

SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTY-EIGHTH DAY
(Tuesday, May 14, 2013)

The Senate met at 11:08 a.m. pursuant to adjournment and was called to order by Senator Eltife.

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

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

The Reverend Dr. Frederick D. Lewis, Smith Chapel African Methodist Episcopal Church, Dallas, offered the invocation as follows:

Heavenly Father, before the hills in the Earth stood or the Earth received her frame, from everlasting to everlasting, Thou art God, through endless years the same. By whatever name You are called, Thou art God. God looked down the corridor of the time and saw all that was to be. God looked and knew every one of you by name, even before you were formed in your mother's womb. God looked and saw a great state called Texas, from the palm trees of the Gulf of Mexico to the Texas Hill Country, from the Oklahoma Panhandle to the Rio Grande, Texas, a great state in a great nation. God looked and saw each and every one of us here in this hallowed Chamber today. God looked and saw every one of you Senators elected by a divine process first used to elect Matthias, the 13th Apostle. God looked and saw you Senators grapple with the issues of our time, grapple with the issues of the servants of evil, terrorists, and depraved individuals lurking like predators in the shadows and on the sidelines of life waiting to pounce upon the innocent. Someone said people make you great, others say it's the time that makes you great. God's word says if you want to be great, wonderful, but to be great is to be a servant, and the greatest among you shall be servant of all. What does God expect of you Senators? God expects you to serve, even though there may be discord among those who honestly disagree. God expects you to serve, serve with purpose, serve with ethics, serve with integrity, serve the rich and the poor. This is the path God wants you on. And on judgment day, when asked by those who served here before us, what did you do with the issues of your time? You can stand and

say, let the record show we did what had to be done. We took lessons from the great ones. We learned from our mistakes. We served with purpose. We served with ethics. We served with integrity. We served the rich. We served the poor. We served all of God's people. Do this and you, too, will be servants of God. May God bless Texas and the United States of America. 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.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Tuesday, May 14, 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 CONCURRED IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

HB 535 (145 Yeas, 0 Nays, 1 Present, not voting)

HB 2738 (144 Yeas, 0 Nays, 1 Present, not voting)

THE HOUSE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

HB 1600 (141 Yeas, 0 Nays, 1 Present, not voting)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

PHYSICIAN OF THE DAY

Senator Watson was recognized and presented Dr. Georgeanne Freeman of Austin as the Physician of the Day.

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

GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate students from St. Mary's University School of Law.

The Senate welcomed its guests.

SENATE RESOLUTION 768

Senator West offered the following resolution:

WHEREAS, The Senate of the State of Texas takes pleasure in recognizing Dr. John Ellis Price, who is leaving his post as president of the University of North Texas at Dallas; and

WHEREAS, This outstanding administrator and distinguished scholar has provided exceptional leadership for more than a decade, from the earliest days of the university's inception up through its first years as an independent institution; and

WHEREAS, Throughout these formative years, Dr. Price has overseen the evolution of this fledgling university with great dedication and foresight; having served the University of North Texas System and the Dallas campus as executive director, vice provost, vice chancellor, and president-designate, he was named the founding president of the University of North Texas at Dallas in 2010; and

WHEREAS, Dr. Price has long been respected among his peers and students; in his prior career in business education, he served as a department chair, a dean, and a professor of accounting; he holds bachelor's and master's degrees in accounting from the University of Southern Mississippi, and he earned a doctorate in accounting from North Texas State University in Denton in 1981; and

WHEREAS, Among his many prestigious honors, Dr. Price has twice received the Outstanding Teaching Award given by the University of North Texas College of Business Administration; and

WHEREAS, Dr. Price's unwavering stewardship of the University of North Texas at Dallas will remain among his greatest distinctions, and he is indeed deserving of high praise as a visionary and as an exemplary administrator; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby commend Dr. John Ellis Price on his exceptional service as president of the University of North Texas at Dallas and extend to him sincere best wishes for the future; and, be it further

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

SR 768 was again read.

The resolution was previously adopted on Friday, May 3, 2013.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate a University of North Texas at Dallas delegation: John Ellis Price, President; Michael Williams, Interim President, Health Science Center; and Lee Jackson, Chancellor, University of North Texas System.

The Senate welcomed its guests.

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

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

There was no objection.

CONCLUSION OF MORNING CALL

The Presiding Officer at 11:31 a.m. announced the conclusion of morning call.

HOUSE BILL 1973 ON SECOND READING

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1973** at this time on its second reading:

HB 1973, Relating to the provision of water by a public utility or water supply or sewer service corporation for use in fire suppression.

The bill was read second time.

Senator Hegar offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1973** (senate committee printing) in SECTION 1 of the bill, in proposed Section 341.0359(e), Health and Safety Code (page 2, line 10), between "municipality" and "that", by inserting "with a population of less than 1.9 million".

The amendment to **HB 1973** was read and was adopted by a viva voce vote.

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

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

HB 1973 as amended was passed to third reading by a viva voce vote.

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

HOUSE BILL 1973 ON THIRD READING

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1973** be placed on its third reading and final passage.

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

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

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate a Texas school counselors' delegation.

The Senate welcomed its guests.

HOUSE BILL 2961 ON SECOND READING

On motion of Senator Deuell and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2961** at this time on its second reading:

HB 2961, Relating to the social security numbers of school district employees.

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.

HOUSE BILL 2961 ON THIRD READING

Senator Deuell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2961** be placed on its third reading and final passage.

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

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

HOUSE BILL 1421 ON SECOND READING

Senator Estes moved to suspend the regular order of business to take up for consideration **HB 1421** at this time on its second reading:

HB 1421, Relating to the disposition of certain seized weapons.

The motion prevailed.

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

The bill was read second time and was passed to 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: Garcia, Rodríguez.

HOUSE BILL 1421 ON THIRD READING

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1421** be placed on its third reading and final passage.

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

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

Nays: Garcia, Rodríguez.

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

HOUSE BILL 1869 ON SECOND READING

Senator Duncan moved to suspend the regular order of business to take up for consideration **HB 1869** at this time on its second reading:

HB 1869, Relating to contractual subrogation and other recovery rights of certain insurers and benefit plan issuers.

The motion prevailed.

Senator 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: Taylor.

HOUSE BILL 1869 ON THIRD READING

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1869** be placed on its third reading and final passage.

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

Nays: Taylor.

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

COMMITTEE SUBSTITUTE SENATE BILL 1310 ON SECOND READING

Senator Davis moved to suspend the regular order of business to take up for consideration **CSSB 1310** at this time on its second reading:

CSSB 1310, Relating to standards for school district, public school campus, and open-enrollment charter school performance ratings.

The motion prevailed.

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

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

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

Nays: Nichols, Schwertner.

COMMITTEE SUBSTITUTE SENATE BILL 1310 ON THIRD READING

Senator Davis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1310** be placed on its third reading and final passage.

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

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

Nays: Nichols, Schwertner.

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

HOUSE BILL 617 ON SECOND READING

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **HB 617** at this time on its second reading:

HB 617, Relating to transition and employment services for public school students enrolled in special education programs.

The motion prevailed.

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

The bill was read second time.

Senator Seliger offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 617** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. This Act shall be known as the Ricky Broussard Act.

The amendment to **HB 617** was read and was adopted by a viva voce vote.

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

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

HB 617 as amended was passed to third reading by a viva voce vote.

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

Nays: Campbell, Nichols, Schwertner.

HOUSE BILL 617 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 **HB 617** be placed on its third reading and final passage.

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

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

Nays: Campbell, Nichols, Schwertner.

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

HOUSE BILL 1272 ON SECOND READING

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1272** at this time on its second reading:

HB 1272, Relating to the continuation and duties of the Human Trafficking Prevention Task Force.

The bill was read second time.

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

Floor Amendment No. 1

Amend **HB 1272** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill, add Subsection (b-1) to read as follows:

(b-1) A state or local law enforcement agency, district attorney, or county attorney that assists in the prevention of human trafficking shall, at the request of the task force, cooperate and assist the task force in collecting any statistical data on the nature and extent of human trafficking in the possession of the law enforcement agency or district or county attorney.

(2) In SECTION 1 of the bill, amend Subsection (d)(2) on page 1, lines 40 to 42, to read as follows:

(2) collect, organize, and periodically publish statistical data on the nature and extent of human trafficking in this state, including data described by Subdivisions (4)(A), (B), (C), (D), and (E);

(3) In SECTION 1 of the bill, amend Subsection (d)(4) on page 1, lines 48-51, to read as follows:

(4) ensure that each state or local governmental agency and political subdivision of the state and each state or local law enforcement agency, district attorney, or county attorney that assists in the prevention of human trafficking collects statistical data related to human trafficking, including, as appropriate:

(4) In SECTION 1 of the bill, amend Subsection (d)(4)(C) on page 2, lines 1-4, to read as follows:

(C) geographic routes by which human trafficking victims are trafficked, including routes by which victims are trafficked across this state's international border, and geographic patterns in human trafficking, including the country or state of origin and the country or state of destination;

The amendment to **HB 1272** was read and was adopted by a viva voce vote.

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

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

HB 1272 as amended was passed to third reading by a viva voce vote.

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

HOUSE BILL 1272 ON THIRD READING

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1272** be placed on its third reading and final passage.

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

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

COMMITTEE SUBSTITUTE SENATE BILL 1218 ON SECOND READING

Senator Campbell moved to suspend the regular order of business to take up for consideration **CSSB 1218** at this time on its second reading:

CSSB 1218, Relating to the proof of an applicant's identity and age required for the issuance of a marriage license.

The motion prevailed.

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

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

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

Nays: Davis, Rodríguez.

COMMITTEE SUBSTITUTE SENATE BILL 1218 ON THIRD READING

Senator Campbell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1218** be placed on its third reading and final passage.

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

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

Nays: Davis, Rodríguez.

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

SENATE BILL 1921 ON SECOND READING

On motion of Senator Hegar and by unanimous consent, Senate Rule 5.14(a) and the regular order of business were suspended to take up for consideration **SB 1921** at this time on its second reading:

SB 1921, Relating to the creation of Kendleton Improvement District; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

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

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

SENATE BILL 1921 ON THIRD READING

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1921** be placed on its third reading and final passage.

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

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

COMMITTEE SUBSTITUTE SENATE BILL 1554 ON SECOND READING

Senator Lucio moved to suspend the regular order of business to take up for consideration **CSSB 1554** at this time on its second reading:

CSSB 1554, Relating to the establishment of a matching grant program for community development in certain municipalities and counties.

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

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

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

Absent: Williams.

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1554** (Senate committee printing) in SECTION 1 of the bill, in added Section 23.002(a), Agriculture Code (page 1, line 28), by striking "The department" and substituting "Subject to the availability of federal and state funds, the department".

The amendment to **CSSB 1554** was read and was adopted by a viva voce vote.

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

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

CSSB 1554 as amended was passed to engrossment by the following vote: Yeas 20, Nays 10.

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

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

Absent: Williams.

HOUSE BILL 1222 ON SECOND READING

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1222** at this time on its second reading:

HB 1222, Relating to venue for certain alleged violations or offenses under the Water Safety Act.

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.

HOUSE BILL 1222 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1222** be placed on its third reading and final passage.

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

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

HOUSE BILLS ON FIRST READING

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

HB 742 to Committee on Education.

HB 1199 to Committee on Agriculture, Rural Affairs and Homeland Security.

HB 1581 to Committee on Business and Commerce.

HB 2233 to Committee on State Affairs.

HB 2808 to Committee on Finance.

HB 2824 to Committee on Education.

HB 2872 to Committee on Education.

HB 3459 to Committee on Natural Resources.

HB 3934 to Committee on Natural Resources.

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

Senator Uresti submitted a Motion In Writing to suspend Senate Rule 11.13 to grant all committees permission to meet while the Senate is meeting today and tomorrow.

The Motion In Writing prevailed without objection.

SENATE RULES SUSPENDED
(Posting Rules)

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

HB 367, HB 483, HB 2267, HB 2414.

SENATE RULES SUSPENDED
(Posting Rules)

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

HB 1396, HB 932.

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

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

SENATE 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 tomorrow:

HB 259, HB 394, HB 581, HB 586, HB 1035, HB 1996, HB 2006, HB 2127, HB 2373, HB 2380, HB 2929, HB 3101, HB 3152.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Seliger and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Higher Education might meet and consider the following bills today: **HB 437, HB 3659.**

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Estes and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Agriculture, Rural Affairs and Homeland Security might meet and consider the following bills today: **HB 1807, HB 2312.**

**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 **HB 2015** tomorrow.

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

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

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

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

**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 671, HB 2202, HB 3572, HB 585, HB 1133, HB 1360, HB 2712, HB 1223, HB 2419, HB 2792, HB 2148, HB 3086, HB 2636, HB 2500, HB 2770.

REPORT OF COMMITTEE ON NOMINATIONS

Senator Hegar submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed:

Members, Advisory Committee to the Texas Board of Criminal Justice on Offenders with Medical or Mental Impairments: Robb David Catalano, Tarrant County; Martin Deleon, Nueces County; Kathy Christine Flanagan, Harris County; Trenton R. Marshall, Tarrant County.

Members, Aging and Disability Services Council: Barry Lee Anderson, Dallas County; Sheri Anderson Harmonson, El Paso County; James Russell Shannon, Andrews County; Donna Beth Stauber, McLennan County.

Members, Assistive and Rehabilitative Services Council: Lee Margalit Chayes, El Paso County; Amanda Boswell Davis, Leon County; Donald Dennis Roy, Titus County.

Members, Board, Texas Department of Motor Vehicles: Robert Sim Barnwell, Montgomery County; Luanne Caraway, Hays County; Raymond Palacios, El Paso County; Joseph Osmond Slovacek, Harris County.

Members, Board of Directors, Coastal Water Authority: Alan Dee Conner, Liberty County; Zebulun Nash, Harris County; Douglas E. Walker, Chambers County.

Members, Correctional Managed Health Care Committee: Harold Karl Berenzweig, Tarrant County; Margarita de la Garza-Graham, Smith County.

Members, Governing Board, Texas School for the Blind and Visually Impaired: Bobby Dean Druessedow, Parker County; Michael Edward Garrett, Fort Bend County; Bruce Lee Sonnenberg, Lubbock County.

Administrator, Nonresident Violator Compact: Rebecca Lynn Davio, Travis County.

Members, Parks and Wildlife Commission: Ralph Hereford Duggins, Tarrant County; Billy Bobby Jones, Travis County; James H. Lee, Harris County.

Members, State Board of Dental Examiners: Steven Jack Austin, Potter County; Kirby Leon Bunel, Bowie County; Emily Willeford Christy, Bexar County; Timothy John O'Hare, Dallas County; Lois M. Palermo, Galveston County; Louis Miguel White, Harris County.

Member, State Cemetery Committee: James Leavell Bayless, Travis County.

Member, Texas Board of Criminal Justice: Robert Terrell McCombs, Bexar County.

Members, Texas Board of Licensure for Professional Medical Physicists: Geoffrey David Clarke, Kendall County; Douglas Allen Johnson, Brazos County; John Raymond Leahy, Travis County.

Members, Texas Board of Nursing: Nina Almasy, Travis County; Patricia Taylor Clapp, Dallas County; Marilyn Joyce Davis, Fort Bend County; Shelby Hoebeke Ellzey, Ellis County.

Members, Board of Trustees, Texas County and District Retirement System: Herman Charles Cazalas, Nueces County; Dorye Kristeen Roe, Brazos County.

Members, Texas Higher Education Coordinating Board: Christopher Martin Huckabee, Tarrant County; Robert W. Jenkins, Travis County; Munir A. Lalani, Wichita County; Wanda Janelle Shepard, Parker County; David D. Teuscher, Jefferson County.

Member, Texas Lottery Commission: Veronica Ann Edwards, Bexar County.

Members, Texas Military Preparedness Commission: William A. Heine, Travis County; Dennis Leamon Lewis, Bowie County.

Members, Texas Private Security Board: Charles Edward Crenshaw, Travis County; Doyle Wade Hayden, Bexar County.

Members, Board of Directors, Upper Guadalupe River Authority: Michael L. Allen, Kerr County; David Michael Hughes, Kerr County; Hugh Ritman Jons, Kerr County; Claudell Smith Kercheville, Kerr County; Brian Wright, Kerr County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Hegar gave notice that he would tomorrow submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

SENATE BILL 220 ON SECOND READING

Senator Birdwell moved to suspend the regular order of business to take up for consideration **SB 220** at this time on its second reading:

SB 220, Relating to the abolition of the office of the fire fighters' pension commissioner and the transfer and disposition of its functions relating to the Texas Emergency Services Retirement System and the Texas local firefighters retirement systems.

The motion prevailed.

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

The bill was read second time.

Senator Birdwell offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 220** (senate committee printing) by striking all below the enacting clause and substituting the following:

ARTICLE 1. AMENDMENTS TO SUBTITLE H, TITLE 8, GOVERNMENT CODE

SECTION 1.01. Section 861.001, Government Code, is amended by adding Subdivision (5-a) to read as follows:

(5-a) "Executive director" means the person appointed executive director under Section 865.0095.

SECTION 1.02. Section 861.008, Government Code, is amended to read as follows:

Sec. 861.008. IMMUNITY FROM LIABILITY. The state board, executive director [~~commissioner~~], and employees of the pension system are not liable for any action taken or omission made or suffered by them in good faith in the performance of any duty or prerogative in connection with the administration of the pension system.

SECTION 1.03. Section 862.001(a), Government Code, is amended to read as follows:

(a) The governing body of a department that performs emergency services may, in the manner provided for taking official action by the body, elect to participate in the pension system. A governing body shall notify the executive director [~~commissioner~~] as soon as practicable of an election made under this subsection. Except as provided by Subsection (b), an election to participate under this subsection is irrevocable.

SECTION 1.04. Section 862.0025(a), Government Code, is amended to read as follows:

(a) Except as provided by Subsection (b), the governing body of a participating department may make an election to include all persons who provide support services for the department as members of the pension system on the same terms as all other volunteers of the department. An election under this section takes effect on the first

day of the calendar month that begins after the month in which the election is made and communicated to the executive director [~~commissioner~~]. Once made, an election under this section is irrevocable.

SECTION 1.05. Sections 864.005(a), (d), and (f), Government Code, are amended to read as follows:

(a) A local board shall require a member who is receiving temporary disability benefits to file a disability rating report every three months from a physician chosen by the local board. If a report indicates a significant improvement in condition, the local board, after notice and a hearing, may adopt an order to terminate payments. The local board shall send a copy of each order adopted under this subsection to the executive director [~~commissioner~~].

(d) If the local board has reason to believe that a ground for termination of temporary disability benefits exists, the local board may set a date for a hearing on the matter. The local board, after notice and a hearing, may adopt an order terminating temporary disability benefits if the local board determines that a ground for termination exists. The local board may not adopt an order under this subsection on the basis of a physician's previously submitted statement as to the likely duration of the disability if the local board determines, after a hearing, that the disability continues. The local board shall send a copy of each order adopted under this subsection to the executive director [~~commissioner~~].

(f) If the state board [~~commissioner~~] has reason to believe that a ground for termination of a continuing disability retirement annuity exists, the state board [~~commissioner~~] shall set a date for a hearing on continuation or termination of the annuity. The state board [~~commissioner~~], after notice and a hearing, shall adopt an order terminating the continuing disability retirement annuity if the state board [~~commissioner~~] determines that a ground for termination exists.

SECTION 1.06. Section 864.010(a), Government Code, is amended to read as follows:

(a) The executive director [~~commissioner~~] shall continue to administer benefits of the pension system for members and retirees who perform service for a formerly participating department that has withdrawn from participation in the pension system or has ceased to exist.

SECTION 1.07. Sections 864.016(a), (b), (c), (e), (f), and (g), Government Code, are amended to read as follows:

(a) A claim for disability retirement benefits or a lump-sum death benefit must be filed with the local board. A claim for service retirement benefits must be filed with the executive director [~~commissioner~~], who shall forward the claim to the appropriate local board for a hearing. A claim for a death benefit annuity must be filed with the executive director. The executive director [~~commissioner, who~~] shall make a determination of the merits of the claim for a death benefit annuity and issue a decision to the claimant. On receiving a claim under this section, the local board shall hold a hearing to decide the claim. The local board shall send a written copy of its decision to the claimant and the executive director [~~commissioner~~]. If a local board does not determine a claim for service retirement benefits and file its determination

with the executive director ~~[commissioner]~~ before the 16th day after the date the local board receives the claim, the executive director ~~[commissioner]~~ may determine the merits of the claim.

(b) A person aggrieved by a decision of a local board relating to eligibility for or the amount of benefits under this subtitle may appeal the decision to the state board ~~[commissioner]~~.

(c) An appeal of a local board decision under this section is begun by delivering a notice of appeal to the presiding officer or secretary of the local board that made the decision. The notice must be delivered not later than the 20th day after the date of the decision and contain a brief description of the reasons for the appeal. The aggrieved person must file a copy of the notice with the state board ~~[commissioner]~~.

(e) After a hearing under Subsection (d), the state board ~~[commissioner]~~ shall decide each appeal from a local board decision, issue a written opinion, and notify the local board and the claimant if the state board ~~[commissioner]~~ overrules the local board's decision.

~~(f) [A person aggrieved by a decision of the commissioner under this section may appeal the decision to the state board. The state board shall decide each appeal based on the hearing record.]~~

~~[(g) A final decision of the state board under this section is subject to judicial review under Chapter 2001. The standard of review is by substantial evidence. Venue of the appeal is only in a district court in Travis County [may not be appealed to a court or be subject to any other legal process].~~

SECTION 1.08. Section 865.001, Government Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) At least five ~~[Six]~~ trustees must be active members of the pension system, one of whom must represent emergency medical services personnel.

(c) One trustee may be a retiree of the pension system.

SECTION 1.09. Chapter 865, Government Code, is amended by adding Section 865.0011 to read as follows:

Sec. 865.0011. SUNSET REVIEW. The state board of the pension system is subject to review under Chapter 325 (Texas Sunset Act) but is not abolished under that chapter. The state board shall be reviewed during the period in which state agencies scheduled to be abolished in 2025, and every 12th year after that year, are reviewed.

SECTION 1.10. Section 865.002, Government Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(c) A person may not be a trustee or an employee of the pension system employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.), if:

(1) the person is an officer, employee, or paid consultant of a Texas trade association in the field of emergency services, including firefighting, or public retirement systems; or

(2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of emergency services, including firefighting, or public retirement systems.

(d) In this section, a Texas trade association means a cooperative and voluntarily joined statewide association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

(e) A person may not serve as a trustee or act as the general counsel to the state board or the pension system if the person is required to register as a lobbyist under Chapter 305 because of the person's activities for compensation on behalf of a business or an association related to the operation of the state board.

SECTION 1.11. Chapter 865, Government Code, is amended by adding Section 865.0035 to read as follows:

Sec. 865.0035. STATE BOARD MEMBER TRAINING. (a) A person who is appointed to and qualifies for office as a member of the state board may not vote, deliberate, or be counted as a member in attendance at a meeting of the state board until the person completes a training program that complies with this section.

(b) A training program must provide the person with information regarding:

(1) this subtitle;
(2) the programs, functions, rules, and budget of the pension system;
(3) the results of the most recent formal audit of the system;
(4) the requirements of laws relating to open meetings, public information, administrative procedure, and conflicts of interest; and

(5) any applicable ethics policies adopted by the system or the Texas Ethics Commission.

(c) A person appointed to the state board is entitled to reimbursement, as provided by the General Appropriations Act, for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

SECTION 1.12. Section 865.005(c), Government Code, is amended to read as follows:

(c) If the executive director [~~commissioner~~] has knowledge that a potential ground for removal exists, the executive director [~~commissioner~~] shall notify the presiding officer of the state board of the ground. The presiding officer shall then notify the governor that a potential ground for removal exists.

SECTION 1.13. Section 865.006, Government Code, is amended by adding Subsection (c) to read as follows:

(c) The state board shall develop and implement policies that:

(1) clearly separate the policy-making responsibilities of the state board and the management responsibilities of the executive director and the staff of the pension system; and

(2) provide the public with a reasonable opportunity to appear before the state board and to speak on any issue under the jurisdiction of the state board.

SECTION 1.14. Chapter 865, Government Code, is amended by adding Section 865.0061 to read as follows:

Sec. 865.0061. WRITTEN POLICY ON MANAGING AND ADMINISTERING CONTRACTS. The state board shall adopt a written policy, including procedures, to guide staff in managing and administering contracts entered into by or on behalf of the pension system. The written policy adopted under this section must, at a minimum:

(1) address how the pension system:

(A) plans for contracting needs and develops solicitation documents;

(B) reviews, evaluates, and awards contract proposals;

(C) manages and approves contract changes;

(D) identifies performance issues and resolves contract disputes;

(E) monitors contract expenditures; and

(F) closes out contracts; and

(2) require the pension system to maintain a central location for filing contracts and information related to contracts entered into by or on behalf of the pension system.

SECTION 1.15. Section 865.007(c), Government Code, is amended to read as follows:

(c) The state board or the executive director [~~commissioner~~] may accept on behalf of the pension system gifts of money or other property from any public or private source.

SECTION 1.16. Chapter 865, Government Code, is amended by adding Section 865.0095 to read as follows:

Sec. 865.0095. EXECUTIVE DIRECTOR. (a) The state board, by a majority vote of all members, shall appoint a person other than a member of the board to serve at the board's will as executive director.

(b) To be eligible to serve as the executive director, a person must:

(1) be a citizen of the United States; and

(2) have executive ability and experience necessary to conduct the duties of executive director.

SECTION 1.17. Sections 865.010, 865.011, and 865.013, Government Code, are amended to read as follows:

Sec. 865.010. EXECUTIVE DIRECTOR'S [COMMISSIONER'S] DUTIES.

(a) The executive director [~~commissioner~~] shall oversee the distribution of all benefits.

(b) The executive director [~~commissioner~~] shall collect the revenues for the fund from the governing bodies of participating departments.

(c) The executive director [~~commissioner~~] may request and administer state funds appropriated by the legislature in addition to those required by this subtitle.

(d) The state board [~~commissioner~~] is responsible for recovering any fraudulently acquired benefits. If it appears that fraud has occurred, the state board [~~commissioner~~] shall notify the appropriate local board and the claimant and hold a hearing. If after the hearing the state board [~~commissioner~~] determines that benefits have been or are being fraudulently acquired, the state board [~~commissioner~~] shall seek action in a court.

Sec. 865.011. RECORDS AND REPORTS. (a) The executive director [~~commissioner~~] may at any reasonable time examine the records and accounts of local boards.

(b) The executive director [~~commissioner~~] shall require in a timely manner periodic reports from the local boards and shall prepare necessary forms for use by local boards.

(c) The executive director [~~commissioner~~] shall prepare an annual report on the activity and status of the fund and submit the report to the governor, the lieutenant governor, and the speaker of the house of representatives.

(d) The state board shall electronically submit a report to the governor, the lieutenant governor, the speaker of the house of representatives, the Legislative Budget Board, and the State Pension Review Board if:

(1) as a result of an event or action, there is a significant change to the actuarial valuation of the pension system's assets or liabilities, including the extent to which the system's liabilities are unfunded;

(2) there is any change to the contributions made to or benefits paid from the system; or

(3) an actuarial valuation must be corrected or repeated because of the use of erroneous information or assumptions used in the valuation.

(e) A report submitted under Subsection (d)(1) must include and consider the effect alternative contributions and benefit structures would have on the actuarial valuation of the system, including changes in the state's contribution under Section 865.015, as well as state funding of administrative expenses.

(f) The state board shall determine the meaning of "significant change" for purposes of Subsection (d)(1), which must include circumstances in which there is an increase in the time required to amortize the unfunded liabilities of the pension system to a period that exceeds 30 years, assuming a maximum state contribution under Section 865.015.

(g) A report required under Subsection (d) may be combined with any other report required by this chapter or other law.

Sec. 865.013. MONITORING OF CONTRIBUTION SUBMISSION. A local board shall monitor the timely submission of required contributions to the executive director [~~commissioner~~].

SECTION 1.18. Section 865.014(c), Government Code, is amended to read as follows:

(c) Contributions required as provided by this section shall be paid at the times and in the manner that the state board prescribes by rule. Contributions required by this section shall be submitted by electronic funds transfer unless the executive director [~~commissioner~~] grants an exception based on the difficulty of a participating department's use of that payment method. Contributions that are not paid within the time required by the state board accrue interest at the most recent assumed actuarial rate of return on investments of the fund.

SECTION 1.19. Section 865.017(a), Government Code, is amended to read as follows:

(a) The pension system shall withhold payment of a monthly retirement annuity if a participating department attempts to provide information to the executive director [~~commissioner~~] relating to continued eligibility to receive the payments and the recipient fails to cooperate or provide the requested information. The state board may adopt rules to enforce this subsection.

SECTION 1.20. Section 865.018, Government Code, is amended by amending Subsection (b) and adding Subsections (c), (d), and (e) to read as follows:

(b) The executive director [~~commissioner~~] and the state board shall certify the actuarial and financial soundness of the fund every two years with the assistance of a qualified actuary.

(c) An actuarial valuation conducted under this section must include:

(1) an analysis clearly shown in the valuation based on each of the following assumptions:

(A) no state contribution to the fund, including no state funding of administrative expenses; and

(B) a maximum state contribution to the fund, including state funding of administrative expenses; and

(2) the number of years required to amortize the unfunded actuarial liabilities of the pension system under each assumption under Subdivision (1).

(d) At least once every five years, the state board, with the assistance of the actuary, shall:

(1) audit the actuarial valuation required under this section; and

(2) conduct an actuarial experience study, the contents of which are determined by the state board in consultation with the actuary.

(e) The actuarial valuation and experience study required under Subsection (d) are not required to be conducted concurrently.

SECTION 1.21. Sections 865.019(a) and (c), Government Code, are amended to read as follows:

(a) Information contained in records that are in the custody of the pension system concerning an individual member, annuitant, or beneficiary is confidential under Section 552.101 and may not be disclosed in a form identifiable with a specific individual unless:

(1) the information is disclosed to:

(A) the individual or the individual's attorney, guardian, executor, administrator, conservator, or other person who the executive director [~~commissioner~~] determines is acting in the interest of the individual or the individual's estate;

(B) a spouse or former spouse of the individual after the executive director [~~commissioner~~] determines that the information is relevant to the spouse's or former spouse's interest in member accounts, benefits, or other amounts payable by the pension system;

(C) a governmental official or employee after the executive director [~~commissioner~~] determines that disclosure of the information requested is reasonably necessary to the performance of the duties of the official or employee; or

(D) a person authorized by the individual in writing to receive the information; or

(2) the information is disclosed under a subpoena and the executive director [~~commissioner~~] determines that the individual will have a reasonable opportunity to contest the subpoena.

(c) The executive director [~~commissioner~~] may designate other employees of the pension system to make the necessary determinations under Subsection (a).

SECTION 1.22. Sections 865.020(c) and (d), Government Code, are amended to read as follows:

(c) The medical board shall:

(1) investigate essential statements and certificates made by or on behalf of a member of the pension system in connection with an application for disability retirement or, as requested by the executive director [~~commissioner~~], with an application for an on-duty death benefit; and

(2) report in writing to the executive director [~~commissioner~~] its conclusions and recommendations on all matters referred to it.

(d) The medical board is not subject to subpoena regarding findings it makes in assisting the executive director [~~commissioner~~] under this section, and its members may not be held liable for any opinions, conclusions, or recommendations made under this section.

SECTION 1.23. Chapter 865, Government Code, is amended by adding Section 865.021 to read as follows:

Sec. 865.021. COMPLAINT FILES. (a) The pension system shall maintain a system to promptly and efficiently act on complaints filed with the system. The system shall maintain information about:

(1) parties to the complaint;

(2) the subject matter of the complaint;

(3) a summary of the results of the review or investigation of the complaint;

and

(4) the disposition of the complaint.

(b) The pension system shall make information available describing its procedures for complaint investigation and resolution.

(c) The pension system shall periodically notify the complaint parties of the status of the complaint until final disposition.

ARTICLE 2. AMENDMENTS TO CIVIL STATUTES

SECTION 2.01. The Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes) is amended by adding Section 18B to read as follows:

Sec. 18B. TECHNICAL ASSISTANCE, TRAINING, AND INFORMATION FOR BOARDS OF TRUSTEES. (a) The State Pension Review Board shall provide technical assistance, training, and information to members of the boards of trustees established under this Act. The training required by this section must be designed to meet the specific needs of members of boards of trustees administering benefit plans for local fire fighters, including small-to-medium-sized benefit plans.

(b) To the extent resources are available, the board shall designate one person who specializes in providing the technical assistance, training, and information required under Subsection (a).

SECTION 2.02. Sections 22 and 22A, Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes), are amended to read as follows:

Sec. 22. APPEALS FROM LOCAL BOARD DECISIONS. (a) A person aggrieved by a decision of a board of trustees relating to eligibility for or amount of benefits payable by a retirement system may appeal the decision to the State Office of Administrative Hearings [~~fire fighters' pension commissioner~~].

(b) An appeal under this section is begun by delivering a notice of appeal with the chairman, secretary, or secretary-treasurer of the board of trustees that made the decision. The notice must be delivered not later than the 20th day after the date of the decision and contain a brief description of the reasons or grounds for appeal. The aggrieved person must file a copy of the notice with the State Pension Review Board [~~fire fighters' pension commissioner~~].

(b-1) As soon as practicable after receiving a notice of appeal under Subsection (b) of this section, the State Pension Review Board shall refer the matter to the State Office of Administrative Hearings by submitting notice of the appeal to that office.

(c) An appeal under this section [~~to the fire fighters' pension commissioner~~] is held in Austin and is a contested case under Chapter 2001, Government Code, [the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes)] conducted as a de novo hearing by the State Office of Administrative Hearings.

(d) The sole function of the State Pension Review Board with respect to an appeal under this section is to refer the appeal to the State Office of Administrative Hearings, and that office has exclusive authority to decide the appeal.

Sec. 22A. ATTORNEY. A board of trustees may employ an attorney to represent the board in one or all legal matters, including a hearing on appeal to the State Office of Administrative Hearings [~~fire fighters' pension commissioner~~]. At the request of a board of trustees, the city attorney of the municipality of which the board is a part shall, without additional compensation, represent the board in one or all legal matters.

SECTION 2.03. Section 27(d), Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes), is amended to read as follows:

(d) A board of trustees established under this Act shall adopt formal investment policies that emphasize safety and diversity as well as liquidity for benefit payments. In developing those policies, the board of trustees shall give special consideration to the preferred investment practices of the Government Financial Officers Association. [~~Not later than December 31 of each year, the board of trustees shall submit to the fire fighters' pension commissioner a copy of the investment policies adopted by the board.~~]

SECTION 2.04. Section 28(h), Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes), is amended to read as follows:

(h) A retirement system established under this Act is exempt from Subchapter C, Chapter 802, Government Code, except Sections 802.202, 802.205, and 802.207.

SECTION 2.05. Sections 30(b) and (c), Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes), are amended to read as follows:

(b) Contributions picked up as provided by this section shall be treated as employer contributions in determining tax treatment of the amounts under the Internal Revenue Code of 1986. Each municipality or other political subdivision picking up contributions shall continue, however, to compute federal income tax withholding as

if these contributions were employee wages until the first payroll period that begins after the date the ~~[fire fighters' pension commissioner files with the secretary of state a notice stating that the]~~ United States Internal Revenue Service ~~determines [has determined]~~ or a federal court ~~rules [has ruled]~~ that under Section 414(h), Internal Revenue Code of 1986 (26 U.S.C. Section 414(h)), the contributions are not includable in the gross income of a member until they are distributed or made available. Employee contributions picked up as provided by this section shall be deposited to the credit of the individual account of each affected member and shall be treated for all other purposes of this Act as if the contributions had been deducted from the compensation of members. Picked up contributions are not includable in a computation of contribution rates of the municipality or other political subdivision.

(c) A pick up of employee contributions takes effect in a municipality or other political subdivision on January 1 of the year following the year in which:

(1) the governing body of the municipality or other political subdivision by ordinance has adopted the pick up;

(2) the pick up has been approved by majority vote of the participating members of the retirement system at an election by secret ballot at which at least 50 percent of the participating members vote; and

(3) the ~~[fire fighters' pension commissioner has filed with the secretary of state a notice stating that the]~~ United States Internal Revenue Service ~~issues [has issued]~~ a determination that the plan covering employees of the municipality or other political subdivision is a qualified retirement plan under Section 401(a), Internal Revenue Code of 1986 (26 U.S.C. Section 401(a)), and that its related trust is tax exempt under Section 501(a) of that code (26 U.S.C. Section 501(a)).

ARTICLE 3. CONFORMING CHANGES TO OTHER LAW

SECTION 3.01. (a) Sections 54.353 and 54.3531, Education Code, which were added by Section 17, Chapter 359 (S.B. 32), Acts of the 82nd Legislature, Regular Session, 2011, as a nonsubstantive redesignation of the two versions of Section 54.208, Education Code, as amended by Chapters 1285 (H.B. 2013) and 1299 (H.B. 2347), Acts of the 81st Legislature, Regular Session, 2009, are reenacted to conform to the reenactment of Section 54.208, Education Code, and the addition of Section 54.2081, Education Code, by Chapter 959 (H.B. 1163), Acts of the 82nd Legislature, Regular Session, 2011, and Section 54.353, Education Code, is amended to read as follows:

Sec. 54.353. FIREFIGHTERS ENROLLED IN FIRE SCIENCE COURSES. (a) The governing board of an institution of higher education shall exempt from the payment of tuition and laboratory fees any student enrolled in one or more courses offered as part of a fire science curriculum who:

(1) is employed as a firefighter by a political subdivision of this state; or

(2) is currently, and has been for at least one year, an active member of an organized volunteer fire department participating in the Texas Emergency Services Retirement System or a retirement system established under the Texas Local Fire Fighters Retirement Act (Article 6243c, Vernon's Texas Civil Statutes) and [in this state, as defined by the fire fighters' pension commissioner,] who holds:

(A) an Accredited Advanced level of certification, or an equivalent successor certification, under the State Firemen's and Fire Marshals' Association of Texas volunteer certification program; or

(B) Phase V (Firefighter II) certification, or an equivalent successor certification, under the Texas Commission on Fire Protection's voluntary certification program under Section 419.071, Government Code.

(b) An exemption provided under this section does not apply to deposits that may be required in the nature of security for the return or proper care of property loaned for the use of students.

(c) Notwithstanding Subsection (a), a student who for a semester or term at an institution of higher education receives an exemption under this section may continue to receive the exemption for a subsequent semester or term at any institution only if the student makes satisfactory academic progress toward a degree or certificate at that institution as determined by the institution for purposes of financial aid.

(d) Notwithstanding Subsection (a), the exemption provided under this section does not apply to any amount of additional tuition the institution elects to charge a resident undergraduate student under Section 54.014(a) or (f).

(e) Notwithstanding Subsection (a), the exemption provided under this section does not apply to any amount of tuition the institution charges a graduate student in excess of the amount of tuition charged to similarly situated graduate students because the student has a number of semester credit hours of doctoral work in excess of the applicable number provided by Section 61.059(1)(1) or (2).

(f) The Texas Higher Education Coordinating Board shall adopt:

(1) rules governing the granting or denial of an exemption under this section, including rules relating to the determination of a student's eligibility for an exemption; and

(2) a uniform listing of degree programs covered by the exemption under this section.

Sec. 54.3531. PEACE OFFICERS ENROLLED IN CERTAIN COURSES. (a) The governing board of an institution of higher education shall exempt from the payment of tuition and laboratory fees charged by the institution for a criminal justice or law enforcement course or courses an undergraduate student who:

(1) is employed as a peace officer by this state or by a political subdivision of this state;

(2) is enrolled in a criminal justice or law enforcement-related degree program at the institution;

(3) is making satisfactory academic progress toward the student's degree as determined by the institution; and

(4) applies for the exemption at least one week before the last date of the institution's regular registration period for the applicable semester or other term.

(b) Notwithstanding Subsection (a), a student may not receive an exemption under this section for any course if the student has previously attempted a number of semester credit hours for courses taken at any institution of higher education while classified as a resident student for tuition purposes in excess of the maximum number of those hours specified by Section 61.0595(a) as eligible for funding under the formulas established under Section 61.059.

(c) Notwithstanding Subsection (a), the governing board of an institution of higher education may not provide exemptions under this section to students enrolled in a specific class in a number that exceeds 20 percent of the maximum student enrollment designated by the institution for that class.

(d) An exemption provided under this section does not apply to deposits that may be required in the nature of security for the return or proper care of property loaned for the use of students.

(e) The Texas Higher Education Coordinating Board shall adopt:

(1) rules governing the granting or denial of an exemption under this section, including rules relating to the determination of a student's eligibility for an exemption; and

(2) a uniform listing of degree programs covered by the exemption under this section.

(f) If the legislature does not specifically appropriate funds to an institution of higher education in an amount sufficient to pay the institution's costs in complying with this section for a semester, the governing board of the institution of higher education shall report to the Senate Finance Committee and the House Appropriations Committee the cost to the institution of complying with this section for that semester.

(b) Sections 54.208 and 54.2081, Education Code, are repealed.

SECTION 3.02. Section 572.003(b), Government Code, is amended to read as follows:

(b) The term means:

(1) the Banking Commissioner of The Banking Department of Texas;

(2) ~~the fire fighters' pension commissioner;~~

~~(3)~~ the administrative director of the Office of Court Administration of the Texas Judicial System;

~~(3)~~ ~~(4)~~ the chief executive of the Office of Public Utility Counsel;

~~(4)~~ ~~(5)~~ the executive director of the State Bar of Texas;

~~(5)~~ ~~(6)~~ the director of the lottery division of the Texas Lottery Commission;

~~(6)~~ ~~(7)~~ the deputy in charge of the department of security in the lottery division of the Texas Lottery Commission;

~~(7)~~ ~~(8)~~ the director of the bingo division of the Texas Lottery Commission;

or

~~(8)~~ ~~(9)~~ the secretary of state.

SECTION 3.03. Section 614.152(3), Government Code, is amended to read as follows:

(3) "State fire agency" means the:

(A) Office ~~firefighters' pension commissioner;~~

~~(B) Texas Department~~ of Rural Affairs established in the Department of Agriculture;

(B) ~~(C)~~ service;

(C) ~~(D)~~ Texas Commission on Fire Protection;

~~(D)~~ ~~(E)~~ Texas A&M Engineering Extension Service ~~[of The Texas A&M University System];~~ and

(E) [~~F~~] Texas State Fire Marshal's Office of the Texas Department of Insurance.

SECTION 3.04. Section 2155.148, Government Code, is amended to read as follows:

Sec. 2155.148. CERTAIN PURCHASES FOR TEXAS [~~STATEWIDE~~] EMERGENCY SERVICES [~~PERSONNEL~~] RETIREMENT SYSTEM [~~FUND~~]. (a) The Texas Emergency Services Retirement System [~~fire fighters' pension commissioner~~] is delegated all purchasing functions relating to the purchase of goods or services from funds other than general revenue funds for a purpose the state board of trustees of the Texas Emergency Services Retirement System [~~statewide emergency services personnel retirement fund~~] determines relates to the fiduciary duties of the retirement system [~~fund~~].

(b) The Texas Emergency Services Retirement System [~~fire fighters' pension commissioner~~] shall acquire goods or services by any procurement method approved by the state board of trustees of the Texas Emergency Services Retirement System [~~statewide emergency services personnel retirement fund~~] that provides the best value to the retirement system [~~fund~~]. The retirement system [~~fire fighters' pension commissioner~~] shall consider the best value standards provided by Section 2155.074.

(c) The commission shall procure goods or services for the Texas Emergency Services Retirement System [~~fire fighters' pension commissioner~~] at the request of the retirement system [~~pension commissioner~~], and the retirement system [~~pension commissioner~~] may use the services of the commission in procuring goods or services.

ARTICLE 4. REPEALER

SECTION 4.01. The following statutes are repealed:

- (1) Section 802.103(c), Government Code;
- (2) Section 861.001(3), Government Code;
- (3) Section 18(g), Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes);
- (4) Section 18A, Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes);
- (5) Section 21, Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes);
- (6) Section 21A, Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes); and
- (7) Section 31(c), Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes).

ARTICLE 5. TRANSITION

SECTION 5.01. (a) Not later than September 1, 2013, the state board of trustees of the Texas Emergency Services Retirement System shall appoint an executive director under Section 865.0095, Government Code, as added by this Act.

(b) Effective September 1, 2013:

- (1) the office of the fire fighters' pension commissioner is abolished and the term of the person holding that position expires; and
- (2) all powers, duties, obligations, and rights of action of the fire fighters' pension commissioner under:

(A) Subtitle H, Title 8, Government Code, as provided by Article 1 of this Act, are transferred to the:

(i) executive director of the Texas Emergency Services Retirement System appointed under Section 865.0095, Government Code, as added by this Act; or

(ii) state board of trustees of the Texas Emergency Services Retirement System established under Section 865.001, Government Code; and

(B) Section 2155.148, Government Code, are transferred to the Texas Emergency Services Retirement System.

(c) In connection with the transfers required by Subsection (b) of this section, the furniture, computers, other property and equipment, files, and related materials used by the fire fighters' pension commissioner are transferred to the executive director of the Texas Emergency Services Retirement System.

(d) A rule adopted by or on behalf of the fire fighters' pension commissioner in connection with or relating to Subtitle H, Title 8, Government Code, in effect on September 1, 2013, continues in effect until it is amended or repealed by the state board of trustees of the Texas Emergency Services Retirement System.

(e) The unobligated and unexpended balance of any appropriation made to the fire fighters' pension commissioner in connection with or relating to Subtitle H, Title 8, Government Code, for the state fiscal biennium ending August 31, 2013, is transferred and reappropriated to the state board of trustees of the Texas Emergency Services Retirement System for the purpose of implementing the powers, duties, obligations, and rights of action transferred to that system under Subsection (b) of this section.

(f) Notwithstanding the amendment by this Act of Section 572.003(b), Government Code, Section 572.003(d), Government Code, does not apply to the abolition of the office of the fire fighters' pension commissioner by this Act.

(g) Section 864.016(f), Government Code, as amended by this Act, applies to a final decision of the state board of trustees of the Texas Emergency Services Retirement System that is rendered on or after the effective date of this Act. A decision of the state board rendered before the effective date of this Act is governed by the law in effect on the date the decision was rendered, and the former law is continued in effect for that purpose.

SECTION 5.02. The change in law made by this Act to Section 865.002, Government Code, regarding prohibitions on members of the state board of trustees of the Texas Emergency Services Retirement System does not affect the entitlement of a member serving on the board immediately before September 1, 2013, to continue to serve and function as a member of the board for the remainder of the member's term. The change in law made to that section applies only to a member appointed on or after September 1, 2013.

SECTION 5.03. (a) Effective September 1, 2013, all powers, duties, obligations, and rights of action of the fire fighters' pension commissioner under the Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes) are, except as provided by Subsection (e) of this section, terminated as provided by Article 2 of this Act.

(b) In connection with the requirements of Subsection (a) of this section, property and records other than those described by Section 5.01(c) of this article are transferred to the comptroller in accordance with Section 325.017(e), Government Code.

(c) A rule adopted by the fire fighters' pension commissioner in connection with or relating to the Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes) expires on September 1, 2013.

(d) Effective September 1, 2013, the unobligated and unexpended balance of any appropriations made to the fire fighters' pension commissioner in connection with or relating to the Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes), for the state fiscal biennium ending August 31, 2013, is transferred to the general revenue fund in accordance with Section 325.017(c), Government Code.

(e) Any administrative hearing on appeal to the fire fighters' pension commissioner under Section 22, Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes), is transferred without change in status to the State Office of Administrative Hearings.

SECTION 5.04. The attorney general shall continue any proceeding involving the office of the fire fighters' pension commissioner that is pending on the effective date of this Act in accordance with the law in effect on the date the proceeding was commenced, and the former law is continued in effect for that purpose.

SECTION 5.05. Except as provided by Section 5.03(e) of this Act, the changes in law made by this Act apply only to a proceeding involving an appeal under Section 864.016, Government Code, as amended by this Act, or Section 22, Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes), as amended by this Act, that is commenced on or after the effective date of this Act. A proceeding involving an appeal commenced before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 5.06. Sections 325.017 and 325.020, Government Code, apply in relation to the abolition of the office of the fire fighters' pension commissioner. In the event of a conflict between those sections and a provision of this Act, this Act prevails.

SECTION 5.07. If the transfers required under Sections 5.01 and 5.03 of this article are not completed by September 1, 2013, the governor shall appoint a person to complete the transfers.

SECTION 5.08. To the extent of any conflict, this Act prevails over another Act of the 83rd Legislature, Regular Session, 2013, relating to nonsubstantive additions to and corrections in enacted codes.

ARTICLE 6. EFFECTIVE DATE

SECTION 6.01. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

The amendment to **SB 220** was read and was adopted by a viva voce vote.

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

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

SB 220 as amended was passed to engrossment by a viva voce vote.

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

Nays: Hinojosa, Whitmire.

SENATE BILL 220 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 220** be placed on its third reading and final passage.

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

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

Nays: Hinojosa, Whitmire.

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

HOUSE JOINT RESOLUTION 62 REREFERRED (Motion In Writing)

Senator Van de Putte submitted a Motion In Writing requesting that **HJR 62** be withdrawn from the Committee on Finance and rereferred to the Committee on Veteran Affairs and Military Installations.

The Motion In Writing prevailed without objection.

NOTICE GIVEN FOR LOCAL AND UNCONTESTED CALENDAR

Senator Eltife announced that a Local and Uncontested Calendar had been furnished to each Member of the Senate. He then gave notice that the Local and Uncontested Calendar Session would be held at 8:00 a.m. tomorrow and that all bills and resolutions would be considered on second and third reading in the order in which they were listed.

MOTION TO RECESS AND ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 12:40 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 8:00 a.m. tomorrow for the Local and Uncontested Calendar Session.

The Senate further agreed to adjourn, upon conclusion of the Local and Uncontested Calendar Session, until 11:00 a.m. tomorrow.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Tuesday, May 14, 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 2139 Dutton

Relating to the authority of the Near Northside Management District to undertake tax increment financing.

HB 3860 Dutton

Relating to the creation of the Generation Park Management District and required notice by municipal management districts of certain actions; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

HB 3877 Pitts

Relating to the powers and duties of the Ellis County Municipal Utility District No. 1; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose taxes.

HB 3895 Toth

Relating to the name of The Woodlands Road Utility District No. 1, of Montgomery County, Texas, and to the administration, powers, and duties of the district.

HB 3898 Hilderbran

Relating to water districts in Bandera County.

HB 3910 Creighton

Relating to the boundaries of the East Montgomery County Municipal Utility Districts Nos. 6 and 7.

HB 3914 Sanford

Relating to the creation of the Old Celina Municipal Management District No. 1; providing authority to issue bonds; providing authority to impose an assessment or fee.

HB 3924 Miller, Doug

Relating to the creation of the Comal Trinity Groundwater Conservation District; providing authority to issue bonds; providing authority to impose assessments, fees, or surcharges.

HB 3932

Farney

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

HB 3941

Miller, Doug

Relating to the creation of the Comal County Water Improvement District No. 3; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

HB 3943

Davis, Sarah

Relating to the creation of the Harris County Municipal Utility District No. 537; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

HB 3947

Dutton

Relating to the powers and duties of the Harris County Municipal Utility District No. 402 regarding road projects.

SB 15

Seliger

Sponsor: Branch

Relating to the governance of public institutions of higher education in this state.
(Amended)

SB 201

Birdwell

Sponsor: Price

Relating to the continuation and functions of the State Preservation Board.
(Committee Substitute)

SB 329

Huffman

Sponsor: Zerwas

Relating to a prohibition on the use of a tanning facility by a minor.

SB 346

Seliger

Sponsor: Geren

Relating to reporting requirements of certain persons who do not meet the definition of political committee.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

RECESS

Pursuant to a previously adopted motion, the Senate at 2:45 p.m. recessed pending receipt of committee reports and the completion of the introduction of bills and resolutions on first reading.

AFTER RECESS

The Senate met at 3:40 p.m. and was called to order by Senator Nelson.

BILLS AND RESOLUTIONS SIGNED

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

SB 33, SB 61, SB 92, SB 94, SB 160, SB 169, SB 229, SB 346, SB 352, SB 353, SB 425, SB 560, SB 567, SB 642, SB 764, SB 822, SB 1225, SB 1332, SB 1811, SB 1825, SB 1896, SCR 28, HB 458, HB 525, HB 535, HB 839, HB 1061, HB 1238, HB 1600, HB 1844, HB 1869, HB 2311, HB 2738, HJR 79.

HOUSE BILLS ON FIRST READING

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

- HB 1352** to Committee on Business and Commerce.
- HB 2139** to Committee on Intergovernmental Relations.
- HB 3860** to Committee on Intergovernmental Relations.
- HB 3877** to Committee on Intergovernmental Relations.
- HB 3895** to Committee on Intergovernmental Relations.
- HB 3898** to Committee on Natural Resources.
- HB 3910** to Committee on Intergovernmental Relations.
- HB 3914** to Committee on Intergovernmental Relations.
- HB 3924** to Committee on Natural Resources.
- HB 3932** to Committee on Intergovernmental Relations.
- HB 3941** to Committee on Natural Resources.
- HB 3943** to Committee on Intergovernmental Relations.
- HB 3947** to Committee on Intergovernmental Relations.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 1312**

Senator Schwertner submitted the following Conference Committee Report:

Austin, Texas
May 13, 2013

Honorable David Dewhurst
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 1312** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

SCHWERTNER	AYCOCK
CAMPBELL	DARBY
DEUELL	FARNEY
HEGAR	HOWARD
HUFFMAN	KING, TRACY O.
On the part of the Senate	On the part of the House

**A BILL TO BE ENTITLED
AN ACT**

relating to the regulation and practice of veterinary medicine; authorizing a fee.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 801.002, Occupations Code, is amended by adding Subdivisions (1-a), (4-b), (4-c), and (6-a) and amending Subdivision (4-a) to read as follows:

(1-a) "Certified veterinary assistant" means a person who has been certified as a certified veterinary assistant by the Texas Veterinary Medical Association and is employed by a licensed veterinarian.

(4-a) "Immediate supervision" means supervision by a person who is within audible and visual range of both the animal patient and the person under supervision.

(4-b) "Licensed equine dental provider" means a person who holds a license to practice equine dentistry issued under this chapter.

(4-c) "Licensed veterinary technician" means a person licensed as a veterinary technician by the board.

(6-a) "Veterinary assistant" means a person who:

(A) is employed by a licensed veterinarian;

(B) performs tasks related to animal care; and

(C) is not a certified veterinary assistant or a licensed veterinary technician.

SECTION 2. Subsections (c), (d), and (e), Section 801.151, Occupations Code, are amended to read as follows:

(c) The board shall adopt rules to:

(1) protect the public;

(2) ensure that alternate therapies, including ultrasound diagnosis and therapy, magnetic field therapy, holistic medicine, homeopathy, chiropractic treatment, acupuncture, and laser therapy, are performed only by a veterinarian or under the supervision of a veterinarian; ~~and~~

(3) ensure that equine dentistry is performed only by a veterinarian who is active and in good standing or by a licensed equine dental provider who is active and in good standing under the appropriate level of supervision of a veterinarian who is active and in good standing and who has established a veterinarian-client-patient relationship with the owner or other caretaker of an animal in accordance with Section 801.351; and

(4) provide for the licensing and regulation of licensed veterinary technicians.

(d) The board may adopt rules regarding the work of a person who[-

~~(+)] works under the supervision of a veterinarian[~~-and~~~~

~~(2) fulfills the requirements established by a board approved organization for registered veterinary technicians].~~

(e) The board shall adopt rules to implement a jurisprudence examination for licensed equine dental providers and licensed veterinary technicians, including rules relating to the development and administration of the examination, examination fees, guidelines for reexamination, examination grading, and provision of notice of examination results.

SECTION 3. Subchapter D, Chapter 801, Occupations Code, is amended by adding Section 801.163 to read as follows:

Sec. 801.163. ADVISORY COMMITTEES. (a) The board may appoint advisory committees to perform advisory functions as assigned by the board.

(b) An advisory committee shall provide independent expertise on board functions and policies, but may not be involved in setting board policy.

(c) The board shall adopt rules regarding the purpose, structure, and use of an advisory committee, including rules on:

(1) the purpose, role, responsibility, and goal of an advisory committee;

(2) the size and quorum requirements for an advisory committee;

(3) the composition and representation of an advisory committee;

(4) the qualifications of advisory committee members, including any experience requirements or requirements that members represent specific geographic regions of the state;

(5) the appointment procedures for an advisory committee;

(6) the terms of service for advisory committee members;

(7) the training requirements for advisory committee members, if necessary;

(8) the method the board will use to receive public input on issues addressed by an advisory committee; and

(9) the development of board policies and procedures to ensure that an advisory committee meets the requirements for open meetings under Chapter 551, Government Code, including notice requirements.

(d) To the extent of any conflict with Chapter 2110, Government Code, this section and board rules adopted under this section control.

SECTION 4. Section 801.264, Occupations Code, is amended to read as follows:

Sec. 801.264. JURISPRUDENCE EXAMINATION. (a) The board shall develop and administer a jurisprudence examination for licensed equine dental providers to determine an applicant's knowledge of this chapter, board rules, and any other applicable laws of this state affecting the applicant's [equine dentistry] practice.

(b) The board shall develop and administer a jurisprudence examination for licensed veterinary technicians to determine an applicant's knowledge of this chapter, board rules, and any other applicable laws of this state affecting the applicant's employment as a licensed veterinary technician.

SECTION 5. Subchapter F, Chapter 801, Occupations Code, is amended by adding Sections 801.265 and 801.266 to read as follows:

Sec. 801.265. LICENSED VETERINARY TECHNICIAN: APPLICATION, QUALIFICATIONS, AND ISSUANCE. (a) The board shall issue a veterinary technician license to a person who is qualified under this section. A person is qualified to be licensed as a licensed veterinary technician if the person:

(1) passes a jurisprudence examination conducted by the board in accordance with Section 801.264;

(2) is at least 18 years old;

(3) has graduated from a program accredited by the American Veterinary Medical Association;

(4) has passed the Veterinary Technician National Examination; and

(5) is not disqualified under this chapter or board rule.

(b) An applicant for a veterinary technician license must submit to the board:

(1) an application on the form prescribed by the board;

(2) information to enable the board to conduct a criminal background check if required by the board; and

(3) any other information required by the board.

Sec. 801.266. LICENSED VETERINARY TECHNICIAN LICENSE REQUIRED; DISPLAY OF LICENSE. (a) A person may not use the title "Licensed Veterinary Technician" or "LVT" or advertise or offer services in a manner to lead other people to believe that the person is licensed as a licensed veterinary technician unless the person holds a license under Section 801.265.

(b) If employed by a veterinary hospital, a licensed veterinary technician shall display at that facility the person's license issued by the board or a legible photocopy of the license.

SECTION 6. Subsection (a), Section 801.307, Occupations Code, is amended to read as follows:

(a) The board by rule shall establish a minimum number of hours of continuing education required to renew a license to practice veterinary medicine or work as a licensed veterinary technician. The board shall require six hours of continuing education annually to renew an equine dental provider license.

SECTION 7. Subchapter H, Chapter 801, Occupations Code, is amended by adding Sections 801.363 and 801.364 to read as follows:

Sec. 801.363. DELEGATION AND SUPERVISION OF ANIMAL CARE TASKS. (a) Decisions relating to the diagnosis, treatment, management, and future disposition of an animal patient must be made by a supervising veterinarian.

(b) A supervising veterinarian shall determine the appropriate level of supervision and protocol for a task that is delegated to a licensed veterinary technician, certified veterinary assistant, or veterinary assistant. In determining the appropriate level of supervision, the veterinarian must consider the level of training and experience of the person to whom the task is delegated.

(c) According to the judgment of the supervising veterinarian, a veterinarian may delegate greater responsibility to a licensed veterinary technician than to a certified veterinary assistant or a veterinary assistant. A veterinarian may provide greater supervision for a task performed by a certified veterinary assistant or a veterinary assistant than for the same task performed by a licensed veterinary technician.

(d) A satellite office or mobile facility may not be operated without a supervising veterinarian.

Sec. 801.364. SCOPE OF PRACTICE OF LICENSED VETERINARY TECHNICIANS, CERTIFIED VETERINARY ASSISTANTS, AND VETERINARY ASSISTANTS. (a) A licensed veterinary technician may:

(1) under the direct or immediate supervision of a veterinarian:

(A) suture to close existing surgical skin incisions and skin lacerations;

(B) induce anesthesia; and

(C) extract loose teeth or dental fragments of companion animals with minimal periodontal attachments by hand and without the use of an elevator;

(2) under the direct, immediate, or general supervision of a veterinarian:

(A) draw blood; and

(B) take samples for the purpose of testing and diagnosis;

(3) perform a task assigned by the supervising veterinarian under a level of supervision determined by the supervising veterinarian; and

(4) immediately supervise a certified veterinary assistant or veterinary assistant who is performing a task described by Subdivision (1)(A) or (B) or (2) or other tasks related to animal care as assigned by the supervising veterinarian according to the protocol established by the supervising veterinarian.

(b) A licensed veterinary technician who is immediately supervising a task performed by a certified veterinary assistant or a veterinary assistant is responsible for conduct that violates laws, including board rules, related to the practice of veterinary medicine.

(c) In addition to tasks described by Subsection (a)(4), a certified veterinary assistant or veterinary assistant may:

(1) under the immediate supervision of a veterinarian:

(A) suture to close existing surgical skin incisions and skin lacerations;

and

(B) induce anesthesia; and

(2) perform other tasks assigned by the supervising veterinarian under a level of supervision determined by the supervising veterinarian.

(d) A licensed veterinary technician, certified veterinary assistant, or veterinary assistant may not:

(1) perform surgery;

(2) perform an invasive dental procedure, except as provided by Subsection

(a)(1)(C);

(3) diagnose or determine a prognosis for an animal disease or condition;

(4) prescribe a drug or appliance; or

(5) initiate treatment without prior instruction by a veterinarian, except in the case of an emergency.

SECTION 8. Section 801.402, Occupations Code, is amended to read as follows:

Sec. 801.402. GENERAL GROUNDS FOR LICENSE DENIAL OR DISCIPLINARY ACTION. A person is subject to denial of a license or to disciplinary action under Section 801.401 if the person:

(1) presents to the board dishonest or fraudulent evidence of the person's qualifications;

(2) commits fraud or deception in the examination process or to obtain a license;

(3) is chronically or habitually intoxicated, chemically dependent, or addicted to drugs;

(4) engages in dishonest or illegal practices in, or connected with, the practice of veterinary medicine or the practice of equine dentistry;

(5) is convicted of a felony under the laws of this state, another state, or the United States;

(6) engages in practices or conduct that violates the board's rules of professional conduct;

(7) permits another to use the person's license to practice veterinary medicine or to practice equine dentistry in this state;

(8) fraudulently issues a health certificate, vaccination certificate, test chart, or other form used in the practice of veterinary medicine or the practice of equine dentistry that relates to the presence or absence of animal disease;

(9) issues a false certificate relating to the sale for human consumption of inedible animal products;

(10) commits fraud in connection with the application or reporting of a test of animal disease;

(11) pays or receives a kickback, rebate, bonus, or other remuneration for treating an animal or for referring a client to another provider of veterinary or equine dental services or goods;

(12) performs or prescribes unnecessary or unauthorized treatment;

(13) orders a prescription drug or controlled substance for the treatment of an animal without first establishing a veterinarian-client-patient relationship;

(14) refuses to admit a board representative to inspect the person's client and patient records and business premises during regular business hours;

(15) fails to keep the person's equipment and business premises in a sanitary condition;

(16) commits gross malpractice or a pattern of acts that indicate consistent malpractice, negligence, or incompetence in the practice of veterinary medicine or the practice of equine dentistry; ~~or~~

(17) is subject to disciplinary action in another jurisdiction, including the suspension, probation, or revocation of a license to practice veterinary medicine or to practice equine dentistry issued by another jurisdiction;

(18) is convicted for an offense under Section 42.09, 42.091, or 42.092,

Penal Code:

(19) represents the person as a veterinarian without a license issued under this chapter;

(20) practices veterinary medicine or assists in the practice of veterinary medicine without a license issued under this chapter; or

(21) violates Section 801.353 or a rule adopted by the board related to confidentiality.

SECTION 9. (a) Before September 1, 2014, the State Board of Veterinary Medical Examiners shall issue a veterinary technician license described by Section 801.265, Occupations Code, as added by this Act, to a person who:

(1) presents proof of registration in good standing as a registered veterinary technician with the Texas Veterinary Medical Association; and

(2) submits an application and required fee.

(b) A license issued under this section may be renewed in the same manner as a license issued to a person under Section 801.265, Occupations Code, as added by this Act.

SECTION 10. Not later than June 1, 2014, the State Board of Veterinary Medical Examiners shall adopt the rules, procedures, fees, and jurisprudence examination necessary to administer Chapter 801, Occupations Code, as amended by this Act.

SECTION 11. Notwithstanding Chapter 801, Occupations Code, as amended by this Act, a person employed as a licensed veterinary technician is not required to hold a license under that chapter to practice as a licensed veterinary technician in this state before September 1, 2014.

SECTION 12. This Act takes effect September 1, 2013.

The Conference Committee Report on **SB 1312** was filed with the Secretary of the Senate.

CO-AUTHORS OF SENATE BILL 1029

On motion of Senator Campbell, Senators Patrick and Paxton will be shown as Co-authors of **SB 1029**.

CO-AUTHOR OF SENATE BILL 1218

On motion of Senator Campbell, Senator Nelson will be shown as Co-author of **SB 1218**.

CO-AUTHOR OF SENATE BILL 1316

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

CO-SPONSOR OF HOUSE BILL 78

On motion of Senator Eltife, Senator Paxton will be shown as Co-sponsor of **HB 78**.

CO-SPONSOR OF HOUSE BILL 740

On motion of Senator Deuell, Senator Van de Putte will be shown as Co-sponsor of **HB 740**.

CO-SPONSORS OF HOUSE BILL 1272

On motion of Senator Van de Putte, Senators Garcia and Zaffirini will be shown as Co-sponsors of **HB 1272**.

CO-SPONSOR OF HOUSE BILL 1514

On motion of Senator Campbell, Senator Zaffirini will be shown as Co-sponsor of **HB 1514**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 898 by Rodríguez and Van de Putte, In memory of Francis Gene Phillips IV.

SR 899 by Rodríguez and Van de Putte, In memory of Kevin Cardoza.

SR 900 by Rodríguez and Van de Putte, In memory of Thomas Paige Murach.

SR 901 by Rodríguez and Van de Putte, In memory of Brandon James Landrum.

SR 902 by Rodríguez and Van de Putte, In memory of Brandon Joseph Prescott.

Congratulatory Resolutions

SR 889 by Ellis, Recognizing Robert L. Spangenberg on the occasion of his 80th birthday.

SR 890 by Fraser, Recognizing Roger Todd Moore for his contributions to cartoon art and Texana.

SR 892 by Estes, Recognizing the Buick Achievers Scholarship Program of the General Motors Foundation.

SR 893 by Campbell, Recognizing the Comal County Tax Office for earning a 2013 County Best Practices Award.

SR 894 by Taylor, Recognizing Wayne Riddle on the occasion of his retirement.

SR 895 by Hinojosa, Recognizing Richard F. Cortez on the occasion of his retirement.

SR 896 by Hinojosa, Recognizing the *Tejano Gold Countdown* radio program.

SR 897 by Hinojosa, Recognizing Marcus C. Barrera on the occasion of his retirement.

SR 903 by Watson, Recognizing Arthur Murillo for winning first place as a bus operator in the Texas State Roadeo.

HCR 92 (Schwertner), Commemorating the 125th anniversary of the founding of Alcoa Inc.

Official Designation Resolution

SR 891 by Garcia, Recognizing May 15, 2013, as East Aldine District Legislative Day at the State Capitol.

RECESS

Pursuant to a previously adopted motion, the Senate at 6:35 p.m. recessed until 8:00 a.m. tomorrow for the Local and Uncontested Calendar Session.

APPENDIX

COMMITTEE REPORTS

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

May 14, 2013

TRANSPORTATION — **HB 1607, HB 2356, HB 3676, HB 1458**

STATE AFFAIRS — **HB 148, HB 985, HB 1358, HB 2155, HB 2512, HB 2935, HB 3102**

ECONOMIC DEVELOPMENT — **CSHB 1297**

STATE AFFAIRS — **HB 396, CSHB 2020**

ECONOMIC DEVELOPMENT — **CSHB 3390**

TRANSPORTATION — **CSHB 474, CSHB 719, CSHB 1097, CSHB 2741, CSHB 2874**

INTERGOVERNMENTAL RELATIONS — **SB 1865, HJR 147, HB 339, HB 1593, HB 1777, HB 1801, HB 1895, HB 2094, HB 3097, HB 3800, HB 1442, HB 1594, HB 1800, HB 1970, HB 2509, HB 3795, HB 3896**

HEALTH AND HUMAN SERVICES — **CSHB 3201**

TRANSPORTATION — **CSHB 1545**

GOVERNMENT ORGANIZATION — **HB 749, HB 3211, HB 2873, HB 432**

STATE AFFAIRS — **CSHB 2772, CSHB 1759**

INTERGOVERNMENTAL RELATIONS — **CSHB 1888**

BUSINESS AND COMMERCE — **HB 3355, HB 3307, HB 3106, HB 2134, HB 1979, HB 1953, HB 1772, HB 1664, HB 1503, HB 1405, HB 1183, HB 1086, HB 1047**

INTERGOVERNMENTAL RELATIONS — **CSHB 674, CSHB 2840, CSHB 2688**

STATE AFFAIRS — **CSHB 3103**

EDUCATION — **HB 308, HB 2549, HB 2662, HB 1122, HB 2610, HCR 104**

CRIMINAL JUSTICE — **HB 485, HB 698, HB 3412**

BILLS ENGROSSED

May 13, 2013

SB 1304, SB 1459, SB 1512, SB 1871

BILLS AND RESOLUTIONS ENROLLED

May 13, 2013

SB 33, SB 61, SB 92, SB 94, SB 160, SB 169, SB 229, SB 352, SB 353, SB 425, SB 560, SB 567, SB 642, SB 764, SB 822, SB 1225, SB 1332, SB 1811, SB 1825, SB 1896, SCR 28, SR 851, SR 852, SR 853, SR 854, SR 872, SR 876, SR 879, SR 880, SR 881, SR 882, SR 883, SR 884, SR 885, SR 886, SR 887

SENT TO GOVERNORMay 14, 2013**SB 33, SB 61, SB 92, SB 94, SB 160, SB 169, SB 229, SB 346, SB 352, SB 353, SB 425, SB 560, SB 567, SB 642, SB 764, SB 822, SB 1225, SB 1332, SB 1811, SB 1825, SB 1896, SCR 28****SIGNED BY GOVERNOR**May 14, 2013**SB 283, SB 294, SB 297, SB 312, SB 618, SB 966, SB 1248**