

SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

TWELFTH DAY

(Monday, February 11, 2013)

The Senate met at 2:10 p.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: 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: Birdwell, Carona.

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

Father John Calgaro, Cristo Rey Catholic Church, Austin, offered the invocation as follows:

O Lord, our God, how awesome is Your name through all the Earth. You have set Your majesty above the heavens. You have entrusted to us, Your humble servants, the care of this world. And in a special way, You have entrusted to these public servants the care of this great State of Texas. Inspire in them good and holy thoughts. Bestow upon them Your gifts of prudence, justice, temperance, and fortitude. With Your divine assistance, let them see and appreciate the dignity of every citizen and resident of this state that they are called to serve: men and women; children, youth, and adults; young and old; and those who are waiting to be born in their mother's womb. Bless these, Your public servants, with good health and keep them safe from harm's way. Bless abundantly also their families and friends. With faith and trust in You, Lord, we make this humble prayer. 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.

LEAVES OF ABSENCE

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

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

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Monday, February 11, 2013 - 1

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HCR 39 Anderson

In memory of the Honorable M. A. Taylor of Waco.

SCR 11 Whitmire Sponsor: Walle

Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, February 6, 2013, and ending on Monday, February 11, 2013.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

MESSAGES FROM THE GOVERNOR

The following Messages from the Governor were read and were referred to the Committee on Nominations:

February 8, 2013

Austin, Texas

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

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

To be a member of the Executive Council of Physical Therapy and Occupational Therapy Examiners for a term to expire February 1, 2015:

Arthur Roger Matson

Georgetown, Texas

Mr. Matson is being reappointed.

To be members of the Texas Board of Orthotics and Prosthetics for terms to expire February 1, 2019:

Richard Neider

Missouri City, Texas

(Mr. Neider is being reappointed)

Ray Smith
Bloomington, Texas
(replacing Erin Berling of Coppell whose term expired)

To be a member of the State Soil and Water Conservation Board for a term to expire February 1, 2015:

Joe L. Ward
Telephone, Texas
Mr. Ward is being reappointed.

To be a member of the Upper Neches River Municipal Water Authority Board of Directors for a term to expire February 1, 2019:

W. Barry James
Palestine, Texas
Dr. James is being reappointed.

To be members of the Texas Appraiser Licensing and Certification Board for terms to expire January 31, 2015:

Walker R. Beard
El Paso, Texas
(Mr. Beard is being reappointed)

Clayton P. Black
Stanton, Texas
(replacing Donna Walz of Lubbock whose term expired)

Sheryl R. Swift
Galveston, Texas
(Ms. Swift is being reappointed)

Jamie S. Wickliffe
Midlothian, Texas
(Ms. Wickliffe is being reappointed)

To be a member of the Governing Board of the Office of Violent Sex Offender Management for a term to expire February 1, 2015:

Daniel P. "Dan" Powers
Carrollton, Texas
Mr. Powers is being reappointed.

Respectfully submitted,
/s/Rick Perry
Governor

PHYSICIAN OF THE DAY

Senator Nichols was recognized and presented Dr. Thomas Cherry of Chandler as the Physician of the Day.

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

**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.

GUESTS PRESENTED

Senator Eltife was recognized and introduced to the Senate an Association of Texas Professional Educators delegation.

The Senate welcomed its guests.

GUEST PRESENTED

Senator Fraser was recognized and introduced to the Senate Barry Smitherman, Chair of the Texas Railroad Commission.

The Senate welcomed its guest.

CO-AUTHORS OF SENATE BILL 24

On motion of Senator Hinojosa, Senators Hegar, Taylor, and Williams will be shown as Co-authors of **SB 24**.

CO-AUTHOR OF SENATE BILL 149

On motion of Senator Nelson, Senator Zaffirini will be shown as Co-author of **SB 149**.

CO-AUTHOR OF SENATE BILL 225

On motion of Senator Seliger, Senator Uresti will be shown as Co-author of **SB 225**.

CO-AUTHOR OF SENATE BILL 414

On motion of Senator Ellis, Senator Huffman will be shown as Co-author of **SB 414**.

CO-AUTHOR OF SENATE RESOLUTION 73

On motion of Senator Nelson, Senator Huffman will be shown as Co-author of **SR 73**.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 2:27 p.m. agreed to adjourn, in memory of Dan Gibson "Gib" Walton and Mark Hasse, upon completion of the introduction of bills and resolutions on first reading, until 11:00 a.m. tomorrow.

SENATE BILLS AND RESOLUTION ON FIRST READING

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

SB 351 by Hegar

Relating to the powers and duties of the Willow Point Municipal Utility District of Fort Bend and Waller Counties; providing authority to impose a tax and issue bonds.
To Committee on Intergovernmental Relations.

SB 352 by West

Relating to a visitation plan for certain children taken into possession by the Department of Family and Protective Services.
To Committee on Jurisprudence.

SB 353 by West

Relating to the ability of an emergency shelter facility to provide shelter or care for an unaccompanied minor without a license.
To Committee on Jurisprudence.

SB 354 by West

Relating to permitting electronic delivery of certain documents in a criminal case.
To Committee on Criminal Justice.

SB 355 by West

Relating to the powers and duties of the Title IV-D agency regarding the establishment, collection, and enforcement of child support and in connection with an application for a marriage license or protective order; providing an administrative fine.
To Committee on Jurisprudence.

SB 356 by Carona

Relating to the audit of court registry funds in certain counties.
To Committee on Intergovernmental Relations.

SB 357 by Hinojosa

Relating to the issuance of protective orders for certain sexual, stalking, and trafficking offenses.
To Committee on Criminal Justice.

SB 358 by Hinojosa

Relating to the use of a polygraph statement as evidence that a defendant has violated a condition of release on community supervision.
To Committee on Criminal Justice.

SB 359 by Hinojosa

Relating to the selection of certain members of the board of directors of an appraisal district.
To Committee on Intergovernmental Relations.

SB 360 by Watson

Relating to methods used by an animal shelter to euthanize a dog or cat.
To Committee on Health and Human Services.

SB 361 by Watson

Relating to the duties of a magistrate to inform an arrested person of consequences of a plea of guilty or nolo contendere.

To Committee on Agriculture, Rural Affairs and Homeland Security.

SB 362 by Watson

Relating to the practice of cosmetology.

To Committee on Business and Commerce.

SB 363 by Uresti

Relating to prohibited exemptions from state bar examination requirements for attorneys who hold law licenses issued by certain other states.

To Committee on Jurisprudence.

SB 364 by Eltife

Relating to the authority of certain municipalities to provide sewer service to areas within the municipal boundaries without obtaining a certificate of public convenience and necessity.

To Committee on Natural Resources.

SB 365 by Carona

Relating to expedited credentialing for certain podiatrists providing services under a managed care plan.

To Committee on State Affairs.

SB 366 by Taylor

Relating to the authority of political subdivisions to offer certain deferred compensation plans to employees.

To Committee on State Affairs.

SB 367 by Whitmire

Relating to the disposition of abandoned or unclaimed property seized at the time of certain arrests.

To Committee on Criminal Justice.

SB 368 by Whitmire

Relating to the release by a sheriff of certain defendants to an electronic monitoring or house arrest program.

To Committee on Criminal Justice.

SB 369 by Whitmire

Relating to certain information available to the public on a central database containing information about sex offenders.

To Committee on Criminal Justice.

SB 370 by Lucio

Relating to authorizing certain current and former members of the state legislature to conduct a marriage ceremony.

To Committee on Jurisprudence.

SB 371 by Lucio

Relating to the manner in which the tax on the even exchange of motor vehicles is applied.

To Committee on Finance.

SB 372 by Lucio

Relating to the exemption from the sales and use tax for property used in manufacturing.

To Committee on Finance.

SB 373 by Lucio

Relating to indexing fees charged for certain nonresident hunting and fishing licenses to fees charged for certain resident hunting and fishing licenses.

To Committee on Natural Resources.

SB 374 by Lucio

Relating to a 14-day general hunting license for non-residents; imposing a fee.

To Committee on Natural Resources.

SB 375 by Lucio

Relating to the expiration date of hunting and fishing licenses, stamps, permits, or tags.

To Committee on Natural Resources.

SB 376 by Lucio

Relating to breakfast for certain public school students.

To Committee on Education.

SB 377 by Lucio

Relating to considering the performance of certain students on state assessment instruments in evaluating school district and campus performance.

To Committee on Education.

SB 378 by Lucio

Relating to a study to determine public school facility needs.

To Committee on Education.

SCR 9 by Eltife

Authorizing the lieutenant governor and speaker to appoint interim joint committees.

To Committee on Administration.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 141 by Watson, In memory of Alejandro Lopez "Alex" Calderon of Austin.

SR 143 by Watson, In memory of O. C. Houston of Austin.

SR 151 by Van de Putte, In memory of Lucia Carmona Garcia of Bexar County.

SR 156 by Davis, In memory of Heywood Carroll Clemons of Fort Worth.

SR 157 by Davis, In memory of Mary Wiley "Dee" Fixel of Fort Worth.

SR 158 by Davis, In memory of Christi Stanley of Fort Worth.

SR 159 by Davis, In memory of Joe H. Edwards.

SR 184 by Watson, In memory of Robert C. Barton, Jr., of Hays County.

Welcome and Congratulatory Resolutions

SR 73 by Nelson, Celebrating Children's Advocacy Centers of Texas Legislative Day at the Capitol.

SR 142 by Watson, Recognizing Quality Seafood Market in Austin on the occasion of its 75th anniversary.

SR 144 by Lucio, Recognizing Carlos Rosales on the occasion of his retirement from the United States Postal Service.

SR 145 by Lucio, Recognizing the Rotary Club of Harlingen on the occasion of its 90th anniversary.

SR 150 by Paxton, Recognizing choral ensemble students from Robinson and Rice Middle Schools in Plano.

SR 154 by Ellis, Recognizing the Houston Alumni Chapter of Prairie View A&M University on the occasion of its Annual Mardi Gras Scholarship Luncheon.

SR 155 by Davis, Commending Leadership Fort Worth for its community service.

SR 160 by Davis, Recognizing Fort Worth Country Day School on the occasion of its 50th anniversary.

SR 161 by Estes, Welcoming the Grayson County delegation on the occasion of Grayson County Day at the Capitol.

SR 163 by Van de Putte, Recognizing the celebration of José Antonio Navarro's birthday at the Casa Navarro State Historic Site.

SR 164 by Ellis, Recognizing Word of Grace Missionary Baptist Church of Houston on the occasion of its 30th anniversary.

SR 166 by Hegar, Recognizing Leadership Fayette County on the occasion of its visit to the State Capitol.

SR 167 by Duncan, Recognizing Helen White Bertrand on the occasion of her retirement from the Farm Service Agency in Floyd County.

SR 170 by Schwertner, Recognizing Kensen Shi for being named the individual winner of the Siemens Foundation's annual mathematics, science, and technology competition.

SR 171 by Schwertner, Recognizing the Round Rock Independent School District on the occasion of its 100th anniversary.

SR 174 by Estes, Recognizing Leadership Montague County on the occasion of its visit to the State Capitol.

SR 175 by Zaffirini, Recognizing the City of Hebronville on the occasion of its 100th anniversary.

SR 181 by Watson, Commending Page Southerland Page for receiving the Texas Treasure Business Award.

SR 182 by Watson, Recognizing Big Red, Incorporated, for being named a recipient of the Texas Treasure Business Award.

SR 183 by Watson, Recognizing the Blanton Museum of Art at The University of Texas on the occasion of its 50th anniversary.

SR 186 by Ellis, Recognizing the Hakka Association of Houston, Incorporated, on the occasion of its 30th anniversary.

SR 187 by Ellis, Recognizing Mount Zion Missionary Baptist Church in Houston on the occasion of its installation of the Reverend Edward V. Lightfoot.

HCR 2 (Schwertner), Congratulating Johnny Manziel of Texas A&M University on winning the 2012 Heisman Trophy.

Official Designation Resolutions

SR 125 by Nelson and Estes, Celebrating February 18 and 19, 2013, as Denton County Days at the State Capitol.

SR 146 by Deuell, Celebrating February 19, 2013, as Sunnyvale Day at the Capitol.

SR 147 by Deuell, Celebrating February 13, 2013, as YMCA Appreciation Day at the State Capitol.

SR 148 by Deuell, Celebrating February 12, 2013, as Texas Anesthesiologists Day at the State Capitol.

SR 152 by Nelson, Proclaiming February 20, 2013, Substance Abuse Prevention and Treatment Advocacy Day at the Capitol.

SR 162 by Nelson, Recognizing February 12, 2013, as Senior Day at the Capitol.

SR 165 by Hegar, Recognizing the 2013 Bucks and BBQ Cook-off in San Antonio as a Texas State Barbecue Championship competition.

SR 169 by Schwertner, Proclaiming February 26, 2013, Justices of the Peace and Constables Day at the State Capitol.

SR 173 by Deuell, Recognizing February 13, 2013, as Dyslexia Awareness Day at the Capitol.

SR 178 by Hinojosa, Recognizing the Saint Joseph Church Annual Festival and Cook-off Showdown in Edinburg as an official Texas State Barbecue Championship competition.

SR 185 by Ellis, Recognizing February 13, 2013, as University of Houston System Day at the State Capitol.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 2:35 p.m. adjourned, in memory of Dan Gibson "Gib" Walton and Mark Hasse, until 11:00 a.m. tomorrow.

APPENDIX

BILL ENGROSSED

February 6, 2013

SB 135

RESOLUTIONS ENROLLED

February 6, 2013

**SR 6, SR 7, SR 76, SR 117, SR 119, SR 129, SR 133, SR 134, SR 135, SR 136,
SR 137, SR 138, SR 139, SR 140**

SENT TO SECRETARY OF STATE

February 7, 2013

SCR 8