

# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**FIFTY-FIRST DAY**

(Thursday, May 2, 2013)

The Senate met at 11:22 a.m. pursuant to adjournment and was called to order by Senator Eltife.

The roll was called and the following Senators were present: Birdwell, Campbell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Garcia, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Patrick, Paxton, 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 Ryan Rush, Bannockburn Baptist Church, Austin, was introduced by Senator Campbell and offered the invocation as follows:

Heavenly Father, on this National Day of Prayer, it feels like we should ask great things of You. And so, this morning, I ask that this would be the most productive day of the year in these Chambers. I pray that these fine men and women would recall the noble reasons they made the sacrifices to be here representing the people of our state. Give them insight into our greatest needs. Give them humility to look beyond any prejudice. And give them courage to act. You are a magnificent God. Would ask for magnificent blessings today. I pray this, Lord, in Jesus' name. Amen.

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

The motion prevailed without objection.

## MESSAGE FROM THE GOVERNOR

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

May 1, 2013  
Austin, Texas

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

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

To be a member of the Texas Department of Motor Vehicles Board for a term to expire February 1, 2015:

Joseph O. Slovacek  
Houston, Texas

Mr. Slovacek is replacing Victor Vandergriff of Arlington who resigned.

Respectfully submitted,

/s/Rick Perry  
Governor

### SENATE RESOLUTION 810

Senator Hinojosa offered the following resolution:

**SR 810**, Recognizing Juan "Johnny" Canales for his contributions to Tejano music.

The resolution was read and was adopted without objection.

### GUESTS PRESENTED

Senator Hinojosa was recognized and introduced to the Senate Juan "Johnny" Canales, Nora Canales, Miroslara Canales, Celesta Canales, and Eva Canales Perez.

The Senate welcomed its guests.

### MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Thursday, May 2, 2013 - 1

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

**HB 21** Martinez Fischer

Relating to a central database containing information about offenders who have committed certain offenses against children or offenses involving family or dating violence.

**HB 127** Raymond

Relating to electioneering on the premises of certain privately owned polling places.

**HB 259** Simmons

Relating to electioneering conducted near a polling place.

**HB 489**

Menéndez

Relating to rights and responsibilities of persons with disabilities, including with respect to the use of service animals that provide assistance to those persons; providing penalties.

**HB 517**

Pitts

Relating to the eligibility of inmates convicted of certain intoxication offenses for release on parole or mandatory supervision and to a biennial study regarding driving while intoxicated prevention.

**HB 545**

Davis, John

Relating to the authority of a municipality to authorize the creation of a spaceport development corporation.

**HB 580**

Howard

Relating to use of compensatory education allotment funding to provide assistance with child care to students at risk of dropping out of school.

**HB 642**

Patrick, Diane

Relating to continuing education requirements for certain educators.

**HB 697**

Springer

Relating to a sales and use tax exemption for certain items sold by school booster clubs and support organizations; authorizing a sales and use tax exemption.

**HB 717**

Kolkhorst

Relating to the duties of and the application of the professional prosecutors law to the county attorney in Lavaca County and to the duties of the district attorney for the 25th Judicial District.

**HB 824**

Callegari

Relating to reporting requirements for accidental sanitary sewer overflows.

**HB 827**

King, Ken

Relating to an agreement between the Department of Public Safety and certain counties for the provision of renewal and duplicate driver's license and other identification certificate services; authorizing a fee.

**HB 939**

Davis, John

Relating to the transfer of certain amounts from the employment and training investment holding fund and the training stabilization fund.

**HB 1086**

Rodriguez, Eddie

Relating to interruption of electric service by a residential landlord.

**HB 1372**

Muñoz, Jr.

Relating to filling certain vacancies on the governing body of certain home-rule municipalities.

**HB 2259**

Moody

Relating to circumstances under which a vacancy on the governing body occurs in certain municipalities.

**HB 2442**

Parker

Relating to a pre-suit deposition in inmate litigation.

- HB 2443** Parker  
Relating to the composition of the Texas Juvenile Justice Board.
- HB 2961** Huberty  
Relating to the social security numbers of school district employees.
- HB 3176** Bohac  
Relating to the appointment of a board member of a property owners' association to fill a vacancy.
- HJR 147** Guerra  
Proposing a constitutional amendment repealing the constitutional provision authorizing the creation of a hospital district in Hidalgo County.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

#### **GUESTS PRESENTED**

Senator Birdwell was recognized and introduced to the Senate eighth-grade students from Lorena ISD, accompanied by Principal Celia Drews and student, Steely Priest, niece of Senator Hancock.

The Senate welcomed its guests.

#### **PHYSICIAN OF THE DAY**

Senator Fraser was recognized and presented Dr. James McCurdy of Marble Falls as the Physician of the Day.

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

#### **SENATE RESOLUTION 566**

Senator Huffman offered the following resolution:

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

The resolution was again read.

The resolution was previously adopted on Tuesday, April 30, 2013.

#### **GUESTS PRESENTED**

Senator Huffman was recognized and introduced to the Senate a City of Missouri City delegation.

The Senate welcomed its guests.

#### **HOUSE BILLS AND RESOLUTIONS ON FIRST READING**

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

**HB 52** to Committee on Business and Commerce.

**HB 346** to Committee on Business and Commerce.

**HB 394** to Committee on State Affairs.

**HB 671** to Committee on Finance.  
**HB 885** to Committee on Education.  
**HB 950** to Committee on Economic Development.  
**HB 1231** to Committee on Education.  
**HB 1310** to Committee on Finance.  
**HB 1548** to Committee on Government Organization.  
**HB 1762** to Committee on State Affairs.  
**HB 1767** to Committee on Transportation.  
**HB 1777** to Committee on Intergovernmental Relations.  
**HB 2300** to Committee on Transportation.  
**HB 2394** to Committee on Transportation.  
**HB 2439** to Committee on State Affairs.  
**HB 2460** to Committee on Business and Commerce.  
**HB 2571** to Committee on Natural Resources.  
**HB 3188** to Committee on Finance.  
**HB 3309** to Committee on Natural Resources.  
**HCR 1** to Committee on Administration.  
**HCR 54** to Committee on Administration.  
**HCR 57** to Committee on Criminal Justice.

#### **CONCLUSION OF MORNING CALL**

The Presiding Officer at 11:47 a.m. announced the conclusion of morning call.

#### **NOMINATION RETURNED**

On motion of Senator Hegar and by unanimous consent, the Senate agreed to grant the request of the Governor to return the following nomination:

Member, Texas Higher Education Coordinating Board: James H. Lee, Harris County.

#### **COMMITTEE SUBSTITUTE SENATE BILL 644 ON SECOND READING**

On motion of Senator Huffman and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 644** at this time on its second reading:

**CSSB 644**, Relating to the creation of a standard request form for prior authorization of prescription drug benefits.

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

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

#### **COMMITTEE SUBSTITUTE SENATE BILL 644 ON THIRD READING**

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 644** be placed on its third reading and final passage.

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

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

**COMMITTEE SUBSTITUTE**  
**SENATE BILL 1890 ON SECOND READING**

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1890** at this time on its second reading:

**CSSB 1890**, Relating to procedures for the dissolution of the Hidalgo County Water Improvement District No. 3.

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

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

**COMMITTEE SUBSTITUTE**  
**SENATE BILL 1890 ON THIRD READING**

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1890** be placed on its third reading and final passage.

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

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

**SENATE BILL 338 ON SECOND READING**

On motion of Senator Rodríguez and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 338** at this time on its second reading:

**SB 338**, Relating to the liability of certain social workers who provide volunteer health care services to charitable organizations.

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

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

**SENATE BILL 338 ON THIRD READING**

Senator Rodríguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 338** be placed on its third reading and final passage.

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

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

**SENATE BILL 171 ON SECOND READING**

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 171** at this time on its second reading:

**SB 171**, Relating to the establishment of a workgroup to study the use by state agencies of a uniform application form following disasters.

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

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

**SENATE BILL 171 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 171** be placed on its third reading and final passage.

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

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 1258 ON SECOND READING**

Senator Hinojosa moved to suspend the regular order of business to take up for consideration **CSSB 1258** at this time on its second reading:

**CSSB 1258**, Relating to improving access to nursing education programs.

The motion prevailed.

Senators Campbell, Hancock, Paxton, and Seliger asked to be recorded as voting "Nay" on suspension of the regular order of business.

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

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

Nays: Campbell, Hancock, Paxton, Seliger.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1258 ON THIRD READING**

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1258** be placed on its third reading and final passage.

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

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

Nays: Campbell, Hancock, Paxton, Seliger.

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 1836 ON SECOND READING**

On motion of Senator Deuell and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1836** at this time on its second reading:

**CSSB 1836**, Relating to the funding of the Texas Home Visiting Program; authorizing voluntary contributions.

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

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 1836 ON THIRD READING**

Senator Deuell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1836** be placed on its third reading and final passage.

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

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

**MOTION TO PLACE  
COMMITTEE SUBSTITUTE  
SENATE BILL 1554 ON SECOND READING**

Senator Lucio moved to suspend the regular order of business to take up for consideration **CSSB 1554** at this time on its second reading:

**CSSB 1554**, Relating to the establishment of a matching grant program for community development in certain municipalities and counties.

Senator Lucio withdrew the motion to suspend the regular order of business.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1436 ON SECOND READING**

Senator Paxton moved to suspend the regular order of business to take up for consideration **CSSB 1436** at this time on its second reading:

**CSSB 1436**, Relating to the service retirement annuity of certain members of the Judicial Retirement System of Texas Plan One.

The motion prevailed.

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



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

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

Nays: Schwertner.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1436 ON THIRD READING**

Senator Paxton moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1436** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Schwertner.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 514 ON SECOND READING**

On motion of Senator Davis and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 514** at this time on its second reading:

**CSSB 514**, Relating to the installation, maintenance, operation, and relocation of saltwater pipeline facilities.

The bill was read second time.

Senator Davis offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 514** (senate committee report) as follows:

(1) In SECTION 1 of the bill, at the end of added Section 91.904(1), Natural Resources Code (page 2, line 21), strike "or".

(2) In SECTION 1 of the bill, in added Section 91.904(2)(B), Natural Resources Code, between "Code" and the period (page 2, line 26), insert the following:

; or

(3) require a county or municipality to grant a prescriptive right or other right to a saltwater pipeline operator that applies to a public road or right-of-way and that is broader than the county's or municipality's legal interest in the public road or right-of-way

The amendment to **CSSB 514** was read and was adopted by a viva voce vote.

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

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

**CSSB 514** as amended was passed to engrossment by a viva voce vote.

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 514 ON THIRD READING**

Senator Davis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 514** be placed on its third reading and final passage.

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

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 1727 ON SECOND READING**

Senator Deuell moved to suspend the regular order of business to take up for consideration **CSSB 1727** at this time on its second reading:

**CSSB 1727**, Relating to the use of the Texas emissions reduction plan fund.

The motion prevailed.

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

Senator Fraser asked to be recorded as "Present-not voting" on suspension of the regular order of business.

The bill was read second time.

Senator Deuell offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1727** (senate committee report) in SECTION 2 of the bill, in amended Section 386.106, Health and Safety Code, by striking added Subsection (d) (page 3, lines 4 through 9).

The amendment to **CSSB 1727** was read and was adopted by a viva voce vote.

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

Senator Hegar offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **CSSB 1727** (Senate Committee Report) as follows:

On page 2, strike lines 4-5, and renumber remaining subsections accordingly.

On page 7, strike lines 14-16, and renumber remaining subsections accordingly.

On page 8, line 45 - page 9, line 25, strike SECTION 13, and renumber remaining sections accordingly.

The amendment to **CSSB 1727** was read and was adopted by a viva voce vote.

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

Senator Williams offered the following amendment to the bill:

**Floor Amendment No. 3**

Amend **CSSB 1727** (senate committee printing), in SECTION 17 of the bill, amended Section 394.010(d), Health and Safety Code, by striking the last sentence of the subsection (page 10, line 68, through page 11, line 4) and substituting the following:

The commission shall give preference to:

(1) stations providing both liquefied natural gas and compressed natural gas at a single location; ~~and~~

(2) stations located not more than one mile from an interstate highway system; and

(3) stations located in the triangular area between the Houston, San Antonio, and Dallas-Fort Worth areas.

The amendment to **CSSB 1727** was read and was adopted by a viva voce vote.

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

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

**CSSB 1727** as amended was passed to engrossment by a viva voce vote.

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

Nays: Hancock.

Present-not voting: Fraser.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1727 ON THIRD READING**

Senator Deuell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1727** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1, Present-not voting 1.

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

Nays: Hancock.

Present-not voting: Fraser.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1, Present-not voting 1. (Same as previous roll call)

**COMMITTEE SUBSTITUTE**  
**SENATE BILL 1801 ON SECOND READING**

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1801** at this time on its second reading:

**CSSB 1801**, Relating to the adoption of fire hydrant requirements for a wildland-urban interface in certain municipalities.

The bill was read second time.

Senator Watson offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1801** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, immediately following proposed Section 797.001(1), Health and Safety Code (between lines 31 and 32), insert the following:

(1-a) "Municipal utility" means a retail public utility, as defined by Section 13.002, Water Code, that is owned by a municipality.

(2) In SECTION 1 of the bill, in proposed Section 797.002(b), Health and Safety Code (line 45), strike "A" and substitute "Except as otherwise provided by Subsection (d), a".

(3) In SECTION 1 of the bill, immediately following proposed Section 797.002(c), Health and Safety Code (between lines 49 and 50), insert the following:

(d) A municipality may not adopt an ordinance under Subsection (b) unless the municipality makes a reasonably diligent effort to:

(1) consider other available options for reducing the threat of wildfires;

(2) estimate the probable cost to consumers of an ordinance adopted under

Subsection (b); and

(3) consider any available method for reducing the cost described by Subdivision (2).

(e) If the municipality owns a municipal utility, an ordinance adopted under Subsection (b) may not require another utility located in the municipality or the municipality's extraterritorial jurisdiction to provide water flow and pressure in a fire hydrant at a level greater than that provided by the municipal utility.

The amendment to **CSSB 1801** was read and was adopted by a viva voce vote.

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

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

**CSSB 1801** as amended was passed to engrossment by a viva voce vote.

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 1801 ON THIRD READING**

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1801** be placed on its third reading and final passage.

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

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 977 ON SECOND READING**

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 977** at this time on its second reading:

**CSSB 977**, Relating to the procedure used to petition for an order of nondisclosure of criminal history record information.

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

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 977 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 977** be placed on its third reading and final passage.

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

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

**(Senator Whitmire in Chair)**

**COMMITTEE SUBSTITUTE  
SENATE BILL 1216 ON SECOND READING**

Senator Eltife moved to suspend the regular order of business to take up for consideration **CSSB 1216** at this time on its second reading:

**CSSB 1216**, Relating to the creation of a standard request form for prior authorization of medical care or health care services.

The motion prevailed.

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

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

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

Nays: Estes.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1216 ON THIRD READING**

Senator Eltife moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1216** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Estes.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

**(Senator Eltife in Chair)**

**COMMITTEE SUBSTITUTE  
SENATE BILL 1775 ON SECOND READING**

Senator West moved to suspend the regular order of business to take up for consideration **CSSB 1775** at this time on its second reading:

**CSSB 1775**, Relating to school campus information, student transfers, and the public education grant program.

The motion prevailed.

Senators Duncan, Nichols, and Taylor asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Patrick offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1775** (senate committee printing) as follows:

(1) In SECTION 3 of the bill, amending Section 25.031, Education Code (page 2, line 25), between "commissioner" and the comma, insert "in accordance with this subchapter".

(2) In SECTION 3 of the bill, adding Section 25.031(c), Education Code (page 2, line 39), following the period, insert "The board may adopt a policy that establishes admissions criteria for a campus or program that limits admission to students of a single gender".

(3) In SECTION 3 of the bill, adding Section 25.031(d), Education Code (page 2, line 40), strike "Subsection (b) or (c)" and substitute "this section".

(4) In SECTION 3 of the bill, adding Section 25.031(f), Education Code (page 2, line 46), strike "A" and substitute "Except as otherwise provided by this section, a".

(5) In SECTION 3 of the bill, amending Section 25.031, Education Code (page 2, between lines 49 and 50), insert the following:

(g) The board of trustees of a school district may adopt a policy that provides for the exclusion or removal of a student requesting or receiving a transfer under this section who has a documented history of a criminal offense, juvenile court adjudication, failure to attend school, or misconduct or discipline problem under Subchapter A, Chapter 37, including a violation of a student code of conduct.

(h) Commissioner rules may not require a school district to accept a transfer to a school facility if projected student enrollment growth within an attendance zone of the facility will cause the facility to exceed available capacity within three years.

(6) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 25.035, Education Code, is amended to read as follows:

Sec. 25.035. TRANSFERS BETWEEN DISTRICTS OR COUNTIES. The boards of trustees of two or more adjoining school districts or the boards of county school trustees of two or more adjoining counties may, by agreement ~~and in accordance with Sections 25.032, 25.033, and 25.034~~, arrange for the transfer and assignment of any student from the jurisdiction of one board to that of another. In the case of the transfer and assignment of a student under this section, the participating governing boards shall also agree to the transfer of school funds or other payments proportionate to the transfer of attendance.

SECTION \_\_\_\_\_. Section 25.036, Education Code, is amended by amending Subsection (a) and adding Subsections (c), (d), (e), (f), (g), and (h) to read as follows:

(a) Subject to Subsections (d), (f), (g), and (h), any ~~Any~~ child, other than a high school graduate, who is younger than 21 years of age and eligible for enrollment on September 1 of any school year may transfer ~~annually~~ from the child's school district of residence to another district in this state if ~~both the receiving district and~~ the applicant parent or guardian or person having lawful control of the child requests the transfer ~~jointly approve and timely agree~~ in writing ~~to the transfer~~.

(c) A transfer made under this section is effective until the student decides to attend a school in a different district or graduates from high school.

(d) The board of trustees of a school district shall adopt a policy that establishes the standards by which the district will determine whether positions are available at a school campus.

(e) A school district that has more applicants for attendance under Subsection (a) than available positions must fill the available positions by lottery.

(f) The board of trustees of a school district may adopt a policy that provides for:

(1) the exclusion of a student requesting a transfer under this section who has a documented history of a criminal offense, juvenile court adjudication, or discipline problem under Subchapter A, Chapter 37; and

(2) the removal of a transfer student at the end of the school year based on the student's attendance, discipline issues, or class performance.

(g) A school campus located in a fast-growth school district is not required to allow transfer of students as provided by this section if the student enrollment at the campus is 85 percent or more of the campus student capacity. A fast-growth school district is a district in which:

(1) student enrollment in the previous school year was not less than 2,500 students and enrollment growth over the previous five years was not less than 10 percent; or

(2) a net increase of 3,500 or more students occurred during the previous five years.

(h) A school district is not required to allow transfer of students to a school campus, as provided by this section, during the first three school years after the campus was originally opened.

SECTION \_\_\_\_\_. Section 26.003, Education Code, is amended to read as follows:

Sec. 26.003. RIGHTS CONCERNING ACADEMIC PROGRAMS. (a) A parent is entitled to:

(1) ~~petition the board of trustees designating the school in the district that the parent's child will attend, as provided by Section 25.033;~~

~~[(2)]~~ reasonable access to the school principal, or to a designated administrator with the authority to reassign a student, to request a change in the class or teacher to which the parent's child has been assigned, if the reassignment or change would not affect the assignment or reassignment of another student;

(2) ~~[(3)]~~ request, with the expectation that the request will not be unreasonably denied:

(A) the addition of a specific academic class in the course of study of the parent's child in keeping with the required curriculum if sufficient interest is shown in the addition of the class to make it economically practical to offer the class;

(B) that the parent's child be permitted to attend a class for credit above the child's grade level, whether in the child's school or another school, unless the board or its designated representative expects that the child cannot perform satisfactorily in the class; or

(C) that the parent's child be permitted to graduate from high school earlier than the child would normally graduate, if the child completes each course required for graduation; and

(3) ~~[(4)]~~ have a child who graduates early as provided by Subdivision (2)(C) ~~[(3)(C)]~~ participate in graduation ceremonies at the time the child graduates.

(b) The decision of the board of trustees concerning a request described by Subsection (a)(1) or (2) ~~[(a)(2) or (3)]~~ is final and may not be appealed.

SECTION \_\_\_\_\_. The following sections of the Education Code are repealed:

- (1) Section 25.032;
- (2) Section 25.033; and
- (3) Section 25.034.

(7) Strike SECTION 7 of the bill (page 3, lines 28-29) and substitute the following:

SECTION \_\_\_\_\_. (a) Except as provided by Subsection (b) of this section, this Act applies beginning with the 2014-2015 school year.

(b) Sections 8.051(e) and 25.0012, Education Code, as added by this Act, apply beginning with the 2013-2014 school year.

The amendment to **CSSB 1775** was read and was adopted by a viva voce vote.



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

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

**CSSB 1775** as amended was passed to engrossment by a viva voce vote.

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

Nays: Duncan, Nichols, Taylor.

Absent: Williams.

### **COMMITTEE SUBSTITUTE SENATE BILL 1775 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1775** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 3.

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

Nays: Duncan, Nichols, Taylor.

Absent: Williams.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 3. (Same as previous roll call)

### **HOUSE CONCURRENT RESOLUTION 31**

The Presiding Officer laid before the Senate the following resolution:

WHEREAS, The State of Texas traditionally has recognized a variety of official symbols as tangible representations of the proud character and colorful heritage of the Lone Star State; and

WHEREAS, Select members of the animal kingdom, including the longhorn, the armadillo, and the Texas horned lizard, are among the species that have been formally recognized, and their designation has served to draw attention to the great biological diversity of the state's landscape and to highlight creatures who are unique to or closely identified with the state; and

WHEREAS, An especially rich natural environment is found along the Texas Gulf Coast, and of the many distinctive species found in that region, the Kemp's ridley sea turtle (*Lepidochelys kempii*) is particularly deserving of recognition; and

WHEREAS, Identifiable by its nearly circular upper shell, the Kemp's ridley makes its home primarily in the Gulf of Mexico, though it is also found in the Atlantic Ocean; after hatching, the male turtles spend their entire lives at sea; the females come ashore only to lay eggs, and they do so in large, synchronized groups, an

extraordinary phenomenon known in Spanish as *arribada*, meaning "arrival"; while they are the smallest of the eight types of sea turtles in the world, they can still weigh up to 100 pounds and grow to 2.5 feet in length; and

WHEREAS, This remarkable creature is part of an inspiring conservation success story; following an alarming population decline that began in the 1940s, the Kemp's ridley teetered on the brink of extinction and was placed on the Endangered Species List in 1970; it has made a heroic recovery, however, as a result of a collaborative protection program begun in 1978 by the United States and Mexico; this initiative has helped implement the use of turtle excluder devices by the commercial shrimp fleet, which allow sea turtles to escape the trawling nets that were causing large numbers of deaths; another important development has been the establishment of a secondary nesting colony at Padre Island National Seashore in Texas, which supplements the main nesting site in Mexico; as of 2012, more than 100 turtle nests were identified at the national seashore, with another 100 in other Texas coastal areas; and

WHEREAS, A number of organizations and universities in the state have taken part in the campaign to safeguard the turtles, with Texas A&M University at Galveston, The University of Texas Marine Science Institute, and the National Marine Fisheries Service being central players in the initiative; and

WHEREAS, Once the most imperiled of all sea turtles, the Kemp's ridley is today becoming a more common resident of the Gulf Coast waters; its comeback is a testament to its resilience and to the admirable work of those Texans who have aided its recovery, and this noble animal is indeed a fitting symbol of the Lone Star State; now, therefore, be it

RESOLVED, That the 83rd Legislature of the State of Texas hereby designate the Kemp's ridley sea turtle as the official State Sea Turtle of Texas.

TAYLOR

**HCR 31** was read.

On motion of Senator Taylor, the resolution was considered immediately and was adopted by the following vote: Yeas 31, Nays 0.

#### **SENATE BILL 873 ON SECOND READING**

Senator Hegar moved to suspend the regular order of business to take up for consideration **SB 873** at this time on its second reading:

**SB 873**, Relating to the authority of a groundwater conservation district to require a permit for the drilling or operation of a water well used to supply water for the performance of a hydraulic fracturing treatment on an oil or gas well.

The motion prevailed.

Senators Campbell, Huffman, Nichols, Seliger, and Uresti asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Hegar offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 873** by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter D, Chapter 36, Water Code, is amended by adding Section 36.1133 to read as follows:

Sec. 36.1133. WELLS RELATED TO OIL AND GAS. (a) This section applies to a water well that is to be used solely to supply water for an activity associated with the drilling, exploration, or production of oil or gas.

(b) An applicant for a permit, permit amendment, or permit renewal for a water well under this section shall submit to the district in which the well is to be located an application that:

(1) is written and sworn to; and

(2) contains:

(A) the information required by the district for permit applications for wells used for other purposes; and

(B) the application filing fee adopted by the district under Section 36.205(a), if applicable.

(c) An application filed under Subsection (b) is considered administratively complete if it conforms to the requirements under Subsection (b). An application for which no determination of administrative completeness is made within 6 days after receipt of the application is considered administratively complete.

(d) Not later than the fifth business day after the date the district finds that an application for a water well permit under this section is administratively complete, the district by rule shall provide an interim authorization to the applicant. No further district action or approval is required before the applicant may drill, equip, operate, complete, or otherwise use the water well under the terms of the interim authorization and district rules during the period the district is considering the application. The interim authorization is valid until the district makes a final determination on the application.

(e) Except as provided in Subsections (c) and (d), the district shall process and make a final determination on an application under this section in the same manner that the district processes and makes a final determination on a water well used for another purpose.

(f) A district may apply to the owner or operator of a water well to which this section applies the district's rules, requirements, terms, conditions, or restrictions to the extent that the rules, requirements, terms, conditions, or restrictions are applied to owners and operators of water wells that are permitted by the district and used for other purposes. A district may enforce its rules adopted under this chapter or other law applicable to the district against a water well to which this section applies in the same manner as the district enforces its rules against water wells used for other purposes.

SECTION 2. Sections 36.117(b) and (d), Water Code, are amended to read as follows:

(b) Except as provided by this section, a district shall provide an exemption from the district requirement to obtain a permit for:

(1) drilling or operating a well used solely for domestic use or for providing water for livestock or poultry if the well is:

(A) located or to be located on a tract of land larger than 10 acres; and

(B) drilled, completed, or equipped so that it is incapable of producing more than 25,000 gallons of groundwater a day; or

~~(2) [drilling a water well used solely to supply water for a rig that is actively engaged in drilling or exploration operations for an oil or gas well permitted by the Railroad Commission of Texas provided that the person holding the permit is responsible for drilling and operating the water well and the water well is located on the same lease or field associated with the drilling rig; or~~

~~[(3)]~~ drilling a water well authorized under a permit issued by the Railroad Commission of Texas under Chapter 134, Natural Resources Code, or for production from the well to the extent the withdrawals are required for mining activities regardless of any subsequent use of the water.

(d) A district may cancel a previously granted exemption, and may require an operating permit for or restrict production from a well, if:

(1) the well is located in the Hill Country Priority Groundwater Management Area and the groundwater withdrawals that were exempted under Subsection (b)(1) are no longer used solely for domestic use or to provide water for livestock or poultry;

~~[(2) the groundwater withdrawals that were exempted under Subsection (b)(2) are no longer used solely to supply water for a rig that is actively engaged in drilling or exploration operations for an oil or gas well permitted by the Railroad Commission of Texas;] or~~

~~(2) [(3)]~~ the groundwater withdrawals that were exempted under Subsection (b)(2) ~~[(b)(3)]~~ are no longer necessary for mining activities or are greater than the amount necessary for mining activities specified in the permit issued by the Railroad Commission of Texas under Chapter 134, Natural Resources Code.

SECTION 3. Section 36.117(g), Water Code, is amended as follows:

(g) A district may not deny an application for a permit to drill and produce water for hydrocarbon drilling, exploration or production activities if the application meets all applicable rules as promulgated by the district.

SECTION 4. Section 36.1133, Water Code, as added by this Act, and Section 36.117, Water Code, as amended by this Act, apply only to a water well for which drilling is begun on or after the effective date of this Act. A water well for which drilling was begun before the effective date of this Act is governed by the law in effect at the time drilling was begun, and the former law is continued in effect for that purpose.

SECTION 5. This Act takes effect September 1, 2013.

The amendment to **SB 873** was read and was adopted by a viva voce vote.

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

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

**SB 873** as amended was passed to engrossment by a viva voce vote.

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

Nays: Campbell, Huffman, Nichols, Seliger, Uresti.

### SENATE BILL 873 ON THIRD READING

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 873** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

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

Nays: Campbell, Huffman, Nichols, Seliger, Uresti.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 5. (Same as previous roll call)

### SENATE BILL 212 ON SECOND READING

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 212** at this time on its second reading:

**SB 212**, Relating to the continuation, functions, and name of the Railroad Commission of Texas; providing for the imposition of fees, the repeal of provisions for the suspension of the collection of fees, and the elimination of a fee.

The bill was read second time.

Senator Uresti offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **SB 212** (senate committee printing) in SECTION 5 of the bill, in added Section 81.010045, Natural Resources Code, immediately following Subsection (f) of the section (page 2, between lines 57 and 58), by inserting the following:

(g) A commissioner may use a political contribution accepted under this section only in connection with a campaign for or the holding of the office of commissioner.

The amendment to **SB 212** was read.

On motion of Senator Nichols, Floor Amendment No. 1 was tabled by the following vote: Yeas 22, Nays 6.

Yeas: Birdwell, Campbell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Hancock, Hegar, Huffman, Lucio, Nelson, Nichols, Patrick, Paxton, Schwertner, Seliger, Taylor, Whitmire, Williams, Zaffirini.

Nays: Ellis, Garcia, Hinojosa, Rodríguez, Uresti, Watson.

Absent: Davis, Van de Putte, West.

Senator Estes offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **SB 212** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in the heading to Chapter 81, Natural Resources Code (page 1, line 28), strike "RESOURCES".

(2) In SECTION 2 of the bill, in amended Section 81.001(1), Natural Resources Code (page 1, line 33), strike "Resources".

(3) In SECTION 2 of the bill, in amended Section 81.001(2), Natural Resources Code (page 1, line 36), strike "Resources".

(4) In SECTION 3 of the bill (page 1, lines 39 through 47), strike added Section 81.003, Natural Resources Code, and substitute the following:

Sec. 81.003. TEXAS ENERGY COMMISSION. (a) The Railroad Commission of Texas is renamed the Texas Energy Commission.

(b) A reference in law to:

(1) the Railroad Commission of Texas means the Texas Energy Commission; and

(2) a railroad commissioner or a member of the Railroad Commission of Texas means a member of the Texas Energy Commission.

(5) In SECTION 4 of the bill, in amended Section 81.01001, Natural Resources Code (page 1, line 51), strike "Resources".

(6) Between SECTIONS 4 and 5 of the bill (page 1, between lines 54 and 55), insert the following:

SECTION 4A. Section 81.01001, Natural Resources Code, is amended to read as follows:

Sec. 81.01001. SUNSET PROVISION. The Railroad Commission of Texas is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished September 1, 2023 [~~2013~~].

(7) In the recital to SECTION 5 of the bill (page 1, line 56), strike "81.010015, 81.010045," and substitute "81.010045".

(8) In SECTION 5 of the bill, strike added Section 81.010015, Natural Resources Code (page 1, line 58, through page 2, line 4).

(9) In SECTION 6 of the bill, in amended Section 81.01005(a), Natural Resources Code (page 2, line 69), strike "Resources".

(10) In SECTION 6 of the bill, in amended Section 81.01005(b), Natural Resources Code (page 3, line 3), strike "Resources".

(11) In SECTION 17 of the bill, in amended Section 52.092(c)(7), Election Code (page 6, line 56), strike "resources".

(12) In SECTION 18 of the bill, in amended Section 756.126, Health and Safety Code (page 6, line 64), strike "Resources".

(13) Between SECTIONS 18 and 19 of the bill (page 6, after line 69), insert the following:

SECTION 18A. Section 756.126, Health and Safety Code, is amended to read as follows:

Sec. 756.126. SAFETY STANDARDS AND BEST PRACTICES. The Railroad Commission of Texas shall adopt and enforce safety standards and best practices, including those described by 49 U.S.C. Section 6105 et seq., relating to the prevention of damage by a person to a facility, including an interstate or intrastate pipeline facility, under the jurisdiction of the commission.

(14) In the first sentence of SECTION 22 of the bill (page 7, line 58), strike "Resources".

(15) Strike SECTION 23 of the bill (page 8, line 1) and substitute the following:

SECTION 23. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2013.

(b) Sections 1, 2, 3, 4, 6, 7, 17, 18, and 22 of this Act take effect on the date on which the constitutional amendment proposed by the 83rd Legislature, Regular Session, 2013, to rename the Railroad Commission of Texas as the Texas Energy Commission takes effect. If that amendment is not approved by the voters, those sections of this Act have no effect.

The amendment to **SB 212** was read.

Senator Estes withdrew Floor Amendment No. 2.

Senator Estes offered the following amendment to the bill:

### **Floor Amendment No. 3**

Amend **SB 212** (senate committee printing) in SECTION 5 of the bill as follows:

(1) Strike added Sections 81.010045(b) and (c), Natural Resources Code (page 2, lines 9-30).

(2) In added Section 81.010045(d), Natural Resources Code (page 2, line 31), strike "(d)" and substitute "(b)".

(3) In added Section 81.010045(e), Natural Resources Code (page 2, line 45), strike "(e)" and substitute "(c)".

(4) In added Section 81.010045(e), Natural Resources Code (page 2, line 46), strike "(d)" and substitute "(b)".

(5) In added Section 81.010045(f), Natural Resources Code (page 2, line 48), strike "(f)" and substitute "(d)".

(6) In added Section 81.010045(f), Natural Resources Code (page 2, line 49), strike "(d) and (e)" and substitute "(b) and (c)".

(7) In added Section 81.010045(f), Natural Resources Code (page 2, line 57), strike "(d)" and substitute "(b)".

The amendment to **SB 212** was read.

On motion of Senator Nichols, Floor Amendment No. 3 was tabled by the following vote: Yeas 18, Nays 13.

Yeas: Campbell, Carona, Davis, Duncan, Ellis, Garcia, Hancock, Huffman, Lucio, Nelson, Nichols, Rodríguez, Seliger, Taylor, Uresti, Watson, West, Whitmire.

Nays: Birdwell, Deuell, Eltife, Estes, Fraser, Hegar, Hinojosa, Patrick, Paxton, Schwertner, Van de Putte, Williams, Zaffirini.

Senator Hegar offered the following amendment to the bill:

**Floor Amendment No. 4**

Amend **SB 212** (senate committee printing) as follows:

(1) In SECTION 1 of the bill (page 1, lines 28 and 29), strike the amended heading to Chapter 81, Natural Resources Code, and substitute the following:

**CHAPTER 81. TEXAS DEPARTMENT OF OIL AND GAS [~~RAILROAD COMMISSION OF TEXAS~~]**

(2) In SECTION 2 of the bill (page 1, lines 32 through 36), strike amended Section 81.001, Natural Resources Code, and substitute the following:

Sec. 81.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Texas Department of Oil and Gas [~~Railroad Commission of Texas~~].

(2) "Commissioner" means any member of the Texas Department of Oil and Gas [~~Railroad Commission of Texas~~].

(3) In SECTION 3 of the bill (page 1, lines 39 through 47), strike added Section 81.003, Natural Resources Code, and substitute the following:

Sec. 81.003. TEXAS DEPARTMENT OF OIL AND GAS. (a) The Railroad Commission of Texas is renamed the Texas Department of Oil and Gas.

(b) A reference in law to:

(1) the Railroad Commission of Texas means the Texas Department of Oil and Gas; and

(2) a railroad commissioner or a member of the Railroad Commission of Texas means a member of the Texas Department of Oil and Gas.

(4) In SECTION 4 of the bill, in amended Section 81.01001, Natural Resources Code (page 1, lines 50 and 51), strike "Energy Resources [~~Railroad~~] Commission [~~of Texas~~]" and substitute "Department of Oil and Gas [~~Railroad Commission of Texas~~]".

(5) In SECTION 6 of the bill (page 2, line 68, through page 3, line 4), strike amended Section 81.01005, Natural Resources Code, and substitute the following:

Sec. 81.01005. NAME AND SEAL. (a) The commissioners are known collectively as the "Texas Department of Oil and Gas [~~Railroad Commission of Texas~~]."

(b) The seal of the commission contains a star of five points with the words "Texas Department of Oil and Gas [~~Railroad Commission of Texas~~]" engraved on it.

(6) In SECTION 17 of the bill, in amended Section 52.092(c)(7), Election Code (page 6, line 56), strike "energy resources" and substitute "oil and gas".

(7) In SECTION 18 of the bill, in amended Section 756.126, Health and Safety Code (page 6, line 64), strike "Energy Resources [~~Railroad~~] Commission [~~of Texas~~]" and substitute "Department of Oil and Gas [~~Railroad Commission of Texas~~]".

(8) In SECTION 22 of the bill (page 7, lines 57 and 58), strike "Energy Resources Commission" and substitute "Department of Oil and Gas".

The amendment to **SB 212** was read.

On motion of Senator Nichols, Floor Amendment No. 4 was tabled by the following vote: Yeas 18, Nays 13.



Yeas: Birdwell, Campbell, Carona, Davis, Deuell, Eltife, Garcia, Huffman, Nelson, Nichols, Patrick, Paxton, Seliger, Taylor, Uresti, Watson, Whitmire, Williams.

Nays: Duncan, Ellis, Estes, Fraser, Hancock, Hegar, Hinojosa, Lucio, Rodriguez, Schwertner, Van de Putte, West, Zaffirini.

Senator Williams offered the following amendment to the bill:

#### **Floor Amendment No. 5**

Amend **SB 212** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 81.068, Natural Resources Code, is amended to read as follows:

Sec. 81.068. PURPOSES [PURPOSE] OF OIL AND GAS REGULATION AND CLEANUP FUND. Money in the oil and gas regulation and cleanup fund may be used by the commission or its employees or agents for any purpose related to the regulation of oil and gas development, including oil and gas monitoring and inspections, oil and gas remediation, and oil and gas well plugging, alternative fuels programs under Section 81.0681, public information and services related to those activities, and administrative costs and state benefits for personnel involved in those activities.

SECTION \_\_\_\_\_. Subchapter C, Chapter 81, Natural Resources Code, is amended by adding Section 81.0681 to read as follows:

Sec. 81.0681. ALTERNATIVE FUELS PROGRAMS. (a) The commission may adopt all necessary rules relating to activities regarding the use of alternative fuels that are or have the potential to be effective in improving the air quality, energy security, or economy of this state.

(b) The commission may use the oil and gas regulation and cleanup fund to pay for activities relating to the use of alternative fuels, including direct and indirect costs relating to:

(1) researching all possible uses of liquefied petroleum gas and natural gas as alternative fuels;

(2) researching, developing, and implementing marketing, advertising, and informational programs relating to alternative fuels to make alternative fuels more understandable and readily available to consumers;

(3) developing and implementing conservation and distribution plans to minimize the frequency and severity of disruptions in the supply of alternative fuels;

(4) developing a public information plan that will provide advisory services relating to alternative fuels to consumers;

(5) developing voluntary participation plans to promote the use of alternative fuels by federal, state, and local agencies; and

(6) other functions the commission determines are necessary to add a program established by the commission for the purpose of promoting the use of liquefied petroleum gas, natural gas, or other alternative fuels.

The amendment to **SB 212** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 5.

Senator Williams offered the following amendment to the bill:

**Floor Amendment No. 6**

Amend **SB 212** (senate committee printing) as follows:

(1) Add the following appropriately numbered SECTION to the bill:

SECTION \_\_\_\_\_. Section 81.067(b), Natural Resources Code, is amended to read as follows:

(b) The commission shall certify to the comptroller the date on which the balance in the fund equals or exceeds \$30 [~~\$20~~] million. The oil-field cleanup regulatory fees on oil and gas shall not be collected or required to be paid on or after the first day of the second month following the certification, except that the comptroller shall resume collecting the fees on receipt of a commission certification that the fund has fallen below \$25 [~~\$10~~] million. The comptroller shall continue collecting the fees until collections are again suspended in the manner provided by this subsection.

(2) Strike SECTIONS 12 and 13 of the bill (page 5, line 58, through page 6, line 1).

(3) In SECTION 20 of the bill (page 7, line 28), strike Subdivision (1) of the SECTION and renumber the subsequent subdivisions of the SECTION accordingly.

(4) Renumber the SECTIONS of the bill accordingly.

The amendment to **SB 212** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 6.

Senator Ellis offered the following amendment to the bill:

**Floor Amendment No. 7**

Amend **SB 212** (Senate committee printing) in SECTION 5 of the bill, in added Section 81.010045, Natural Resources Code (page 2, between lines 57 and 58), immediately following Subsection (f), by inserting the following:

(g) A commissioner or a candidate for the office of commissioner may not knowingly accept political contributions from a person that in the aggregate exceed \$5,000 during a period in which the commissioner or candidate may accept political contributions as provided by Subsections (b) and (c).

(h) A person who receives a political contribution that violates Subsection (g) shall return the contribution to the contributor not later than the 30th day after the date the person received the contribution.

(i) A person who violates Subsection (g) is liable for a civil penalty not to exceed three times the amount of the political contributions accepted in violation of that subsection.

The amendment to **SB 212** was read.

Senator Ellis withdrew Floor Amendment No. 7.

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

**SB 212** as amended was passed to engrossment by a viva voce vote.

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

### **SENATE BILL 212 ON THIRD READING**

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 212** be placed on its third reading and final passage.

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

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

### **BILLS AND RESOLUTIONS SIGNED**

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

**SB 283, SB 294, SB 297, SB 312, SB 618, SB 966, SB 1248, HB 200, HCR 47, HCR 67, HCR 105, HCR 107.**

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

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

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

On motion of Senator Hegar and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Finance Subcommittee on Fiscal Matters might meet today.

### **CO-AUTHOR OF SENATE BILL 786**

On motion of Senator Hinojosa, Senator Estes will be shown as Co-author of **SB 786**.

### **CO-AUTHORS OF SENATE BILL 1153**

On motion of Senator Davis, Senators Ellis and Hinojosa will be shown as Co-authors of **SB 1153**.

### **CO-AUTHOR OF SENATE BILL 1208**

On motion of Senator Zaffirini, Senator Davis will be shown as Co-author of **SB 1208**.

### **CO-AUTHOR OF SENATE BILL 1303**

On motion of Senator Davis, Senator Lucio will be shown as Co-author of **SB 1303**.

**CO-AUTHOR OF SENATE BILL 1775**

On motion of Senator West, Senator Patrick will be shown as Co-author of **SB 1775**.

**CO-AUTHOR OF SENATE RESOLUTION 566**

On motion of Senator Huffman, Senator Ellis will be shown as Co-author of **SR 566**.

**CO-AUTHOR OF SENATE RESOLUTION 810**

On motion of Senator Hinojosa, Senator Lucio will be shown as Co-author of **SR 810**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**SR 812** by Duncan, In memory of Joseph Eltidge Thigpen.

**SR 813** by Watson, In memory of Monty Graham Goff.

**SR 815** by Watson, In memory of James Raymond Viramontes.

**SR 817** by Watson, In memory of Tim Carlton Thatcher.

**SR 819** by Nichols and Schwertner, In memory of Wade Wilson.

**Welcome and Congratulatory Resolutions**

**SR 811** by Ellis, Recognizing the 20th anniversary of diplomatic relations between the Republic of Angola and the United States.

**SR 814** by Watson, Welcoming members of the U.S. State Department's Experience America program to the Capitol.

**SR 816** by Watson, Recognizing Albert Rodriguez on the occasion of his retirement.

**SR 818** by Schwertner, Recognizing G. Kemble Bennett for his contributions to the Texas Board of Professional Engineers.

**ADJOURNMENT**

On motion of Senator Whitmire, the Senate at 1:52 p.m. adjourned, in memory of Santana Lopez, Jr., until 10:00 a.m. tomorrow.

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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:

May 2, 2013

**BUSINESS AND COMMERCE — CSHB 949, CSSB 1239, CSSB 1586**

**EDUCATION — CSSB 681**

**NATURAL RESOURCES — CSSB 1560**

**INTERGOVERNMENTAL RELATIONS — SB 482, SB 1635, SB 1873, SB 1899, SB 1910, SB 1913, SB 1916**

**AGRICULTURE, RURAL AFFAIRS AND HOMELAND SECURITY — HB 597, HB 1493, HB 1521**

**BILLS AND RESOLUTIONS ENGROSSED**

May 1, 2013

**SB 38, SB 39, SB 163, SB 377, SB 854, SB 1018, SB 1062, SB 1100, SB 1163, SB 1191, SB 1391, SB 1401, SB 1427, SB 1451, SB 1482, SB 1484, SB 1517, SB 1522, SB 1606, SB 1662, SB 1718, SB 1750, SB 1752, SB 1769, SB 1812, SB 1877, SB 1878, SB 1883, SJR 16, SJR 54**

**BILLS AND RESOLUTIONS ENROLLED**

May 1, 2013

**SB 283, SB 294, SB 297, SB 312, SB 618, SB 966, SB 1248, SR 756, SR 763, SR 800, SR 801, SR 802, SR 803, SR 804, SR 805, SR 806, SR 807, SR 808, SR 809**

**SENT TO GOVERNOR**

May 2, 2013

**SB 283, SB 294, SB 297, SB 312, SB 618, SB 966, SB 1248**





