

# 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, Rodriguez, 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 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 26th 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. What we recognize is 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 have 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 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 was 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 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 and Congress. Thank you for your friendship.

**Senator Van De Putte:** Thank you, Mr. President. Mr. President, 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 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. 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 status 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 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 gotta 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 Cabezuella, 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 member; Carol Scott, Corpus Christi ISD Board of Trustees; Alton Frailey, Katy ISD Superintendent and 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 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 12:43 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:

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 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 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)

On motion of Senator Eltife and by unanimous consent, Senate Rule 11.13 was suspended to grant all committees permission to meet while the Senate was meeting today.

### SENATE RULES SUSPENDED (Posting Rules)

On motion of Senator 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** by 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.

**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**



