

# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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## SIXTH DAY

(Monday, January 28, 2013)

The Senate met at 2:13 p.m. pursuant to adjournment and was called to order by the President.

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

Absent-excused: Carona.

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

The Reverend Jacqueline Baker Hammett, Hyde Park Christian Church, Austin, offered the invocation as follows:

Gracious and ever-loving creator and ever-creating God, God of all times and spaces and peoples and places, we pray Your presence here and now in this time and in this space and for this people, for these Your children, elected officials, business professionals, and the ever-important support staff that all may work diligently and cooperatively together to serve the needs and best interests of all the citizens of this great State of Texas. We pray for Your guidance and Your goodness that the work of our hands might ever bring blessing and goodness to the world in which we live. We pray for Your compassion and mercy that we might ever remember that we are called to serve the least of these and to be a voice for those who have no voice, for the measure of a great society and state is reflected in the way we treat all people regardless of race, class, gender, or economic status. As we open another day of public service, we pray that we might live this day and all days in such a way that all of our words and actions reflect Your light and everlasting care. We pray all these things in Your holy name. Amen.

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

The motion prevailed without objection.

### LEAVE OF ABSENCE

On motion of Senator Whitmire, Senator Carona was granted leave of absence for today on account of important business.

### INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

The President 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.

### ACKNOWLEDGMENT

Senator Nelson was recognized and, on behalf of the Senate, extended best wishes to Senator Campbell on the birth of her third grandchild.

### PHYSICIAN OF THE DAY

Senator Fraser was recognized and presented Dr. H. David Pope of Kerrville as the Physician of the Day.

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

### GUESTS PRESENTED

Senator West was recognized and introduced to the Senate students from Harmony Science Academy in Duncanville.

The Senate welcomed its guests.

### MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 2:22 p.m. agreed to adjourn, upon completion of the introduction of bills and resolutions on first reading, until 10:00 a.m. tomorrow.

### SENATE BILLS ON FIRST READING

The following bills were introduced, read first time, and referred to the committees indicated:

#### **SB 7** by Nelson

Relating to improving the delivery and quality of certain health and human services, including the delivery and quality of Medicaid acute care services and long-term care services and supports.

To Committee on Health and Human Services.

#### **SB 8** by Nelson

Relating to the provision and delivery of certain health and human services in this state, including the provision of those services through the Medicaid program and the prevention of fraud, waste, and abuse in that program and other programs.

To Committee on Health and Human Services.

**SB 11** by Nelson, Birdwell, Carona, Deuell, Duncan, Estes, Fraser, Nichols, Patrick, Seliger, Williams

Relating to the administration and operation of the Temporary Assistance for Needy Families (TANF) program.

To Committee on Health and Human Services.

**SB 12** by Huffman

Relating to the admissibility of evidence of other similar offenses in the prosecution of certain sexual offenses.

To Committee on Criminal Justice.

**SB 20** by Patrick

Relating to prosecution and punishment for the offense of official oppression by the intrusive touching of persons seeking access to public buildings and transportation; providing penalties.

To Committee on Agriculture, Rural Affairs and Homeland Security.

**SB 22** by Fraser

Relating to the administration of the Texas Water Development Board; making an appropriation from the economic stabilization fund to finance certain water-related projects.

To Committee on Finance.

**SB 26** by Zaffirini

Relating to authorizing the issuance of revenue bonds to fund capital projects at public institutions of higher education.

To Committee on Finance.

**SB 27** by Zaffirini

Relating to eligibility for a Texas B-on-Time loan.

To Committee on Higher Education.

**SB 28** by Zaffirini

Relating to the creation of an offense for use of a handheld wireless communication device for text-based communication while operating a motor vehicle.

To Committee on Transportation.

**SB 29** by Zaffirini

Relating to certain Medicaid home and community-based services waiver programs.

To Committee on Health and Human Services.

**SB 30** by Zaffirini

Relating to the distribution of money appropriated from the national research university fund.

To Committee on Higher Education.

**SB 31** by Zaffirini

Relating to formula funding for certain semester credit hours earned for dual course credit.

To Committee on Higher Education.

**SB 32** by Zaffirini

Relating to individuals with intellectual disabilities committed to state supported living centers.

To Committee on Health and Human Services.

**SB 33** by Zaffirini

Relating to the electronic monitoring of residents at state supported living centers; providing criminal penalties.

To Committee on Health and Human Services.

**SB 34** by Zaffirini

Relating to the administration of psychoactive medications to persons receiving services in certain facilities.

To Committee on Health and Human Services.

**SB 35** by Zaffirini

Relating to the pro re nata administration of psychoactive medication in certain residential health care facilities.

To Committee on Health and Human Services.

**SB 36** by Zaffirini

Relating to the detention and transportation of a person with a mental illness.

To Committee on Health and Human Services.

**SB 37** by Zaffirini

Relating to transition and employment services for public school students enrolled in special education programs.

To Committee on Education.

**SB 38** by Zaffirini

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

To Committee on Education.

**SB 39** by Zaffirini

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

To Committee on Education.

**SB 40** by Zaffirini

Relating to the immunization data included in and excluded from the immunization registry.

To Committee on Health and Human Services.

**SB 41** by Zaffirini

Relating to the administration and provision of consumer-directed services under certain health and human services programs.

To Committee on Health and Human Services.

**SB 42** by Zaffirini

Relating to public school accountability for bilingual education and English as a second language and other special language programs.

To Committee on Education.

**SB 43** by Zaffirini

Relating to consideration of school district disciplinary placement information in evaluating district performance.

To Committee on Education.

**SB 44** by Zaffirini, West

Relating to maintaining and reporting certain information regarding certain child abuse or neglect cases.

To Committee on Health and Human Services.

**SB 45** by Zaffirini

Relating to the provision of employment assistance and supported employment to certain Medicaid waiver program participants.

To Committee on Health and Human Services.

**SB 46** by Zaffirini

Relating to exempting books purchased, used, or consumed by university and college students from the sales and use tax for a limited period.

To Committee on Finance.

**SB 47** by Zaffirini

Relating to the applicability of the Education Code to Head Start programs and the authority of the commissioner of education to make a certain determination regarding those programs.

To Committee on Education.

**SB 48** by Zaffirini

Relating to the transfer of a student from the school district of the student's residence to another district.

To Committee on Education.

**SB 49** by Zaffirini

Relating to transitional living assistance for children with disabilities who reside in general residential operations.

To Committee on Health and Human Services.

**SB 50** by Zaffirini

Relating to the Children's Policy Council, including the composition of the council.

To Committee on Health and Human Services.

**SB 51** by Zaffirini

Relating to unemployment compensation eligibility and chargebacks regarding certain persons who are victims of sexual assault.

To Committee on Economic Development.

**SB 52** by Zaffirini

Relating to exemptions for disabled peace officers from payment of tuition and fees at public institutions of higher education.

To Committee on Higher Education.

**SB 53** by Zaffirini

Relating to life support services provided by certain emergency medical services personnel.

To Committee on Health and Human Services.

**SB 54** by Zaffirini

Relating to leave for junior college district or university system employees who are physically assaulted while on duty.

To Committee on Higher Education.

**SB 55** by Zaffirini

Relating to local option elections to legalize or prohibit the operation of eight-liners and the imposition of a fee on eight-liner owners; providing penalties.

To Committee on State Affairs.

**SB 56** by Nelson

Relating to the provision and delivery of certain health care services in this state, including the provision of those services through the Medicaid program and the prevention of fraud, waste, and abuse in that program and other programs.

To Committee on Health and Human Services.

**SB 57** by Nelson

Relating to improving the delivery and quality of certain health and human services, including the delivery and quality of Medicaid acute care services and long-term care services and supports.

To Committee on Health and Human Services.

**SB 58** by Nelson

Relating to integrating behavioral health and physical health services provided under the Medicaid program using managed care organizations.

To Committee on Health and Human Services.

**SB 59** by Nelson

Relating to certain required reports and other documents prepared by state agencies and institutions of higher education.

To Committee on Government Organization.

**SB 60** by Nelson

Relating to the authority of a parent or legal guardian to establish a consumer file for a child and act on the child's behalf with a consumer reporting agency.

To Committee on Business and Commerce.

**SB 61** by Nelson

Relating to the licensing and regulation of military physicians who provide voluntary charity health care.

To Committee on Health and Human Services.

**SB 62** by Nelson

Relating to the vaccination against bacterial meningitis of entering students at public and private or independent institutions of higher education.

To Committee on Higher Education.

**SB 63** by Nelson

Relating to consent to the immunization of certain children.

To Committee on Health and Human Services.

**SB 64** by Nelson

Relating to a policy on vaccine-preventable diseases for licensed child-care facilities.

To Committee on Health and Human Services.

**SB 65** by Nelson

Relating to a program to recognize public schools with successful student health and fitness programs.

To Committee on Education.

**SB 66** by Nelson

Relating to the composition of the child fatality review team committee.

To Committee on Health and Human Services.

**SB 67** by Nelson

Relating to reporting requirements for institutions of higher education conducting human stem cell research.

To Committee on Health and Human Services.

**SB 68** by Nelson

Relating to the waiting period before human remains may be cremated.

To Committee on Health and Human Services.

**SB 69** by Ellis

Relating to certain reimbursements provided for the collection of sales and use taxes.

To Committee on Finance.

**SB 70** by Ellis

Relating to the amount of the discount allowed for prepayment of sales and use taxes and the allocation of certain revenue from those taxes.

To Committee on Finance.

**SB 71** by Ellis

Relating to eligibility for the tax reduction for certain high-cost gas and the allocation of certain gas production tax revenue.

To Committee on Finance.

**SB 72** by Ellis

Relating to prohibition of the use of credit scoring in underwriting and rating certain personal lines of insurance coverage.

To Committee on Business and Commerce.

**SB 73** by Ellis

Relating to prohibition of certain insurance discrimination.

To Committee on State Affairs.

**SB 74** by Ellis

Relating to insurer rating practices requiring prior approval.  
To Committee on Business and Commerce.

**SB 75** by Ellis

Relating to limits on the size of prekindergarten classes in public schools.  
To Committee on Education.

**SB 76** by Ellis

Relating to the availability of free prekindergarten programs in public schools.  
To Committee on Education.

**SB 77** by Ellis

Relating to placing the State Board of Education under periodic review by the Sunset Advisory Commission.  
To Committee on Education.

**SB 78** by Ellis

Relating to the development of a climate adaptation plan by certain entities.  
To Committee on Natural Resources.

**SB 79** by Ellis

Relating to dedicating money in the system benefit fund to certain purposes.  
To Committee on Finance.

**SB 80** by Ellis

Relating to the designation of certain election days as state holidays.  
To Committee on State Affairs.

**SB 81** by Ellis

Relating to the registration of voters at a polling place and related procedures.  
To Committee on State Affairs.

**SB 82** by Ellis

Relating to prohibited deceptive or disenfranchising practices regarding an election; providing penalties.  
To Committee on State Affairs.

**SB 83** by Ellis

Relating to early voting by mail by any qualified voter.  
To Committee on State Affairs.

**SB 84** by Ellis

Relating to regulation of health benefit plan issuers in this state.  
To Committee on State Affairs.

**SB 85** by Ellis

Relating to prior approval of certain insurance rates.  
To Committee on State Affairs.

**SB 86** by Ellis

Relating to the elimination of smoking in certain workplaces and public places; providing penalties.  
To Committee on Health and Human Services.



**SB 87** by Ellis

Relating to the electronic recording and admissibility of certain custodial interrogations.

To Committee on Criminal Justice.

**SB 88** by Ellis

Relating to the authority of the governor to grant one or more reprieves in a capital case.

To Committee on Criminal Justice.

**SB 89** by Ellis

Relating to the creation of a commission to investigate and prevent wrongful convictions.

To Committee on Criminal Justice.

**SB 90** by Ellis

Relating to community supervision for certain drug possession offenses.

To Committee on Criminal Justice.

**SB 91** by Ellis

Relating to discovery in a criminal case.

To Committee on Criminal Justice.

**SB 92** by Van de Putte

Relating to the designation of a juvenile court and a pre-adjudication diversion program for certain juveniles alleged to have engaged in conduct that violates certain penal laws regarding prostitution.

To Committee on Jurisprudence.

**SB 93** by Van de Putte

Relating to the continuation of the Human Trafficking Prevention Task Force.

To Committee on Criminal Justice.

**SB 94** by Van de Putte

Relating to civil liability for compelled prostitution and certain promotion of prostitution.

To Committee on State Affairs.

**SB 95** by Nichols

Relating to the limitation on increases in the appraised value of a residence homestead for ad valorem taxation.

To Committee on Finance.

**SB 96** by Nichols

Relating to prohibiting the use of eminent domain to take private property for recreational purposes.

To Committee on State Affairs.

**SB 97** by Patrick

Relating to distributing or prescribing abortion-inducing drugs; providing penalties.

To Committee on Health and Human Services.

**SB 98** by Patrick

Relating to the punishment for certain intoxication offenses.  
To Committee on Criminal Justice.

**SB 99** by Patrick

Relating to lobbying by former members of the legislature; creating an offense.  
To Committee on State Affairs.

**SB 100** by Patrick

Relating to the total revenue exemption for the franchise tax.  
To Committee on Finance.

**CO-AUTHOR OF SENATE BILL 4**

On motion of Senator Fraser, Senator Schwertner will be shown as Co-author of **SB 4**.

**CO-AUTHOR OF SENATE BILL 22**

On motion of Senator Fraser, Senator Schwertner will be shown as Co-author of **SB 22**.

**CO-AUTHOR OF SENATE BILL 143**

On motion of Senator Nelson, Senator Huffman will be shown as Co-author of **SB 143**.

**CO-AUTHOR OF SENATE BILL 235**

On motion of Senator Fraser, Senator Schwertner will be shown as Co-author of **SB 235**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**SR 45** by Uresti, In memory of Jim Bob Hill of Del Rio.

**SR 49** by Van de Putte, In memory of Maria Teresa Devlin.

**SR 52** by Van de Putte, In memory of Howard Jacobs.

**SR 54** by Hinojosa, In memory of Peter Barnard "Pete" Peralta of Corpus Christi.

**SR 58** by Watson, In memory of Ramón C. Samilpa, Sr., of Austin.

**SR 62** by Davis, In memory of Charles Clayton "Bud" Wilson of Fort Worth.

**SR 70** by Ellis, In memory of Thurma G. Rigmaiden of Houston.

**SR 74** by Schwertner, In memory of Margaret Christine Laws Holcombe of Cameron.

**SR 75** by Davis, In memory of Albert Byron Sibbet.

### **Welcome and Congratulatory Resolutions**

**SR 46** by Nelson, Recognizing Jeffrey P. Fegan on the occasion of his retirement.

**SR 47** by Nelson, Welcoming members and alumni of Leadership Grapevine on the occasion of their visit to the Capitol.

**SR 48** by Nelson, Commending the members of Leadership Lewisville.

**SR 50** by Huffman, Recognizing the Houston Asian Junior Chamber on the occasion of its annual Inauguration and Awards Ceremony.

**SR 55** by Schwertner, Congratulating the Cedar Park High School Timberwolves football team for winning a state championship title.

**SR 57** by Watson, Recognizing Elisa Alice Flores on the occasion of her retirement from the Office of the Comptroller of Public Accounts.

**SR 59** by Birdwell, Recognizing the Daughters of the American Revolution on its new chapter in Bosque County.

**SR 63** by Davis, Recognizing New Rising Star Missionary Baptist Church on the occasion of its annual Raymond B. Spencer Scholarship Banquet.

**SR 65** by Taylor, Joining the Clear Lake Area Chamber of Commerce in recognizing Mike Jackson for his service to the state.

**SR 67** by Deuell, Recognizing Park Haven Nursing and Rehabilitation on the occasion of its grand opening under new ownership.

**SR 69** by Watson, Recognizing the Bastrop Chamber of Commerce on the occasion of its 75th anniversary banquet.

**SR 72** by Nelson, Welcoming the Texas Council on Family Violence on the occasion of its visit to the State Capitol.

**SR 77** by Davis, Recognizing Hahnfeld Hoffer Stanford in Fort Worth on the occasion of its 50th anniversary.

**SR 78** by Nichols, Welcoming the Texas Aggregates and Concrete Association to the State Capitol.

### **Official Designation Resolutions**

**SR 22** by Davis and Hancock, Recognizing January 30, 2013, as Team Arlington Day.

**SR 61** by Davis, Recognizing February 12, 2013, as Kennedale Day at the State Capitol.

**SR 64** by Eltife, Recognizing February 19, 2013, as Panola County Day at the State Capitol.

**SR 71** by Birdwell, Declaring February 27, 2013, Hill County Day at the State Capitol.

**ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 2:35 p.m. adjourned until 10:00 a.m. tomorrow.

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**APPENDIX**

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**RESOLUTIONS ENROLLED**

January 23, 2013

**SR 12, SR 13, SR 14, SR 15, SR 16, SR 17, SR 19, SR 20, SR 21, SR 23, SR 24, SR 25, SR 26, SR 27, SR 28, SR 29, SR 30, SR 31, SR 32, SR 33, SR 35, SR 36, SR 38, SR 39, SR 40, SR 41, SR 42, SR 43, SR 44**

**SENT TO SECRETARY OF STATE**

January 24, 2013

**SCR 4, SCR 5**