

# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**FORTY-NINTH DAY**

(Tuesday, April 30, 2013)

The Senate met at 11:11 a.m. pursuant to adjournment and was called to order by Senator Eltife.

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

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

Pastor Joshua Richards, Cornerstone Community Church, Springtown, offered the invocation as follows:

Dear heavenly Father, I thank You for this day. Today is a day that You have given us. Lord, we seek Your wisdom and Your guidance, for we do not want to waste a moment of today. The psalmist proclaimed, and I, too, proclaim, The Lord is my strength and my shield; my heart trusts in Him and I am helped. Help us today, Lord. We seek direction in decisions that must be made. Just as the prophet Isaiah heard Your call to come and reason, so do we hear Your call this morning. Help us to reason together and make wise choices to lead our state to better education, job creation, and peaceful lives. Help us to be a beacon of hope in a world that is filled with hopelessness. Guide each person in this room today with wisdom from You. Lord, thank You for granting me this opportunity today. As per Your instructions to Aaron, I pray blessings on those gathered here today and all across our state. May the Lord bless you and keep you. May the Lord make His face shine on you and be gracious to you. May the Lord lift up His countenance on you and give you peace. Amen.

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

The motion prevailed without objection.

**MESSAGE FROM THE GOVERNOR**

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

April 29, 2013

Austin, Texas

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

On January 16, 2013, I submitted the name of James H. "Jim" Lee for appointment to the Texas Higher Education Coordinating Board for a term to expire August 31, 2013.

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

Respectfully submitted,

/s/Rick Perry

Governor

**PHYSICIAN OF THE DAY**

Senator Watson was recognized and presented Dr. William Medrano of Austin as the Physician of the Day.

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

**SENATE RESOLUTIONS**

Senator Deuell offered the following resolution:

**SR 683**, Congratulating the 2013 Texas Commission on the Arts honorees.

The resolution was read.

Senator Deuell offered the following resolution:

**SR 684**, Congratulating the 2014 Texas Commission on the Arts honorees.

The resolution was read.

**SR 683** and **SR 684** were adopted without objection.

**GUESTS PRESENTED**

Senator Deuell was recognized and introduced to the Senate a Texas Commission on the Arts delegation, accompanied by honorees Rosemary Catacalos, Craig Hella Johnson, Jim Woodson, Joseph Havel, Dean Young, Flaco Jimenez, and Ken Little.

The Senate welcomed its guests.

**SENATE RESOLUTION 770**

Senator Watson offered the following resolution:

**SR 770**, Recognizing April 30, 2013, as Autism Awareness Day.

The resolution was again read.

The resolution was previously adopted on Monday, April 29, 2013.

### **GUESTS PRESENTED**

Senator Watson, joined by Senators Davis and Lucio, was recognized and introduced to the Senate representatives of Autism Awareness Day: Judith Ursitti, Director, State Government Affairs, Autism Speaks; Scott Badesch, President, Autism Society of Greater Austin; Rebecca Yearly; and Jon and Sam Hockenyos.

The Senate welcomed its guests.

### **MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Tuesday, April 30, 2013 - 1

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

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

**THE HOUSE HAS PASSED THE FOLLOWING MEASURES:**

#### **HCR 1**

Branch

Directing the Texas Facilities Commission to rename the State Insurance Building Annex in the Capitol Complex the John G. Tower State Office Building.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

### **SENATE RESOLUTION 778**

Senator Hinojosa offered the following resolution:

**SR 778**, Recognizing April 30, 2013, as County Government Day.

The resolution was read and was adopted without objection.

### **GUESTS PRESENTED**

Senator Hinojosa was recognized and introduced to the Senate a Texas Association of Counties delegation, accompanied by Connie Hickman, President; Donnie Allred, President-elect; and Joyce Hudman, Vice-president.

The Senate welcomed its guests.

### **SENATE RESOLUTION 771**

Senator Duncan offered the following resolution:

**SR 771**, In memory of Giles W. Dalby.

DUNCAN  
WHITMIRE

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

In honor of the memory of Giles W. Dalby, the text of the resolution is printed at the end of today's *Senate Journal*.

Senator Duncan was recognized and introduced to the Senate the family of Giles W. Dalby: Lee Norman, Giles Dalby III, Mendy Dalby, Liz Elliott, Whitney Whitmire, Becki Whitmire, Charlcie Mosser, Giles Wilson Dalby, Jr., and Shianne Miller.

The Senate welcomed its guests and extended its sympathy.

### **SENATE RESOLUTION 777**

Senator Zaffirini offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to welcome the citizens of San Patricio County and to recognize April 30, 2013, as San Patricio County Day at the State Capitol; and

WHEREAS, San Patricio County covers a 693-square mile area in the Coastal Prairies Region; its colonization began in the early 1800s, and the county was established in 1836 by the Congress of the new Republic of Texas; in 1894, Sinton, the site of a railroad stop, became the county seat; located in the center of the county, Sinton is referred to as the "Gateway to the Gulf Coast"; and

WHEREAS, Ranching was the foundation of the county's early economy, and the area's mild, moist climate made it a prime region for agribusiness; the arrival of the railroad in 1885 and the discovery of oil and gas in the early 1900s further gave rise to a more diversified economy; and

WHEREAS, San Patricio County supports a wide variety of wildlife species, and the Rob and Bessie Welder Wildlife Foundation and Refuge provides opportunities for research and education in wildlife conservation; the county is the site of numerous events and festivals, including the annual World Champion Rattlesnake Races held in San Patricio; and

WHEREAS, San Patricio County Day at the State Capitol provides an opportunity for families and friends to honor the county's history and to celebrate its many assets, which are enjoyed today by its residents and vacationers of all ages; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby declare April 30, 2013, San Patricio County Day at the State Capitol and extend best wishes to all attending this event; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the residents of San Patricio County as a memento of this occasion.

**SR 777** was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Zaffirini was recognized and introduced to the Senate a San Patricio County delegation, accompanied by Terry Simpson, County Judge; Fred Nardini, County Commissioner; Pete Perkins, Ingleside Mayor; Armando Ortiz, City of Odem Alderman; and Larry Whittington, City of Mathis City Manager.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Watson was recognized and introduced to the Senate students and teachers from the Good Shepherd Episcopal School of Austin's four-year old class.

The Senate welcomed its guests.

**SENATE RESOLUTION 790**

Senator Lucio offered the following resolution:

**SR 790**, In memory of Alberto Alfonso Besteiro.

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

In honor of the memory of Alberto Alfonso Besteiro, the text of the resolution is printed at the end of today's *Senate Journal*.

Senator Lucio was recognized and introduced to the Senate Olivia "Ollie" Besteiro, Sonya Besteiro, Dylan Besteiro, Carmela Nelson, and Imelda Alamia.

The Senate welcomed its guests and extended its sympathy.

**INTRODUCTION OF  
BILLS AND RESOLUTIONS POSTPONED**

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

There was no objection.

**CONCLUSION OF MORNING CALL**

The Presiding Officer at 12:16 p.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1892 ON SECOND READING**

On motion of Senator Garcia and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1892** at this time on its second reading:

**CSSB 1892**, Relating to the composition of the Texas Coordinating Council for Veterans Services and coordinating workgroups established by the council.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE**  
**SENATE BILL 1892 ON THIRD READING**

Senator Garcia moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1892** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**SENATE BILL 1360 ON SECOND READING**

On motion of Senator Rodríguez and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1360** at this time on its second reading:

**SB 1360**, Relating to the punishment for the offense of tampering with a witness and the evidence that may be offered to show that offense.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**SENATE BILL 1360 ON THIRD READING**

Senator Rodríguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1360** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE**  
**SENATE BILL 1151 ON SECOND READING**

Senator Hinojosa moved to suspend the regular order of business to take up for consideration **CSSB 1151** at this time on its second reading:

**CSSB 1151**, Relating to sales and use tax treatment of certain snack items.

The motion prevailed.

Senators Birdwell, Deuell, Nelson, Nichols, Patrick, and Paxton asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Birdwell, Deuell, Nelson, Nichols, Patrick, Paxton.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1151 ON THIRD READING**

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1151** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

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

Nays: Birdwell, Deuell, Nelson, Nichols, Patrick, Paxton.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 6. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 1348 ON SECOND READING**

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1348** at this time on its second reading:

**CSSB 1348**, Relating to certain criminal offenses concerning the unlawful transfer or purchase of certain weapons.

The bill was read second time.

Senator Paxton offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1348** (senate committee printing) as follows:

(1) In SECTION 2 of the bill (page 1, line 34) in proposed Section 46.06(a)(2), Penal Code, strike "offers" and substitute "attempts".

(2) In SECTION 2 of the bill (page 1, line 36) in proposed Section 46.06(a)(2), Penal Code, between "intends to" and "use", insert "possess the firearm unlawfully or to".

(3) In SECTION 2 of the bill (page 2, between lines 8 and 9) in amended Section 46.06, Penal Code, insert the following new subsection and amend the introductory language of SECTION 2 accordingly:

(c-1) The renunciation defense described by Section 15.04(a) is available as an affirmative defense to prosecution under Subsection (a)(2) of this section.

PAXTON  
BIRDWELL  
WEST

The amendment to **CSSB 1348** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Ye" on the adoption of Floor Amendment No. 1.

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

**CSSB 1348** as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1348 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1348** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**SENATE BILL 1798 ON SECOND READING**

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1798** at this time on its second reading:

**SB 1798**, Relating to the prosecution of the offense of obstruction or retaliation; providing penalties.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**SENATE BILL 1798 ON THIRD READING**

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1798** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1799 ON SECOND READING**

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1799** at this time on its second reading:

**CSSB 1799**, Relating to the period of time allowed for issuance of decisions by the commissioner of education in certain appeals against school districts.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.



**COMMITTEE SUBSTITUTE  
SENATE BILL 1799 ON THIRD READING**

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1799** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1842 ON SECOND READING**

On motion of Senator Deuell and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1842** at this time on its second reading:

**CSSB 1842**, Relating to restraint and seclusion procedures and reporting at certain facilities.

The bill was read second time.

Senator Deuell offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1842** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in added Section 322.052(b-1)(1), Health and Safety Code (page 1, line 32), immediately after "577", insert "or in a state mental hospital, as defined by Section 571.003,".

(2) In SECTION 1 of the bill, in added Section 322.052(b-1)(2), Health and Safety Code (page 1, line 36), immediately after "577", insert "or in a state mental hospital, as defined by Section 571.003,".

The amendment to **CSSB 1842** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

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

**CSSB 1842** as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1842 ON THIRD READING**

Senator Deuell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1842** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

#### **SENATE BILL 1308 ON SECOND READING**

On motion of Senator Davis and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1308** at this time on its second reading:

**SB 1308**, Relating to auditing and monitoring of performance under contracts for state-adopted assessment instruments administered to public school students.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

#### **SENATE BILL 1308 ON THIRD READING**

Senator Davis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1308** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

#### **COMMITTEE SUBSTITUTE**

#### **SENATE BILL 110 ON SECOND READING**

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 110** at this time on its second reading:

**CSSB 110**, Relating to eligibility for compensation of persons wrongfully imprisoned.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

#### **COMMITTEE SUBSTITUTE**

#### **SENATE BILL 110 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 110** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

#### **SENATE BILL 1907 ON SECOND READING**

Senator Hegar moved to suspend the regular order of business to take up for consideration **SB 1907** at this time on its second reading:

**SB 1907**, Relating to the transportation and storage of concealed handguns and ammunition by students in vehicles on the campuses of institutions of higher education.

The motion prevailed.

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

The bill was read second time.

Senator Hegar offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 1907** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 411.2032(b), Government Code (page 1, lines 34-35), between "other provision" and "prohibiting" insert "or take any other action, including posting notice under Section 30.06, Penal Code,".

(2) In SECTION 1 of the bill, in added Section 411.2032(b), Government Code (page 1, line 39), between "leased by" and "the" insert "or for".

The amendment to **SB 1907** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Nays: Garcia, Lucio, Rodríguez, Zaffirini.

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

**SB 1907** as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Garcia, Lucio, Rodríguez, Zaffirini.

**SENATE BILL 1907 ON THIRD READING**

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1907** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 4.

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

Nays: Garcia, Lucio, Rodríguez, Zaffirini.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 4. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 1484 ON SECOND READING**

Senator Watson moved to suspend the regular order of business to take up for consideration **CSSB 1484** at this time on its second reading:

**CSSB 1484**, Relating to health benefit plan coverage for enrollees diagnosed with autism spectrum disorder.

The motion prevailed by the following vote: Yeas 21, Nays 10.

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

Nays: Birdwell, Fraser, Hancock, Hegar, Huffman, Nelson, Nichols, Paxton, Taylor, Williams.

The bill was read second time.

Senator Watson offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1484** (senate committee printing) as follows:

(1) In Subsection (a) of SECTION 3 of the bill, in the first sentence of that subsection (page 1, line 45), strike "(a) Subsection (a),".

(2) Strike Subsection (b) of SECTION 3 of the bill (page 1, lines 53-60).

The amendment to **CSSB 1484** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

Senator Watson offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **CSSB 1484** (senate committee printing) as follows:

(1) In the recital to SECTION 1 of the bill, amending Section 1355.015, Insurance Code (page 1, line 25), strike "Subsection (f)" and substitute "Subsections (c-1) and (f)".

(2) In SECTION 1 of the bill, immediately following amended Section 1355.015(a), Insurance Code (page 1, between lines 34 and 35), insert the following:

(c-1) The health benefit plan is not required to provide coverage under Subsection (b) for benefits for an enrollee 10 years of age or older for applied behavior analysis in an amount that exceeds \$36,000 per year.

The amendment to **CSSB 1484** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2.

Senator Watson offered the following amendment to the bill:

**Floor Amendment No. 3**

Amend **CSSB 1484** (senate committee printing) as follows:

(1) In Subsection (a) of SECTION 1 of the bill, between "diagnosis" and "until the" (page 1, line 29), insert ", only if the diagnosis was in place prior to the child's 10th birthday."

The amendment to **CSSB 1484** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 3.

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

**CSSB 1484** as amended was passed to engrossment by the following vote: Yeas 18, Nays 13.

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

Nays: Birdwell, Estes, Fraser, Hancock, Hegar, Huffman, Nelson, Nichols, Patrick, Paxton, Schwertner, Taylor, Williams.

#### **GUESTS PRESENTED**

Senator Van de Putte was recognized and introduced to the Senate Diego Carrisalez from St. George Episcopal School, serving today as an Honorary Senate Page, joined by his teacher, Lisa Coats, and principal, Rob Devlin, and his parents, Hector and Carrie Carrisalez.

The Senate welcomed its guests.

#### **HOUSE BILLS ON FIRST READING**

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

**HB 62** to Committee on Jurisprudence.

**HB 139** to Committee on Intergovernmental Relations.

**HB 148** to Committee on State Affairs.

**HB 333** to Committee on Criminal Justice.

**HB 429** to Committee on Intergovernmental Relations.

**HB 480** to Committee on State Affairs.

**HB 654** to Committee on Intergovernmental Relations.

**HB 696** to Committee on Jurisprudence.

**HB 722** to Committee on Economic Development.

**HB 747** to Committee on Health and Human Services.

**HB 762** to Committee on Economic Development.

**HB 797** to Committee on Criminal Justice.

**HB 798** to Committee on Business and Commerce.

**HB 857** to Committee on Natural Resources.

**HB 916** to Committee on Economic Development.

**HB 1023** to Committee on Health and Human Services.

**HB 1090** to Committee on Agriculture, Rural Affairs and Homeland Security.

**HB 1135** to Committee on Transportation.

**HB 1188** to Committee on State Affairs.

**HB 1191** to Committee on Health and Human Services.  
**HB 1193** to Committee on Jurisprudence.  
**HB 1204** to Committee on Health and Human Services.  
**HB 1206** to Committee on Criminal Justice.  
**HB 1294** to Committee on Criminal Justice.  
**HB 1394** to Committee on Health and Human Services.  
**HB 1395** to Committee on Health and Human Services.  
**HB 1405** to Committee on Business and Commerce.  
**HB 1435** to Committee on Jurisprudence.  
**HB 1487** to Committee on Finance.  
**HB 1503** to Committee on Business and Commerce.  
**HB 1530** to Committee on Criminal Justice.  
**HB 1545** to Committee on Transportation.  
**HB 1605** to Committee on Health and Human Services.  
**HB 1607** to Committee on Transportation.  
**HB 1624** to Committee on Business and Commerce.  
**HB 1728** to Committee on Jurisprudence.  
**HB 1739** to Committee on Health and Human Services.  
**HB 1819** to Committee on Agriculture, Rural Affairs and Homeland Security.  
**HB 1917** to Committee on Business and Commerce.  
**HB 1953** to Committee on Business and Commerce.  
**HB 1970** to Committee on Intergovernmental Relations.  
**HB 1973** to Committee on Natural Resources.  
**HB 2058** to Committee on Education.  
**HB 2103** to Committee on Higher Education.  
**HB 2137** to Committee on Education.  
**HB 2213** to Committee on Intergovernmental Relations.  
**HB 2252** to Committee on Government Organization.  
**HB 2263** to Committee on State Affairs.  
**HB 2392** to Committee on Veteran Affairs and Military Installations.  
**HB 2459** to Committee on Business and Commerce.  
**HB 2475** to Committee on State Affairs.  
**HB 2536** to Committee on Transportation.  
**HB 2627** to Committee on Health and Human Services.  
**HB 2673** to Committee on Health and Human Services.  
**HB 2892** to Committee on Higher Education.  
**HB 2984** to Committee on State Affairs.  
**HB 3031** to Committee on Transportation.  
**HB 3172** to Committee on Transportation.  
**HB 3253** to Committee on Health and Human Services.  
**HB 3314** to Committee on Jurisprudence.  
**HB 3332** to Committee on Higher Education.  
**HB 3337** to Committee on Economic Development.  
**HB 3378** to Committee on Jurisprudence.  
**HB 3434** to Committee on Health and Human Services.  
**HB 3559** to Committee on Administration.

**HB 3561** to Committee on Intergovernmental Relations.

**HB 3676** to Committee on Transportation.

**HB 3900** to Committee on Natural Resources.

### **BILLS AND RESOLUTIONS SIGNED**

The Presiding Officer, Senator Eltife in Chair, announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

**SB 139, SB 174, SB 192, SB 223, SB 228, SB 230, SB 244, SB 293, SB 332, SB 336, SB 360, SB 387, SB 457, SB 500, SB 672, SB 840, SB 846, SB 974, SB 1101, SB 1102, SB 1165, SB 1267, HCR 75, HCR 90, HCR 98, HCR 99, HCR 100, HCR 101, HCR 108.**

### **SENATE RULE 11.10(a) SUSPENDED (Public Notice of Committee Meetings)**

On motion of Senator Lucio and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Education might meet today.

### **CO-AUTHOR OF SENATE BILL 212**

On motion of Senator Nichols, Senator Patrick will be shown as Co-author of **SB 212**.

### **CO-AUTHOR OF SENATE BILL 287**

On motion of Senator Nichols, Senator Nelson will be shown as Co-author of **SB 287**.

### **CO-AUTHOR OF SENATE BILL 376**

On motion of Senator Lucio, Senator Ellis will be shown as Co-author of **SB 376**.

### **CO-AUTHOR OF SENATE BILL 550**

On motion of Senator Uresti, Senator Garcia will be shown as Co-author of **SB 550**.

### **CO-AUTHOR OF SENATE BILL 1150**

On motion of Senator Hinojosa, Senator Schwertner will be shown as Co-author of **SB 1150**.

### **CO-AUTHOR OF SENATE BILL 1171**

On motion of Senator Hegar, Senator West will be shown as Co-author of **SB 1171**.

### **CO-AUTHORS OF SENATE BILL 1198**

On motion of Senator Taylor, Senators Campbell and Hegar will be shown as Co-authors of **SB 1198**.

### **CO-AUTHOR OF SENATE BILL 1427**

On motion of Senator Hinojosa, Senator Zaffirini will be shown as Co-author of **SB 1427**.

**CO-AUTHOR OF SENATE BILL 1583**

On motion of Senator Ellis, Senator Garcia will be shown as Co-author of **SB 1583**.

**CO-AUTHOR OF SENATE BILL 1586**

On motion of Senator Rodríguez, Senator Van de Putte will be shown as Co-author of **SB 1586**.

**CO-AUTHOR OF SENATE BILL 1808**

On motion of Senator Schwertner, Senator Deuell will be shown as Co-author of **SB 1808**.

**CO-AUTHOR OF SENATE JOINT RESOLUTION 4**

On motion of Senator Campbell, Senator Huffman will be shown as Co-author of **SJR 4**.

**CO-AUTHOR OF SENATE JOINT RESOLUTION 12**

On motion of Senator Ellis, Senator Campbell will be shown as Co-author of **SJR 12**.

**CO-AUTHOR OF SENATE JOINT RESOLUTION 16**

On motion of Senator Van de Putte, Senator Patrick will be shown as Co-author of **SJR 16**.

**CO-AUTHOR OF SENATE JOINT RESOLUTION 20**

On motion of Senator Nichols, Senator Nelson will be shown as Co-author of **SJR 20**.

**CO-AUTHOR OF SENATE RESOLUTION 638**

On motion of Senator Birdwell, Senator Fraser will be shown as Co-author of **SR 638**.

**CO-AUTHOR OF SENATE RESOLUTION 770**

On motion of Senator Watson, Senator Davis will be shown as Co-author of **SR 770**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**SR 782** by Davis, In memory of Virgil Lee Norrell, Sr.

**SR 783** by Davis, In memory of Bobbie Lucille Epperson Kilpatrick.

**SR 786** by Davis, In memory of Frances June Ginsberg Klotzman.

**SR 788** by Zaffirini, In memory of Wayland Coats Rivers Jr.

**SR 793** by Ellis, In memory of Adrienne Keen McFarland.

**SR 795** by Lucio, In memory of Robert L. Marquardt.



**SR 796** by Lucio, In memory of Nicholas Antonio Benavides.

**SR 797** by Lucio, In memory of Juan B. Sanchez.

**SR 799** by Lucio, In memory of Homer W. Lear.

### **Congratulatory Resolutions**

**SR 784** by Davis, Recognizing the dedication of Forest Hill Memorial Park.

**SR 785** by Davis, Recognizing Dominic J. Yurk for his achievements.

**SR 787** by Davis, Recognizing Michael Joseph Costello for his service to his country.

**SR 791** by Eltife, Recognizing Sidney Garton for his achievements.

**SR 792** by Watson, Recognizing Keith Perry on the occasion of his retirement.

**SR 794** by Lucio, Commending Gilbert Oliver Sanchez for achieving the rank of Eagle Scout.

**SR 798** by Lucio, Recognizing Aurora Angela Garza on the occasion of her retirement.

**HCR 47** (Hinojosa), Commending Ciro Treviño on his legacy of public service.

**HCR 105** (Hinojosa), Honoring Judge Noe Gonzalez of the 370th District Court in Hidalgo County for his professional achievements and civic contributions.

**HCR 107** (Williams), Congratulating George P. Mitchell on his receipt of a History-Making Texan Award from the Texas State History Museum Foundation.

### **Official Designation Resolutions**

**SR 566** by Huffman, Recognizing May 2, 2013, as Missouri City Day.

**SR 781** by Fraser, Recognizing May 1, 2013, as Texas Environmental Excellence Awards Day.

**SR 789** by Carona, Recognizing May 8, 2013, as Texas-Israel Day.

### **ADJOURNMENT**

On motion of Senator Whitmire, the Senate at 1:16 p.m. adjourned, in memory of Giles W. Dalby and Alberto Alfonso Besteiro, until 11:00 a.m. tomorrow.

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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 30, 2013

TRANSPORTATION — **CSSB 1350**

STATE AFFAIRS — **CSSB 1322**

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**INTERGOVERNMENTAL RELATIONS — CSSB 1863, CSSB 1551****BILLS ENGROSSED**April 29, 2013**SB 4, SB 392, SB 861, SB 937, SB 950, SB 1003, SB 1052, SB 1061, SB 1175, SB 1177, SB 1243, SB 1475, SB 1533, SB 1536, SB 1719, SB 1814, SB 1868, SB 1896****RESOLUTIONS ENROLLED**April 29, 2013**SR 767, SR 769, SR 770, SR 772, SR 773, SR 774, SR 775, SR 776, SR 779**

**In Memory**  
**of**  
**Giles W. Dalby**  
**Senate Resolution 771**

WHEREAS, A life made rich through meaningful service drew to a close with the passing of Giles W. Dalby, of Post on April 12, 2013, at the age of 80; and

WHEREAS, The son of Arno and Blanche Connell Dalby, Giles W. Dalby was born on September 1, 1932, in Lubbock, and he graduated from Post High School in 1951; he began his college studies at Kennedy Western University, where he earned a bachelor's degree in public administration; and

WHEREAS, Mr. Dalby married the love of his life, Nell Floyd, on June 2, 1952, beginning 60 years of wonderful marriage, and Mr. and Mrs. Dalby later became the parents of four children, Elizabeth, Rebecca, Charlie, and Giles; and

WHEREAS, Mr. Dalby was a key figure in the success of PlainsCapital bank, as originally a member of the Lubbock bank's board of directors and eventually a member of the Plains National Bank board in 1980; serving on the board for 22 years, Mr. Dalby was highly respected by his professional peers, and he became the second person to receive PlainsCapital's Lifetime Achievement Award, PlainsCapital's highest honor; and

WHEREAS, Mr. Dalby was first elected as Garza County Judge in 1971 and at the time of his retirement in 2007 was the longest-tenured constitutional county judge in Texas history, a testament to his dedication and commitment to the men and women he dutifully served for more than three decades; and

WHEREAS, Mr. Dalby also contributed to his state and community by serving as President of the Texas Association of Counties from 1983 to 1984 and as president of the County Judges and Commissioners Association of Texas and of the West Texas County Judges and Commissioners Association, which recognized him as Man of the Year in 1975 and 2000; and

WHEREAS, Mr. Dalby also earned the first Giles W. Dalby Award for Judicial Leadership, an award that was established to honor his character and integrity and his service to the judiciary, to county government and to the community; and

WHEREAS, Mr. Dalby continued to serve his community upon retirement as Chairman of Post Economic Development Corporation, as Chairman of the Garza Central Appraisal District, and as a board member of both The Lubbock Club and The Garza Historical Museum; and

WHEREAS, Mr. Dalby's name will continue to live on through the Giles W. Dalby Correctional Facility named after him in Post, Texas; and

WHEREAS, A lifelong man of faith, he served as an elder at First Presbyterian Church of Post, where he stood as a positive example of faith in action; and

WHEREAS, Although the passing of Giles W. Dalby has brought great sorrow to those who knew him, his life stands as a shining example of positive community involvement, and his achievements will be remembered and admired for years to come; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby pay tribute to the memory of Giles W. Dalby and extend deepest sympathy to the members of his family: to his wife, Nell; to his daughters and sons-in-law, Elizabeth and Robert Elliott, Charlcie and Johnny Mosser, and Rebecca Dalby; to his son, Giles W. Dalby, Jr., and his wife, Mendy; to his 10 grandchildren and four great-grandchildren; and to his other relatives and friends; and, be it further

RESOLVED, That a copy of this Resolution be prepared for his family, and that when the Senate adjourns this day, it do so in memory of Giles W. Dalby.

DUNCAN  
WHITMIRE

**In Memory**  
**of**  
**Alberto Alfonso Besteiro**  
**Senate Resolution 790**

WHEREAS, The Senate of the State of Texas honors and commemorates the life of noted educator and civic leader Dr. Alberto Alfonso Besteiro, who died March 17, 2012, at the age of 82; and

WHEREAS, Albert Besteiro was born December 10, 1929, in Brownsville; he was a graduate of Saint Joseph Academy, where he was the captain of the football team; he served the nation with distinction in the United States Army during the Korean War; and

WHEREAS, He graduated from Texas A&M University with a bachelor's degree in geology; in 1968, he earned a master's degree in education from Texas A&I University, and in 1982, he received a doctorate from the University of New Mexico; Dr. Besteiro was married for 50 years to his loving wife, Olivia, and the couple was blessed with three children and a grandson; and

WHEREAS, Dr. Besteiro enjoyed a long and fulfilling career in education; he always expected the best from his students, for whom he was a constant source of encouragement and empowerment; a gifted teacher and administrator, he served for eight years as president of Texas Southmost College and was executive director of the Border College Consortium; and

WHEREAS, He was passionate about his hometown and served as a member of the Brownsville City Council, where he made a particular effort to seek out the views of the poor and disenfranchised; he also served as president of the board of the Brownsville Independent School District; and

WHEREAS, A man of courage, strength, and compassion, he gave unselfishly to others, and his generous spirit, his sense of humor, and his enthusiasm for living each day to the fullest will not be forgotten; and

WHEREAS, He was a devoted husband, father, and grandfather, and he leaves behind memories that will be cherished forever by his family and countless friends; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby extend sincere condolences to the bereaved family of Dr. Alberto Alfonso Besteiro; and, be it further

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

LUCIO





