

# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**TWENTY-SECOND DAY**

(Tuesday, March 5, 2013)

The Senate met at 11:08 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, 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.

The Reverend Jeff Gantz, First United Methodist Church, Bay City, offered the invocation as follows:

On behalf of these women and men who have been set aside to serve this great state, I ask for Your blessing this morning, O God. I pray for Your presence in their work here today and in the days to come. May You give them Your wisdom in the decisions they make, Your grace as they seek resolutions and compromises, Your creative vision as they help shape the future of a diverse people. Remind them this morning that what they are set aside to do is an awesome responsibility and also a wonderful gift of trust. As they work together, I also pray for Your blessing to extend beyond this room and to touch the lives of their families and support staff. Where there is sickness, bring Your healing, where there is brokenness, send Your spirit, and where there is confusion, shine Your light. And our response to Your blessings, O God, will be this: that we will offer the very best of ourselves to each other and to the work we do together. So, put us to service. Lead the way and we will follow with grateful hearts. 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.

## **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.

**SENATE RESOLUTION 410**

Senator Zaffirini offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Mexican and Spanish students who are enrolled at The University of Texas at Austin and welcome them on March 5, 2013, to the 12th annual reception honoring them at the Texas Senate; and

WHEREAS, Students from Mexico have studied at The University of Texas at Austin since 1940; the university and Mexico have historic ties due to shared academic endeavors, and the university's Graduate School of Business has developed joint degree programs with Mexican institutions; and

WHEREAS, In 1991, the Texas Legislature established a tuition assistance program to encourage students from Mexico with limited financial resources to study in our state, thus making Texas a responsive educational partner to Mexico; there are now 579 students from Mexico enrolled at the university; and

WHEREAS, Universities in Spain and The University of Texas have had ongoing relationships since before the 1980s; there are 40 students from Spain enrolled at The University of Texas; with 34 students from Texas studying in Mexico and 376 students from Texas studying in Spain, Spain is now the country of choice for University of Texas students studying abroad; and

WHEREAS, The generosity of BBVA Compass and their active participation in the university's community attest to their commitment to the university, and the school's distinguished record of educating Mexican and Spanish students is indicative of the successful collaboration between Texas and Mexico and Texas and Spain; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby commend BBVA Compass and the Mexican and Spanish students at The University of Texas at Austin for their special and unique contributions to the university and to our state; and, be it further

RESOLVED, That a copy of this Resolution be prepared as an expression of esteem from the Texas Senate.

**SR 410** was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Zaffirini was recognized and introduced to the Senate a delegation from The University of Texas, accompanied by Francisco Cigarroa, System Chancellor; Bill Powers, UT Austin President; Manolo Sánchez, President and CEO, BBVA Compass Bank; Omar Francisco Alatorre, student from Mexico; and Eduardo Fontan Alvarez, student from Spain.

The Senate welcomed its guests.

**RESOLUTION SIGNED**

The President announced the signing of the following enrolled resolution in the presence of the Senate: **SCR 19**.

**GUESTS PRESENTED**

Senator Williams was recognized and introduced to the Senate The Woodlands Christian Academy seventh-grade class.

The Senate welcomed its guests.

**SENATE RESOLUTION 394**

Senator Patrick offered the following resolution:

**SR 394**, Recognizing March 5, 2013, as KIPP Day at the State Capitol.

PATRICK  
VAN DE PUTTE

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Patrick, joined by Senator Van de Putte, was recognized and introduced to the Senate a Knowledge Is Power Program (KIPP) delegation.

The Senate welcomed its guests.

**PHYSICIAN OF THE DAY**

Senator Taylor was recognized and presented Dr. Michael Lyons of Webster as the Physician of the Day.

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

**SENATE RESOLUTION 279**

Senator Nelson offered the following resolution:

**SR 279**, Recognizing March of 2013 as Professional Social Work Month.

The resolution was again read.

The resolution was previously adopted on Monday, February 25, 2013.

**GUESTS PRESENTED**

Senator Nelson was recognized and introduced to the Senate a National Association of Social Workers delegation.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Hegar was recognized and introduced to the Senate a Port Aransas delegation.

The Senate welcomed its guests.

**SENATE RESOLUTION 265**

Senator Estes offered the following resolution:

**SR 265**, Recognizing March 4 and 5, 2013, as Collin County Days at the Capitol.

ESTES  
PAXTON

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Estes, joined by Senator Paxton, was recognized and introduced to the Senate a Collin County delegation, accompanied by Keith Self, County Judge, and Commissioners Matt Shaheen, Cheryl Williams, Chris Hill, and Duncan Webb.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Birdwell was recognized and introduced to the Senate a City of Cleburne delegation.

The Senate welcomed its guests.

**SENATE RESOLUTION 153**

Senator Rodríguez offered the following resolution:

**SR 153**, Recognizing the Roman Catholic Diocese of El Paso on the occasion of its 100th anniversary.

RODRÍGUEZ  
SELIGER  
URESTI

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Rodríguez was recognized and introduced to the Senate a Catholic Diocese of El Paso delegation, accompanied by Father Anthony C. Celino, Chancellor; Tracy Yellen, Foundation for the Diocese; and Deacon José Luis Sánchez, Saint Patrick Cathedral, El Paso.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Estes was recognized and introduced to the Senate a delegation of College Republicans of Texas-Tarleton Chapter.

The Senate welcomed its guests.

**SENATE RESOLUTION 350**

Senator Duncan offered the following resolution:

**SR 350**, Recognizing March 5, 2013, as Rolling Plains Day at the State Capitol.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Duncan was recognized and introduced to the Senate a City of Childress delegation, accompanied by Susan Leary, Chamber of Commerce and Main Street Program Director; Richard Decker, Childress County Commissioner; Jerry Jurado, Economic Development Corporation Board of Directors; Sharon Blackburn, City Councilmember; and Russell Graves, Economic Development Corporation Executive Director.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Hegar was recognized and introduced to the Senate a Lee County delegation and a Matagorda County delegation.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Birdwell was recognized and introduced to the Senate a Hewitt County delegation.

The Senate welcomed its guests.

**(Senator Eltife in Chair)****SENATE RESOLUTION 91**

Senator Schwertner offered the following resolution:

**SR 91**, Congratulating Willie Fritz of Sam Houston State University for being named the 2012 Liberty Mutual NCAA Division I Football Championship Subdivision Coach of the Year.

The resolution was again read.

The resolution was previously adopted on Wednesday, January 30, 2013.

**GUESTS PRESENTED**

Senator Schwertner was recognized and introduced to the Senate a Sam Houston State University delegation, accompanied by Dana Gibson, President; Willie Fritz, Head Football Coach; and Bobby Williams, Athletics Director.

The Senate welcomed its guests.

**SENATE RESOLUTION 409**

Senator Lucio offered the following resolution:

**SR 409**, Recognizing the registered interior designers of Texas on the occasion of Interior Design Day at the State Capitol.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Lucio was recognized and introduced to the Senate a delegation of registered interior designers.

The Senate welcomed its guests.

**SENATE RESOLUTION 388**

Senator Hinojosa offered the following resolution:

**SR 388**, Recognizing March 5, 2013, as Coastal Bend Day at the State Capitol.

HINOJOSA  
HEGAR  
LUCIO  
ZAFFIRINI

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Hinojosa was recognized and introduced to the Senate a Coastal Bend Day delegation, accompanied by Nelda Martinez, Mayor of Corpus Christi; Loyd Neal, Nueces County Judge; Carol Scott, President, Corpus Christi ISD Board of Trustees; and Dee Hargis and Brian Murphy of Leadership Corpus Christi.

The Senate welcomed its guests.

**SENATE RESOLUTION 372**

Senator Lucio offered the following resolution:

**SR 372**, In memory of Leonard Joe Lozano.

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

In honor of the memory of Leonard Joe Lozano, the text of the resolution is printed at the end of today's *Senate Journal*.

Senator Lucio was recognized and introduced to the Senate family members of Leonard Lozano: Christina Guerra Lozano, Melina Treviño, Priscilla Lozano, Michelle Clark, and Morgan O'Hanlon.

The Senate welcomed its guests and extended its sympathy.

**HOUSE CONCURRENT RESOLUTION 66**

The Presiding Officer laid before the Senate the following resolution:

WHEREAS, Section 21.004(a), Government Code, provides: "At a convenient time at the commencement of each regular session of the legislature, the chief justice of the supreme court shall deliver a written or oral state of the judiciary message evaluating the accessibility of the courts to the citizens of the state and the future directions and needs of the courts of the state."; now, therefore, be it

RESOLVED by the 83rd Texas Legislature, Regular Session, That the Senate and House of Representatives of the State of Texas meet in Joint Session in the Hall of the House of Representatives for that purpose on Wednesday, March 6, 2013, at 11:00 a.m.; and, be it further

RESOLVED, That the Honorable Wallace B. Jefferson, Chief Justice of the Supreme Court of Texas, be, and is hereby, invited to address the Regular Session of the 83rd Legislature in Joint Session at that time.

WEST

**HCR 66** was read.

On motion of Senator West, the resolution was considered immediately and was adopted by the following vote: Yeas 30, Nays 0.

### NOMINATIONS RETURNED

Senator Hegar moved to grant the request of the Governor to return the following nominations:

Commissioner, Jefferson and Orange County Board of Pilot Commissioners: William Fred Scott, Jefferson County.

Commissioner, Public Utility Commission of Texas: Rolando Burgos Pablos, Bexar County.

Member, Texas Lottery Commission: Cynthia Tauss, Galveston County.

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

### CONCLUSION OF MORNING CALL

The Presiding Officer at 12:14 p.m. announced the conclusion of morning call.

**(President in Chair)**

### COMMITTEE SUBSTITUTE HOUSE BILL 10 ON SECOND READING

Senator Williams moved that the regular order of business be suspended and that **CSHB 10** be taken up for consideration at this time:

**CSHB 10**, Relating to making emergency supplemental appropriations and providing direction and transfer authority regarding certain appropriations.

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

The bill was read second time.

Senator Davis offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **CSHB 10** as follows:

SECTION 4 of the Committee Report for House Bill 10 is amended by adding a new Subsection (c) and amending the existing Subsection (c) on page \_\_, lines \_\_, to read as follows:

(c) Notwithstanding Rider 3 to the bill pattern of the appropriations to the Texas Education Agency in Chapter 1355 (H.B. 1), Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), the basic allotment for the Foundation School Program for the state fiscal year ending August 31, 2013, is \$4,867. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2013, the amount of \$400,000,000 is appropriated out of general revenue account number 0193, Foundation School, for the state fiscal year ending August 31, 2013, to the Texas Education Agency under Strategy A.1.1, FSP - Equalized Operations, as listed in Chapter 1355 (H.B. 1), Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), for the purpose of providing for the increase in the basic allotment.

(d) Notwithstanding Rider 3 to the bill pattern of the appropriations to the Texas Education Agency in Chapter 1355 (H.B. 1), Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), the sum certain appropriation to the Foundation School Program for the state fiscal year ending August 31, 2013, is increased by the amount of \$1,030,000,000 [~~630,000,000~~].

The amendment to **CSHB 10** was read.

Question—Shall Floor Amendment No. 1 to **CSHB 10** be adopted?

#### AT EASE

The President at 12:40 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

#### IN LEGISLATIVE SESSION

The President at 12:47 p.m. called the Senate to order as In Legislative Session.

Question—Shall Floor Amendment No. 1 to **CSHB 10** be adopted?

Senator Davis withdrew Floor Amendment No. 1.

**CSHB 10** was passed to third reading by the following vote: Yeas 30, Nays 0.

#### COMMITTEE SUBSTITUTE HOUSE BILL 10 ON THIRD READING

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 10** be placed on its third reading and final passage.

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

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

#### SENATE BILL 758 ON SECOND READING

Senator Williams moved that the Constitutional 60-day Rule and the regular order of business be suspended and that **SB 758** be taken up for consideration at this time:

**SB 758**, Relating to the established schedule of payments from the foundation school fund of the yearly entitlement of certain school districts.

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

The bill was read second time and was passed to engrossment by the following vote: Yeas 30, Nays 0.

#### SENATE BILL 758 ON THIRD READING

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 758** be placed on its third reading and final passage.

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



The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

### **SENATE BILL 559 ON SECOND READING**

Senator Duncan moved that the Constitutional 60-day Rule, the regular order of business, and Senate Rule 5.14 be suspended and that **SB 559** be taken up for consideration at this time:

**SB 559**, Relating to the remittance dates of certain taxes and fees and the allocation dates of certain state money.

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

The bill was read second time and was passed to engrossment by the following vote: Yeas 30, Nays 0.

### **SENATE BILL 559 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 **SB 559** be placed on its third reading and final passage.

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

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

### **REPORT OF COMMITTEE ON NOMINATIONS**

Senator Hegar submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed:

Judge, 36th Judicial District Court, Aransas, Bee, Live Oak, McMullen, and San Patricio Counties: Starr Boldrick Bauer, Bee County.

Members, Board of Directors, Central Colorado River Authority: Mathew Kemper Gaines, Coleman County; Herman Ira Law, Coleman County; Bruce Norris Pittard, Coleman County; Andrew Mark Young, Coleman County.

Members, Council on Cardiovascular Disease and Stroke: Paula Sela Gomez, Cameron County; Michael Murphy Hawkins, Bell County; Suzanne Scism Hildebrand, Bexar County; Floristene Johnson, Dallas County; Howard R. Marcus, Travis County; Cheryle Locke Pingel, Travis County; John Neal Rutledge, Travis County.

Members, Council on Sex Offender Treatment: Elsie Mae Allen, Tarrant County; Terri L. Bauer, Dallas County; Louis Gonzales, Williamson County.

Executive Commissioner, Health and Human Services Commission: Kyle Lee Janek, Travis County.

Inspector General, Health and Human Services Commission Office of Inspector General: Douglas Carl Wilson, Travis County.

Members, State Board for Educator Certification: Laurie Kuper Bricker, Harris County; Sandra Davis Bridges, Rockwall County; Dawn Carlisle Pearson Buckingham, Travis County; Jill Jolynn Harrison Druessedow, Haskell County.

Members, State Board of Examiners for Speech-Language Pathology and Audiology: Patricia Elaine Brannon, Bexar County; Vickie B. Dionne, Jefferson County; Sonya Nelda Salinas, Hidalgo County.

Members, State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments: Gary Allen Haun, Tom Green County; William Murdock McCrae, Bexar County; Jesus Fausto Rangel, Gregg County; Barbara Ann Willy, Fort Bend County.

Members, State Health Services Council: Jacinto Pablo Juarez, Webb County; William Terry Lovell, Dallas County; Jeffrey Alan Ross, Harris County; Maria Francisca Teran, El Paso County.

Members, Board of Directors, Sulphur River Basin Authority: Bradley Kyle Drake, Lamar County; Wallace Eugene Kraft, Lamar County.

Members, Texas Board of Professional Land Surveying: Jon Edwin Hodde, Washington County; William Edward Merten, Harris County.

Members, Texas State Board of Acupuncture Examiners: Rodrigo Ceballos, El Paso County; Allen D. Cline, Travis County; Raymond J. Graham, El Paso County; Jingyu Gu, Travis County; Karen Anne Siegel, Harris County; Rachelle L. Webb, Travis County.

Members, Board of Regents, Texas State University System: Charles E. Amato, Bexar County; Vernon Neal Reaser, Harris County; William Fred Scott, Jefferson County.

### **NOTICE OF CONSIDERATION OF NOMINATIONS**

Senator Hegar gave notice that he would tomorrow submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

### **MOTION TO ADJOURN**

On motion of Senator Whitmire and by unanimous consent, the Senate at 1:04 p.m. agreed to adjourn, in memory of Thomas J. Carbone and Leonard Joe Lozano, upon completion of the introduction of bills and resolutions on first reading, until 10:00 a.m. tomorrow.

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

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

**SB 18** by Carona

Relating to the establishment of the Texas Property Insurance Program and the operation of the FAIR Plan Association and the Texas Windstorm Insurance Association.

To Committee on Business and Commerce.

**SB 19** by Carona

Relating to certain residential and other structures and mitigation of loss to those structures resulting from natural catastrophes; providing administrative and criminal penalties.

To Committee on Business and Commerce.

**SB 208** by Whitmire, Nichols

Relating to the continuation of the self-directed and semi-independent status of the Texas State Board of Public Accountancy, the Texas Board of Professional Engineers, and the Texas Board of Architectural Examiners.

To Committee on Business and Commerce.

**SB 790** by Rodríguez

Relating to administrative fees assessed when certain charges are dismissed.

To Committee on Transportation.

**SB 791** by Seliger

Relating to the regulation of low-level radioactive waste disposal facilities and radioactive substances.

To Committee on Natural Resources.

**SB 793** by Deuell

Relating to newborn hearing screening.

To Committee on Health and Human Services.

**SB 794** by Lucio

Relating to the development, hosting, and management of computer software for state agencies.

To Committee on Government Organization.

**SB 795** by Lucio

Relating to the composition and powers of a governing body in certain municipalities.

To Committee on Intergovernmental Relations.

**SB 796** by Lucio

Relating to a study on the use of technology and other methods to report, track, and prevent traffic violations and accidents.

To Committee on Transportation.

**SB 797** by Lucio

Relating to residency requirements for a hunting license.

To Committee on Natural Resources.

**SB 798** by Lucio

Relating to residency requirements for a hunting license.

To Committee on Natural Resources.

**SB 799** by Van de Putte

Relating to the operation of video gaming by authorized organizations and commercial operators that are licensed to conduct bingo or lease bingo premises; providing penalties; imposing fees.

To Committee on State Affairs.

**SB 800** by Van de Putte, Deuell

Relating to the disclosure of the calculation of out-of-network payments by the issuers of preferred provider benefit plans and by health maintenance organizations.

To Committee on State Affairs.

**SB 801** by Carona

Relating to security deposit requirements for certain insurance companies.

To Committee on Business and Commerce.

**SB 802** by Davis

Relating to the regulation of foundation repair contractors; providing penalties; authorizing fees.

To Committee on Business and Commerce.

**SB 803** by Davis

Relating to an exemption for certain persons who sell signs from the requirement to be licensed as an electrician.

To Committee on Business and Commerce.

**SB 804** by Carona

Relating to revising provisions in certain laws governing certain banks and trust companies in this state to conform to changes in terminology made by the Business Organizations Code.

To Committee on Business and Commerce.

**SB 805** by Carona

Relating to the regulation of banks, trust companies, and bank holding companies.

To Committee on Business and Commerce.

**SB 806** by Carona

Relating to the use of a credit or charge card by a state agency to make certain purchases.

To Committee on Government Organization.

**SB 807** by Deuell

Relating to the authority of the Department of State Health Services to admit certain nonresident tuberculosis patients to a state chest hospital.

To Committee on Health and Human Services.

**SB 808** by Nichols

Relating to county participation in a program for improvement of collection of court costs, fees, and fines imposed in criminal cases.

To Committee on Jurisprudence.

**SB 809** by Carona

Relating to Public Utility Commission of Texas consideration of the rates for certain equalization surcharges and emergency service fees.

To Committee on Business and Commerce.

**SB 810** by Nichols

Relating to a defense to prosecution of the offense of Medicaid fraud.

To Committee on Criminal Justice.

**SB 811** by Van de Putte

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

To Committee on Criminal Justice.

**SB 813** by Davis

Relating to benefit plan coverage for autism spectrum disorder.

To Committee on State Affairs.

**SB 814** by Davis

Relating to the collection and use of certain information by certain insurers; providing administrative penalties.

To Committee on Business and Commerce.

**SB 815** by Davis

Relating to the disconnection of electric or gas utility service.

To Committee on Business and Commerce.

**SB 816** by Hegar

Relating to the date by which a school district must complete a report of an initial evaluation of a student for special education services.

To Committee on Education.

**SB 817** by Hegar

Relating to certain requirements for political parties holding conventions and for officers of certain of those parties.

To Committee on State Affairs.

**SB 818** by Duncan

Relating to the official cotton growers boll weevil eradication foundation.

To Committee on Agriculture, Rural Affairs and Homeland Security.

**SB 819** by Duncan

Relating to the disposal of demolition waste from abandoned or nuisance buildings by certain local governments.

To Committee on Natural Resources.

**SB 820** by Williams

Relating to the management, breeding, and destruction of deer and to procedures regarding certain deer permits.

To Committee on Agriculture, Rural Affairs and Homeland Security.

**SB 821** by Schwertner

Relating to the prosecution of certain criminal offenses involving theft or involving fraud or other deceptive practices.

To Committee on Criminal Justice.

**SB 822** by Schwertner

Relating to the regulation of certain health care provider network contract arrangements.

To Committee on State Affairs.

**SB 823** by Carona

Relating to authorized acquisition and delinquency charges for certain consumer loans.

To Committee on Business and Commerce.

**SB 824** by Carona

Relating to the administrative fee authorized for certain consumer loans; changing the amount of the fee.

To Committee on Business and Commerce.

**SB 825** by Whitmire

Relating to disciplinary standards and procedures applicable to grievances alleging certain prosecutorial misconduct.

To Committee on Criminal Justice.

**SB 826** by Whitmire

Relating to the notification of a potential predator for civil commitment

To Committee on Criminal Justice.

**SB 827** by Whitmire

Relating to the fraudulent use of identifying information by certain sex offenders; providing criminal penalties.

To Committee on Criminal Justice.

**SB 828** by Van de Putte

Relating to the marketing of certain alcoholic beverages by manufacturers and their agents; providing for a permitting fee.

To Committee on Business and Commerce.

**SB 829** by Huffman

Relating to the initial use of certain property acquired for a public use.

To Committee on State Affairs.

**SB 830** by Schwertner

Relating to use of telemedicine in certain trauma facilities.

To Committee on Health and Human Services.

**SB 831** by Taylor

Relating to a list of mental health, substance abuse, and suicide prevention programs that may be selected for implementation by public schools.

To Committee on Education.

**SB 832** by Davis

Relating to training for school district liaisons who assist students in the conservatorship of the state with school enrollments and transfers.

To Committee on Education.

**SB 833** by Davis

Relating to the aggregation of data in the Public Education Information Management System (PEIMS) regarding public school students in foster care.

To Committee on Education.

**SB 834** by Estes

Relating to the confidentiality of certain grand juror information.  
To Committee on Criminal Justice.

**SB 835** by Lucio

Relating to the application of the limit on appraised value of a residence homestead for ad valorem tax purposes to an improvement that is a replacement structure for a structure that was rendered uninhabitable or unusable by a casualty or by wind or water damage.  
To Committee on Finance.

**SB 836** by Hegar

Relating to the powers and duties of the Harris County Municipal Utility District No. 171; providing authority to impose a tax and issue bonds.  
To Committee on Intergovernmental Relations.

**SB 837** by Ellis

Relating to the authority of a municipality to require owners of real property to keep the property free of certain conditions.  
To Committee on Intergovernmental Relations.

**SB 838** by Birdwell

Relating to giving priority to United States citizens and permanent resident aliens in awarding state-funded student financial assistance.  
To Committee on Higher Education.

**SB 839** by Hancock

Relating to the provision of insurance coverage for certain portable electronic devices.  
To Committee on Business and Commerce.

**SB 840** by Hancock

Relating to certain promotional practices not considered to be prohibited discrimination, rebates, or inducements in insurance.  
To Committee on Business and Commerce.

**SB 841** by Hancock

Relating to certain authorized investments under the Insurance Code.  
To Committee on Business and Commerce.

**SB 842** by Hancock

Relating to authorizing the board of regents of The University of Texas System to acquire certain property in the city of Arlington.  
To Committee on Higher Education.

**SB 843** by Paxton

Relating to public access to boundary, financial, and tax rate information of certain political subdivisions.  
To Committee on Open Government.

**SB 844** by Ellis

Relating to unemployment compensation eligibility and chargebacks regarding certain persons who leave work to attend training.

To Committee on Economic Development.

**SB 845** by Carona

Relating to the use of e-mail and website technology by the Texas Department of Licensing and Regulation.

To Committee on Business and Commerce.

**SB 846** by Van de Putte

Relating to training, certification, and accreditation provided or regulated by the Texas Veterans Commission.

To Committee on Veteran Affairs and Military Installations.

**SB 847** by Carona

Relating to business entities and associations.

To Committee on Business and Commerce.

**SB 848** by Carona

Relating to assignment of rents to holders of certain security interests in real property.

To Committee on Business and Commerce.

**SB 849** by Carona

Relating to social purposes of a for-profit corporation and the consideration of social purposes and other interests by officers and directors of a for-profit corporation.

To Committee on Business and Commerce.

**SB 850** by Taylor

Relating to the residual market for workers' compensation insurance in this state and to the operation, governance, and organization of the Texas Mutual Insurance Company.

To Committee on State Affairs.

**SB 851** by Taylor

Relating to a claim filing period and contractual limitations period in certain property insurance policies.

To Committee on Business and Commerce.

**SB 852** by Taylor

Relating to electronic availability of certain property and casualty insurance forms.

To Committee on Business and Commerce.

**SB 853** by Taylor

Relating to notice of a premium increase for certain health insurance policies.

To Committee on State Affairs.

**SB 854** by Van de Putte

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

To Committee on Transportation.



**SB 855** by Rodríguez

Relating to the use of El Paso Mission Valley specialty license plate fees for the preservation and rehabilitation of the Socorro, San Elizario, and Ysleta Missions.

To Committee on Transportation.

**SB 856** by Rodríguez

Relating to the administration and management of elections and public information of the El Paso County Water Improvement District No. 1.

To Committee on Natural Resources.

**SB 857** by Seliger

Relating to the authority of the Texas Higher Education Coordinating Board regarding the initiation, consolidation, or elimination of a degree or certificate program offered by a public institution of higher education.

To Committee on Higher Education.

**SB 858** by Deuell

Relating to the number of classroom hours required in a handgun proficiency course that is taken to obtain a concealed handgun license.

To Committee on Criminal Justice.

**SB 859** by Deuell, Carona, Davis, Eltife, Hancock, Hinojosa, Nelson, Patrick, Paxton, Rodríguez, Schwertner, Seliger, Van de Putte, Watson

Relating to a sales and use tax exemption and a franchise tax credit related to certain research and development activities.

To Committee on Finance.

**SB 860** by Lucio

Relating to the provision of career and technology education courses in certain partnership programs to provide high school dropout recovery.

To Committee on Education.

**SB 861** by Davis

Relating to requiring certain notices to be posted on the premises of certain alcoholic beverage retailers.

To Committee on Business and Commerce.

**SB 862** by Taylor

Relating to the imposition of and a limitation on the sales tax imposed on certain vessels.

To Committee on Finance.

**SB 863** by Taylor

Relating to the creation of Pearland Municipal Management District No. 2; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

To Committee on Intergovernmental Relations.

**SB 864** by Campbell

Relating to a handgun proficiency course that is taken to obtain or renew a concealed handgun license.

To Committee on Criminal Justice.

**SB 865** by Hegar

Relating to the information required to be provided by a payor of proceeds from the sale of oil or gas from an oil or gas well to a payee.

To Committee on Natural Resources.

**SB 866** by Paxton

Relating to authorizing local governments to participate in statewide technology centers.

To Committee on Government Organization.

**SB 867** by Paxton

Relating to comprehensive performance reviews of certain special districts.

To Committee on Intergovernmental Relations.

**SB 868** by Eltife

Relating to the exclusion of certain flow-through payments related to petroleum and mineral interests in determining total revenue for purposes of the franchise tax.

To Committee on Finance.

**SB 869** by Van de Putte

Relating to the regulation of the practice of pharmacy; authorizing fees.

To Committee on Health and Human Services.

**SB 870** by Van de Putte

Relating to marketing items provided by manufacturers, wholesalers, and distributors of alcoholic beverages to retailers or consumers.

To Committee on Business and Commerce.

**SB 871** by Davis

Relating to the marketing and advertising of the veterans' assistance lottery game.

To Committee on Veteran Affairs and Military Installations.

**SB 872** by Deuell

Relating to county expenditures for certain health care services.

To Committee on Health and Human Services.

**SB 873** by Hegar

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

To Committee on Natural Resources.

**SB 874** by Hegar

Relating to the operation of health care sharing ministries.

To Committee on State Affairs.

**SB 875** by Eltife

Relating to the purchase of plastic bulk merchandise containers by certain businesses; providing a civil penalty.

To Committee on Business and Commerce.

**SB 876** by Patrick

Relating to the discharge of a surety's liability on a bail bond in a criminal case.  
To Committee on Criminal Justice.

**SB 877** by Patrick

Relating to establishing the Citizens' Star of Texas Award.  
To Committee on Intergovernmental Relations.

**SB 878** by Patrick

Relating to criminal asset forfeiture, the disposition of proceeds and property from criminal asset forfeiture, and accountability for that disposition.  
To Committee on Criminal Justice.

**SB 879** by Ellis

Relating to the eligibility of certain persons for the supplemental nutrition assistance program.  
To Committee on Health and Human Services.

**SB 880** by Ellis

Relating to the expansion of eligibility for medical assistance to certain persons under the federal Patient Protection and Affordable Care Act.  
To Committee on Health and Human Services.

**SB 881** by Ellis

Relating to access to certain archaic information.  
To Committee on Open Government.

**SB 882** by Ellis

Relating to limitations on the percentage of money awarded by the Cancer Prevention and Research Institute of Texas for certain uses.  
To Committee on Health and Human Services.

**SB 883** by Van de Putte

Relating to promotional items provided by manufacturers, wholesalers, and distributors of alcoholic beverages to retailers.  
To Committee on Business and Commerce.

**SB 884** by West

Relating to certain criminal offenses for violations of the law regulating metal recycling entities.  
To Committee on Criminal Justice.

**SB 885** by Hinojosa

Relating to notice of utility rate increases.  
To Committee on Natural Resources.

**SB 886** by Uresti

Relating to extended foster care for certain young adults and the extended jurisdiction of a court in a suit affecting the parent-child relationship involving those young adults.  
To Committee on Health and Human Services.

**SB 887** by Uresti

Relating to certain correction instruments in the conveyance of real property.  
To Committee on Intergovernmental Relations.

**SB 888** by Uresti

Relating to the initial inspection period for certain vehicles.  
To Committee on Transportation.

**SB 889** by Uresti

Relating to the physician assistant board.  
To Committee on Health and Human Services.

**SB 890** by Uresti

Relating to the creation of the Reeves County Groundwater Conservation District; providing authority to issue bonds; providing authority to impose fees, surcharges, and taxes.  
To Committee on Natural Resources.

**SB 891** by Uresti

Relating to the creation of a county court at law in Atascosa County.  
To Committee on Jurisprudence.

**SB 892** by Carona

Relating to the application of certain concealed handgun license laws to the attorney general and to assistant attorneys general, United States attorneys, assistant United States attorneys, and special assistant United States attorneys, and to the authority of those attorneys to carry certain weapons.  
To Committee on Criminal Justice.

**SB 893** by Carona

Relating to certain conditions of, penalties for violating, or collection of information about protective orders issued in certain family violence, sexual assault or abuse, stalking, or trafficking cases.  
To Committee on Criminal Justice.

**SB 895** by Davis, Ellis

Relating to access to records of a nonprofit organization supporting the Cancer Prevention and Research Institute of Texas under the public information law.  
To Committee on Open Government.

**SB 896** by Estes, Birdwell, Hancock, Nelson

Relating to the administration and operation of the appellate judicial system for the Second Court of Appeals District.  
To Committee on Jurisprudence.

**SB 897** by Estes

Relating to the offenses of interference with public duties, required obedience to the order or direction of a police officer, and assault, certain unsuccessful prosecutions therefor, and related civil liability of a governmental unit.  
To Committee on State Affairs.

**SB 898** by Van de Putte

Relating to the mental health program for veterans.

To Committee on Veteran Affairs and Military Installations.

**SB 899** by Van de Putte

Relating to determination of the amount of certain child support obligations.

To Committee on Jurisprudence.

**SB 900** by Fraser

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.

To Committee on Natural Resources.

**SB 901** by Fraser

Relating to safety standards and practices applicable to the transportation by pipeline of certain substances.

To Committee on Natural Resources.

**SB 902** by Fraser

Relating to the operation, powers, and duties of certain water districts.

To Committee on Natural Resources.

**SB 903** by Van de Putte

Relating to display by certain alcoholic beverage manufacturers of branded promotional vehicles on a retailer's premises.

To Committee on Business and Commerce.

**SB 904** by Van de Putte

Relating to the adoption of certain voting procedures necessary to implement the federal Military and Overseas Voter Empowerment Act, including the modification of certain election deadlines.

To Committee on State Affairs.

**SB 905** by Van de Putte, Carona, Eltife

Relating to the sale of distilled spirits to ultimate consumers by the holder of a distiller's and rectifier's permit.

To Committee on Business and Commerce.

**SB 906** by Deuell

Relating to developmentally appropriate assessment of special education students.

To Committee on Education.

**SB 907** by Ellis

Relating to reporting requirements for employers that do not obtain or otherwise provide workers' compensation insurance coverage.

To Committee on State Affairs.

**SB 908** by Schwertner

Relating to a study regarding the fiscal effect of tax-exempt state property on school districts.

To Committee on Finance.

**SB 909** by Schwertner

Relating to the eligibility for service retirement annuities of certain elected officials convicted of certain crimes.

To Committee on State Affairs.

**SB 910** by Duncan

Relating to certain election practices and procedures.

To Committee on State Affairs.

**SB 911** by Rodríguez

Relating to decedents' estates.

To Committee on Jurisprudence.

**SB 912** by Lucio

Relating to birth records of adopted children.

To Committee on Jurisprudence.

**SB 913** by Lucio

Relating to the reexamination of an applicant for a professional counselor license.

To Committee on Health and Human Services.

**SB 914** by Lucio

Relating to a behavior improvement plan adopted for certain students with an individualized education program.

To Committee on Education.

**SB 915** by West

Relating to the automatic sealing in certain cases of juvenile records of adjudications of delinquent conduct or conduct indicating a need for supervision.

To Committee on Jurisprudence.

**SB 916** by Estes

Relating to quorums and meetings by teleconference of the Texas Bioenergy Policy Council and the Texas Bioenergy Research Committee.

To Committee on Open Government.

**SB 917** by Estes

Relating to the sale by the Brazos River Authority of certain property at Possum Kingdom Lake.

To Committee on Agriculture, Rural Affairs and Homeland Security.

**SB 918** by Estes

Relating to the sale by the Brazos River Authority and regulation of certain residential and commercial real property in the immediate vicinity of Possum Kingdom Lake.

To Committee on Agriculture, Rural Affairs and Homeland Security.

**SB 919** by Eltife

Relating to the shared work unemployment compensation program.

To Committee on Economic Development.

**SB 920** by Eltife

Relating to the requirement that an unemployed individual be actively seeking work to be eligible for unemployment compensation benefits.

To Committee on Economic Development.

**SB 921** by Deuell

Relating to the required completion date of a report concerning an initial evaluation of a student for purposes of special education services.

To Committee on Education.

**SCR 17** by Hinojosa

Urging Congress to restore the presumption of a service connection for Agent Orange exposure to United States Navy and United States Air Force veterans who served on the inland waterways, in the territorial waters, and in the airspace of the Republic of Vietnam and to institute a presumption of connection to employment for civilians exposed to Agent Orange in their workplaces.

To Committee on Veteran Affairs and Military Installations.

**SCR 18** by Hegar

Recognizing the annual Small Town Christmas celebration in the City of Bellville as the Official Small Town Christmas Event of Texas.

To Committee on Administration.

**SCR 20** by Estes

Designating the first week of May as Texas Bison Week for a 10-year period beginning in 2013.

To Committee on Agriculture, Rural Affairs and Homeland Security.

**SJR 37** by Van de Putte

Proposing a constitutional amendment authorizing the legislature to legalize the operation of video gaming in this state by persons and organizations licensed to conduct bingo or lease bingo premises and providing that federally recognized Indian tribes are not prohibited from conducting gaming on certain Indian lands.

To Committee on State Affairs.

**SJR 38** by Williams

Proposing a constitutional amendment providing for the creation of the state infrastructure fund and board to provide financial assistance for certain projects related to economic development infrastructure and for the transfer to the fund of money from the economic stabilization fund; making an appropriation.

To Committee on Finance.

**SJR 39** by Williams

Proposing a constitutional amendment providing for the creation of the new capacity fund and the dedication of certain state revenue to that fund.

To Committee on Finance.

**SJR 40** by Uresti

Proposing a constitutional amendment to authorize the Kickapoo Traditional Tribe of Texas to conduct gaming by executing a gaming agreement with this state.

To Committee on State Affairs.

**CO-AUTHORS OF SENATE BILL 28**

On motion of Senator Zaffirini, Senators Davis, Ellis, Lucio, and Watson will be shown as Co-authors of **SB 28**.

**CO-AUTHOR OF SENATE BILL 109**

On motion of Senator West, Senator Hinojosa will be shown as Co-author of **SB 109**.

**CO-AUTHOR OF SENATE BILL 330**

On motion of Senator Huffman, Senator West will be shown as Co-author of **SB 330**.

**CO-AUTHOR OF SENATE BILL 419**

On motion of Senator Zaffirini, Senator Watson will be shown as Co-author of **SB 419**.

**CO-AUTHOR OF SENATE BILL 441**

On motion of Senator Birdwell, Senator Schwertner will be shown as Co-author of **SB 441**.

**CO-AUTHOR OF SENATE BILL 785**

On motion of Senator Hinojosa, Senator Lucio will be shown as Co-author of **SB 785**.

**CO-AUTHOR OF SENATE BILL 860**

On motion of Senator Lucio, Senator Schwertner will be shown as Co-author of **SB 860**.

**CO-AUTHOR OF SENATE BILL 863**

On motion of Senator Taylor, Senator Ellis will be shown as Co-author of **SB 863**.

**CO-AUTHORS OF SENATE BILL 955**

On motion of Senator Schwertner, Senators Carona, Davis, Nichols, Watson, and Williams will be shown as Co-authors of **SB 955**.

**CO-AUTHORS OF SENATE CONCURRENT RESOLUTION 6**

On motion of Senator Estes, Senators Carona, Deuell, Paxton, Schwertner, Taylor, and Williams will be shown as Co-authors of **SCR 6**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**SR 400** by Davis, In memory of Joseph Wayne Julien of Benbrook.

**SR 401** by Davis, In memory of Clyde M. Magnuson, Sr., of Fort Worth.

**SR 402** by Davis, In memory of Raymond Phillip Peloubet, Jr.

**SR 403** by Davis, In memory of John P. Vittas.



**SR 405** by Davis, In memory of Herbert C. Sheppard.

**SR 406** by Lucio, In memory of Joe A. Hinojosa, Sr., of Brownsville.

**HCR 22** (Birdwell), In memory of Michael Gilles Purgason of Arlington.

### **Congratulatory Resolutions**

**SR 399** by West, Commending Ronnie A. Wilson for achieving the rank of Eagle Scout.

**SR 404** by Davis, Recognizing Matthew K. Rose for receiving the national 2013 Horatio Alger Award.

**SR 407** by Lucio, Commending Justin Edward Macmanus for achieving the rank of Eagle Scout.

**SR 408** by Lucio, Recognizing Alberto Kreimerman of McAllen, a recipient of the Neighborhood All-Star award, for his community leadership.

### **Official Designation Resolutions**

**SR 286** by Uresti, Celebrating March 6, 2013, as Dimmit County Day at the State Capitol.

**SR 411** by Huffman, Recognizing the Freeport Host Lions Club Fishing Fiesta Barbecue Cook-off as a Texas State Barbecue Championship competition.

**(Senator Watson in Chair)**

### **ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 1:24 p.m. adjourned, in memory of Thomas J. Carbone and Leonard Joe Lozano, until 10:00 a.m. tomorrow.

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## **APPENDIX**

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### **COMMITTEE REPORT**

The following committee report was received by the Secretary of the Senate:

March 5, 2013

**HEALTH AND HUMAN SERVICES — CSSB 7**

### **RESOLUTIONS ENROLLED**

March 4, 2013

**SCR 19, SR 255, SR 315, SR 330, SR 331, SR 332, SR 333, SR 334, SR 335, SR 336, SR 337, SR 338, SR 340, SR 341, SR 342, SR 343, SR 344, SR 346, SR 347, SR 348, SR 349, SR 353, SR 354, SR 355, SR 356, SR 357, SR 358, SR 359, SR 360, SR 361, SR 362, SR 363, SR 364, SR 365, SR 366, SR 367, SR 368, SR 369, SR 370, SR 371, SR 374, SR 375, SR 376, SR 377, SR 380,**

**SR 381, SR 382, SR 383, SR 384, SR 385, SR 386, SR 389, SR 390, SR 391,  
SR 392, SR 393, SR 395, SR 396, SR 397, SR 398**

**SENT TO SECRETARY OF STATE**

March 5, 2013

**SCR 19**

**In Memory**  
**of**  
**Leonard Joe Lozano**  
**Senate Resolution 372**

WHEREAS, The Senate of the State of Texas honors and commemorates the life of Leonard Joe Lozano, who died September 27, 2012, at the age of 77; and

WHEREAS, Leonard Lozano was born April 19, 1935, in Poteet; he served his country with distinction in the United States Army as a member of the 82nd Airborne Division; and

WHEREAS, After his military service, he embarked on a long and distinguished career in law enforcement, beginning with a stint as an officer in the McAllen Police Department; he went on to serve with the Texas Alcoholic Beverage Commission during the notorious post-prohibition, bootlegging era; he was known as the most successful undercover agent in the commission's history; and

WHEREAS, He retired in 1993 after having risen through the ranks to become the first Hispanic director of the Texas Alcoholic Beverage Commission; throughout his life, he was a tireless supporter of education and fought to expand the limited educational opportunities for Hispanic students; and

WHEREAS, A man of courage, strength, and integrity, he gave generously to others, and his wisdom and his enthusiasm for living each day to the fullest will not be forgotten; and

WHEREAS, Leonard Lozano was a devoted husband, father, and grandfather, and he leaves behind memories that will be treasured forever by his family and many friends; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby extend sincere condolences to the bereaved family of Leonard Joe Lozano; 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 Leonard Joe Lozano.

LUCIO

