

# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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## FORTY-SEVENTH DAY

(Thursday, April 25, 2013)

The Senate met at 10:12 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, 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, Whitmire, Williams, Zaffirini.

Absent-excused: Carona, West.

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

Pastor Ken Hicks, Heights Community Church, San Antonio, was introduced by Senator Campbell and offered the invocation as follows:

Our most gracious and loving heavenly Father, we come to You this morning humbled as we live in an incredible nation with freedom to come before You in prayer as we begin this meeting of the Senate. God, events in our nation within the last week have reminded us both individually and as a nation how blessed we are, and our prayer this morning is that You would continue to guide our individual lives, which overflows into our careers and overflows into our nation, and we thank You for the many ways we have seen so many Texans this last week serve as Your hands and feet. This morning, Father, I ask that Your presence reside amongst our time together, that You light a path for these 31 leaders and their families that represent our entire state, and special prayers for Mr. Dewhurst as he leads this team to make decisions for our state as we endeavor to remain one nation under God. Thank You in advance for hearing our prayer. In the precious name of Your son, Jesus. Amen.

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

The motion prevailed without objection.

## LEAVES OF ABSENCE

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

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

### **MESSAGE FROM THE GOVERNOR**

The following Message from the Governor was read and was referred to the Committee on Nominations:

April 24, 2013  
Austin, Texas

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

On April 11, 2013, I submitted the name of Annette P. Raggette for appointment to the Texas Board of Criminal Justice for a term to expire February 1, 2019.

I hereby withdraw her nomination and request that the Senate return the appointment to me.

Respectfully submitted,  
/s/Rick Perry  
Governor

### **PHYSICIANS OF THE DAY**

Senator Schwertner was recognized and presented Dr. Alfred Wettermark III of Cedar Park as the Physician of the Day.

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

Senator Taylor was recognized and presented Dr. Presley Joe Mock, Jr., of La Porte as the Physician of the Day.

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

### **GUESTS PRESENTED**

Senator Nichols was recognized and introduced to the Senate a San Jacinto County delegation.

The Senate welcomed its guests.

### **GUEST PRESENTED**

Senator Ellis was recognized and introduced to the Senate Adeline Hinderer, Trade Counsellor for the European Union Delegation in Washington, D.C.

The Senate welcomed its guest.

### **GUESTS PRESENTED**

Senator Taylor was recognized and introduced to the Senate the Leadership Friendswood class.

The Senate welcomed its guests.

**SENATE CONCURRENT RESOLUTION 34**

The President laid before the Senate the following resolution:

WHEREAS, The Legislature of the State of Texas is proud to pay tribute to the citizens of West for the exceptional community spirit and resolve they have shown in responding to the recent disaster; and

WHEREAS, On April 17, 2013, the McLennan County community of West was devastated by a massive explosion and fire at the West Fertilizer Company; and

WHEREAS, West is a close-knit, historic community of some 2,800 residents; known as the Czech Heritage Capital of Texas and famous for its kolaches, the town has for more than 130 years demonstrated the confident, positive outlook that has allowed its citizens to withstand this terrible tragedy with courage and strength, and their extraordinary spirit of communal goodwill has served as an inspiration to people everywhere; and

WHEREAS, Even before the last reverberations of the blast had faded, the people of West were converging on the area to provide assistance and comfort to their fellow citizens; those who had lost everything they owned set aside their own needs to join the first responders as they rushed toward the scene of the disaster; and

WHEREAS, People from around the world have offered condolences and support to the citizens of West as they deal with the aftermath of this tragedy; and

WHEREAS, The people of West have demonstrated true Texas spirit as they have pulled together to offer one another support and aid, and it is truly fitting that they be recognized for their determination and fortitude in the face of unfathomable loss; now, therefore, be it

RESOLVED, That the 83rd Legislature of the State of Texas hereby commend the citizens of West on their courage and resilience of spirit and extend to them sincere sympathy on their loss and heartfelt wishes for recovery and healing after this tragic event; and, be it further

RESOLVED, That a copy of this resolution be prepared in honor of the citizens of West and as an expression of admiration and esteem from the Texas Legislature.

BIRDWELL

**SCR 34** was again read.

The resolution was previously adopted on Wednesday, April 24, 2013.

**SENATE RESOLUTION 755**

Senator Lucio offered the following resolution:

**SR 755**, Recognizing April 25, 2013, as Texas Meningitis Awareness Day.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Lucio was recognized and introduced to the Senate Jamie Schanbaum; her mother, Patsy Schanbaum; Greg Williams; Tammy Futterman; and Maureen Moore.

The Senate welcomed its guests.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Thursday, April 25, 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 166** McClendon

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

**HB 432** Riddle

Relating to charitable contributions by state employees to assist domestic victims of human trafficking.

**HB 502** Hernandez Luna

Relating to the practice of dentistry.

**HB 511** Murphy

Relating to the registration of token trailers.

**HB 740** Crownover

Relating to newborn screening for critical congenital heart disease and other disorders.

**HB 833** Giddings

Relating to certain procedures regarding an application for a writ of habeas corpus filed in a noncapital felony case.

**HB 1029** Bonnen, Greg

Relating to a home loan program operated by the Texas State Affordable Housing Corporation.

**HB 1160** Geren

Relating to the transfer of a certificate of convenience and necessity in certain municipalities.

**HB 1284** Johnson

Relating to the offense of making or causing a false alarm or report involving a public or private institution of higher education.

**HB 1972** Kleinschmidt

Relating to the provision of 9-1-1 services; providing criminal penalties.

**HB 2051** Villalba

Relating to the authority of public institutions of higher education to make certain investments to support technology commercialization.

**HB 2197** Anchia

Relating to the continuation and functions of the Texas Lottery Commission; providing penalties; imposing and changing fees.

**HB 2720** Ritter

Relating to the applicability of the law governing emergency authorizations by the Texas Commission on Environmental Quality for the use of state water to certain emergency orders concerning water rights issued by the executive director of the commission.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**SENATE RESOLUTION 741**

Senator Campbell offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize April 25, 2013, as Pay It Forward Day and to honor Jaxon Reese Davis of Bexar County as the third inductee into the Pay It Forward Hall of Fame; and

WHEREAS, Pay It Forward Day was established by Catherine Ryan Hyde, who wrote the book *Pay It Forward*, and it promotes the power and positive energy of giving; and

WHEREAS, One of the most striking examples of this concept was five-year-old Jaxon Davis, who tragically passed away from the effects of brain cancer and whose family formed a charity that benefits children who are suffering from cancer; and

WHEREAS, Jaxon himself was a driving force behind the idea of raising funds to buy items for other children in his cancer clinic; he raised \$1,200 on his own by selling bracelets and was so successful and so enthusiastic about being able to help others that the family continued raising funds, and Team Jaxon has, to date, given more than \$10,000 to childhood cancer research and donated an additional \$10,000 worth of toys to treatment facilities throughout Texas; and

WHEREAS, For his heartwarming generosity, Jaxon was named as the third inductee into the Pay It Forward Hall of Fame; the memory of this incredible young boy continues to inspire his family and friends, and his Team Jaxon has touched the lives of thousands of strangers; his sense of compassion and altruism embody the essence of Pay It Forward Day; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby commemorate the life of young Jaxon Reese Davis and recognize April 25, 2013, as Pay It Forward Day; and, be it further

RESOLVED, That a copy of this Resolution be prepared by the Texas Senate in honor of Jaxon Davis and Pay It Forward Day.

**SR 741** was again read.

The resolution was previously adopted on Monday, April 22, 2013.

**GUESTS PRESENTED**

Senator Campbell was recognized and introduced to the Senate Lenzie and Cory Davis, parents of Jaxon Reese Davis.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Nichols was recognized and introduced to the Senate delegations from Shelby County and San Augustine County.

The Senate welcomed its guests.

**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.

**NOMINATION RETURNED**

On motion of Senator Hegar and by unanimous consent, the Senate agreed to grant the request of the Governor to return the following nomination:

Member, Texas Board of Criminal Justice: Annette P. Ragette, Williamson County.

**CONCLUSION OF MORNING CALL**

The President at 10:46 a.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1609 ON SECOND READING**

On motion of Senator Schwertner and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1609** at this time on its second reading:

**CSSB 1609**, Relating to the training of employees of certain covered entities.

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:

Absent-excused: Carona, West.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1609 ON THIRD READING**

Senator Schwertner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1609** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Carona, West.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 1432 ON SECOND READING**

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1432** at this time on its second reading:

**CSSB 1432**, Relating to the punishment for violating certain rules or permit terms under a permit to trap, transport, and transplant certain animals.

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:

Absent-excused: Carona, West.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1432 ON THIRD READING**

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1432** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Carona, West.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

**GUESTS PRESENTED**

Senator Lucio was recognized and introduced to the Senate Alberto Kreimerman, owner of Hermes Music Stores, accompanied by family and friends.

The Senate welcomed its guests.

**RESOLUTIONS SIGNED**

The President announced the signing of the following enrolled resolutions in the presence of the Senate: **HCR 85, HCR 91, HCR 94.**

**COMMITTEE SUBSTITUTE  
SENATE BILL 1046 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 1046** at this time on its second reading:

**CSSB 1046**, Relating to the authority of certain municipalities and counties to regulate subdivisions in the exterritorial jurisdiction of a municipality by agreement.

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:

Absent-excused: Carona, West.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1046 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 1046** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Carona, West.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 1508 ON SECOND READING**

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1508** at this time on its second reading:

**CSSB 1508**, Relating to the rendition of certain property for ad valorem tax purposes.

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:

Absent-excused: Carona, West.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1508 ON THIRD READING**

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1508** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Carona, West.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

**LEAVE OF ABSENCE**

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 1643 ON SECOND READING**

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1643** at this time on its second reading:

**CSSB 1643**, Relating to the monitoring of prescriptions for certain controlled substances; providing penalties.

The bill was read second time.

Senator Williams offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1643** (Senate Committee Printing) as follows:

(1) In SECTION 1 of the bill, strike added Section 481.002(54), Health and Safety Code (page 1, lines 33 through 40), and substitute the following:

(54) "Health information exchange" means an organization that:

(A) assists in the transmission or receipt of health-related information among organizations transmitting or receiving the information according to nationally recognized standards and under an express written agreement;

(B) as a primary business function, compiles or organizes health-related information that is designed to be securely transmitted by the organization among physicians, health care providers, or entities within a region, state, community, or hospital system; or

(C) assists in the transmission or receipt of electronic health-related information among physicians, health care providers, or entities within:

(i) a hospital system;

(ii) a physician organization;

(iii) a health care collaborative, as defined by Section 848.001,

Insurance Code;

(iv) an accountable care organization participating in the Pioneer Model under the initiative by the Innovation Center of the Centers for Medicare and Medicaid Services; or

(v) an accountable care organization participating in the Medicare Shared Savings Program under 42 U.S.C. Section 1395jjj.

(2) In the recital to SECTION 3 (page 2, line 39), between "Subsections (a)" and "and (e)", strike ", (d)".

(3) In SECTION 3 of the bill, in added Section 481.076(a-1), Health and Safety Code (page 3, line 3), between "exchange" and the underlined period, insert ", subject to proper security measures to ensure against disclosure to unauthorized persons".

(4) In SECTION 3 of the bill, strike amended Section 481.076(d), Health and Safety Code (page 3, lines 4 through 18).

(5) In SECTION 5 of the bill, in added Section 481.352(3), Health and Safety Code (page 3, line 48), after the underlined semicolon, strike "and".

(6) In SECTION 5 of the bill, in added Section 481.352(4), Health and Safety Code (page 3, line 50), between "designee" and the underlined period, insert the following:

; and

(5) the executive director of the Texas Board of Nursing or the executive director's designee

The amendment to **CSSB 1643** 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 except as follows:

Absent-excused: Birdwell, Carona, West.

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

### **Floor Amendment No. 2**

Amend **CSSB 1643** (Senate Committee Printing) as follows:

(1) In the recital to SECTION 1 of the bill (page 1, line 25), strike "Subdivision (32)" and substitute "Subdivisions (20) and (32)".

(2) In SECTION 1 of the bill, between the recital and amended Section 481.002(32), Health and Safety Code (page 1, between lines 26 and 27), insert the following:

(20) "Hospital" means:

(A) a general or special hospital as defined by Section 241.003 [~~(Texas Hospital Licensing Law)~~]; [~~or~~]

(B) an ambulatory surgical center licensed under Chapter 243 [~~by the Texas Department of Health~~] and approved by the federal government to perform surgery paid by Medicaid on patients admitted for a period of not more than 24 hours; or

(C) a freestanding emergency medical care facility licensed under Chapter 254.

The amendment to **CSSB 1643** 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:

Absent-excused: Birdwell, Carona, West.

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

**CSSB 1643** 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:

Absent-excused: Birdwell, Carona, West.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1643 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 **CSSB 1643** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Thursday, April 25, 2013 - 2

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:

**SCR 34**                                      Birdwell                                      Sponsor: Kacal  
Recognizing the citizens of West.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**COMMITTEE SUBSTITUTE  
SENATE BILL 929 ON SECOND READING**

Senator Paxton moved to suspend the regular order of business to take up for consideration **CSSB 929** at this time on its second reading:

**CSSB 929**, Relating to equal opportunity for access by home-schooled students to University Interscholastic League-sponsored activities; authorizing a fee.

The motion prevailed.

Senators Garcia, Rodríguez, Schwertner, Seliger, Uresti, Watson, and Zaffirini 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: Garcia, Rodríguez, Schwertner, Seliger, Uresti, Watson, Zaffirini.

Absent-excused: Birdwell, Carona, West.

**COMMITTEE SUBSTITUTE**  
**SENATE BILL 929 ON THIRD READING**

Senator Paxton moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 929** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 23, Nays 5.

Yeas: Campbell, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Garcia, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Patrick, Paxton, Taylor, Van de Putte, Watson, Whitmire, Williams.

Nays: Rodríguez, Schwertner, Seliger, Uresti, Zaffirini.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 21, Nays 7.

Yeas: Campbell, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Patrick, Paxton, Taylor, Van de Putte, Whitmire, Williams.

Nays: Garcia, Rodríguez, Schwertner, Seliger, Uresti, Watson, Zaffirini.

Absent-excused: Birdwell, Carona, West.

**COMMITTEE SUBSTITUTE**  
**SENATE BILL 592 ON SECOND READING**

Senator Ellis moved to suspend the regular order of business to take up for consideration **CSSB 592** at this time on its second reading:

**CSSB 592**, Relating to the representation of indigent defendants in criminal cases.

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.

Absent-excused: Birdwell, Carona, West.

**COMMITTEE SUBSTITUTE  
SENATE BILL 592 ON THIRD READING**

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 592** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Hancock.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 1. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 1589 ON SECOND READING**

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **CSSB 1589** at this time on its second reading:

**CSSB 1589**, Relating to assistance and education regarding personal finance for certain children in foster care.

The motion prevailed.

Senators Campbell and Schwertner 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, Schwertner.

Absent-excused: Birdwell, Carona, West.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1589 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 1589** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 2.

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

Nays: Campbell, Schwertner.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 2. (Same as previous roll call)

**SENATE BILL 780 ON THIRD READING**

Senator Hinojosa moved to suspend the regular order of business to take up for consideration **SB 780** at this time on its third reading and final passage:

**SB 780**, Relating to the prioritization of certain available legal defense services when appointing representation for an indigent defendant in a criminal case.

The motion prevailed by the following vote: Yeas 20, Nays 8.

Yeas: Campbell, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Garcia, Hegar, Hinojosa, Lucio, Patrick, Rodríguez, Seliger, Uresti, Van de Putte, Watson, Whitmire, Zaffirini.

Nays: Hancock, Huffman, Nelson, Nichols, Paxton, Schwertner, Taylor, Williams.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 17, Nays 11.

Yeas: Campbell, Davis, Deuell, Duncan, Ellis, Eltife, Garcia, Hegar, Hinojosa, Lucio, Rodríguez, Seliger, Uresti, Van de Putte, Watson, Whitmire, Zaffirini.

Nays: Estes, Fraser, Hancock, Huffman, Nelson, Nichols, Patrick, Paxton, Schwertner, Taylor, Williams.

Absent-excused: Birdwell, Carona, West.

**(Senator Eltife in Chair)**

**SENATE BILL 1133 ON SECOND READING**

On motion of Senator Rodríguez and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1133** at this time on its second reading:

**SB 1133**, Relating to contributions to certain fire and police pension funds.

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:

Absent-excused: Birdwell, Carona, West.

**SENATE BILL 1133 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 **SB 1133** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 878 ON SECOND READING**

On motion of Senator Patrick and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 878** at this time on its second reading:

**CSSB 878**, Relating to the disposition of proceeds and property from criminal asset forfeiture.

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:

Absent-excused: Birdwell, Carona, West.

**COMMITTEE SUBSTITUTE  
SENATE BILL 878 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 **CSSB 878** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 1189 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 1189** at this time on its second reading:

**CSSB 1189**, Relating to the disposition of certain firearms seized by a law enforcement agency.

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:

Absent-excused: Birdwell, Carona, West.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1189 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 1189** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 1368 ON SECOND READING**

Senator Davis moved to suspend the regular order of business to take up for consideration **CSSB 1368** at this time on its second reading:

**CSSB 1368**, Relating to contracts by certain state governmental entities that involve the exchange or creation of public information.

The motion prevailed.

Senators Campbell, Nichols, Schwertner, and Uresti 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, Nichols, Schwertner, Uresti.

Absent-excused: Birdwell, Carona, West.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1368 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 1368** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 4.

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

Nays: Campbell, Nichols, Schwertner, Uresti.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 4. (Same as previous roll call)

**SENATE BILL 1854 ON SECOND READING**

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1854** at this time on its second reading:

**SB 1854**, Relating to certain project powers and duties of the Fort Bend County Levee Improvement District No. 7; providing authority to impose a tax and issue bonds.

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:

Absent-excused: Birdwell, Carona, West.

#### **SENATE BILL 1854 ON THIRD READING**

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1854** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

#### **COMMITTEE SUBSTITUTE**

#### **SENATE BILL 1598 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 1598** at this time on its second reading:

**CSSB 1598**, Relating to the authority of the chief appraiser of an appraisal district or a representative of the chief appraiser to photograph the premises of a business, trade, or profession for ad valorem tax appraisal purposes.

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:

Absent-excused: Birdwell, Carona, West.

#### **COMMITTEE SUBSTITUTE**

#### **SENATE BILL 1598 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 1598** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 835 ON SECOND READING**

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 835** at this time on its second reading:

**CSSB 835**, 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.

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:

Absent-excused: Birdwell, Carona, West.

**COMMITTEE SUBSTITUTE  
SENATE BILL 835 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 **CSSB 835** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 1158 ON THIRD READING**

Senator Van de Putte moved to suspend the regular order of business to take up for consideration **CSSB 1158** at this time on its third reading and final passage:

**CSSB 1158**, Relating to higher education for veterans and their families.

The motion prevailed by the following vote: Yeas 19, Nays 9.

Yeas: Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Garcia, Hinojosa, Lucio, Rodriguez, Seliger, Taylor, Uresti, Van de Putte, Watson, Whitmire, Williams, Zaffirini.

Nays: Campbell, Hancock, Hegar, Huffman, Nelson, Nichols, Patrick, Paxton, Schwertner.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 19, Nays 9. (Same as previous roll call)

**SENATE BILL 853 ON SECOND READING**

On motion of Senator Taylor and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 853** at this time on its second reading:

**SB 853**, Relating to notice of a premium increase for certain health insurance policies.

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:

Absent-excused: Birdwell, Carona, West.

**SENATE BILL 853 ON THIRD READING**

Senator Taylor moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 853** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE****SENATE BILL 1757 ON SECOND READING**

On motion of Senator Uresti and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1757** at this time on its second reading:

**CSSB 1757**, Relating to the manufacture, sale, distribution, purchase, or possession of a license plate flipper; creating an offense.

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:

Absent-excused: Birdwell, Carona, West.

**COMMITTEE SUBSTITUTE****SENATE BILL 1757 ON THIRD READING**

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1757** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 1585 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 1585** at this time on its second reading:

**CSSB 1585**, Relating to the authority of certain counties to impose a county hotel occupancy tax.

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:

Absent-excused: Birdwell, Carona, West.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1585 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 1585** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 1176 ON SECOND READING**

Senator Deuell moved to suspend the regular order of business to take up for consideration **CSSB 1176** at this time on its second reading:

**CSSB 1176**, Relating to the regulation of medical waste.

The motion prevailed.

Senator Campbell asked to be recorded as "Present-not voting" 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 1176** (senate committee report) as follows:

(1) In SECTION 2 of the bill, in the heading to added Section 361.0905, Health and Safety Code (page 1, line 38), strike "MANAGEMENT".

(2) In SECTION 2 of the bill, in added Section 361.0905(a), Health and Safety Code (page 1, line 40), strike "management" and substitute "regulation of the handling, transportation, storage, and disposal".

(3) In SECTION 2 of the bill, in added Section 361.0905(b), Health and Safety Code (page 1, line 42), strike "or registration" and substitute ", registration, or other authorization".

(4) In SECTION 2 of the bill, in added Section 361.0905(b), Health and Safety Code (page 1, line 43), strike "collection, treatment" and substitute "handling".

(5) In SECTION 2 of the bill, in added Section 361.0905(c), Health and Safety Code (page 1, line 46), strike "management" and substitute "regulation".

(6) In SECTION 2 of the bill, in added Section 361.0905(d), Health and Safety Code (page 1, line 49), strike "management" and substitute "regulation".

(7) In SECTION 2 of the bill, in added Section 361.0905(e), Health and Safety Code (page 1, line 53), strike "municipal solid waste" and substitute "the operation of municipal solid waste storage and processing units".

(8) In SECTION 2 of the bill, in added Section 361.0905(e)(20), Health and Safety Code (page 2, line 35), after the semicolon, add "and".

(9) In SECTION 2 of the bill, in added Section 361.0905(e)(21), Health and Safety Code (page 2, line 37), strike "; and" and substitute an underlined period.

(10) In SECTION 2 of the bill, strike Section 361.0905(e)(22), Health and Safety Code (page 2, lines 38 through 43).

(11) In SECTION 2 of the bill, strike added Section 361.0905(f), Health and Safety Code (page 2, lines 44 through 50), and substitute the following:

(f) In a facility that handles medical waste, processing equipment and transfer activities shall be located not less than 25 feet from the facility boundary. A medical waste storage unit is not subject to this subsection, provided that medical waste contained in transport vehicles is refrigerated below 45 degrees if the waste is in the vehicle longer than 72 hours. The commission may adopt alternatives to the requirements of this subsection for permitted, registered, or otherwise authorized medical waste processing facilities.

(12) In SECTION 2 of the bill, strike added Section 361.0905(h), Health and Safety Code (page 2, lines 58 through 62), and substitute the following:

(h) The commission by rule shall exempt from notice and public comment requirements certain modifications to a permit, registration, or other authorization for a facility that handles medical waste, including modifications relating to operating hours and other minor modifications, as determined by the commission.

(13) Strike SECTION 5 of the bill (page 3, lines 7 through 10) and substitute the following:

SECTION 5. A facility that has a permit, registration, or other authorization that allows the handling of medical waste is not required to comply with the changes in law made by this Act until rules adopted by the Texas Commission on Environmental Quality to implement the changes in law made by this Act take effect.

The amendment to **CSSB 1176** 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 except as follows:

Present-not voting: Campbell.

Absent-excused: Birdwell, Carona, West.

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

**CSSB 1176** 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:

Present-not voting: Campbell.

Absent-excused: Birdwell, Carona, West.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1176 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 1176** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0, Present-not voting 1.

Present-not voting: Campbell.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0, Present-not voting 1. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 1882 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 1882** at this time on its second reading:

**CSSB 1882**, Relating to information for legislative purposes requested under the Public Information Act.

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:

Absent-excused: Birdwell, Carona, West.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1882 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 1882** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

### REMARKS ORDERED PRINTED

On motion of Senator Van de Putte and by unanimous consent, the remarks by Senator Zaffirini regarding **CSSB 1882** were ordered reduced to writing and printed in the *Senate Journal* as follows:

The Texas Public Information Act clearly grants legislators greater access to information from a governmental body for legislative purposes. Occasionally, however, there has been confusion regarding the scope of information accessible to legislators and whether the 10-day time frame clearly applicable to private citizen requests also applies to a legislator's request. As filed, SB 1882 would have ensured that confidential information, including attorney work product and attorney-client privileged communications, are required to be disclosed by a governmental body to a legislator requestor under the Public Information Act. Testimony from the Attorney General's Office; Buck Wood, an author of the Texas Public Information Act; and other experts, however, confirm that legislators have the right to access all confidential information from state agencies, including those types specified in the introduced bill. To avoid the risk of anyone arguing that this right didn't exist before or that any type of information not specifically listed would not be included in the future, our committee substitute omitted that section. Generally then, the Committee Substitute for SB 1882 which is before us would clarify that the 10-day time frame for providing information found in other parts of the Public Information Act also applies to a legislator's request. It also would provide that upon the request of the legislator, information must be submitted as it is available and not held until all information is available for release.

### COMMITTEE SUBSTITUTE SENATE BILL 1192 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 1192** at this time on its second reading:

**CSSB 1192**, Relating to the rights of certain victims of sexual assault.

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:

Absent-excused: Birdwell, Carona, West.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1192 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 1192** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 1403 ON SECOND READING**

Senator Patrick moved to suspend the regular order of business to take up for consideration **CSSB 1403** at this time on its second reading:

**CSSB 1403**, Relating to public school teachers.

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 Patrick offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1403** (senate committee printing) as follows:

(1) In SECTION 2 of the bill, strike added Section 21.0441(a)(2), Education Code (page 2, lines 35-49) and substitute the following:

(2) if the person is seeking initial certification:

(A) has successfully completed at least:

(i) 15 semester credit hours in the subject-specific content area in which the person is seeking certification, if the person is seeking certification to teach mathematics or science at or above grade level seven; or

(ii) 12 semester credit hours in the subject-specific content area in which the person is seeking certification, if the person is not seeking certification to teach mathematics or science at or above grade level seven; or

(B) has achieved a satisfactory level of performance on a content certification examination, which may be a content certification examination administered by a vendor approved by the commissioner for purposes of administering such an examination for the year for which the person is applying for admission to the program.

(2) In SECTION 2 of the bill, strike added Section 21.0441(c), Education Code (page 2, line 63, through page 3, line 2).

The amendment to **CSSB 1403** 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 except as follows:

Absent-excused: Birdwell, Carona, West.

Senator Patrick offered the following amendment to the bill:

### **Floor Amendment No. 2**

Amend **CSSB 1403** (senate committee printing) as follows:

(1) In SECTION 5 of the bill, strike amended Section 21.352(c), Education Code (page 4, lines 1-17), and substitute the following:

(c) Except as otherwise provided by this subsection, appraisal must be done at least once during each school year. A teacher may be appraised less frequently if the teacher agrees in writing and the teacher's most recent evaluation rated the teacher as at least proficient, or the equivalent, and did not identify any area of deficiency. A teacher who is appraised less frequently than annually must be appraised at least once during each period of five school years. The district shall maintain a written copy of the evaluation of each teacher's performance in the teacher's personnel file. Each teacher is entitled to receive a written copy of the evaluation promptly on its completion. After receiving a written copy of the evaluation, a teacher is entitled to a second appraisal by a different appraiser or to submit a written rebuttal to the evaluation to be attached to the evaluation in the teacher's personnel file. The evaluation and any rebuttal may be given to another school district at which the teacher has applied for employment at the request of that district.

(2) In SECTION 5 of the bill, in added Section 21.352(c-1), Education Code (page 4, lines 18 and 19), strike "annual appraisal" and substitute "appraisal as frequently as required by Subsection (c)".

The amendment to **CSSB 1403** 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:

Absent-excused: Birdwell, Carona, West.

Senator Patrick offered the following amendment to the bill:

### **Floor Amendment No. 3**

Amend **CSSB 1403** (senate committee printing) by striking SECTION 10 of the bill (page 5, line 69, through page 6, line 6) and substituting the following appropriately numbered SECTION:

SECTION \_\_\_\_\_. Not later than September 1, 2014, the Texas Education Agency, the State Board for Educator Certification, and the Texas Higher Education Coordinating Board shall jointly review existing standards for preparation and admission that are applicable to educator preparation programs, including stakeholder input in the review and development of those standards, and develop and implement modifications necessary to reflect updated standards for the teaching profession.

The amendment to **CSSB 1403** 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 except as follows:

Absent-excused: Birdwell, Carona, West.

Senator Davis offered the following amendment to the bill:

#### **Floor Amendment No. 4**

Amend **CSSB 1403** (senate committee printing) as follows:

(1) Strike SECTION 4 of the bill, amending Section 21.351, Education Code (page 3, lines 15-56).

(2) In SECTION 5 of the bill, in the introductory language (page 3, line 58), strike "Subsections (a) and (c)" and substitute "Subsection (c)".

(3) In SECTION 5 of the bill, strike amended Section 21.352(a), Education Code (page 3, lines 60-69).

(4) Renumber SECTIONS of the bill accordingly.

The amendment to **CSSB 1403** 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 except as follows:

Absent-excused: Birdwell, Carona, West.

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

**CSSB 1403** 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:

Absent-excused: Birdwell, Carona, West.

#### **COMMITTEE SUBSTITUTE SENATE BILL 1403 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 **CSSB 1403** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

#### **REMARKS ORDERED PRINTED**

On motion of Senator Davis and by unanimous consent, the remarks regarding **CSSB 1403** were ordered reduced to writing and printed in the *Senate Journal* as follows:

**Presiding Officer:** Senator Patrick's recognized for a motion to suspend the regular order of business, Committee Substitute SB 1403.

**Senator Patrick:** Thank you, Mr. President and Members. Members, this is a bill that we had been working, once again, as a team on, the bipartisan fashion. I appreciate Senator Davis' input on this and Senator Watson and Members, all the Members of the Committee. This bill is our teacher quality bill. It will increase standards of educator preparation programs, provide a broad framework for teacher evaluations, provide a review of professional development programs to ensure effective career development of teachers, allow for more latitude, create a robust teacher mentor program, and give teachers the opportunity to offer feedback regarding their working conditions. The intent of this bill is to help teachers be successful in their positions. I want to thank Senator Seliger. He's a joint author on this bill, as well as Senator Hancock, and I move suspension of the regular order of business. There are going to be four amendments, three from me—I don't know if it's one or two from Senator Davis, I think it's one—that are agreed-to amendments and will make the bill even better.

**Presiding Officer:** Senator Davis, for what purpose?

**Senator Davis:** To ask a question of the author, please.

**Presiding Officer:** Senator Patrick, yield?

**Senator Patrick:** Yes.

**Senator Davis:** Senator Patrick, you've been working on this bill for quite a long time this session and have been working also with various representatives of teacher associations here in Texas to resolve some of their concerns with the bill as it was originally laid out. And there's been a consensus arrived at as a consequence of those conversations. I know that, as you said in your opening remarks, you will be including an amendment that was negotiated with TCTA. I will be rolling out an amendment that we worked on last night with your staff that reflects some of the concerns of the other teacher groups as well, and just want to make sure before we move to suspend on this that we have your commitment as the bill percolates over to the House, and we all know how things can change in the other Chamber here in the Capitol, that we will work and we will be committed to holding these amendments that were worked out and addressed with the teacher groups through the finality of this bill and that if we are unable to do that, we will not move it through for final passage in the Legislature.

**Senator Patrick:** You're correct, Senator. In fact, I think what's happening this session on a number of bills and several education bills, but other bills as well, is the Senate is really working hard together, and when we send a bill out of here, it's with a unified voice, for the most part, of what we support. And part of that is the amendment process, and to strip those amendments away would take away from that unified voice. So, I totally will support those, and I know you won't suggest that they be pulled off over there, so we're on the same page.

**Senator Davis:** Alright, very well, thank you.

**Senator Patrick:** I move suspension.

**Presiding Officer:** Senator Lucio, for what purpose?

**Senator Lucio:** Would my Chairman yield, please?

**Senator Patrick:** Absolutely, Mr. Vice-chairman.

**Senator Lucio:** Chairman Patrick, I, too, want to rise momentarily here just briefly and just tell you that I'm privileged to be your Vice-chair there in Education and with that Vice-chairmanship, it gives me a bird's eye view of how you're handling this Committee and how you're working with all stakeholders, and I want to thank you for doing that. I know it's not an easy task. I know there's a lot of stakeholders pulling in different directions at times, but I think the amendment that Senator Davis will be proposing is one that keeps a lot of that control at the local level, what you and I and others on this floor over the years have supported, in terms of local control. But you have, indeed, opened the doors and kept that door wide open for all stakeholders to be able to participate in the process, and, at this point, we all feel that that is the way to go. Not only on this bill but all bills for that matter. So, you're setting the trend, a great trend that I think will keep us on the right track as a Senate body. So, I wanted to thank you for that and thank you for working with us on this.

**Senator Patrick:** Thank you, Senator. Well, this bill comes about from the work of a special commission during the interim that had 63 recommendations, and the teacher groups were, I think, in support of 60 or 61, and we've addressed their concerns about those that they weren't in agreement with. And this has been long overdue. We have not really addressed this issue in more than a dozen years. So, I appreciate the teachers' groups, everyone, this has been a team, it's a team effort. We have a great nine-member committee plus one.

**Senator Lucio:** Just like we admire and respect and pay tribute to our men and women in uniform in the frontlines for us in this country, teacher groups are also on the frontlines when it comes to standing up for our children, standing up for our families. So, that's what I'm adhering to. So, I appreciate that very much, making sure that they're recognized for the efforts they're making, a total commitment and dedication to the education of our children. So, we need to, obviously, echo their sentiments, and I think we're doing that today. Thank you.

**Senator Patrick:** Well, one of my goals, and I know our Committee goal, but mine in particular was, I wanted to lift up teachers and let them know they had bipartisan support of the Senate. And they have a tough job, and it's the most important profession we have because our future's in their hands. So, we need to do the best we can to help them and allow them to do the best job we can, and we're allowing them more flexibility in the classroom. We're going to relieve the pressure of testing, and this new teacher quality bill will address a lot of their concerns over the years as well. So, thank you.

**Presiding Officer:** Thank you, Senator Lucio. Members, Senator Patrick has moved suspension of the regular order of business to take up and consider Committee Substitute SB 1403. Is there objection? Chair hears none, the rules, Chair lays out on second reading Committee Substitute SB 1403. Secretary, would you please read the caption?

**Secretary of the Senate:** Committee Substitute to Senate Bill 1403, relating to public school teachers.

**Presiding Officer:** The following amendment, Floor Amendment Number 1 by Patrick. Secretary, would you please read the amendment?

**Secretary of the Senate:** Floor Amendment Number 1 by Patrick.

**Presiding Officer:** Senator Patrick to explain Floor Amendment Number 1.

**Senator Patrick:** Has it been distributed?

**Presiding Officer:** Yes, it has been distributed.

**Senator Patrick:** Members, this just clarifies the education preparation requirements by increasing the credit hour requirements for those 7th- to 12th-grade teachers who would teach math and science to ensure the best qualified teachers are in our classrooms.

**Presiding Officer:** Senator Patrick moves adoption of Floor Amendment Number 1. Is there objection? Chair hears none, Floor Amendment Number 1 is adopted. The following amendment, Floor Amendment Number 2 by Patrick. Secretary, would you please read the amendment?

**Secretary of the Senate:** Floor Amendment Number 2 by Patrick.

**Senator Patrick:** Make sure everybody has the amendment. This amendment addresses teachers who have already received a proficient evaluation with no deficiencies, be allowed to be given the option not to have annual evaluations and instead be evaluated once every five years. And this came to us from the TCTA and we support that.

**Presiding Officer:** Members, Senator Patrick's now moving adoption of Floor Amendment Number 2, is there objection? Chair hears none, Floor Amendment Number 2 is adopted. The following amendment, Floor Amendment Number 3 by Patrick. Secretary, please read the amendment.

**Secretary of the Senate:** Floor Amendment Number 3 by Patrick.

**Presiding Officer:** Make sure everybody has the amendment in their hand. Senator Patrick to explain Floor Amendment Number 3.

**Senator Patrick:** This just clarifies language in Section 10 of the bill and allows for stakeholder input in the development of education preparation standards.

**Presiding Officer:** Members, Senator Patrick's now moving adoption of Floor Amendment Number 3. Is there objection? Chair hears none, Floor Amendment Number 3 is adopted. The following amendment, Floor Amendment Number 4 by Davis. Secretary would please read the amendment.

**Secretary of the Senate:** Floor Amendment Number 4 by Davis.

**Presiding Officer:** Senator Davis to explain Floor Amendment Number 4.

**Senator Davis:** Thank you, Mr. President. We've had numerous hearings this session about the flawed testing system currently in place and serious concerns that our parents and teachers have about the validity of the results of those test scores. Senate Bill 1403 runs the risk of placing yet higher stakes on test scores by encouraging the Commissioner of Education to develop a teacher evaluation framework based in large

part on those scores. Until we're convinced that the STAAR exams are accurately reflecting student learning and growth, we are hoping to resist modifying the current evaluation system. This amendment would strike Section 4 of the bill and Section (a) of Section 5 of the bill, removing the teacher evaluation section and leaving all other provisions related to teacher preparation programs and professional development that are currently in law in place. I move adoption of Floor Amendment Number 4.

**Presiding Officer:** Senator Patrick on Floor Amendment Number 4 by Davis.

**Senator Patrick:** It's very acceptable to the author, and it continues to leave our districts in control of these important issues.

**Presiding Officer:** Senator Davis moves adoption of Floor Amendment Number 4. It's acceptable to Patrick, is there any objection? Chair hears none, Floor Amendment Number 4 is adopted. Thank you, Senator Davis.

**Senator Davis:** Thank you.

### **COMMITTEE SUBSTITUTE SENATE BILL 1810 ON SECOND READING**

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1810** at this time on its second reading:

**CSSB 1810**, Relating to the intercollegiate athletics fee at Texas Southern University.

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:

Absent-excused: Birdwell, Carona, West.

### **COMMITTEE SUBSTITUTE SENATE BILL 1810 ON THIRD READING**

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1810** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

### **SENATE BILL 1162 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 1162** at this time on its second reading:

**SB 1162**, Relating to requirements for the purchase or acquisition of a water or sewer system.

The bill was read second time.

Senator Watson offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 1162** (senate committee report) in SECTION 1 of the bill as follows:

(1) In the recital (page 1, line 26), strike "(a-3), and (e-1)" and substitute "(a-3), (a-4), (a-5), and (e-1)".

(2) In added Section 13.301(a-2), Water Code (page 1, line 41), strike "(a-2) For a proposed sale," and substitute "(a-2) Except as provided by Subsection (a-4) or (a-5), for a proposed sale.".

(3) In amended Section 13.301, Water Code (page 2, between lines 16 and 17), insert the following:

(a-4) If the notice required by Subsection (a-2) would be more than two pages long, the notice may be provided by mailing an abbreviated notice that contains:

(1) a brief description of the contents and purpose of the notice; and

(2) the exact Internet address, by uniform resource locator, of the commission's Internet website where the person can access the information required under Subsection (a-2).

(a-5) A party to the proposed transaction who is required to provide written notice to customers under Subsection (a-2) may provide electronic notice by electronic mail instead of written notice to a customer who has agreed to receive other information related to that customer's account by electronic mail.

The amendment to **SB 1162** 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 except as follows:

Absent-excused: Birdwell, Carona, West.

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

**SB 1162** 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:

Absent-excused: Birdwell, Carona, West.

**SENATE BILL 1162 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 1162** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE**  
**SENATE BILL 1200 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 1200** at this time on its second reading:

**CSSB 1200**, Relating to the Texas Military Preparedness Commission and strategic planning regarding military bases and defense installations.

The bill was read second time.

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

**Floor Amendment No. 1**

Amend **CSSB 1200** (Senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill as appropriate:

SECTION \_\_\_\_\_. Subchapter C, Chapter 436, Government Code, is amended by adding Section 436.105 to read as follows:

Sec. 436.105. MILITARY BASE REALIGNMENT AND CLOSURE TASK FORCE. (a) The commission may establish a task force to seek advice to prepare for possible action by the United States Department of Defense related to the realignment or closure of military installations in this state.

(b) A task force established under this section must consist of not more than seven members who have demonstrated experience or expertise in the United States Department of Defense's base realignment and closure process.

(c) A task force established under this section shall:

(1) confer with defense communities and military installations located in this state to identify strategies, policies, plans, projects, and other ways to improve base realignment scores; and

(2) advise and make recommendations to the commission and legislature on any strategy, policy, plan, project, or action the task force believes will strengthen the defense communities and military installations in the state and prevent the closure or a significant reduction of the operations of the military installations.

The amendment to **CSSB 1200** 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 except as follows:

Absent-excused: Birdwell, Carona, West.

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

**CSSB 1200** 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:

Absent-excused: Birdwell, Carona, West.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1200 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 1200** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 522 ON SECOND READING**

Senator Estes moved to suspend the regular order of business to take up for consideration **CSSB 522** at this time on its second reading:

**CSSB 522**, Relating to contested cases conducted under the Administrative Procedure Act.

The motion prevailed.

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

The bill was read second time.

Senator Watson offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 522** (senate committee report), in SECTION 1 of the bill, in amended Section 2001.052(b), Government Code (page 1, line 46), after the period, by inserting "This subsection does not prohibit the state agency from filing an amendment during the hearing of a contested case provided the opposing party is granted a continuance of at least seven days to prepare its case on request of the opposing party."

The amendment to **CSSB 522** 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 except as follows:

Absent-excused: Birdwell, Carona, West.

Senator Paxton offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **CSSB 522** (senate committee printing) as follows:

(1) In SECTION 2 of the bill, in added Section 2001.054(c-1), Government Code (page 1, line 55), between "agency" and "determines", insert "that has been granted the power to summarily suspend a license under another statute".

(2) In SECTION 2 of the bill, in added Section 2001.054(c-1), Government Code (page 2, line 7), following the period, insert "This subsection does not grant any state agency the power to suspend a license without notice or a hearing."

(3) In SECTION 4 of the bill, in amended Section 2001.142(a)(2), Government Code (page 2, line 31), between "(2)" and "by", insert "if agreed to by the party to be notified.".

(4) In the recital to SECTION 7 of the bill (page 3, lines 19-20), strike "Sections 2001.144 and 2001.145, Government Code, are" and substitute "Section 2001.144, Government Code, is".

(5) In SECTION 7 of the bill, in amended Section 2001.144(a)(2), Government Code (page 3, line 30), strike "or".

(6) In SECTION 7 of the bill, in amended Section 2001.144(a)(3), Government Code (page 3, line 36), strike "~~rendered; or~~" and substitute "~~rendered~~; or".

(7) In SECTION 7 of the bill, strike amended Section 2001.144(a)(4), Government Code (page 3, lines 37-41), and substitute the following:

(4) on the date specified in the decision or order for a case in which all parties agree to the specified date in writing or on the record, provided that if the agreed specified date is [not] before the date the decision or order is signed, the date the decision or order is signed is the date the decision or order is final for purposes of this section [or later than the 20th day after the date the order was rendered].

(8) In SECTION 7 of the bill, strike amended Section 2001.145, Government Code (page 3, lines 46-52), and substitute the following appropriately numbered SECTION:

SECTION \_\_\_\_\_. Section 2001.145(b), Government Code, is amended to read as follows:

(b) A decision or order that is final under Section 2001.144(a)(2), (3), or (4) is appealable.

(9) In the recital to SECTION 8 of the bill (page 3, line 55), strike "(g) and (h)" and substitute "(g), (h), and (i)".

(10) In SECTION 8 of the bill, in amended Section 2001.146(b), Government Code (page 3, line 67), between "the state agency a reply" and "to", insert ", if any,".

(11) In SECTION 8 of the bill, in added Section 2001.146(h), Government Code (page 4, lines 39-42), strike "After a state agency rules on a motion for rehearing, any subsequent motion for rehearing must be filed not later than the 20th day after the date the order disposing of the original motion for rehearing is signed, if that order:" and substitute "A subsequent motion for rehearing is not required after a state agency rules on a motion for rehearing unless the order disposing of the original motion for rehearing:".

(12) In SECTION 8 of the bill, immediately following added Section 2001.146(h), Government Code (page 4, between lines 50 and 51), insert the following:

(i) A subsequent motion for rehearing required by Subsection (h) must be filed not later than the 20th day after the date the order disposing of the original motion for rehearing is signed.

(13) Renumber SECTIONS of the bill accordingly.

The amendment to **CSSB 522** 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:

Absent-excused: Birdwell, Carona, West.

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

**CSSB 522** 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: Campbell, Huffman, Nelson, Williams.

Absent-excused: Birdwell, Carona, West.

### **COMMITTEE SUBSTITUTE SENATE BILL 522 ON THIRD READING**

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 522** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 4.

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

Nays: Campbell, Huffman, Nelson, Williams.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 4. (Same as previous roll call)

### **COMMITTEE SUBSTITUTE SENATE BILL 1400 ON SECOND READING**

Senator Estes moved to suspend the regular order of business to take up for consideration **CSSB 1400** at this time on its second reading:

**CSSB 1400**, Relating to the municipal and county regulation of air guns.

The motion prevailed.

Senators Garcia and Watson 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: Garcia, Watson.

Absent-excused: Birdwell, Carona, West.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1400 ON THIRD READING**

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1400** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 2.

Yeas: Campbell, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Patrick, Paxton, Rodriguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Whitmire, Williams, Zaffirini.

Nays: Garcia, Watson.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 2. (Same as previous roll call)

**SENATE BILL 1758 ON SECOND READING**

On motion of Senator Uresti and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1758** at this time on its second reading:

**SB 1758**, Relating to the establishment of a task force to examine hiring and management practices of the Department of Family and Protective Services.

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:

Absent-excused: Birdwell, Carona, West.

**SENATE BILL 1758 ON THIRD READING**

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1758** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 1646 ON SECOND READING**

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1646** at this time on its second reading:

**CSSB 1646**, Relating to the regulation of pain management services.

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:

Absent-excused: Birdwell, Carona, West.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1646 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 **CSSB 1646** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 1864 ON SECOND READING**

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1864** at this time on its second reading:

**CSSB 1864**, Relating to the creation of Fulshear Parkway Improvement District; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

The bill was read second time.

Senator Hegar offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1864** (senate committee report) as follows:

(1) In SECTION 1 of the bill, strike added Section 3921.113, Special District Local Laws Code (page 5, lines 1 through 7).

(2) In SECTION 1 of the bill, in added Section 3921.114, Special District Local Laws Code, strike "Sec. 3921.114" (page 5, line 8) and substitute "Sec. 3921.113".

The amendment to **CSSB 1864** 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 except as follows:

Absent-excused: Birdwell, Carona, West.

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

**CSSB 1864** 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:

Absent-excused: Birdwell, Carona, West.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1864 ON THIRD READING**

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1864** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 1678 ON SECOND READING**

On motion of Senator Deuell and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1678** at this time on its second reading:

**CSSB 1678**, Relating to the events and expenses eligible for and reporting requirements concerning disbursements from the Major Events trust fund and the Events trust fund.

The bill was read second time.

Senator Deuell offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1678** (Senate Committee Report) as follows:

(1) In SECTION 1 of the bill, in amended Section 5A(a-1), Chapter 1507 (S.B. 456), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes) (page 1, line 33), between "the event" and "after", insert "to be held one time or, for an event scheduled to be held each year for a period of years under an event contract, one time each year for the period of years,".

(2) In SECTION 1 of the bill, in amended Section 5A(k), Chapter 1507 (S.B. 456), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes) (page 2, line 43), between "fund." and "A disbursement", insert "In considering whether to make a disbursement from the trust fund, the comptroller may not consider a contingency clause in an event support contract as relieving a local organizing committee's, endorsing municipality's, or endorsing county's obligation to pay a cost under the contract."

(3) In SECTION 1 of the bill, in added Section 5A(w)(5)(A), Chapter 1507 (S.B. 456), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes) (page 3, line 11), strike "and accurate".

(4) In SECTION 1 of the bill, in added Section 5A(w)(5)(B), Chapter 1507 (S.B. 456), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes) (page 3, line 15), strike "was based only on" and substitute "considered the".

(5) In SECTION 2 of the bill, in amended Section 5C(k), Chapter 1507 (S.B. 456), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes) (page 4, lines 36 through 41), strike "A contingency clause in an event support contract does not alleviate the local organizing committee's, endorsing municipality's, or endorsing county's obligation to pay a cost under the contract for purposes of a determination made by the comptroller or a disbursement from the trust fund under this section." and substitute "In considering whether to make a disbursement from the trust fund, the comptroller may not consider a contingency clause in an event support contract as relieving a local organizing committee's, endorsing municipality's, or endorsing county's obligation to pay a cost under the contract."

The amendment to **CSSB 1678** 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 except as follows:

Absent-excused: Birdwell, Carona, West.

Senator Deuell offered the following amendment to the bill:

### **Floor Amendment No. 2**

Amend **CSSB 1678** (senate committee report) in SECTION 2 of the bill, by striking added Section 5C(b-1), Chapter 1507 (S.B. 456), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes) (page 3, lines 44-53), and substituting the following:

(b-1) An endorsing county or endorsing municipality may, during any 12-month period, request funding under this section for not more than 10 events, only three of which may be nonsporting events.

The amendment to **CSSB 1678** 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:

Absent-excused: Birdwell, Carona, West.

Senator Davis offered the following amendment to the bill:

### **Floor Amendment No. 3**

Amend **CSSB 1678** (Senate Committee Report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_ . (a) The state auditor shall conduct an audit to determine the efficiency and effectiveness of funding events through an events trust fund authorized under Section 5, 5A, 5B, or 5C, Chapter 1507 (S.B. 456), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes).

(b) The audit, at a minimum, must determine whether money from an events trust fund is efficiently and effectively:

(1) disbursed in compliance with Section 5, 5A, 5B, or 5C, Chapter 1507 (S.B. 456), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes), as applicable, the Government Code, and other relevant laws or standards;

(2) monitored so that the event and the persons and entities that receive money from the fund comply with the terms of applicable agreements and with the applicable sections of Chapter 1507, the Government Code, and other relevant laws or standards; and

(3) maintained to provide adequate financial control systems and to ensure accountability for use of the money.

(c) The state auditor shall prepare a report of the audit conducted under Subsection (a). Not later than January 1, 2015, the state auditor shall electronically file a copy of the report with the lieutenant governor, the speaker of the house of representatives, and the presiding officer of each standing committee of the senate and house of representatives having primary jurisdiction over fiscal matters or matters related to tourism or recreation. The report must include details on:

(1) the process for approving the disbursement of money through an events trust fund; and

(2) the degree to which past and present recipients of money from a fund have complied with the terms of event agreements and with the applicable sections of Chapter 1507, the Government Code, and other relevant laws or standards.

(d) The comptroller of public accounts shall conduct a study to determine:

(1) the economic impact of the events that qualify for funding through an events trust fund; and

(2) whether the events would likely be held in this state in the absence of the incentives provided through the fund.

(e) The comptroller of public accounts shall prepare a report of the findings from the study conducted under Subsection (d). Not later than January 1, 2015, the comptroller shall electronically file a copy of the report with the lieutenant governor, the speaker of the house of representatives, and the presiding officer of each standing committee of the senate and house of representatives having primary jurisdiction over fiscal matters or matters related to tourism or recreation.

(f) Notwithstanding any other law, the comptroller of public accounts shall reimburse the state auditor for the cost of the audit conducted by the state auditor under Subsection (a) using any balances available in the 2014 state fiscal year from the events trust funds established under Section 5, 5A, 5B, or 5C, Chapter 1507 (S.B. 456), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes). The comptroller shall pay the audit cost proportionally from the established funds based on the maximum balances in the funds during the 2014 state fiscal year.

(g) This section expires September 1, 2015.

The amendment to **CSSB 1678** 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 except as follows:

Absent-excused: Birdwell, Carona, West.

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

**CSSB 1678** 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:

Absent-excused: Birdwell, Carona, West.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1678 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 1678** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

**SENATE BILL 475 ON SECOND READING**

Senator Van de Putte moved to suspend the regular order of business to take up for consideration **SB 475** at this time on its second reading:

**SB 475**, Relating to the expiration of the municipal sales and use tax for street maintenance in certain municipalities.

The motion prevailed.

Senators Hancock, Nichols, Patrick, and Paxton 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, Nichols, Patrick, Paxton.

Absent-excused: Birdwell, Carona, West.

**SENATE BILL 475 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 **SB 475** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 4.

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

Nays: Hancock, Nichols, Patrick, Paxton.

Absent-excused: Birdwell, Carona, West.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 4. (Same as previous roll call)

**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 1911, SB 1912.**

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 1909** by Schwertner

Relating to the period for confirmation of the Williamson County Municipal Utility District No. 21.

To Committee on Intergovernmental Relations.

**SB 1910** by Hegar

Relating to the creation of the Fulshear Municipal Utility District No. 3; providing authority to impose taxes and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

**SB 1911** by Garcia

Relating to the right of a public employee to representation in certain internal investigatory interviews.

To Committee on State Affairs.

**SB 1912** by Garcia

Relating to disease management practices of local mental health authorities.

To Committee on Health and Human Services.

**SB 1913** by Nichols, Williams

Relating to authorizing certain special districts in Montgomery County to enter into strategic partnership agreements.

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 341** to Committee on Transportation.

**HB 347** to Committee on Transportation.

**HB 535** to Committee on Government Organization.

**HB 561** to Committee on Finance.  
**HB 617** to Committee on Education.  
**HB 630** to Committee on State Affairs.  
**HB 1325** to Committee on State Affairs.  
**HB 1685** to Committee on Business and Commerce.  
**HB 1717** to Committee on Business and Commerce.  
**HB 1940** to Committee on Intergovernmental Relations.  
**HB 2034** to Committee on Economic Development.  
**HB 2095** to Committee on Business and Commerce.  
**HB 2462** to Committee on Business and Commerce.  
**HB 2637** to Committee on Criminal Justice.  
**HB 2683** to Committee on Health and Human Services.

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

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

**SENATE RULES SUSPENDED  
(Posting Rules)**

On motion of Senator Uresti and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Agriculture, Rural Affairs and Homeland Security might meet and consider **SB 1554** today.

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

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

**SENATE RULES SUSPENDED  
(Posting Rules)**

On motion of Senator Zaffirini and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Government Organization might meet and consider the following bills today: **SB 403**, **SB 1208**.

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

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

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

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

**CO-AUTHOR OF SENATE BILL 25**

On motion of Senator Hegar, Senator Williams will be shown as Co-author of **SB 25**.

**CO-AUTHOR OF SENATE BILL 403**

On motion of Senator Zaffirini, Senator Ellis will be shown as Co-author of **SB 403**.

**CO-AUTHOR OF SENATE BILL 592**

On motion of Senator Ellis, Senator Garcia will be shown as Co-author of **SB 592**.

**CO-AUTHOR OF SENATE BILL 780**

On motion of Senator Hinojosa, Senator Garcia will be shown as Co-author of **SB 780**.

**CO-AUTHOR OF SENATE BILL 1198**

On motion of Senator Taylor, Senator Williams will be shown as Co-author of **SB 1198**.

**CO-AUTHOR OF SENATE BILL 1316**

On motion of Senator Whitmire, Senator Hinojosa will be shown as Co-author of **SB 1316**.

**CO-AUTHOR OF SENATE BILL 1678**

On motion of Senator Deuell, Senator Davis will be shown as Co-author of **SB 1678**.

**CO-AUTHOR OF SENATE BILL 1727**

On motion of Senator Deuell, Senator Garcia will be shown as Co-author of **SB 1727**.

**CO-AUTHOR OF SENATE BILL 1896**

On motion of Senator Garcia, Senator Ellis will be shown as Co-author of **SB 1896**.

**CO-AUTHORS OF SENATE BILL 1907**

On motion of Senator Hegar, Senators Nelson and Patrick will be shown as Co-authors of **SB 1907**.

**CO-AUTHORS OF SENATE RESOLUTION 755**

On motion of Senator Lucio, Senators Davis and Nelson will be shown as Co-authors of **SR 755**.

**CO-AUTHORS OF SENATE RESOLUTION 762**

On motion of Senator Campbell, Senators Nelson, Nichols, and Zaffirini will be shown as Co-authors of **SR 762**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**SR 760** by Watson, In memory of James Raguette Irion III.

**SR 766** by Birdwell, In memory of Andrew Michael Keel.

**HCR 75** (Seliger), In memory of former state representative Frank Kell Cahoon of Midland.

#### **Congratulatory Resolutions**

**SR 758** by Schwertner, Commending William Crockett Hughes for achieving the rank of Eagle Scout.

**SR 759** by Watson, Recognizing Joseph C. Parker, Jr., for receiving the 2013 Heman Marion Sweatt Legacy Award.

**SR 761** by Hinojosa, Recognizing Mario Antonio Moreno, Jr., for his achievements.

**SR 762** by Campbell, Birdwell, Deuell, Duncan, Ellis, Eltife, Estes, Hancock, Hinojosa, Patrick, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson and West, Recognizing the Texas Department of Public Safety.

**SR 764** by Watson, Recognizing *The Villager* newspaper on the occasion of its 40th anniversary.

**HCR 99** (Fraser), Congratulating Pamela Holcomb, Burnet Consolidated Independent School District Food Service Department director, on the district's success in the HealthierUS School Challenge.

**HCR 101** (Fraser), Congratulating the Burnet Consolidated Independent School District Food Service Department on its role in the district's success in the HealthierUS School Challenge.

**HCR 108** (Seliger), Congratulating Kevin and Linda Hirt of St. Lawrence on their 25th wedding anniversary.

#### **Official Designation Resolution**

**HCR 90** (Nelson), Designating March 2013 as Women's History Month.

#### **REMARKS ORDERED PRINTED**

On motion of Senator Williams and by unanimous consent, his remarks regarding Phillip B. Rummell were ordered reduced to writing and printed in the *Senate Journal* as follows:

Phillip B. Rummell died peacefully with family by his side on Friday, April 19th. Phillip was born in Houston, Texas, on November 30, 1938, to Vernon and Katherine Rummell. He graduated from St. Thomas High School in 1957 and the University of Houston in 1969 where he was a member of the Phi Kappa Theta fraternity. On September 14th, 1958, he married his high school sweetheart, Marisa L. Turner. Phil started in the gas compressor industry in 1959 as a shipping clerk and 22 years later was acting president. He left in 1983 to start his own compressor parts business, Productioneered Products Company. Thirty years later, now renamed Productioneered Parts Corporation, it is still running strong. In 1996 he purchased an existing company called Uni-Seal Valve located in Ventura, California, which is also running strong today. Phil didn't have many hobbies. He had such a strong love for his family, friends, and his business that he lived a very fulfilling life. Phil is survived by his wife of 54 years,

Marisa Turner Rummell; his two children, Mark Rummell and Katherine Rummell; his brother, Jerry Rummell, and wife, Nancy Rummell; and sister, Karolyn Denham, and husband, Bob Denham.

### ADJOURNMENT

On motion of Senator Whitmire, the Senate at 1:13 p.m. adjourned, in memory of Phillip B. Rummell and Demetrio Rodriguez, until 2:00 p.m. Monday, April 29, 2013.

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## APPENDIX

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### COMMITTEE REPORTS

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

April 25, 2013

CRIMINAL JUSTICE — **SB 443, SB 1323, SB 1360, SB 1416, SB 1798, SB 1907**

EDUCATION — **CSSB 377**

CRIMINAL JUSTICE — **CSSB 1183**

NATURAL RESOURCES — **CSSB 514, CSSB 1482, CSSB 1574**

HEALTH AND HUMAN SERVICES — **CSSB 1752, CSSB 1401, CSSB 1842**

AGRICULTURE, RURAL AFFAIRS AND HOMELAND SECURITY —  
**CSSB 1904, CSSB 1427, CSSB 1750**

HEALTH AND HUMAN SERVICES — **CSSB 1100**

STATE AFFAIRS — **SB 554, HB 1187, HB 1186, HB 200**

JURISPRUDENCE — **CSSB 899**

### BILLS ENGROSSED

April 24, 2013

**SB 549, SB 690, SB 722, SB 1202, SB 1285, SB 1313, SB 1317, SB 1471, SB 1531, SB 1650, SB 1680, SB 1681, SB 1806, SB 1870**

### RESOLUTIONS ENROLLED

April 24, 2013

**SR 752, SR 753, SR 754**

### SIGNED BY GOVERNOR

April 24, 2013

**SB 157, SCR 21**