

SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTY-SECOND DAY

(Friday, May 3, 2013)

The Senate met at 10:12 a.m. pursuant to adjournment and was called to order by Senator Eltife.

The roll was called and the following Senators were present: Birdwell, Campbell, 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.

Absent-excused: Carona.

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

Pastor Marc Rylander, Prestonwood Baptist Church, Plano, was introduced by Senator Paxton and offered the invocation as follows:

God, our creator and lord, we thank You for the opportunity to live in this great State of Texas. As the men and women of this Senate gather today to work for the people they serve, may Your blessing be upon their efforts, Your presence in their lives, Your truth in their decisions, Your law in their legislation, Your care over their families, and Your strength in their character. May the words of their mouths and the meditations of their hearts be pleasing in Your sight, O Lord, our rock and our redeemer. And in times like these, may You faithfully protect and defend the people of Texas—our homes, our lives, our resources, and those we most cherish and love. With respect to all beliefs, I humbly offer this prayer in the name of Jesus Christ the Lord. Amen.

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

The motion prevailed without objection.

LEAVE OF ABSENCE

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

MESSAGES FROM THE GOVERNOR

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

May 2, 2013
Austin, Texas

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

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

To be members of the Texas Board of Licensure for Professional Medical Physicists for terms to expire February 1, 2019:

Geoffrey "Geoff" Clarke

Boerne, Texas

(replacing Richard Wendt, III of Bellaire whose term expired)

Douglas A. Johnson

College Station, Texas

(Mr. Johnson is being reappointed)

John R. Leahy

Austin, Texas

(Dr. Leahy is being reappointed)

To be members of the Coastal Water Authority Board of Directors for terms to expire April 1, 2015:

Zebulun Nash

Houston, Texas

Douglas E. Walker

Beach City, Texas

The individuals listed above are being reappointed.

To be members of the State Board of Dental Examiners for terms to expire February 1, 2019:

Steven J. Austin

Amarillo, Texas

(Dr. Austin is being reappointed)

Kirby Bunel, Jr.

Texarkana, Texas

(replacing Maxwell Finn of Dallas whose term expired)

Timothy J. O'Hare

Farmers Branch, Texas

(replacing Ann Pauli of El Paso who is deceased)

Lois M. Palermo

League City, Texas

(replacing Alicia Grant of Richardson whose term expired)

Lewis M. White
Humble, Texas
(Mr. White is being reappointed)

To be members of the Texas Private Security Board for terms to expire January 31, 2019:

Charles Crenshaw
Spicewood, Texas
(Mr. Crenshaw is being reappointed)

D. Wade Hayden
San Antonio, Texas
(replacing Doris Washington of Grapevine whose term expired)

To be a member of the Correctional Managed Health Care Committee for a term to expire February 1, 2017:

Harold Berenzweig
Fort Worth, Texas

Dr. Berenzweig is being reappointed.

To be a member of the Commission on Jail Standards for a term to expire January 31, 2015:

Dennis D. Wilson
Groesbeck, Texas

Sheriff Wilson is replacing Sheriff Franklin Terry of White Deer who resigned.

To be a member of the Texas Higher Education Coordinating Board for a term to expire August 31, 2013:

Christopher M. Huckabee
Fort Worth, Texas

Mr. Huckabee is replacing James Lee of Houston who resigned.

Respectfully submitted,

/s/Rick Perry
Governor

PHYSICIAN OF THE DAY

Senator Deuell, on behalf of Senator Nelson, was recognized and presented Dr. Elizabeth Seymour of Corinth as the Physician of the Day.

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

GUESTS PRESENTED

Senator Birdwell was recognized and introduced to the Senate seventh- and eighth-grade students from the Malone Independent School District.

The Senate welcomed its guests.

SENATE RESOLUTION 821

Senator Seliger offered the following resolution:

SR 821, Recognizing May 3, 2013, as GenTX Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Seliger was recognized and introduced to the Senate a GenTX program delegation, accompanied by students from Rodriguez Elementary School, Houston Elementary School, Mendez Middle School, and Travis High School in the Austin Independent School District.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Campbell was recognized and introduced to the Senate high school students from Fischer representing Junior State of America.

The Senate welcomed its guests.

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

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

There was no objection.

CONCLUSION OF MORNING CALL

The Presiding Officer at 10:42 a.m. announced the conclusion of morning call.

SENATE BILL 1413 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 1413** at this time on its second reading:

SB 1413, Relating to the administration of retirement systems for paid, partly paid, or volunteer firefighters.

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

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

Absent-excused: Carona.

SENATE BILL 1413 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 1413** be placed on its third reading and final passage.

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

Absent-excused: Carona.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1322 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 1322** at this time on its second reading:

CSSB 1322, Relating to the provision of durable medical equipment and home health care services through informal and voluntary networks in the workers' compensation system; providing penalties.

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

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

Absent-excused: Carona.

**COMMITTEE SUBSTITUTE
SENATE BILL 1322 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 1322** be placed on its third reading and final passage.

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

Absent-excused: Carona.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**MOTION TO PLACE
COMMITTEE SUBSTITUTE
SENATE BILL 1383 ON SECOND READING**

Senator Hancock moved to suspend the regular order of business to take up for consideration **CSSB 1383** at this time on its second reading:

CSSB 1383, Relating to requiring municipalities to reimburse the Texas Department of Transportation for compensation paid for certain signs required to be relocated due to road construction.

Senator Hancock withdrew the motion to suspend the regular order of business.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate a Young Women's Alliance of Austin delegation.

The Senate welcomed its guests.

SENATE BILL 554 ON SECOND READING

Senator Campbell moved to suspend the regular order of business to take up for consideration **SB 554** at this time on its second reading:

SB 554, Relating to the penalty for theft of an official ballot or official carrier envelope for an election.

The motion prevailed.

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

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

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

Nays: Rodríguez.

Absent-excused: Carona.

SENATE BILL 554 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 554** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Rodríguez.

Absent-excused: Carona.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

**MOTION TO PLACE
COMMITTEE SUBSTITUTE
SENATE BILL 767 ON SECOND READING**

Senator Patrick moved to suspend the regular order of business to take up for consideration **CSSB 767** at this time on its second reading:

CSSB 767, Relating to the creation of DNA records for the DNA database system.

Senator Patrick withdrew the motion to suspend the regular order of business.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
Friday, May 3, 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 29 Branch

Relating to requiring certain general academic teaching institutions to offer a four-year fixed tuition price plan to undergraduate students.

HB 124 Anderson

Relating to the addition of Salvia divinorum and its derivatives and extracts to Penalty Group 3 of the Texas Controlled Substances Act.

HB 137 Raymond

Relating to the information reported to the comptroller by a coin-operated machine license holder, the penalty for failure to report that information, the penalty for gambling promotion, and the prosecution of certain gambling offenses.

HB 294 Rodriguez, Eddie

Relating to the exemption from ad valorem taxation of certain property owned by a charitable organization and used in providing housing and related services to certain homeless individuals.

HB 693 Phillips

Relating to the authority of a water and sewer utility to collect voluntary contributions on behalf of a local library.

HB 800 Murphy

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

HB 843 Lucio III

Relating to persons entitled to notice of and to participation in certain hearings regarding a child in the conservatorship of the state.

HB 955 Isaac

Relating to the penalty for the offense of reckless driving.

HB 1044 Eiland

Relating to the operation of all-terrain vehicles and recreational off-highway vehicles; creating an offense.

HB 1079 Smith

Relating to the procedural requirements for action by the Texas Commission on Environmental Quality on applications for production area authorizations.

HB 1224 Hilderbran

Relating to continuing education requirements and a registration exemption for county tax assessor-collectors.

HB 1358 Hunter

Relating to procedures for certain audits of pharmacists and pharmacies.

- HB 1376** Kolkhorst
Relating to advertising by certain facilities that provide emergency services; providing an administrative penalty.
- HB 1448** Kuempel
Relating to the use of money deposited to a justice court technology fund in certain counties.
- HB 1492** Bell
Relating to the creation of the Montgomery County Municipal Utility District No. 140; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.
- HB 1506** Bell
Relating to the creation of the Montgomery County Municipal Utility District No. 106; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.
- HB 1520** Bonnen, Dennis
Relating to the liability of certain persons for damages arising from training exercises to prepare the persons to respond to certain emergencies.
- HB 1563** King, Tracy O.
Relating to fees of office for directors of groundwater conservation districts.
- HB 1586** Creighton
Relating to municipal consent provisions applicable to the Montgomery County Municipal Utility District No. 126.
- HB 1781** King, Ken
Relating to a limitation on sanctions imposed on school districts for the sale of foods of minimal nutritional value.
- HB 1800** Huberty
Relating to the powers and duties of the Harris County Municipal Utility District No. 422; providing authority to issue bonds; providing authority to impose fees and taxes.
- HB 1803** Callegari
Relating to the renewal of a controlled substance registration by physicians; changing the payment schedule for a fee.
- HB 2112** Raymond
Relating to financial disclosure reports made by a member of a county planning commission.
- HB 2293** Kuempel
Relating to the use of certain types of steel slag in road construction by the Texas Department of Transportation.
- HB 2407** Naishtat
Relating to restoration of a person's right to purchase a firearm on termination of a guardianship.
- HB 2409** Naishtat
Relating to a court administrator hired by a statutory probate court.

- HB 2424** Martinez, "Mando"
Relating to the designation of the part of U.S. Highway 83 Business in Hidalgo and Cameron Counties as a portion of the national Purple Heart Trail.
- HB 2454** Frank
Relating to reimbursement of health care services rendered by a health care provider for an inmate of a county jail or another county correctional facility.
- HB 2509** Anchia
Relating to the business leave time account for a police officer employee organization in certain municipalities.
- HB 2549** Patrick, Diane
Relating to the periodic review and revision of college and career readiness standards in public education.
- HB 2550** Patrick, Diane
Relating to the consolidation of the Higher Education Enrollment Assistance Program and the Higher Education Assistance Plan and the transfer of certain enrollment assistance duties to institutions of higher education.
- HB 2585** Harper-Brown
Relating to the reimbursement of utilities for relocation of utility facilities following improvement or construction of certain tolled highways.
- HB 2874** Harper-Brown
Relating to the designation by the Texas Department of Motor Vehicles of the registration year for certain vehicles sold by a dealer.
- HB 2918** Thompson, Senfronia
Relating to statutory durable powers of attorney.
- HB 2947** Harper-Brown
Relating to the notice provided by a purchaser of a motor vehicle of the designated county of title issuance.
- HB 3070** Simpson
Relating to the designation of U.S. Highway 80 as a historic highway.
- HB 3106** Morrison
Relating to compensatory payments made in connection with the issuance of certain title insurance policies.
- HB 3116** Cook
Relating to the recovery of uniform statewide accounting project costs from state agencies and vendors.
- HB 3209** Alonzo
Relating to the designation of May 9 as Willie Velasquez Day.
- HB 3212** Phillips
Relating to the Red River Boundary Compact and the creation of the Red River Boundary Commission.
- HB 3413** Flynn
Relating to the operation and movement of authorized emergency vehicles.

- HB 3567** Kleinschmidt
Relating to the composition of the structural pest control advisory committee.
- HB 3659** Reynolds
Relating to the Houston Community College System District service area.
- HB 3677** Farney
Relating to the issuance of Foundation School Program license plates.
- HB 3748** Farrar
Relating to the costs associated with proceedings regarding cruelly treated animals; authorizing fees and costs.
- HB 3795** Coleman
Relating to the creation of a county assistance district.
- HB 3831** Herrero
Relating to the designation of a portion of State Highway 358 as the Peace Officers Memorial Highway.
- HB 3905** Bonnen, Dennis
Relating to the Angleton-Danbury Hospital District of Brazoria County, Texas.
- HB 3925** Smith
Relating to the dissolution of the Harris County Municipal Utility District No. 213; the creation of the Harris County Municipal Utility District No. 213-A; the creation of the Harris County Municipal Utility District No. 213-B; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.
- HB 3935** Thompson, Senfronia
Relating to the territory of the East Aldine Management District.
- HCR 51** King, Ken
Designating March 5 as Charles Goodnight Day for a 10-year period beginning in 2013.
- HCR 62** Kleinschmidt
Designating October 2 as "Come and Take It" Day for a 10-year period beginning in 2013.
- HCR 68** Farney
Designating the first full week of May as Texas Teacher Appreciation Week for a 10-year period beginning in 2013.
- HCR 82** Hunter
Requesting the creation of a joint interim committee to study education policy as it relates to developing a skilled workforce.
- HCR 89** Hunter
Requesting the creation of a joint interim committee to study recruiting firearms and ammunition manufacturers to Texas.
- HCR 96** Button
Designating Garland as the Cowboy Hat Capital of Texas.

- SB 162** Van de Putte Sponsor: Flynn
Relating to the occupational licensing of spouses of members of the military and the eligibility requirements for certain occupational licenses issued to applicants with military experience.
- SB 166** Deuell Sponsor: Larson
Relating to the use by certain health care providers of electronically readable information from a driver's license or personal identification certificate.
(Committee Substitute)
- SB 181** Hegar Sponsor: Guillen
Relating to verification of motor vehicle financial responsibility information.
(Committee Substitute)
- SB 265** Huffman Sponsor: Thompson,
Senfronia
Relating to bond requirements for county officers and employees, district attorneys, and criminal district attorneys.
(Committee Substitute)
- SB 274** Williams Sponsor: Eiland
Relating to permits for oversize and overweight vehicles in a certain county.
(Amended)
- SB 276** Watson Sponsor: Crownover
Relating to the authority of certain transportation authorities to create a local government corporation.
- SB 330** Huffman Sponsor: Thompson,
Senfronia
Relating to certain information to which a social study evaluator is entitled in a suit affecting the parent-child relationship; providing a criminal penalty.
- SB 334** Rodríguez Sponsor: Márquez
Relating to preliminary review of complaints filed with a county ethics commission.
- SB 349** Nichols Sponsor: Creighton
Relating to standards for power lines.
- SB 365** Carona Sponsor: Parker
Relating to expedited credentialing for certain podiatrists and therapeutic optometrists providing services under a managed care plan.
(Committee Substitute)
- SB 366** Taylor Sponsor: Callegari
Relating to the authority of political subdivisions to offer certain deferred compensation plans to employees.
- SB 411** Carona Sponsor: Eiland
Relating to insurers' duty to provide information in a fraud investigation.
- SB 412** Seliger Sponsor: Lewis
Relating to the authority of certain counties to impose a hotel occupancy tax for the maintenance, operation, and promotion of and improved access to a coliseum in the county; authorizing a tax.
(Amended)

- SB 458** Rodríguez Sponsor: Márquez
Relating to certain motor vehicle records excepted from disclosure under the Public Information Act.
- SB 466** Hinojosa Sponsor: Harper-Brown
Relating to the authority of the Texas Department of Transportation to participate in certain federal transportation programs.
- SB 471** Ellis Sponsor: Harper-Brown
Relating to technological efficiencies in the recording of certain open meetings.
- SB 506** Watson Sponsor: Thompson, Senfronia
Relating to an exemption from registration and regulation requirements for steam cookers.
- SB 595** Hegar Sponsor: Zerwas
Relating to the power of the North Fort Bend Water Authority to impose a charge on certain wells or classes of wells.
- SB 611** Lucio Sponsor: Lucio III
Relating to the irrigation powers and functions of certain water districts; providing authority for a district by rule to change fees; clarifying a district's authority to impose certain assessments.
(Committee Substitute/Amended)
- SB 649** Rodríguez Sponsor: Thompson, Senfronia
Relating to the exemption of certain property from seizure by creditors.
- SB 655** Birdwell Sponsor: King, Phil
Relating to the exercise of the power of eminent domain by certain authorized entities.
- SB 686** Huffman Sponsor: Villalba
Relating to the change of the name of the Commission on Law Enforcement Officer Standards and Education to the Texas Commission on Law Enforcement.
- SB 733** Carona Sponsor: Sheets
Relating to the Texas Automobile Insurance Plan Association.
- SB 748** Nelson Sponsor: Geren
Relating to the use of certain tax revenue to enhance and upgrade convention center facilities, multipurpose arenas, venues, and related infrastructure in certain municipalities.
(Committee Substitute)
- SB 777** Ellis Sponsor: Naishtat
Relating to the terms of the public members of the Texas Holocaust and Genocide Commission.
- SB 795** Lucio Sponsor: Oliveira
Relating to the composition and powers of a governing body in certain municipalities.
- SB 820** Williams Sponsor: Guillen
Relating to the management, breeding, and destruction of deer and to procedures regarding certain deer permits.
(Committee Substitute)

- SB 849** Carona Sponsor: Oliveira
Relating to social purposes of a for-profit corporation and the consideration of social purposes and other interests by officers and directors of a for-profit corporation.
- SB 852** Taylor Sponsor: Smithee
Relating to availability of certain property and casualty insurance forms.
- SB 866** Paxton Sponsor: Elkins
Relating to authorizing local governments to participate in statewide technology centers.
(Committee Substitute)
- SB 885** Hinojosa Sponsor: Harper-Brown
Relating to notice of utility rate increases.
- SB 901** Fraser Sponsor: Paddie
Relating to safety standards and practices applicable to the transportation by pipeline of certain substances.
(Amended)
- SB 902** Fraser Sponsor: Callegari
Relating to the operation, powers, and duties of certain water districts.
- SB 905** Van de Putte Sponsor: Kuempel
Relating to the sale of distilled spirits to ultimate consumers by the holder of a distiller's and rectifier's permit.
- SB 920** Eltife Sponsor: Reynolds
Relating to the requirement that an unemployed individual be actively seeking work to be eligible for unemployment compensation benefits.
- SB 965** Williams Sponsor: Bohac
Relating to the correction of employment termination reports for law enforcement officers.
(Committee Substitute)
- SB 971** Williams Sponsor: Deshotel
Relating to the purposes, designation, and funding of a transportation reinvestment zone for port projects; providing authority to issue bonds; authorizing an assessment.
(Committee Substitute)
- SB 972** Carona Sponsor: Thompson,
Senfronia
Relating to the repeal of certain offenses relating to certain occupations regulated by the Texas Department of Licensing and Regulation.
- SB 1019** Estes Sponsor: Frank
Relating to the investment of funds by the governing boards of certain institutions of higher education.
- SB 1026** Duncan Sponsor: Ritter
Relating to the nonsubstantive revision of certain local laws concerning special districts, including conforming amendments.
- SB 1041** Zaffirini Sponsor: Lozano
Relating to authorizing certain counties to impose a hotel occupancy tax.

SB 1093 West Sponsor: Harper-Brown
 Relating to nonsubstantive additions to and corrections in enacted codes, to the nonsubstantive codification or disposition of various laws omitted from enacted codes, and to conforming codifications enacted by the 82nd Legislature to other Acts of that legislature.
 (Amended)

SB 1157 Schwertner Sponsor: Otto
 Relating to the transfer of certain state property in Walker County from the Texas Board of Criminal Justice to the board of regents of the Texas State University System.

SB 1236 West Sponsor: Gonzalez, Naomi
 Relating to the extension of an emergency order for protective services for certain persons who are elderly or have disabilities.

SB 1489 Watson Sponsor: Phillips
 Relating to the powers and jurisdiction of a regional mobility authority.
 (Committee Substitute)

SB 1537 Deuell Sponsor: Cortez
 Relating to certain required notices under the Texas Unemployment Compensation Act, including employer liability arising from failure to provide the notice.

Respectfully,

/s/Robert Haney, Chief Clerk
 House of Representatives

SENATE RESOLUTION 824

Senator West offered the following resolution:

SR 824, Congratulating the Triple A Academy Stallions boys' basketball team on winning a state championship.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate the Triple A Academy boys' basketball team, accompanied by Jeremiah Jefferson, King McClure, Tyler Singleton, Gary Breaux, Harrison Henderson, and Head Coach Timothy Singleton.

The Senate welcomed its guests.

COMMITTEE SUBSTITUTE SENATE BILL 1478 ON SECOND READING

Senator Rodríguez moved to suspend the regular order of business to take up for consideration **CSSB 1478** at this time on its second reading:

CSSB 1478, Relating to the satisfaction of annual renewable energy requirements by certain utilities.

The motion prevailed by the following vote: Yeas 20, Nays 10.

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

Nays: Birdwell, Deuell, Estes, Fraser, Huffman, Nichols, Patrick, Paxton, Taylor, Williams.

Absent-excused: Carona.

The bill was read second time.

Senator Rodríguez offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1478** (senate committee printing) in SECTION 1 of the bill, in added Section 39.904(c-1), Utilities Code, as follows:

(1) On page 1, line 34, strike "in the utility's Texas or New Mexico service area" and substitute "from facilities connected to the utility's transmission or distribution systems located in Texas or New Mexico".

(2) On page 1, strike lines 42 and 43 and substitute the following:
and verified from facilities connected to the utility's transmission or distribution systems located in Texas or New Mexico;

(2) the electric utility must be permitted to recover, through the rate-making process, all reasonable costs of complying with the goals for renewable energy provided by this section;

(3) the electric utility must be permitted to recover, through its fuel factor, its costs for the purchase of renewable energy credits to comply with this section, provided that before the utility's next base rate proceeding filed after May 1, 2013, the amount that may be recovered through the fuel factor is limited to the amount by which the cost of the purchase of renewable energy credits exceeds the amount requested by the utility in its most recent rate proceeding filed before May 1, 2013;

(4) regulatory authorities may not exclude from the electric utility's invested capital the electric utility's reasonable investment in interconnection and transmission facilities made to deliver to its retail customers in Texas renewable energy procured to comply with this subsection;

(5) the maximum amount per renewable energy credit

(3) On page 1, line 51, strike "(3)" and substitute "(6)".

(4) On page 1, strike lines 54 and 55 and substitute the following:

(A) are physically metered and verified from facilities connected to the utility's transmission or distribution systems located in New Mexico; and

The amendment to **CSSB 1478** was read and was adopted by the following vote: Yeas 16, Nays 14.

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

Nays: Birdwell, Campbell, Deuell, Estes, Fraser, Hancock, Hegar, Huffman, Nichols, Patrick, Paxton, Schwertner, Taylor, Williams.

Absent-excused: Carona.

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

CSSB 1478 as amended was passed to engrossment by the following vote: Yeas 16, Nays 14.

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

Nays: Birdwell, Campbell, Deuell, Estes, Fraser, Hancock, Hegar, Huffman, Nichols, Patrick, Paxton, Schwertner, Taylor, Williams.

Absent-excused: Carona.

COMMITTEE SUBSTITUTE SENATE BILL 1439 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 1439** at this time on its second reading:

CSSB 1439, Relating to evidence technician training and the disposition of certain evidence in a criminal case.

The bill was read second time.

Senator West offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1439** (senate committee printing) as follows:

In Section 2 of the bill, in added Article 38.48, Code of Criminal Procedure, on page 1, line 59, strike "60th" and substitute "30th".

The amendment to **CSSB 1439** was read and was adopted by a viva voce vote.

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

Absent-excused: Carona.

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

CSSB 1439 as amended was passed to engrossment by a viva voce vote.

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

Absent-excused: Carona.

COMMITTEE SUBSTITUTE SENATE BILL 1439 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 1439** be placed on its third reading and final passage.

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

Absent-excused: Carona.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1555 ON SECOND READING**

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1555** at this time on its second reading:

CSSB 1555, Relating to requirements for state educator certification examinations.

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

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

Absent-excused: Carona.

**COMMITTEE SUBSTITUTE
SENATE BILL 1555 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1555** be placed on its third reading and final passage.

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

Absent-excused: Carona.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE BILL 1900 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1900** at this time on its second reading:

SB 1900, Relating to the creation of the LaSalle Municipal Utility District No. 2; 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 except as follows:

Absent-excused: Carona.

SENATE BILL 1900 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1900** be placed on its third reading and final passage.

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

Absent-excused: Carona.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE BILL 1901 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1901** at this time on its second reading:

SB 1901, Relating to the creation of the LaSalle Municipal Utility District No. 3; 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 except as follows:

Absent-excused: Carona.

SENATE BILL 1901 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1901** be placed on its third reading and final passage.

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

Absent-excused: Carona.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE BILL 1902 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1902** at this time on its second reading:

SB 1902, Relating to the creation of the LaSalle Municipal Utility District No. 4; 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 except as follows:

Absent-excused: Carona.

SENATE BILL 1902 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1902** be placed on its third reading and final passage.

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

Absent-excused: Carona.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE BILL 1903 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1903** at this time on its second reading:

SB 1903, Relating to the creation of the LaSalle Municipal Utility District No. 5; 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 except as follows:

Absent-excused: Carona.

SENATE BILL 1903 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1903** be placed on its third reading and final passage.

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

Absent-excused: Carona.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

COMMITTEE SUBSTITUTE**SENATE BILL 461 ON SECOND READING**

Senator Rodríguez moved to suspend the regular order of business to take up for consideration **CSSB 461** at this time on its second reading:

CSSB 461, Relating to development regulations for certain unincorporated areas located near the Tornillo-Guadalupe Port of Entry; providing a penalty.

The motion prevailed by the following vote: Yeas 20, Nays 9.

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

Nays: Birdwell, Campbell, Estes, Fraser, Hancock, Huffman, Patrick, Paxton, Taylor.

Absent: Uresti.

Absent-excused: Carona.

The bill was read second time and was passed to engrossment by the following vote: Yeas 19, Nays 10.

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

Nays: Birdwell, Campbell, Deuell, Estes, Fraser, Hancock, Huffman, Patrick, Paxton, Taylor.

Absent: Uresti.

Absent-excused: Carona.

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate Barton Hills Elementary School fourth-grade students.

The Senate welcomed its guests.

COMMITTEE SUBSTITUTE SENATE BILL 883 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 883** at this time on its second reading:

CSSB 883, Relating to promotional items provided by manufacturers, wholesalers, and distributors of alcoholic beverages to retailers.

The bill was read second time.

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

Floor Amendment No. 1

Amend **CSSB 883** (senate committee report), in SECTION 1 of the bill, in added Section 108.036(a), Alcoholic Beverage Code (page 1, line 29), between "distributor tier" and "may", by inserting ", other than a local distributor who holds a permit issued under Chapter 23,".

The amendment to **CSSB 883** was read and was adopted by a viva voce vote.

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

Absent-excused: Carona.

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 883 as amended was passed to engrossment by a viva voce vote.

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

Absent-excused: Carona.

**COMMITTEE SUBSTITUTE
SENATE BILL 883 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 883** be placed on its third reading and final passage.

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

Absent-excused: Carona.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

RECESS

On motion of Senator Hegar, the Senate at 11:56 a.m. recessed until 12:30 p.m. today.

AFTER RECESS

The Senate met at 2:51 p.m. and was called to order by the President.

BILLS SIGNED

The President announced the signing of the following enrolled bills in the presence of the Senate after the captions had been read:

HB 407, HB 477, HB 2377, HB 2472.

(Senator Estes in Chair)

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

Senator Whitmire submitted the following Motion In Writing:

Mr. President:

I move suspension of Senate Rule 7.07(b) to permit the introduction of the following bill: **SB 221**.

WHITMIRE

The Motion In Writing prevailed without objection.

SENATE BILL ON FIRST READING

The following bill was introduced, read first time, and referred to the committee indicated:

SB 221 by Zaffirini

Relating to the composition and employees of the Texas Funeral Service Commission. To Committee on Government Organization.

HOUSE BILLS AND RESOLUTION ON FIRST READING

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

- HB 127** to Committee on State Affairs.
- HB 489** to Committee on Health and Human Services.
- HB 517** to Committee on Criminal Justice.
- HB 545** to Committee on Economic Development.
- HB 580** to Committee on Education.
- HB 633** to Committee on Veteran Affairs and Military Installations.
- HB 642** to Committee on Education.
- HB 697** to Committee on Finance.
- HB 717** to Committee on Jurisprudence.
- HB 802** to Committee on Intergovernmental Relations.
- HB 824** to Committee on Natural Resources.
- HB 939** to Committee on Economic Development.
- HB 995** to Committee on Intergovernmental Relations.
- HB 1000** to Committee on Higher Education.
- HB 1086** to Committee on Business and Commerce.
- HB 1372** to Committee on Intergovernmental Relations.
- HB 1791** to Committee on Economic Development.
- HB 1807** to Committee on Agriculture, Rural Affairs and Homeland Security.
- HB 2259** to Committee on Intergovernmental Relations.
- HB 2442** to Committee on State Affairs.
- HB 2443** to Committee on Criminal Justice.
- HB 2649** to Committee on Agriculture, Rural Affairs and Homeland Security.
- HB 2760** to Committee on Higher Education.
- HB 2961** to Committee on Education.
- HB 3176** to Committee on Intergovernmental Relations.
- HB 3905** to Committee on Administration.
- HJR 87** to Committee on Intergovernmental Relations.

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 1392 ON SECOND READING**

Senator Davis moved to suspend the regular order of business to take up for consideration **CSSB 1392** at this time on its second reading:

CSSB 1392, Relating to an audit by the state auditor and a study by the comptroller of the events trust funds.

The motion prevailed.

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

The bill was read second time.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1392** (senate committee printing) by striking SECTION 3 of the bill (page 2, lines 12-21) and substituting the following:

SECTION 3. (a) Notwithstanding any other law, the comptroller of public accounts shall reimburse the state auditor for the cost of the audit conducted under Section 1 of this Act. The comptroller may reimburse the state auditor from the funds described by Subsection (b) of this section or the money collected in the manner described by Subsection (c) of this section, or with a combination of the funds and money.

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

(c) The comptroller may reimburse the state auditor using money collected by deducting an administrative fee not to exceed three percent from amounts disbursed from the funds. The comptroller may deduct this fee until the comptroller has collected an amount sufficient to reimburse the state auditor under this section.

The amendment to **CSSB 1392** was read and was adopted by a viva voce vote.

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

Absent-excused: Carona.

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

CSSB 1392 as amended was passed to engrossment by the following vote: Yeas 29, Nays 1.

Nays: Campbell.

Absent-excused: Carona.

**COMMITTEE SUBSTITUTE
SENATE BILL 1392 ON THIRD READING**

Senator Davis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1392** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Campbell.

Absent-excused: Carona.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

GUEST PRESENTED

Senator West was recognized and introduced to the Senate Marc Morial, President of the National Urban League and former Mayor of New Orleans.

The Senate welcomed its guest.

HOUSE BILL 1642 RECOMMITTED

On motion of Senator Eltife and by unanimous consent, **HB 1642** was recommitted to the Committee on Administration.

CO-AUTHOR OF SENATE BILL 1494

On motion of Senator Hinojosa, Senator Lucio will be shown as Co-author of **SB 1494**.

CO-AUTHOR OF SENATE BILL 1908

On motion of Senator West, Senator Paxton will be shown as Co-author of **SB 1908**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 10

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

CO-SPONSOR OF HOUSE BILL 1160

On motion of Senator Nelson, Senator Eltife will be shown as Co-sponsor of **HB 1160**.

CO-SPONSOR OF HOUSE BILL 3064

On motion of Senator Campbell, Senator Schwertner will be shown as Co-sponsor of **HB 3064**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 825 by Uresti, In memory of the life of Oliver Prince Smith.

SR 826 by Watson, In memory of Nell Schotz.

SR 827 by Watson, In memory of John A. Limon.

SR 833 by Van de Putte, In memory of Ruth McLean Bowman Bowers.

Congratulatory Resolutions

SR 768 by West, Recognizing John Ellis Price for his service as president of the University of North Texas at Dallas.

SR 822 by Seliger, Recognizing the restoration of the home of Charles and Mary Ann Goodnight.

SR 828 by Watson, Recognizing Ananias Bustos Perez on the occasion of his 100th birthday.

SR 829 by Zaffirini, Recognizing the 20th anniversary of the Young Women's Alliance.

SR 830 by West, Recognizing Bradie Gene James for his humanitarian pursuits.

SR 831 by West, Recognizing Harold Boyd on the occasion of his 100th birthday.

SR 832 by Van de Putte, Recognizing the San Antonio Scorpions soccer franchise.

SR 835 by Watson, Recognizing Kerry and Brad Heilman on the occasion of their 13th wedding anniversary.

HCR 118 (Zaffirini), Honoring the Fasken family on the 100th anniversary of Fasken Oil and Ranch, Ltd.

Official Designation Resolutions

SR 823 by Nelson, Recognizing September 23, 2013, as National Restless Legs Syndrome–Willis-Ekbom Disease Awareness Day.

SR 834 by Van de Putte, Recognizing May 6 through 12, 2013, as STEM Education Week.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 3:07 p.m. adjourned until 11:00 a.m. Monday, May 6, 2013.

APPENDIX

COMMITTEE REPORTS

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

May 3, 2013

TRANSPORTATION — **CSHB 1642**

STATE AFFAIRS — **HB 1422, SB 103, HB 666, HB 1016, HB 1164**

AGRICULTURE, RURAL AFFAIRS AND HOMELAND SECURITY — **CSSB 524, CSHB 1818**

OPEN GOVERNMENT — **CSSB 1563**

NATURAL RESOURCES — **CSSB 619**

INTERGOVERNMENTAL RELATIONS — **CSSB 628, CSSB 930, CSSB 1906**

STATE AFFAIRS — **CSHB 1445**

HEALTH AND HUMAN SERVICES — **SB 807**

BILLS ENGROSSEDMay 2, 2013

SB 44, SB 171, SB 212, SB 338, SB 460, SB 495, SB 514, SB 644, SB 691, SB 873, SB 947, SB 977, SB 1010, SB 1145, SB 1207, SB 1216, SB 1258, SB 1384, SB 1436, SB 1479, SB 1480, SB 1481, SB 1525, SB 1535, SB 1557, SB 1576, SB 1590, SB 1604, SB 1638, SB 1664, SB 1727, SB 1772, SB 1775, SB 1801, SB 1827, SB 1836, SB 1856, SB 1858, SB 1859, SB 1861, SB 1862, SB 1869, SB 1872, SB 1884, SB 1889, SB 1890

RESOLUTIONS ENROLLEDMay 2, 2013

SR 810, SR 811, SR 812, SR 813, SR 814, SR 815, SR 816, SR 817, SR 818, SR 819

SIGNED BY GOVERNORMay 2, 2013

SB 422, SB 510, SB 530, SB 543, SB 847, SB 953