

SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTIETH DAY

(Wednesday, May 1, 2013)

The Senate met at 11:10 a.m. pursuant to adjournment and was called to order by the President.

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

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

Pastor Lynn Starnes, Mooreville United Methodist Church, Chilton, was introduced by Senator Birdwell and offered the invocation as follows:

God, when we look at the world around us that was created, we realize that we are small. Sometimes that makes us think that we are unimportant or insignificant. Yet You tell us to stand up and be who we are created to be. We come here today to do the work we have been called to do. Please prepare our minds to tackle this task. Guide and direct the decisions made here today. Watch over this great state of ours and help us see our significance, and may that self-image help us to know who we are, whose we are, and what we are about. We pray. Amen.

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

The motion prevailed without objection.

PHYSICIAN OF THE DAY

Senator Hegar was recognized and presented Dr. Jorge Duchicela of Weimar as the Physician of the Day.

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

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Wednesday, May 1, 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 52** Flynn
Relating to the sale of a cemetery plot; providing penalties; authorizing a fee.
- HB 346** Deshotel
Relating to the electronic storage of personal identification information obtained from driver's licenses or personal identification certificates.
- HB 394** Thompson, Senfronia
Relating to limits on prizes for bingo games.
- HB 671** Ratliff
Relating to the calculation of the rollback tax rate of a school district.
- HB 885** Murphy
Relating to the guarantee of refinanced open-enrollment charter school bonds by the permanent school fund.
- HB 1231** Giddings
Relating to the application of the offenses of disrupting public school classes or transportation to persons younger than 12 years of age.
- HB 1310** Button
Relating to the exclusion from total revenue of the cost of certain vaccines for purposes of the franchise tax.
- HB 1548** Callegari
Relating to the effect of certain agreements with a collective bargaining organization on certain state-funded public work contracts.
- HB 1762** Price
Relating to workers' compensation and other remedies available to an injured temporary employee.
- HB 1791** Davis, John
Relating to the facilitation and operation of space flight activities in this state.
- HB 2439** Parker
Relating to the review of certain contracts by the state auditor.

- HB 2811** Toth
Relating to programs provided by volunteer and faith-based organizations to inmates in the Texas Department of Criminal Justice.
- HB 2836** Ratliff
Relating to the administration of certain state-adopted or state-developed assessment instruments to public school students.
- HB 3188** Otto
Relating to directing payment, after approval, of certain miscellaneous claims and judgments against the state out of funds designated by this Act; making appropriations.
- SB 120** Rodríguez Sponsor: Gonzalez, Naomi
Relating to the creation of the Texas Tech University Health Sciences Center at El Paso as a component institution of the Texas Tech University System.
(Amended)
- SB 202** Huffman Sponsor: Price
Relating to the continuation and functions of the Texas Commission on the Arts.
(Amended)
- SB 297** Carona Sponsor: Flynn
Relating to prepaid funeral benefits contracts.
- SB 312** Hegar Sponsor: Laubenberg
Relating to the regulation of speech-language pathology and audiology and the fitting and dispensing of hearing instruments.
- SB 900** Fraser Sponsor: Wu
Relating to the amounts of the administrative, civil, and criminal penalties for violating certain statutes under the jurisdiction of, rules or orders adopted by, or licenses, permits, or certificates issued by the Railroad Commission of Texas.
(Amended)
- SB 945** Nelson Sponsor: Davis, Sarah
Relating to the identification requirements of certain health care providers associated with a hospital.
(Amended)
- SB 966** West Sponsor: Perry
Relating to creation of the Judicial Branch Certification Commission and the consolidation of judicial profession regulation; imposing penalties; authorizing fees.
- SB 1730** Nichols Sponsor: Phillips
Relating to comprehensive development agreements of the Texas Department of Transportation or a regional mobility authority.
(Committee Substitute/Amended)
- SB 1815** Zaffirini Sponsor: Zerwas
Relating to voluntary donations to the Glenda Dawson Donate Life-Texas Registry.
(Amended)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE RESOLUTION 698

Senator Nelson offered the following resolution:

SR 698, Recognizing the Leadership Flower Mound Class of 2013 on the occasion of its visit to Austin.

The resolution was again read.

The resolution was previously adopted on Thursday, April 18, 2013.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate a Leadership Flower Mound delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 803

Senator Williams offered the following resolution:

SR 803, Recognizing May 12, 2013, as Miller Outdoor Theatre Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Williams was recognized and introduced to the Senate a Miller Outdoor Theatre delegation, accompanied by Cissy Segall Davis, Managing Director; Rodney Nathan, Immediate Past Chair, Advisory Board; Shawn Hauptmann, Facility Manager; Norma Mendoza, Vice-chair, Advisory Board; and David Bustillos, Advisory Board.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate a medical laboratory scientists delegation, joined by members from the Texas Association for Clinical Laboratory Science and faculty and students from Texas State University, Austin Community College, and McLennan Community College.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Schwertner was recognized and introduced to the Senate members of the Leon High School Lady Cougars volleyball team.

The Senate welcomed its guests.

GUEST PRESENTED

Senator Zaffirini was recognized and introduced to the Senate Christopher Ray

Barba, serving today as an Honorary Senate Page. Christopher is the grandson of one of the Senate doorkeepers, Steve Gamboa.

The Senate welcomed its guest.

(Senator Eltife in Chair)

SENATE RESOLUTION 756

Senator Seliger offered the following resolution:

SR 756, In memory of Harlow L. Sprouse.

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

In honor of the memory of Harlow L. Sprouse, the text of the resolution is printed at the end of today's *Senate Journal*.

Senator Seliger was recognized and introduced to the Senate the family of Harlow L. Sprouse: Jerre Sprouse, wife; Laurie Sprouse Cole, daughter; and Lisa Wells, daughter.

The Senate welcomed its guests and extended its sympathy.

(President in Chair)

GUESTS PRESENTED

Senator Eltife was recognized and introduced to the Senate employees of Texas Bank and Trust of Longview.

The Senate welcomed its guests.

SENATE RESOLUTION 804

Senator West offered the following resolution:

SR 804, Recognizing May 1, 2013, as DeSoto Independent School District Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate a DeSoto ISD delegation, accompanied by David Harris, Superintendent; Jo Green-Rucker, Assistant Superintendent; Debbye Garner, Director, Parent Engagement; Rhonda Dalfonso, Coordinator, Health Services; and Levatta Levels, Assistant Superintendent, Student Support Services.

The Senate welcomed its guests.

SENATE RESOLUTION 584

Senator West offered the following resolution:

SR 584, Congratulating the Duncanville High School Pantherettes basketball team for winning a state championship title.

The resolution was again read.

The resolution was previously adopted on Tuesday, April 2, 2013.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate the Duncanville High School Pantherettes 2013 UIL 5A state championship basketball team, accompanied by Cathy Self-Morgan, Head Coach; Elesha Walker, Assistant Coach; and team members Kiara Perry, Ariel Atkins, and Tasia Foman.

The Senate welcomed its guests.

CONCLUSION OF MORNING CALL

The President at 11:43 a.m. announced the conclusion of morning call.

COMMITTEE SUBSTITUTE SENATE BILL 1662 ON SECOND READING

On motion of Senator Eltife and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1662** at this time on its second reading:

CSSB 1662, Relating to expedited binding arbitration of appraisal review board orders.

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 1662 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 1662** 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 1877 ON SECOND READING

Senator Estes moved to suspend the regular order of business to take up for consideration **CSSB 1877** at this time on its second reading:

CSSB 1877, Relating to the creation of the Venable Ranch Municipal Utility District No. 1 of Denton County; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

The motion prevailed.

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

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

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

Nays: Nelson.

**COMMITTEE SUBSTITUTE
SENATE BILL 1877 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 1877** be placed on its third reading and final passage.

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

Nays: Nelson.

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

SENATE BILL 38 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 38** at this time on its second reading:

SB 38, Relating to determining a child's eligibility for a school district's special education program on the basis of a visual impairment.

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 38 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 38** be placed on its third reading and final passage.

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

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

(Senator Eltife in Chair)

SENATE BILL 1878 ON SECOND READING

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1878** at this time on its second reading:

SB 1878, Relating to the creation of Highway 380 Municipal Management District No. 1; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

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 1878 ON THIRD READING

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1878** 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 1750 ON SECOND READING**

On motion of Senator Uresti and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1750** at this time on its second reading:

CSSB 1750, Relating to a criminal penalty for failure to handle certain animals in accordance with rules of the Texas Animal Health Commission.

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1750 ON THIRD READING**

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1750** 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 1883 ON SECOND READING

On motion of Senator Schwertner and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1883** at this time on its second reading:

SB 1883, Relating to the creation of the Leander TODD Municipal Utility District No. 1 of Williamson County; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

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 1883 ON THIRD READING

Senator Schwertner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1883** 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 1484 ON THIRD READING**

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

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

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

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

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

The bill was read third time and was passed by the following vote: Yeas 18, Nays 13.

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

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

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Wednesday, May 1, 2013 - 2

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

SB 283 Estes Sponsor: King, Phil
Relating to the number of members of the Texas Historical Commission.

SB 294 Van de Putte Sponsor: Menéndez
Relating to extending a local behavioral health intervention pilot project.

SB 367 Whitmire Sponsor: Murphy
Relating to the disposition of abandoned or unclaimed property seized at the time of certain arrests.
(Amended)

SB 618 Carona Sponsor: Vo
Relating to the elimination of the licensing and registration requirements for ringside physicians and timekeepers for combative sports events.

SB 1248 Carona Sponsor: Flynn
Relating to the documentary fee charged in connection with the sale of certain recreational vehicles and boats.

SB 1792 Watson Sponsor: Phillips
Relating to remedies for nonpayment of tolls for the use of toll projects; authorizing a fee; creating an offense.
(Amended)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE JOINT RESOLUTION 54 ON SECOND READING

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **SJR 54** at this time on its second reading:

SJR 54, Proposing a constitutional amendment repealing the constitutional provision authorizing the creation of a hospital district in Hidalgo County.

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

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

SENATE JOINT RESOLUTION 54 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 **SJR 54** be placed on its third reading and final passage.

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

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

COMMITTEE SUBSTITUTE

SENATE BILL 854 ON SECOND READING

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 854** at this time on its second reading:

CSSB 854, Relating to the regulation of motor vehicle dealers, manufacturers, distributors, and representatives.

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 854 ON THIRD READING**

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 854** be placed on its third reading and final passage.

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

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

REMARKS ORDERED PRINTED

On motion of Senator Nichols and by unanimous consent, the remarks by Senators Van de Putte and Nichols regarding **CSSB 854** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Nichols: First of all, let me congratulate you for working the compromise that you were able to work out. You did a lot of work. There was a lot of give on both sides, and I know it's a very difficult thing. So, everybody appreciates your efforts, but I had a couple of questions as the bill came through our Committee. Senator Van de Putte, the term "necessary real estate" as defined in the bill, my question is, is necessary real estate different for dealerships depending on the manufacturer's, distributor's, or a representative's facility requirements?

Senator Van de Putte: Senator Nichols, the answer is, yes. Necessary real estate is a term that varies for different dealership brands. For instance, a dealership that sells Mini Coopers or smaller vehicles has a different necessary real estate definition than the dealership that sells only pickup trucks. The definition of necessary real estate should be treated with flexibility because of the differing facility requirements each manufacturer or distributor facility policies.

Senator Nichols: There's a provision in the bill that states that a specific use agreement expires if a manufacturer distributor ceases doing business in the state or discontinues all line makes that the dealer sells. Is this provision intended to include situations in which a company may go into bankruptcy or shut down operations due to the economy?

Senator Van de Putte: Yes.

**COMMITTEE SUBSTITUTE
SENATE BILL 1427 ON SECOND READING**

Senator Hinojosa moved to suspend the regular order of business to take up for consideration **CSSB 1427** at this time on its second reading:

CSSB 1427, Relating to the administration of the citrus budwood certification program and the creation of the citrus nursery stock certification program; providing civil, criminal, and administrative penalties and authorizing fees.

The motion prevailed.

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

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1427** (senate committee printing), as follows:

(1) In SECTION 2 of the bill, in amended Section 19.001(2), Agriculture Code (page 1, line 34), strike "or into".

(2) In SECTION 5 of the bill, in added Section 19.0041(c), Agriculture Code (page 2, line 20), strike "or into".

(3) In SECTION 6 of the bill, in amended Section 19.006(3), Agriculture Code (page 2, line 43), strike "into" and substitute "in".

(4) In SECTION 7 of the bill, in amended Section 19.008(b), Agriculture Code (page 3, line 33), strike "or into".

(5) In SECTION 7 of the bill, in added Section 19.011(a-1), Agriculture Code (page 4, line 5), strike "or into".

(6) In SECTION 8 of the bill, in amended Section 19.012(a)(3), Agriculture Code (page 4, line 43), strike "or into".

(7) In SECTION 8 of the bill, in amended Section 19.012(a)(5), Agriculture Code (page 4, line 51), strike "into" and substitute "in".

(8) In SECTION 10 of the bill, in amended Section 19.014(4), Agriculture Code (page 5, lines 21 through 22), strike "or into".

(9) In SECTION 10 of the bill, in amended Section 19.014(6), Agriculture Code (page 5, line 29), strike "into" and substitute "in".

The amendment to **CSSB 1427** was read and was adopted by a viva voce vote.

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

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

CSSB 1427 as amended was passed to engrossment by a viva voce vote.

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

Nays: Nichols.

**COMMITTEE SUBSTITUTE
SENATE BILL 1427 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 1427** be placed on its third reading and final passage.

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

Nays: Nichols.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1522 ON SECOND READING**

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1522** at this time on its second reading:

CSSB 1522, Relating to the procedures applicable to the revocation of a person's release on parole or to mandatory supervision.

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 1522 ON THIRD READING**

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1522** be placed on its third reading and final passage.

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

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

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE JOINT RESOLUTION 16 ON SECOND READING**

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSJR 16** at this time on its second reading:

CSSJR 16, Proposing a constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of all or part of the market value of the residence homestead of the surviving spouse of a member of the armed services of the United States who is killed in action.

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

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

**COMMITTEE SUBSTITUTE
SENATE JOINT RESOLUTION 16 ON THIRD READING**

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSJR 16** be placed on its third reading and final passage.

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 163 ON SECOND READING**

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 163** at this time on its second reading:

CSSB 163, Relating to an exemption from ad valorem taxation of the residence homestead of the surviving spouse of a member of the armed services of the United States who is killed in action.

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 163 ON THIRD READING**

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 163** 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 1606 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1606** at this time on its second reading:

SB 1606, Relating to ad valorem tax liens on personal property.

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

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

SENATE BILL 1606 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1606** 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 1812 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 1812** at this time on its second reading:

CSSB 1812, Relating to the determination of state contributions for participation by certain junior college employees in the state employees group benefits program, the Teacher Retirement System of Texas, and the Optional Retirement Program.

The bill was read second time.

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1812** by Duncan as follows:

(1) In the recital to SECTION 1 of the bill (page 1, line 26), strike "Subsection (b),".

(2) In the recital to SECTION 1 of the bill (page 1, line 27), between "amended" and "to", insert "by amending Subsections (a) and (b) and adding Subsections (a-1) and (b-1)".

(3) In SECTION 1 of the bill, strike amended Section 825.404(b), Government Code, and added Sections 825.404(b-1) and (b-2), Government Code (page 1, lines 28-47), and substitute the following:

(a) Except as provided by Subsection (a-1), during ~~[During]~~ each fiscal year, the state shall contribute to the retirement system an amount equal to at least six and not more than 10 percent of the aggregate annual compensation of all members of the retirement system during that fiscal year. The amount of the state contribution made under this section may not be less than the amount contributed by members during that fiscal year in accordance with Section 825.402.

(a-1) In computing the amount owed by the state under Subsection (a), the compensation of members who are employed by public junior colleges or public junior college districts shall be included in the aggregate annual compensation as follows:

(1) 50 percent of the eligible creditable compensation of employees who:

(A) otherwise are eligible for membership in the retirement system; and

(B) are instructional or administrative employees whose salaries may be fully paid from funds appropriated under the General Appropriations Act, regardless of whether such salaries are actually paid from appropriated funds; and

(2) none of the eligible creditable compensation of all other employees who:

(A) do not meet the requirements of Subdivision (1)(B) but are otherwise eligible for membership in the retirement system; or

(B) cannot be included as a qualifying employee under Subdivision (1) by application of Subsection (b-1).

(b) Before November 2 of each even-numbered year, the board of trustees, in coordination with the Legislative Budget Board, shall certify to the comptroller of public accounts for review and adoption an estimate of the amount necessary to pay the state's contributions to the retirement system for the following biennium. For qualifying employees under Subsection (a-1)(1), the board of trustees shall include only the amount payable by the state under Subsection (a-1)(1) in determining the amount to be certified.

(b-1) In determining the amount described by Subsection (b), the number of qualifying employees under Subsection (a-1)(1) whose compensation may be included for each public junior college or public junior college district in each

biennium may not be adjusted in a proportion greater than the change in student enrollment at each college during the reporting period except that a college that experiences a decline in student enrollment may petition the Legislative Budget Board to maintain the number of eligible employees up to 98 percent of the level of the prior biennium.

(4) Strike SECTION 2 of the bill, amending Section 825.407, Government Code (page 1, line 48, through page 2, line 48), and substitute the following:

SECTION 2. Subchapter E, Chapter 825, Government Code, is amended by adding Section 825.4071 to read as follows:

Sec. 825.4071. COLLECTION OF CONTRIBUTIONS FROM EMPLOYERS THAT ARE PUBLIC JUNIOR COLLEGES OR PUBLIC JUNIOR COLLEGE DISTRICTS. (a) This section applies to an employer that is a public junior college or a public junior college district.

(b) An employer described by Subsection (a) shall contribute monthly to the retirement system:

(1) an amount equal to the state contribution rate then in effect multiplied by 50 percent of the aggregate eligible creditable compensation of members who are qualifying employees under Section 825.404(a-1)(1) that the employer reports to the retirement system; and

(2) an amount equal to the state contribution rate then in effect multiplied by 100 percent of the aggregate eligible creditable compensation of all other members under Section 825.404(a-1)(2) that the employer reports to the retirement system.

(c) The designated disbursing officer of each public junior college and each public junior college district shall:

(1) submit to the retirement system, at a time and in the manner prescribed by the retirement system, a monthly report containing a certification that includes:

(A) the total amount of compensation paid;

(B) the total amount of employer contributions due under this section for the payroll period; and

(C) any other information the retirement system determines is necessary to administer this section; and

(2) maintain and retain the following information:

(A) the name of each member employed by the public junior college or public junior college district;

(B) the amount of the member's salary for the most recent payroll period;

(C) whether the member is a qualifying employee under Section 825.404(a-1)(1); and

(D) any other information the retirement system determines is necessary to administer this section.

(d) A monthly report required under Subsection (c) shall be accompanied by payment of the amount of employer contributions certified in Subsection (c)(1).

(e) Not later than the 90th day after the date each school year ends, the retirement system shall certify to the comptroller the names of any public junior colleges or public junior college districts that have failed to remit, within the period required by Section 825.408, all contributions required under this section for the school year and the amounts of the unpaid contributions.

(f) If the comptroller receives a certification under Subsection (e), the comptroller shall withhold the amount certified, plus interest computed at the rate and in the manner provided by Section 825.408, from the first state money payable to the public junior college or public junior college district. The amount withheld shall be deposited to the credit of the appropriate accounts of the retirement system.

(g) The retirement system shall deposit all money it receives under this section in the state contribution account.

(5) In SECTION 3 of the bill, strike added Sections 830.201(g), (h), and (i), Government Code (page 2, lines 51-66), and substitute the following:

(g) In computing the amount owed by the state under Subsection (a), the compensation of members who are employed by public junior colleges or public junior college districts shall be included in the aggregate annual compensation as follows:

(1) 50 percent of the eligible creditable compensation of employees who:

(A) otherwise are eligible for membership in the retirement system; and

(B) are instructional or administrative employees whose salaries may be fully paid from funds appropriated under the General Appropriations Act, regardless of whether such salaries are actually paid from appropriated funds; and

(2) none of the eligible creditable compensation of all other employees who:

(A) do not meet the requirements of Subdivision (1)(B) but are otherwise eligible for membership in the retirement system; or

(B) cannot be included as a qualifying employee under Subdivision (1) by application of Subsection (i).

(h) Before November 2 of each even-numbered year, the board of trustees, in coordination with the Legislative Budget Board, shall certify to the comptroller for review and adoption an estimate of the amount necessary to pay the state's contributions to the retirement system for the following biennium. For qualifying employees under Subsection (g)(1), the board of trustees shall include only the amount payable by the state under Subsection (g)(1) in determining the amount to be certified.

(i) In determining the amount described by Subsection (h), the number of qualifying employees under Subsection (g)(1) whose compensation may be included for each public junior college or public junior college district in each biennium may not be adjusted in a proportion greater than the change in student enrollment at each college during the reporting period except that a college that experiences a decline in student enrollment may petition the Legislative Budget Board to maintain the number of eligible employees up to 98 percent of the level of the prior biennium.

(6) In SECTION 4 of the bill, strike added Section 1551.3111, Insurance Code (page 2, line 69, through page 3, line 16), and substitute the following:

Sec. 1551.3111. AMOUNT OF STATE CONTRIBUTION FOR CERTAIN JUNIOR COLLEGE EMPLOYEES. (a) In computing the amount to be certified under Section 1551.311, for participants who are employed by public junior colleges or public junior college districts, the board of trustees shall include:

(1) 50 percent of the cost associated with eligible employees who:

(A) otherwise are eligible to participate in the group benefits program;

and

(B) are instructional or administrative employees whose salaries may be fully paid from funds appropriated under the General Appropriations Act, regardless of whether such salaries are actually paid from appropriated funds; and

(2) none of the cost associated with employees who:

(A) do not meet the requirements of Subdivision (1)(B) but are otherwise eligible to participate in the group benefits program; or

(B) cannot be included as a qualifying employee under Subdivision (1) by application of Subsection (c).

(b) For qualifying employees under Subsection (a)(1), the board of trustees shall include only the amount payable by the state under Subsection (a)(1) in determining the amount to be certified under Section 1551.311.

(c) In determining the amount described by Subsection (b), the number of qualifying employees under Subsection (a)(1) whose group benefits program costs may be included for each public junior college or public junior college district in each biennium may not be adjusted in a proportion greater than the change in student enrollment at each college during the reporting period except that a college that experiences a decline in student enrollment may petition the Legislative Budget Board to maintain the number of eligible employees up to 98 percent of the level of the prior biennium.

(7) Add the following appropriately numbered SECTIONS to the bill and renumber remaining SECTIONS of the bill accordingly:

SECTION ____. Section 1551.311(a), Insurance Code, is amended to read as follows:

(a) Not later than November 1 preceding each regular session of the legislature, the board of trustees, in coordination with ~~[shall certify to]~~ the Legislative Budget Board, shall certify to ~~[and]~~ the budget division of the governor's office for information and review the amount necessary to pay the contributions of the state to the board for the coverages provided under this chapter during the following biennium.

SECTION ____. (a) The legislature finds that all governmental acts and proceedings of the board of trustees of a public junior college or of an officer or employee of the college to comply with demands for payment of retirement contributions by the comptroller or the Teacher Retirement System of Texas for fiscal years 2012 and 2013 are valid as of the dates on which they occurred.

(b) This section does not apply to any matter that on the effective date of this section:

(1) is involved in litigation if the litigation ultimately results in the matter being held invalid by a final judgment of a court of competent jurisdiction; or

(2) has been held invalid by a final judgment of a court of competent jurisdiction.

The amendment to **CSSB 1812** was read and was adopted by a viva voce vote.

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

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

CSSB 1812 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 1812 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 1812** 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 1718 ON SECOND READING**

Senator West moved to suspend the regular order of business to take up for consideration **CSSB 1718** at this time on its second reading:

CSSB 1718, Relating to state interventions and sanctions against public school campuses with unacceptable performance and the establishment of the Texas Achievement School District for educating students at certain low-performing campuses.

The motion prevailed.

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

The bill was read second time.

Senator West offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1718** (Senate Committee Report) as follows:

(1) In SECTION 1 of the bill, in added Section 11.405, Education Code (page 3, lines 22 through 25), strike Subsection (f) and substitute the following:

(f) For purposes of calculating the amount of the prior system's obligations and entitlements under Chapters 41 and 42, students transferred to the achievement school district who would otherwise have attended the prior system are not counted in calculating the average daily attendance of the prior system.

(2) In SECTION 1 of the bill, immediately following added Section 11.405(f), Education Code (page 3, between lines 25 and 26), insert the following:

(f-1) For purposes of calculating the prior system's allotments under Chapter 46, students transferred to the achievement school district who would otherwise have attended the prior system are counted in calculating the average daily attendance of the prior system.

The amendment to **CSSB 1718** 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: Nichols, Seliger.

Present-not voting: Deuell.

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

CSSB 1718 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: Deuell, Garcia, Nichols, Rodríguez, Seliger.

**COMMITTEE SUBSTITUTE
SENATE BILL 1718 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 1718** be placed on its third reading and final passage.

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

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

Nays: Deuell, Garcia, Nichols, Rodríguez, Seliger.

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

(Senator Eltife in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 1391 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 1391** at this time on its second reading:

CSSB 1391, Relating to a requirement that the comptroller perform a study of the Texas Economic Development Act.

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

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

COMMITTEE SUBSTITUTE
SENATE BILL 1391 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 1391** 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 1401 ON SECOND READING

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1401** at this time on its second reading:

CSSB 1401, Relating to the eligibility of certain providers of laboratory services to participate in programs administered by health and human services agencies or the Health and Human Services Commission.

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

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

COMMITTEE SUBSTITUTE
SENATE BILL 1401 ON THIRD READING

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1401** 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 1482 ON SECOND READING

Senator Watson moved to suspend the regular order of business to take up for consideration **CSSB 1482** at this time on its second reading:

CSSB 1482, Relating to the issuance of a public security by certain special districts.

The motion prevailed.

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

Senator Ellis asked to be recorded as "Present-not voting" 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: Williams.

Present-not voting: Ellis.

**COMMITTEE SUBSTITUTE
SENATE BILL 1482 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 1482** 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, Eltife, Estes, Fraser, Garcia, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Patrick, Paxton, Rodriguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Nays: Williams.

Present-not voting: Ellis.

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 377 ON SECOND READING**

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 377** at this time on its second reading:

CSSB 377, 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.

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 377 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 377** 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 39 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 39** at this time on its second reading:

SB 39, Relating to the evaluation and instruction of public school students with visual impairments.

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 39 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 39** 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 1163 ON SECOND READING

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1163** at this time on its second reading:

SB 1163, Relating to requirements for consolidating water and sewer utilities.

The bill was read second time.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1163**, in SECTION 2 of the bill (senate committee report, page 1, line 26) by striking "September 1, 2013" and substituting "December 31, 2014".

The amendment to **SB 1163** 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.

SB 1163 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 1163 ON THIRD READING

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1163** 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 1451 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 1451** at this time on its second reading:

CSSB 1451, Relating to the prosecution of the offense of money laundering and to the forfeiture of certain contraband.

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 1451 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 1451** 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 1100 ON SECOND READING**

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1100** at this time on its second reading:

CSSB 1100, Relating to the licensing and inspection of certain out-of-state pharmacies by the Texas State Board of Pharmacy; authorizing fees.

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1100 ON THIRD READING**

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1100** 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 1018 ON SECOND READING**

Senator Carona moved to suspend the regular order of business to take up for consideration **CSSB 1018** at this time on its second reading:

CSSB 1018, Relating to the agreements, costs, revenues, and finances of regional tollway authorities; authorizing taxes, fees, and assessments.

The motion prevailed.

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

Senator Davis asked to be recorded as "Present-not voting" 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, Nelson, Patrick, Paxton, Taylor, Williams.

Present-not voting: Davis.

**COMMITTEE SUBSTITUTE
SENATE BILL 1018 ON THIRD READING**

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1018** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 6, Present-not voting 1.

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

Nays: Hancock, Nelson, Patrick, Paxton, Taylor, Williams.

Present-not voting: Davis.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 6, Present-not voting 1. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1191 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 1191** at this time on its second reading:

CSSB 1191, Relating to the duties of health care facilities, health care providers, and the Department of State Health Services with respect to care provided to a sexual assault survivor in an emergency department of a health care facility.

The bill was read second time.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1191** (Senate Committee Printing) as follows:

(1) In SECTION 3 of the bill, in added Section 323.0045(b), Health and Safety Code (page 2, line 40), between "continuing medical" and "education", insert "or nursing".

(2) In SECTION 3 of the bill, in added Section 323.0045(b), Health and Safety Code (page 2, line 41), between "approved" and "by", insert "or recognized".

(3) In SECTION 3 of the bill, ~~strike added Section 323.0045(c), Health and Safety Code (page 2, lines 44-46).~~

(4) In SECTION 3 of the bill, redesignate added Section 323.0045(d), Health and Safety Code (page 2, lines 47-52), as Subsection (c).

(5) In SECTION 4 of the bill, in added Section 323.007, Health and Safety Code (page 2, lines 56-58), ~~strike "the working protocols set forth by multidisciplinary teams under Subchapter E, Chapter 264, Family Code," and substitute "participating entities of children's advocacy centers under Subchapter E, Chapter 264, Family Code, or the working protocols set forth by their multidisciplinary teams".~~

The amendment to **CSSB 1191** 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 1191 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 1191 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 1191** be placed on its third reading and final passage.

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

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

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Wednesday, May 1, 2013 - 3

The Honorable President of the Senate

Senate Chamber

Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:**HCR 118**

Craddick

Honoring the Fasken family on the 100th anniversary of Fasken Oil and Ranch, Ltd.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives**COMMITTEE SUBSTITUTE****SENATE BILL 1752 ON SECOND READING**

On motion of Senator Uresti and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1752** at this time on its second reading:

CSSB 1752, Relating to declarations for mental health treatment.

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 1752 ON THIRD READING**

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1752** 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 1517 ON SECOND READING**

Senator Van de Putte moved to suspend the regular order of business to take up for consideration **CSSB 1517** at this time on its second reading:

CSSB 1517, Relating to the collection of data regarding the placement of a child in disciplinary seclusion in a juvenile facility.

The motion prevailed.

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

The bill was read second time.

Senator Van de Putte offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1517** (senate committee report) in SECTION 1 of the bill by striking added Section 203.016(a), Human Resources Code (page 1, lines 25-34), and substituting the following:

(a) In this section:

(1) "Disciplinary seclusion" means the separation of a resident from other residents for disciplinary reasons and the placement of the resident alone in an area from which egress is prevented for more than 90 minutes.

(2) "Juvenile facility" means a facility that serves juveniles under juvenile court jurisdiction and that is operated as a pre-adjudication secure detention facility, a short-term detention facility, or a post-adjudication secure correctional facility.

The amendment to **CSSB 1517** 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 Van de Putte and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1517 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: Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 1517 ON THIRD READING**

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1517** be placed on its third reading and final passage.

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

Nays: Williams.

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

**(President in Chair)
COMMITTEE SUBSTITUTE
SENATE BILL 1062 ON SECOND READING**

Senator West moved to suspend the regular order of business to take up for consideration **CSSB 1062** at this time on its second reading:

CSSB 1062, Relating to transportation of certain students entitled to a public education grant.

The motion prevailed.

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

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

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

Nays: Duncan, Nichols.

COMMITTEE SUBSTITUTE SENATE BILL 1062 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 1062** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

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

Nays: Duncan, Nichols.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

HOUSE BILL 200 ON SECOND READING

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 200** at this time on its second reading:

HB 200, Relating to liability of certain electric utilities that allow certain uses of land that the electric utility owns, occupies, or leases.

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 200 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 **HB 200** be placed on its third reading and final passage.

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

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

STATEMENT OF LEGISLATIVE INTENT

Senator Ellis submitted the following statement of legislative intent for **HB 200**:

House Bill 200 is a carefully negotiated bill with stakeholders in Harris County that thoughtfully takes into account the unique relationship that exists between the local electric utility and the City of Houston giving rise to this extraordinary piece of legislation. It would be imprudent to expand H.B. 200 any further without substantial study and consideration of the different circumstances that exists in other counties in the state. I support careful consideration of the consequences of taking this policy statewide and want to be a part of any discussion or workgroup to expand H.B. 200 any further than what this bill allows.

ELLIS

REMARKS ORDERED PRINTED

On motion of Senator Fraser and by unanimous consent, the remarks by Senators Ellis and Fraser regarding **HB 200** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Fraser: Senator, this is an issue we've had a lot of conversations about, and my understanding that the bill that you're offering today only applies to the electric utility corridors in Harris County. Is that correct?

Senator Ellis: That is correct.

Senator Fraser: Under Section 3 of the bill you've added, of the Civil Practice and Remedies Codes, it applies only to that utility in Harris County. That utility will get some limited liability protection, which I'm very much in agreement with. My concern is that if we're doing it for Houston, why should we not be doing this for the rest of state, and more especially, you know, I think the Dallas Members should have a concern on this, because I think the intent of what you're doing, the goal of the bill is a very good one. It's encouraging these hike and bike trails. And, I think if they're going to put the hike and bike trails in it, you know, it's appropriate that we should give them some protections. Guess my concern is that you're just doing this just for Houston.

Senator Ellis: Senator, you raise a good point, and what I'm hoping it'll do is create a pilot, if you will. Previously, there was a statewide bill introduced, and they couldn't pass the House or the Senate. So, what I did was work together during the interim to get TLR, trial lawyers, the city, everyone to come to agreement on some fairly unique language. If it works well, I would certainly be supportive of when we come back expanding that.

Senator Fraser: So it, so it is your intent if we do this with Houston, the intent is to extend it to the rest of the state?

Senator Ellis: Yes, Sir, it is.

Senator Fraser: So, that is the intent of the bill, and we've got a commitment that if we do this, then over the interim we'll move that direction?

Senator Ellis: Yes, Sir, you do. I didn't want to scare you with that term recreational use. I know you have gone to California during the interim. I didn't want to throw you off trying to put this statewide right away.

Senator Fraser: And this bill is, that you got it bracketed where it's just bracketed just for Harris?

Senator Ellis: Harris County.

Senator Fraser: Well, if the intent is to include the rest of the state, why would it not be a good idea to put an amendment in here that says that this bracket will be enforced during 2014 but then 2015 the bracket would be removed?

Senator Ellis: Because it would kill the bill. In fact, I made a commitment that I would try this out for Harris County, and even I would pull my own bill down. And, as you know, because we've talked about it previously, there have been attempts for at least two sessions to encourage more recreational use of these pathways. So, this is an attempt to come up with a consensus to get something done, and if it works well, then I would certainly be amenable and would hope to be one of the people trying to sponsor it to make it statewide.

Senator Fraser: And I want to emphasize again, I support what you're doing. The concept you're working on, I think, is very appropriate, and it's a good concept encouraging these hike and bike trails. I guess, again, I would ask for a commitment, to you, we're going to do this for Harris right now, but it is the intent of the Legislature and your intention that we'd work toward in making sure we extend this to the rest of the state next legislative session.

Senator Ellis: That's my intent, and we'd have to do a separate bill, obviously, to do that, but I'm committed to doing that, and I'm hoping this'll work so well during this interim that we'll have broad-based support to do it all around the state. But, if not, clearly the urban areas, I think.

Senator Fraser: And I just want to make sure that it wouldn't be misunderstood that there's a message there that we had excluded the rest of the state. We're just starting with Houston. We're going to extend it, get it started there, and then during the interim move to include the rest of the state.

Senator Ellis: That's my intent, Senator. I know—

Senator Fraser: Including Dallas.

Senator Ellis: —I know most things start in your district; this will be a good thing that starts in mine.

Senator Fraser: Okay. Thank you.

ACKNOWLEDGMENT

Senator Ellis was recognized and acknowledged Senator Zaffirini for being a 25-year member of the Senate Ladies Club.

COMMITTEE SUBSTITUTE
SENATE BILL 1769 ON SECOND READING

On motion of Senator Rodríguez and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1769** at this time on its second reading:

CSSB 1769, Relating to the creation of an advisory committee to examine the fingerprinting practices of juvenile probation departments.

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 1769 ON THIRD READING

Senator Rodríguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1769** 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.

CONFERENCE COMMITTEE ON HOUSE BILL 1600

Senator Nichols called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 1600** and moved that the request be granted.

The motion prevailed without objection.

The President asked if there were any motions to instruct the conference committee on **HB 1600** before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate: Senators Nichols, Chair; Watson, Eltife, Whitmire, and Carona.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Ellis and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Open Government might meet and consider **SB 1563** today.

**NOTICE GIVEN FOR
LOCAL AND UNCONTESTED CALENDAR**

Senator Uresti announced that a Local and Uncontested Calendar had been furnished to each Member of the Senate. He then gave notice that the Local and Uncontested Calendar Session would be held at 8:00 a.m. tomorrow and that all bills and resolutions would be considered on second and third reading in the order in which they were listed.

**SENATE RULE 11.13 SUSPENDED
(Consideration of Bills in Committees)**

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

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Nichols and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Transportation might meet and consider **HB 1642** today.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Estes and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Agriculture, Rural Affairs and Homeland Security might meet and consider **SB 524** today.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 2:35 p.m. agreed to adjourn, in memory of Harlow L. Sprouse, upon conclusion of the Local and Uncontested Calendar Session, until 11:00 a.m. tomorrow.

CO-AUTHORS OF SENATE BILL 675

On motion of Senator Hancock, Senators Hegar, Taylor, and Williams will be shown as Co-authors of **SB 675**.

CO-AUTHOR OF SENATE BILL 1062

On motion of Senator West, Senator Davis will be shown as Co-author of **SB 1062**.

CO-AUTHOR OF SENATE BILL 1191

On motion of Senator Davis, Senator Zaffirini will be shown as Co-author of **SB 1191**.

CO-AUTHOR OF SENATE BILL 1198

On motion of Senator Taylor, Senator Hancock will be shown as Co-author of **SB 1198**.

CO-AUTHOR OF SENATE BILL 1361

On motion of Senator Rodríguez, Senator Zaffirini will be shown as Co-author of **SB 1361**.

CO-AUTHOR OF SENATE BILL 1752

On motion of Senator Uresti, Senator Zaffirini will be shown as Co-author of **SB 1752**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 805 by Van de Putte, In memory of Ariel Hernandez, Jr.

SR 806 by Van de Putte, In memory of Robert D. Tome.

Congratulatory Resolutions

SR 763 by Ellis, Recognizing 25-year and 50-year members of the Senate Ladies Club.

SR 800 by Hancock and Davis, Recognizing Gene Buinger on the occasion of his retirement.

SR 801 by Uresti, Recognizing Placido Salazar for his service to his country.

SR 802 by Uresti, Recognizing the San Antonio Alamo Chapter of the 1st Marine Division Association.

SR 807 by Watson, Recognizing William Edward Brown, Jr., on the occasion of his 91st birthday.

SR 808 by Watson, Recognizing Larry A. Schilhabel on the occasion of his retirement.

SR 809 by Watson, Recognizing Wallace Lee Reynolds, Sr., on the occasion of his 75th birthday.

Official Designation Resolution

HCR 67 (Zaffirini), Recognizing March 2013 as Child Nutrition Month.

RECESS

On motion of Senator Whitmire, the Senate at 2:36 p.m. recessed until 8:00 a.m. tomorrow for the Local and Uncontested Calendar Session.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

May 1, 2013

BUSINESS AND COMMERCE — HB 584, HB 2095, HB 2548, HB 994, HB 1305, HB 1685

ECONOMIC DEVELOPMENT — CSSB 1392

BUSINESS AND COMMERCE — CSSB 883, CSSB 1040, CSSB 1334, CSSB 1478, CSSB 1567, CSSB 1351

EDUCATION — CSSB 1555

NATURAL RESOURCES — SB 1561

GOVERNMENT ORGANIZATION — CSHB 2738, CSHB 1994, CSHB 535, HB 1968

JURISPRUDENCE — SB 1891, SB 1908, SB 1083

BILLS ENGROSSED

April 30, 2013

SB 110, SB 1151, SB 1308, SB 1348, SB 1360, SB 1798, SB 1799, SB 1842, SB 1892, SB 1907

BILLS AND RESOLUTIONS ENROLLED

April 30, 2013

SB 139, SB 174, SB 192, SB 223, SB 228, SB 230, SB 244, SB 293, SB 332, SB 336, SB 360, SB 387, SB 457, SB 500, SB 672, SB 840, SB 846, SB 974, SB 1101, SB 1102, SB 1165, SB 1267, SR 566, SR 683, SR 684, SR 771, SR 777, SR 778, SR 781, SR 782, SR 783, SR 784, SR 785, SR 786, SR 787, SR 788, SR 789, SR 790, SR 791, SR 792, SR 793, SR 794, SR 795, SR 796, SR 797, SR 798, SR 799

SENT TO GOVERNOR

May 1, 2013

SB 139, SB 174, SB 192, SB 223, SB 228, SB 230, SB 244, SB 293, SB 332, SB 336, SB 360, SB 387, SB 457, SB 500, SB 672, SB 840, SB 846, SB 974, SB 1101, SB 1102, SB 1165, SB 1267

In Memory
of
Harlow L. Sprouse
Senate Resolution 756

WHEREAS, The Senate of the State of Texas honors and commemorates the life of Harlow L. Sprouse, who died April 5, 2013, at the age of 82; and

WHEREAS, This proud Texan was a towering figure in legal ethics and jurisprudence; as a civil trial lawyer, as a leader in the State Bar of Texas, and as an author, he made a profound and lasting impact on Texas law; and

WHEREAS, Harlow Sprouse was born March 19, 1931, in Vega, Texas; he served in the United States Air Force in the early 1950s and graduated from the University of North Texas in 1956; he then attended The University of Texas School of Law, where he participated in the school's first annual Moot Court; he won Moot Court in 1959, was named the Outstanding Senior Student, and graduated third in his class with a doctorate in jurisprudence; in 1960, he received the second-highest score on the bar exam; and

WHEREAS, Harlow joined the Underwood Law Firm in Amarillo, and in 1966, he became a partner; he was certified by the Texas Board of Legal Specialization in Civil Trial Law and served as president of the Amarillo Bar and as director of the State Bar of Texas; and

WHEREAS, In 1980, Harlow had the distinct honor of being elected a Fellow of the American College of Trial Lawyers; he coauthored the *Texas Trial Notebook* in 1984, and he was the cowriter of the Texas Lawyer's Creed, the Supreme Court-approved guide in civility and professionalism for all attorneys; and

WHEREAS, For more than 20 years, Harlow served as a board member for the Texas Center for Legal Ethics and Professionalism, and his colleagues in the law profession honored him by asking him to run for president of the State Bar of Texas seven times; and

WHEREAS, This venerable gentleman had a far-reaching influence on the Texas legal system, and his firm, Sprouse Shrader Smith, is today one of the foremost law firms in the Southwest; and

WHEREAS, Harlow was proud of his family and was devoted to his wife of almost 55 years, Jerre; he was a doting father and grandfather and was noted for his warmth and wit, and he leaves behind memories that will forever be cherished by all who had the good fortune to know him; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby extend sincere condolences to the bereaved family of Harlow L. Sprouse; 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 Harlow Sprouse.

SELIGER

