

# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**FORTY-EIGHTH DAY**

(Monday, April 29, 2013)

The Senate met at 2:07 p.m. pursuant to adjournment and was called to order by Senator Eltife.

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

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

Deacon Juan Gonzales, Our Lady of Guadalupe Catholic Church, Raymondville, was introduced by Senator Lucio and offered the invocation as follows:

Heavenly Father, as we begin our labors today, we ask that You shower us with Your blessings and that Your blessings stay with us so that they will strengthen us every day. Lord, while we are many, give us the ability to provide the leadership to bond together. Almighty God, today and every day we pray that You be present in all our deliberations. Ever-living God, we pray that the light of Your divine wisdom be with us as we go forth enacting the laws that will benefit and propel the State of Texas into an economic upswing. Heavenly Father, as we begin our agenda today, we pray that our labors help the constituents we represent. We ask this in Your name. Amen.

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

The motion prevailed without objection.

## **MESSAGES FROM THE GOVERNOR**

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

April 25, 2013  
Austin, Texas

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

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

To be a member of the Texas Board of Criminal Justice for a term to expire February 1, 2019:

Thomas P. Wingate  
Mission, Texas

Judge Wingate is replacing Annette Raggette of Austin whose nomination to replace J. David Nelson of Lubbock was withdrawn.

Respectfully submitted,

/s/Rick Perry  
Governor

April 26, 2013  
Austin, Texas

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

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

To be members of the Texas Southern University Board of Regents for terms to expire February 1, 2019:

Glenn Lewis  
Fort Worth, Texas  
(Representative Lewis is being reappointed)

Sarah D. Monty  
Houston, Texas  
(replacing Richard Holland of Plano whose term expired)

Erik D. Salwen  
Houston, Texas  
(Mr. Salwen is being reappointed)

To be a member of the Texas Board of Physical Therapy Examiners for a term to expire January 31, 2015:

Karen L. Gordon  
Port O'Connor, Texas

Ms. Gordon is replacing Kevin Lindsey of Mission who resigned.

To be members of the Texas Public Finance Authority for terms to expire February 1, 2019:

Gerald Alley  
Arlington, Texas  
(Mr. Alley is being reappointed)

Walker Moody  
Houston, Texas  
(replacing Joe Meister of Dallas whose term expired)

Ruth Schiermeyer  
Lubbock, Texas  
(Ms. Schiermeyer is being reappointed)

Respectfully submitted,

/s/Rick Perry  
Governor

### SENATE RESOLUTION 762

Senator Campbell offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Texas Department of Public Safety for its longtime commitment to protecting and serving the citizens of Texas; and

WHEREAS, A bastion of law and order for nearly two centuries, the agency has a storied history hailing back to its inception as the Texas Rangers in 1823; the Texas Rangers and the Texas Highway Patrol were combined in 1935 in what would thereafter be known as the Department of Public Safety; and

WHEREAS, Over the years, the department's responsibilities have evolved, and today it consists of multiple divisions and units that work together to achieve the department's four primary goals: to combat crime and terrorism, to strengthen statewide emergency management, to enhance highway and public safety, and to provide licensing and regulatory services; and

WHEREAS, The Department of Public Safety employs more than 3,800 commissioned officers and over 5,000 other dedicated staff members; its divisions include Criminal Investigations, Law Enforcement Support, Aircraft Operations, Homeland Security, Emergency Management, Intelligence and Counterterrorism, Driver License, Regulatory Services, the Texas Highway Patrol, and the Texas Rangers; and

WHEREAS, Each year, the department's officers and other agents seize tons of illegal drugs and millions of dollars in drug-trade proceeds, guard against and respond to a variety of threats and disasters, and provide a myriad of licensing and regulatory services; the Texas Rangers, originally created to help protect frontier settlers, now serve as an elite force and assist in a variety of federal, state, and local investigations; and

WHEREAS, Over the last 190 years, the Department of Public Safety and its expert forces have worked tirelessly to maintain law, order, and civility in our state, and these professionals are indeed deserving of recognition; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby commend the Department of Public Safety on its long history of excellence and dedication in law enforcement and extend to its employees sincere best wishes for continued success; and, be it further

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

CAMPBELL	ESTES	TAYLOR
BIRDWELL	HANCOCK	URESTI
DEUELL	HINOJOSA	VAN DE PUTTE
DUNCAN	PATRICK	WATSON
ELLIS	SCHWERTNER	WEST
ELTIFE	SELIGER	

**SR 762** was again read.

The resolution was previously adopted on Thursday, April 25, 2013.

### GUESTS PRESENTED

Senator Campbell was recognized and introduced to the Senate a Department of Public Safety delegation, accompanied by Steven McCraw, Director; Gary Albus, Regional Commander; Cynthia Leon; David Baker; and Cheryl MacBride.

The Senate welcomed its guests.

### MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Monday, April 29, 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 62**

Guillen

Relating to a justice or judge having an interest in a business entity that owns, manages, or operates a private correctional or rehabilitation facility.

**HB 139**

Raymond

Relating to the exercise of urban renewal powers by certain counties.

**HB 148**

Burkett

Relating to aid provided to certain voters; providing criminal penalties.

**HB 317**

Otto

Relating to the classification of certain entities as primarily engaged in retail trade for purposes of the franchise tax.

**HB 333**

Guillen

Relating to requiring notice of a hotel's firearms policy and other guest policies; providing a criminal penalty.

**HB 334**

Nevárez

Relating to the residency requirement for certain elective offices of certain political subdivisions.

**HB 429**

Guillen

Relating to the definition of rural area for purposes of certain housing assistance administered by the Texas Department of Housing and Community Affairs.

**HB 431**

Riddle

Relating to the eligibility of certain inmates convicted of injury to a child for release to mandatory supervision and to reconsideration of parole eligibility for those inmates.

**HB 480**

Alvarado

Relating to the use of sick leave by state employees who are attending educational activities of their children.

**HB 654**

Cortez

Relating to the ability of a tenant representative to serve as a commissioner of a local housing authority.

**HB 696**

Kleinschmidt

Relating to the duties of and the application of the professional prosecutors law to the county attorney in Gonzales County and to the duties of the district attorney for the 25th Judicial District.

**HB 722**

King, Tracy O.

Relating to the authority of certain counties to impose a county hotel occupancy tax.

**HB 747**

Raymond

Relating to the duty of certain professionals to report child abuse or neglect.

**HB 762**

Guillen

Relating to restrictions on disaster remediation contracts following a locally declared disaster.

**HB 773**

Farney

Relating to a requirement that students at an open-enrollment charter school recite the pledges of allegiance to the United States flag and the state flag.

**HB 797**

Thompson, Senfronia

Relating to certain written information the Windham School District must provide to a person before the person enrolls in a district vocational training program.

**HB 798**

Thompson, Senfronia

Relating to certain actions taken by certain licensing authorities regarding a license holder or applicant who has been convicted of a Class C misdemeanor.

**HB 857**

Lucio III

Relating to the frequency of water audits by certain retail public utilities.

**HB 870**

Bell

Relating to Prairie View A&M University's eligibility to participate in the research development fund.

- HB 897** Zerwas  
Relating to instruction in cardiopulmonary resuscitation and the use of automated external defibrillators in secondary education curriculum.
- HB 916** Orr  
Relating to the amount of a chargeback for unemployment compensation benefits paid to a person who is partially unemployed.
- HB 950** Thompson, Senfronia  
Relating to unlawful employment practices regarding discrimination in payment of compensation.
- HB 964** Murphy  
Relating to the creation of the Harris County Municipal Utility District No. 529; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.
- HB 1023** Burkett  
Relating to the creation of a task force to investigate and make recommendations regarding mental health workforce shortages.
- HB 1025** Pitts  
Relating to making supplemental appropriations and reductions in appropriations and giving direction and adjustment authority regarding appropriations.
- HB 1090** Martinez, "Mando"  
Relating to the creation of Texas Task Force 1 Type 3 Rio Grande Valley.
- HB 1135** Villarreal  
Relating to a study conducted by the Texas Department of Transportation regarding the production of and use of native seeds.
- HB 1188** Thompson, Senfronia  
Relating to limiting the liability of persons who employ persons with criminal convictions.
- HB 1191** Burkett  
Relating to certain information about housing for persons with mental illness provided through the Texas Information and Referral Network Internet site.
- HB 1193** Guillen  
Relating to the appointment of bailiffs for certain district courts.
- HB 1204** Parker  
Relating to designating October 1 as Influenza Awareness Day.
- HB 1206** Parker  
Relating to the duties of a law enforcement agency regarding certain children who are reported to be missing.
- HB 1247** Clardy  
Relating to the authority of the board of directors of the Nacogdoches County Hospital District to employ physicians.

**HB 1294**

Price

Relating to the punishment of the offense of failing to secure a child in a child passenger safety seat system and to procedures for dismissal of charges for that offense.

**HB 1330**

Goldman

Relating to the election of members of the board of directors of the Benbrook Water Authority.

**HB 1385**

Bell

Relating to the creation of the Montgomery County Municipal Utility District No. 139; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

**HB 1394**

King, Susan

Relating to the sunset review of certain powers and duties performed by the Department of State Health Services.

**HB 1395**

King, Susan

Relating to the exemption of registered dental laboratories from certain distributing and manufacturing licensing requirements.

**HB 1405**

Smithee

Relating to the collection of surplus lines insurance premium taxes for insurance placed with a managing underwriter.

**HB 1435**

Darby

Relating to certain notices, reports, and descriptions provided by or filed with court and county clerks.

**HB 1487**

Harper-Brown

Relating to the searchable state expenditure database maintained by the comptroller.

**HB 1494**

King, Tracy O.

Relating to certain regulatory programs administered by the Department of Agriculture; providing penalties; imposing fees.

**HB 1503**

Kuempel

Relating to the appointment of building contractors to certain trade advisory boards of the Texas Department of Licensing and Regulation.

**HB 1530**

King, Ken

Relating to the authority of a county clerk or district clerk to collect certain fees; imposing certain court fees.

**HB 1534**

Leach

Relating to the designation of a segment of U.S. Highway 75 in Collin County as the Sam Johnson Highway.

**HB 1545**

Allen

Relating to the eligibility of persons with disabilities to use certain public transportation services.

- HB 1553** Rodriguez, Justin  
Relating to the replatting of a subdivision without vacating the preceding plat in certain municipalities.
- HB 1554** Rodriguez, Justin  
Relating to the authority of a municipality to file a lien for the costs of abatement of a floodplain ordinance violation; providing a civil penalty.
- HB 1580** Reynolds  
Relating to excluding certain short-term employment from unemployment compensation chargebacks and grounds for benefit disqualification.
- HB 1605** Davis, Sarah  
Relating to the establishment of a pilot program in Harris County to provide maternity care management to certain women enrolled in the Medicaid managed care program.
- HB 1607** Farney  
Relating to the authority of the commissioners court of a county to alter speed limits on county roads.
- HB 1624** Cortez  
Relating to the assumed name of a series limited liability company.
- HB 1675** Bonnen, Dennis  
Relating to governmental entities subject to the sunset review process.
- HB 1690** Fletcher  
Relating to measures to prevent or control the entry into or spread in this state of certain communicable diseases; providing a penalty.
- HB 1728** Ashby  
Relating to the use of an unsworn declaration, the disposition of certain court exhibits, and the seal of a constitutional county court or county clerk.
- HB 1739** Naishtat  
Relating to the administration of psychoactive medications to persons receiving services in certain facilities.
- HB 1753** Patrick, Diane  
Relating to authorizing the board of regents of The University of Texas System to acquire certain property in the city of Arlington.
- HB 1767** Canales  
Relating to the designation of a segment of U.S. Highway 281 in Jim Wells County as the Lt. General Marc Cisneros Highway.
- HB 1768** Canales  
Relating to identification requirements for certain fire hydrants and flush valves.
- HB 1777** Moody  
Relating to a study regarding the effects on international trade of wait times at points of entry between the United States and the United Mexican States.
- HB 1807** King, Tracy O.  
Relating to fever tick eradication; creating a penalty.



- HB 1819** Kacal  
Relating to liability for injuring a trespassing sheep or goat.
- HB 1917** Rodriguez, Eddie  
Relating to alcoholic beverage advertising on the outside of certain vehicles.
- HB 1920** Sheffield, J. D.  
Relating to the election and authority of the board of directors of the McCulloch County Hospital District.
- HB 1952** Thompson, Senfronia  
Relating to professional development training for certain public school personnel regarding student disciplinary procedures.
- HB 1953** Thompson, Senfronia  
Relating to the payment for liquor by a retailer.
- HB 1970** Pickett  
Relating to the authority of certain municipalities and counties to regulate subdivisions in the extraterritorial jurisdiction of a municipality by agreement.
- HB 1973** Lucio III  
Relating to the provision of water by a public utility or water supply or sewer service corporation for use in fire suppression.
- HB 2058** Allen  
Relating to the administration of a high school equivalency examination.
- HB 2103** Villarreal  
Relating to education research centers and the sharing of educational data between state agencies; redesignating certain fees as charges.
- HB 2105** Lucio III  
Relating to municipally owned utility systems; authorizing the imposition of fees by a utility board of trustees.
- HB 2137** Fletcher  
Relating to eligibility of certain persons for enrollment in school district summer school courses.
- HB 2213** Guillen  
Relating to the creation of the Willacy County Drainage District No. 3; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.
- HB 2252** Ashby  
Relating to eligibility of charitable organizations to participate in a state employee charitable campaign.
- HB 2263** Miller, Rick  
Relating to requesting a replacement voter registration certificate by telephone or electronically.
- HB 2300** Keffer  
Relating to funding and donations for county transportation projects, including projects of county energy transportation reinvestment zones.

- HB 2302** Hunter  
Relating to signing electronic or digital court documents, to the electronic filing system established by the Texas Supreme Court, to the statewide electronic filing system fund, and to certain court fees and court costs; imposing and authorizing certain fees.
- HB 2311** Kacal  
Relating to an animal identification program.
- HB 2392** Menéndez  
Relating to the mental health program for veterans.
- HB 2394** Perry  
Relating to a study on the feasibility of requiring title for all trailers, semitrailers, and travel trailers not considered manufactured housing.
- HB 2459** Thompson, Senfronia  
Relating to the limitation on the amount that may be charged for certain debt cancellation agreements.
- HB 2460** Thompson, Senfronia  
Relating to the possession of stamps indicating the payment of taxes by certain permittees.
- HB 2475** Miller, Rick  
Relating to the oath taken by a person who assists a voter.
- HB 2536** Geren  
Relating to the composition of certain regional transportation authority subregional boards.
- HB 2571** Keffer  
Relating to the inspection of certain information regarding the production, transportation, sale, and marketing of oil and gas from state land; imposing an administrative penalty.
- HB 2623** Oliveira  
Relating to the authority of certain counties and the General Land Office to temporarily close a beach or beach access point.
- HB 2627** Zedler  
Relating to the issuance of remedial plans to resolve complaints filed with the Texas Optometry Board; authorizing a fee.
- HB 2649** Herrero  
Relating to the punishment for violating certain rules or permit terms under a permit to trap, transport, and transplant certain animals.
- HB 2673** Price  
Relating to the protection and care of individuals with intellectual and developmental disabilities.
- HB 2684** Button  
Relating to an exemption from the franchise tax for certain political subdivision corporations.

- HB 2725** Thompson, Senfronia  
Relating to the confidentiality of certain records maintained by a victims of trafficking shelter center and the creation of minimum standards for certain facilities that provide services to victims of trafficking.
- HB 2760** Branch  
Relating to partnerships between the Texas State Technical College System and public junior colleges.
- HB 2892** Raney  
Relating to the authority of the board of regents of The Texas A&M University System to dispose of real property and mineral interests under its jurisdiction.
- HB 2911** Kuempel  
Relating to the regulation of real estate inspectors; changing fees.
- HB 2984** Dutton  
Relating to lobbying expenditures that are made jointly.
- HB 3031** Fletcher  
Relating to fare enforcement officers for metropolitan rapid transit authorities.
- HB 3068** Menéndez  
Relating to debit card surcharges.
- HB 3172** Bohac  
Relating to the content of photographic traffic monitoring system signs.
- HB 3253** Zerwas  
Relating to the notation of death on a birth certificate.
- HB 3309** Crownover  
Relating to the composition and use of money in the oil and gas regulation and cleanup fund.
- HB 3314** Kuempel  
Relating to instruction and continuing education requirements for certain court clerks.
- HB 3332** Keffer  
Relating to junior college district territory annexation and program approval in certain counties.
- HB 3337** King, Tracy O.  
Relating to the authority of certain counties to impose a county hotel occupancy tax.
- HB 3361** Dutton  
Relating to the continuation and functions of the Texas Department of Housing and Community Affairs; authorizing and otherwise affecting the application of certain fees.
- HB 3378** Price  
Relating to an annual term for the 47th District Court.
- HB 3407** Riddle  
Relating to the assessment of juveniles who are victims of sex trafficking.

- HB 3434** Raymond  
Relating to incentives for using supplemental nutrition assistance program benefits to purchase nutritious foods.
- HB 3559** Pickett  
Relating to the Texas Peace Officers' Memorial Monument.
- HB 3561** Murphy  
Relating to the proceedings of certain municipal courts held in the corporate limits of a contiguous incorporated municipality.
- HB 3676** Phillips  
Relating to the application of restrictions on drivers under 18 years of age.
- HB 3889** Darby  
Relating to the dissolution of the Lipan Creek Flood Control District.
- HB 3900** Geren  
Relating to the board of directors of the Tarrant Regional Water District.
- HCR 40** Johnson  
Designating the first Saturday in May as Texas Academic College Scholarship Day for a 10-year period beginning in 2014.
- HCR 41** Ashby  
Designating Jewett as the Sculpture Capital of Texas and commemorating the third annual Leon County Art Trail.
- HCR 54** Harper-Brown  
Designating Grand Prairie as the Purple Martin Conservation Capital of Texas.
- HCR 57** Hunter  
Requesting the lieutenant governor and the speaker of the house of representatives to create a joint interim committee to study human trafficking in Texas.
- HCR 71** Bell  
Urging the United States Congress to request that the U.S. Postmaster General designate a ZIP code that includes all properties within the city of Prairie View.
- HCR 84** Springer  
Designating Floydada as the Pumpkin Capital of Texas.
- HCR 87** Springer  
Designating the pumpkin as the official State Squash of Texas.
- HJR 87** Muñoz, Jr.  
Proposing a constitutional amendment authorizing a home-rule municipality to provide in its charter the procedure to fill a vacancy on its governing body for which the unexpired term is 12 months or less.
- SB 139** Eltife Sponsor: Simpson  
Relating to the designation of a segment of U.S. Highway 80 as the Sergeant Travis E. Watkins Memorial Highway.
- SB 174** Estes Sponsor: Anderson  
Relating to the control of stray bison and other estrays.

- SB 192** Carona Sponsor: Phillips  
Relating to access to criminal history record information by the banking commissioner.
- SB 200** Patrick Sponsor: Anchia  
Relating to the continuation and functions of the State Pension Review Board.  
(Committee Substitute/Amended)
- SB 223** Watson Sponsor: Cortez  
Relating to designation of certain vehicles of the Texas Division of Emergency Management as authorized emergency vehicles.
- SB 228** Williams Sponsor: Otto  
Relating to the regulation of the practice of public accountancy.
- SB 230** Carona Sponsor: Deshotel  
Relating to the applicability of state law governing funds transfers to certain remittance transfers.
- SB 244** Carona Sponsor: Villarreal  
Relating to the administration, operation, supervision, and regulation of credit unions.
- SB 293** Williams Sponsor: Ritter  
Relating to the authority of certain water districts to hold meetings by teleconference or videoconference.
- SB 332** Rodríguez Sponsor: Márquez  
Relating to commissioners court oversight of certain emergency services districts.
- SB 336** Rodríguez Sponsor: Moody  
Relating to the qualifications for appointment as a medical examiner.
- SB 360** Watson Sponsor: Lucio III  
Relating to methods used by an animal shelter to euthanize a dog or cat.
- SB 387** Nichols Sponsor: Clardy  
Relating to county participation in a program for improvement of collection of court costs, fees, and fines imposed in criminal cases.
- SB 447** Fraser Sponsor: King, Tracy O.  
Relating to annual and special meetings of and election procedures for members of boards of directors for water supply or sewer service corporations.  
(Committee Substitute)
- SB 457** Rodríguez Sponsor: Márquez  
Relating to the confidentiality of certain autopsy records.
- SB 500** Van de Putte Sponsor: Sheffield, J. D.  
Relating to the Texas State Board of Pharmacy.
- SB 672** Carona Sponsor: Guillen  
Relating to the regulation of industrialized housing.
- SB 698** Carona Sponsor: Eiland  
Relating to the refund of unearned premium for a personal automobile or residential property insurance policy.  
(Amended)

**SB 840** Hancock Sponsor: Eiland  
Relating to certain promotional practices not considered to be prohibited discrimination, rebates, or inducements in insurance.

**SB 846** Van de Putte Sponsor: Menéndez  
Relating to training, certification, and accreditation provided or regulated by the Texas Veterans Commission.

**SB 974** Campbell Sponsor: Isaac  
Relating to the name of Texas State University–San Marcos.

**SB 1101** Van de Putte Sponsor: Larson  
Relating to the Cybersecurity, Education, and Economic Development Council.

**SB 1102** Van de Putte Sponsor: Larson  
Relating to the appointment of a state cybersecurity coordinator.

**SB 1110** Nichols Sponsor: Pickett  
Relating to the purposes and designation of a transportation reinvestment zone.  
(Committee Substitute)

**SB 1165** Hegar Sponsor: Miller, Rick  
Relating to the use of real property by the University of Houston–Sugar Land.

**SB 1267** Nichols Sponsor: Clardy  
Relating to the liability of individuals providing labor or assistance to the Texas Forest Service in the performance of certain fire suppression duties.

**SB 1286** Williams Sponsor: Hunter  
Relating to the regulation of professional employer services; authorizing fees.  
(Committee Substitute)

THE HOUSE HAS REFUSED TO CONCUR IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

**HB 1600** (non-record vote)

House Conferees: Cook - Chair/Harless/Menéndez/Price/Ritter

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

### PHYSICIAN OF THE DAY

Senator Deuell was recognized and presented Dr. Monica Kalra of Dallas as the Physician of the Day.

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

### SENATE RESOLUTION 773

Senator Patrick offered the following resolution:

**SR 773**, Recognizing the Spring Volunteer Fire Department.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Patrick was recognized and introduced to the Senate a Spring Volunteer Fire Department delegation, accompanied by Eric Anderson, Fire Chief; Scott Seifert, Assistant Fire Chief; Scott Schoonover, Deputy Chief; Shannon Stryk, District Chief; and Joel Crenshaw, District Chief.

The Senate welcomed its guests.

**SENATE RESOLUTION 478**

Senator Van de Putte offered the following resolution:

WHEREAS, The Senate of the State of Texas takes pleasure in recognizing Jane Nolasco, who was recently named Social Work Student of the Year; and

WHEREAS, Jane received the award from the National Association of Social Workers, Texas Alamo Branch; this dedicated scholar is seeking her master's degree in social work at The University of Texas at San Antonio, where she also earned her master's degree in counseling and graduated magna cum laude; she is a Licensed Professional Counselor; and

WHEREAS, Faculty members at The University of Texas at San Antonio Department of Social Work cited Jane's professionalism, her academic excellence, and her performance at her field placements as primary reasons for her nomination; and

WHEREAS, A motivated mental health specialist, Jane is known for her critical thinking, her perceptive line of questioning, and her devotion to service; her strengths include working with indigent populations, the elderly, at-risk youth, and troubled families; she is widely respected for her maturity, her counseling skills, and her commitment to helping vulnerable members of the community; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby commend Jane Nolasco for receiving the Social Work Student of the Year Award and extend to her sincere best wishes in all her future endeavors; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Jane Nolasco as an expression of high regard from the Texas Senate.

**SR 478** was again read.

The resolution was previously adopted on Tuesday, March 19, 2013.

**GUEST PRESENTED**

Senator Van de Putte was recognized and introduced to the Senate Jane Nolasco, Social Work Student of the Year at The University of Texas at San Antonio.

The Senate welcomed its guest.

**INTRODUCTION OF  
BILLS AND RESOLUTIONS POSTPONED**

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

There was no objection.

## CONCLUSION OF MORNING CALL

The Presiding Officer, Senator Eltife in Chair, at 2:44 p.m. announced the conclusion of morning call.

### SENATE BILL 1175 ON SECOND READING

On motion of Senator Deuell and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1175** at this time on its second reading:

**SB 1175**, Relating to the establishment of a reuse program for durable medical equipment provided to recipients under the Medicaid program.

The bill was read second time.

Senator Deuell offered the following amendment to the bill:

#### **Floor Amendment No. 1**

Amend **SB 1175** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in added Section 531.0843(a), Government Code (page 1, line 26), strike "The" and substitute the following:

In this section:

(1) "Complex rehabilitation technology equipment" means equipment that is classified as durable medical equipment under the Medicare program on January 1, 2013, configured specifically for an individual to meet the individual's unique medical, physical, and functional needs and capabilities for basic and instrumental daily living activities, and medically necessary to prevent the individual's hospitalization or institutionalization. The term includes a complex rehabilitation power wheelchair, highly configurable manual wheelchair, adaptive seating and positioning system, standing frame, and gait trainer.

(2) "Durable medical equipment" means equipment, including repair and replacement parts for the equipment, but excluding complex rehabilitation technology equipment, that:

(A) can withstand repeated use;

(B) is primarily and customarily used to serve a medical purpose;

(C) generally is not useful to a person in the absence of illness or injury;

and

(D) is appropriate and safe for use in the home.

(b) If the commission determines that it is cost-effective, the

(2) In SECTION 1 of the bill, strike added Section 531.0843(b), Government Code (page 1, lines 29 through 31), and substitute the following:

(c) The program must include provisions for ensuring that:

(1) reused equipment meets applicable standards of functionality and sanitation; and

(2) a Medicaid recipient's participation in the reuse program is voluntary.

(3) In SECTION 1 of the bill, in added Section 531.0843(c), Government Code (page 1, line 32), strike "c" and substitute "d".

(4) In SECTION 1 of the bill, after added Section 531.0843(c), Government Code (page 1, between lines 37 and 38), insert the following:



(e) In accordance with Chapter 551 or 2001, as applicable, the executive commissioner shall provide notice of each proposed rule, adopted rule, and hearing that relates to establishing the program under this section.

(5) In SECTION 2 of the bill, on page 1, line 42, strike "program" and substitute "program, if the commission determines that establishing the program is cost-effective".

The amendment to **SB 1175** was read and was adopted by a viva voce vote.

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

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

**SB 1175** as amended was passed to engrossment by a viva voce vote.

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

### **SENATE BILL 1175 ON THIRD READING**

Senator Deuell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1175** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

### **COMMITTEE SUBSTITUTE SENATE BILL 1814 ON SECOND READING**

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1814** at this time on its second reading:

**CSSB 1814**, Relating to a requirement that members of the Public Safety Commission hold a secret security clearance.

The bill was read second time.

Senator Birdwell offered the following amendment to the bill:

#### **Floor Amendment No. 1**

Amend **CSSB 1814** (senate committee report) in SECTION 1 of the bill, in amended Section 411.003(b), Government Code (page 1, lines 26 through 28) by adding "A member may serve on the commission upon granting of an interim secret security clearance, but may not be given access to classified information, participate in a briefing involving classified information, or vote on an issue involving classified information until a secret security clearance has been finally approved by the United States government."

The amendment to **CSSB 1814** was read and was adopted by a viva voce vote.

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

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

**CSSB 1814** as amended was passed to engrossment by a viva voce vote.

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 1814 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 1814** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE  
SENATE BILL 392 ON SECOND READING**

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 392** at this time on its second reading:

**CSSB 392**, Relating to notice to the attorney general of challenges to the constitutionality of Texas statutes.

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

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 392 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 392** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**SENATE BILL 1061 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 **SB 1061** at this time on its second reading:

**SB 1061**, Relating to parking privileges of disabled veterans on the property of institutions of higher education.

The bill was read second time.

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

**Floor Amendment No. 1**

Amend **SB 1061** (senate committee report) as follows:

(1) In the recital to SECTION 1 of the bill (line 19), strike "Subsection (a-1)" and substitute "Subsections (a-1) and (a-2)".

(2) In SECTION 1 of the bill, in added Section 681.008(a-1), Transportation Code (lines 24-26), strike "even if the vehicle has not been granted or assigned a parking permit otherwise required by the institution" and substitute "regardless of whether a permit is generally required for the use of the space or area. An institution of higher education may require a vehicle described by Subsection (a) to display a parking permit issued by the institution specifically for the purpose of implementing this subsection, but may not charge a fee for the permit".

(3) In SECTION 1 of the bill, in amended Section 681.008, Transportation Code, insert the following between lines 31 and 32:

(a-2) Subsection (a-1) does not apply to a parking space or area located in:

(1) a controlled access parking facility if at least 50 percent of the number of parking spaces or areas designated specifically for persons with physical disabilities on the property of the institution of higher education are located outside a controlled access parking facility;

(2) an area temporarily designated for special event parking; or

(3) an area where parking is temporarily prohibited for health or safety concerns.

The amendment to **SB 1061** was read and was adopted by a viva voce vote.

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

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

**SB 1061** as amended was passed to engrossment by a viva voce vote.

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

**SENATE BILL 1061 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 1061** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE  
SENATE BILL 861 ON THIRD READING**

Senator Davis moved to suspend the regular order of business to take up for consideration **CSSB 861** at this time on its third reading and final passage:

**CSSB 861**, Relating to requiring certain notices to be posted on the premises of certain alcoholic beverage retailers.

The motion prevailed by the following vote: Yeas 21, Nays 10.

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

Nays: Birdwell, Campbell, Deuell, Estes, Fraser, Hancock, Huffman, Nelson, Paxton, Williams.

The bill was read third time and was passed by the following vote: Yeas 21, Nays 10. (Same as previous roll)

**COMMITTEE SUBSTITUTE  
SENATE BILL 1475 ON SECOND READING**

Senator Duncan moved to suspend the regular order of business to take up for consideration **CSSB 1475** at this time on its second reading:

**CSSB 1475**, Relating to a jail-based restoration of competency pilot program.

The motion prevailed.

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

The bill was read second time.

Senator Duncan offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1475** (senate committee printing) in SECTION 2 of the bill as follows:

(1) In added Article 46B.090(f)(3), Code of Criminal Procedure (page 2, line 48), between "Services" and the underlined semicolon, insert ", or the provider is a local mental health authority in good standing with the department".

(2) In added Article 46B.090(f), Code of Criminal Procedure, strike Subdivision (4) of that subsection (page 2, lines 49 and 50) and substitute the following:

(4) the provider has a demonstrated history of successful jail-based competency restoration outcomes or, if the provider is a local mental health authority, a demonstrated history of successful competency restoration outcomes.

The amendment to **CSSB 1475** was read and was adopted by a viva voce vote.

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

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

**CSSB 1475** 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: Nichols.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1475 ON THIRD READING**

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1475** be placed on its third reading and final passage.

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

Nays: Nichols.

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

**SENATE RULE 5.14(a) SUSPENDED  
(Intent Calendar)  
(Motion In Writing)**

Senator Hegar submitted a Motion In Writing to suspend Senate Rule 5.14(a), requiring bills to be posted on the Intent Calendar by 3:00 p.m., and extend the time to 5:00 p.m. today.

The Motion In Writing prevailed without objection.

**SENATE BILL 1868 ON SECOND READING**

On motion of Senator Campbell and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1868** at this time on its second reading:

**SB 1868**, Relating to the creation of the Needmore Ranch Municipal Utility District No. 1; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

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

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

**SENATE BILL 1868 ON THIRD READING**

Senator Campbell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1868** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**SENATE BILL 1719 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 1719** at this time on its second reading:

**SB 1719**, Relating to the construction, remodeling, or rehabilitation of certain hotel projects.

The bill was read second time.

Senator Rodríguez offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 1719** (senate committee printing) by adding a new appropriately numbered SECTION to read as follows:

SECTION \_\_\_\_\_. Subsection (h), Section 151.429, Tax Code, is amended to read as follows:

(h) This subsection does not apply to a qualified hotel project described by Section 2303.003(8)(B), Government Code. Notwithstanding the other provisions of this section, the owner of a qualified hotel project shall receive a rebate, refund, or payment of 100 percent of the sales and use taxes paid or collected by the qualified hotel project or businesses located in the qualified hotel project pursuant to this chapter and 100 percent of the hotel occupancy taxes paid by persons for the use or possession of or for the right to the use or possession of a room or space at the qualified hotel project pursuant to the provisions of Chapter 156 during the first 10 years after such qualified hotel project is open for initial occupancy. The comptroller shall deposit the taxes in trust in a separate suspense account of the qualified hotel project. A suspense account is outside the state treasury, and the comptroller may make a rebate, refund, or payment authorized by this section without the necessity of an appropriation. The comptroller shall rebate, refund, or pay to each qualified hotel project eligible taxable proceeds to which the project is entitled under this section at least monthly.

The amendment to **SB 1719** was read and was adopted by a viva voce vote.

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

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

**SB 1719** as amended was passed to engrossment by a viva voce vote.

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

**SENATE BILL 1719 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 1719** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE  
SENATE BILL 937 ON SECOND READING**

Senator West moved to suspend the regular order of business to take up for consideration **CSSB 937** at this time on its second reading:

**CSSB 937**, Relating to the authority of a peace officer to apprehend a person for emergency detention and the authority of certain facilities to temporarily detain a person with mental illness.

The motion prevailed.

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

The bill was read second time.

Senator West offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 937** (senate committee printing) as follows:

(1) In SECTION 3 of the bill, in added Section 573.005, Health and Safety Code, strike added Section 573.005(e), Health and Safety Code (page 2, lines 4-6), and substitute the following:

(e) The physician shall document a decision to detain a person under this section and place that notice of detention in the person's medical record. The notice of detention must contain:

(1) a statement that the physician has reason to believe and does believe that the person evidences mental illness;

(2) a statement that the physician has reason to believe and does believe that the person evidences a substantial risk of serious harm to the person or others;

(3) a specific description of the risk of harm;

(4) a statement that the physician has reason to believe and does believe that the risk of harm is imminent unless the person is immediately restrained;

(5) a statement that the physician's beliefs are derived from specific recent behavior, overt acts, attempts, or threats that were observed by or reliably reported to the physician; and

(6) a detailed description of the specific behavior, acts, attempts, or threats.

(2) In SECTION 3 of the bill, in added Section 573.005, Health and Safety Code, immediately following added Section 573.005(f), Health and Safety Code (page 2, between lines 13 and 14), insert the following:

(g) A physician, person, or facility that detains or fails to detain a person under this section and who acts in good faith and without malice is not civilly or criminally liable for that action.

(3) Strike SECTION 4 of the bill (page 2, lines 14-24) and renumber subsequent SECTIONS accordingly.

The amendment to **CSSB 937** was read and was adopted by a viva voce vote.

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

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

**CSSB 937** 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: Hegar.

### **COMMITTEE SUBSTITUTE SENATE BILL 937 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 937** be placed on its third reading and final passage.

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

Nays: Hegar.

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

### **SENATE BILL 1177 ON SECOND READING**

On motion of Senator Deuell and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1177** at this time on its second reading:

**SB 1177**, Relating to the designation of ST-segment elevation myocardial infarction facilities.

The bill was read second time.

Senator Deuell offered the following amendment to the bill:

#### **Floor Amendment No. 1**

Amend **SB 1177** (senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. The legislature finds that a strong system for ST segment elevation myocardial infarction survival is needed in the state's communities in order to treat ST segment elevation myocardial infarction victims in a timely manner and to build upon and coordinate the overall treatment of ST segment elevation myocardial infarction victims. It is the intent of the legislature to advance local and state efforts to improve the system for ST segment elevation myocardial infarction treatment by inviting recommendations from leaders in public health and the ST segment elevation myocardial infarction system.

SECTION 2. Section 773.012, Health and Safety Code, is amended by adding Subsection (m) to read as follows:

(m) Not later than December 1, 2014, the advisory council, with the assistance of the committee established under Subchapter I and in collaboration with the Texas Council on Cardiovascular Disease and Stroke, shall develop a statewide ST segment elevation myocardial infarction system of care plan that follows the American Heart Association and American College of Cardiology guidelines and addresses the



appropriate triage, treatment, transport, and rehabilitation of ST segment elevation myocardial infarction patients. Not later than December 1, 2014, the advisory council shall submit a report to the governor, the lieutenant governor, the speaker of the house of representatives, and the executive commissioner containing the system of care plan developed under this subsection. The executive commissioner may adopt rules to implement the system of care plan contained in the report.

SECTION 3. Chapter 773, Health and Safety Code, is amended by adding Subchapter I to read as follows:

SUBCHAPTER I. ST SEGMENT ELEVATION MYOCARDIAL INFARCTION  
COMMITTEE

Sec. 773.251. DEFINITIONS. In this subchapter:

(1) "Advisory council" means the advisory council established under Section 773.012.

(2) "Committee" means the cardiac ST segment elevation myocardial infarction committee created under this subchapter.

Sec. 773.252. ST SEGMENT ELEVATION MYOCARDIAL INFARCTION COMMITTEE. (a) The committee is composed of the following 10 members appointed by the advisory council:

(1) one member who is a representative of the Texas chapter of the American College of Cardiology;

(2) one member who is a representative of the Texas Hospital Association;

(3) one member who is a representative of the Texas Organization of Rural & Community Hospitals;

(4) one member who is a representative of the Texas College of Emergency Physicians;

(5) one member who is a representative of the Texas Medical Association;

(6) one member who is a representative of the American Heart Association;

(7) one member who is a representative of the Texas EMS, Trauma, & Acute Care Foundation;

(8) one member who is a representative of the Texas Emergency Nurses Association; and

(9) two members who are ST segment elevation myocardial infarction survivors or patient advocates.

(b) The committee shall assist the advisory council in developing the statewide ST segment elevation myocardial infarction system of care plan required by Section 773.012(m).

Sec. 773.253. EXPIRATION. The committee is abolished and this subchapter expires June 30, 2015.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

The amendment to **SB 1177** was read and was adopted by a viva voce vote.

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

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

**SB 1177** as amended was passed to engrossment by a viva voce vote.

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

### **SENATE BILL 1177 ON THIRD READING**

Senator Deuell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1177** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

### **COMMITTEE SUBSTITUTE SENATE BILL 950 ON SECOND READING**

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 950** at this time on its second reading:

**CSSB 950**, Relating to requiring certain alcoholic beverage permittees to be the primary American source of supply for certain alcoholic beverages.

The bill was read second time.

Senator Carona offered the following amendment to the bill:

#### **Floor Amendment No. 1**

Amend **CSSB 950** (senate committee printing) as follows:

(1) In SECTION 2 of the bill, in amended Section 101.671(a), Alcoholic Beverage Code (page 1, line 49), strike "The" and substitute "Except for rare or vintage wine that is acquired at auction and for which no certificate is available, the [~~The~~"]".

(2) In SECTION 2 of the bill, at the end of amended Section 101.671(a), Alcoholic Beverage Code (page 1, line 51), immediately following the period, insert the following:

Rare or vintage wine purchased at auction and registered by the commission under this subsection must comply with all other provisions of this code, including provisions regarding the sale, purchase, importation, and distribution of that wine.

The amendment to **CSSB 950** was read and was adopted by a viva voce vote.

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

Senator Carona offered the following amendment to the bill:

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

Amend **CSSB 950** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in amended Section 37.10(b), Alcoholic Beverage Code (page 1, line 40), strike "A" and substitute "Except as provided by Subsection (c), a".

(2) In SECTION 1 of the bill, after amended Section 31.10(b), Alcoholic Beverage Code (page 1, between lines 41 and 42), insert the following:

(c) A product may have more than one primary American source of supply to Texas if the product is a wine that is bottled or produced outside of the United States.

The amendment to **CSSB 950** was read and was adopted by a viva voce vote.

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

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

**CSSB 950** as amended was passed to engrossment by a viva voce vote.

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

### COMMITTEE SUBSTITUTE SENATE BILL 950 ON THIRD READING

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 950** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

### COMMITTEE SUBSTITUTE SENATE BILL 1536 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 1536** at this time on its second reading:

**CSSB 1536**, Relating to the Texas military; imposing criminal penalties; authorizing fees.

The bill was read second time.

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

#### Floor Amendment No. 1

Amend **CSSB 1536** (senate committee printing) as follows:

(1) In SECTION 1.01 of the bill, in added Section 437.001(6), Government Code (page 1, line 40), between "department" and the period, insert "who is responsible for managing the department".

(2) In SECTION 1.01 of the bill, strike added Section 437.229(b), Government Code (page 22, lines 44-46), and substitute the following:

(b) The uniforms of the officers and enlisted personnel of the Texas State Guard are the uniforms prescribed for the United States armed forces with any modifications the governor, or the adjutant general if delegated the authority by the governor, considers necessary to distinguish the Texas State Guard from the Texas National Guard.

(3) In SECTION 1.01 of the bill, strike added Section 437.308(b), Government Code (page 24, lines 53-57), and substitute the following:

(b) The governor may request for use of the Texas State Guard arms and equipment that the United States government possesses and can spare. The governor, or the adjutant general if delegated the authority by the governor, shall make available to the Texas State Guard state armories and available state property.

The amendment to **CSSB 1536** was read and was adopted by a viva voce vote.

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

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

**CSSB 1536** as amended was passed to engrossment by a viva voce vote.

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

#### **COMMITTEE SUBSTITUTE SENATE BILL 1536 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 1536** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

#### **SENATE BILL 1896 ON SECOND READING**

On motion of Senator Garcia and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1896** at this time on its second reading:

**SB 1896**, Relating to the confidentiality of information in ad valorem tax appraisal records that identifies the home address of certain judges.

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

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

#### **SENATE BILL 1896 ON THIRD READING**

Senator Garcia moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1896** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

### BILLS AND RESOLUTIONS SIGNED

The Presiding Officer, Senator Eltife in Chair, announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read: **SCR 34, HB 174, HB 701, HB 2035, HCR 43.**

### COMMITTEE SUBSTITUTE SENATE BILL 1052 ON SECOND READING

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1052** at this time on its second reading:

**CSSB 1052**, Relating to search warrants issued in this state and other states for certain customer data, communications, and other information held in electronic storage in this state and other states by providers of electronic communications services and remote computing services.

The bill was read second time.

Senator Carona offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **CSSB 1052** (Senate Committee Printing) as follows:

(1) In SECTION 1 of the bill, in added Article 18.02(a)(13), Code of Criminal Procedure (page 1, line 57), strike "or" and substitute ", including".

(2) In SECTION 4 of the bill, strike the text of amended Section 1(20), Article 18.20, Code of Criminal Procedure (page 2, lines 29 through 38), and substitute the following:

(20) "Electronic storage" means any storage of electronic customer data in a computer, computer network, or computer system, regardless of whether the data is subject to recall, further manipulation, deletion, or transmission, and includes any[-

~~(A) a temporary, intermediate storage of a wire or electronic communication that is incidental to the electronic transmission of the communication; or~~

~~(B) storage of a wire or electronic communication by an electronic communications service or a remote computing service [for purposes of backup protection of the communication].~~

(3) In SECTION 6 of the bill, in amended Sections 4(b)(2)(C) and (c)(1)(B)(iii), Article 18.21, Code of Criminal Procedure (page 3, lines 11 and 12 and line 27), strike "of this article" and substitute "[of this article]".

(4) In SECTION 6 of the bill, strike the text of amended Section 4(d), Article 18.21, Code of Criminal Procedure (page 3, lines 43 through 56), and substitute the following:

(d) An authorized peace officer may require a provider of electronic communications service or a provider of a remote computing service to disclose electronic customer data not otherwise described by [records or other information

~~pertaining to a subscriber or customer of the service, other than communications described in Subsection (e) of~~ this section[;] without giving the [~~subscriber or~~] customer notice:

- (1) by obtaining an administrative subpoena authorized by statute;
- (2) by obtaining a grand jury subpoena;
- (3) by obtaining a warrant under Section 5A;
- (4) by obtaining the consent of the [~~subscriber or~~] customer to the disclosure of the customer data [~~records or information~~];
- (5) by obtaining a court order under Section 5 [~~of this article~~]; or
- (6) as otherwise permitted by applicable federal law.

The amendment to **CSSB 1052** was read and was adopted by a viva voce vote.

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

Senator Carona offered the following amendment to the bill:

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

Amend **CSSB 1052** (Senate Committee Printing) in SECTION 7 of the bill as follows:

(1) In added Section 5A, Article 18.21, Code of Criminal Procedure (page 3, line 60, through page 4, line 10), strike Subsections (a) and (b) of the section, substitute the following, and redesignate cross-references and subsequent subsections of the section accordingly:

(a) This section applies to a warrant required under Section 4 to obtain electronic customer data, including the contents of a wire communication or electronic communication.

(b) On the filing of an application by an authorized peace officer, a district judge may issue a search warrant under this section for electronic customer data held in electronic storage, including the contents of and records and other information related to a wire communication or electronic communication held in electronic storage, by a provider of an electronic communications service or provider of a remote computing service described by Subsection (g), regardless of whether the customer data is held at a location in this state or at a location in another state. An application made under this subsection must demonstrate probable cause for the issuance of the warrant and must be supported by the oath or affirmation of the authorized peace officer.

(c) A search warrant may not be issued under this section unless the sworn affidavit required by Article 18.01(b) sets forth sufficient and substantial facts to establish probable cause that:

- (1) a specific offense has been committed; and
- (2) the electronic customer data sought:
  - (A) constitutes evidence of that offense or evidence that a particular person committed that offense; and
  - (B) is held in electronic storage by the service provider on which the warrant is served under Subsection (h).

(d) Only the electronic customer data described in the sworn affidavit required by Article 18.01(b) may be seized under the warrant.

(e) A warrant issued under this section shall run in the name of "The State of Texas."

(f) Article 18.011 applies to an affidavit presented under Article 18.01(b) for the issuance of a warrant under this section, and the affidavit may be sealed in the manner provided by that article.

(2) In added Section 5B, Article 18.21, Code of Criminal Procedure (page 5, lines 13 and 15), redesignate the cross-references to Sections 5A(a) and (c) as Sections 5A(b) and (g), respectively.

The amendment to **CSSB 1052** was read and was adopted by a viva voce vote.

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

Senator Carona offered the following amendment to the bill:

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

Amend **CSSB 1052** (Senate Committee Printing) in SECTION 7 of the bill, in added Section 5A(e), Article 18.21, Code of Criminal Procedure, as follows:

- (1) On page 4, line 38, between "the warrant" and "the", insert "that".
- (2) On page 4, line 41, strike ", which may not be later than" and substitute "is".
- (3) On page 4, line 48, strike "period allowed" and substitute "deadline".
- (4) On page 4, lines 48 and 49, strike "four business days or less" and substitute "earlier than the 15th business day".
- (5) On page 4, line 51, strike "in four business days or less" and substitute "by the earlier deadline".

The amendment to **CSSB 1052** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 3.

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

**CSSB 1052** as amended was passed to engrossment by a viva voce vote.

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

### **COMMITTEE SUBSTITUTE SENATE BILL 1052 ON THIRD READING**

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1052** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1003 ON SECOND READING**

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1003** at this time on its second reading:

**CSSB 1003**, Relating to a review of and report regarding the use of adult and juvenile administrative segregation in facilities in this state.

The bill was read second time.

Senator Carona offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1003**, in SECTION 1 of the bill (senate committee printing, page 1, lines 25-26), by striking "a county, a municipality, or a private vendor" and substituting "a municipality, or a private vendor on behalf of a municipality,".

The amendment to **CSSB 1003** was read and was adopted by a viva voce vote.

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

Senator Carona offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **CSSB 1003**, in SECTION 1 of the bill (senate committee printing, page 1, line 31), between "The" and "shall appoint", by striking "governor" and substituting "Criminal Justice Legislative Oversight Committee".

The amendment to **CSSB 1003** was read and was adopted by a viva voce vote.

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

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

**CSSB 1003** as amended was passed to engrossment by a viva voce vote.

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 1003 ON THIRD READING**

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1003** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.



**COMMITTEE SUBSTITUTE  
SENATE BILL 1243 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 1243** at this time on its second reading:

**CSSB 1243**, Relating to the issuance of interest-bearing time warrants and certain notes by school districts.

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

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 1243 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 1243** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**SENATE BILL 1533 ON SECOND READING**

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1533** at this time on its second reading:

**SB 1533**, Relating to municipal sales and use tax remittances by certain retailers.

The bill was read second time.

Senator Patrick offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 1533** (Senate committee printing) in SECTION 1 of the bill as follows:

(1) In added Section 321.002(a)(3)(B), Tax Code (page 1, line 47), strike "imposed by this chapter or to rebate" and substitute "legally due under ~~imposed by~~ this chapter or exists solely to rebate".

(2) In added Section 321.002(a)(3)(B), Tax Code (page 1, line 50), strike "imposed by this chapter or to rebate" and substitute "legally due under this chapter or solely to rebate".

(3) In added Section 321.002(a)(3)(B), Tax Code (page 1, lines 51-52), strike "any rebate it contracts to receive is lower than the amount of its annual payroll and".

(4) In added Section 321.002(a)(3)(B), Tax Code (page 1, line 55), strike "and other" and substitute "or other".

The amendment to **SB 1533** was read and was adopted by a viva voce vote.

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

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

**SB 1533** as amended was passed to engrossment by a viva voce vote.

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

### **SENATE BILL 1533 ON THIRD READING**

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1533** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

### **SENATE 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 1914**, **SB 1917**, **SB 1918**, **SB 1919**.

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 1914** by Garcia, Eltife  
Relating to certain specialty license plates.  
To Committee on Administration.

**SB 1915** by Campbell  
Relating to the creation of the Comal County Water Improvement District No. 3; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.  
To Committee on Natural Resources.

**SB 1916** by West  
Relating to the authority of the Dallas County Hospital District or a nonprofit corporation formed by the district regarding certain technology or intellectual property developed or in development by or for the district or corporation.  
To Committee on Intergovernmental Relations.

**SB 1917** by Birdwell

Relating to the definition of an authorized emergency vehicle.  
To Committee on Intergovernmental Relations.

**SB 1918** by Campbell

Relating to certain regulatory requirements placing expiration dates on land development permits and the use of land conveyed to the state or a political subdivision for a public purpose.  
To Committee on State Affairs.

**SB 1919** by Campbell

Relating to the condemnation of conservation easements.  
To Committee on State Affairs.

**HOUSE BILLS AND RESOLUTIONS ON FIRST READING**

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

**HB 166** to Committee on Criminal Justice.

**HB 317** to Committee on Finance.

**HB 332** to Committee on State Affairs.

**HB 397** to Committee on Intergovernmental Relations.

**HB 483** to Committee on Open Government.

**HB 502** to Committee on Health and Human Services.

**HB 511** to Committee on Transportation.

**HB 528** to Committee on Jurisprudence.

**HB 740** to Committee on Health and Human Services.

**HB 773** to Committee on Education.

**HB 870** to Committee on Higher Education.

**HB 897** to Committee on Education.

**HB 964** to Committee on Intergovernmental Relations.

**HB 1025** to Committee on Finance.

**HB 1061** to Committee on Higher Education.

**HB 1128** to Committee on Government Organization.

**HB 1160** to Committee on Natural Resources.

**HB 1247** to Committee on Intergovernmental Relations.

**HB 1264** to Committee on Education.

**HB 1284** to Committee on Criminal Justice.

**HB 1348** to Committee on Finance.

**HB 1385** to Committee on Intergovernmental Relations.

**HB 1445** to Committee on State Affairs.

**HB 1494** to Committee on Agriculture, Rural Affairs and Homeland Security.

**HB 1534** to Committee on Transportation.

**HB 1553** to Committee on Administration.

**HB 1554** to Committee on Intergovernmental Relations.

**HB 1580** to Committee on Economic Development.

**HB 1690** to Committee on Health and Human Services.

**HB 1753** to Committee on Higher Education.

**HB 1768** to Committee on Natural Resources.  
**HB 1864** to Committee on Natural Resources.  
**HB 1920** to Committee on Intergovernmental Relations.  
**HB 1952** to Committee on Education.  
**HB 1960** to Committee on Veteran Affairs and Military Installations.  
**HB 1972** to Committee on Business and Commerce.  
**HB 2051** to Committee on Higher Education.  
**HB 2105** to Committee on Natural Resources.  
**HB 2197** to Committee on State Affairs.  
**HB 2254** to Committee on Veteran Affairs and Military Installations.  
**HB 2302** to Committee on Jurisprudence.  
**HB 2311** to Committee on Administration.  
**HB 2387** to Committee on Finance.  
**HB 2623** to Committee on Administration.  
**HB 2684** to Committee on Finance.  
**HB 2720** to Committee on Natural Resources.  
**HB 2725** to Committee on Health and Human Services.  
**HB 3361** to Committee on Intergovernmental Relations.  
**HB 3889** to Committee on Intergovernmental Relations.  
**HCR 23** to Committee on Administration.  
**HCR 56** to Committee on Economic Development.  
**HJR 79** to Committee on Higher Education.

**(President in Chair)**

**COMMITTEE SUBSTITUTE  
HOUSE BILL 4 ON SECOND READING**

Senator Fraser moved to suspend the regular order of business to take up for consideration **CSHB 4** at this time on its second reading:

**CSHB 4**, Relating to the administration and functions of the Texas Water Development Board; authorizing the issuance of revenue bonds.

The motion prevailed.

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

The bill was read second time.

Senator Fraser offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSHB 4** (senate committee printing) as follows:

(1) In Section 2.02 of the bill, strike proposed Section 15.432(a), Water Code (page 3, lines 29 through 37), and substitute the following:

(a) The state water implementation fund for Texas is a special fund in the state treasury outside the general revenue fund to be used by the board for the purpose of implementing the state water plan as provided by this subchapter. The board may establish separate accounts in the fund. The fund and the accounts in the fund are managed by the trust company.

(2) In Section 2.02 of the bill, strike proposed Section 15.472(a), Water Code (page 9, line 63, through page 10, line 2), and substitute the following:

(a) The state water implementation revenue fund for Texas is a special fund in the state treasury outside the general revenue fund to be used by the board only for the purpose of providing financing for projects included in the state water plan that are authorized under Subchapter E, Q, or R of this chapter, Subchapter E or F, Chapter 16, or Subchapter J, Chapter 17. The board may establish separate accounts in the fund.

(3) In Section 2.02 of the bill, in proposed Section 15.473(c), Water Code (page 10, line 30), strike "kept and held in escrow and in trust" and substitute "managed".

(4) In Section 2.02 of the bill, in proposed Section 15.473(d), Water Code (page 10, lines 36 and 37), strike ", as custodian, shall administer" and substitute "shall manage".

(5) In Section 2.02 of the bill, at the end of proposed Section 15.474, Water Code (page 11, between lines 1 and 2), add the following:

(d) The board, or comptroller or corporate trustee managing the fund at the direction of the board as provided by Section 15.473(c), shall withdraw from the fund and forward to another person any amounts, as determined by the board, for timely payment of:

(1) the principal of and interest on bonds described by Subsection (c)(1)(A) of this section that mature or become due; and

(2) any cost related to bonds described by Subsection (c)(1)(A) of this section that become due, including payments under related credit agreements or bond enhancement agreements.

(6) In Section 2.12 of the bill, in proposed Section 17.853(c)(7), Water Code (page 14, line 40), strike "created under Section 15.472".

(7) At the end of Article 2 of the bill add an appropriately numbered section to the bill to read as follows:

SECTION 2. \_\_. Sections 2.01-2.06, 2.12-2.15, and 2.18-2.23 of this article take effect on the date on which the constitutional amendment proposed by the 83rd Legislature, Regular Session, 2013, adding Sections 49-d-12 and 49-d-13, Article III, Texas Constitution, creating the state water implementation fund for Texas and the state water implementation revenue fund for Texas takes effect. If that amendment is not approved by the voters, those sections of this article have no effect.

(8) Strike Section 3.01 of the bill and substitute the following:

SECTION 3.01. Except as otherwise provided by this Act, this Act takes effect September 1, 2013.

The amendment to **CSHB 4** was read and was adopted by a viva voce vote.

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

Senator Fraser offered the following amendment to the bill:

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

Amend **CSHB 4** (senate committee printing) as follows:

(1) In SECTION 2.02 of the bill, in added Section 15.434(b), Water Code (page 4, lines 55 through 61), strike Subdivision (2) of the subsection and substitute the following:

(2) 20 percent to support projects described by Section 15.435, including agricultural irrigation projects, that are designed for water conservation or reuse.

(2) In SECTION 2.02 of the bill, in added Section 15.435(a), Water Code (page 4, line 68, through page 5, line 5), strike the last two sentences of the subsection and substitute the following:

An obligation to disburse money from the fund, or from a special account established by the board, in accordance with a bond enhancement agreement is a special obligation of the board payable solely from designated income and receipts of the fund or of the account, as determined by the board. An obligation to disburse money from the fund, or from a special account established by the board, in accordance with a bond enhancement agreement does not constitute indebtedness of the state.

(3) In SECTION 2.02 of the bill, at the end of added Section 15.435, Water Code (page 6, following line 52), add the following:

(1) At the direction of the board, the trust company shall make disbursements from the fund, or from a special account established by the board, in accordance with a bond enhancement agreement in the amounts the board determines are needed for debt service payments on, or for security provisions of, general obligation bonds or revenue bonds issued by the board the proceeds of the sale of which have been deposited in another fund administered by the board, or in an account in that other fund, for use in accordance with this subchapter, after the board considers all other sources available for those purposes in that other fund or account. Money transferred under this subsection may be deposited into that other fund or into a special account established by the trust company or a corporate trustee that is a trust company or a bank that has the powers of a trust company, as determined by the board.

(4) In SECTION 2.02 of the bill, in added Section 15.436(a), Water Code (page 6, line 55), strike "planning area" and substitute "plan".

(5) In SECTION 2.02 of the bill, in added Section 15.472(c), Water Code, at the end of Subdivision (5) of the subsection (page 10, line 20), strike "and".

(6) In SECTION 2.02 of the bill, in added Section 15.472(c), Water Code (page 10, lines 21 and 22), strike Subdivision (6) of the subsection and substitute the following:

(6) repayments of loans made from the fund;

(7) money from the sale, transfer, or lease of a project acquired, constructed, reconstructed, developed, or enlarged with money from the fund; and

(8) money disbursed to the fund from the state water implementation fund for Texas as authorized by Section 15.434.

(7) In SECTION 2.02 of the bill, in added Section 15.474, Water Code (page 10, lines 45 through 58), strike Subsection (b) of the section and substitute the following:

(b) Financing or refinancing of projects described by Subsection (a) may be provided by using money in the fund to make loans to eligible political subdivisions or to purchase bonds or other obligations of eligible political subdivisions bearing interest at a rate or rates determined by the board, including a rate or rates below prevailing market rates.

(8) In SECTION 2.02 of the bill, in added Section 15.474(c), Water Code, at the end of Subdivision (1) of the subsection (page 10, line 67), strike "or".

(9) In SECTION 2.02 of the bill, in added Section 15.474(c), Water Code (page 10, line 68, through page 11, line 1), strike Subdivision (2) of the subsection and substitute the following:

(2) to acquire loans or other assets from another fund or account administered by the board, including political subdivision bonds sold or disposed of under Section 15.978 or 17.968; or

(3) to pay the necessary and reasonable expenses of paying agents, bond counsel, and financial advisory services and similar costs incurred by the board in administering the fund.

(10) In SECTION 2.02 of the bill, in added Section 15.475(c), Water Code, between "fund," and "including" (page 11, line 9), insert "or of one or more accounts in the fund.".

(11) Between SECTIONS 2.04 and 2.05 of the bill (page 12, between lines 35 and 36), insert the following appropriately numbered SECTION:

SECTION 2. \_\_. Section 15.978(c), Water Code, is amended to read as follows:

(c) Notwithstanding other provisions of this chapter, the board may sell to the Texas Water Resources Finance Authority or to the state water implementation revenue fund for Texas any political subdivision bonds purchased with money in the water infrastructure fund and may apply the proceeds of a sale in the manner provided by this section.

(12) Between SECTIONS 2.15 and 2.16 of the bill (page 15, between lines 20 and 21), insert the following appropriately numbered SECTIONS:

SECTION 2. \_\_. Subchapter L, Chapter 17, Water Code, is amended by adding Section 17.9617 to read as follows:

Sec. 17.9617. TRANSFERS TO STATE WATER IMPLEMENTATION REVENUE FUND FOR TEXAS. (a) The board may direct the comptroller to transfer money or other assets from an account in the fund, including from the financial assistance account or from the state participation account, to the state water implementation revenue fund for Texas to provide financial assistance under this subchapter and Subchapter H, Chapter 15.

(b) A transfer of money or other assets from an account in the fund may not cause general obligation bonds that are payable from the fund or from an account in the fund to no longer be self-supporting for purposes of Section 49-j(b), Article III, Texas Constitution, as determined by the board.

(c) The board shall use the state water implementation revenue fund for Texas, or an account in that fund, as a source of revenue to be deposited in accordance with this subchapter for the payment of principal and interest on water financial assistance bonds issued by the board, the proceeds of which are to be deposited into the state water implementation revenue fund for Texas, or the account in that fund, and to be used to make payments under a bond enhancement agreement with respect to principal or interest on the water financial assistance bonds.

SECTION 2. \_\_. Section 17.968, Water Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) The board may sell or dispose of political subdivision bonds or other assets purchased with money in the fund to any person, including the Texas Water Resources Finance Authority, or to another fund administered by the board, including the state water implementation revenue fund for Texas, and the board, in such manner as it shall determine, may apply the proceeds of the sale of political subdivision bonds or other assets held by the board to:

(1) pay debt service on water financial assistance bonds issued under this subchapter; or

(2) provide financial assistance to political subdivisions for any one or more of the purposes authorized by Section 49-d-8, Article III, Texas Constitution.

(a-1) A sale or disposition of political subdivision bonds or other assets may not cause general obligation bonds that are payable from the fund or from an account in the fund to no longer be self-supporting for purposes of Section 49-j(b), Article III, Texas Constitution, as determined by the board.

(13) In SECTION 2.16 of the bill, in added Section 49.153(e)(1)(E), Water Code (page 15, line 31), between "facilities" and the semicolon, insert the following: , provided that the district that executes the note is located wholly in a county that:

(i) does not contain a municipality that has a population of more than 750,000; and

(ii) is not adjacent to a county described by Subparagraph (i)

(14) In SECTION 2.17 of the bill, in amended Section 49.181(a), Water Code (page 15, lines 46 through 51), strike Subdivision (3) of the subsection and substitute the following:

(3) bonds issued to and approved by:

(A) the Farmers Home Administration;

(B) [;] the United States Department of Agriculture;

(C) [;] the North American Development Bank;

(D) [~~;~~] the Texas Water Development Board; or

(E) a federally chartered instrumentality of the United States authorized under 12 U.S.C. Section 2128(f) to finance such a project, provided that the district that issues the bonds is located wholly in a county that:

(i) does not contain a municipality that has a population of more than 750,000; and

(ii) is not adjacent to a county described by Subparagraph (i);

(15) Renumber the SECTIONS of ARTICLE 2 of the bill accordingly.

The amendment to **CSHB 4** was read and was adopted by a viva voce vote.

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

Senator Eltife offered the following amendment to the bill:

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

Amend **CSHB 4** (senate committee report) as follows:

(1) In SECTION 2.02 of the bill, in added Section 15.435(b), Water Code, between Subdivisions (1) and (2) of the subsection (page 5, between lines 16 and 17),



insert the following subdivision and renumber the subsequent subdivisions of the subsection accordingly:

(2) the storage acquisition fund;

(2) In SECTION 2.02 of the bill, in added Section 15.438(h)(3), Water Code (page 8, line 58), strike "Q" and substitute "E, Q,".

(3) In SECTION 2.02 of the bill, at the end of added Section 15.438, Water Code (page 9, between lines 20 and 21), add the following:

(n) The advisory committee shall evaluate and may provide comments or recommendations on the feasibility of the state owning, constructing, and operating water supply projects, including reservoirs and major water supply conveyance infrastructure, through existing financial assistance programs under Subchapter E of this chapter, Subchapter E or F, Chapter 16, or other mechanisms.

(4) In SECTION 2.02 of the bill, in added Section 15.474(a), Water Code (page 10, line 43), strike "Q" and substitute "E, Q,".

(5) Add the following appropriately numbered SECTIONS to ARTICLE 2 of the bill and renumber subsequent SECTIONS of the ARTICLE accordingly:

SECTION 2. \_\_. Section 15.301, Water Code, is amended to read as follows:

Sec. 15.301. FUND CREATED. There is created a fund in the state treasury to be known as the storage acquisition fund which is to be funded by:

(1) direct appropriations;

(2) [~~and by~~] transfers from the fund at the discretion of the board; and

(3) money disbursed to the fund from the state water implementation fund for Texas as authorized by Section 15.434.

SECTION 2. \_\_. Section 15.302, Water Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) The board may use the storage acquisition fund for projects including the design, acquisition, lease, construction, reconstruction, development, or enlargement in whole or part of any existing or proposed water storage or conveyance project.

(c) The board shall transfer back to the state water implementation fund for Texas any money disbursed to the storage acquisition fund as described by Section 15.301(3) if the requirements of Section 15.435 are satisfied.

The amendment to **CSHB 4** 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.

Senator Hinojosa offered the following amendment to the bill:

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

Amend proposed **CSHB 4** in SECTION 2.02 of the bill, in added Section 15.437(c)(6), Water Code, between "funds" and "to" (page 16, line 27), by inserting "already used or".

The amendment to **CSHB 4** 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:

Nays: Seliger.

Senator Uresti offered the following amendment to the bill:

**Floor Amendment No. 5**

Amend **CSHB 4** (senate committee printing) as follows:

(1) In SECTION 2.02 of the bill, in proposed Section 15.431, Water Code (page 3, between lines 26 and 27), insert the following:

(3) "Historically underutilized business" has the meaning assigned by Section 2161.001, Government Code.

(2) In SECTION 2.02 of the bill, in proposed Section 15.431(3), Water Code (page 3, line 27), strike "(3)" and substitute "(4)".

(3) In SECTION 2.02 of the bill, in proposed Section 15.435, Water Code, between Subsections (g) and (h) of the section (page 6, between lines 11 and 12), insert the following:

(h) The board may not direct the trust company to enter into a bond enhancement agreement with respect to bonds issued by the board the proceeds of which may be used to provide financial assistance to an applicant unless at the time of the request the applicant has acknowledged its legal obligation to comply with any applicable requirements of:

(1) federal law relating to contracting with disadvantaged business enterprises; and

(2) state law relating to contracting with historically underutilized businesses.

(4) Reletter the subsequent subsections of proposed Section 15.435, Water Code, and cross-references to those subsections accordingly.

(5) In SECTION 2.02 of the bill, at the end of proposed Section 15.438, Water Code (page 9, between lines 20 and 21), add the following:

(n) The executive administrator shall provide an annual report to the advisory committee on:

(1) the board's compliance with statewide annual goals relating to historically underutilized businesses; and

(2) the participation level of historically underutilized businesses in projects that receive funding related to a bond enhancement agreement under this subchapter.

(o) If the aggregate level of participation by historically underutilized businesses in projects that receive funding related to a bond enhancement agreement under this subchapter does not meet statewide annual goals adopted under Chapter 2161, Government Code, the advisory committee shall make recommendations to the board to improve the participation level.

The amendment to **CSHB 4** 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. 5 except as follows:

Nays: Seliger.

Senator Hegar offered the following amendment to the bill:

**Floor Amendment No. 6**

Amend **CSHB 4** (senate committee report) in SECTION 2.02 of the bill, in added Section 15.438(h)(7), Water Code, between "state" and the semicolon (page 9, line 2), by inserting "or that employ a significant number of residents of this state".

The amendment to **CSHB 4** 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. 6 except as follows:

Nays: Seliger.

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

**CSHB 4** as amended was passed to third reading by a viva voce vote.

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

Nays: Seliger.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 4 ON THIRD READING**

Senator Fraser moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 4** be placed on its third reading and final passage.

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

Nays: Seliger.

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

**STATEMENT OF LEGISLATIVE INTENT**

Senator Fraser submitted the following statement of legislative intent for **CSHB 4**:

House Bill 4 is designed to benefit the entire state, and the Legislature is counting on Texas Water Development Board to ensure that the implementation reaches all parts of the state.

House Bill 4 includes a provision directing the Texas Water Development Board to undertake applying not less than 10 percent of the money from the SWIFT to support projects for rural political subdivisions as defined by Texas Water Code Section 15.992 or for agriculture water conservation. I want to send a clear message to the Texas Water Development Board that they need to do their utmost to achieve this goal and to provide the appropriate outreach, financial and technical assistance to assist rural political subdivisions in using financing from the SWIFT through the Rural Water Assistance Fund.

House Bill 4 also includes provisions regarding the prioritization of projects within the regional water plans and the state water plan. It is my intent that these provisions are intended to provide a level playing field so that a variety of projects may ultimately be eligible for funding, including projects serving smaller rural communities – not just projects to benefit a particular area or population density of the state. Again, House Bill 4 is designed to provide benefits to all parts of Texas – rural and urban.

FRASER

**COMMITTEE SUBSTITUTE  
SENATE BILL 4 ON SECOND READING**

Senator Fraser moved to suspend the regular order of business to take up for consideration **CSSB 4** at this time on its second reading:

**CSSB 4**, Relating to the administration and functions of the Texas Water Development Board; authorizing the issuance of revenue bonds.

The motion prevailed.

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

The bill was read second time.

Senator Fraser offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 4** (senate committee printing) as follows:

(1) In Section 2.02 of the bill, strike proposed Section 15.432(a), Water Code (page 3, lines 29 through 37), and substitute the following:

(a) The state water implementation fund for Texas is a special fund in the state treasury outside the general revenue fund to be used by the board for the purpose of implementing the state water plan as provided by this subchapter. The board may establish separate accounts in the fund. The fund and the accounts in the fund are managed by the trust company.

(2) In Section 2.02 of the bill, strike proposed Section 15.472(a), Water Code (page 9, line 63, through page 10, line 2), and substitute the following:

(a) The state water implementation revenue fund for Texas is a special fund in the state treasury outside the general revenue fund to be used by the board only for the purpose of providing financing for projects included in the state water plan that are authorized under Subchapter E, Q, or R of this chapter, Subchapter E or F, Chapter 16, or Subchapter J, Chapter 17. The board may establish separate accounts in the fund.

(3) In Section 2.02 of the bill, in proposed Section 15.473(c), Water Code (page 10, line 30), strike "kept and held in escrow and in trust" and substitute "managed".

(4) In Section 2.02 of the bill, in proposed Section 15.473(d), Water Code (page 10, lines 36 and 37), strike "as custodian, shall administer" and substitute "shall manage".

(5) In Section 2.02 of the bill, at the end of proposed Section 15.474, Water Code (page 11, between lines 1 and 2), add the following:

(d) The board, or comptroller or corporate trustee managing the fund at the direction of the board as provided by Section 15.473(c), shall withdraw from the fund and forward to another person any amounts, as determined by the board, for timely payment of:

(1) the principal of and interest on bonds described by Subsection (c)(1)(A) of this section that mature or become due; and

(2) any cost related to bonds described by Subsection (c)(1)(A) of this section that become due, including payments under related credit agreements or bond enhancement agreements.

(6) In Section 2.12 of the bill, in proposed Section 17.853(c)(7), Water Code (page 14, line 40), strike "created under Section 15.472".

(7) At the end of Article 2 of the bill add an appropriately numbered section to the bill to read as follows:

SECTION 2. \_\_. Sections 2.01-2.06, 2.12-2.15, and 2.18-2.23 of this article take effect on the date on which the constitutional amendment proposed by the 83rd Legislature, Regular Session, 2013, adding Sections 49-d-12 and 49-d-13, Article III, Texas Constitution, creating the state water implementation fund for Texas and the state water implementation revenue fund for Texas takes effect. If that amendment is not approved by the voters, those sections of this article have no effect.

(8) Strike Section 3.01 of the bill and substitute the following:

SECTION 3.01. Except as otherwise provided by this Act, this Act takes effect September 1, 2013.

The amendment to **CSSB 4** was read and was adopted by a viva voce vote.

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

Senator Fraser offered the following amendment to the bill:

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

Amend **CSSB 4** (senate committee printing) as follows:

(1) In SECTION 2.02 of the bill, in added Section 15.434(b), Water Code (page 4, lines 55 through 61), strike Subdivision (2) of the subsection and substitute the following:

(2) 20 percent to support projects described by Section 15.435, including agricultural irrigation projects, that are designed for water conservation or reuse.

(2) In SECTION 2.02 of the bill, in added Section 15.435(a), Water Code (page 4, line 68, through page 5, line 5), strike the last two sentences of the subsection and substitute the following:

An obligation to disburse money from the fund, or from a special account established by the board, in accordance with a bond enhancement agreement is a special obligation of the board payable solely from designated income and receipts of the fund or of the account, as determined by the board. An obligation to disburse money from the fund, or from a special account established by the board, in accordance with a bond enhancement agreement does not constitute indebtedness of the state.

(3) In SECTION 2.02 of the bill, at the end of added Section 15.435, Water Code (page 6, following line 52), add the following:

(1) At the direction of the board, the trust company shall make disbursements from the fund, or from a special account established by the board, in accordance with a bond enhancement agreement in the amounts the board determines are needed for debt service payments on, or for security provisions of, general obligation bonds or revenue bonds issued by the board the proceeds of the sale of which have been deposited in another fund administered by the board, or in an account in that other fund, for use in accordance with this subchapter, after the board considers all other sources available for those purposes in that other fund or account. Money transferred under this subsection may be deposited into that other fund or into a special account established by the trust company or a corporate trustee that is a trust company or a bank that has the powers of a trust company, as determined by the board.

(4) In SECTION 2.02 of the bill, in added Section 15.436(a), Water Code (page 6, line 55), strike "planning area" and substitute "plan".

(5) In SECTION 2.02 of the bill, in added Section 15.472(c), Water Code, at the end of Subdivision (5) of the subsection (page 10, line 20), strike "and".

(6) In SECTION 2.02 of the bill, in added Section 15.472(c), Water Code (page 10, lines 21 and 22), strike Subdivision (6) of the subsection and substitute the following:

(6) repayments of loans made from the fund;

(7) money from the sale, transfer, or lease of a project acquired, constructed, reconstructed, developed, or enlarged with money from the fund; and

(8) money disbursed to the fund from the state water implementation fund for Texas as authorized by Section 15.434.

(7) In SECTION 2.02 of the bill, in added Section 15.474, Water Code (page 10, lines 45 through 58), strike Subsection (b) of the section and substitute the following:

(b) Financing or refinancing of projects described by Subsection (a) may be provided by using money in the fund to make loans to eligible political subdivisions or to purchase bonds or other obligations of eligible political subdivisions bearing interest at a rate or rates determined by the board, including a rate or rates below prevailing market rates.

(8) In SECTION 2.02 of the bill, in added Section 15.474(c), Water Code, at the end of Subdivision (1) of the subsection (page 10, line 67), strike "or".

(9) In SECTION 2.02 of the bill, in added Section 15.474(c), Water Code (page 10, line 68, through page 11, line 1), strike Subdivision (2) of the subsection and substitute the following:

(2) to acquire loans or other assets from another fund or account administered by the board, including political subdivision bonds sold or disposed of under Section 15.978 or 17.968; or

(3) to pay the necessary and reasonable expenses of paying agents, bond counsel, and financial advisory services and similar costs incurred by the board in administering the fund.

(10) In SECTION 2.02 of the bill, in added Section 15.475(c), Water Code, between "fund," and "including" (page 11, line 9), insert "or of one or more accounts in the fund.".

(11) Between SECTIONS 2.04 and 2.05 of the bill (page 12, between lines 35 and 36), insert the following appropriately numbered SECTION:

SECTION 2. \_\_. Section 15.978(c), Water Code, is amended to read as follows:

(c) Notwithstanding other provisions of this chapter, the board may sell to the Texas Water Resources Finance Authority or to the state water implementation revenue fund for Texas any political subdivision bonds purchased with money in the water infrastructure fund and may apply the proceeds of a sale in the manner provided by this section.

(12) Between SECTIONS 2.15 and 2.16 of the bill (page 15, between lines 20 and 21), insert the following appropriately numbered SECTIONS:

SECTION 2. \_\_. Subchapter L, Chapter 17, Water Code, is amended by adding Section 17.9617 to read as follows:

Sec. 17.9617. TRANSFERS TO STATE WATER IMPLEMENTATION REVENUE FUND FOR TEXAS. (a) The board may direct the comptroller to transfer money or other assets from an account in the fund, including from the financial assistance account or from the state participation account, to the state water implementation revenue fund for Texas to provide financial assistance under this subchapter and Subchapter H, Chapter 15.

(b) A transfer of money or other assets from an account in the fund may not cause general obligation bonds that are payable from the fund or from an account in the fund to no longer be self-supporting for purposes of Section 49-j(b), Article III, Texas Constitution, as determined by the board.

(c) The board shall use the state water implementation revenue fund for Texas, or an account in that fund, as a source of revenue to be deposited in accordance with this subchapter for the payment of principal and interest on water financial assistance bonds issued by the board, the proceeds of which are to be deposited into the state water implementation revenue fund for Texas, or the account in that fund, and to be used to make payments under a bond enhancement agreement with respect to principal or interest on the water financial assistance bonds.

SECTION 2. \_\_. Section 17.968, Water Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) The board may sell or dispose of political subdivision bonds or other assets purchased with money in the fund to any person, including the Texas Water Resources Finance Authority, or to another fund administered by the board, including the state water implementation revenue fund for Texas, and the board, in such manner as it shall determine, may apply the proceeds of the sale of political subdivision bonds or other assets held by the board to:

(1) pay debt service on water financial assistance bonds issued under this subchapter; or

(2) provide financial assistance to political subdivisions for any one or more of the purposes authorized by Section 49-d-8, Article III, Texas Constitution.

(a-1) A sale or disposition of political subdivision bonds or other assets may not cause general obligation bonds that are payable from the fund or from an account in the fund to no longer be self-supporting for purposes of Section 49-j(b), Article III, Texas Constitution, as determined by the board.

(13) In SECTION 2.16 of the bill, in added Section 49.153(e)(1)(E), Water Code (page 15, line 31), between "facilities" and the semicolon, insert the following: , provided that the district that executes the note is located wholly in a county that:

(i) does not contain a municipality that has a population of more than 750,000; and

(ii) is not adjacent to a county described by Subparagraph (i)

(14) In SECTION 2.17 of the bill, in amended Section 49.181(a), Water Code (page 15, lines 46 through 51), strike Subdivision (3) of the subsection and substitute the following:

(3) bonds issued to and approved by:

(A) the Farmers Home Administration;

(B) [5] the United States Department of Agriculture;

(C) [5] the North American Development Bank;

(D) [~~5~~] the Texas Water Development Board; or

(E) a federally chartered instrumentality of the United States authorized under 12 U.S.C. Section 2128(f) to finance such a project, provided that the district that issues the bonds is located wholly in a county that:

(i) does not contain a municipality that has a population of more than 750,000; and

(ii) is not adjacent to a county described by Subparagraph (i);

(15) Renumber the SECTIONS of ARTICLE 2 of the bill accordingly.

The amendment to **CSSB 4** was read and was adopted by a viva voce vote.

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

Senator Eltife offered the following amendment to the bill:

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

Amend **CSSB 4** (senate committee report) as follows:

(1) In SECTION 2.02 of the bill, in added Section 15.435(b), Water Code, between Subdivisions (1) and (2) of the subsection (page 5, between lines 16 and 17), insert the following subdivision and renumber the subsequent subdivisions of the subsection accordingly:

(2) the storage acquisition fund;

(2) In SECTION 2.02 of the bill, in added Section 15.438(h)(3), Water Code (page 8, line 58), strike "Q" and substitute "E, Q".

(3) In SECTION 2.02 of the bill, at the end of added Section 15.438, Water Code (page 9, between lines 20 and 21), add the following:

(n) The advisory committee shall evaluate and may provide comments or recommendations on the feasibility of the state owning, constructing, and operating water supply projects, including reservoirs and major water supply conveyance infrastructure, through existing financial assistance programs under Subchapter E of this chapter, Subchapter E or F, Chapter 16, or other mechanisms.

(4) In SECTION 2.02 of the bill, in added Section 15.474(a), Water Code (page 10, line 43), strike "Q" and substitute "E, Q".

(5) Add the following appropriately numbered SECTIONS to ARTICLE 2 of the bill and renumber subsequent SECTIONS of the ARTICLE accordingly:

SECTION 2. \_\_. Section 15.301, Water Code, is amended to read as follows:



Sec. 15.301. FUND CREATED. There is created a fund in the state treasury to be known as the storage acquisition fund which is to be funded by:

(1) direct appropriations;

(2) [~~and by~~] transfers from the fund at the discretion of the board; and

(3) money disbursed to the fund from the state water implementation fund for Texas as authorized by Section 15.434.

SECTION 2. \_\_. Section 15.302, Water Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) The board may use the storage acquisition fund for projects including the design, acquisition, lease, construction, reconstruction, development, or enlargement in whole or part of any existing or proposed water storage or conveyance project.

(c) The board shall transfer back to the state water implementation fund for Texas any money disbursed to the storage acquisition fund as described by Section 15.301(3) if the requirements of Section 15.435 are satisfied.

The amendment to **CSSB 4** 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.

Senator Hinojosa offered the following amendment to the bill:

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

Amend proposed **CSSB 4** in Section 2.02 of the bill, in added Section 15.437(c)(6), Water Code, between "funds" and "to", by inserting "already used or".

The amendment to **CSSB 4** 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:

Nays: Seliger.

Senator Uresti offered the following amendment to the bill:

#### **Floor Amendment No. 5**

Amend **CSSB 4** (senate committee printing) as follows:

(1) In SECTION 2.02 of the bill, in proposed Section 15.431, Water Code (page 3, between lines 26 and 27), insert the following:

(3) "Historically underutilized business" has the meaning assigned by Section 2161.001, Government Code.

(2) In SECTION 2.02 of the bill, in proposed Section 15.431(3), Water Code (page 3, line 27), strike "(3)" and substitute "(4)".

(3) In SECTION 2.02 of the bill, in proposed Section 15.435, Water Code, between Subsections (g) and (h) of the section (page 6, between lines 11 and 12), insert the following:

(h) The board may not direct the trust company to enter into a bond enhancement agreement with respect to bonds issued by the board the proceeds of which may be used to provide financial assistance to an applicant unless at the time of the request the applicant has acknowledged its legal obligation to comply with any applicable requirements of:

(1) federal law relating to contracting with disadvantaged business enterprises; and

(2) state law relating to contracting with historically underutilized businesses.

(4) Reletter the subsequent subsections of proposed Section 15.435, Water Code, and cross-references to those subsections accordingly.

(5) In SECTION 2.02 of the bill, at the end of proposed Section 15.438, Water Code (page 9, between lines 20 and 21), add the following:

(n) The executive administrator shall provide an annual report to the advisory committee on:

(1) the board's compliance with statewide annual goals relating to historically underutilized businesses; and

(2) the participation level of historically underutilized businesses in projects that receive funding related to a bond enhancement agreement under this subchapter.

(o) If the aggregate level of participation by historically underutilized businesses in projects that receive funding related to a bond enhancement agreement under this subchapter does not meet statewide annual goals adopted under Chapter 2161, Government Code, the advisory committee shall make recommendations to the board to improve the participation level.

The amendment to **CSSB 4** 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. 5 except as follows:

Nays: Seliger.

Senator Hegar offered the following amendment to the bill:

### **Floor Amendment No. 6**

Amend **CSSB 4** (senate committee report) in SECTION 2.02 of the bill, in added Section 15.438(h)(7), Water Code, between "state" and the semicolon (page 9, line 2), by inserting "or that employ a significant number of residents of this state".

The amendment to **CSSB 4** 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. 6 except as follows:

Nays: Seliger.

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

**CSSB 4** 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: Seliger.

**COMMITTEE SUBSTITUTE  
SENATE BILL 4 ON THIRD READING**

Senator Fraser moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 4** be placed on its third reading and final passage.

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

Nays: Seliger.

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

**STATEMENT OF LEGISLATIVE INTENT**

Senator Fraser submitted the following statement of legislative intent for **CSSB 4**:

Senate Bill 4 is designed to benefit the entire state, and the Legislature is counting on Texas Water Development Board to ensure that the implementation reaches all parts of the state.

Senate Bill 4 includes a provision directing the Texas Water Development Board to undertake applying not less than 10 percent of the money from the SWIFT to support projects for rural political subdivisions as defined by Texas Water Code Section 15.992 or for agriculture water conservation. I want to send a clear message to the Texas Water Development Board that they need to do their utmost to achieve this goal and to provide the appropriate outreach, financial and technical assistance to assist rural political subdivisions in using financing from the SWIFT through the Rural Water Assistance Fund.

Senate Bill 4 also includes provisions regarding the prioritization of projects within the regional water plans and the state water plan. It is my intent that these provisions are intended to provide a level playing field so that a variety of projects may ultimately be eligible for funding, including projects serving smaller rural communities – not just projects to benefit a particular area or population density of the state. Again, Senate Bill 4 is designed to provide benefits to all parts of Texas – rural and urban.

FRASER

**SENATE RULES SUSPENDED  
(Posting Rules)**

On motion of Senator Fraser and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Natural Resources might meet and consider the following bills today:

**SB 468, SB 1560, SB 1561.**

**CO-AUTHOR OF SENATE BILL 4**

On motion of Senator Fraser, Senator Campbell will be shown as Co-author of **SB 4**.

**CO-AUTHORS OF SENATE BILL 25**

On motion of Senator Hegar, Senators Patrick and Paxton will be shown as Co-authors of **SB 25**.

**CO-AUTHOR OF SENATE BILL 101**

On motion of Senator Patrick, Senator Paxton will be shown as Co-author of **SB 101**.

**CO-AUTHOR OF SENATE BILL 377**

On motion of Senator Lucio, Senator West will be shown as Co-author of **SB 377**.

**CO-AUTHORS OF SENATE BILL 675**

On motion of Senator Hancock, Senators Patrick and Paxton will be shown as Co-authors of **SB 675**.

**CO-AUTHOR OF SENATE BILL 1003**

On motion of Senator Carona, Senator Van de Putte will be shown as Co-author of **SB 1003**.

**CO-AUTHORS OF SENATE BILL 1198**

On motion of Senator Taylor, Senators Patrick and Paxton will be shown as Co-authors of **SB 1198**.

**CO-AUTHOR OF SENATE BILL 1258**

On motion of Senator Hinojosa, Senator West will be shown as Co-author of **SB 1258**.

**CO-AUTHOR OF SENATE BILL 1656**

On motion of Senator Williams, Senator Paxton will be shown as Co-author of **SB 1656**.

**CO-AUTHOR OF SENATE BILL 1799**

On motion of Senator Watson, Senator West will be shown as Co-author of **SB 1799**.

**CO-AUTHOR OF SENATE BILL 1907**

On motion of Senator Hegar, Senator Birdwell will be shown as Co-author of **SB 1907**.

**CO-AUTHOR OF SENATE JOINT RESOLUTION 10**

On motion of Senator Patrick, Senator Paxton will be shown as Co-author of **SJR 10**.

**CO-AUTHOR OF SENATE JOINT RESOLUTION 61**

On motion of Senator Schwertner, Senator Deuell will be shown as Co-author of **SJR 61**.

**CO-SPONSOR OF HOUSE BILL 63**

On motion of Senator Zaffirini, Senator Seliger will be shown as Co-sponsor of **HB 63**.

**CO-SPONSOR OF HOUSE BILL 915**

On motion of Senator Nelson, Senator Uresti will be shown as Co-sponsor of **HB 915**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**SR 772** by Taylor, In memory of Lilian Norman Keeney.

**SR 774** by Uresti, In memory of James Dominguez.

**Congratulatory Resolutions**

**SR 767** by Ellis, Recognizing Maye Frances Hainsworth-Hutson on the occasion of her 100th birthday.

**SR 769** by Fraser, Recognizing the history of Bandera.

**SR 775** by Nelson, Recognizing Kenneth Cooper on the 45th anniversary of his book *Aerobics*.

**SR 776** by Watson, Recognizing The University of Texas at Austin men's golf team for winning a national championship.

**SR 779** by West, Recognizing Christene Redden on the occasion of her 90th birthday.

**HCR 100** (Carona), Commending retired Texas Supreme Court chief justice Jack Pope for his service and congratulating him on his 100th birthday.

**Official Designation Resolutions**

**SR 770** by Watson, Recognizing April 30, 2013, as Autism Awareness Day.

**HCR 98** (Nelson), Designating May 2013 as Amyotrophic Lateral Sclerosis Awareness Month in Texas.

**ADJOURNMENT**

On motion of Senator Whitmire, the Senate at 4:24 p.m. adjourned until 11:00 a.m. tomorrow.

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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 29, 2013

CRIMINAL JUSTICE — **CSSB 1451, CSSB 1769**

EDUCATION — **SB 38, SB 39, CSSB 1725**

CRIMINAL JUSTICE — **CSSB 1191, CSSB 1439, CSSB 1440**

FINANCE — **SB 1606**

TRANSPORTATION — **CSSB 854**

INTERGOVERNMENTAL RELATIONS — **SB 438, SB 171, SB 1217, CSSB 1690, CSSB 1867, CSSB 1877, SB 1878, SB 1879, SB 1883, SB 1897, SB 1898, SB 1900, SB 1901, SB 1902, SB 1903, SJR 54**

TRANSPORTATION — **CSSB 1488**

GOVERNMENT ORGANIZATION — **CSSB 1208, CSSB 403**

JURISPRUDENCE — **CSSB 977**

FINANCE — **CSSB 1662, CSSJR 16, CSSJR 10, CSSB 101, CSSB 163**

CRIMINAL JUSTICE — **CSSB 368, CSSB 1517, CSSB 1522**

ECONOMIC DEVELOPMENT — **HB 1550, CSSB 1391**

FINANCE — **CSSJR 61**

AGRICULTURE, RURAL AFFAIRS AND HOMELAND SECURITY — **CSSB 1554**

HIGHER EDUCATION — **CSSB 1258**

EDUCATION — **CSSB 783**

STATE AFFAIRS — **CSSB 644, CSSB 1216, CSSB 1436**

ADMINISTRATION — **HCR 31, HB 407, HB 477, HB 2304, HB 2377**

HEALTH AND HUMAN SERVICES — **CSSB 1375, CSSB 1542, CSSB 1836**

INTERGOVERNMENTAL RELATIONS — **CSSB 1087, CSSB 1383, CSSB 1893**

STATE AFFAIRS — **HB 13, HB 278, HB 487, HB 1325, SB 338, SB 1503**

INTERGOVERNMENTAL RELATIONS — **CSSB 461, CSSB 1890**

FINANCE — **CSSB 1808**

## **BILLS ENGROSSED**

April 25, 2013

**SB 27, SB 94, SB 238, SB 316, SB 357, SB 475, SB 522, SB 591, SB 592, SB 593, SB 620, SB 651, SB 659, SB 667, SB 780, SB 835, SB 853, SB 872, SB 878, SB 893, SB 906, SB 913, SB 922, SB 929, SB 1046, SB 1079, SB 1086, SB 1095, SB 1098, SB 1106, SB 1116, SB 1133, SB 1158, SB 1162, SB 1167, SB 1176, SB 1189, SB 1192, SB 1200, SB 1221, SB 1234, SB 1240, SB 1268, SB 1312, SB 1368, SB 1400, SB 1402, SB 1403, SB 1415, SB 1432, SB 1460, SB 1461, SB 1473, SB 1489, SB 1508, SB 1509, SB 1510, SB 1553, SB 1556, SB 1585,**

**SB 1589, SB 1596, SB 1598, SB 1599, SB 1601, SB 1609, SB 1610, SB 1612, SB 1620, SB 1630, SB 1636, SB 1640, SB 1643, SB 1646, SB 1658, SB 1678, SB 1741, SB 1757, SB 1758, SB 1771, SB 1810, SB 1820, SB 1821, SB 1828, SB 1837, SB 1838, SB 1839, SB 1840, SB 1841, SB 1852, SB 1854, SB 1855, SB 1864, SB 1882**

**RESOLUTIONS ENROLLED**

April 25, 2013

**SCR 34, SR 755, SR 758, SR 759, SR 760, SR 761, SR 762, SR 764, SR 766**

**SENT TO GOVERNOR**

April 29, 2013

**SCR 34**

