) in SECTION 1 of the bill as follows:

(1) In the heading to proposed Section 2166.554, Government Code (page 1, lines 25-26), strike "FOR CONSTRUCTION OF FACILITIES".

(2) Strike proposed Sections 2166.554(c) and (d), Government Code (page 1, lines 33-39).

The amendment to **CSSB 1708** 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: Whitmire, Williams.

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

**CSSB 1708** 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: Whitmire, Williams.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1708 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 1708** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Whitmire, Williams.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

**(President in Chair)**

**BILL SIGNED**

The President announced the signing of the following enrolled bill in the presence of the Senate after the caption had been read: **SB 398**.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1387 ON SECOND READING**

Senator Carona moved to suspend the regular order of business to take up for consideration **CSSB 1387** at this time on its second reading:

**CSSB 1387**, Relating to water well drillers and pump installers; changing fees.

The motion prevailed.

Senators Birdwell, Huffman, Nelson, Patrick, Paxton, and Seliger 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 1387** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in added Section 1901.001(13-a), Occupations Code (page 1, line 29), between "wells" and "who", insert ", or a qualified employee of a groundwater conservation district,".

(2) Add the following appropriately numbered SECTIONS to the bill and renumber the SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 1902.001, Occupations Code, is amended by adding Subdivision (8-a) to read as follows:

(8-a) "Third-party inspector" means a qualified employee of a state agency with jurisdiction over wells, or a qualified employee of a groundwater conservation district, who assists the department with enforcement activities.

SECTION \_\_\_\_\_. Subchapter I, Chapter 1902, Occupations Code, is amended by adding Section 1902.405 to read as follows:

Sec. 1902.405. THIRD-PARTY INSPECTORS; ENFORCEMENT. The department may contract with a third-party inspector to assist in the enforcement of this chapter or a rule adopted under this chapter, including rules governing the performance of inspections and the conduct of investigations.

The amendment to **CSSB 1387** 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: Whitmire, 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 1387** 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: Birdwell, Huffman, Nelson, Patrick, Paxton, Seliger.

Absent-excused: Whitmire, Williams.

**COMMITTEE SUBSTITUTE  
SENATE BILL 778 ON SECOND READING**

Senator Carona moved to suspend the regular order of business to take up for consideration **CSSB 778** at this time on its second reading:

**CSSB 778**, Relating to trusts.

The motion prevailed.

Senator Garcia 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.

Absent-excused: Whitmire, Williams.

**COMMITTEE SUBSTITUTE  
SENATE BILL 778 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 778** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Garcia.

Absent-excused: Whitmire, Williams.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 1. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 734 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 734** at this time on its second reading:

**CSSB 734**, Relating to the licensing of captive insurance companies; authorizing fees and authorizing and imposing taxes.

The bill was read second time.

Senator Carona offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 734** (senate committee printing) in SECTION 1 of the bill, in added Section 223A.003(b), Insurance Code (page 1, line 44), by striking "located in this state" and substituting "without regard to the location of the property or risk".

The amendment to **CSSB 734** 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: Whitmire, 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 734** 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: Whitmire, Williams.

**COMMITTEE SUBSTITUTE  
SENATE BILL 734 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 734** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Whitmire, Williams.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

**SENATE RESOLUTION 682**

Senator Taylor offered the following resolution:

**SR 682**, In memory of Bob Perry.

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

In honor of the memory of Bob Perry, the text of the resolution is printed at the end of today's *Senate Journal*.

**REMARKS ORDERED PRINTED**

On motion of Senator Lucio and by unanimous consent, the remarks by Senators Taylor, Lucio, and Patrick regarding **SR 682** were ordered reduced to writing and printed in the *Senate Journal* as follows:

**Senator Taylor:** Thank you, Mr. President. I do rise today in honor of the passing of a great Texan and American patriot. Bob Perry, who died this past Saturday, was a man of legendary compassion and integrity who had the vision to see the unlimited



potential of this great state and all the people that he knew here. His passing is a great loss to our state and to the nation. As you've heard, he was born in Bosque County, attended Baylor University, and then started the very well known Perry Homes in 1968. He was a pillar of industry in our state as well as a philanthropist who moved and improved the lives of thousands of people and changed the face of our state. His commitment to his community as well as to politics is obviously well known and been well publicized, but lesser known has been his commitment and his contributions to those orphans and children in Mexico and Central America. That kind of legacy of giving and compassion will continue to inspire all of us in the years to come. Bob was, indeed, fearless in the defending of freedom and liberty and never wavered in the courage of his convictions, no matter the politics or the bad press. No challenge was too great for Mr. Perry to take on when he believed it was the right thing to do. He was also a man with deeply held faith who believed in life and family and followed the commandment of love to others and to give generously. In the words of the Apostle Paul, Bob Perry fought the fight, he finished the race, and he kept the faith. Mr. Perry's generosity and compassion, his zeal for principles and freedom, have made an indelible mark on Texas and those of us who knew him. Bob's passing is a great loss for this state and for our nation, and he will be greatly missed.

**Senator Lucio:** Thank you, Mr. President, and thank you, Senator Taylor. I, with a heavy heart, I, today, join with all of you, and I join with the family and countless numbers of friends of Bob Perry in mourning his passing this weekend. He was a godly man, and he was one of my personal heroes. Over the course of my career in the Legislature, we had many wonderful opportunities to develop a meaningful relationship and friendship. He, obviously, will be sorely missed by those of us that knew him and knew him well in South Texas. I also had the opportunity to work with Mr. Perry on humanitarian issues. The love he had for the less fortunate was incredible, absolutely tremendous. In his life he made an impact on thousands of people, including young orphans throughout Central and South America. I personally saw the fruits of his labors as we visited Casa Hogar orphanage in Matamoros, Mexico, which borders my Senate District just south of the border. I want to say that on that particular trip it was in the height of the war on drugs that was going on, and Mr. Perry came to me, says Senator, Senator would you take me there? And I said, You know, it's okay if they take me, but if they take you they'll hit a gold mine. We'll go, but we can't announce that we're going, to let anybody know that we're going to go visit because the press will, obviously, come to us. And we were able to go into Matamoros, visit little over 300 orphans, go into the kitchen, saw a beautiful kitchen, Senator Patrick, that was full of food based on his generosity. Saw the schoolhouse, saw the dormitories and a big reception room where we embraced each other and we cried together, we laughed together, it was a moment that I will never, ever forget. And I looked at him, and his profile, and I saw a man that truly, truly cared. A man with great compassion and a man that I knew was in union with God even as he lived and walked this Earth. So, my respect for him escalated to the heavens, quite frankly. Mr. Perry was a humble man who gave unselfishly and who never asked for anything. My 26 years here in Austin, not once did I get one phone call demanding any kind of help even though he had supported me and many others on this floor and many others that were no longer on this floor over the years. All of us can learn a lot from this man

who belonged to a conservative political party but whose heart and generosity guided his personal policy position. His legacy will be one of service to God's people. Because of his good works on Earth, I know, I truly know that he is in union with God. I extend, on behalf of my family and all of us that got to know him well in South Texas, our personal sympathies to Mrs. Perry and to the Perry family. Thank you, Mr. President, and thank you, Senator Taylor.

**Senator Patrick:** Thank you, Mr. President. I'm proud to join Senator Taylor and Senator Lucio in authoring this resolution. And I'm really going to miss Bob Perry. My dad died in 2002. And one of the things I really miss about my dad is, I couldn't call him up and ask for his advice at times, or just counsel on how to handle a situation in personal life. And as I got to know Bob Perry, about five years after my dad died, and I knew him for a period of time, but I got to know him well after I came into office, and, like Senator Lucio said, even though he was a supporter of mine, I never had a phone call from him about anything political. But I would call him, and I would talk to him about the issues that I would talk to my father about, and he would listen, and he would give me counsel. Because no matter how old we are, we always need someone to turn to, I think, for advice at times. So, I'll really miss him. His soft voice, his gentle spirit, he was truly a humble man. When you look at the, it's reported, millions and millions of dollars that he gave to Republicans and Democrats and conservative causes over the years, you never saw him on Fox News or CNN. He wasn't in the headlines of the papers. He didn't go to political events. He cared about the republic. He cared about the country. And if you were standing tall for our republic, he stood with you. And the only time I would ever get a call is just to say thank you or encourage me if he thought I had a bad day. So, as I get older, I'm running out of people older than me to call for advice. But I'll miss Bob Perry. He was a great Texan, just an absolutely fantastic human being. Thank you, Mr. President.

**SENATE BILL 171 REREFERRED**  
**(Motion In Writing)**

Senator West submitted a Motion In Writing requesting that **SB 171** be withdrawn from the Committee on Agriculture, Rural Affairs and Homeland Security and rereferred to the Committee on Intergovernmental Relations.

The Motion In Writing prevailed without objection.

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

Senator Eltife 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 1891**, **SB 1892**.

ELTIFE

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 1891** by Watson

Relating to the imposition of an additional fee for filing civil cases in certain Travis County courts.

To Committee on Jurisprudence.

**SB 1892** by Garcia

Relating to the composition of the Texas Coordinating Council for Veterans Services and its coordinating workgroups.

To Committee on Veteran Affairs and Military Installations.

**HOUSE BILL ON FIRST READING**

The following bill received from the House was read first time and referred to the committee indicated:

**HB 1550** to Committee on Economic Development.

**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, 357th Judicial District Court, Cameron County: Oscar X. Garcia, Cameron County.

Members, Board of Directors, Brazos River Authority: Richard Lee Ball, Palo Pinto County; Frank LeRoy Bell, Taylor County; Peter Gerrit Bennis, Tarrant County; Paul Joseph Christensen, McLennan County; Chet David Creel, Young County; William A. Masterson, King County; William John Rankin, Washington County; George David Scott, Fort Bend County; Raleigh R. White, Bell County; Salvatore A. Zaccagnino, Burleson County.

Criminal District Attorney, Kaufman County: Erleigh Norville Wiley, Kaufman County.

Members, Health and Human Services Council: James Richard Barajas, Tarrant County; Leon John Leach, Austin County; Thomas Craig Wheat, Dallas County.

Members, Public Safety Commission: Ada Elene Brown, Collin County; John Randall Watson, Johnson County.

Members, Board of Regents, The Texas A&M University System: Anthony Glenn Buzbee, Galveston County; Morris E. Foster, Travis County; Charles Walter Schwartz, Harris County.

Members, Texas Board of Professional Geoscientists: Joseph P. DeWoody, Tarrant County; Charles Thomas Hallmark, Robertson County; Christopher Colville Mathewson, Brazos County; William David Prescott, Potter County.

Members, Texas Crime Stoppers Council: Jorge Edwardo Gaytan, Harris County; Emerson Frederick Lane, Jefferson County; Ernesto Rodriguez, Hidalgo County; Susan Rogers, Ector County.

Members, Governing Board, Texas Department of Housing and Community Affairs: Leslie Bingham Escareno, Cameron County; Lowell Adams Keig, Travis County; John Mark McWatters, Dallas County.

Members, Texas Real Estate Commission: Adrian Aron Arriaga, Hidalgo County; Thomas John Turner, Travis County; Chart Hampton Westcott, Dallas County; Avis Geer Wukasch, Williamson County.

Members, Texas State Library and Archives Commission: Sharon Tully Carr, Fort Bend County; Fenton Lynwood Givens, Collin County.

Members, Board of Regents, Texas State Technical College System: Joe M. Gurecky, Fort Bend County; John Kent Hatchel, McLennan County; Joe K. Hearne, Dallas 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.

#### **CO-AUTHOR OF SENATE BILL 496**

On motion of Senator Seliger, Senator West will be shown as Co-author of **SB 496**.

#### **CO-AUTHOR OF SENATE BILL 726**

On motion of Senator Paxton, Senator Estes will be shown as Co-author of **SB 726**.

#### **CO-AUTHOR OF SENATE BILL 939**

On motion of Senator West, Senator Uresti will be shown as Co-author of **SB 939**.

#### **CO-AUTHOR OF SENATE BILL 993**

On motion of Senator Deuell, Senator Uresti will be shown as Co-author of **SB 993**.

#### **CO-AUTHOR OF SENATE BILL 1142**

On motion of Senator Duncan, Senator Van de Putte will be shown as Co-author of **SB 1142**.

#### **CO-AUTHOR OF SENATE BILL 1256**

On motion of Senator Patrick, Senator Campbell will be shown as Co-author of **SB 1256**.

**CO-AUTHOR OF SENATE BILL 1409**

On motion of Senator Patrick, Senator Campbell will be shown as Co-author of **SB 1409**.

**CO-AUTHOR OF SENATE BILL 1747**

On motion of Senator Uresti, Senator Duncan will be shown as Co-author of **SB 1747**.

**CO-AUTHOR OF SENATE BILL 1773**

On motion of Senator Huffman, Senator Uresti will be shown as Co-author of **SB 1773**.

**CO-AUTHOR OF SENATE JOINT RESOLUTION 65**

On motion of Senator Seliger, Senator Uresti will be shown as Co-author of **SJR 65**.

**CO-AUTHORS OF SENATE RESOLUTION 682**

On motion of Senator Taylor, Senators Lucio and Patrick will be shown as Co-authors of **SR 682**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**SR 677** by Davis, In memory of Tamara Lynn Farris "Tammy" Gordon.

**SR 678** by Davis, In memory of Geraldine Brinck.

**SR 687** by Hinojosa, In memory of Mike M. Anzaldúa, Jr.

**Congratulatory Resolutions**

**SR 676** by Davis, Recognizing Gordon Dickson for receiving the Excellence in Journalism Award.

**SR 679** by Fraser, Recognizing Johnny Manziel for winning the 2012 Heisman Trophy.

**SR 680** by Zaffirini, Recognizing Virginia Lee "Ginger" and Leon Thomas Matula, Jr., on the occasion of their 25th anniversary.

**SR 681** by Taylor, Recognizing Thomas L. Huber III for his service as a veterinarian.

**SR 685** by Campbell, Recognizing Robert Paul Johnson on the occasion of his retirement.

**SR 688** by Hinojosa, Recognizing the Driscoll Children's Hospital on the occasion of its 60th anniversary.

**SR 691** by Hegar, Recognizing Jim Short for his achievements in cutting horse competition.

**SR 692** by West, Recognizing New Light Church on the occasion of its 10th anniversary.

## ADJOURNMENT

On motion of Senator Eltife, the Senate at 1:32 p.m. adjourned, in memory of Bob Perry and Kenneth, Melissa, Madison, and Marley Ann Koontz, until 11:00 a.m. tomorrow.

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## APPENDIX

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### COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

April 16, 2013

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — **CSSB 1553**  
 TRANSPORTATION — **CSSB 1670**  
 EDUCATION — **CSSB 1658**  
 TRANSPORTATION — **CSSB 1671**  
 HEALTH AND HUMAN SERVICES — **CSSB 955**  
 STATE AFFAIRS — **CSSB 315, CSSB 591, CSSB 693, CSSB 1221**  
 INTERGOVERNMENTAL RELATIONS — **SB 1481, CSSB 1510, CSSB 1596**  
 JURISPRUDENCE — **CSSB 1419**  
 HIGHER EDUCATION — **CSSB 1741**  
 FINANCE — **CSSB 16**

### BILLS ENGROSSED

April 15, 2013

**SB 8, SB 336, SB 459, SB 485, SB 546, SB 774, SB 898, SB 904, SB 939, SB 1173, SB 1365, SB 1398, SB 1406, SB 1857**

### BILL AND RESOLUTIONS ENROLLED

April 15, 2013

**SB 398, SR 642, SR 643, SR 644, SR 645, SR 646, SR 647, SR 648, SR 649, SR 650, SR 651, SR 652, SR 653, SR 654, SR 655, SR 656, SR 657, SR 658, SR 661, SR 663, SR 664, SR 665, SR 666, SR 667, SR 668, SR 669, SR 670, SR 671, SR 672, SR 673**

### SENT TO GOVERNOR

April 16, 2013

**SB 157**

**In Memory**  
**of**  
**Bob Perry**  
**Senate Resolution 682**

WHEREAS, The Senate of the State of Texas joins the citizens of Houston in mourning the loss of Bob Perry, who died April 13, 2013, at the age of 80; and

WHEREAS, Bob Perry was born October 30, 1932, in Bosque County; he earned a degree from Baylor University and taught high school history before entering the construction and homebuilding business; he founded Perry Homes in 1968; and

WHEREAS, Mr. Perry was a well-known philanthropist who donated generously to such causes as caring for orphans in South and Central America, including the Casa Hogar orphanage in Matamoros; and

WHEREAS, He was a major donor to conservative political candidates, campaigns, and political action committees; between 2000 and 2010 alone, he gave some \$66 million to groups in Texas and across the nation, notably Texans for Lawsuit Reform, the Swift Boat Veterans for Truth, the Economic Freedom Fund, American Crossroads, and Restore Our Future; and

WHEREAS, A man of courage and unshakeable principles, he gave generously to others, and his unfailing civility, his commitment to conservative causes, 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 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 Bob Perry; 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 Bob Perry.

TAYLOR





# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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## FORTY-SECOND DAY

(Wednesday, April 17, 2013)

The Senate met at 11:44 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.

The Reverend Ramiro Peña, Christ the King Baptist Church, Waco, was introduced by Senator Birdwell and offered the invocation as follows:

Heavenly Father, we humble ourselves before You today and seek Your blessing over the State of Texas and our nation. We recognize You as sovereign over our lives and pause to ask for Your wisdom and guidance for the men and women who lead this state. We invite Your holy presence into this Chamber and into our hearts, and we declare our complete dependence on Your mercy and grace. We also ask for Your comfort and healing presence for those suffering in Boston today. Now, Lord, send Your holy angels to surround each of us and especially our men and women in uniform defending our homeland all over the world today. I pray these things with a thankful heart in the strong 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.

## MESSAGES FROM THE GOVERNOR

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

April 16, 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 a member of the Evergreen Underground Water Conservation District for a term to expire February 1, 2017:

Jason B. Peeler  
Floresville, Texas

Mr. Peeler is being reappointed.

To be a member of the Finance Commission of Texas for a term to expire February 1, 2018:

William M. Lucas  
Center, Texas

Mr. Lucas is replacing Darby Ray Byrd, Sr. of Orange who resigned.

To be members of the Texas Diabetes Council for terms to expire February 1, 2019:

Carley Gomez-Meade  
Austin, Texas  
(replacing Neil Burrell of Beaumont whose term expired)

Alicia Gracia  
Brownsville, Texas  
(replacing Melissa Wilson of Corpus Christi whose term expired)

Jason Michael Ryan  
Houston, Texas  
(replacing Timothy Cavitt of McKinney whose term expired)

Curtis Triplitt  
San Antonio, Texas  
(Dr. Triplitt is being reappointed)

To be members of the Texas Board of Chiropractic Examiners for terms to expire February 1, 2019:

John H. Riggs, III  
Midland, Texas  
(replacing Janette Kurban of Pantego whose term expired)

John W. Steinberg  
Marion, Texas  
(replacing Armando Elizarde, Jr. of Harlingen whose term expired)

Cynthia Tays  
Austin, Texas  
(Dr. Tays is being reappointed)

Respectfully submitted,

/s/Rick Perry  
Governor

**RESOLUTION SIGNED**

The President announced the signing of the following enrolled resolution in the presence of the Senate: **HCR 95**.

**PHYSICIAN OF THE DAY**

Senator Fraser was recognized and presented Dr. Charles Hall of Bangs as the Physician of the Day.

The Senate welcomed Dr. Hall and thanked him for his 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 a delegation of students from Northwest Vista College, accompanied by Dr. Robert Marbut.

The Senate welcomed its guests.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Wednesday, April 17, 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 109** Craddick

Honoring Sue Brannon of Midland for her years of civic engagement.

**SCR 21** West

Recognizing November 4-8, 2013, and November 3-7, 2014, as Municipal Courts Week.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**SENATE RESOLUTION 690**

Senator Ellis offered the following resolution:

**SR 690**, Recognizing April 17, 2013, as Vietnamese American Day.

The resolution was read and was adopted without objection.

**ACKNOWLEDGMENT**

Senator Ellis was recognized and acknowledged the presence of State Representative Hubert Vo.

The Senate welcomed its guest.

**GUESTS PRESENTED**

Senator Ellis, joined by Senators Whitmire, Hinojosa, West, and Lucio, was recognized and introduced to the Senate a delegation of Vietnamese American Day representatives.

The Senate welcomed its guests.

**SENATE RESOLUTION 660**

Senator Deuell offered the following resolution:

**SR 660**, Recognizing April of 2013 as Licensed Athletic Trainers Month.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Deuell was recognized and introduced to the Senate a delegation from the Texas State Athletic Trainers' Association, accompanied by Michael O'Shea, Jamie Woodall, Michael Henry, Monica Jackson, and Spanky Stephens, Executive Director.

The Senate welcomed its guests.

**HOUSE CONCURRENT RESOLUTION 109**

The President laid before the Senate the following resolution:

**HCR 109**, Honoring Sue Brannon of Midland for her years of civic engagement.

SELIGER

The resolution was read.

On motion of Senator Seliger and by unanimous consent, the resolution was considered immediately and was adopted without objection.

**GUESTS PRESENTED**

Senator Seliger was recognized and introduced to the Senate Sue Brannon, Reid Brannon, Sherri Merket, Garrett Merket, and Allison Dyer.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Zaffirini was recognized and introduced to the Senate Leon and Ginger Matula.

Senator Zaffirini, joined by Senator Van de Putte, also recognized a group of Catholic nuns with Nuns on the Bus.

The Senate welcomed its guests.

**SENATE RESOLUTION 686**

Senator Hinojosa offered the following resolution:

**SR 686**, Recognizing April 17, 2013, as Transit Day.

**(Senator Eltife in Chair)**

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Hinojosa was recognized and introduced to the Senate a Transit Day delegation, accompanied by John Valls, Board of Directors Chair, Corpus Christi Regional Transportation Authority; Billy Landrias, Director of Government Affairs, Corpus Christi Regional Transportation Authority; Scott Neeley, President, Texas Transit Association; Tom Jasien, Vice-president of Government Affairs, Metropolitan Transit Authority of Harris County, Houston, Texas.

The Senate welcomed its guests.

**SENATE RESOLUTION 674**

Senator Hancock offered the following resolution:

**SR 674**, Recognizing the High School Republicans of Texas.

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

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Hancock, joined by Senator Huffman, was recognized and introduced to the Senate a High School Republicans of Texas delegation.

The Senate welcomed its guests.

**SENATE RESOLUTION 689**

Senator Patrick offered the following resolution:

**SR 689**, Recognizing the Governor William P. Clements, Jr., Scholars.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Patrick was recognized and introduced to the Senate Governor William P. Clements, Jr., Scholars: Philip Collins, Matthew Hester, Chelsey McGee, Taylor Turner, and Jacqueline Walker.

The Senate welcomed its guests.

**SENATE RESOLUTION 638**

Senator Birdwell offered the following resolution:

**SR 638**, Recognizing April 17, 2013, as Texas State Technical College Day.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Birdwell was recognized and introduced to the Senate a Texas State Technical College delegation, accompanied by Mike Reeser, Chancellor; Gail Lawrence, West Texas President; Cesar Maldonado, Harlingen President; and Randall Wooten, Marshall President.

The Senate welcomed its guests.

**SENATE RESOLUTION 693**

Senator West offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize April 17, 2013, as Southeast Dallas Chamber of Commerce Day at the Capitol; and

WHEREAS, For more than 50 years, the Southeast Dallas Chamber of Commerce has worked diligently to improve the quality of life and business in southeast Dallas; the chamber provides business owners with the support, programs, and tools they need to be successful; and

WHEREAS, The chamber offers workshops on a wide variety of topics, such as financial planning, human resources, marketing, safety, and code enforcement; it also hosts town hall meetings with government officials and provides networking opportunities in such settings as meetings, luncheons, and other social events; and

WHEREAS, In addition, this exemplary organization serves the region through its sponsorship of community-wide events, youth education programs, and beautification projects; it offers support for family services and provides scholarships to deserving high school students; and

WHEREAS, The Southeast Dallas Chamber of Commerce has played a significant role in nurturing and supporting a healthy business environment, and it is truly fitting that a day be set aside to honor its many achievements; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby commend the Southeast Dallas Chamber of Commerce on its many contributions to the growth and prosperity of the North Texas region and extend to its members best wishes for a productive and memorable Southeast Dallas Chamber of Commerce Day at the Capitol; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the chamber as an expression of esteem from the Texas Senate.

**SR 693** was read and was adopted without objection.

**GUESTS PRESENTED**

Senator West was recognized and introduced to the Senate a Southeast Dallas Chamber of Commerce delegation, accompanied by Carl Raines, Board of Directors Chair; Bettie Garrett, President; and Board of Directors members Joy Vosburg, Deylan Walker, and Verlene Mitchell.

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 12:39 p.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE  
SENATE BILL 143 ON SECOND READING**

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 143** at this time on its second reading:

**CSSB 143**, Relating to programs designed to enhance medical education in this state.

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 143 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 **CSSB 143** 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 1292 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 1292** at this time on its second reading:

**CSSB 1292**, Relating to DNA testing of biological evidence in certain capital cases.

The bill was read second time.

Senator Ellis offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1292** (senate committee printing) in SECTION 1 of the bill, in amended Article 38.43(i), Code of Criminal Procedure (page 1, lines 31-32), by striking "Department of Public Safety" and substituting "laboratory that performed the DNA testing".

The amendment to **CSSB 1292** 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 Ellis and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSSB 1292** 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 1292 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 1292** 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 1815 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 1815** at this time on its second reading:

**CSSB 1815**, Relating to voluntary donations to the Glenda Dawson Donate Life-Texas Registry.

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 1815 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 1815** 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 1853 ON SECOND READING**

On motion of Senator Fraser and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1853** at this time on its second reading:

**SB 1853**, Relating to the amendment of restrictions affecting real property in certain 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.

**SENATE BILL 1853 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 **SB 1853** 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 976 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 976** at this time on its second reading:

**SB 976**, Relating to the temporary approval of an institution to participate in the tuition equalization grant 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.

**SENATE BILL 976 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 976** 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)**

**SENATE BILL 329 ON SECOND READING**

Senator Huffman moved to suspend the regular order of business to take up for consideration **SB 329** at this time on its second reading:

**SB 329**, Relating to a prohibition on the use of a tanning facility by a minor.

The motion prevailed.

Senators Birdwell, Estes, 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: Birdwell, Estes, Hancock, Hegar, Nichols, Paxton.

#### **SENATE BILL 329 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 329** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

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

Nays: Birdwell, Estes, Hancock, Nichols, Paxton.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 6.

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

Nays: Birdwell, Estes, Hancock, Hegar, Nichols, Paxton.

#### **COMMITTEE SUBSTITUTE SENATE BILL 822 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 822** at this time on its second reading:

**CSSB 822**, Relating to the regulation of certain health care provider network contract arrangements; providing an administrative penalty; authorizing 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 822 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 822** 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 887 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 887** at this time on its second reading:

**SB 887**, Relating to certain correction instruments in the conveyance of real 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 887 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 887** 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 1256 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 1256** at this time on its second reading:

**CSSB 1256**, Relating to the requirements for a sale to be considered a comparable sale 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.

#### **COMMITTEE SUBSTITUTE SENATE BILL 1256 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 1256** 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 116 ON SECOND READING**

Senator Hinojosa moved to suspend the regular order of business to take up for consideration **SB 116** at this time on its second reading:

**SB 116**, Relating to the consideration of ownership interests of disabled veterans in determining whether a business is a historically underutilized business for purposes of state contracting.

The motion prevailed.

Senators Ellis and West 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 **SB 116** (senate committee report) in SECTION 1 of the bill, in added Section 2161.001(3)(A)(vi), Government Code (page 1, line 33), by striking "have a" and substituting "have suffered at least a 20 percent".

HINOJOSA  
BIRDWELL  
URESTI

The amendment to **SB 116** 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.

**SB 116** as amended was passed to engrossment by a viva voce vote.

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

Nays: Ellis, West.

**SENATE BILL 116 ON THIRD READING**

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 116** 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, Eltife, Estes, Fraser, Garcia, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Patrick, Paxton, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, Whitmire, Williams, Zaffirini.

Nays: Ellis, West.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

(Senator Seliger in Chair)

(President in Chair)

**COMMITTEE SUBSTITUTE  
SENATE BILL 817 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 817** at this time on its second reading:

**CSSB 817**, Relating to certain requirements for political parties holding conventions and for officers of certain of those parties.

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 817 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 817** 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.

**GUEST PRESENTED**

Senator Davis was recognized and introduced to the Senate Brooklyn Farrell, serving today as an Honorary Senate Page.

The Senate welcomed its guest.

**SENATE BILL 34 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 34** at this time on its second reading:

**SB 34**, Relating to the administration of psychoactive medications to persons receiving services in certain 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.

**SENATE BILL 34 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 34** 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 634 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 634** at this time on its second reading:

**SB 634**, Relating to regulating faulty on-site sewage disposal systems in the unincorporated areas of a county as a public nuisance; providing a criminal penalty.

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 634 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 634** 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 1340 ON THIRD READING**

Senator Seliger moved to suspend the regular order of business to take up for consideration **CSSB 1340** at this time on its third reading and final passage:

**CSSB 1340**, Relating to the temporary operation of a race track extension location.

The motion prevailed by the following vote: Yeas 21, Nays 10.

Yeas: Carona, Davis, Duncan, Ellis, Eltife, Fraser, Garcia, Hegar, Hinojosa, Lucio, Nichols, Rodríguez, Schwertner, Seliger, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Campbell, Deuell, Estes, Hancock, Huffman, Nelson, Patrick, Paxton, Taylor.

The bill was read third time and was passed by the following vote: Yeas 19, Nays 12.

Yeas: Carona, Davis, Duncan, Ellis, Eltife, Fraser, Garcia, Hinojosa, Lucio, Nichols, Rodríguez, Seliger, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Campbell, Deuell, Estes, Hancock, Hegar, Huffman, Nelson, Patrick, Paxton, Schwertner, Taylor.

**COMMITTEE SUBSTITUTE  
SENATE BILL 17 ON SECOND READING**

Senator Patrick moved to suspend the regular order of business to take up for consideration **CSSB 17** at this time on its second reading:

**CSSB 17**, Relating to the training in school safety of certain educators of a school district or an open-enrollment charter school authorized to carry a concealed handgun on school premises.

The motion prevailed.

Senators Garcia, Rodríguez, and Watson 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 17** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 37.322(a), Education Code (page 1, line 34), strike "The" and substitute "Except as provided by Section 37.325(e), the".

(2) In SECTION 1 of the bill, in added Section 37.325, Education Code, following Subsection (d) (page 3, between lines 26 and 27), insert the following:

(e) The department must establish and maintain the training program under Section 37.322 only if sufficient funds under Subsection (b) and state funds allocated for the training program are available.

The amendment to **CSSB 17** 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 Patrick and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSSB 17** 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, Rodríguez, Watson.

**COMMITTEE SUBSTITUTE  
SENATE BILL 17 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 17** 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, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Patrick, Paxton, Schwertner, Seliger, Taylor, Uresti, Van de Putte, West, Whitmire, Williams, Zaffirini.

Nays: Garcia, Rodríguez, Watson.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3. (Same as previous roll call)

#### REMARKS ORDERED PRINTED

On motion of Senator Williams and by unanimous consent, the remarks by Senators Williams and Patrick regarding **CSSB 17** were ordered reduced to writing and printed in the *Senate Journal* as follows:

**Senator Williams:** Senator Patrick, I was trying to catch you before you brought this bill up. That's what I was talking to you in the back hall, and I had a couple of questions for you and a suggestion about how we might be able to address my concerns. When I look at the fiscal note, the fiscal note is just over \$9 million for the biennium. And then I see in your bill that you're going to limit the allocation of state funds in a fiscal biennium to an amount not to exceed \$1 million.

**Senator Patrick:** Yes, we, we amended—

**Senator Williams:** And, a—

**Senator Patrick:** —I'm sorry.

**Senator Williams:** And so, here's what my concern is. If you look on page one of your bill, and you're saying that the department shall do these things. What you're doing is, you're changing the appropriation that we made to the Department of Public Safety. And so, what my concern is is that we need to turn that "shall" into a "may" at the beginning or as funds are appropriated. Because otherwise, you know, they had a big request, we weren't able to meet everything, and this is actually going back and changing how those funds would be allocated to the DPS. And I don't think that was your intention.

**Senator Patrick:** No, and I have an amendment to do that. My amendment, Senator, I'll tell you in advance, will say, only if sufficient funds under Subsection (b), and state funds allocated for training program are available. And that will address that issue.

**Senator Williams:** Where, okay.

**Senator Patrick:** No, this is an amendment I'm going to offer on the floor.

**Senator Williams:** Okay, I had not seen this, okay. That, I think, let me read this. I think this may address my concerns.

**Senator Patrick:** Yes.

**Senator Williams:** Thank you.

**President:** Members, you've heard the motion by Senator Patrick, is there objection from any Member? Chair hears no objection and the rules are suspended. The Chair lays out on second reading Committee Substitute to Senate Bill 17. The Secretary will read the caption.



**Secretary of the Senate:** Committee Substitute Senate Bill 17, relating to the training and school safety of certain educators of a school district or open-enrollment charter school.

**President:** The Chair lays out Floor Amendment No. 1 by Senator Patrick. The Secretary will read the amendment.

**Secretary of the Senate:** Floor Amendment No. 1 by Patrick.

**President:** Chair recognizes Senator Patrick to explain Floor Amendment 1.

**Senator Patrick:** Does everyone have, I want to be sure everyone has a copy of the amendment.

**President:** Does everyone have a copy of—

**Senator Patrick:** Particular Senator Williams.

**President:** —it's got 11 lines. Line 8, the department shall establish and maintain the training.

**Senator Patrick:** Members, this addresses, I believe, the concern from Senator Williams. It says, must establish and maintain a training program if sufficient funds under the Subsection (b) are allocated. We believe, by the way, Senator, that the fiscal note, that was assuming every school district in the state was going to allow CHL to carry. This may be a matter of very little bit of money, but this addresses your concern, I believe.

**President:** Senator Williams, for what purpose?

**Senator Williams:** Question for Senator Patrick.

**President:** Will Senator Patrick yield?

**Senator Patrick:** Yes.

**Senator Williams:** Senator Patrick, I believe that your amendment addresses what my concern was about this, and just for the record, I'd like to get it in as a part of our record that it's not your intent that the department would be responsible beyond the amount of money, the \$1 million that's allocated in the bill, except unless they had grants, gifts, and other things that might help appropriate. So, you're not trying to go back and force the department to reallocate funds from other parts of their budget to fund this. Is that correct?

**Senator Patrick:** Thank you for making that point. You are correct.

#### COMMITTEE SUBSTITUTE SENATE BILL 1263 ON SECOND READING

Senator Taylor moved to suspend the regular order of business to take up for consideration **CSSB 1263** at this time on its second reading:

**CSSB 1263**, Relating to allowing parents to petition for repurposing, alternative management, or closure of certain public school campuses.

The motion prevailed by the following vote: Yeas 26, Nays 5.

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

Nays: Ellis, Garcia, Rodriguez, Uresti, Watson.

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1263** (senate committee report) in SECTION 1 of the bill, in amended Section 39.107(e-2), Education Code (page 1, line 33), between "three consecutive school years" and "~~to~~", by inserting "and at which the parents of a majority of the students enrolled at the campus participated in parent-teacher nights during the preceding school year".

The amendment to **CSSB 1263** was read.

Senator Lucio withdrew Floor Amendment No. 1.

Senator West offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **CSSB 1263** (Committee Report) as follows:

(1) In SECTION 1 of the bill, strike Subsection (e-3), Section 39.107, Education Code (Committee Printing 1-48 through 1-55) and substitute (e-3) to read as follows:

(e-3) For purposes of Subsection (e-2), the petition shall:

(1) be developed by the commissioner;

(2) be made available to all parents or guardians of students enrolled at the campus;

(3) include unbiased information on the status of the campus, including why the campus has been assigned an unacceptable performance rating in each year;

(4) include detailed information on the options available for the campus, including a copy of the proposed options listed under Subsection (e); and

(4) require the signature of only one parent of a student [~~is required~~].

The amendment to **CSSB 1263** 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 Zaffirini offered the following amendment to the bill:

**Floor Amendment No. 3**

Amend **CSSB 1263** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in the recital to amended Section 39.107, Education Code (page 1, line 25), strike "Subsection (e-4)" and substitute "Subsections (e-4) and (e-5)".

(2) In SECTION 1 of the bill, in amended Section 39.107, Education Code (page 1, between lines 58 and 59), insert the following:

(e-5) If the commissioner orders repurposing of a campus or alternative management of a campus under Subsection (e-2), the campus shall remain a part of the school district in which the campus was included before the commissioner ordered repurposing or alternative management.

The amendment to **CSSB 1263** 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 Taylor and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSSB 1263** as amended was passed to engrossment by a viva voce vote.

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

Nays: Ellis, Garcia, Rodríguez, Uresti, Watson.

### **COMMITTEE SUBSTITUTE SENATE BILL 1263 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 1263** 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, Deuell, Duncan, Eltife, Estes, Fraser, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Patrick, Paxton, Schwertner, Seliger, Taylor, Van de Putte, West, Whitmire, Williams, Zaffirini.

Nays: Ellis, Garcia, Rodríguez, Uresti, Watson.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 5. (Same as previous roll call)

### **SENATE CONCURRENT RESOLUTION 33**

The President laid before the Senate the following resolution:

WHEREAS, Senate Bill No. 346 has passed the Texas Senate and is now in the Texas House of Representatives; and

WHEREAS, Further consideration of the bill by the senate is necessary; now, therefore, be it

RESOLVED by the Texas Senate, the Texas House of Representatives concurring, That the senate hereby respectfully request that the Chief Clerk of the House of Representatives be authorized to return Senate Bill No. 346 to the senate for further consideration.

PATRICK

**SCR 33** was read.

On motion of Senator Patrick, the resolution was considered immediately and was adopted by the following vote: Yeas 21, Nays 10.

Yeas: Birdwell, Campbell, Carona, Davis, Ellis, Estes, Fraser, Garcia, Hancock, Hegar, Hinojosa, Huffman, Nelson, Patrick, Paxton, Rodríguez, Taylor, Uresti, Watson, West, Whitmire.

Nays: Deuell, Duncan, Eltife, Lucio, Nichols, Schwertner, Seliger, Van de Putte, Williams, Zaffirini.

**(Senator Eltife in Chair)**

**COMMITTEE SUBSTITUTE  
SENATE BILL 219 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 219** at this time on its second reading:

**CSSB 219**, Relating to ethics of public servants, including the functions and duties of the Texas Ethics Commission; the regulation of political contributions, political advertising, lobbying, and conduct of public servants; and the reporting of political contributions and expenditures and personal financial information; providing civil and criminal 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.

**COMMITTEE SUBSTITUTE  
SENATE BILL 219 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 219** 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 834 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 834** at this time on its second reading:

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

The bill was read second time.

Senator Rodríguez offered the following amendment to the bill:

**Floor Amendment No. 1**

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

(1) Strike the recital in SECTION 1 of the bill, amending Article 19.42(a), Code of Criminal Procedure, (page 1, lines 19-20), and substitute "Subsections (a) and (b), Article 19.42, Code of Criminal Procedure, are amended to read as follows:".

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

(b) On a showing of good cause, or for the purpose of a United States Constitutional challenge to the array after indictment, the court shall permit disclosure of necessary information sought to an attorney representing a party to the proceeding. Upon disclosure, the court shall order the attorney not to disclose the information to any other person, unless the third party is an investigator, expert, consulting legal counsel, or other agent for the attorney. The nondisclosure requirements shall apply to any third party receiving information under this article.

The amendment to **SB 834** was read.

Senator Estes moved to postpone further consideration of **SB 834**.

The motion prevailed.

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

### COMMITTEE SUBSTITUTE SENATE BILL 583 ON SECOND READING

Senator Carona moved to suspend the regular order of business to take up for consideration **CSSB 583** at this time on its second reading:

**CSSB 583**, Relating to eligibility for support from the universal service fund.

The motion prevailed.

Senators Campbell, Fraser, and Patrick 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 583** (senate committee printing) as follows:

(1) Strike the recital to Section 1 of the bill (page 1, lines 24-26), and substitute the following:

SECTION 1. Section 56.023, Utilities Code, is amended by amending Subsection (b) and adding Subsections (f), (g), (h), (i), (j), (k), (l), (m), (n), and (o) to read as follows:

(2) In Section 1 of the bill strike the added Sections 56.023(f) through (p), Utilities Code (page 1, line 42 through page 2, line 60), and substitute:

(f) Except as provided by Subsection (g), for an incumbent local exchange company or cooperative that served greater than 31,000 access lines in this state on September 1, 2013, or a company or cooperative that is a successor to such a company or cooperative, the support that the company or cooperative is eligible to receive on December 31, 2016, under a plan established under Section 56.021(1)(A) is reduced:

(1) on January 1, 2017, to 75 percent of the level of support the company or cooperative is eligible to receive on December 31, 2016;

(2) on January 1, 2018, to 50 percent of the level of support the company or cooperative is eligible to receive on December 31, 2016; and

(3) on January 1, 2019, to 25 percent of the level of support the company or cooperative is eligible to receive on December 31, 2016.

(g) After the commission has adopted rules under Subsection (j), an incumbent local exchange company or cooperative that is subject to Subsection (f) may petition the commission to initiate a contested case proceeding as necessary to determine the eligibility of the company or cooperative to receive support under a plan established under Section 56.021(1)(A). A company or cooperative may not file more than one petition under this subsection. On receipt of a petition under this subsection, the commission shall initiate a contested case proceeding to determine the eligibility of the company or cooperative to receive continued support under a plan established under Section 56.021(1)(A) for service in the exchanges that are the subject of the petition. To be eligible to receive support for service in an exchange under this subsection, the company or cooperative must demonstrate that it has a financial need for continued support. The commission must issue a final order on the proceeding not later than the 330th day after the date the petition is filed with the commission. Until the commission issues a final order on the proceeding, the company or cooperative is entitled to receive the total amount of support the company or cooperative was eligible to receive on the date the company or cooperative filed the petition. A company or cooperative that files a petition under this subsection is not subject to Subsection (f) after the commission issues a final order on the proceeding. If the commission determines that a company or cooperative has demonstrated financial need for continued support under this subsection, it shall set the amount of support in the same proceeding. The amount of support set by the commission for an exchange under this subsection may not exceed:

(1) 100 percent of the amount of support that the company or cooperative will be eligible to receive on December 31, 2016, if the petition is filed before January 1, 2016;

(2) 75 percent of the amount of support that the company or cooperative will be eligible to receive on December 31, 2016, if the petition is filed on or after January 1, 2016, and before January 1, 2017;

(3) 50 percent of the amount of support the company or cooperative is eligible to receive on December 31, 2016, if the petition is filed on or after January 1, 2017, and before January 1, 2018; or

(4) 25 percent of the amount of support that the company or cooperative is eligible to receive on December 31, 2016, if the petition is filed on or after January 1, 2018, and before January 1, 2019.

(h) Except as provided by Subsection (i), for an incumbent local exchange company that is an electing company under Chapter 58 or 59 or a cooperative that served greater than 31,000 access lines in this state on September 1, 2013, or a company or cooperative that is a successor to such a company or cooperative, the support that the company or cooperative is eligible to receive on December 31, 2017, under a plan established under Section 56.021(1)(B) is reduced:

(1) on January 1, 2018, to 75 percent of the level of support the company or cooperative is eligible to receive on December 31, 2017;

(2) on January 1, 2019, to 50 percent of the level of support the company or cooperative is eligible to receive on December 31, 2017; and

(3) on January 1, 2020, to 25 percent of the level of support the company or cooperative is eligible to receive on December 31, 2017.

(i) After the commission has adopted rules under Subsection (j), an incumbent local exchange company or cooperative that is subject to Subsection (h) may petition the commission to initiate a contested case proceeding as necessary to determine the eligibility of the company or cooperative to receive support under a plan established under Section 56.021(1)(B). A company or cooperative may not file more than one petition under this subsection. On receipt of a petition under this subsection, the commission shall initiate a contested case proceeding to determine the eligibility of the company or cooperative to receive continued support under a plan established under Section 56.021(1)(B) for service in the exchanges that are the subject of the petition. To be eligible to receive support for service in an exchange under this subsection, the company or cooperative must demonstrate that it has a financial need for continued support. The commission must issue a final order on the proceeding no later than the 330th day after the date the petition is filed with the commission. Until the commission issues a final order on the proceeding, the company or cooperative shall continue to receive the total amount of support it was eligible to receive on the date the company or cooperative filed a petition under this subsection. A company or cooperative that files a petition under this subsection is not subject to Subsection (h) after the commission issues a final order on the proceeding. If the commission determines that a company or cooperative has demonstrated financial need for continued support under this subsection, it shall set the amount of support in the same proceeding. The amount of support set by the commission for an exchange under this subsection may not exceed:

(1) 100 percent of the amount of support that the company or cooperative will be eligible to receive on December 31, 2017, if the petition is filed before January 1, 2017;

(2) 75 percent of the amount of support that the company or cooperative will be eligible to receive on December 31, 2017, if the petition is filed on or after January 1, 2017, and before January 1, 2018;

(3) 50 percent of the amount of support that the company or cooperative is eligible to receive on December 31, 2017, if the petition is filed on or after January 1, 2018, and before January 1, 2019; or

(4) 25 percent of the amount of support that the company or cooperative is eligible to receive on December 31, 2017, if the petition is filed on or after January 1, 2019, and before January 1, 2020.

(j) The commission by rule shall establish the standards and criteria for an incumbent local exchange company or cooperative to demonstrate under Subsection (g) or (i) that the company or cooperative has a financial need for continued support for residential and business lines under a plan established under Section 56.021(1).

(k) Subsections (g) and (i) do not authorize the commission to initiate a contested case hearing concerning a local exchange company that has elected to participate in a total support reduction plan under 16 T.A.C. Section 26.403 that requires the company to forego funding under a plan established under Section 56.021(1) after January 1, 2017. This section does not affect any obligation of a local exchange company subject to such a total support reduction plan.

(l) Subsections (f), (g), (h), and (i) do not apply to an incumbent local exchange company that elects, not later than March 1, 2014, to eliminate, not later than September 1, 2018, the support it receives under a plan established under Section 56.021(1).

(m) Nothing in this chapter relieves any party of an obligation entered into in the commission's Docket No. 40521.

(n) Nothing in this section is intended to affect the rate rebalancing proceeding in the commission's Docket No. 41097.

(o) Notwithstanding the provisions of this chapter, the commission has no authority, except as provided by Subsections (f), (g), (h), (i), (j) (k) (m), and (n) to reduce support provided to an incumbent local exchange company that is an electing company under Chapter 58 or 59 or is a cooperative that served greater than 31,000 access lines in this state on September 1, 2013:

(1) under a plan established under Section 56.021(1)(A) before January 1, 2019; or

(2) under a plan established under Section 56.021(1)(B) before January 1, 2020. This subsection expires on January 2, 2020.

(3) In Section 2 of the bill, in added Section 56.024(d), Utilities Code (page 3, lines 7-8), strike "public information." and substitute "confidential and not subject to disclosure under Chapter 552, Government Code."

(4) Strike Section 5 of the bill (page 3, lines 39-56).

(5) Add a new section to the bill, numbered appropriately, to read as follows:

SECTION \_\_\_\_. The Public Utility Commission of Texas shall adopt rules under Section 56.023(j), Utilities Code, as added by this Act, not later than December 1, 2014. The commission shall initiate the rulemaking proceeding not later than January 1, 2014.

(6) Renumber the sections of the bill accordingly.

The amendment to **CSSB 583** was read.

Senator Duncan offered the following amendment to Floor Amendment No. 1:

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

Amend Floor Amendment No. 1 by Duncan to **CSSB 583** (senate committee printing) as follows:

(1) In SECTION 2 of the amendment on page 6, line 14, add the following new subsection immediately following proposed section 56.023(o), Utilities Code:

(p) If an incumbent local exchange company or cooperative is ineligible for support under a plan established under Section 56.021(1) for services in an exchange, a plan established under Section 56.021(1) may not provide support to any other telecommunications providers for services in that exchange, except that an eligible telecommunications provider that is receiving support under Section 56.021(1)(A) in that exchange shall continue to receive such support for a forty-eight-month period following the date the incumbent local exchange provider or cooperative ceases receiving support in that exchange. The support received by the eligible telecommunications provider during the forty-eight-month period shall be at the same monthly per-line support level in effect for that exchange as of the date the incumbent local exchange provider or cooperative ceases receiving funding in that exchange.



(2) Add the following appropriately numbered section to the amendment and renumber subsequent sections of the amendment appropriately:

SECTION \_\_\_\_\_. (a) The standing committee of the senate that has primary jurisdiction over telecommunications shall conduct an interim study regarding competitive local exchange carriers providing service as eligible telecommunications providers receiving support under Section 56.021(1)(A), Utilities Code.

(b) This section expires on January 1, 2015.

The amendment to Floor Amendment No. 1 to **CSSB 583** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2 except as follows:

Nays: Lucio.

Question recurring on the adoption of Floor Amendment No. 1 to **CSSB 583**, 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 Carona and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSSB 583** 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: Fraser.

**COMMITTEE SUBSTITUTE  
SENATE BILL 583 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 583** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Fraser.

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 900 ON SECOND READING**

On motion of Senator Fraser and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 900** at this time on its second reading:

**CSSB 900**, 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.

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 900 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 900** 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 1894, SB 1895, SB 1896.**

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 1893** by Birdwell

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.

To Committee on Intergovernmental Relations.

**SB 1894** by Fraser

Relating to the procedure for review by the Texas Commission on Environmental Quality and related entities of environmental flow standards and environmental flow set-asides for river basin and bay systems and related matters.

To Committee on Natural Resources.

**SB 1895** by Garcia

Relating to the ability of a nonexempt employee to participate in certain academic, extracurricular, and developmental activities of the employee's child.

To Committee on Business and Commerce.

**SB 1896** by Garcia

Relating to the confidentiality of information in ad valorem tax appraisal records that identifies the home address of certain judges.

To Committee on Open Government.

**SB 1897** by Garcia

Relating to the territory of the East Aldine Management District.

To Committee on Intergovernmental Relations.

**SB 1898** by 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.

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 35** to Committee on Intergovernmental Relations.

**HB 38** to Committee on Transportation.

**HB 115** to Committee on Natural Resources.

**HB 150** to Committee on Veteran Affairs and Military Installations.

**HB 195** to Committee on State Affairs.

**HB 200** to Committee on State Affairs.

**HB 232** to Committee on Criminal Justice.

**HB 326** to Committee on Intergovernmental Relations.

**HB 389** to Committee on Jurisprudence.

**HB 468** to Committee on Economic Development.

**HB 474** to Committee on Transportation.

**HB 525** to Committee on Education.

**HB 610** to Committee on Business and Commerce.

**HB 616** to Committee on Jurisprudence.

**HB 622** to Committee on Natural Resources.

**HB 701** to Committee on Administration.

**HB 719** to Committee on Transportation.

**HB 748** to Committee on Health and Human Services.

**HB 752** to Committee on Natural Resources.

**HB 753** to Committee on Education.

**HB 807** to Committee on Health and Human Services.

**HB 838** to Committee on Health and Human Services.

**HB 893** to Committee on Administration.

**HB 944** to Committee on Business and Commerce.

**HB 949** to Committee on Business and Commerce.

**HB 984** to Committee on Jurisprudence.

**HB 1222** to Committee on Jurisprudence.

**HB 1272** to Committee on Criminal Justice.  
**HB 1334** to Committee on Jurisprudence.  
**HB 1347** to Committee on Transportation.  
**HB 1513** to Committee on Jurisprudence.  
**HB 1589** to Committee on Veteran Affairs and Military Installations.  
**HB 1642** to Committee on Transportation.  
**HB 1711** to Committee on State Affairs.  
**HB 1718** to Committee on Natural Resources.  
**HB 1738** to Committee on Health and Human Services.  
**HB 1871** to Committee on State Affairs.  
**HB 1968** to Committee on Government Organization.  
**HB 2035** to Committee on Administration.  
**HB 2738** to Committee on Government Organization.

### **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.

Judge, 357th Judicial District Court, Cameron County: Oscar X. Garcia, Cameron County.

Members, Board of Directors, Brazos River Authority: Richard Lee Ball, Palo Pinto County; Frank LeRoy Bell, Taylor County; Peter Gerrit Bennis, Tarrant County; Paul Joseph Christensen, McLennan County; Chet David Creel, Young County; William A. Masterson, King County; William John Rankin, Washington County; George David Scott, Fort Bend County; Raleigh R. White, Bell County; Salvatore A. Zaccagnino, Bursleson County.

Criminal District Attorney, Kaufman County: Erleigh Norville Wiley, Kaufman County.

Members, Health and Human Services Council: James Richard Barajas, Tarrant County; Leon John Leach, Austin County; Thomas Craig Wheat, Dallas County.

Members, Public Safety Commission: Ada Elene Brown, Collin County; John Randall Watson, Johnson County.

Members, Board of Regents, The Texas A&M University System: Anthony Glenn Buzbee, Galveston County; Morris E. Foster, Travis County; Charles Walter Schwartz, Harris County.

Members, Texas Board of Professional Geoscientists: Joseph P. DeWoody, Tarrant County; Charles Thomas Hallmark, Robertson County; Christopher Colville Mathewson, Brazos County; William David Prescott, Potter County.

Members, Texas Crime Stoppers Council: Jorge Edwardo Gaytan, Harris County; Emerson Frederick Lane, Jefferson County; Ernesto Rodriguez, Hidalgo County; Susan Rogers, Ector County.

Members, Governing Board, Texas Department of Housing and Community Affairs: Leslie Bingham Escareno, Cameron County; Lowell Adams Keig, Travis County; John Mark McWatters, Dallas County.

Members, Texas Real Estate Commission: Adrian Aron Arriaga, Hidalgo County; Thomas John Turner, Travis County; Chart Hampton Westcott, Dallas County; Avis Geer Wukasch, Williamson County.

Members, Texas State Library and Archives Commission: Sharon Tully Carr, Fort Bend County; Fenton Lynwood Givens, Collin County.

Members, Board of Regents, Texas State Technical College System: Joe M. Gurecky, Fort Bend County; John Kent Hatchel, McLennan County; Joe K. Hearne, Dallas County.

**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.

**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 1647**, **SB 1678**.

**(President in Chair)**

**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.

**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 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 **SB 1207** today.

**MOTION TO ADJOURN**

On motion of Senator Whitmire and by unanimous consent, the Senate at 3:40 p.m. agreed to adjourn, in honor of the employees of ExxonMobil Beaumont, upon conclusion of the Local and Uncontested Calendar Session, until 10:00 a.m. Thursday, April 18, 2013.

**CO-AUTHORS OF SENATE BILL 140**

On motion of Senator Ellis, Senators Campbell and Rodríguez will be shown as Co-authors of **SB 140**.

**CO-AUTHORS OF SENATE BILL 143**

On motion of Senator Nelson, Senators Davis and Hinojosa will be shown as Co-authors of **SB 143**.

**CO-AUTHOR OF SENATE BILL 315**

On motion of Senator Uresti, Senator Van de Putte will be shown as Co-author of **SB 315**.

**CO-AUTHOR OF SENATE BILL 433**

On motion of Senator Patrick, Senator Garcia will be shown as Co-author of **SB 433**.

**CO-AUTHOR OF SENATE BILL 583**

On motion of Senator Carona, Senator West will be shown as Co-author of **SB 583**.

**CO-AUTHOR OF SENATE BILL 634**

On motion of Senator Davis, Senator Garcia will be shown as Co-author of **SB 634**.

**CO-AUTHOR OF SENATE BILL 1106**

On motion of Senator Schwertner, Senator Hinojosa will be shown as Co-author of **SB 1106**.

**CO-AUTHOR OF SENATE BILL 1263**

On motion of Senator Taylor, Senator West will be shown as Co-author of **SB 1263**.

**CO-AUTHOR OF SENATE BILL 1292**

On motion of Senator Ellis, Senator Garcia will be shown as Co-author of **SB 1292**.

**CO-AUTHOR OF SENATE BILL 1496**

On motion of Senator Davis, Senator Zaffirini will be shown as Co-author of **SB 1496**.

**CO-AUTHOR OF SENATE BILL 1792**

On motion of Senator Watson, Senator Paxton will be shown as Co-author of **SB 1792**.

**CO-AUTHOR OF SENATE JOINT RESOLUTION 12**

On motion of Senator Ellis, Senator Rodriguez will be shown as Co-author of **SJR 12**.

**CO-AUTHORS OF SENATE RESOLUTION 638**

On motion of Senator Birdwell, Senators Eltife, Lucio, and Schwertner will be shown as Co-authors of **SR 638**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Congratulatory Resolutions**

**SR 694** by Paxton, Commending Israel for its relationship with the United States.

**SR 695** by Birdwell, Hancock, Paxton, Taylor, and Watson, Recognizing the Baylor University Lady Bears basketball team for winning the 2012 national championship.

**SR 696** by West, Recognizing Iota Phi Lambda Sorority, Incorporated, on the charter of a new chapter.

**RECESS**

On motion of Senator Whitmire, the Senate at 3:40 p.m. recessed until 8:00 a.m. tomorrow for the Local and Uncontested Calendar Session.

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**APPENDIX**

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**COMMITTEE REPORTS**

The following committee reports were received by the Secretary of the Senate in the order listed:

April 17, 2013

**STATE AFFAIRS — CSSB 1379, CSSB 1386, CSSB 1795, CSSB 722, CSSB 1630, CSSB 550**

EDUCATION — **CSSB 1403, CSSB 115, CSSB 23**

INTERGOVERNMENTAL RELATIONS — **CSSB 766**

NATURAL RESOURCES — **SB 1612**

JURISPRUDENCE — **SB 1827, SB 1620, SB 1240, SB 209, SB 1080, SJR 42**

STATE AFFAIRS — **CSSB 1812**

**BILLS AND RESOLUTION ENGROSSED**

April 16, 2013

**SB 346, SB 446, SB 489, SB 709, SB 734, SB 772, SB 778, SB 857, SB 895, SB 992, SB 1224, SB 1265, SB 1390, SB 1409, SB 1541, SB 1546, SB 1584, SB 1708, SB 1729, SB 1730, SJR 32**

**RESOLUTIONS ENROLLED**

April 16, 2013

**SR 485, SR 610, SR 639, SR 659, SR 676, SR 677, SR 678, SR 679, SR 680, SR 681, SR 682, SR 685, SR 687, SR 688, SR 691, SR 692**

**SENT TO GOVERNOR**

April 17, 2013

**SB 398**



# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**FORTY-SECOND DAY**

(Continued)

(Thursday, April 18, 2013)

**AFTER RECESS**

The Senate met at 8:05 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.

**HCR 24** (Nichols)

Designating Nacogdoches as the official Garden Capital of Texas.  
(31-0)

**CSSB 48** (Zaffirini)

Relating to the transfer of a student from the school district of the student's residence to another district.  
(viva voce vote) (31-0) (31-0)

**SB 164** (Van de Putte)

Relating to the issuance to veterans of specially marked licenses to carry a concealed handgun and specially marked personal identification certificates.  
(viva voce vote) (31-0) (31-0)

**CSSB 260** (Davis)

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.  
(viva voce vote) (31-0) (31-0)

**CSSB 263** (Huffman)

Relating to the designation for criminal prosecution and other purposes of certain chemicals commonly referred to as synthetic cannabinoids as controlled substances and controlled substance analogues under the Texas Controlled Substances Act.

(viva voce vote) (31-0) (31-0)

**CSSB 264** (Huffman)

Relating to the addition of certain substances to Penalty Groups 1-A and 2 of the Texas Controlled Substances Act for criminal prosecution and other purposes.

(viva voce vote) (31-0) (31-0)

**CSSB 312** (Hegar)

Relating to the regulation of speech-language pathology and audiology and the fitting and dispensing of hearing instruments.

(viva voce vote) (31-0) (31-0)

**CSSB 503** (West)

Relating to the establishment of the Expanded Learning Opportunities Council to study and make recommendations concerning expanded learning opportunities for public school students.

(viva voce vote) (31-0) (31-0)

**CSSB 607** (Hegar)

Relating to the creation of the Waller County Municipal Utility District No. 18; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

(viva voce vote) (31-0) (31-0)

**CSSB 637** (Paxton)

Relating to notice and election order requirements for bond approval elections held by political subdivisions.

(viva voce vote) (31-0) (31-0)

**CSSB 646** (Deuell)

Relating to court-ordered outpatient mental health services.

(viva voce vote) (31-0) (31-0)

**CSSB 658** (Deuell)

Relating to the imposition and collection of a penalty for fraudulently obtaining unemployment compensation benefits.

(viva voce vote) (31-0) (31-0)

**SB 670** (Whitmire)

Relating to the copying of certain records and files relating to a child who is a party to a juvenile proceeding.

(viva voce vote) (31-0) (31-0)

**SB 706** (Taylor)

Relating to the creation of the Brazoria County Municipal Utility District No. 47; 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 727 (Taylor)**

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.

(viva voce vote) (31-0) (31-0)

**CSSB 743 (Nelson)**

Relating to the penalties prescribed for repeated violations of certain court orders or conditions of bond in a family violence case.

(viva voce vote) (31-0) (31-0)

**CSSB 745 (Nelson)**

Relating to review and verification procedures, allowing certain claimants to file an application under the Crime Victims' Compensation Act, and the administration of the Sexual Assault Prevention and Crisis Services Act.

(viva voce vote) (31-0) (31-0)

**SB 757 (Patrick)**

Relating to the powers and duties of the Harris County Municipal Utility District No. 257; providing authority to issue bonds.

(viva voce vote) (31-0) (31-0)

**CSSB 768 (Uresti)**

Relating to suits affecting the parent-child relationship.

(viva voce vote) (31-0) (31-0)

**SB 826 (Whitmire)**

Relating to notification regarding the anticipated release of a potential predator from civil commitment.

(viva voce vote) (31-0) (31-0)

**SB 860 (Lucio)**

Relating to the provision of career and technology education courses in certain partnership programs to provide high school dropout recovery.

(viva voce vote) (31-0) (31-0)

**CSSB 863 (Taylor)**

Relating to the creation of Pearland Municipal Management District No. 2; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

(viva voce vote) (31-0) (31-0)

**SB 864 (Campbell)**

Relating to a handgun proficiency course that is taken to obtain or renew a concealed handgun license.

(viva voce vote) (30-1) "Nay" Nelson (30-1) "Nay" Nelson

**CSSB 871 (Davis)**

Relating to the marketing and advertising of the veterans' assistance lottery game.

(viva voce vote) (31-0) (31-0)

**SB 889 (Uresti)**

Relating to the physician assistant board.

(viva voce vote) (31-0) (31-0)

**SB 892 (Carona)**

Relating to the application of certain concealed handgun license laws to the attorney general and to assistant attorneys general, United States attorneys, assistant United States attorneys, and special assistant United States attorneys, and to the authority of those attorneys to carry certain weapons.

(viva voce vote) (31-0) (31-0)

**CSSB 910 (Duncan)**

Relating to certain election practices and procedures.

(viva voce vote) (31-0) (31-0)

**SB 914 (Lucio)**

Relating to a behavior improvement plan adopted for certain students with an individualized education program.

(viva voce vote) (31-0) (31-0)

**(Senator Uresti in Chair)****CSSB 967 (West)**

Relating to the authority of a municipality or county to retain certain fees.

(viva voce vote) (31-0) (31-0)

**SB 970 (Huffman)**

Relating to the execution of a search warrant for taking a DNA specimen.

(viva voce vote) (31-0) (31-0)

**CSSB 978 (Deuell)**

Relating to regulation by the Texas Medical Board of local anesthesia and peripheral nerve blocks administered in an outpatient setting.

(viva voce vote) (31-0) (31-0)

**SB 985 (Zaffirini)**

Relating to authorizing broker agreements for the sale of real property by certain municipalities.

(viva voce vote) (31-0) (31-0)

**CSSB 986 (Duncan)**

Relating to the powers and duties of the board of regents of the Texas Tech University System.

(viva voce vote) (31-0) (31-0)

**CSSB 993 (Deuell)**

Relating to the creation of the Texas Nonprofit Council to assist with faith-based and community-based initiatives.

(viva voce vote) (31-0) (31-0)

**CSSB 1004 (Carona)**

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.

(viva voce vote) (31-0) (31-0)

**SB 1009** (Fraser)

Relating to the creation of Burnet County Improvement District No. 1; providing authority to levy an assessment, impose a tax, and issue bonds.

(viva voce vote) (31-0) (31-0)

**CSSB 1017** (Paxton)

Relating to the funding for and administration of travel and information operations by the Texas Department of Transportation.

(viva voce vote) (31-0) (31-0)

**SB 1063** (Hegar)

Relating to the inclusion of natural gas as a public facility for a public facility corporation.

(viva voce vote) (31-0) (31-0)

**SB 1064** (Hegar)

Relating to the creation of the Fort Bend County Municipal Utility District No. 208; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

(viva voce vote) (31-0) (31-0)

**SB 1065** (Hegar)

Relating to the creation of the Fort Bend County Municipal Utility District No. 209; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

(viva voce vote) (31-0) (31-0)

**SB 1066** (Hegar)

Relating to the creation of the Fort Bend County Municipal Utility District No. 210; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

(viva voce vote) (31-0) (31-0)

**SB 1067** (Hegar)

Relating to the creation of the Fort Bend County Municipal Utility District No. 211; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

(viva voce vote) (31-0) (31-0)

**SB 1068** (Hegar)

Relating to the creation of the Fort Bend County Municipal Utility District No. 212; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

(viva voce vote) (31-0) (31-0)

**SB 1069** (Hegar)

Relating to the creation of the Fort Bend County Municipal Utility District No. 213; granting a limited power of eminent domain; providing authority to impose a tax and issue bonds.

(viva voce vote) (31-0) (31-0)

**SB 1071** (Hegar)

Relating to the creation of the Harris County Municipal Utility District No. 532; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

(viva voce vote) (31-0) (31-0)

**SB 1072** (Hegar)

Relating to the creation of the Harris County Municipal Utility District No. 533; granting a limited power of eminent domain; providing authority to issue bonds.

(viva voce vote) (31-0) (31-0)

**SB 1073** (Hegar)

Relating to the creation of the Harris County Municipal Utility District No. 534; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

(viva voce vote) (31-0) (31-0)

**CSSB 1075** (Hegar)

Relating to the addition of land in the territory of the Ranch at Clear Fork Creek Municipal Utility District No. 1.

(viva voce vote) (31-0) (31-0)

**CSSB 1090** (Carona)

Relating to the manufacture, distribution, sale, and provision of alcoholic beverages and the regulation of those activities.

(viva voce vote) (31-0) (31-0)

**CSSB 1157** (Schwertner)

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.

(viva voce vote) (31-0) (31-0)

**SB 1159** (Van de Putte)

Relating to tuition and fee exemptions for certain military personnel and their dependents.

(viva voce vote) (31-0) (31-0)

**SB 1225** (Taylor)

Relating to the facilities to which Chapter 68, Water Code, applies.

(viva voce vote) (31-0) (31-0)

**CSSB 1226** (Zaffirini)

Relating to the establishment of an employment-first policy and task force to promote competitive employment opportunities that provide a living wage for individuals with disabilities.

(viva voce vote) (31-0) (31-0)

**CSSB 1235** (West)

Relating to guardianships, including assessments for and provision of guardianship services by the Department of Aging and Disability Services.

(viva voce vote) (31-0) (31-0)

**CSSB 1253** (Zaffirini)

Relating to the relationship between Texas Department of Transportation toll projects and adjoining nontolled roads.

(viva voce vote) (31-0) (31-0)

**SB 1266** (Nichols)

Relating to the creation of the Montgomery County Municipal Utility District No. 135; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

(viva voce vote) (31-0) (31-0)

**(Senator Paxton in Chair)****CSSB 1296** (Taylor)

Relating to the regulation of real estate inspectors; changing fees.

(viva voce vote) (31-0) (31-0)

**CSSB 1372** (Hinojosa)

Relating to timeshare owners' associations.

(viva voce vote) (31-0) (31-0)

**CSSB 1385** (Hancock)

Relating to notification procedures regarding the Texas Commission on Environmental Quality.

(viva voce vote) (31-0) (31-0)

**SB 1411** (Deuell)

Relating to regulation of traffic in a conservation and reclamation district by a commissioners court.

(viva voce vote) (31-0) (31-0)

**CSSB 1422** (West)

Relating to the use of digitized signatures for pleadings and orders in suits affecting the parent-child relationship.

(viva voce vote) (31-0) (31-0)

**CSSB 1429** (Hinojosa)

Relating to the exemption of the Corpus Christi Aquifer Storage and Recovery Conservation District from certain provisions concerning the desired future conditions of an aquifer.

(viva voce vote) (31-0) (31-0)

**CSSB 1487** (Watson)

Relating to the abandonment of a county road.

(viva voce vote) (31-0) (31-0)

**CSSB 1548** (Eltife)

Relating to the definition of "qualified employee" in an enterprise zone.

(viva voce vote) (31-0) (31-0)

**CSSB 1672** (Taylor)

Relating to the business of travel insurance; authorizing penalties.

(viva voce vote) (31-0) (31-0)

**CSSB 1773** (Huffman)

Relating to the creation of a select interim committee to review and make recommendations for substantive changes to ethics laws.

(viva voce vote) (31-0) (31-0)

**SB 1822** (Hegar)

Relating to the name and powers and duties of the Port O'Connor Municipal Utility District; providing authority to impose a sales and use tax.

(viva voce vote) (31-0) (31-0)

**CSSB 1823** (Hegar)

Relating to the administration, powers, and duties of the Fort Bend County Municipal Utility District No. 134.

(viva voce vote) (31-0) (31-0)

**CSSB 1824** (Hegar)

Relating to the powers of the Fort Bend County Municipal Utility District No. 188, including powers related to the construction, operation, and financing of roads; providing authority to issue bonds and impose a tax.

(viva voce vote) (31-0) (31-0)

**SB 1825** (Hegar)

Relating to the composition of the board of directors of the Fort Bend Subsidence District.

(viva voce vote) (31-0) (31-0)

**SB 1829** (Williams)

Relating to the powers and duties of the Montgomery County Municipal Utility District No. 105; providing authority to issue bonds; providing authority to impose fees and taxes.

(viva voce vote) (31-0) (31-0)

**SB 1830** (Hegar)

Relating to the powers and duties of Fort Bend County Municipal Utility District No. 194.

(viva voce vote) (31-0) (31-0)

**SB 1831** (Hegar)

Relating to the power and duties of the Fulshear Municipal Utility District No. 1 of Fort Bend County.

(viva voce vote) (31-0) (31-0)

**SB 1832** (Uresti)

Relating to the operation of the juvenile board of Edwards County.

(viva voce vote) (31-0) (31-0)

**SB 1843** (Hegar)

Relating to the creation of the Fulshear Municipal Utility District No. 2; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

(viva voce vote) (31-0) (31-0)



**SB 1876** (Hegar)

Relating to the election of members of the board of directors of the Pecan Valley Groundwater Conservation District.

(viva voce vote) (31-0) (31-0)

**CSSCR 30** (Uresti)

Granting permission to the State of Texas to sue The University of Texas System.

(31-0)

**BILLS REMOVED FROM  
LOCAL AND UNCONTESTED CALENDAR**

Senator Nichols and Senator Ellis requested in writing that **SB 418** be removed from the Local and Uncontested Calendar.

Senator Eltife, author of the bill, requested in writing that **SB 919** be removed from the Local and Uncontested Calendar.

**ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 8:35 a.m. adjourned, in honor of the employees of ExxonMobil Beaumont, until 10:00 a.m. today.

