

SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

THIRTY-SIXTH DAY

(Monday, April 8, 2013)

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

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

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

Pastor David Smith, Community Baptist Church, Danbury, offered the invocation as follows:

Dear heavenly Father, we come to You today thanking You for the many blessings You have given us. We thank You for building this nation and this great State of Texas as one nation under God. May we never forget or lose sight of Your direction for this world. Thank You, Lord, for those who have fought and served before and for those who are serving today. Thank You for giving us a government "of the people, by the people, and for the people." And so we pray, O Lord, for this Texas Legislature. We ask You to grant them wisdom as they work hard to fulfill that which they are called to do. May all of their decisions be based on Your holy and sufficient word. We thank You, Lord, for their service and commitment to doing Your will for the people of the State of Texas. We ask You to bless them and their families as they serve You in their duties. May You grant each leader here with ideas and desires that would bring the people of Texas closer to You and Your grace. May all the decisions made here in this building today and in the future be glorifying and honoring to You, Lord. So, we thank You for building this great state into one of the spiritual leaders of our country and this world. And we thank You for those who have worked hard to keep us focused on "one nation under God." May You give every leader here and each citizen of Texas strength and determination to remain focused on Your desire for Your people. Thank You, Lord, for answering these prayers and for Your grace and mercy. We ask all these things in the holy name of Jesus Christ our Lord. 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:

April 4, 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 members of the Texas Board of Professional Geoscientists for terms to expire February 1, 2019:

Joseph P. DeWoody
Fort Worth, Texas
(replacing Ronald Kitchens of Harper whose term expired)

Charles T. "Tom" Hallmark
Hearne, Texas
(Dr. Hallmark is being reappointed)

W. David Prescott, II
Amarillo, Texas
(replacing Barbara Roeling of Austin whose term expired)

To be members of the Health and Human Services Council for terms to expire February 1, 2019:

James Richard Barajas
Fort Worth, Texas
(replacing Sharon Barnes of Rosharon whose term expired)

Leon J. Leach
New Ulm, Texas
(Dr. Leach is being reappointed)

Thomas C. Wheat
University Park, Texas
(Mr. Wheat is being reappointed)

To be members of the Brazos River Authority Board of Directors for terms to expire February 1, 2019:

Richard Ball
Mineral Wells, Texas
(Mr. Ball is being reappointed)

F. LeRoy Bell
Tuscola, Texas
(Mr. Bell is being reappointed)

Peter Bennis
Fort Worth, Texas
(Mr. Bennis is being reappointed)

William A. "Bill" Masterson
Guthrie, Texas
(Mr. Masterson is being reappointed)

G. Dave Scott, III
Richmond, Texas
(Mr. Scott is being reappointed)

Raleigh R. White, IV
Temple, Texas
(replacing Grady Barr of Abilene whose term expired)

Salvatore A. Zaccagnino
Caldwell, Texas
(Mr. Zaccagnino is being reappointed)

To be members of the Texas Real Estate Commission for terms to expire January 31, 2019:

Adrian A. Arriaga, Sr.
McAllen, Texas
(Mr. Arriaga is being reappointed)

Chart H. Westcott
Dallas, Texas
(replacing R. Christopher Day of Jacksonville whose term expired)

Avis Wukasch
Georgetown, Texas
(Ms. Wukasch is being reappointed)

To be Judge of the 357th Judicial District Court, Cameron County, for a term until the next General Election and until his successor shall be duly elected and qualified:

Oscar X. Garcia
Port Isabel, Texas

Mr. Garcia is replacing Judge Leonel Alejandro who resigned.

Respectfully submitted,

/s/Rick Perry
Governor

SENATE RESOLUTION 579

Senator Van de Putte offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to join Texans across the state in celebrating April 8 through 12, 2013, as Healthy Texas Week; and

WHEREAS, The rate of obese and overweight adults in Texas has doubled over the last 20 years, and a comprehensive, long-term commitment to improving the health of all Texans is essential to the future of the state; and

WHEREAS, It will take the cooperation of all Texans, along with the efforts of health-promoting organizations and businesses, to address the current health crisis and reverse this trend in a concerted effort to make healthy the norm in the Lone Star State; and

WHEREAS, Businesses across the state can encourage healthy shopping by offering healthy food, cooking demonstrations, employee engagement, shopping incentives, fitness groups, and events and competitions organized around the three critical pillars of health: food, body, and life; and

WHEREAS, Trailblazing organizations such as H-E-B and Blue Cross Blue Shield of Texas model for other businesses the leadership needed to promote consumer, employee, and community health; and

WHEREAS, Social media can assist in the advancement of this cause; the Healthy Texas Week website will connect Texans to resources and to local healthy activities and allow them to log healthy actions; and

WHEREAS, Families, friends, and neighbors are encouraged to gather together for healthy potluck meals and to share healthy recipes; schools are called upon to celebrate health and to encourage students and staff to form healthy habits, including physical, nutritional, and emotional habits; and

WHEREAS, Employers can do their part by supporting employees' participation in physical activity and healthy food choices at the office, and employees can help to motivate others within their workplace; and

WHEREAS, Texans can gather as neighbors for a regular evening of healthy celebration by walking, running, or riding their bicycles together; with a renewed focus on healthy habits, entire neighborhoods will find an increased appreciation of healthful foods and physical fitness and will discover shared bonds as they pursue the goal of better health; and

WHEREAS, Texans looking for other ways to improve their health are encouraged to dedicate time to volunteer with local health-based nonprofit organizations and the local parks department; and

WHEREAS, Healthy Texas Week is a valuable initiative that will help to unite, motivate, and empower Texans in communities across the state to make healthy the norm; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby encourage all Texans to observe Healthy Texas Week with a commitment to pursuing a healthy lifestyle by moving more, eating better, and living well; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of Healthy Texas Week.

SR 579 was read and was adopted without objection.

GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate Healthy Texas Week honorees: Kate Rogers, Vice-president of Communication and Engagement, H-E-B; Baker Harrell, CEO of ACTIVE Life; Matt Mitchell, Senior Vice-president

and Chief Operating Officer of YMCA Greater San Antonio; Christine Pollei, Executive Director of Marathon Kids; and a delegation of individuals representing Healthy Texas Week.

The Senate welcomed its guests.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Monday, April 8, 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 437 Davis, John
Relating to career and technical education programs.

HB 695 Phillips
Relating to funding state highway markers.

HB 860 Turner, Chris
Relating to an exception to the domicile requirement for issuance of a commercial driver's license for certain military personnel.

HB 1390 Harper-Brown
Relating to the electronic submission of a request for an attorney general opinion.

SB 1 Williams Sponsor: Pitts
General Appropriations Bill.
(Committee Substitute/Amended)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

PHYSICIAN OF THE DAY

Senator Campbell was recognized and presented Dr. Gabriel Ortiz of San Antonio as the Physician of the Day.

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

RESOLUTION SIGNED

The President announced the signing of the following enrolled resolution in the presence of the Senate: **HCR 81**.

SENATE RESOLUTION 607

Senator Hinojosa offered the following resolution:

SR 607, Congratulating Ken Baker on the occasion of his retirement.

HINOJOSA
LUCIO

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Hinojosa was recognized and introduced to the Senate Ken Baker; his wife, Susan Baker; J. D. Baker; Donald Baker; and Craig Hunter.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate a Delta Sigma Theta delegation, accompanied by Mae Frances Rowlett, Southwest Regional Director; Sonya Jackson, Texas/New Mexico State Coordinator; Delores Rice, State Social Action Co-coordinator; and State Representative Toni Rose.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Davis was recognized and introduced to the Senate students from the Schieffer School of Journalism at Texas Christian University.

The Senate welcomed its guests.

SENATE RESOLUTION 618

Senator Paxton offered the following resolution:

SR 618, In memory of Kevin Khoi Signo.

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

In honor of the memory of Kevin Khoi Signo, the text of the resolution is printed at the end of today's *Senate Journal*.

Senator Paxton was recognized and introduced to the Senate the parents of Kevin Khoi Signo, Henry and Jackie Signo, and other family and friends.

The Senate welcomed its guests and extended its sympathy.

**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.

CONCLUSION OF MORNING CALL

The President at 2:53 p.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE
SENATE BILL 307 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 307** at this time on its second reading:

CSSB 307, Relating to the transfer of adult education and literacy programs from the Texas Education Agency to the Texas Workforce Commission.

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 307 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 307** 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.

HOUSE CONCURRENT RESOLUTION 78

The President laid before the Senate the following resolution:

HCR 78, Congratulating Paul Qui of Austin on his achievements as a chef and restaurateur.

WATSON

The resolution was read.

On motion of Senator Watson and by unanimous consent, the resolution was considered immediately and was adopted without objection.

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate Paul Qui, chef at Uchi, Uchiko, East Side King, and East Side King @ Hole in the Wall; Deana Saukam; and Moto Utsunomiya, business partner to Paul Qui.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate Sophia Montemayor, serving today as an Honorary Senate Page, accompanied by her mother, Elsa Williams; her teacher, Elizabeth Apodaca; and principal, B. J. Nelsen.

The Senate welcomed its guests.

**COMMITTEE SUBSTITUTE
SENATE BILL 119 ON SECOND READING**

Senator Rodríguez moved to suspend the regular order of business to take up for consideration **CSSB 119** at this time on its second reading:

CSSB 119, Relating to the operation of special student recovery programs by certain school districts.

The motion prevailed.

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

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

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

Nays: Hancock.

**COMMITTEE SUBSTITUTE
SENATE BILL 119 ON THIRD READING**

Senator Rodríguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 119** be placed on its third reading and final passage.

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

Nays: Hancock.

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 121 ON SECOND READING**

Senator Rodríguez moved to suspend the regular order of business to take up for consideration **CSSB 121** at this time on its second reading:

CSSB 121, Relating to prohibited retaliation against certain state or local public employees for reporting to certain persons violations of law.

The motion prevailed by the following vote: Yeas 23, Nays 8.

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

Nays: Birdwell, Campbell, Fraser, Hancock, Huffman, Nelson, Patrick, Paxton.

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

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

Nays: Birdwell, Campbell, Fraser, Hancock, Hegar, Huffman, Nelson, Patrick, Paxton.

SENATE BILL 1109 ON SECOND READING

Senator Deuell moved to suspend the regular order of business to take up for consideration **SB 1109** at this time on its second reading:

SB 1109, Relating to suspending public school accountability ratings and certain interventions and sanctions for the 2012-2013 school year.

The motion prevailed.

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

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

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

Nays: Seliger.

SENATE BILL 1109 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 **SB 1109** be placed on its third reading and final passage.

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

Nays: Seliger.

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

SENATE BILL 545 ON SECOND READING

On motion of Senator Hancock and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 545** at this time on its second reading:

SB 545, Relating to the peace officers authorized to operate an authorized emergency service vehicle used to conduct a police escort.

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 545 ON THIRD READING

Senator Hancock moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 545** 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 611 ON SECOND READING

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 611** at this time on its second reading:

SB 611, Relating to the irrigation powers and functions of certain water districts.

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 611** (senate committee printing) as follows:

(c) In SECTION 5 of the bill, in amended Section 51.305, Water Code (page 2, line 36), between "water" and the period strike "and other charges approved by the board".

The amendment to **SB 611** 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 Lucio offered the following amendment to the bill:

Floor Amendment No. 2

Amend **SB 611** (senate committee printing) as follows:

(1) In SECTION 9 of the bill, in amended Section 51.309, Water Code (page 3, line 10), between the period and "The" insert "(a)".

(2) In SECTION 9 of the bill, in amended Section 51.309, Water Code (page 3), between lines 14 and 15 insert the following:

(b) If the crops against which the district has a lien under this section are cultivated on a basis other than annual replanting, the owner of the crops shall record with the county clerk of the county where the land on which the crops are cultivated is located a legally sufficient description of the land, including a metes and bounds description or a plat reference.

(3) In SECTION 21 of the bill (page 5, lines 39 and 40) strike the recital and substitute the following:

SECTION 21. Section 55.359, Water Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(4) In SECTION 21 of the bill, in amended Section 55.359, Water Code (page 5), between lines 45 and 46 insert the following:

(c) If the crops against which the district has a lien under this section are cultivated on a basis other than annual replanting, the owner of the crops shall record with the county clerk of the county where the land on which the crops are cultivated is located a legally sufficient description of the land, including a metes and bounds description or a plat reference.

(5) In SECTION 34 of the bill, in amended Section 58.309, Water Code (page 7, line 67), between the period and "The" insert "(a)".

(6) In SECTION 34 of the bill, in amended Section 58.309, Water Code (page 8), between lines 2 and 3, insert the following:

(b) If the crops against which the district has a lien under this section are cultivated on a basis other than annual replanting, the owner of the crops shall record with the county clerk of the county where the land on which the crops are cultivated is located a legally sufficient description of the land, including a metes and bounds description or a plat reference.

The amendment to **SB 611** 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.

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

SB 611 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 611 ON THIRD READING

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 611** 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 302 ON SECOND READING

Senator Seliger moved to suspend the regular order of business to take up for consideration **CSSB 302** at this time on its second reading:

CSSB 302, Relating to the management, operation, rulemaking authority, and oversight of groundwater conservation districts.

The motion prevailed.

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

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

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

Nays: Campbell, Nelson, Nichols.

**COMMITTEE SUBSTITUTE
SENATE BILL 302 ON THIRD READING**

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 302** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

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

Nays: Campbell, Nelson, Nichols.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 630 ON SECOND READING**

Senator Carona moved to suspend the regular order of business to take up for consideration **CSSB 630** at this time on its second reading:

CSSB 630, Relating to certain obligations of and limitations on residential landlords.

The motion prevailed.

Senators Birdwell, Estes, and Huffman asked to be recorded as voting "Nay" on suspension of the regular order of business.

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

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

Nays: Birdwell, Estes, Huffman.

**COMMITTEE SUBSTITUTE
SENATE BILL 630 ON THIRD READING**

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 630** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

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

Nays: Birdwell, Estes, Huffman.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3. (Same as previous roll call)

COMMITTEE SUBSTITUTE
SENATE BILL 1082 ON SECOND READING

On motion of Senator Rodríguez and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1082** at this time on its second reading:

CSSB 1082, Relating to examination requirements for certain applicants for a license to practice medicine.

The bill was read second time.

Senator Schwertner offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1082** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 154.006(b), Occupations Code, is amended to read as follows:

(b) A profile must contain the following information on each physician:

(1) the name of each medical school attended and the dates of:

(A) graduation; or

(B) Fifth Pathway designation and completion of the Fifth Pathway Program;

(2) a description of all graduate medical education in the United States or Canada;

(3) the number of attempts taken by the physician to pass each part of the licensing examination required under Section 155.051;

(4) any specialty certification held by the physician and issued by a medical licensing board that is a member of the American Board of Medical Specialties or the Bureau of Osteopathic Specialists;

(5) ~~(4)~~ the number of years the physician has actively practiced medicine in:

(A) the United States or Canada; and

(B) this state;

(6) ~~(5)~~ the name of each hospital in this state in which the physician has privileges;

(7) ~~(6)~~ the physician's primary practice location;

(8) ~~(7)~~ the type of language translating services, including translating services for a person with impairment of hearing, that the physician provides at the physician's primary practice location;

(9) ~~(8)~~ whether the physician participates in the Medicaid program;

(10) ~~(9)~~ a description of any conviction for a felony, a Class A or Class B misdemeanor, or a Class C misdemeanor involving moral turpitude;

(11) [~~(10)~~] a description of any charges reported to the board to which the physician has pleaded no contest, for which the physician is the subject of deferred adjudication or pretrial diversion, or in which sufficient facts of guilt were found and the matter was continued by a court;

(12) [~~(11)~~] a description of any disciplinary action against the physician by the board;

(13) [~~(12)~~] a description of any disciplinary action against the physician by a medical licensing board of another state;

(14) [~~(13)~~] a description of the final resolution taken by the board on medical malpractice claims or complaints required to be opened by the board under Section 164.201;

(15) [~~(14)~~] whether the physician's patient service areas are accessible to disabled persons, as defined by federal law;

(16) [~~(15)~~] a description of any formal complaint against the physician initiated and filed under Section 164.005 and the status of the complaint; and

(17) [~~(16)~~] a description of any medical malpractice claim against the physician, not including a description of any offers by the physician to settle the claim, for which the physician was found liable, a jury awarded monetary damages to the claimant, and the award has been determined to be final and not subject to further appeal.

The amendment to **CSSB 1082** 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 Rodríguez and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1082 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 1082 ON THIRD READING

Senator Rodríguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1082** 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 505 ON SECOND READING

Senator Deuell moved to suspend the regular order of business to take up for consideration **CSSB 505** at this time on its second reading:

CSSB 505, Relating to an exemption from the licensing requirement for certain persons who measure or fit orthoses under the supervision of a physician.

The motion prevailed.

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

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

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

Nays: Seliger.

**COMMITTEE SUBSTITUTE
SENATE BILL 505 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 505** be placed on its third reading and final passage.

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

Nays: Seliger.

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

SENATE BILL 1012 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1012** at this time on its second reading:

SB 1012, Relating to the McMullen Groundwater Conservation District.

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 1012 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1012** 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 1007 ON SECOND READING**

Senator Carona moved to suspend the regular order of business to take up for consideration **CSSB 1007** at this time on its second reading:

CSSB 1007, Relating to own risk and solvency assessment by insurers and insurance groups; providing a penalty.

The motion prevailed.

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

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

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

Nays: Hancock, Taylor.

**COMMITTEE SUBSTITUTE
SENATE BILL 1007 ON THIRD READING**

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1007** be placed on its third reading and final passage.

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

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

Nays: Hancock, Taylor.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1210 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1210** at this time on its second reading:

CSSB 1210, Relating to conditions on the receipt of tuition and fee exemptions and waivers at public institutions of higher education.

The bill was read second time.

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

Floor Amendment No. 1

Amend **CSSB 1210** (senate committee printing) in SECTION 1 of the bill as follows:

(1) In added Section 54.2001(d), Education Code (page 2), strike lines 16-17 and substitute the following:

"(3) the student's active duty or other service in the United States armed forces or the student's active duty in the Texas National Guard; or"

(2) In added Section 54.2001(g)(1), Education Code (page 2, line 28), strike "to".

(3) In added Section 54.2001(g)(1), Education Code (page 2, line 31), strike "or".

(4) In added Section 54.2001(g)(2), Education Code (page 2, line 32), between "(2)" and "any provision", insert the following:
"the exemption provided by Section 54.341(a-2)(1)(A), (B), (C), or (D) or (b)(1)(A), (B), (C), or (D); or
(3)"

The amendment to **CSSB 1210** 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 Patrick offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1210** (senate committee printing) in SECTION 1 of the bill, in added Section 54.2001(d)(4), Education Code (page 2, line 19), between "institution" and ".", insert ", such as hardships endured by those students currently or formerly in the conservatorship of the Department of Family and Protective Services".

The amendment to **CSSB 1210** 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 except as follows:

Nays: Seliger.

Senator Uresti offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 1210** (senate committee printing) in SECTION 1 of the bill as follows:

(1) In added Section 54.2001(g)(1), Education Code (page 2, line 28), strike "to".

(2) In added Section 54.2001(g)(1), Education Code (page 2, line 31), strike "or".

(3) In added Section 54.2001(g)(2), Education Code (page 2, line 32), between "(2)" and "any provision", insert the following:
"the exemption provided by Section 54.342; or
(3)"

The amendment to **CSSB 1210** 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. 3.

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

CSSB 1210 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 1210 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1210** 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 617 ON THIRD READING**

Senator Carona moved to suspend the regular order of business to take up for consideration **CSSB 617** at this time on its third reading and final passage:

CSSB 617, Relating to the regulation of energy efficiency professionals; providing penalties.

The motion prevailed by the following vote: Yeas 22, Nays 9.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Estes, Garcia, Hancock, Hegar, Hinojosa, Lucio, Nelson, Paxton, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Campbell, Eltife, Fraser, Huffman, Nichols, Patrick, Rodriguez, Schwertner.

The bill was read third time and was passed by the following vote: Yeas 16, Nays 15.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Garcia, Hinojosa, Lucio, Rodriguez, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

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

**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 bill: **SB 1875**.

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 1872 by Zaffirini, Watson

Relating to the creation of Onion Creek Metro Park District; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

To Committee on Intergovernmental Relations.

SB 1873 by Estes

Relating to the authority to issue bonds of the Mustang Special Utility District.

To Committee on Intergovernmental Relations.

SB 1874 by Estes

Relating to the dissolution of the Parker County Utility District No. 1.

To Committee on Intergovernmental Relations.

SB 1875 by Estes

Relating to the Jack County Hospital District; authorizing the imposition of a tax.

To Committee on Intergovernmental Relations.

SB 1876 by Hegar

Relating to the election of members of the board of directors of the Pecan Valley Groundwater Conservation District.

To Committee on Natural Resources.

SB 1877 by Estes

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

To Committee on Intergovernmental Relations.

SB 1878 by Estes

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

To Committee on Intergovernmental Relations.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read first time and referred to the committees indicated:

HB 4 to Committee on Natural Resources.

HB 410 to Committee on Jurisprudence.

HB 487 to Committee on State Affairs.

HB 712 to Committee on Intergovernmental Relations.

HB 808 to Committee on Health and Human Services.

HB 1120 to Committee on Criminal Justice.

HB 2256 to Committee on Economic Development.

HB 2472 to Committee on Government Organization.

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

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

CO-AUTHOR OF SENATE BILL 237

On motion of Senator Van de Putte, Senator Watson will be shown as Co-author of **SB 237**.

CO-AUTHOR OF SENATE BILL 329

On motion of Senator Huffman, Senator Garcia will be shown as Co-author of **SB 329**.

CO-AUTHOR OF SENATE BILL 459

On motion of Senator Rodríguez, Senator Eltife will be shown as Co-author of **SB 459**.

CO-AUTHOR OF SENATE BILL 537

On motion of Senator Deuell, Senator Paxton will be shown as Co-author of **SB 537**.

CO-AUTHOR OF SENATE BILL 630

On motion of Senator Carona, Senator West will be shown as Co-author of **SB 630**.

CO-AUTHOR OF SENATE BILL 971

On motion of Senator Williams, Senator Ellis will be shown as Co-author of **SB 971**.

CO-AUTHOR OF SENATE BILL 1253

On motion of Senator Zaffirini, Senator Campbell will be shown as Co-author of **SB 1253**.

CO-AUTHOR OF SENATE BILL 1263

On motion of Senator Taylor, Senator Campbell will be shown as Co-author of **SB 1263**.

CO-AUTHOR OF SENATE BILL 1309

On motion of Senator Davis, Senator Deuell will be shown as Co-author of **SB 1309**.

CO-AUTHOR OF SENATE BILL 1702

On motion of Senator Taylor, Senator Hinojosa will be shown as Co-author of **SB 1702**.

CO-AUTHOR OF SENATE RESOLUTION 618

On motion of Senator Paxton, Senator Hancock will be shown as Co-author of **SR 618**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

SR 617 by Ellis, In memory of Paul F. Rogers.

Congratulatory Resolutions

SR 611 by Zaffirini, Commending Bella Mercado for raising funds for Saint Jude Children's Hospital.

SR 612 by Whitmire, Recognizing W. E. "Pete" Snelson on the occasion of his 90th birthday.

SR 614 by Taylor, Congratulating the Galveston County 4-H Senior Horse Quiz Bowl Team for winning first place.

SR 616 by Watson, Recognizing Ben Frank Barnes on the occasion of his 75th birthday.

SR 620 by Carona, Recognizing Dorothy A. "Dot" Adler for her contributions to the Texas Republican Party.

Official Designation Resolution

SR 613 by Taylor, Recognizing April of 2013 as Financial Literacy Month in Texas.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 4:22 p.m. adjourned, in memory of Kevin Khoi Signo and Alex Taylor Olmsted, 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 8, 2013

BUSINESS AND COMMERCE — CSSB 583, CSSB 1296

STATE AFFAIRS — SB 904, SB 1363

CRIMINAL JUSTICE — CSSB 336, CSSB 743, CSSB 745, CSSB 1173

JURISPRUDENCE — CSSB 778, CSSB 1235, CSSB 1422

ECONOMIC DEVELOPMENT — CSSB 21

EDUCATION — CSSB 48, CSSB 418, SB 1474

BUSINESS AND COMMERCE — CSSB 992, CSSB 1247

TRANSPORTATION — CSSB 459, CSSB 971, CSSB 1017, CSSB 1253, CSSB 1294, CSSB 1729, CSSB 1730, CSSB 1815

HIGHER EDUCATION — CSSB 1157

JURISPRUDENCE — CSSCR 30

BUSINESS AND COMMERCE — CSSB 734

INTERGOVERNMENTAL RELATIONS — **CSSB 637, CSSB 863, CSSB 1623, CSSB 607, CSSB 1075, CSSB 1265, CSSB 1823, CSSB 1824**

HEALTH AND HUMAN SERVICES — **CSSB 646, SB 889, CSSB 939, CSSB 312, CSSB 421, CSSB 1186, CSSB 1226, CSSB 978, CSSB 993**

NATURAL RESOURCES — **CSSB 791**

CRIMINAL JUSTICE — **CSSB 263, CSSB 264**

GOVERNMENT ORGANIZATION — **CSSB 1679**

FINANCE — **CSSB 657**

JURISPRUDENCE — **CSSB 768**

HIGHER EDUCATION — **CSSB 15**

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — **SB 164, CSSB 871, CSSB 260, CSSB 898, SB 1159**

JURISPRUDENCE — **CSSB 967**

STATE AFFAIRS — **CSSB 219, CSSB 346, CSSB 910**

BILLS ENGROSSED

April 4, 2013

SB 181, SB 201, SB 229, SB 233, SB 299, SB 354, SB 356, SB 393, SB 407, SB 423, SB 442, SB 487, SB 490, SB 502, SB 507, SB 557, SB 563, SB 597, SB 654, SB 660, SB 664, SB 679, SB 686, SB 701, SB 736, SB 742, SB 748, SB 751, SB 752, SB 769, SB 816, SB 818, SB 820, SB 821, SB 828, SB 836, SB 877, SB 886, SB 894, SB 920, SB 946, SB 948, SB 965, SB 981, SB 983, SB 987, SB 1008, SB 1026, SB 1033, SB 1053, SB 1096, SB 1107, SB 1156, SB 1169, SB 1238, SB 1241, SB 1286, SB 1289, SB 1297, SB 1376, SB 1380, SB 1404, SB 1577

RESOLUTIONS ENROLLED

April 4, 2013

SR 460, SR 593, SR 594, SR 595, SR 596, SR 597, SR 598, SR 599, SR 600, SR 601, SR 602, SR 603, SR 604, SR 605, SR 606

In Memory
of
Kevin Khoi Signo
Senate Resolution 618

WHEREAS, No words can adequately express the heartache felt at the tragic loss of Kevin Khoi Signo of Frisco, who passed away on March 3, 2013, at the age of 18; and

WHEREAS, Born to Henry and Jackie Signo in Parkridge, Illinois, on March 15, 1994, Kevin Signo graduated from Frisco High School; at the time of his death, he was a freshman at Baylor University, where he was studying pre-biology; and

WHEREAS, Mr. Signo was known for his friendliness, generosity, and spirituality; he was active in numerous campus organizations, including the Filipino Student Association and its traditional dance group, the Vietnamese Student Association, and Asians for Christ; in addition, he was an avid soccer player and a member of the university's club team; and

WHEREAS, Although his days were far too few, Kevin Signo brought much joy to his loved ones, and he will forever be remembered with deep affection by all who held him close to their hearts; now, therefore, be it

RESOLVED, That the Senate of the 83rd Texas Legislature hereby pay tribute to the life of Kevin Signo and extend sincere sympathy to the members of his family: to his parents, Henry and Jackie Signo; to his sister, Julie Signo; to his grandparents, Genaro and Julita Signo and Quynh and Long Nguyen; to his aunts and uncles, Art Signo and his wife, Malou, John Signo and his wife, Debbie, Kiki Pham and her husband, Kris, Tran Bui and her husband, Hai, and Khai Nguyen and his wife, Sushma; to his cousins, Andrew, Anthony, and Vivian Pham, Eric, Geoffrey, and Steven Bui, and Bryan, Richard, Jared, Christopher, Justin, and Michael Signo; and to his other relatives and many friends; and, be it further

RESOLVED, That an official copy of this resolution be prepared for his family and that when the Texas Senate adjourns this day, it do so in memory of Kevin Signo.

PAXTON

