

SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTY-SIXTH DAY
(Thursday, May 9, 2013)

The Senate met at 11:21 a.m. pursuant to adjournment and was called to order by the President.

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

Absent-excused: Van de Putte.

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

Father Albert Laforet, Saint Mary Cathedral, Austin, offered the invocation as follows:

God most high, our Father in heaven, You are the source of all love, truth, and justice. We come before You this day thanking You for all of Your good gifts to us. We ask You to bless the work of this Senate today. May all be filled with Your gifts so that all the citizens of Texas would benefit from their work. We commend to Your goodness the people of West as they mourn the loss of loved ones and rebuild their community. We ask You to bless all the people of Texas. In Your name we pray. 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 Van de Putte was granted leave of absence for today on account of a death in the family.

PHYSICIAN OF THE DAY

Senator Campbell was recognized and presented Dr. Michael Dominguez of San Antonio as the Physician of the Day.

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

SENATE RESOLUTION 865

Senator Zaffirini offered the following resolution:

WHEREAS, Mother's Day is a celebration of motherhood that was first observed in the United States in 1908; and

WHEREAS, Women represent the fastest-growing segment of the United States workforce and now make up 47 percent of the total civilian labor force; women of childbearing age form a large segment of the labor market, and among all women with children under age three, 60 percent are in the workforce; and

WHEREAS, Working mothers include full-time mothers, those who work from home, those who work in the public and private sectors, and, particularly, those who work at the Texas Senate; and

WHEREAS, Working mothers especially thrive in family-friendly workplaces, including workplaces that support new mothers by providing them the opportunity to achieve work-life balance, peer support, and the privacy and flexibility necessary for them to reach their breastfeeding goals; and

WHEREAS, Many organizations across the state provide information and support for working mothers, including information about achieving work-life balance, identifying peer support, and breastfeeding their infants; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby express its gratitude to all mothers, especially to those who work in the Texas Senate; extend its best wishes for a memorable Mother's Day; and commend the efforts of all who promote family-friendly work environments for mothers; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of this special occasion.

ZAFFIRINI	GARCIA	SELIGER
BIRDWELL	HINOJOSA	TAYLOR
CAMPBELL	HUFFMAN	URESTI
CARONA	NELSON	WATSON
DAVIS	RODRÍGUEZ	WHITMIRE
ELTIFE	SCHWERTNER	

SR 865 was read and was adopted without objection.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate representatives of organizations that provide information and support to mothers: Central Texas Healthy Mothers Healthy Babies Coalition, Driscoll Children's Hospital, The Lactation Foundation, La Leche League, March of Dimes, Mothers' Milk Bank, Pediatrix Medical Group of San Antonio, Texas Breastfeeding Coalition, and Texas Pediatric Society.

The Senate welcomed its guests.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Thursday, May 9, 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:

SB 620 Van de Putte Sponsor: Allen
Relating to student loan repayment assistance for speech-language pathologists or audiologists employed by a public school or as faculty members of certain programs at public institutions of higher education.

SB 822 Schwertner Sponsor: Eiland
Relating to the regulation of certain health care provider network contract arrangements; providing an administrative penalty; authorizing a fee.
(Amended)

SB 1360 Rodríguez Sponsor: Herrero
Relating to the punishment for the offense of tampering with a witness and the evidence that may be offered to show that offense.

SB 1538 Van de Putte Sponsor: Farney
Relating to evaluating the performance, including computing dropout and completion rates, of public schools designated as dropout recovery schools.

SB 1889 Eltife Sponsor: Lavender
Relating to the transport of a mental health patient who is not a resident of this state.

THE HOUSE HAS GRANTED THE REQUEST OF THE SENATE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

SB 200 (non-record vote)
House Conferees: Anchia - Chair/Callegari/Cook/Eiland/Martinez, "Mando"

SB 1312 (non-record vote)
House Conferees: Aycok - Chair/Darby/Farney/Howard/King, Tracy O.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

GUESTS PRESENTED

Senator Fraser was recognized and introduced to the Senate a Burnet County delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Deuell was recognized and introduced to the Senate an American Heart Association delegation.

The Senate welcomed its guests.

BILLS AND RESOLUTIONS SIGNED

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

SB 166, SB 265, SB 348, SB 354, SB 365, SB 367, SB 611, SB 698, SB 743, SB 820, SB 866, SB 965, SB 1489, HB 278, HB 419, HB 584, HB 994, HB 1187, HB 1305, HB 1550, HB 1553, HB 1968, HB 2095, HB 2548, HCR 23, HCR 36.

GUEST PRESENTED

Senator Zaffirini was recognized and introduced to the Senate Lorenzo Martinez, serving today as an Honorary Senate Page.

The Senate welcomed Lorenzo.

INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

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

There was no objection.

HOUSE BILL 749 REREFERRED (Motion In Writing)

Senator Lucio submitted a Motion In Writing requesting that **HB 749** be withdrawn from the Committee on Agriculture, Rural Affairs and Homeland Security and referred to the Committee on Government Organization.

The Motion In Writing prevailed without objection.

CONCLUSION OF MORNING CALL

The President at 11:50 a.m. announced the conclusion of morning call.

HOUSE BILL 1422 ON SECOND READING

Senator Eltife moved to suspend the regular order of business to take up for consideration **HB 1422** at this time on its second reading:

HB 1422, Relating to the reporting in a lobbyist registration of certain persons from whom compensation or reimbursement is received.

The motion prevailed.

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

The bill was read second time and was passed to 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: Birdwell, Estes, Hegar, Nelson, Patrick, Paxton, Taylor.

Absent-excused: Van de Putte.

HOUSE BILL 1422 ON THIRD READING

Senator Eltife moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1422** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 6.

Yeas: Campbell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Fraser, Garcia, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nichols, Rodríguez, Schwertner, Seliger, Uresti, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Estes, Nelson, Patrick, Paxton, Taylor.

Absent-excused: Van de Putte.

The bill was read third time and was passed by the following vote: Yeas 23, Nays 7.

Yeas: Campbell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Fraser, Garcia, Hancock, Hinojosa, Huffman, Lucio, Nichols, Rodríguez, Schwertner, Seliger, Uresti, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Estes, Hegar, Nelson, Patrick, Paxton, Taylor.

Absent-excused: Van de Putte.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate the Hunger Warriors of Elsa England Elementary School.

The Senate welcomed its guests.

SENATE BILL 438 ON SECOND READING

Senator Birdwell moved to suspend the regular order of business to take up for consideration **SB 438** at this time on its second reading:

SB 438, Relating to an interlocal contract between a governmental entity and a purchasing cooperative to purchase roofing materials or services.

The motion prevailed.

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

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

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

Nays: Hancock.

Absent-excused: Van de Putte.

SENATE BILL 438 ON THIRD READING

Senator Birdwell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 438** be placed on its third reading and final passage.

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

Nays: Hancock.

Absent-excused: Van de Putte.

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

COMMITTEE SUBSTITUTE SENATE BILL 414 ON SECOND READING

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 414** at this time on its second reading:

CSSB 414, Relating to a study and report regarding authorizing certain public junior colleges to offer baccalaureate degree programs to address regional workforce needs.

The bill was read second time.

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 414** (senate committee printing) in SECTION 1 of the bill as follows:

(1) In added Section 130.0013(a), Education Code (page 1, line 27), between "shall" and "conduct", insert ", using existing funds,".

(2) Strike added Section 130.0013(b), Education Code (page 1, line 40, through page 2, line 9), and reletter the remaining subsections of added Section 130.0013, Education Code, accordingly.

(3) In added Section 130.0013(c), Education Code (page 2, line 10), strike "June" and substitute "August".

The amendment to **CSSB 414** 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: Van de Putte.

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

CSSB 414 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: Van de Putte.

**COMMITTEE SUBSTITUTE
SENATE BILL 414 ON THIRD READING**

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 414** be placed on its third reading and final passage.

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

Absent-excused: Van de Putte.

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

SENATE BILL 221 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 221** at this time on its second reading:

SB 221, Relating to the composition and employees of the Texas Funeral Service Commission.

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

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

Absent-excused: Van de Putte.

SENATE BILL 221 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 221** be placed on its third reading and final passage.

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

Absent-excused: Van de Putte.

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

SENATE BILL 925 ON SECOND READING

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 925** at this time on its second reading:

SB 925, Relating to a license requirement for licensed professional counselors employed 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 except as follows:

Absent-excused: Van de Putte.

SENATE BILL 925 ON THIRD READING

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 925** be placed on its third reading and final passage.

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

Absent-excused: Van de Putte.

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

(Senator Eltife in Chair)

COMMITTEE SUBSTITUTE

SENATE BILL 1150 ON SECOND READING

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1150** at this time on its second reading:

CSSB 1150, Relating to a provider protection plan that ensures efficiency and reduces administrative burdens on providers participating in a Medicaid managed care model or arrangement.

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: Van de Putte.

COMMITTEE SUBSTITUTE

SENATE BILL 1150 ON THIRD READING

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1150** be placed on its third reading and final passage.

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

Absent-excused: Van de Putte.

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 1506 ON SECOND READING**

On motion of Senator Schwertner and by unanimous consent, the regular order of business and Senate Rule 5.14(a) were suspended to take up for consideration **CSSB 1506** at this time on its second reading:

CSSB 1506, Relating to training regarding fire safety inspections required by law.

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: Van de Putte.

**COMMITTEE SUBSTITUTE
SENATE BILL 1506 ON THIRD READING**

Senator Schwertner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1506** be placed on its third reading and final passage.

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

Absent-excused: Van de Putte.

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

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Thursday, May 9, 2013 - 2

The Honorable President of the Senate

Senate Chamber

Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 308

Bohac

Relating to a school district's recognition of and education regarding traditional winter celebrations.

HB 500

Hilderbran

Relating to the computation of the franchise tax, including certain exclusions from the tax.

- HB 506** Lozano
Relating to the location of early voting polling places for elections held on the November uniform election date by a political subdivision.
- HB 546** Strama
Relating to the creation of renewable energy reinvestment zones and the abatement of ad valorem taxes on property of a renewable energy company located in such a zone.
- HB 619** Gonzalez, Naomi
Relating to the requirements for issuance of certain barbering and cosmetology licenses and certificates for applicants holding licenses issued by other states; imposing fees.
- HB 647** Patrick, Diane
Relating to employment of persons by open-enrollment charter schools.
- HB 679** Hughes
Relating to the designation of a segment of State Highway 37 in Wood County as the Carolyn S. Jones Highway.
- HB 714** Kuempel
Relating to an agreement between a county and the Department of Public Safety for the joint operation of certain fixed-site facilities.
- HB 738** Crownover
Relating to the review of the creation of certain proposed municipal utility districts by county commissioners courts.
- HB 871** Davis, Sarah
Relating to certain requirements before completing mold remediation work.
- HB 887** Lucio III
Relating to safety measures to protect students participating in athletic activities sponsored or sanctioned by the University Interscholastic League.
- HB 953** Button
Relating to a franchise tax credit for research and development activities performed in conjunction with institutions of higher education; authorizing a tax credit.
- HB 1004** Gonzales, Larry
Relating to an electronic system adopted and maintained by public institutions of higher education to employ a person to track the academic progress of military veterans or their family members receiving student financial assistance.
- HB 1114** Raney
Relating to restoring the jurisdiction of the constitutional county court in Brazos County.
- HB 1122** Johnson
Relating to a pilot program for a three-year high school diploma plan and cost-neutral expansion of full-day prekindergarten programs.
- HB 1123** Herrero
Relating to discount programs for certain veterans provided by toll project entities.

- HB 1143** Strama
Relating to certain assessments for children in the conservatorship of the state.
- HB 1179** Lozano
Relating to the payment of restitution for the taking of wildlife resources without the property owner's consent.
- HB 1180** Cortez
Relating to foster care placement decisions made by the Department of Family and Protective Services.
- HB 1183** Guillen
Relating to prohibited conduct by insurance adjusters, public insurance adjusters, and roofing contractors.
- HB 1256** Stephenson
Relating to the donation of office space owned by a legislator or a legislator's business for use as the legislator's district office.
- HB 1357** Hunter
Relating to the power of the Nueces County Road District No. 4 to lease or sell land.
- HB 1361** Hunter
Relating to validating certain acts of the Lower Nueces River Water Supply District transferring real property rights.
- HB 1384** Bell
Relating to the authority of a county road department to accept donations.
- HB 1396** King, Susan
Relating to a study on alcohol and controlled substance statistics prepared by the Department of Family and Protective Services and the Department of State Health Services.
- HB 1452** Gonzalez, Naomi
Relating to an exemption for certain facilities that provide shelter and care to child victims of human trafficking from child-care licensing requirements.
- HB 1523** Guillen
Relating to the offense of money laundering.
- HB 1573** McClendon
Relating to authorizing an optional county fee on vehicle registration in certain counties.
- HB 1633** Dukes
Relating to creating an advisory committee to study child abuse and neglect fatalities.
- HB 1659** Thompson, Senfronia
Relating to certain actions taken by certain licensing authorities regarding a license holder or applicant who received deferred adjudication for certain offenses.
- HB 1726** Bohac
Relating to shipping logistics and coordination services for state agencies.

- HB 1734** Gutierrez
Relating to the authority of the mayors of certain municipalities to call a special meeting.
- HB 1755** Patrick, Diane
Relating to authorizing the appointment of a public probate administrator; authorizing fees.
- HB 1775** Thompson, Ed
Relating to the authority of the University Interscholastic League regarding activities involving sports officials.
- HB 1847** Carter
Relating to continuing legal education in ethics or professional responsibility for prosecutors.
- HB 1856** Burkett
Relating to the authority of a mental health facility to require a peace officer to transport a person apprehended for emergency detention to a medical facility to receive a medical evaluation before being transported to the mental health facility.
- HB 1866** Klick
Relating to the composition of a political party's state executive committee.
- HB 1951** Thompson, Senfronia
Relating to the licensing and regulation of telecommunicators; providing a criminal penalty.
- HB 1975** Ritter
Relating to the revocation and reinstatement of an end user number for purposes of purchasing dyed diesel fuel.
- HB 1996** Miller, Rick
Relating to certain political party officials visiting a primary election polling place for administrative purposes.
- HB 2006** Klick
Relating to eligibility for appointment as a central counting station manager.
- HB 2012** Villarreal
Relating to collection, distribution, and use of information relating to salaries of certain professional employees of school districts.
- HB 2021** Rodriguez, Eddie
Relating to the authority of a municipality or county to contract for the collection of certain amounts; authorizing a fee.
- HB 2024** Rodriguez, Eddie
Relating to a tax lien.
- HB 2036** Branch
Relating to the creation of a commission to identify future higher education and workforce needs of this state and make related recommendations to address those needs by the state's bicentennial.

HB 2038

Dukes

Relating to addressing disproportionality and disparities in the education, juvenile justice, child welfare, health, and mental health systems, the continuation and operation of the Interagency Council for Addressing Disproportionality, and the duties of the Center for Elimination of Disproportionality and Disparities.

HB 2080

Thompson, Senfronia

Relating to guardianships, including the assessment and payment of attorney's fees and other court costs in guardianships, and to court-created management trusts for persons who have physical disabilities or who are incapacitated; changing the amount of a fee and requiring the collection of a fee.

HB 2110

Kolkhorst

Relating to requirements for certain election officers.

HB 2117

King, Susan

Relating to the election of the board of directors of the Hamlin Hospital District.

HB 2118

King, Susan

Relating to procedures for the dissolution of the Hamlin Hospital District; authorizing the imposition of a tax.

HB 2123

Guillen

Relating to the regulation of game rooms in certain counties; providing penalties; authorizing a fee.

HB 2150

Nevárez

Relating to the classification of exotic and nongame animals.

HB 2153

Callegari

Relating to the abolition of wind erosion conservation districts.

HB 2211

Naishtat

Relating to the availability on the Internet of reports of political contributions and expenditures filed in connection with certain county judicial offices.

HB 2269

Morrison

Relating to authorizing certain counties to impose a county hotel occupancy tax.

HB 2305

Rodriguez, Eddie

Relating to motor vehicle inspection requirements for vehicles equipped with compressed natural gas containers.

HB 2450

Raymond

Relating to a pilot program operated by certain public or private primary or secondary or open-enrollment charter schools in Webb County concerning searches and drug testing of students with parental consent and certain disciplinary measures and other procedures that may arise from such a search or test.

HB 2483

Alvarado

Relating to including oral health education as part of the coordinated health program for public elementary, middle, and junior high school students.

- HB 2511** Thompson, Senfronia
Relating to the option of providing electronic recordings of proceedings in the municipal court of record for the City of Houston.
- HB 2539** Turner, Chris
Relating to requiring computer technicians to report images of child pornography; providing a criminal penalty.
- HB 2590** Keffer
Relating to the foreclosure sale of property subject to oil or gas lease.
- HB 2612** Flynn
Relating to prohibitions and restrictions on using county roads in certain circumstances.
- HB 2636** Frullo
Relating to the transfer of money from the tax increment fund established for a tax increment financing reinvestment zone to the fund established for an adjacent zone.
- HB 2648** Herrero
Relating to access to criminal history record information by a county tax assessor-collector.
- HB 2679** Guillen
Relating to permitting an alternative plea for a defendant detained in jail pending trial for a Class C misdemeanor.
- HB 2707** Villarreal
Relating to the form of the ballot proposition to be used in an election to approve a school district tax rate that exceeds the rollback tax rate.
- HB 2742** Phillips
Relating to the operation of a golf cart or utility vehicle on a public highway in certain counties.
- HB 2780** Elkins
Relating to the establishment of research technology corporations by institutions of higher education; providing for tax exemptions.
- HB 2781** Fletcher
Relating to rainwater harvesting and other water conservation initiatives.
- HB 2795** Raymond
Relating to enforcement of a lien against certain decedents' interests in real property.
- HB 2808** Toth
Relating to an exemption from the state hotel occupancy tax for certain members of the Texas State Guard.
- HB 2818** Sheffield, Ralph
Relating to changing the wet or dry status of a justice precinct.
- HB 2862** McClendon
Relating to procedures related to juvenile cases.

- HB 2895** Bonnen, Dennis
Relating to authorizing the sale of certain real property in Brazoria County by the Texas Board of Criminal Justice.
- HB 2902** Thompson, Ed
Relating to lost, damaged, or overdue county library property; authorizing fines; authorizing a civil penalty.
- HB 2907** Frank
Relating to the Knox County Hospital District; authorizing the imposition of a tax.
- HB 2910** Kuempel
Relating to the sale of alcoholic beverages to customers of a package store during certain hours.
- HB 2921** Orr
Relating to the composition and governance of a regional tollway authority.
- HB 2924** Sheets
Relating to military leave time accounts for police and fire departments.
- HB 2929** Sheets
Relating to health benefit plan coverage for brain injury.
- HB 2930** Miles
Relating to procedures for asserting taking claims against certain governmental entities.
- HB 2975** Gonzalez, Naomi
Relating to the merger of housing authorities in certain municipalities and counties.
- HB 2982** Keffer
Relating to the power of the Railroad Commission of Texas to adopt and enforce safety standards applicable to the transportation by pipeline of hazardous liquids, carbon dioxide, and natural gas in rural locations.
- HB 3015** Moody
Relating to a recall election for officials of certain general-law municipalities.
- HB 3017** Moody
Relating to determination of the amount of certain child support obligations.
- HB 3038** Anderson
Relating to licensing and regulation of auctioneers; authorizing a fee.
- HB 3043** Oliveira
Relating to increasing the maximum rate at which certain municipalities may impose a hotel occupancy tax and to the use of revenue from that tax.
- HB 3086** Darby
Relating to an optional exemption from the diesel fuel tax for materials blended with taxable diesel fuel.
- HB 3102** Morrison
Relating to political parties' governance and conventions.

- HB 3126** Lucio III
Relating to the authorization by referendum election of an increase in optional fees imposed on vehicles registered in certain counties to fund transportation projects.
- HB 3142** Bell
Relating to handguns used to demonstrate proficiency in handgun use for purposes of obtaining a concealed handgun license.
- HB 3153** Lewis
Relating to the operation and administration of, and practice in courts in, the judicial branch of state government; imposing a fee.
- HB 3159** Isaac
Relating to an agreement to allocate sales and use tax after a municipality annexes land in an emergency services district and to the provision of emergency services in that area.
- HB 3161** Simpson
Relating to the Upshur County Juvenile Board.
- HB 3169** Bohac
Relating to the imposition of the sales and use tax on taxable items sold or provided under certain contracts.
- HB 3211** Cortez
Relating to the Hispanic Heritage Center of Texas.
- HB 3334** Hughes
Relating to the recording of testimony before a grand jury.
- HB 3385** Hilderbran
Relating to limited liability for an agritourism entity involved in an agritourism activity.
- HB 3401** Raymond
Relating to nutrition and wellness education for certain recipients of certain state benefits.
- HB 3438** Otto
Relating to the eligibility of a person to serve on the appraisal review board of an appraisal district.
- HB 3439** Otto
Relating to the representation of a property owner by an agent in a property tax matter.
- HB 3440** Otto
Relating to the authority of a member of an appraisal review board of an appraisal district to perform the duties and functions of a member.
- HB 3441** Otto
Relating to the deadline for filing certain appeals of certain appraisal review board orders.
- HB 3443** Otto
Relating to the persons entitled to intervene in an appeal to a district court of an ad valorem tax-related matter.

- HB 3471** Deshotel
Relating to the compensation of the members of the board of port commissioners of the Port of Port Arthur Navigation District of Jefferson County.
- HB 3520** Branch
Relating to the designation of a segment of U.S. Highway 75 in Dallas County as the George W. Bush Expressway.
- HB 3568** Kleinschmidt
Relating to the designation of the structure on Loop 150 in the city of Bastrop connecting the east and west banks of the Colorado River as the Chief Petty Officer (SOC) Stephen "Matt" Mills Bridge.
- HB 3573** Aycock
Relating to the requirements for obtaining a health science technology education teaching certificate and to the scope of courses a person may teach holding a technology applications teaching certificate.
- HB 3686** Naishtat
Relating to the duties of the Council on Children and Families.
- HB 3687** Naishtat
Relating to the provision of and funding for certain primary health care services; repealing a fee.
- HB 3714** Guerra
Relating to the creation of the Office of Small Business Assistance Advisory Task Force.
- HB 3731** Coleman
Relating to the date of a hearing on an application for an order to authorize psychoactive medication for a person receiving inpatient mental health services.
- HB 3792** Coleman
Relating to the intercollegiate athletics fee at Texas Southern University.
- HB 3794** Coleman
Relating to the authority of certain municipalities to impose term limits on the members of their governing bodies.
- HB 3815** Carter
Relating to the suspension of a person's driver's license or permit on conviction of a fifth offense relating to the operating of a motor vehicle while intoxicated.
- HB 3838** Phillips
Relating to motorcycle equipment and training requirements.
- HB 3871** Smith
Relating to the powers and duties of the Gulf Coast Waste Disposal Authority.
- HB 3903** Isaac
Relating to the Hays Trinity Groundwater Conservation District; providing authority to increase certain fees; authorizing a fee.

- HB 3907** Harper-Brown
Relating to consideration of certain graduates and dropouts in evaluation of school districts, campuses, and open-enrollment charter schools for accountability purposes.
- HB 3913** Parker
Relating to the powers and duties of the Canyon Falls Water Control and Improvement District No. 2 of Denton County; providing authority to issue bonds; providing authority to impose taxes.
- HB 3929** Ashby
Relating to the composition of the 12th and 369th Judicial Districts, the redesignation of the district attorney for the 12th Judicial District as the district attorney for the 369th Judicial District, and the composition of the Leon County juvenile board.
- HB 3933** González, Mary
Relating to the transfer of territory, assets, liabilities, and duties of the former Cuadrilla Improvement Corporation to the Lower Valley Water District.
- HB 3946** Gonzalez, Naomi
Relating to the designation of the Officer Angel David Garcia Memorial Interchange.
- HCR 97** Button
Designating the North Central Texas Council of Governments Metropolitan Planning Area as the official Texas Connectivity Hub.
- HCR 102** Miller, Doug
Designating peach cobbler as the official cobbler of Texas.
- HCR 104** Button
Encouraging school districts to adopt policies that promote the use of technology and technological devices in classrooms.
- HCR 111** Farney
Designating April as Texas Personal Financial Literacy Month for a 10-year period beginning in 2013.
- HCR 115** Zedler
Designating the city of Mansfield as the Pickle Capital of Texas for a 10-year period beginning in 2013.
- SB 176** Carona Sponsor: Flynn
Relating to contracts for certain professional services and the distribution of certain consultants' reports.
(Committee Substitute)
- SB 233** Patrick Sponsor: Fletcher
Relating to the use of funds of certain municipal hospital authorities.
- SB 245** West Sponsor: Otto
Relating to eligibility of children's advocacy centers for contracts to provide services for children and family members in child abuse and neglect cases and to investigations of those cases.
- SB 350** Williams Sponsor: Smith
Relating to the storage of certain imported alcoholic beverages.

- SB 385** Carona Sponsor: Keffer
Relating to authorizing assessments for water and energy improvements in regions designated by municipalities and counties; imposing a fee.
(Committee Substitute)
- SB 487** Davis Sponsor: Lavender
Relating to all-terrain vehicles and recreational off-highway vehicles.
- SB 610** Hegar Sponsor: Fletcher
Relating to the powers and duties of the Harris County Municipal Utility District No. 477; providing authority to impose a tax and issue bonds.
- SB 651** Rodríguez Sponsor: Thompson, Senfronia
Relating to a medical power of attorney.
- SB 661** Carona Sponsor: Laubenberg
Relating to cemeteries and perpetual care cemetery corporations; creating an offense.
- SB 670** Whitmire Sponsor: Turner, Sylvester
Relating to the copying of certain records and files relating to a child who is a party to a juvenile proceeding.
- SB 696** Duncan Sponsor: Frullo
Relating to the board of the Lubbock Reese Redevelopment Authority.
- SB 821** Schwertner Sponsor: Pitts
Relating to the prosecution of certain criminal offenses involving theft or involving fraud or other deceptive practices.
- SB 860** Lucio Sponsor: Farney
Relating to the provision of career and technology education courses in certain partnership programs to provide high school dropout recovery.
- SB 887** Uresti Sponsor: Orr
Relating to certain correction instruments in the conveyance of real property.
- SB 984** Ellis Sponsor: Perry
Relating to the meeting of a governmental body held by videoconference call.
- SB 1004** Carona Sponsor: Villarreal
Relating to the regulation of residential mortgage loan originators, residential mortgage loan companies, mortgage bankers, and residential mortgage loan servicers under the jurisdiction of the Department of Savings and Mortgage Lending; changing a fee.
- SB 1133** Rodríguez Sponsor: Pickett
Relating to contributions to certain fire and police pension funds.
- SB 1191** Davis Sponsor: Thompson, Senfronia
Relating to the duties of health care facilities, health care providers, and the Department of State Health Services with respect to care provided to a sexual assault survivor in an emergency department of a health care facility.
- SB 1212** Estes Sponsor: Phillips
Relating to the applicability of certain provisions concerning the transfer of exotic species to certain transfers of water that supply populous areas.

- SB 1300** Eltife Sponsor: Lewis
Relating to environmental or health and safety audits under the Texas Environmental, Health, and Safety Audit Privilege Act.
- SB 1427** Hinojosa Sponsor: King, Tracy O.
Relating to the administration of the citrus budwood certification program and the creation of the citrus nursery stock certification program; providing civil, criminal, and administrative penalties and authorizing fees.
- SB 1487** Watson Sponsor: Fletcher
Relating to the abandonment of a county road.
(Committee Substitute)
- SB 1589** Zaffirini Sponsor: Dukes
Relating to assistance and education regarding personal finance for certain children in foster care.
- SB 1814** Estes Sponsor: Fletcher
Relating to a requirement that members of the Public Safety Commission hold a secret security clearance.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE BILL 864 WITH HOUSE AMENDMENTS

Senator Campbell called **SB 864** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

Amendment

Amend **SB 864** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to a handgun proficiency course that is taken to obtain or renew a concealed handgun license.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 411.185(a), Government Code, is amended to read as follows:

(a) To renew a license, a license holder must:

(1) complete a ~~continuing education course in~~ handgun proficiency course under Section 411.188(a) ~~[411.188(e)]~~ within the six-month period preceding:

(A) the date of application for renewal, for a first or second renewal;
and

(B) the date of application for renewal or the date of application for the preceding renewal, for a third or subsequent renewal, to ensure that the license holder is not required to complete the course more than once in any 10-year period; and

(2) submit to the department:

(A) an application for renewal on a form provided by the department;

(B) evidence of handgun proficiency, in the form and manner required by the department;

(C) payment of a nonrefundable renewal fee as set by the department; and

(D) one or more photographs of the applicant that meet the requirements of the department.

SECTION 2. Sections 411.188(a), (b), and (j), Government Code, are amended to read as follows:

(a) The director by rule shall establish minimum standards for handgun proficiency and shall develop a course to teach handgun proficiency and examinations to measure handgun proficiency. The course to teach handgun proficiency is required for each person who seeks to obtain or renew a license and must contain training sessions divided into two parts. One part of the course must be classroom instruction and the other part must be range instruction and an actual demonstration by the applicant of the applicant's ability to safely and proficiently use the applicable category of handgun. An applicant must be able to demonstrate, at a minimum, the degree of proficiency that is required to effectively operate a handgun of .32 caliber or above. The department shall distribute the standards, course requirements, and examinations on request to any qualified handgun instructor.

(b) Only [a] qualified handgun instructors [instructor] may administer the classroom instruction part or the range instruction part of the [a] handgun proficiency course. The classroom instruction part of the [handgun proficiency] course must include at least six [10] hours [and not more than 15 hours] of instruction on:

(1) the laws that relate to weapons and to the use of deadly force;

(2) handgun use~~[-, proficiency,]~~ and safety;

(3) nonviolent dispute resolution; and

(4) proper storage practices for handguns with an emphasis on storage practices that eliminate the possibility of accidental injury to a child.

(j) For license holders seeking to renew their licenses, the [The] department may offer online, or allow a qualified handgun instructor to offer online, the classroom instruction part of the handgun proficiency [continuing education instruction] course and the written section of the proficiency examination [required to renew a license].

~~SECTION 3. Section 411.188(c), Government Code, is repealed.~~

SECTION 4. The change in law made by this Act applies only to an application to obtain or renew a license to carry a concealed handgun submitted on or after the effective date of this Act. An application submitted before the effective date of this Act is governed by the law in effect when the application was submitted, and the former law is continued in effect for that purpose.

SECTION 5. This Act takes effect September 1, 2013.

Floor Amendment No. 1

Amend **CSSB 864** (house committee report) on page 2, line 23 of the bill, by striking "at least six [10] hours [and not more than 15 hours]" and substituting "not less than four [at least 10] hours and not more than six [15] hours".

The amendments were read.

Senator Campbell moved to concur in the House amendments to **SB 864**.

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

Nays: Nelson.

Absent-excused: Van de Putte.

SENATE BILL 181 WITH HOUSE AMENDMENT

Senator Hegar called **SB 181** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 181** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to verification of motor vehicle financial responsibility information.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 601.053, Transportation Code, is amended by amending Subsections (a) and (c) and adding Subsections (d), (e), and (f) to read as follows:

(a) As a condition of operating in this state a motor vehicle to which Section 601.051 applies, the operator of the vehicle on request shall provide to a peace officer, as defined by Article 2.12, Code of Criminal Procedure, or a person involved in an accident with the operator evidence of financial responsibility by exhibiting:

(1) a motor vehicle liability insurance policy covering the vehicle that satisfies Subchapter D or a photocopy of the policy;

(2) a standard proof of motor vehicle liability insurance form prescribed by the Texas Department of Insurance under Section 601.081 and issued by a liability insurer for the motor vehicle;

(2-a) an image displayed on a wireless communication device that includes the information required by Section 601.081 as provided by a liability insurer;

(3) an insurance binder that confirms the operator is in compliance with this chapter;

(4) a surety bond certificate issued under Section 601.121;

(5) a certificate of a deposit with the comptroller covering the vehicle issued under Section 601.122;

(6) a copy of a certificate of a deposit with the appropriate county judge covering the vehicle issued under Section 601.123; or

(7) a certificate of self-insurance covering the vehicle issued under Section 601.124 or a photocopy of the certificate.

(c) Subsection (b) does not apply if the peace officer determines through use of the verification program established under Subchapter N that financial responsibility has been established for the vehicle. If a peace officer has access to the verification program, the officer may not issue a citation for a violation of Section 601.051 unless the officer attempts to verify through the program that financial responsibility has been established for the vehicle and is unable to make that verification.

(d) The display of an image that includes financial responsibility information on a wireless communication device under Subsection (a)(2-a) does not constitute effective consent for a law enforcement officer, or any other person, to access the contents of the wireless communication device except to view the financial responsibility information.

(e) The authorization of the use of a wireless communication device to display financial responsibility information under Subsection (a)(2-a) does not prevent:

(1) a court of competent jurisdiction from requiring a person to provide a paper copy of the person's evidence of financial responsibility in a hearing or trial or in connection with discovery proceedings; or

(2) the commissioner of insurance from requiring a person to provide a paper copy of the person's evidence of financial responsibility in connection with any inquiry or transaction conducted by or on behalf of the commissioner.

(f) A telecommunications provider, as defined by Section 51.002, Utilities Code, may not be held liable to the operator of the motor vehicle for the failure of a wireless communication device to display financial responsibility information under Subsection (a)(2-a).

SECTION 2. 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 was read.

Senator Hegar moved to concur in the House amendment to **SB 181**.

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

Absent-excused: Van de Putte.

SENATE BILL 1093 WITH HOUSE AMENDMENT

Senator West called **SB 1093** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Committee Amendment No. 1

Amend **SB 1093** (senate engrossment) by striking SECTION 20.019 (page 189, lines 3-10) and renumbering subsequent sections of the bill accordingly.

The amendment was read.

Senator West moved to concur in the House amendment to **SB 1093**.

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

Absent-excused: Van de Putte.

GUESTS PRESENTED

Senator Uresti was recognized and introduced to the Senate a Pecos High School delegation.

The Senate welcomed its guests.

SENATE BILL 274 WITH HOUSE AMENDMENT

Senator Williams called **SB 274** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 274** (house committee printing) on page 1, line 15, by striking "10 [located in the Cedar Crossing Business Park]" and substituting "10, including the portion of the frontage road located in the Cedar Crossing Business and Industrial Park".

The amendment was read.

Senator Williams moved to concur in the House amendment to **SB 274**.

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

Absent-excused: Van de Putte.

**COMMITTEE SUBSTITUTE
SENATE BILL 14 ON SECOND READING**

Senator Williams moved to suspend the regular order of business and Senate Rule 5.14(a) to take up for consideration **CSSB 14** at this time on its second reading:

CSSB 14, Relating to the fiscal transparency and accountability of certain entities responsible for public money.

The motion prevailed.

Senator Zaffirini asked to be recorded as voting "Nay" on suspension of the regular order of business and Senate Rule 5.14(a).

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: Zaffirini.

Absent-excused: Van de Putte.

**COMMITTEE SUBSTITUTE
SENATE BILL 14 ON THIRD READING**

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 14** be placed on its third reading and final passage.

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

Nays: Zaffirini.

Absent-excused: Van de Putte.

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

HOUSE BILL 1685 ON SECOND READING

On motion of Senator Whitmire and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1685** at this time on its second reading:

HB 1685, Relating to the continuation of the self-directed and semi-independent status of the Texas State Board of Public Accountancy, the Texas Board of Professional Engineers, and the Texas Board of Architectural Examiners.

The bill was read second time and 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:

Absent-excused: Van de Putte.

HOUSE BILL 1685 ON THIRD READING

Senator Whitmire moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1685** be placed on its third reading and final passage.

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

Absent-excused: Van de Putte.

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

**SENATE RULE 11.13 SUSPENDED
(Consideration of Bills in Committees)
(Motion In Writing)**

Senator Whitmire submitted the following Motion In Writing:

Mr. President:

I move to suspend Senate Rule 11.13 so that committees may meet during the reading and referral of bills and during the Local and Uncontested Calendar.

WHITMIRE

The Motion In Writing prevailed without objection.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
Thursday, May 9, 2013 - 3
(Revised Message)

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:

SB 376 Lucio Sponsor: Rodriguez, Eddie
Relating to breakfast for certain public school students.

SB 654 West Sponsor: Anchia
Relating to the enforcement of water conservation and animal care and control ordinances of a municipality by civil action or quasi-judicial enforcement; providing civil penalties.

SB 660 West Sponsor: Anchia
Relating to assessment collection in certain public improvement districts.
(Amended)

SB 727 Taylor Sponsor: Bonnen, Greg
Relating to the eligibility for judge-ordered community supervision or for release on parole of certain defendants convicted of burglary with the intent to commit a sex offense.

SB 878 Patrick Sponsor: Carter
Relating to the disposition of proceeds and property from criminal asset forfeiture.

SB 1907 Hegar Sponsor: Kleinschmidt
Relating to the transportation and storage of firearms and ammunition in private vehicles on the campuses of institutions of higher education.
(Committee Substitute/Amended)

SCR 35 Taylor Sponsor: Bonnen, Greg
Commending George Mitchell for his generous support of the Texas Capitol Vietnam Veterans Monument through the Cynthia and George Mitchell Foundation.

THE HOUSE HAS CONCURRED IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

HB 1642 (63 Yeas, 44 Nays, 28 Present, not voting)

HB 1994 (137 Yeas, 0 Nays, 2 Present, not voting)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE BILL ON FIRST READING

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

SB 1921 by Hegar
Relating to the creation of Kendleton Improvement District; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.
To Committee on Economic Development.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Deuell and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Economic

Development might meet and consider the following bills today:

HB 1791, HB 1982, HB 3390, HB 1297, HB 1580, SB 1921.

SENATE RULES SUSPENDED

(Posting Rules)

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

SB 1029, SB 1632.

SENATE RULES SUSPENDED

(Posting Rules)

On motion of Senator Hegar and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Finance Subcommittee on Fiscal Matters might meet and consider the following bills tomorrow: **HB 213, HB 294, HB 1310, HB 1287, HB 2766.**

SENATE RULES SUSPENDED

(Posting Rules)

On motion of Senator Duncan and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on State Affairs might meet and consider the following bills today: **HB 1869, SB 220.**

MOTION TO RECESS

On motion of Senator Whitmire and by unanimous consent, the Senate at 12:47 p.m. agreed to recess, upon completion of the introduction of bills and resolutions on first reading and pending the receipt of messages and committee reports, until 11:00 a.m. tomorrow.

CO-AUTHOR OF SENATE BILL 101

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

CO-AUTHORS OF SENATE BILL 414

On motion of Senator Ellis, Senators Garcia and Rodríguez will be shown as Co-authors of **SB 414.**

CO-AUTHOR OF SENATE BILL 783

On motion of Senator Hinojosa, Senator Garcia will be shown as Co-author of **SB 783.**

CO-AUTHOR OF SENATE BILL 807

On motion of Senator Deuell, Senator Garcia will be shown as Co-author of **SB 807.**

CO-AUTHOR OF SENATE BILL 1458

On motion of Senator Duncan, Senator Hinojosa will be shown as Co-author of **SB 1458**.

CO-AUTHOR OF SENATE BILL 1512

On motion of Senator Ellis, Senator Zaffirini will be shown as Co-author of **SB 1512**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 10

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

CO-SPONSOR OF HOUSE BILL 535

On motion of Senator Zaffirini, Senator Garcia will be shown as Co-sponsor of **HB 535**.

CO-SPONSOR OF HOUSE BILL 1271

On motion of Senator Schwertner, Senator Zaffirini will be shown as Co-sponsor of **HB 1271**.

RECESS

On motion of Senator Whitmire, the Senate at 12:48 p.m. recessed until 1:15 p.m. today for the Local and Uncontested Calendar Session.

AFTER RECESS

The Senate met at 1:19 p.m. and was called to order by the President.

SENATE BILL 748 WITH HOUSE AMENDMENT

Senator Nelson called **SB 748** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 748** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to the use of certain tax revenue to enhance and upgrade convention center facilities, multipurpose arenas, venues, and related infrastructure in certain municipalities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 351, Tax Code, is amended by adding Section 351.1015 to read as follows:

Sec. 351.1015. CERTAIN QUALIFIED PROJECTS. (a) In this section:

(1) "Base year amount" means the amount of hotel-associated revenue collected in a project financing zone during the calendar year in which a municipality designates the zone.

(2) "Hotel-associated revenue" means the sum of:

(A) state tax revenue collected in a project financing zone from all hotels located in the zone that would be available to the owners of qualified hotel projects under Section 151.429(h) if the hotels were qualified hotel projects, excluding the amount of that revenue received by a municipality under Section 351.102(c) for a hotel project described by Section 351.102(b) and located in the zone that exists on the date the municipality designates the zone; and

(B) tax revenue collected from all permittees under Chapter 183 at hotels located in the zone, excluding revenue disbursed by the comptroller under Section 183.051(b).

(3) "Incremental hotel-associated revenue" means the amount in any calendar year by which hotel-associated revenue, including hotel-associated revenue from hotels built in the project financing zone after the year in which a municipality designates the zone, exceeds the base year amount.

(4) "Project financing zone" means an area within a municipality:

(A) that the municipality by ordinance or by agreement under Chapter 380, Local Government Code, designates as a project financing zone;

(B) the boundaries of which are within a three-mile radius of the center of a qualified project;

(C) the designation of which specifies the longitude and latitude of the center of the qualified project; and

(D) the designation of which expires not later than the 30th anniversary of the date of designation.

(5) "Qualified project" means:

(A) a convention center facility; or

(B) a multipurpose arena or venue that includes a livestock facility and is located within or adjacent to a recognized cultural district, and any related infrastructure, that is:

(i) located on land owned by a municipality or by the owner of the venue;

(ii) partially financed by private contributions that equal not less than 40 percent of the project costs; and

(iii) related to the promotion of tourism and the convention and hotel industry.

(6) "Venue" and "related infrastructure" have the meanings assigned by Section 334.001, Local Government Code.

(b) This section applies only to a qualified project located in a municipality with a population of at least 650,000 but less than 750,000 according to the most recent federal decennial census.

(c) In addition to the uses provided by Section 351.101, revenue from the municipal hotel occupancy tax may be used to fund a qualified project.

(d) A municipality may pledge the revenue derived from the tax imposed under this chapter from a hotel located in the project financing zone for the payment of bonds or other obligations issued or incurred to acquire, lease, construct, improve, enlarge, and equip the qualified project.

(e) A municipality may pledge for the payment of bonds or other obligations described by Subsection (d) the local revenue from eligible tax proceeds as defined by Section 2303.5055(e), Government Code, from hotels located in a project financing zone that would be available to the owners of qualified hotel projects under that section if the hotels were qualified hotel projects, excluding any amount received by the municipality for a hotel project described by Section 351.102(b) and located in the zone that exists on the date the municipality designates the zone.

(f) A municipality shall notify the comptroller of the municipality's designation of a project financing zone not later than the 30th day after the date the municipality designates the zone. Notwithstanding other law, the municipality is entitled to receive the incremental hotel-associated revenue from the project financing zone for the period beginning on the first day of the year after the year in which the municipality designates the zone and ending on the last day of the month during which the designation expires. The municipality may pledge the revenue for the payment of bonds or other obligations described by Subsection (d).

(g) The comptroller shall deposit incremental hotel-associated revenue collected by or forwarded to the comptroller in a separate suspense account to be held in trust for the municipality that is entitled to receive the revenue. The suspense account is outside the state treasury, and the comptroller may make a payment authorized by this section from the account without the necessity of an appropriation. The comptroller shall begin making payments from the suspense account to the municipality for which the money is held on the date the qualified project in the project financing zone is commenced. If the qualified project is not commenced by the fifth anniversary of the first deposit to the account, the comptroller shall transfer the money in the account to the general revenue fund and cease making deposits to the account.

(h) The comptroller may estimate the amount of incremental hotel-associated revenue that will be deposited to a suspense account under Subsection (g) during each calendar year. The comptroller may make deposits to the account and the municipality may request disbursements from the account on a monthly basis based on the estimate. At the end of each calendar year, the comptroller shall adjust the deposits and disbursements to reflect the amount of revenue actually deposited to the account during the calendar year.

(i) A municipality shall notify the comptroller if the qualified project in the project financing zone is abandoned. If the qualified project is abandoned, the comptroller shall transfer to the general revenue fund the amount of money in the suspense account that exceeds the amount required for the payment of bonds or other obligations described by Subsection (d).

SECTION 2. Section 351.1065(a), Tax Code, is amended to read as follows:

(a) An eligible central municipality shall use the amount of revenue from the tax that is derived from the application of the tax at a rate of more than seven percent of the cost of a room only for:

(1) the construction of an expansion of an existing convention center facility; ~~and~~

(2) a qualified project to which Section 351.1015 applies; and

(3) pledging payment of revenue bonds and revenue refunding bonds issued under Subchapter A, Chapter 1504, Government Code, for the construction or qualified project ~~[of the expansion]~~.

SECTION 3. This Act takes effect September 1, 2013.

The amendment was read.

Senator Nelson moved to concur in the House amendment to **SB 748**.

The motion prevailed by the following vote: Yeas 26, Nays 4.

Yeas: Birdwell, Campbell, Carona, Davis, Deuell, Ellis, Eltife, Estes, Garcia, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Paxton, Rodriguez, Seliger, Taylor, Uresti, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Duncan, Fraser, Patrick, Schwertner.

Absent-excused: Van de Putte.

(Senator Eltife in Chair)

**SESSION HELD FOR
LOCAL AND UNCONTESTED CALENDAR**

The Presiding Officer announced that the time had arrived to consider bills and resolutions placed on the Local and Uncontested Calendar. Notice of consideration of the local calendar was given by Senator Uresti yesterday.

Pursuant to Senate Rule 9.03(d), the following bills and resolutions were laid before the Senate in the order listed, read second time, amended where applicable, passed to engrossment or third reading, read third time, and passed. The votes on passage to engrossment or third reading, suspension of the Constitutional Three-day Rule, and final passage are indicated after each caption. All Members are deemed to have voted "Yea" on viva voce votes unless otherwise indicated.

("Absent-excused" Van de Putte)

CSSB 524 (Rodríguez)

Relating to a study regarding the prohibition of dairy farming in certain areas of the state.

(viva voce vote) (30-0) (30-0)

SB 1083 (Rodríguez)

Relating to an appeal from an interlocutory order of certain courts.

(viva voce vote) (30-0) (30-0)

HB 13 (Duncan)

Relating to the State Pension Review Board and public retirement systems; authorizing a fee.

(viva voce vote) (30-0) (30-0)

HB 597 (Eltife)

Relating to boater education and examinations on preventing the spread of exotic harmful or potentially harmful aquatic plants, fish, and shellfish.

(viva voce vote) (30-0) (30-0)

CSHB 949 (Watson)

Relating to continuation of automobile insurance coverage for certain motor vehicles acquired during a personal automobile insurance policy term.

(viva voce vote) (30-0) (30-0)

HB 1164 (Huffman)

Relating to the territory that may be included in a single county election precinct.

(viva voce vote) (30-0) (30-0)

HB 1186 (Duncan)

Relating to the Texas Racing Commission's ability to share investigatory information with other state regulatory agencies.

(viva voce vote) (30-0) (30-0)

HB 1271 (Schwertner)

Relating to providing links in the online text of proposed legislation to other state laws referenced in that legislation.

(viva voce vote) (30-0) (30-0)

HB 1493 (Hegar)

Relating to the transfer of programs from the Texas Department of Rural Affairs to the Department of Agriculture.

(viva voce vote) (30-0) (30-0)

HB 1521 (Nichols)

Relating to the slaughter of certain domestic or exotic fowl infected with or exposed to disease and compensation of owners of fowl infected with or exposed to disease.

(viva voce vote) (30-0) (30-0)

HB 2623 (Lucio)

Relating to the authority of certain counties and the General Land Office to temporarily close a beach or beach access point.

(viva voce vote) (30-0) (30-0)

CSHB 2738 (Ellis)

Relating to a study by the Department of Information Resources regarding state agency technology efficiency.

(viva voce vote) (30-0) (30-0)

HCR 54 (Hancock)

Designating Grand Prairie as the Purple Martin Conservation Capital of Texas.

(30-0)

**SESSION CONCLUDED FOR
LOCAL AND UNCONTESTED CALENDAR**

Senator Eltife announced that the session to consider bills and resolutions placed on the Local and Uncontested Calendar was concluded.

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 26 to Committee on Economic Development.

HB 48 to Committee on Criminal Justice.
HB 167 to Committee on Criminal Justice.
HB 170 to Committee on State Affairs.
HB 308 to Committee on Education.
HB 340 to Committee on Natural Resources.
HB 462 to Committee on Education.
HB 485 to Committee on Criminal Justice.
HB 500 to Committee on Finance.
HB 506 to Committee on State Affairs.
HB 508 to Committee on Intergovernmental Relations.
HB 546 to Committee on Finance.
HB 555 to Committee on Criminal Justice.
HB 585 to Committee on Finance.
HB 626 to Committee on State Affairs.
HB 647 to Committee on Education.
HB 679 to Committee on Transportation.
HB 871 to Committee on Business and Commerce.
HB 887 to Committee on Education.
HB 899 to Committee on Criminal Justice.
HB 928 to Committee on Agriculture, Rural Affairs and Homeland Security.
HB 953 to Committee on Finance.
HB 972 to Committee on Criminal Justice.
HB 990 to Committee on Criminal Justice.
HB 1004 to Committee on Higher Education.
HB 1009 to Committee on Education.
HB 1050 to Committee on State Affairs.
HB 1076 to Committee on Agriculture, Rural Affairs and Homeland Security.
HB 1114 to Committee on Jurisprudence.
HB 1122 to Committee on Education.
HB 1123 to Committee on Veteran Affairs and Military Installations.
HB 1129 to Committee on State Affairs.
HB 1133 to Committee on Finance.
HB 1183 to Committee on Business and Commerce.
HB 1224 to Committee on Finance.
HB 1228 to Committee on Jurisprudence.
HB 1256 to Committee on Administration.
HB 1302 to Committee on Criminal Justice.
HB 1314 to Committee on Agriculture, Rural Affairs and Homeland Security.
HB 1349 to Committee on Criminal Justice.
HB 1360 to Committee on Finance.
HB 1392 to Committee on Health and Human Services.
HB 1428 to Committee on State Affairs.
HB 1573 to Committee on Transportation.
HB 1597 to Committee on Intergovernmental Relations.
HB 1645 to Committee on Criminal Justice.
HB 1736 to Committee on Finance.
HB 1748 to Committee on Criminal Justice.

HB 1755 to Committee on Jurisprudence.
HB 1772 to Committee on Business and Commerce.
HB 1775 to Committee on Education.
HB 1781 to Committee on Agriculture, Rural Affairs and Homeland Security.
HB 1813 to Committee on Intergovernmental Relations.
HB 1847 to Committee on Jurisprudence.
HB 1856 to Committee on Criminal Justice.
HB 1862 to Committee on Criminal Justice.
HB 1866 to Committee on State Affairs.
HB 1897 to Committee on Business and Commerce.
HB 1908 to Committee on Economic Development.
HB 1931 to Committee on Agriculture, Rural Affairs and Homeland Security.
HB 1965 to Committee on Government Organization.
HB 1992 to Committee on Criminal Justice.
HB 1996 to Committee on State Affairs.
HB 2012 to Committee on Education.
HB 2080 to Committee on Jurisprudence.
HB 2110 to Committee on State Affairs.
HB 2117 to Committee on Intergovernmental Relations.
HB 2118 to Committee on Intergovernmental Relations.
HB 2123 to Committee on Intergovernmental Relations.
HB 2135 to Committee on Veteran Affairs and Military Installations.
HB 2211 to Committee on State Affairs.
HB 2268 to Committee on Criminal Justice.
HB 2280 to Committee on Criminal Justice.
HB 2305 to Committee on Transportation.
HB 2320 to Committee on Transportation.
HB 2330 to Committee on Transportation.
HB 2362 to Committee on Natural Resources.
HB 2446 to Committee on Natural Resources.
HB 2447 to Committee on Business and Commerce.
HB 2450 to Committee on Education.
HB 2483 to Committee on Education.
HB 2511 to Committee on Criminal Justice.
HB 2532 to Committee on Natural Resources.
HB 2539 to Committee on Criminal Justice.
HB 2612 to Committee on Transportation.
HB 2668 to Committee on Open Government.
HB 2679 to Committee on Criminal Justice.
HB 2691 to Committee on Transportation.
HB 2694 to Committee on Education.
HB 2712 to Committee on Finance.
HB 2733 to Committee on Criminal Justice.
HB 2742 to Committee on Transportation.
HB 2795 to Committee on Jurisprudence.
HB 2811 to Committee on Criminal Justice.

HB 2836 to Committee on Education.
HB 2851 to Committee on State Affairs.
HB 2859 to Committee on Natural Resources.
HB 2862 to Committee on Criminal Justice.
HB 2887 to Committee on Health and Human Services.
HB 2895 to Committee on Government Organization.
HB 2902 to Committee on Intergovernmental Relations.
HB 2907 to Committee on Intergovernmental Relations.
HB 2910 to Committee on Business and Commerce.
HB 2921 to Committee on Transportation.
HB 2929 to Committee on State Affairs.
HB 2930 to Committee on State Affairs.
HB 2975 to Committee on Intergovernmental Relations.
HB 3017 to Committee on Administration.
HB 3043 to Committee on Economic Development.
HB 3085 to Committee on Transportation.
HB 3101 to Committee on State Affairs.
HB 3102 to Committee on State Affairs.
HB 3103 to Committee on State Affairs.
HB 3121 to Committee on Finance.
HB 3152 to Committee on State Affairs.
HB 3153 to Committee on Jurisprudence.
HB 3161 to Committee on Criminal Justice.
HB 3162 to Committee on Economic Development.
HB 3169 to Committee on Finance.
HB 3196 to Committee on Health and Human Services.
HB 3211 to Committee on Government Organization.
HB 3233 to Committee on Natural Resources.
HB 3234 to Committee on Natural Resources.
HB 3285 to Committee on Health and Human Services.
HB 3334 to Committee on Criminal Justice.
HB 3370 to Committee on Criminal Justice.
HB 3385 to Committee on State Affairs.
HB 3401 to Committee on Health and Human Services.
HB 3460 to Committee on Business and Commerce.
HB 3471 to Committee on Transportation.
HB 3520 to Committee on Transportation.
HB 3536 to Committee on Finance.
HB 3566 to Committee on Agriculture, Rural Affairs and Homeland Security.
HB 3568 to Committee on Transportation.
HB 3613 to Committee on Intergovernmental Relations.
HB 3668 to Committee on Transportation.
HB 3671 to Committee on Criminal Justice.
HB 3674 to Committee on Government Organization.
HB 3687 to Committee on Health and Human Services.
HB 3792 to Committee on Higher Education.
HB 3805 to Committee on Criminal Justice.

HB 3871 to Committee on Intergovernmental Relations.
HB 3903 to Committee on Natural Resources.
HB 3907 to Committee on Education.
HB 3913 to Committee on Intergovernmental Relations.
HB 3929 to Committee on Jurisprudence.
HB 3933 to Committee on Natural Resources.
HB 3946 to Committee on Transportation.
HCR 97 to Committee on Intergovernmental Relations.
HCR 102 to Committee on Administration.
HCR 104 to Committee on Education.
HCR 111 to Committee on Administration.
HCR 115 to Committee on Administration.
HJR 133 to Committee on Finance.

RECESS

Pursuant to a previously adopted motion, the Senate at 6:00 p.m. recessed until 11:00 a.m. tomorrow.

AFTER RECESS (Friday, May 10, 2013)

The Senate met at 11:14 a.m. and was called to order by Senator Watson.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
Friday, May 10, 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 30 Branch
Relating to measures to facilitate the transfer, academic progress, and timely graduation of students in public higher education; authorizing a fee.

HB 194 Farias
Relating to considering ownership interests of certain disabled veterans in determining whether a business is a historically underutilized business for purposes of state contracting and to promoting state contract awards to historically underutilized businesses based on that ownership.

HB 628 Dale
Relating to the right of a member of the board of trustees of a school district to obtain information, documents, and records.

HB 694 Phillips
Relating to access by certain military personnel to juvenile and criminal history information.

HB 705

Howard

Relating to the definition of emergency services personnel for purposes of the enhanced penalty prescribed for an assault committed against a person providing services in that capacity.

HB 710

Callegari

Relating to the use by a peace officer of the officer's rank or status to advertise or promote certain private businesses.

HB 724

Guillen

Relating to the creation of a commission to study unclaimed land grant mineral proceeds.

HB 742

Strama

Relating to measures to evaluate and improve student participation and performance in public schools and open-enrollment charter schools, including a grant program for certain school districts to provide summer instruction primarily for students who are educationally disadvantaged.

HB 793

Lozano

Relating to the prosecution and punishment of the smuggling of persons.

HB 1021

Moody

Relating to venue for the offense of failure to attend school.

HB 1022

Moody

Relating to venue for the offense of a parent contributing to a child's failure to attend school.

HB 1223

Hilderbran

Relating to the temporary exemption of certain tangible personal property related to data centers from the sales and use tax.

HB 1289

Hilderbran

Relating to the exclusion of certain service costs in determining a taxable entity's taxable margin for purposes of the franchise tax.

HB 1318

Turner, Sylvester

Relating to the appointment of counsel to represent certain youths and indigent defendants.

HB 1398

Murphy

Relating to the definition of and required disclosures on political advertising.

HB 1581

Riddle

Relating to the designation of an agent or office for service of process, notice, or demand by a person doing business under an assumed name.

HB 1773

Thompson, Ed

Relating to named driver insurance policies and certain related exclusions.

HB 1790

Longoria

Relating to certain procedures for defendants who successfully complete a period of state jail felony community supervision.

- HB 1878** McClendon
Relating to the allocation of certain revenue to the Texas rail relocation and improvement fund and the Texas emissions reduction plan fund and for congestion mitigation projects.
- HB 1966** Deshotel
Relating to a project that may be undertaken by certain development corporations in connection with infrastructure improvements necessary for municipal area development and revitalization.
- HB 2061** Murphy
Relating to a tax credit for investment in certain communities; imposing a monetary penalty; authorizing a fee.
- HB 2075** Anchia
Relating to the operation of certain condominium unit owners' associations.
- HB 2090** Canales
Relating to a written statement made by an accused as a result of custodial interrogation.
- HB 2100** Thompson, Senfronia
Relating to the salary for certain employees of the Department of Public Safety of the State of Texas.
- HB 2133** Larson
Relating to state policies and the evaluation of practices regarding water development and conservation.
- HB 2138** Dutton
Relating to the boundaries of the Near Northside Management District and to coordination by the district with other entities in providing projects and services.
- HB 2148** Hilderbran
Relating to the motor fuel tax on compressed natural gas and liquefied natural gas; providing penalties; imposing a tax.
- HB 2158** Goldman
Relating to the period of ineligibility from participation in the Medicaid program by providers found liable for certain unlawful acts under the program.
- HB 2201** Farney
Relating to increasing the courses offered in the career and technology education curriculum.
- HB 2240** Turner, Sylvester
Relating to a study on homeless youth.
- HB 2371** Leach
Relating to creating the offense of voyeurism; providing a penalty.
- HB 2396** Bonnen, Greg
Relating to the penalty for certain family violence committed in the presence of or in proximity to a child.

- HB 2570** Miles
Relating to voter registration; creating an offense.
- HB 2595** Parker
Relating to the value of personal property that is exempt from seizure to pay a crime victim under an order of restitution.
- HB 2719** Guillen
Relating to collecting and reporting information concerning inmates who have been in the conservatorship of a state agency responsible for providing child protective services and concerning inmate parole, reentry, and integration.
- HB 2767** King, Phil
Relating to the treatment and recycling for beneficial use of certain waste arising out of or incidental to the drilling for or production of oil or gas.
- HB 2770** Branch
Relating to the investment of a portion of the economic stabilization fund balance.
- HB 2792** Elkins
Relating to the circumstances under which an appraisal review board hearing shall be closed to the public.
- HB 2824** Ratliff
Relating to the Texas High Performance Schools Consortium.
- HB 2872** Villarreal
Relating to the number of student absences that constitute a failure to attend school.
- HB 2952** Rodriguez, Justin
Relating to the period of time allowed for issuance of decisions by the commissioner of education in certain appeals against school districts.
- HB 3042** Oliveira
Relating to the allocation of state hotel occupancy tax revenue to certain municipalities for cleaning and maintenance of and erosion control for public beaches.
- HB 3240** Phillips
Relating to the penalty for delivery of certain miscellaneous substances under the Texas Controlled Substances Act.
- HB 3276** Simmons
Relating to the coverage by certain health benefit plans for the screening and treatment of autism spectrum disorder.
- HB 3454** Eiland
Relating to an exemption from the franchise tax for certain insurance entities.
- HB 3569** Kleinschmidt
Relating to activities conducted in connection with a state or federal disease control or eradication program for animals.
- HB 3574** Orr
Relating to the authority of the School Land Board to designate certain revenue for deposit in the real estate special fund account of the permanent school fund.

HB 3648 Harper-Brown
Relating to the awarding of governmental contracts.

HB 3743 Wu
Relating to the authority of a prosecutor in a juvenile case to appeal certain judicial decisions.

HJR 62 Turner, Chris
Proposing a constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of all or part of the market value of the residence homestead of the surviving spouse of a member of the armed services of the United States who is killed in action.

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 5 (non-record vote)
House Conferees: Aycock - Chair/Deshotel/Gonzales, Larry/Huberty/Rodriguez, Eddie

THE HOUSE HAS GRANTED THE REQUEST OF THE SENATE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

SB 213 (non-record vote)
House Conferees: Price - Chair/Anchia/Bonnen, Dennis/Larson/Parker

SB 901 (non-record vote)
House Conferees: Paddie - Chair/Craddick/Crownover/Geren/Thompson, Senfronia

SB 1730 (non-record vote)
House Conferees: Phillips - Chair/Fletcher/Harper-Brown/Martinez, "Mando"/Pickett

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

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

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

MOTION TO ADJOURN

On motion of Senator Lucio and by unanimous consent, the Senate at 11:19 a.m. agreed to adjourn, upon completion of the introduction of bills and resolutions on first reading and pending the receipt of messages and committee reports, until 11:00 a.m. Monday, May 13, 2013.

RECESS

On motion of Senator Lucio, the Senate at 11:20 a.m. recessed until 3:00 p.m. today.

AFTER RECESS

The Senate met at 3:08 p.m. and was called to order by Senator Watson.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Friday, May 10, 2013 - 2

The Honorable President of the Senate

Senate Chamber

Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 34 Menéndez

Relating to the consumption of alcoholic beverages on certain premises; providing a penalty and authorizing a fee.

HB 97 Perry

Relating to the exemption from ad valorem taxation of part of the appraised value of the residence homestead of a partially disabled veteran or the surviving spouse of a partially disabled veteran if the residence homestead was donated to the disabled veteran by a charitable organization and to the eligibility of the surviving spouse of a person who is disabled to receive a limitation on school district ad valorem taxes on the person's residence homestead.

HB 217 Alvarado

Relating to the types of beverages that may be sold to students on public school campuses.

HB 503 Hernandez Luna

Relating to the ability of a property owners' association to contract with an association board member or certain other persons or entities associated with the board member.

HB 577 Guillen

Relating to the representation of certain applicants for writs of habeas corpus in cases involving the death penalty.

HB 581 Howard

Relating to the waiver of sovereign immunity in certain employment lawsuits by nurses and in certain employment discrimination actions in connection with a workers' compensation claim.

HB 586 Workman

Relating to the waiver of sovereign immunity for certain design and construction claims arising under written contracts with state agencies.

- HB 690** Lewis
Relating to reimbursing public institutions of higher education for tuition and fee exemptions for certain military personnel and their dependents.
- HB 709** Isaac
Relating to ad valorem tax payments and refunds.
- HB 741** Walle
Relating to the right of a public employee to express breast milk in the workplace.
- HB 862** King, Susan
Relating to the transfer of the limitation on school district, county, municipal, or junior college district ad valorem taxes on the residence homestead of a person who is elderly or disabled to a subsequent homestead of that person.
- HB 868** Villarreal
Relating to exceptions to mental health information disclosure prohibitions.
- HB 1125** Lavender
Relating to the rights of an accused person in and the written waiver of extradition proceedings.
- HB 1174** Fallon
Relating to the penalties for illegally passing a stopped school bus.
- HB 1340** Rose
Relating to consent to the immunization of certain children.
- HB 1352** Callegari
Relating to an exemption for certain persons who sell signs from the requirement to be licensed as an electrician.
- HB 1461** Aycock
Relating to customer notification of water loss by a retail public utility.
- HB 1511** Larson
Relating to the rates of sales and use taxes imposed by municipalities; authorizing an increase or decrease in the rate of those taxes.
- HB 1650** Raymond
Relating to county and municipal land development regulation.
- HB 1712** Lozano
Relating to an exemption from ad valorem and sales and use taxes for property used in connection with an offshore spill response containment system.
- HB 1843** Branch
Relating to limitations on the automatic admission of undergraduate students to general academic teaching institutions.
- HB 2224** Hilderbran
Relating to the qualifications of the chief appraiser of an appraisal district.
- HB 2314** Otto
Relating to annual training for certain members of the board of directors of an appraisal district.

- HB 2373** Klick
Relating to the use of an electronic device to capture a voter's signature for the signature roster.
- HB 2385** Capriglione
Relating to eliminating the requirement that a combined group include in its franchise tax report information about gross receipts of members who do not have nexus with this state.
- HB 2500** Bohac
Relating to the appraisal for ad valorem tax purposes of solar energy property.
- HB 2578** Larson
Relating to the development of brackish groundwater and the use of brackish water and seawater; providing a penalty.
- HB 2676** Davis, Yvonne
Relating to the confidentiality of certain home address information in ad valorem tax appraisal records.
- HB 2690** Elkins
Relating to the sale of a vehicle by an unlicensed seller; creating an offense.
- HB 2765** Branch
Relating to the creation of the Texas competitive knowledge fund to support excellence at qualifying institutions of higher education.
- HB 2869** Carter
Relating to the provision of durable medical equipment and supplies under the Medicaid program.
- HB 2972** King, Ken
Relating to exempting premiums for certain insurance covering stored or in-transit baled cotton from surplus lines insurance premium taxes.
- HB 3065** Menéndez
Relating to the payment of state funds by the secretary of state directly to an entity conducting a primary election under contract.
- HB 3081** Wu
Relating to the requirements for a person who has recently moved to vote in the precinct of the person's former or current residence.
- HB 3279** Morrison
Relating to the uprooting of seagrass plants; creating an offense.
- HB 3350** Rodriguez, Eddie
Relating to homestead preservation districts and reinvestment zones.
- HB 3442** Otto
Relating to the obligation of an appraisal review board to respond to a property owner's request to postpone a hearing of the board.

- HB 3498** Turner, Scott
Relating to a requirement that a student's postsecondary transcript include the average or median grade awarded in each class.
- HB 3593** Burnam
Relating to the determination that a voter is deceased.
- HB 3660** Simmons
Relating to requiring the Texas Commission on Fire Protection to conduct a study and prepare a report on administrative attachment.
- HB 3750** Farrar
Relating to the destruction of the records of businesses, state and local governments, and nonprofit entities stored on copy machines; providing a civil penalty.
- HB 3952** Nevárez
Relating to the composition of the juvenile board of Val Verde County.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Friday, May 10, 2013 - 3

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 12** Flynn
Relating to gifts and other consideration made to state agencies for state employee salary supplement or other purposes, and to publication by state agencies of staff compensation and related information.
- HB 912** Gooden
Relating to images captured by unmanned vehicles and unmanned aircraft; providing penalties.
- HB 1468** Sheets
Relating to confidential communications between an insurance carrier and a covered employer under the Texas Workers' Compensation Act.
- HB 2145** Hilderbran
Relating to apportionment of certain receipts of a broadcaster under the franchise tax.

HB 2163 Eiland

Relating to an annual assessment on insurers for the examination of insurers; imposing an assessment.

HB 2971 Alonzo

Relating to the regulation of firefighters and fire departments by the Texas Commission on Fire Protection.

HB 3005 Burkett

Relating to the authority of the Texas Workforce Commission to use certain unemployment compensation funds for reemployment activities.

HB 3013 Larson

Relating to the underground storage of water for later retrieval and beneficial use; authorizing the imposition of fees.

HB 3669 Naishtat

Relating to the recusal or disqualification of a statutory probate judge or other judge authorized to hear probate, guardianship, or mental health matters, and the subsequent assignment of another judge.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

MESSAGES FROM THE GOVERNOR

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

May 9, 2013
Austin, Texas

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

On January 16, 2013, I submitted the name of Harold E. Jenkins for appointment to the Trinity River Authority Board of Directors for a term to expire March 15, 2015.

Because he resigned, I hereby withdraw his nomination and request that the Senate return the appointment to me.

Respectfully submitted,
/s/Rick Perry
Governor

May 10, 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 Physician Assistant Board for terms to expire February 1, 2019:

Teralea Davis Jones
Beeville, Texas
(Ms. Jones is being reappointed)

Michael Reis
Woodway, Texas
(Dr. Reis is being reappointed)

R. Blayne Rush
Frisco, Texas
(replacing James Endicott, Jr. of Harker Heights whose term expired)

To be members of the Texas Medical Board for terms to expire April 13, 2019:

Michael Arambula
San Antonio, Texas
(Dr. Arambula is being reappointed)

Devinder S. Bhatia
Houston, Texas
(replacing Melinda McMichael of Austin whose term expired)

Frank S. Denton
Conroe, Texas
(replacing Patricia Blackwell of Midland whose term expired)

J. Scott Holliday
University Park, Texas
(Dr. Holliday is being reappointed)

Margaret Carter McNeese
Houston, Texas
(Dr. McNeese is being reappointed)

Karl W. Swann
San Antonio, Texas
(replacing W. Roy Smythe of Belton whose term expired)

Timothy Webb
Houston, Texas
(Mr. Webb is being reappointed)

To be a member of the Texas Medical Board for a term to expire April 13, 2015:

Robert Simonson
Duncanville, Texas

Dr. Simonson is replacing Patrick Crocker of Austin who resigned.

Respectfully submitted,

/s/Rick Perry
Governor

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 12** to Committee on Government Organization.
- HB 30** to Committee on Higher Education.
- HB 217** to Committee on Education.
- HB 503** to Committee on Intergovernmental Relations.
- HB 577** to Committee on Criminal Justice.
- HB 581** to Committee on State Affairs.
- HB 586** to Committee on State Affairs.
- HB 619** to Committee on Business and Commerce.
- HB 628** to Committee on Open Government.
- HB 690** to Committee on Higher Education.
- HB 694** to Committee on Criminal Justice.
- HB 705** to Committee on Criminal Justice.
- HB 709** to Committee on Finance.
- HB 710** to Committee on Criminal Justice.
- HB 714** to Committee on Transportation.
- HB 724** to Committee on State Affairs.
- HB 738** to Committee on Natural Resources.
- HB 793** to Committee on Criminal Justice.
- HB 862** to Committee on Finance.
- HB 868** to Committee on Health and Human Services.
- HB 912** to Committee on Agriculture, Rural Affairs and Homeland Security.
- HB 1021** to Committee on Jurisprudence.
- HB 1022** to Committee on Jurisprudence.
- HB 1125** to Committee on Criminal Justice.
- HB 1143** to Committee on Health and Human Services.
- HB 1174** to Committee on Transportation.
- HB 1179** to Committee on Agriculture, Rural Affairs and Homeland Security.
- HB 1180** to Committee on Health and Human Services.
- HB 1223** to Committee on Finance.
- HB 1289** to Committee on Finance.
- HB 1318** to Committee on Criminal Justice.
- HB 1340** to Committee on Health and Human Services.
- HB 1384** to Committee on Transportation.
- HB 1396** to Committee on Health and Human Services.
- HB 1452** to Committee on Health and Human Services.
- HB 1461** to Committee on Natural Resources.
- HB 1468** to Committee on State Affairs.
- HB 1511** to Committee on Finance.
- HB 1523** to Committee on Criminal Justice.
- HB 1633** to Committee on Health and Human Services.
- HB 1650** to Committee on Administration.
- HB 1659** to Committee on Criminal Justice.
- HB 1675** to Committee on Transportation.

HB 1712 to Committee on Finance.
HB 1734 to Committee on Intergovernmental Relations.
HB 1790 to Committee on Criminal Justice.
HB 1843 to Committee on Higher Education.
HB 1878 to Committee on Transportation.
HB 1966 to Committee on Economic Development.
HB 1975 to Committee on Finance.
HB 2006 to Committee on State Affairs.
HB 2021 to Committee on Intergovernmental Relations.
HB 2024 to Committee on Intergovernmental Relations.
HB 2036 to Committee on Higher Education.
HB 2038 to Committee on Health and Human Services.
HB 2075 to Committee on Intergovernmental Relations.
HB 2090 to Committee on Criminal Justice.
HB 2100 to Committee on Finance.
HB 2133 to Committee on Natural Resources.
HB 2138 to Committee on Intergovernmental Relations.
HB 2145 to Committee on Finance.
HB 2148 to Committee on Finance.
HB 2153 to Committee on Agriculture, Rural Affairs and Homeland Security.
HB 2158 to Committee on Health and Human Services.
HB 2163 to Committee on Business and Commerce.
HB 2201 to Committee on Education.
HB 2224 to Committee on Finance.
HB 2240 to Committee on Health and Human Services.
HB 2269 to Committee on Economic Development.
HB 2371 to Committee on Criminal Justice.
HB 2373 to Committee on State Affairs.
HB 2385 to Committee on Finance.
HB 2396 to Committee on Criminal Justice.
HB 2500 to Committee on Finance.
HB 2578 to Committee on Natural Resources.
HB 2590 to Committee on Natural Resources.
HB 2595 to Committee on Criminal Justice.
HB 2636 to Committee on Finance.
HB 2648 to Committee on Transportation.
HB 2676 to Committee on Open Government.
HB 2690 to Committee on Transportation.
HB 2707 to Committee on Finance.
HB 2719 to Committee on Criminal Justice.
HB 2765 to Committee on Higher Education.
HB 2770 to Committee on Finance.
HB 2780 to Committee on Higher Education.
HB 2781 to Committee on Natural Resources.
HB 2792 to Committee on Finance.
HB 2818 to Committee on Business and Commerce.

HB 2869 to Committee on Health and Human Services.
HB 2924 to Committee on Veteran Affairs and Military Installations.
HB 2952 to Committee on Administration.
HB 2972 to Committee on Finance.
HB 2982 to Committee on Natural Resources.
HB 3005 to Committee on Economic Development.
HB 3013 to Committee on Natural Resources.
HB 3015 to Committee on State Affairs.
HB 3038 to Committee on Business and Commerce.
HB 3042 to Committee on Economic Development.
HB 3065 to Committee on State Affairs.
HB 3077 to Committee on Veteran Affairs and Military Installations.
HB 3081 to Committee on State Affairs.
HB 3086 to Committee on Finance.
HB 3126 to Committee on Transportation.
HB 3142 to Committee on Agriculture, Rural Affairs and Homeland Security.
HB 3159 to Committee on Intergovernmental Relations.
HB 3240 to Committee on Criminal Justice.
HB 3276 to Committee on State Affairs.
HB 3279 to Committee on Agriculture, Rural Affairs and Homeland Security.
HB 3327 to Committee on Education.
HB 3350 to Committee on Intergovernmental Relations.
HB 3438 to Committee on Finance.
HB 3439 to Committee on Finance.
HB 3440 to Committee on Finance.
HB 3441 to Committee on Finance.
HB 3443 to Committee on Finance.
HB 3454 to Committee on Finance.
HB 3498 to Committee on Higher Education.
HB 3569 to Committee on Agriculture, Rural Affairs and Homeland Security.
HB 3574 to Committee on Finance.
HB 3593 to Committee on State Affairs.
HB 3648 to Committee on Government Organization.
HB 3669 to Committee on Jurisprudence.
HB 3686 to Committee on Health and Human Services.
HB 3714 to Committee on Economic Development.
HB 3731 to Committee on Health and Human Services.
HB 3743 to Committee on Criminal Justice.
HB 3750 to Committee on Business and Commerce.
HB 3794 to Committee on State Affairs.
HB 3815 to Committee on Criminal Justice.
HB 3838 to Committee on Transportation.
HJR 24 to Committee on Finance.
HJR 62 to Committee on Finance.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

- SR 855** by Davis, In memory of Philip Johnson.
- SR 856** by Davis, In memory of Walter Christensen.
- SR 859** by Davis, In memory of Carroll Wright Collins.
- SR 860** by Davis, In memory of Harold Raley Dunn.
- SR 861** by Davis, In memory of Edward Keith Averitte.
- SR 863** by Duncan, In memory of Pat Young Steed.
- SR 866** by Schwertner, In memory of Adam Huckstep-LaPorte.

Welcome and Congratulatory Resolutions

- SR 857** by Davis, Recognizing Paulie Ayala for receiving the 2013 Believing in Youth Award.
- SR 858** by Davis, Recognizing Richard Crummel on the occasion of his retirement.
- SR 862** by Davis, Recognizing the Eastern Hills High School Junior Reserve Officers' Training Corps Highlanders.
- SR 864** by Hinojosa, Recognizing Norma Jean Hatch Cornejo for her career as a teacher.
- SR 867** by Watson, Recognizing the Westlake High School Mentorship Program.
- SR 869** by Ellis, Recognizing Joseph D. Jamail, Jr., for his contributions to our state.
- SR 870** by Deuell, Recognizing Van Zandt County on the occasion of its 165th anniversary.
- SR 871** by Rodríguez, Welcoming artists from the San Elizario Historic Art District to Austin.
- SR 873** by Watson, Recognizing Louise Stefan for her 50 years of service to Hastings Communication Services.
- SR 874** by Schwertner, Recognizing Round Rock on the occasion of its 100th anniversary.
- SR 875** by Taylor, Recognizing Mitch Wright on the occasion of his 90th birthday.
- SR 877** by Patrick, Recognizing the Watermelon Run for the Fallen in Hempstead.
- SR 878** by Campbell, Recognizing Gary W. Raba for his service to the Texas Board of Professional Engineers.

Official Designation Resolution

- SR 868** by Nelson, Recognizing May as National Foster Care Month in Texas.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 3:19 p.m. Friday, May 10, 2013, adjourned until 11:00 a.m. Monday, May 13, 2013.

APPENDIX

COMMITTEE REPORTS

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

May 9, 2013

ECONOMIC DEVELOPMENT — HB 2256, HB 2034, HB 809, HB 768, HCR 56, HB 3337, HB 939, HB 762

TRANSPORTATION — HB 250, HB 341, HB 442, HB 511, HB 567, HB 625, HB 1347, HB 2536, HB 3031, HB 120, HB 695, HB 938, HB 1238

CRIMINAL JUSTICE — HB 144, HB 220, HB 333, HB 434, HB 570, HB 634, HB 729, HB 797, HB 799, HB 1205, HB 1272, HB 1421, HB 2637

HEALTH AND HUMAN SERVICES — CSHB 243, HB 736, HB 740, HB 748, HB 808, HB 1204, HB 1395, HB 1491, HB 1648, HB 1760, CSHB 1738

BUSINESS AND COMMERCE — CSHB 798, CSSB 1700

CRIMINAL JUSTICE — CSSB 1712, CSHB 1294

JURISPRUDENCE — CSSB 1218, HB 1334, HB 1222, HB 1043, HB 845, HB 410, HB 389

NATURAL RESOURCES — CSHB 1160, CSHB 252, CSHB 857

HIGHER EDUCATION — CSHB 1000, HJR 79, HB 1061, HB 1844, HB 2051, HB 2103, HB 2892

TRANSPORTATION — CSHB 248, CSHB 338, CSHB 347, CSHB 1534

HEALTH AND HUMAN SERVICES — CSHB 15, CSHB 2683

NATURAL RESOURCES — CSHB 788

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — HB 150, HB 402, HB 1514, HB 1589, HB 2254, HB 3064, CSHB 2392

May 10, 2013

STATE AFFAIRS — HB 1188, HB 1265, HB 1869, HB 2465

EDUCATION — HB 455, HB 617, HB 773, HB 2961

STATE AFFAIRS — SB 220

HEALTH AND HUMAN SERVICES — CSHB 915, CSHB 1227

INTERGOVERNMENTAL RELATIONS — **SB 724, SB 725, SB 1909, SB 1920, SB 1917, HB 35, HB 64, HB 241, HB 242, HB 429, HB 436, HB 518, HB 654, HB 712, HB 802, HB 964, HB 995, HB 1237, HB 1247, HB 1259, HB 1385, HB 1427, HB 1492, HB 1506, HB 1920, HB 1969, HB 2213, HB 3561, HB 3889, HB 3925, HB 3935**

TRANSPORTATION — **CSSB 1632**

CRIMINAL JUSTICE — **CSSB 969**

INTERGOVERNMENTAL RELATIONS — **CSHB 139, CSHB 326, CSHB 1554, CSHB 3361**

BILLS ENGROSSED

May 8, 2013

SB 1040, SB 1172, SB 1183, SB 1334, SB 1375, SB 1440, SB 1458, SB 1551, SB 1720, SB 1863, SB 1867, SB 1879, SB 1891, SB 1906, SB 1914

BILLS AND RESOLUTIONS ENROLLED

May 8, 2013

SB 166, SB 265, SB 348, SB 354, SB 365, SB 367, SB 611, SB 698, SB 743, SB 820, SB 866, SB 965, SB 1489, SR 757, SR 765, SR 820, SR 848, SR 849, SR 850

BILLS ENGROSSED

May 9, 2013

SB 14, SB 221, SB 414, SB 438, SB 524, SB 925, SB 1083, SB 1150, SB 1506

BILLS AND RESOLUTIONS ENROLLED

May 9, 2013

SB 181, SB 233, SB 245, SB 274, SB 350, SB 376, SB 487, SB 610, SB 620, SB 651, SB 654, SB 661, SB 670, SB 696, SB 727, SB 748, SB 821, SB 860, SB 864, SB 878, SB 887, SB 984, SB 1004, SB 1093, SB 1133, SB 1191, SB 1212, SB 1300, SB 1360, SB 1427, SB 1538, SB 1589, SB 1814, SB 1889, SCR 35, SR 855, SR 856, SR 857, SR 858, SR 859, SR 860, SR 861, SR 862, SR 863, SR 864, SR 865, SR 866, SR 867, SR 868, SR 869, SR 870, SR 871

SENT TO GOVERNOR

May 9, 2013

SB 166, SB 265, SB 348, SB 354, SB 365, SB 367, SB 611, SB 698, SB 743, SB 820, SB 866, SB 965, SB 1489