

# SENATE JOURNAL

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EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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## FIFTY-SEVENTH DAY

(Monday, May 13, 2013)

The Senate met at 11:12 a.m. pursuant to adjournment and was called to order by Senator Eltife.

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

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

Pastor Gary Smith, Fielder Road Baptist Church, Arlington, offered the invocation as follows:

Dear heavenly Father, we acknowledge this is a day You have made and we will rejoice and be glad in it. We recognize You are our creator and the source of everything good in our lives. We understand You are our provider and we desire to be good stewards of Your abundant blessings to us. You truly are our Lord and God. We ask that You are pleased with all we do and say this day. We recognize Your ways are best, and when we obey You we will experience Your grace and blessings in our lives and in this great state. We ask that those who deliberate today in this body will know Your mind and wisdom as they make decisions that will impact our state. You tell us if we lack wisdom we can ask of You and You will give it in abundance. So, we turn our hearts and minds to You to hear Your voice. We also understand we are abundantly blessed in this great state. Help our leaders to know how to solve the many issues that face us and give direction to the people of Texas. Help them, Lord, to know how to protect us, make laws that care for our needs, and assist those who are hurting. Dear God, show us how to be generous as we live in our great prosperity. Dear Lord, we dedicate this day, these hours and minutes into Your hands. Grant us grace and mercy from Your heart. We pray this in the name of our Lord Jesus Christ. Amen.

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

The motion prevailed without objection.

**MESSAGE FROM THE HOUSE****HOUSE CHAMBER**

Austin, Texas

Monday, May 13, 2013 - 1

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

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

**THE HOUSE HAS PASSED THE FOLLOWING MEASURES:****HB 16** Flynn

Relating to a requirement that a state agency post its internal auditor's audit plan and audit report and other audit information on the agency's Internet website.

**HB 133** Raymond

Relating to the dissemination of criminal history record information by the Department of Public Safety concerning the offense of intoxication manslaughter and to a task force to reduce habitual driving while intoxicated.

**HB 315** Otto

Relating to the applicability of the law governing the ad valorem taxation of a dealer's motor vehicle inventory.

**HB 382** Burnam

Relating to certain limitations on settlement agreements with a governmental unit.

**HB 1199** Taylor, Van

Relating to the use of human remains for forensic science education, including the training of search and rescue animals.

**HB 1382** Simpson

Relating to the regulation of food prepared, stored, distributed, or sold at farms and farmers' markets; limiting the applicability of a fee.

**HB 1829** Gonzalez, Naomi

Relating to safe patient handling and movement practices at hospitals and nursing homes.

**HB 2233** Simmons

Relating to signature verification on an early voting ballot voted by mail.

**HB 2234** Orr

Relating to authorizing home-taught driver education course providers to administer certain examinations required to obtain a driver's license.

**HB 2419** Elkins

Relating to a pilot program authorizing an administrative district judge to appoint special magistrates to assist in hearing ad valorem tax protests.

**HB 2423** Martinez, "Mando"  
Relating to the creation of regional transit authorities; granting the power of eminent domain; providing authority to issue bonds.

**HB 2518** Springer  
Relating to reimbursement for jury service.

**HB 2625** Coleman  
Relating to disease management practices of local mental health authorities.

**HB 3029** Fletcher  
Relating to new systems and technologies for the financial responsibility verification program.

**HB 3227** Coleman  
Relating to coverage of certain eating disorders as serious mental illnesses under certain group health benefit plans.

**HB 3399** Raymond  
Relating to the stability of placements for children in the conservatorship of the Department of Family and Protective Services.

**HB 3437** Otto  
Relating to the procedure for obtaining an allocation for ad valorem tax purposes of the value of certain property that is used in this state and outside this state.

**HB 3476** Paddie  
Relating to the liability of certain sports officials and organizations.

**HB 3509** Bonnen, Dennis  
Relating to endangered species habitat conservation and to the creation of a committee to oversee and guide the state's coordinated response to federal actions regarding endangered species.

**HB 3552** Oliveira  
Relating to the release of extraterritorial jurisdiction by certain municipalities.

**HB 3597** Burnam  
Relating to application and notification requirements for a permit to drill an oil or gas well in or near an easement held by the Texas Department of Transportation.

**HB 3643** Harper-Brown  
Relating to the allocation of revenue from the municipal hotel occupancy tax by certain municipalities.

**HB 3769** Coleman  
Relating to the authority of a municipality to impose a civil penalty on owners of certain motor vehicles parked on a highway under the jurisdiction of the municipality that do not display a valid registration insignia or inspection certificate.

**HB 3793** Coleman  
Relating to powers, duties, and services of counties and entities serving counties.

**HB 3934** Riddle  
Relating to powers of the North Harris County Regional Water Authority relating to certain wells.

**SB 33** Zaffirini Sponsor: Naishtat  
Relating to the electronic monitoring of residents at state supported living centers; providing criminal penalties.

**SB 61** Nelson Sponsor: Cortez  
Relating to the licensing and regulation of military physicians who provide voluntary charity health care.

**SB 92** Van de Putte Sponsor: Thompson,  
Senfronia  
Relating to the designation of a juvenile court and a program for certain juveniles who may be the victims of human trafficking.

**SB 94** Van de Putte Sponsor: Thompson,  
Senfronia  
Relating to civil liability for compelled prostitution and certain promotion of prostitution.

**SB 160** Huffman Sponsor: Miller, Rick  
Relating to the identification of a person as an election poll watcher.

**SB 169** Hegar Sponsor: Morrison  
Relating to ballot language for an election to approve and finance a municipal or county venue project.

**SB 229** Davis Sponsor: Turner, Chris  
Relating to an exception to the domicile requirement for issuance of a commercial driver's license for certain military personnel.

**SB 352** West Sponsor: Gonzalez, Naomi  
Relating to visitation for certain children in the temporary managing conservatorship of the Department of Family and Protective Services.

**SB 353** West Sponsor: Dukes  
Relating to the ability of an emergency shelter facility to provide shelter or care for an unaccompanied minor without a license.

**SB 377** Lucio Sponsor: González, Mary  
Relating to the determination of certain exemptions from the administration of state assessment instruments to public school students and to the consideration of the performance of certain students on state assessment instruments.  
(Amended)

**SB 425** Nelson Sponsor: Farney  
Relating to foster care placement decisions made by the Department of Family and Protective Services.

**SB 560** Ellis Sponsor: Coleman  
Relating to authorization for biweekly installment payments for the compensation of certain justices, judges, and district attorneys.

**SB 642** Van de Putte Sponsor: Kuempel  
Relating to the sale of distilled spirits to the holder of an industrial permit.

- SB 715** Lucio Sponsor: Farney  
Relating to counselors employed by school districts, including the use of consistent terminology in the Education Code to refer to school counselors and a license requirement for licensed professional counselors employed by school districts.  
(Committee Substitute)
- SB 764** Watson Sponsor: King, Tracy O.  
Relating to a limitation on liability for prescribed burning conducted on agricultural or conservation land.
- SB 914** Lucio Sponsor: Ratliff  
Relating to a behavior improvement plan or a behavioral intervention plan adopted for certain students with an individualized education program.  
(Committee Substitute)
- SB 1142** Duncan Sponsor: Davis, John  
Relating to an adult high school diploma and industry certification charter school pilot program for adults 19 to 50 years of age.  
(Committee Substitute)
- SB 1225** Taylor Sponsor: Smith  
Relating to the facilities to which Chapter 68, Water Code, applies.
- SB 1240** Duncan Sponsor: Keffer  
Relating to the partition of mineral interests of a charitable trust.  
(Committee Substitute)
- SB 1332** Duncan Sponsor: Smithee  
Relating to who is an employee for large and small employers for health benefit plans.
- SB 1461** Carona Sponsor: Harper-Brown  
Relating to addition of certain municipalities to the territory of a regional transportation authority.  
(Committee Substitute)
- SB 1541** Van de Putte Sponsor: Allen  
Relating to discipline of public school students by school bus drivers.  
(Committee Substitute)
- SB 1811** Hegar Sponsor: Zerwas  
Relating to the Fort Bend Subsidence District.
- SB 1825** Hegar Sponsor: Zerwas  
Relating to the composition of the board of directors of the Fort Bend Subsidence District.
- SB 1868** Campbell Sponsor: Isaac  
Relating to the creation of the Needmore Ranch Municipal Utility District No. 1; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.  
(Amended)
- SB 1896** Garcia Sponsor: Naishtat  
Relating to the confidentiality of information in ad valorem tax appraisal records that identifies the home address of certain judges.

**SCR 28**

Uresti

Sponsor: Guillen

Designating the first Tuesday in March as Texas Assisted Living Awareness Day for a 10-year period beginning in 2013.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**PHYSICIAN OF THE DAY**

Senator Davis was recognized and presented Dr. Richard Young of Fort Worth as the Physician of the Day.

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

**SENATE RESOLUTION 545**

Senator Hancock offered the following resolution:

**SR 545**, Recognizing James D. Spaniolo on the occasion of his retirement as president of The University of Texas at Arlington.

HANCOCK	NELSON
BIRDWELL	SELIGER
DAVIS	WEST
DUNCAN	ZAFFIRINI

The resolution was again read.

The resolution was previously adopted on Tuesday, March 26, 2013.

**GUEST PRESENTED**

Senator Hancock was recognized and introduced to the Senate James D. Spaniolo, President, The University of Texas at Arlington.

The Senate welcomed its guest.

**SENATE RESOLUTION 766**

Senator Birdwell offered the following resolution:

**SR 766**, In memory of Andrew Michael Keel.

The resolution was again read.

The resolution was previously adopted on Thursday, April 25, 2013.

In honor of the memory of Andrew Michael Keel, the text of the resolution is printed at the end of today's *Senate Journal*.

**INTRODUCTION OF  
BILLS AND RESOLUTIONS POSTPONED**

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

There was no objection.

**CONCLUSION OF MORNING CALL**

The Presiding Officer at 11:31 a.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1512 ON SECOND READING**

Senator Ellis moved to suspend the regular order of business to take up for consideration **CSSB 1512** at this time on its second reading:

**CSSB 1512**, Relating to the confidentiality of certain crime scene photographs and video recordings; providing a criminal penalty.

The motion prevailed.

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

The bill was read second time.

Senator Ellis moved to temporarily postpone further consideration of the bill.

The motion prevailed.

Question—Shall **CSSB 1512** be passed to engrossment?

**COMMITTEE SUBSTITUTE  
SENATE BILL 1304 ON SECOND READING**

Senator Davis moved to suspend the regular order of business to take up for consideration **CSSB 1304** at this time on its second reading:

**CSSB 1304**, Relating to school district reports concerning corporal punishment and the issuance of citations by a peace officer.

The motion prevailed.

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

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

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

Nays: Hancock, Nichols, Paxton

**COMMITTEE SUBSTITUTE  
SENATE BILL 1304 ON THIRD READING**

Senator Davis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1304** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

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

Nays: Hancock, Nichols, Paxton.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3. (Same as previous roll call)

### HOUSE BILL 740 ON SECOND READING

On motion of Senator Deuell and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 740** at this time on its second reading:

**HB 740**, Relating to newborn screening for critical congenital heart disease and other disorders.

The bill was read second time.

Senator Deuell offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **HB 740** by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. This Act shall be known as the Taryn Kennedy, Nash Sievers, and Rex Van de Putte Act.

The amendment to **HB 740** was read and was adopted by a viva voce vote.

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

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

**HB 740** as amended was passed to third reading by a viva voce vote.

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

### HOUSE BILL 740 ON THIRD READING

Senator Deuell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 740** be placed on its third reading and final passage.

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

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

### LEAVE OF ABSENCE

On motion of Senator Whitmire, Senator Williams was granted leave of absence for the remainder of the day on account of important business.



**HOUSE BILL 1844 ON SECOND READING**

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1844** at this time on its second reading:

**HB 1844**, Relating to the official name of The University of Texas Southwestern Medical Center.

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

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

Absent-excused: Williams.

**HOUSE BILL 1844 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1844** be placed on its third reading and final passage.

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

Absent-excused: Williams.

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

**HOUSE JOINT RESOLUTION 79 ON SECOND READING**

On motion of Senator Birdwell and by unanimous consent, the regular order of business was suspended to take up for consideration **HJR 79** at this time on its second reading:

**HJR 79**, Proposing a constitutional amendment to eliminate an obsolete requirement for a State Medical Education Board and a State Medical Education Fund.

The resolution was read second time and was passed to third reading by a viva voce vote.

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

Absent-excused: Williams.

**HOUSE JOINT RESOLUTION 79 ON THIRD READING**

Senator Birdwell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HJR 79** be placed on its third reading and final passage.

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

Absent-excused: Williams.

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

**HOUSE BILL 1061 ON SECOND READING**

On motion of Senator Birdwell and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1061** at this time on its second reading:

**HB 1061**, Relating to the repeal of the statutory authority for the State Medical Education Board.

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

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

Absent-excused: Williams.

**HOUSE BILL 1061 ON THIRD READING**

Senator Birdwell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1061** be placed on its third reading and final passage.

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

Absent-excused: Williams.

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

**HOUSE BILL 2311 ON SECOND READING**

Senator Schwertner moved to suspend the regular order of business to take up for consideration **HB 2311** at this time on its second reading:

**HB 2311**, Relating to an animal identification program.

The motion prevailed.

Senators Nelson and Uresti asked to be recorded as voting "Nay" on suspension of the regular order of business.

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

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

Nays: Nelson, Uresti.

Absent-excused: Williams.

**HOUSE BILL 2311 ON THIRD READING**

Senator Schwertner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2311** be placed on its third reading and final passage.

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

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

Nays: Nelson, Uresti.

Absent-excused: Williams.

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

### REMARKS ORDERED PRINTED

On motion of Senator Watson and by unanimous consent, the remarks by Senators Watson and Schwertner regarding **HB 2311** were ordered reduced to writing and printed in the *Senate Journal* as follows:

**Senator Watson:** Thank you, Senator, for a couple of things. One, for yielding, but also I think it's important that folks know that you had a Senate Bill that was the companion to this House Bill. You had it on local and uncontested, and you agreed to pull it off local and wait on this bill so we could have some time for this kind of conversation about the bill. And I want everybody to know that I appreciate that you did this at my request. As we discussed, I represent a number of small-scale farmers and backyard poultry owners and have heard from a number of them who have great concern and fear about this bill and what the bill may be intended to do and may not do. I'm worried that there is some confusion, so I wanted to ask you a few questions about your bill, making sure we have clarification of legislative intent, we are very clear about what this bill actually does and what the bill does not do, so we can also be instructive to the agency.

**Senator Schwertner:** Absolutely. Please, absolutely.

**Senator Watson:** First, in your layout you used a phrase that I think is important. You indicated that it would allow for identification only in specific animal diseases. Could you repeat that and explain what you mean by that?

**Senator Schwertner:** Yes, Sir. It only allows for animal traceability for specific animal diseases or for animal emergency management. Currently in statute, Members, the current statute allows for other commissioned programs, and this bill strikes that language in current statute allowing, again, only for control of animal disease or emergency management.

**Senator Watson:** In a specific instance of animal disease—

**Senator Schwertner:** That is correct.

**Senator Watson:** So, does your bill require identification of chickens that remain entirely in the State of Texas?

**Senator Schwertner:** No, Sir. It does not.

**Senator Watson:** What about pigs, goats, or sheep that are owned by local farmers?

**Senator Schwertner:** No, Sir. This is not about animal ID. This is about animal disease traceability in certain disease situations.

**Senator Watson:** So, the bill does not allow or require that there be identification for chickens that remain entirely in Texas or pigs, goats, or sheep that are owned by local farmers.

**Senator Schwertner:** That is correct, it does not.

**Senator Watson:** If an animal is raised for slaughter and is not transported over state lines, would this bill require their identification?

**Senator Schwertner:** No, Sir, it does not.

**Senator Watson:** If an individual owns chickens to lay eggs, will your bill require the identification of those chickens?

**Senator Schwertner:** No, Sir, it does not.

**Senator Watson:** Would it require or allow for there to be leg bands put on those chickens, say, if somebody has chickens in their yard to lay eggs, would it require leg bands for those chickens?

**Senator Schwertner:** This bill does not require leg bands on chickens.

**Senator Watson:** Does your bill give the Texas Animal Health Commission the authority to require identification or leg bands on chickens?

**Senator Schwertner:** Senator, currently the Texas Animal Health Commission has the authority in Chapter 161. This limits the authority to, again, only specific disease or to control those conditions.

**Senator Watson:** So, what you're saying is, it does not give them the authority to require there be leg bands on poultry unless there is a specific animal disease or an emergency.

**Senator Schwertner:** You said it better than I can.

**Senator Watson:** In fact, your intent is to not allow that to happen. Is that correct?

**Senator Schwertner:** That is correct. I would like to see our producers have further freedoms and less restrictions from the Animal Health Commission, and this bill takes a step forward in that direction.

**Senator Watson:** You indicated that part of your reason for the bill is to avoid unnecessary regulations. If the agency were to start adopting rules that would allow for identification or leg bands without a specific emergency or animal disease, you would consider that to be unnecessary regulations and—

**Senator Schwertner:** I would be speaking to Dr. Ellis pretty quickly about it.

**Senator Watson:** In your opinion, does the Animal Health Commission have the resources to require identification of animals for backyard chicken owners?

**Senator Schwertner:** No. They need to be concerned with animal disease and management of disease outbreak and not tagging chickens or other interferences with our small producers.

**Senator Watson:** Thank you very much, Senator. These are some of the concerns I am hearing from my district, and I wanted to have some clarity about your intent for the record.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1512 ON SECOND READING**

The Presiding Officer laid before the Senate **CSSB 1512** by Senator Ellis on its second reading. The bill had been read second time and further consideration temporarily postponed:

**CSSB 1512**, Relating to the confidentiality of certain crime scene photographs and video recordings; providing a criminal penalty.

Question—Shall **CSSB 1512** be passed to engrossment?

Senator Ellis offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1512** by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter C, Chapter 552, Government Code, is amended by adding Section 552.1085 to read as follows:

Sec. 552.1085. CONFIDENTIALITY OF SENSITIVE CRIME SCENE IMAGE. (a) In this section:

(1) "Deceased person's next of kin" means:

(A) the surviving spouse of the deceased person;

(B) if there is no surviving spouse of the deceased, an adult child of the deceased person; or

(C) if there is no surviving spouse or adult child of the deceased, a parent of the deceased person.

(2) "Defendant" means a person being prosecuted for the death of the deceased person or a person convicted of an offense in relation to that death and appealing that conviction.

(3) "Expressive work" means:

(A) a fictional or nonfictional entertainment, dramatic, literary, or musical work that is a play, book, article, musical composition, audiovisual work, radio or television program, work of art, or work of political, educational, or newsworthy value;

(B) a work the primary function of which is the delivery of news, information, current events, or other matters of public interest or concern; or

(C) an advertisement or commercial announcement of a work described by Paragraph (A) or (B).

(4) "Local governmental entity" means a county, municipality, school district, charter school, junior college district, or other political subdivision of this state.

(5) "Public or private institution of higher education" means:

(A) an institution of higher education, as defined by Section 61.003, Education Code; or

(B) a private or independent institution of higher education, as defined by Section 61.003, Education Code.

(6) "Sensitive crime scene image" means a photograph or video recording taken at a crime scene, contained in or part of a closed criminal case, that depicts a deceased person in a state of dismemberment, decapitation, or similar mutilation or that depicts the deceased person's genitalia.

(7) "State agency" means a department, commission, board, office, or other agency that is a part of state government and that is created by the constitution or a statute of this state. The term includes an institution of higher education as defined by Section 61.003, Education Code.

(b) For purposes of this section, an Internet website, the primary function of which is not the delivery of news, information, current events, or other matters of public interest or concern, is not an expressive work.

(c) A sensitive crime scene image in the custody of a governmental body is confidential and excepted from the requirements of Section 552.021 and a governmental body may not permit a person to view or copy the image except as provided by this section. This section applies to any sensitive crime scene image regardless of the date that the image was taken or recorded.

(d) Notwithstanding Subsection (c) and subject to Subsection (e), the following persons may view or copy information that constitutes a sensitive crime scene image from a governmental body:

(1) the deceased person's next of kin;

(2) a person authorized in writing by the deceased person's next of kin;

(3) a defendant or the defendant's attorney;

(4) a person who establishes to the governmental body an interest in a sensitive crime scene image that is based on, connected with, or in support of the creation, in any medium, of an expressive work;

(5) a person performing bona fide research sponsored by a public or private institution of higher education with approval of a supervisor of the research or a supervising faculty member;

(6) a state agency;

(7) an agency of the federal government; or

(8) a local governmental entity.

(e) This section does not prohibit a governmental body from asserting an exception to disclosure of a sensitive crime scene image to a person identified in Subsection (d) on the grounds that the image is excepted from the requirements of Section 552.021 under another provision of this chapter or another law.

(f) Not later than the 10th business day after the date a governmental body receives a request for a sensitive crime scene image from a person described by Subsection (d)(4) or (5), the governmental body shall notify the deceased person's next of kin of the request in writing. The notice must be sent to the next of kin's last known address.

(g) A governmental body that receives a request for information that constitutes a sensitive crime scene image shall allow a person described in Subsection (d) to view or copy the image not later than the 10th business day after the date the governmental body receives the request unless the governmental body files a request for an attorney general decision under Subchapter G regarding whether an exception to public disclosure applies to the information.

SECTION 2. (a) The change in law made by this Act applies only to the disclosure or copying of a sensitive crime scene image on or after September 1, 2013.

(b) The disclosure or copying of a sensitive crime scene image before September 1, 2013, is covered by the law in effect when the image was disclosed or copied, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2013.

The amendment to **CSSB 1512** was read and was adopted by a viva voce vote.

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

Nays: Patrick.

Absent-excused: Williams.

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

**CSSB 1512** as amended was passed to engrossment by a viva voce vote.

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

Nays: Patrick.

Absent-excused: Williams.

### **COMMITTEE SUBSTITUTE SENATE BILL 1512 ON THIRD READING**

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1512** be placed on its third reading and final passage.

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

Nays: Patrick.

Absent-excused: Williams.

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

### **COMMITTEE SUBSTITUTE SENATE BILL 1871 ON SECOND READING**

Senator Estes moved to suspend the regular order of business to take up for consideration **CSSB 1871** at this time on its second reading:

**CSSB 1871**, Relating to eligibility for burial in the state cemetery.

The motion prevailed.

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

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

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

Nays: Patrick, Schwertner.

Absent-excused: Williams.

### COMMITTEE SUBSTITUTE SENATE BILL 1871 ON THIRD READING

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1871** be placed on its third reading and final passage.

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

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

Nays: Patrick, Schwertner.

Absent-excused: Williams.

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

### GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate Blake W. Clemens, Addison Mayor Pro Tempore, and Neil Resnik, Addison Councilmember.

The Senate welcomed its guests.

### HOUSE BILL 839 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 839** at this time on its second reading:

**HB 839**, Relating to the powers, duties, and compensation of the board of directors of the Duval County Groundwater Conservation District.

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

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

Absent-excused: Williams.

### HOUSE BILL 839 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 839** be placed on its third reading and final passage.

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

Absent-excused: Williams.



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

**SENATOR ANNOUNCED PRESENT**

Senator Williams, who had previously been recorded as "Absent-excused," was announced "Present."

**COMMITTEE SUBSTITUTE  
HOUSE BILL 1738 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1738** at this time on its second reading:

**CSHB 1738**, Relating to the emergency detention by a peace officer of a person who may have mental illness, including information provided to the person subject to detention and a standard form of notification of detention to be provided to a facility by a peace officer.

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

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

**COMMITTEE SUBSTITUTE  
HOUSE BILL 1738 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1738** be placed on its third reading and final passage.

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

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

**HOUSE BILL 1106 ON SECOND READING**

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1106** at this time on its second reading:

**HB 1106**, Relating to the identification and operation of vessels in the waters of this state; authorizing a change in fees.

The bill was read second time.

Senator Estes offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **HB 1106** (senate committee report) as follows:

(1) Strike SECTION 5 of the bill (page 1, line 59, through page 2, line 27) and renumber subsequent SECTIONS of the bill accordingly.

(2) Strike the recital to SECTION 6 of the bill (page 2, lines 28 and 29), and substitute the following:

Section 31.047(b), Parks and Wildlife Code, is amended to read as follows:

(3) In SECTION 6 of the bill, in amended Section 31.047, Parks and Wildlife Code (page 2), strike lines 49 through 56.

The amendment to **HB 1106** was read and was adopted by a viva voce vote.

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

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

**HB 1106** as amended was passed to third reading by a viva voce vote.

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

### **HOUSE BILL 1106 ON THIRD READING**

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1106** be placed on its third reading and final passage.

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

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

### **HOUSE BILL 1768 ON SECOND READING**

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1768** at this time on its second reading:

**HB 1768**, Relating to identification requirements for certain fire hydrants and flush valves.

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

#### **Floor Amendment No. 1**

Amend **HB 1768** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in amended Section 341.0357, Health and Safety Code (page 1, lines 45 and 58, and page 2, lines 4-5, 12, 19, 27, 42, 45, and 47-48), strike "water utility" each place it appears and substitute "public water system".

(2) In SECTION 2 of the bill, in the transition language (page 2, lines 50-51), strike "water utility" and substitute "public water system".

The amendment to **HB 1768** was read and was adopted by a viva voce vote.

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

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

**HB 1768** as amended was passed to third reading by a viva voce vote.

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

**HOUSE BILL 1768 ON THIRD READING**

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1768** be placed on its third reading and final passage.

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

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

**HOUSE BILL 1238 ON SECOND READING**

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1238** at this time on its second reading:

**HB 1238**, Relating to the designation of a portion of U.S. Highway 287 in Sherman and Dallam Counties as the Trooper Bobby Steve Booth Memorial Highway.

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

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

**HOUSE BILL 1238 ON THIRD READING**

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1238** be placed on its third reading and final passage.

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

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

**HOUSE BILL 1717 ON SECOND READING**

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1717** at this time on its second reading:

**HB 1717**, Relating to the continuation and functions of the Texas Board of Architectural Examiners; changing certain fees.

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **HB 1717** (senate committee printing) in SECTION 3 of the bill, in proposed Section 1051.351(c-1), Occupations Code (page 1), as follows:

- (1) On line 58, strike each instance of "2016" and substitute "2017".
- (2) On line 60, strike "September 1, 2013" and substitute "January 1, 2014".
- (3) On line 61, strike "2018" and substitute "2019".

The amendment to **HB 1717** was read and was adopted by a viva voce vote.

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

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

**HB 1717** as amended was passed to third reading by a viva voce vote.

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

#### **HOUSE BILL 1717 ON THIRD READING**

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1717** be placed on its third reading and final passage.

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

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

#### **HOUSE BILL 525 ON SECOND READING**

On motion of Senator Fraser and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 525** at this time on its second reading:

**HB 525**, Relating to the collection of data relating to military-connected students through the Public Education Information Management System (PEIMS).

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

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

#### **HOUSE BILL 525 ON THIRD READING**

Senator Fraser moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 525** be placed on its third reading and final passage.

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

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

#### **COMMITTEE SUBSTITUTE**

#### **HOUSE BILL 857 ON SECOND READING**

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 857** at this time on its second reading:

**CSHB 857**, Relating to the frequency of water audits by certain retail public utilities.

The bill was read second time.

Senator Nichols offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSHB 857** in SECTION 1 of the bill, in amended Section 16.0121(b-1), Water Code (page 1, lines 34-35), by striking "and is serving a population of 3,300 or less" and substituting "and is providing service to 3,300 or fewer connections".

The amendment to **CSHB 857** was read.

Senator Ellis offered the following amendment to Floor Amendment No. 1:

**Floor Amendment No. 2**

Amend Floor Amendment No. 1 to **CSHB 857** (senate committee printing) as follows by adding the following sections:

\_\_\_ In SECTION 1 of the bill, page 1, line 26, after "Sections 16.0121(b)", delete ", (b-1), and (c)" and insert "and (b-1)".

\_\_\_ In SECTION 1 of the bill, page 1, strike lines 38-50.

The amendment to Floor Amendment No. 1 to **CSHB 857** was read and was adopted by a viva voce vote.

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

Question recurring on the adoption of Floor Amendment No. 1 to **CSHB 857**, the amendment as amended was adopted by a viva voce vote.

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

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

**CSHB 857** as amended was passed to third reading by a viva voce vote.

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

**COMMITTEE SUBSTITUTE  
HOUSE BILL 857 ON THIRD READING**

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 857** be placed on its third reading and final passage.

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

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

**HOUSE BILL 2732 REREFERRED  
(Motion In Writing)**

Senator Carona submitted a Motion In Writing requesting that **HB 2732** be withdrawn from the Committee on Business and Commerce and rereferred to the Committee on State Affairs.

The Motion In Writing prevailed without objection.

**HOUSE BILL 752 ON SECOND READING**

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 752** at this time on its second reading:

**HB 752**, Relating to the types of entities that are considered municipal water suppliers for purposes of the law governing the effect of the subdivision of certain land on certain irrigation water rights.

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **HB 752** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Subchapter O, Chapter 49, Water Code, is amended by adding Section 49.513 to read as follows:

Sec. 49.513. ELECTION BY CERTAIN MUNICIPAL WATER SUPPLIERS TO RECEIVE WATER BY ALTERNATIVE METHOD OF DELIVERY. (a) This section applies only to a municipal water supplier that:

(1) provides service to a municipality that:

(A) has a population of 115,000 or more; and

(B) is located in a county that is adjacent to an international border; and

(2) is the source of at least 70 percent of the total revenue received by a district from the diversion of raw water during the preceding year.

(b) A municipal water supplier may elect to have water that is held by a district for use by the municipal water supplier under a water right administered by the commission and as to which a municipality has priority of allocation delivered to the municipal water supplier for the municipal water supplier's diversion and use by another supplier that has the physical capability to deliver the water if:

(1) the governor has declared, as a result of a drought, a state of disaster under Section 418.014, Government Code, for a county in which the municipal water supplier making the election is located; or

(2) the United States' share of water storage in the Amistad-Falcon reservoir system is less than 50 percent of its total capacity.

(c) A municipal water supplier may elect to receive water by an alternative means of delivery and divert the water under Subsection (b) for a period not to exceed two years after the date the election is made.

(d) The commission shall, if necessary, amend a water right to authorize the delivery to and the diversion and use of water by a municipal water supplier under Subsection (b).

(e) An event described by Subsection (b)(1) or (2) is considered to be an impairment of the public safety and welfare of a municipal water supplier.

(f) The obligations of a municipal water supplier to a district under a water supply or delivery contract involving municipal water supplies described by this section are abated following an election by the municipal water supplier under Subsection (b) during the period the election is in effect.

(g) For the purposes of a complaint filed by a municipal water supplier under Section 11.041, 12.013, or 13.043(f) that contests the contractual water and transportation rates charged to the municipal water supplier by a district, the municipal water supplier is considered to have shown that the protested rate adversely affects the public interest if the municipal water supplier presents prima facie evidence in the complaint that the district:

(1) has increased the rates charged to the municipal water supplier by 15 percent or more in the three years preceding the date the complaint is filed; or

(2) is charging rates for goods or services that are not related to the transportation and delivery of water to the municipal water supplier.

(h) On timely filing of a complaint described by Subsection (g), the commission shall refer the complaint to the State Office of Administrative Hearings to review the protested rate. The district has the burden of proof at a hearing on the complaint to establish, under applicable commission rules:

(1) the reasonableness of the district's rates; and

(2) that the rates conform with accepted ratemaking principles.

The amendment to **HB 752** was read and was adopted by a viva voce vote.

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

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

**HB 752** as amended was passed to third reading by a viva voce vote.

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

### **HOUSE BILL 752 ON THIRD READING**

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 752** be placed on its third reading and final passage.

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

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

### **SENATE RULES SUSPENDED (Posting Rules)**

On motion of Senator Nelson and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Health and Human Services might meet and consider **HB 1741** tomorrow.

### **SENATE RULES SUSPENDED (Posting Rules)**

On motion of Senator Patrick and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Education might meet and consider **HB 2549** today.

**NOMINATION RETURNED**

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

Member, Board of Directors, Trinity River Authority: Harold Jenkins, Dallas County.

**SENATE RULES SUSPENDED  
(Posting Rules)**

On motion of Senator Fraser and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Natural Resources might meet and consider the following bills today: **HB 2982, HB 2290.**

**SENATE RULES SUSPENDED  
(Posting Rules)**

On motion of Senator Estes and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Agriculture, Rural Affairs and Homeland Security might meet and consider the following bills today: **HB 1241, HB 1819, HB 2649, HB 3279.**

**RECESS**

On motion of Senator West, the Senate at 12:54 p.m. recessed until 1:30 p.m. today.

**AFTER RECESS**

The Senate met at 1:54 p.m. and was called to order by Senator Eltife.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1459 ON SECOND READING**

On motion of Senator Duncan and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1459** at this time on its second reading:

**CSSB 1459**, Relating to the powers and duties of and contributions to and benefits from the systems and programs administered by the Employees Retirement System of Texas.

The bill was read second time.

Senator Duncan offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1459** (senate committee printing) as follows:

(1) In SECTION 15 of the bill, strike amended Section 815.402(a)(1), Government Code (page 4, lines 32-43), and substitute the following:

(1) 7.5 ~~[6.5]~~ percent of the compensation if the member is not a member of the legislature~~], provided that if the state contribution to the retirement system is computed using a percentage less than 6.5 percent, the member's contribution is computed using a percentage equal to the percentage used to compute the state contribution, which may not be less than six percent];~~ or



(2) In SECTION 24 of the bill, strike the list of provisions that are repealed under Subsections (a)(1) and (2) and (b) of that section (page 6, lines 17-27), and substitute the following:

- (1) Section 76.006(i);
- (2) Section 606.030(f);
- (3) Sections 813.509(d) and (e);
- (4) Sections 813.511(d) and (e);
- (5) Section 814.105(c);
- (6) Section 814.1075; and
- (7) Section 840.401.

(b) Section 1551.321, Insurance Code, is repealed.

(3) Strike SECTION 25 of the bill (page 6, lines 28-54), and substitute the following:

SECTION 25. The changes in law made by this Act to Sections 661.091, 813.509, 813.511, 814.105, and 814.107, Government Code, apply only to a person who is hired on or after September 1, 2013, to work in a position that requires membership in the Employees Retirement System of Texas. A person hired before September 1, 2013, to work in a position that requires membership in the Employees Retirement System of Texas is subject to those laws as they existed immediately before that date, and the former law is continued in effect for that purpose.

(4) In SECTION 28 of the bill, strike the effective date provisions in Subsections (c) and (d) of that section (page 7, lines 3-12), and substitute the following:

(c) The changes in law made by this Act to Section 1551.1055, Insurance Code, take effect September 1, 2014.

(d) Section 1551.3196, Insurance Code, as added by this Act, takes effect September 1, 2014.

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

SECTION \_\_\_\_\_. Subchapter E, Chapter 815, Government Code, is amended by adding Section 815.4035 to read as follows:

Sec. 815.4035. COLLECTION OF STATE RETIREMENT CONTRIBUTION.

(a) Except as provided by Section 813.201, the board of trustees shall assess each employer whose employees are members of the retirement system a state retirement contribution in an amount equal to 0.5 percent of the employer's total payroll, as determined by the General Appropriations Act.

(b) The board of trustees shall deposit the state retirement contribution to the credit of the trust fund established by Section 815.310 to be used for the purposes specified by Section 815.103.

(6) Renumber the SECTIONS of the bill appropriately.

The amendment to **CSSB 1459** was read.

Senator Watson offered the following amendment to Floor Amendment No. 1:

### **Floor Amendment No. 2**

Amend Floor Amendment No. 1 by Duncan amending **CSSB 1459** by striking item (1) and substituting the following:

(1) In SECTION 15 of the bill, strike amended Section 815.402(a), Government Code (page 4, lines 29 through 45), and substitute the following:

(a) Except as provided by Section 813.201, each payroll period, each department or agency of the state shall cause to be deducted from each member's compensation a contribution of:

(1) 6.6 [6.5] percent of the compensation if the member is not a member of the legislature, for service rendered after August 31, 2013, and before September 1, 2014;

(2) 6.9 percent of the compensation if the member is not a member of the legislature, for service rendered after August 31, 2014, and before September 1, 2015;

(3) 7.2 percent of the compensation if the member is not a member of the legislature, for service rendered after August 31, 2015, and before September 1, 2016;

(4) 7.5 percent of the compensation if the member is not a member of the legislature, for service rendered after August 31, 2016; or

(5) for service rendered on or after September 1, 2017, the lesser of:

(A) 7.5 percent of the member's annual compensation; or

(B) a percentage of the member's annual compensation equal to 7.5 percent reduced by one-tenth of one percent for each one-tenth of one percent that the state contribution rate for the fiscal year to which the service relates, is less than the state contribution rate established for the 2015 fiscal year [provided that if the state contribution to the retirement system is computed using a percentage less than 6.5 percent, the member's contribution is computed using a percentage equal to the percentage used to compute the state contribution, which may not be less than six percent]; or

(6) ~~(2)~~ eight percent of the compensation if the member is a member of the legislature.

The amendment to Floor Amendment No. 1 to **CSSB 1459** was read and was adopted by a viva voce vote.

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

Question recurring on the adoption of Floor Amendment No. 1 to **CSSB 1459**, the amendment as amended was adopted by a viva voce vote.

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

Senator Watson offered the following amendment to the bill:

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

Amend **CSSB 1459** (senate committee printing) by striking SECTION 27 of the bill (page 6, lines 60-66), and substituting the following:

SECTION 27. Section 1551.3196, Insurance Code, as added by this Act, applies only to an individual who does not have 5 years of eligible service credit on September 1, 2014. An individual who has at least 5 years of eligible service credit, or is participating in the group benefits program as a retiree, on that date is governed by the law in effect on August 31, 2014, and the former law is continued in effect for that purpose.

The amendment to **CSSB 1459** was read and was adopted by a viva voce vote.

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

Senator Duncan offered the following amendment to the bill:

#### **Floor Amendment No. 4**

Amend **CSSB 1459** (senate committee printing) by adding the following appropriately numbered SECTIONS, and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Section 840.102(a), Government Code, is amended to read as follows:

(a) Except as provided by Subsections (g) and (h), each payroll period, a judicial officer who is a member of the retirement system is required to contribute 6.6 [six] percent of the officer's state compensation [for the period to the retirement system] for service rendered after August 31, 2013, and before September 1, 2014;

(2) 6.9 percent of the officer's state compensation for service rendered after August 31, 2014, and before September 1, 2015;

(3) 7.2 percent of the officer's state compensation for service rendered after August 31, 2015, and before September 1, 2016;

(4) 7.5 percent of the officer's state compensation for service rendered after August 31, 2016; or

(5) for service rendered on or after September 1, 2017, the lesser of:

(A) 7.5 percent of the officer's state compensation; or

(B) a percentage of the officer's state compensation equal to 7.5 percent reduced by one-tenth of one percent for each one-tenth of one percent that the state contribution rate for the fiscal year to which the service relates, is less than the state contribution rate established for the 2015 fiscal year

SECTION \_\_\_\_\_. Section 840.102(a), as amended by this Act, takes effect September 1, 2013.

The amendment to **CSSB 1459** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 4.

Senator Duncan offered the following amendment to the bill:

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

Amend **CSSB 1459** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. (a) Notwithstanding any other law, for the 2014-2015 state fiscal biennium, it is the intent of the legislature that all state retirement assets and liabilities attributable to members and retirees of the law enforcement and custodial officer supplemental retirement fund be measured and accounted for in aggregate and separately from the retirement assets and liabilities attributable to members and retirees in any other retirement plan for purposes of determining an actuarially required contribution or making any other actuarial calculation.

(b) For purposes of Section 811.006, Government Code, the law enforcement and custodial officer supplemental retirement fund shall be considered a part of the retirement system, as that term is defined by Section 811.001(15), Government Code, and shall be subject to all other provisions of Subtitle B, Title 8, Government Code, that do not directly conflict with Subsection (a) of this section.

(c) The board of trustees of the Employees Retirement System of Texas may adopt rules necessary to implement or administer this section.

The amendment to **CSSB 1459** was read and was adopted by a viva voce vote.

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

Senator Duncan offered the following amendment to the bill:

#### **Floor Amendment No. 6**

Amend **CSSB 1459** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_ . The Employees Retirement System of Texas shall conduct an interim study on the feasibility of adding custodial officers employed by the Texas Juvenile Justice Department to the class of employees eligible to participate in the law enforcement and custodial officer supplemental retirement fund as custodial officers. Not later than September 1, 2014, the retirement system shall report the findings of the study to the governor, the lieutenant governor, the speaker of the house of representatives, and each senate and house committee that has jurisdiction over the retirement system.

The amendment to **CSSB 1459** was read and was adopted by a viva voce vote.

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

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

**CSSB 1459** as amended was passed to engrossment by a viva voce vote.

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

#### **COMMITTEE SUBSTITUTE SENATE BILL 1459 ON THIRD READING**

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1459** be placed on its third reading and final passage.

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

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

**HOUSE BILL 458 ON SECOND READING**

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 458** at this time on its second reading:

**HB 458**, Relating to eligibility requirements for a residential fire alarm training school instructor.

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

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

**HOUSE BILL 458 ON THIRD READING**

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 458** be placed on its third reading and final passage.

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

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

**SENATE BILL 822 WITH HOUSE AMENDMENT**

Senator Schwertner called **SB 822** from the President's table for consideration of the House amendment to the bill.

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

**Floor Amendment No. 1**

Amend **SB 822** (house committee printing) as follows:

(1) On page 2, between lines 11 and 12, insert the following subparagraph, appropriately numbered, and renumber subsequent subparagraphs accordingly:

( ) a physician assistant;

(2) On page 8, line 18, strike "of" and substitute "to".

(3) On page 8, line 18, after the period, add:

The prior adequate notification may be provided in the written format specified by a provider network contract subject to this chapter.

(4) On page 8, between lines 18 and 19, insert the following subsection, appropriately lettered, and reletter subsequent subsections and cross-references to those subsections accordingly:

( ) A contracting entity may not provide a person access to health care services or contractual discounts under a provider network contract unless the provider network contract specifically states that the contracting entity may contract with a person to provide access to the contracting entity's rights and responsibilities under the provider network contract.

(5) On page 8, line 26, between "specify" and "a separate", insert "or reference".

(6) On page 9, lines 16-17, strike "to the provider".

The amendment was read.

Senator Schwertner moved to concur in the House amendment to **SB 822**.

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

### SENATE BILL 567 WITH HOUSE AMENDMENTS

Senator Watson called **SB 567** from the President's table for consideration of the House amendments to the bill.

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

#### Floor Amendment No. 1

Amend **SB 567** (house committee report) as follows:

(1) On page 62, line 18, between "unless the" and "commission has", insert "utility".

(2) Strike "Sections 11.041 and 12.013" and substitute "Section 12.013" in the following places:

- (A) page 110, lines 19 and 20;
- (B) page 111, line 20;
- (C) page 111, line 25;
- (D) page 112, line 12; and
- (E) page 114, line 3.

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

SECTION \_\_\_\_\_. Section 8803.151(1), Special District Local Laws Code, is amended to read as follows:

(1) "Commission" means the Public Utility Commission of Texas [~~Commission on Environmental Quality~~].

SECTION \_\_\_\_\_. Section 8808.151(1), Special District Local Laws Code, is amended to read as follows:

(1) "Commission" means the Public Utility Commission of Texas [~~Commission on Environmental Quality~~].

#### Floor Amendment No. 1 on Third Reading

Amend **SB 567** on third reading as follows:

(1) Strike SECTION 30 (house committee printing), amending Section 13.144, Water Code, and substitute the following appropriately numbered SECTION:

SECTION \_\_\_\_\_. Section 13.144, Water Code, is amended to read as follows:

Sec. 13.144. NOTICE OF WHOLESALE WATER SUPPLY CONTRACT. A district or authority created under Section 52, Article III, or Section 59, Article XVI, Texas Constitution, a retail public utility, a wholesale water service, or other person providing a retail public utility with a wholesale water supply shall provide the utility commission and the commission with a certified copy of any wholesale water supply contract with a retail public utility within 30 days after the date of the execution of the contract. The submission must include the amount of water being supplied, term of the contract, consideration being given for the water, purpose of use, location of use, source of supply, point of delivery, limitations on the reuse of water, a disclosure of any affiliated interest between the parties to the contract, and any other condition or agreement relating to the contract.

(2) Insert the following appropriately numbered SECTIONS and renumber subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Section 13.139(b), Water Code, is amended to read as follows:

(b) The governing body of a municipality, as the regulatory authority for public utilities operating within its corporate limits, and the utility commission or the commission as the regulatory authority for public utilities operating outside the corporate limits of any municipality, after reasonable notice and hearing on its own motion, may:

(1) ascertain and fix just and reasonable standards, classifications, regulations, service rules, minimum service standards or practices to be observed and followed with respect to the service to be furnished;

(2) ascertain and fix adequate and reasonable standards for the measurement of the quantity, quality, pressure, or other condition pertaining to the supply of the service;

(3) prescribe reasonable regulations for the examination and testing of the service and for the measurement of service; and

(4) establish or approve reasonable rules, regulations, specifications, and standards to secure the accuracy of all meters, instruments, and equipment used for the measurement of any utility service.

SECTION \_\_\_\_\_. Section 13.1395, Water Code, is amended by adding Subsection (m) to read as follows:

(m) The commission shall coordinate with the utility commission in the administration of this section.

The amendments were read.

Senator Watson moved to concur in the House amendments to **SB 567**.

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

### **CONFERENCE COMMITTEE REPORT ON HOUSE BILL 1600 ADOPTED**

Senator Nichols called from the President's table the Conference Committee Report on **HB 1600**. The Conference Committee Report was filed with the Senate on Wednesday, May 8, 2013.

On motion of Senator Nichols, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

### **BILLS AND RESOLUTIONS SIGNED**

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

**SB 181, SB 233, SB 245, SB 274, SB 350, SB 376, SB 487, SB 610, SB 620, SB 651, SB 654, SB 661, SB 670, SB 696, SB 727, SB 748, SB 821, SB 860, SB 864, SB 878, SB 887, SB 984, SB 1004, SB 1093, SB 1133, SB 1191, SB 1212, SB 1300, SB 1360, SB 1427, SB 1538, SB 1589, SB 1814, SB 1889, SCR 35, HB 13, HB 487, HB 597, HB 1164, HB 1186, HB 1271, HB 1325, HB 1422, HB 1493, HB 1521, HB 1642, HB 1685, HB 1994, HB 2623, HCR 54.**

**HOUSE BILLS ON FIRST READING**

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

- HB 16** to Committee on Open Government.
- HB 97** to Committee on Finance.
- HB 133** to Committee on Criminal Justice.
- HB 259** to Committee on State Affairs.
- HB 315** to Committee on Finance.
- HB 382** to Committee on State Affairs.
- HB 774** to Committee on Higher Education.
- HB 1357** to Committee on Intergovernmental Relations.
- HB 1361** to Committee on Natural Resources.
- HB 1382** to Committee on Agriculture, Rural Affairs and Homeland Security.
- HB 1398** to Committee on State Affairs.
- HB 1829** to Committee on Health and Human Services.
- HB 1951** to Committee on Agriculture, Rural Affairs and Homeland Security.
- HB 2234** to Committee on Transportation.
- HB 2314** to Committee on Finance.
- HB 2419** to Committee on Finance.
- HB 2423** to Committee on Transportation.
- HB 2518** to Committee on Finance.
- HB 2570** to Committee on State Affairs.
- HB 2625** to Committee on Health and Human Services.
- HB 2767** to Committee on Natural Resources.
- HB 2971** to Committee on Natural Resources.
- HB 3029** to Committee on Business and Commerce.
- HB 3158** to Committee on Health and Human Services.
- HB 3227** to Committee on State Affairs.
- HB 3399** to Committee on Health and Human Services.
- HB 3437** to Committee on Finance.
- HB 3442** to Committee on Finance.
- HB 3476** to Committee on State Affairs.
- HB 3573** to Committee on Education.
- HB 3597** to Committee on Natural Resources.
- HB 3643** to Committee on Economic Development.
- HB 3739** to Committee on Intergovernmental Relations.
- HB 3769** to Committee on Intergovernmental Relations.
- HB 3793** to Committee on Intergovernmental Relations.
- HB 3952** to Committee on Criminal Justice.

**SENATE RULES SUSPENDED  
(Posting Rules)**

On motion of Senator Estes and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Agriculture, Rural Affairs and Homeland Security might meet and consider **HB 912** today.



**SENATE BILL 1546 WITH HOUSE AMENDMENTS**  
**(Motion In Writing)**

Senator Eltife called **SB 1546** from the President's table for consideration of the House amendments to the bill.

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

**Floor Amendment No. 1**

Amend **SB 1546** (house committee printing) on page 3 of the bill as follows:

- (1) On line 8, strike "increase" and substitute "make".
- (2) On line 11, strike "seven" and substitute "six".

**Floor Amendment No. 1 on Third Reading**

Amend **SB 1546** on third reading, in SECTION 1 of the bill, by striking added Subsections (i) and (j), Section 442.015, Government Code, as amended by Floor Amendment No. 1 by Orr, and substituting the following:

(i) The amount of a distribution shall be determined by the comptroller in a manner intended to provide a stable and predictable stream of annual distributions and to maintain over time the purchasing power of account investments and annual distributions from the account. If the purchasing power of account investments for any 10-year period is not preserved, the comptroller may not make annual distributions from the account until the purchasing power of account investments is restored.

(j) An annual distribution made by the comptroller from the account during a fiscal year may not exceed an amount equal to six percent of the average net fair market value of the investment assets of the account as determined by the comptroller.

The amendments were read.

Senator Eltife moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 1546** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Eltife, Chair; Taylor, Watson, Seliger, and Zaffirini.

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

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

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

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

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

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

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

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

**SENATE RULES SUSPENDED  
(Posting Rules)**

On motion of Senator Carona and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Business and Commerce might meet and consider **HB 1183** today.

**CO-AUTHORS OF SENATE BILL 1459**

On motion of Senator Duncan, Senators Davis, Watson, and West will be shown as Co-authors of **SB 1459**.

**CO-AUTHOR OF SENATE BILL 1700**

On motion of Senator Taylor, Senator Hinojosa will be shown as Co-author of **SB 1700**.

**CO-AUTHOR OF SENATE BILL 1920**

On motion of Senator Hinojosa, Senator Lucio will be shown as Co-author of **SB 1920**.

**CO-SPONSOR OF HOUSE BILL 15**

On motion of Senator Nelson, Senator West will be shown as Co-sponsor of **HB 15**.

**CO-SPONSOR OF HOUSE BILL 78**

On motion of Senator Eltife, Senator Nelson will be shown as Co-sponsor of **HB 78**.

**CO-SPONSOR OF HOUSE BILL 248**

On motion of Senator Ellis, Senator Garcia will be shown as Co-sponsor of **HB 248**.

**CO-SPONSOR OF HOUSE BILL 525**

On motion of Senator Fraser, Senator Rodríguez will be shown as Co-sponsor of **HB 525**.

**CO-SPONSORS OF HOUSE BILL 740**

On motion of Senator Deuell, Senators Campbell, Davis, Estes, Hinojosa, Huffman, Nelson, Watson, West, and Williams will be shown as Co-sponsors of **HB 740**.

**CO-SPONSOR OF HOUSE BILL 915**

On motion of Senator Nelson, Senator West will be shown as Co-sponsor of **HB 915**.

**CO-SPONSOR OF HOUSE BILL 1690**

On motion of Senator Nelson, Senator West will be shown as Co-sponsor of **HB 1690**.

**CO-SPONSOR OF HOUSE BILL 2254**

On motion of Senator Van de Putte, Senator Davis will be shown as Co-sponsor of **HB 2254**.

**CO-SPONSOR OF HOUSE BILL 2256**

On motion of Senator Watson, Senator Zaffirini will be shown as Co-sponsor of **HB 2256**.

**CO-SPONSOR OF HOUSE BILL 2304**

On motion of Senator Watson, Senator Zaffirini will be shown as Co-sponsor of **HB 2304**.

**CO-SPONSOR OF HOUSE BILL 2673**

On motion of Senator Nelson, Senator West will be shown as Co-sponsor of **HB 2673**.

**CO-SPONSOR OF HOUSE BILL 2836**

On motion of Senator Patrick, Senator Nelson will be shown as Co-sponsor of **HB 2836**.

**CO-SPONSOR OF HOUSE BILL 3559**

On motion of Senator Eltife, Senator Zaffirini will be shown as Co-sponsor of **HB 3559**.

**CO-SPONSOR OF HOUSE CONCURRENT RESOLUTION 55**

On motion of Senator Hinojosa, Senator Zaffirini will be shown as Co-sponsor of **HCR 55**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

### Memorial Resolutions

- SR 851** by Van de Putte, In memory of Gary Lynn Shaner.  
**SR 854** by Van de Putte, In memory of Cruz Reyna Avelar.  
**SR 876** by Van de Putte, In memory of Demetrio Peña Rodriguez.  
**SR 885** by Carona, In memory of Marion Lee Halford, Sr.  
**SR 886** by Schwertner, In memory of H. Frank Simpson.

### Welcome and Congratulatory Resolutions

- SR 852** by Van de Putte, Recognizing the Texans Can Academies for their work with struggling high school students.  
**SR 853** by Van de Putte, Recognizing City Year for its work to lower dropout rates.  
**SR 872** by Van de Putte, Recognizing Christina Galan Gonzalez on the occasion of her 90th birthday.  
**SR 879** by Deuell, Recognizing Scientific Sessions for its contributions to cardiovascular science.  
**SR 880** by Ellis, Recognizing Nancy Beatrice Pharms on the occasion of her 95th birthday.  
**SR 881** by West, Welcoming the touring production of *Fela!* to Dallas.  
**SR 882** by Hinojosa, Recognizing Monica Perez for winning a Rising Star Award.  
**SR 883** by Hinojosa, Recognizing Alicia N. Jasso on the occasion of her retirement.  
**SR 884** by Hinojosa, Recognizing the Rio Grande Valley Vipers for winning a National Basketball Association Development League championship.  
**SR 887** by Taylor, Recognizing Dick and Horacene Daugird for being named the 2013 Citizens of the Year.

### ADJOURNMENT

On motion of Senator Whitmire, the Senate at 2:34 p.m. adjourned, in memory of Andrew Michael Keel, until 11:00 a.m. tomorrow.

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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 13, 2013

ECONOMIC DEVELOPMENT — **SB 1921, CSHB 1296, HB 722, HB 1580, HB 1791, HB 1982**

JURISPRUDENCE — CSHB 616, CSHB 2302

TRANSPORTATION — CSSB 1029

HEALTH AND HUMAN SERVICES — HB 33, HB 588, HB 646, HB 908, HB 1018, CSHB 1605, HB 1690, HB 2111, HB 2276, HB 2627, HB 2673, CSHB 3253

**RESOLUTIONS ENROLLED**

May 10, 2013

SR 873, SR 874, SR 875, SR 877, SR 878

**SIGNED BY GOVERNOR**

May 10, 2013

SB 139, SB 174, SB 186, SB 223, SB 228, SB 230, SB 244, SB 293, SB 332, SB 336, SB 360, SB 387, SB 457, SB 500, SB 672, SB 840, SB 846, SB 974, SB 1101, SB 1102, SB 1165, SB 1267, SCR 34

**FILED WITHOUT SIGNATURE OF GOVERNOR**

May 10, 2013

SB 192

**SENT TO GOVERNOR**

May 13, 2013

SB 181, SB 233, SB 245, SB 274, SB 350, SB 376, SB 487, SB 610, SB 620, SB 651, SB 654, SB 661, SB 670, SB 696, SB 727, SB 748, SB 821, SB 860, SB 864, SB 878, SB 887, SB 984, SB 1004, SB 1093, SB 1133, SB 1191, SB 1212, SB 1300, SB 1360, SB 1427, SB 1538, SB 1589, SB 1814, SB 1889, SCR 35

**In Memory**  
**of**  
**Andrew Michael Keel**  
**Senate Resolution 766**

WHEREAS, The Senate of the State of Texas pays tribute to the life of United States Army Captain Andrew Michael Keel, who died March 11, 2013, at the age of 28; and

WHEREAS, A highly decorated soldier, Captain Andrew Keel lost his life while serving in Afghanistan; he was assigned to Company B, 1st Battalion, 3rd Special Forces Group (Airborne), Fort Bragg, North Carolina, and was deployed in support of Operation Enduring Freedom; it was his second deployment to Afghanistan; and

WHEREAS, Captain Keel graduated from the United States Military Academy at West Point in 2006 and was a member of the first class to attend the academy after September 11, 2001; following his graduation, he attended the Infantry Officer Basic Course and the United States Army Ranger School at Fort Benning, Georgia, and was assigned to the 3rd Brigade Combat Team, 1st Infantry Division, at Fort Hood; and

WHEREAS, His first tour of duty in Afghanistan began in 2008; he was deployed for 12 months with the 3rd Brigade Combat Team and served as a company executive officer and platoon leader; during that time, he was promoted to the rank of captain; after his return from Afghanistan, Captain Keel volunteered for the Special Forces Assessment and Selection Course; on completion of the course, he was assigned to the 3rd Special Forces Group as a detachment commander in August of 2012, and he was later deployed with the unit to Afghanistan; he was proud to be among the world's most elite combat soldiers; and

WHEREAS, An exemplary young man and a true American hero, Captain Keel had a deep affection for the Central Texas area; he was a frequent visitor to Austin, where he enjoyed spending time with his extended family and running the Lady Bird Lake trails with his dog, Lady; he was considering moving to Texas following his military service; and

WHEREAS, Captain Keel was a devoted son and a valiant soldier who earned numerous decorations, including two Bronze Star Medals, the Army Commendation Medal, and the National Defense Service Medal; he was beloved by his family and many friends, and he leaves behind memories that will long be cherished by all who were privileged to share in his life; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby extend sincere condolences to the bereaved family of Captain Andrew Michael Keel; and, be it further

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

BIRDWELL

