

SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

THIRTY-THIRD DAY

(Tuesday, April 2, 2013)

The Senate met at 11:06 a.m. pursuant to adjournment and was called to order by Senator Eltife.

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

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

Pastor Larry Dickson, Faith Assembly of God, Granbury, was introduced by Senator Birdwell and offered the invocation as follows:

Our Father, creator of all that is good, we stand in this Chamber today fully aware of the responsibility we have to pray for those who hold the authority to govern us by virtue of office. As a citizen of this great state, Father, I am personally grateful for the men and women within this Chamber who have chosen the path of public service as their purpose in life. We pray that You will give them wisdom as they set the course for the future of this great state. On the cusp of that future, the men and women in this room in leadership within our state face challenges unlike those of previous generations. They must deal with issues that are complex and difficult, challenges that will determine the future course we take. In light of all that we face, once again we declare that we are fully cognizant of our need for Your wisdom and guidance. With those who are coming behind us in mind, especially our children and grandchildren, we dare to ask that You would lead us in all our deliberations as well as our determinations so that these who follow after us may continue to enjoy the rich heritage of life that we have enjoyed by virtue of being a Texan. With the words of King Solomon we conclude, May the Lord our God be with us, as He was with our fathers. May He not leave us nor forsake us, that He may incline our hearts to walk in all His ways, and to keep His commandments, His statutes, and His judgments, which He commanded our fathers. (I Kings 8:57, 58) 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.

MESSAGES FROM THE GOVERNOR

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

March 28, 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 Texas Crime Stoppers Council for a term to expire September 1, 2013:

Susan Rogers
Odessa, Texas

Ms. Rogers is replacing Katherine Cabaniss of Houston who resigned.

To be members of the Texas Council on Purchasing from People with Disabilities for terms to expire as indicated:

To Expire January 31, 2015:

Beverly Jackson Loss
Wolfe City, Texas
(replacing Victor Kilman of Lubbock who resigned)

To Expire January 31, 2019:

Jack D. "Dan" Bremer
New Braunfels, Texas
(replacing Leslie Butler of Fort Worth whose term expired)

Kevin M. Jackson
Austin, Texas
(Mr. Jackson is being reappointed)

Alfred "Al" Matson
Tyler, Texas
(replacing James Daugherty of Irving whose term expired)

To be members of the Rio Grande Regional Water Authority for terms to expire February 1, 2017:

Troy Allen
Edcouch, Texas

Dario V. Guerra, Jr.
Edinburg, Texas

Arturo "Sonny" Hinojosa, Jr.
Edinburg, Texas

Sonia Lambert
San Benito, Texas

Lance Neuhaus
Mercedes, Texas

Joe A. Pennington
Raymondville, Texas

Frank "Jo Jo" White
Mercedes, Texas

The individuals listed above are being reappointed.

To be members of the Credit Union Commission for terms to expire February 15, 2019:

Allyson "Missy" Morrow
San Benito, Texas
(Ms. Morrow is being reappointed)

Barbara Kay Stewart
Daingerfield, Texas
(replacing Dale Kimble of Denton whose term expired)

Vic Vad
Austin, Texas
(replacing Thomas Butler of Deer Park whose term expired)

To be members of the Risk Management Board for terms to expire February 1, 2019:

Lloyd Garland
Lubbock, Texas

John W. Youngblood
Cameron, Texas

The individuals listed above are being reappointed.

Respectfully submitted,

/s/Rick Perry
Governor

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Tuesday, April 2, 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 4 Ritter
Relating to the funding of certain water-related projects by the Texas Water Development Board; authorizing the issuance of revenue bonds.

HB 5 Aycock
Relating to public school accountability, including assessment, and curriculum requirements.

HB 144 Raymond
Relating to a mental examination of a child subject to the juvenile justice system.

HB 281 Lucio III
Relating to the right of one immediate family member of certain deceased peace officers to make an oral statement regarding the terms of a plea bargain agreement.

HB 677 Geren
Relating to the regulation and enforcement of dam safety by the Texas Commission on Environmental Quality.

HB 812 Cook
Relating to the sunset review of the board of trustees of the Employees Retirement System of Texas.

SCR 32 Whitmire Sponsor: Dutton
Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, March 27, 2013, and ending on Tuesday, April 2, 2013.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

PHYSICIAN OF THE DAY

Senator Rodríguez was recognized and presented Dr. David Palafox of El Paso as the Physician of the Day.

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

HOUSE CONCURRENT RESOLUTION 65

The Presiding Officer laid before the Senate the following resolution:

HCR 65, Commemorating the 100th anniversary of the Rotary Club of Austin.

WATSON

The resolution was again read.

The resolution was previously adopted on Wednesday, March 27, 2013.

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate a Rotary Club of Austin delegation, accompanied by W. Gaines Bagby, President; Sherry Workman, Centennial Chair; Bruce Golden, Centennial Co-chair; Jack Mayo, historian and consultant; and Leslie Bagby.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate an ACE Mentor Program delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Taylor was recognized and introduced to the Senate a City of La Marque Leadership delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 572

Senator Uresti offered the following resolution:

SR 572, Recognizing April of 2013 as Child Abuse Prevention Month in Texas.

URESTI	HANCOCK	RODRÍGUEZ
BIRDWELL	HUFFMAN	SELIGER
CARONA	LUCIO	VAN DE PUTTE
DAVIS		

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Uresti was recognized and introduced to the Senate John Specia, Department of Family and Protective Services Commissioner; Madeline McClure, TexProtects Executive Director; and statewide blue ribbon task force members: Annette Burrhus-Clay, Nancy Harper, Mary Tipps, and James Castro.

Senator Uresti also introduced to the Senate Daniela Ariel Chavez and Elyssa Madeline Chavez, serving today as Honorary Senate Pages.

The Senate welcomed its guests.

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

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

There was no objection.

CONCLUSION OF MORNING CALL

The Presiding Officer at 11:35 a.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE
SENATE BILL 1110 ON SECOND READING**

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1110** at this time on its second reading:

CSSB 1110, Relating to the purposes and designation of a transportation reinvestment zone.

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 1110 ON THIRD READING**

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1110** 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 152 ON SECOND READING**

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 152** at this time on its second reading:

CSSB 152, Relating to the protection and care of persons who are elderly or disabled or who are children.

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 152 ON THIRD READING**

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 152** 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 275 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 275** at this time on its second reading:

SB 275, Relating to the penalty for the offense of leaving the scene of an accident that involves personal injury or death.

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 275 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 275** 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 504 ON SECOND READING**

Senator Deuell moved to suspend the regular order of business to take up for consideration **CSSB 504** at this time on its second reading:

CSSB 504, Relating to the requirement that certain schoolchildren be screened for abnormal spinal curvature.

The motion prevailed.

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

The bill was read second time.

Senator Deuell offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 504** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in amended Section 37.001(b), Health and Safety Code (page 1, line 27), strike "or private".

(2) In SECTION 1 of the bill, in amended Section 37.001(b), Health and Safety Code (page 1, line 30), strike "or private" and substitute "~~[or private]~~".

(3) In SECTION 1 of the bill, in amended Section 37.001(b), Health and Safety Code (page 1, line 33), strike "or private".

(4) In SECTION 2 of the bill, in amended Section 37.002(a), Health and Safety Code (page 1, line 43), strike "or private".

The amendment to **CSSB 504** was read and was adopted by a viva voce vote.

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

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

CSSB 504 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: Zaffirini.

**COMMITTEE SUBSTITUTE
SENATE BILL 504 ON THIRD READING**

Senator Deuell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 504** be placed on its third reading and final passage.

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

Nays: Zaffirini.

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 213 ON SECOND READING**

On motion of Senator Whitmire and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 213** at this time on its second reading:

CSSB 213, Relating to the continuation and functions of the Texas Board of Criminal Justice, the Texas Department of Criminal Justice, and the Windham School District and to the functions of the Board of Pardons and Paroles and the Correctional Managed Health Care Committee.

The bill was read second time.

Senator Carona offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 213** (senate committee printing) as follows:

(1) In SECTION 7 of the bill, in amended Section 501.133(a), Government Code (page 5, line 17), strike "five" and substitute "seven [~~five~~]."

(2) In SECTION 7 of the bill, in amended Section 501.133(a), Government Code, strike page 5, lines 28-36, and substitute the following:

~~[(4)]~~ two public members appointed by the governor who are not affiliated with the department or with any contracting entity [~~with which the committee has contracted to provide health care services under this chapter~~], at least one of whom is licensed to practice medicine in this state;

(4) two members appointed by the governor who are licensed mental health professionals; and

(5) the state Medicaid director or a person employed full-time by the Health and Human Services Commission and appointed by the Medicaid director, to serve ex officio as a nonvoting member.

(3) In SECTION 7 of the bill, in added Section 501.133(c), Government Code (page 5, line 37), strike "(a)(4)" and substitute "(a)(5)".

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

SECTION _____. Not later than January 31, 2014, the governor shall appoint the two mental health professionals to the Correctional Managed Health Care Committee as required by Section 501.133(a), Government Code, as amended by this Act.

The amendment to **CSSB 213** 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.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 213** on page 13, after line 19, to read as follows:

SECTION 10. Section 501.147, Government Code, is amended to read as follows:

Sec. 501.147. POWERS AND DUTIES OF DEPARTMENT; AUTHORITY TO CONTRACT. (a) In conjunction with the contracting entities the department shall:

(1) establish a managed health care provider network of physicians and hospitals to provide health care to persons confined by the department; and

(2) evaluate and recommend to the board sites for new medical facilities that appropriately support the managed health care provider network.

The amendment to **CSSB 213** was read and was adopted by a viva voce vote.

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

Senator West offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 213** (Senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 9(a), Article 42.12, Code of Criminal Procedure, is amended to read as follows:

(a) Except as provided by Subsection (g) [~~of this section~~], before the imposition of sentence by a judge in a felony case, and except as provided by Subsection (b) [~~of this section~~], before the imposition of sentence by a judge in a misdemeanor case the judge shall direct a supervision officer to report to the judge in writing on the circumstances of the offense with which the defendant is charged, the amount of restitution necessary to adequately compensate a victim of the offense, the criminal and social history of the defendant, and any other information relating to the defendant or the offense requested by the judge. It is not necessary that the report contain a sentencing recommendation, but the report must contain a proposed client

supervision plan describing programs and sanctions that the community supervision and corrections department would provide the defendant if the judge suspended the imposition of the sentence or granted deferred adjudication. If the defendant is charged with a state jail felony, the report must contain recommendations for conditions of community supervision that the community supervision and corrections department considers advisable or appropriate based on the circumstances of the offense and other factors addressed in the report.

SECTION _____. Section 15(a)(2), Article 42.12, Code of Criminal Procedure, is amended to read as follows:

(2) On conviction of a state jail felony punished under Section 12.35(a), Penal Code, other than a state jail felony listed in Subdivision (1), the judge may:

(A) suspend the imposition of the sentence and place the defendant on community supervision; or

(B) ~~may~~ order the sentence to be executed:

(i) in whole; or

(ii) in part, with a term of community supervision to commence immediately on release of the defendant from confinement.

SECTION _____. Section 15(c)(1), Article 42.12, Code of Criminal Procedure, is amended to read as follows:

(1) Before imposing a sentence in a state jail felony case, the judge shall review the presentence investigation report prepared for the defendant under Section 9 and shall determine whether the best interests of justice require the judge to suspend the imposition of the sentence and place the defendant on community supervision or to order the sentence to be executed in whole or in part as provided by Subsection (a)(2). A judge may impose any condition of community supervision on a defendant that the judge could impose on a defendant placed on supervision for an offense other than a state jail felony and, if the judge suspends the execution of the sentence or orders the execution of the sentence only in part, shall impose conditions of community supervision consistent with the recommendations contained in the presentence investigation report prepared for the defendant.

SECTION _____. The changes in law made by this Act to Sections 9 and 15, Article 42.12, Code of Criminal Procedure, apply only to the sentencing and placement on community supervision of a defendant for an offense that is committed on or after the effective date of this Act. The sentencing and placement on community supervision of a defendant for an offense that is committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and that law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

The amendment to **CSSB 213** was read.

Senator West withdrew Floor Amendment No. 3.

On motion of Senator Whitmire, further consideration of **CSSB 213** was temporarily postponed.

Question — Shall **CSSB 213** as amended be passed to engrossment?

SENATE BILL 242 ON SECOND READING

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 242** at this time on its second reading:

SB 242, Relating to the eligibility requirements for certain occupational licenses issued to applicants with military experience.

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 242 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 **SB 242** 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 832 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 832** at this time on its second reading:

CSSB 832, Relating to training for school district and open-enrollment charter school liaisons who assist students in the conservatorship of the state with school enrollments and transfers.

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 832 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 832** 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 BILL 162 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 162** at this time on its second reading:

CSSB 162, Relating to the occupational licensing of spouses of members of the military and the eligibility requirements for certain occupational licenses issued to applicants with military experience.

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 162 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 162** 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 833 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 833** at this time on its second reading:

CSSB 833, Relating to the collection of data through the Public Education Information Management System (PEIMS) as to the foster care status of public school students.

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 833 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 833** 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 200 ON SECOND READING

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

SB 200, Relating to the continuation and functions of the State Pension Review Board.

The bill was read second time.

Senator Whitmire offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 200** as follows:

(1) Add the following appropriately numbered SECTIONS and renumber the SECTIONS of the bill accordingly:

SECTION _____. Section 801.102(a), Government Code, is amended to read as follows:

(a) The board is composed of seven ~~nine~~ members.

SECTION _____. Section 801.106, Government Code, is amended to read as follows:

Sec. 801.106. TERMS OF OFFICE. Members of the board hold office for staggered terms of six years, with the terms of two or three members, as appropriate, expiring on January 31 of each odd-numbered year.

SECTION _____. Section 801.1061(a), Government Code, is amended to read as follows:

(a) It is a ground for removal from the board that a member:

(1) does not have at the time of taking office the qualifications required by Section 801.103 ~~or 801.104~~;

(2) does not maintain during service on the board the qualifications required by Section 801.103 ~~or 801.104~~;

(3) is ineligible for membership under Section 801.1021;

(4) cannot, because of illness or disability, discharge the member's duties for a substantial part of the member's term; or

(5) is absent from more than half of the regularly scheduled board meetings that the member is eligible to attend during a calendar year without an excuse approved by a majority vote of the board.

SECTION _____. (a) A person who is serving as a member of the State Pension Review Board appointed under Section 801.103, Government Code, on the effective date of this Act continues to serve until the person's term expires.

(b) The governor shall make appointments to fill vacancies on the State Pension Review Board so that board members' terms of office expire in compliance with Section 801.106, Government Code, as amended by this Act, and, if necessary for compliance with that section, a person may be appointed to a term of office that expires in less than six years.

(c) The term of a person who is serving as a member of the State Pension Review Board appointed under Section 801.104, Government Code, expires on the effective date of this Act.

(2) In SECTION 11 of the bill (page 6, line 20), strike "Section 802.103(c), Government Code, is" and substitute "Sections 801.104 and 802.103(c), Government Code, are".

The amendment to **SB 200** 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 Patrick and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

SB 200 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 200 ON THIRD READING

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

COMMITTEE SUBSTITUTE

SENATE BILL 1185 ON SECOND READING

On motion of Senator Huffman and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1185** at this time on its second reading:

CSSB 1185, Relating to the creation of a mental health jail diversion pilot program.

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 1185 ON THIRD READING

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1185** 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 213 ON SECOND READING**

The President laid before the Senate **CSSB 213** by Senator Whitmire on its second reading. The bill had been read second time, amended, and further consideration temporarily postponed today:

CSSB 213, Relating to the continuation and functions of the Texas Board of Criminal Justice, the Texas Department of Criminal Justice, and the Windham School District and to the functions of the Board of Pardons and Paroles and the Correctional Managed Health Care Committee.

Question — Shall **CSSB 213** as amended be passed to engrossment?

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 213** on page 4, after line 64, by striking SECTIONS 6 and 7 of the bill and substituting the following:

SECTION 6. Section 501.131, Government Code, is amended to read as follows:

Sec. 501.131. DEFINITIONS [~~DEFINITION~~]. In this subchapter:

(1) "Committee" [~~"committee"~~] means the Correctional Managed Health Care Committee.

(2) "Contracting entity" means an entity that contracts with the department to provide health care services under this chapter.

(3) "Medical school" means the medical school at The University of Texas Health Science Center at Houston, the medical school at The University of Texas Health Science Center at Dallas, the medical school at The University of Texas Health Science Center at San Antonio, the Baylor College of Medicine, the college of osteopathic medicine at the University of North Texas Health Science Center at Fort Worth, or the Texas A&M University Medical Program.

SECTION 7. Section 501.133, Government Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) The committee consists of nine [~~five~~] voting members and one nonvoting member as follows:

(1) one member employed full-time by the department, appointed by the executive director;

(2) two members who are physicians, each of whom is [~~one member who is a physician and~~] employed full-time by a medical school [~~The University of Texas Medical Branch at Galveston~~], appointed by the governor [~~president of the medical branch~~];

(3) one member who is a physician and employed full-time by the Texas Tech University Health Sciences Center, appointed by the president of the university;

(4) one member who is a physician and employed full-time by the University of Texas Medical Branch, appointed by the president of the medical branch;

(5) two members appointed by the governor who are licensed mental health professionals;

(6) two public members appointed by the governor who are not affiliated with the department or with any contracting entity [with which the committee has contracted to provide health care services under this chapter], at least one of whom is licensed to practice medicine in this state; and

(7) the state Medicaid director or a person employed full-time by the Health and Human Services Commission and appointed by the Medicaid director, to serve ex officio as a nonvoting member.

(c) A committee member appointed under Subsection (a)(6) shall assist the department with developing the expertise needed to accurately assess health care costs and determine appropriate rates.

The amendment to **CSSB 213** was read and was adopted by a viva voce vote.

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

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

CSSB 213 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 213 ON THIRD READING

Senator Whitmire moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 213** 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.

BILL SIGNED

The President announced the signing of the following enrolled bill in the presence of the Senate after the caption had been read: **HB 1263**.

SENATE RULE 7.07(b) SUSPENDED (Permission to Introduce) (Motion In Writing)

Senator Whitmire submitted the following Motion In Writing:

Mr. President:

I move suspension of Senate Rule 7.07(b) to permit the introduction of the following bills: **SB 1857, SB 1860, SB 1861**.

WHITMIRE

The Motion In Writing prevailed without objection.

SENATE BILLS ON FIRST READING

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

SB 1857 by Estes

Relating to the training of certain qualified handgun instructors to conduct school safety training.

To Committee on Agriculture, Rural Affairs and Homeland Security.

SB 1858 by Huffman

Relating to the creation of the Fort Bend County Municipal Utility District No. 184; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

SB 1859 by Huffman

Relating to the creation of the Harris County Municipal Utility District No. 529; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

To Committee on Intergovernmental Relations.

SB 1860 by Deuell

Relating to the provision of and funding for certain primary health care services.

To Committee on Health and Human Services.

SB 1861 by Taylor

Relating to the Angleton-Danbury Hospital District of Brazoria County, Texas.

To Committee on Intergovernmental Relations.

SB 1862 by Zaffirini

Relating to the creation of the Crosswinds Municipal Utility District; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

To Committee on Intergovernmental Relations.

HOUSE BILL ON FIRST READING

The following bill received from the House was read first time and referred to the committee indicated:

HB 5 to Committee on Education.

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

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

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Patrick and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Education might meet and consider **SB 1474** today.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Hegar and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Finance Subcommittee on Fiscal Matters might meet and consider **SJR 31** today.

CO-AUTHOR OF SENATE BILL 229

On motion of Senator Davis, Senator Uresti will be shown as Co-author of **SB 229**.

CO-AUTHOR OF SENATE BILL 242

On motion of Senator Carona, Senator Uresti will be shown as Co-author of **SB 242**.

CO-AUTHOR OF SENATE BILL 275

On motion of Senator Watson, Senator Hinojosa will be shown as Co-author of **SB 275**.

CO-AUTHOR OF SENATE BILL 393

On motion of Senator West, Senator Whitmire will be shown as Co-author of **SB 393**.

CO-AUTHOR OF SENATE BILL 846

On motion of Senator Van de Putte, Senator Rodríguez will be shown as Co-author of **SB 846**.

CO-AUTHOR OF SENATE BILL 1611

On motion of Senator Ellis, Senator Rodríguez will be shown as Co-author of **SB 1611**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

- SR 562** by Davis, In memory of Hans Johann Muller.
- SR 563** by Davis, In memory of Carl R. "Dick" Coers III.
- SR 564** by Davis, In memory of Randall Cross Stegall.
- SR 565** by Davis, In memory of McKinley Jackson, Sr.
- SR 569** by Watson, In memory of Jane Swann Nethercut.
- SR 574** by Ellis, In memory of Lee Elliott Brown.
- SR 575** by Zaffirini, In memory of Esther Gonzalez-Arroyo Buckley.
- SR 578** by Van de Putte, In memory of Alex Taylor Olmsted.
- SR 582** by Davis, In memory of Emory D. Estes.

Congratulatory Resolutions

SR 552 by Nelson, Recognizing Trietsch Memorial United Methodist Church on the occasion of its 30th anniversary.

SR 561 by Davis, Recognizing Margaret and Gerald D. "Griff" Griffith on the occasion of their 66th wedding anniversary.

SR 567 by Schwertner, Commending Richard Louis Sieggreen IV for achieving the rank of Eagle Scout.

SR 568 by Schwertner, Commending Lucas Hiney for achieving the rank of Eagle Scout.

SR 573 by Uresti, Recognizing the Parish of Our Lady of Perpetual Help on the occasion of its 100th anniversary.

SR 577 by Watson, Congratulating The University of Texas at Austin women's volleyball team for winning the 2012 national championship title.

SR 580 by Hegar, Recognizing Joe Al Picone on the occasion of his retirement as executive director of the Blinn College Foundation.

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

HCR 81 (Seliger), Commemorating the 50th anniversary of the agreement between the State of Texas and the Nuclear Regulatory Commission.

Official Designation Resolutions

SR 570 by Nelson, Campbell, and Huffman, Proclaiming April 18 and 19, 2013, Texas Federation of Republican Women Legislative Days at the State Capitol.

SR 576 by Watson, Proclaiming April 9, 2013, as 9-1-1 Day at the Capitol.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 1:03 p.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

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

April 2, 2013

GOVERNMENT ORGANIZATION — **CSSB 1597**

EDUCATION — **CSSB 1142**

INTERGOVERNMENTAL RELATIONS — **SB 286, SB 320, SB 321, SB 322, SB 323, SB 324, SB 334, SB 623, SB 624, SB 795, SB 985**

BUSINESS AND COMMERCE — CSSB 617, CSSB 1388, CSSB 1286, CSSB 951

HIGHER EDUCATION — CSSB 1113

OPEN GOVERNMENT — CSSB 656, CSSB 457

CRIMINAL JUSTICE — CSSB 990

AGRICULTURE, RURAL AFFAIRS AND HOMELAND SECURITY — CSSB 820

JURISPRUDENCE — CSSB 1237, CSSB 1437, CSSB 92, CSSB 1147, CSSB 387, CSSB 966

BUSINESS AND COMMERCE — CSSB 973, CSSB 1035

HEALTH AND HUMAN SERVICES — CSSB 1803, CSSB 11, CSSB 505, CSSB 45

EDUCATION — SB 831, SB 1380, SB 1352, CSSB 1178, CSSB 1538, CSSB 1263, CSSB 1365, CSSB 119, CSSB 1115, CSSB 816

HIGHER EDUCATION — CSSB 215

ADMINISTRATION — SCR 28

HIGHER EDUCATION — CSSB 62

NATURAL RESOURCES — CSSB 1282, CSSB 1299, CSSB 1300, CSSB 272, CSSB 302

OPEN GOVERNMENT — CSSB 121

JURISPRUDENCE — CSSB 753

BILLS ENGROSSED

March 27, 2013

SB 51, SB 52, SB 58, SB 59, SB 65, SB 107, SB 108, SB 129, SB 130, SB 131, SB 146, SB 187, SB 202, SB 231, SB 249, SB 252, SB 256, SB 284, SB 340, SB 345, SB 348, SB 358, SB 360, SB 361, SB 366, SB 367, SB 385, SB 395, SB 396, SB 410, SB 435, SB 448, SB 453, SB 458, SB 462, SB 464, SB 471, SB 479, SB 511, SB 516, SB 517, SB 519, SB 530, SB 533, SB 543, SB 551, SB 553, SB 555, SB 560, SB 564, SB 569, SB 578, SB 585, SB 587, SB 604, SB 605, SB 606, SB 608, SB 609, SB 610, SB 615, SB 635, SB 680, SB 684, SB 696, SB 697, SB 700, SB 703, SB 704, SB 705, SB 723, SB 733, SB 763, SB 771, SB 777, SB 809, SB 819, SB 839, SB 841, SB 847, SB 848, SB 849, SB 852, SB 866, SB 885, SB 905, SB 916, SB 949, SB 952, SB 972, SB 1005, SB 1006, SB 1058, SB 1060, SB 1212, SB 1214

RESOLUTIONS ENROLLED

March 27, 2013

SR 172, SR 490, SR 497, SR 517, SR 521, SR 540, SR 554, SR 555, SR 556, SR 557, SR 558, SR 559, SR 560