

SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FORTY-FIFTH DAY

(Tuesday, April 23, 2013)

The Senate met at 11:09 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 Amy Meyer, First Presbyterian Church, Elgin, offered the invocation as follows:

Gracious and loving God, I ask that You bless the people in this room today. They work hard for the State of Texas, and I ask that You grant them endurance so that they may do their work in a spirit of wisdom, kindness, and justice. The women and men in this room labor under a heavy burden. The Earth groans under the strain of our mismanagement, people in hardship seek their help and relief, children look longingly to them for wisdom, and millions turn to them for guidance. Help these leaders with the tasks they face. Give them the foresight and the courage to use their authority to serve faithfully and to work with those who work for peace. Keep them from being discouraged; help them when they feel unappreciated; inspire them when they wonder if anybody is listening; lift them up when they have a hard time trusting that things can change, for they are the agents of reconciliation and the ambassadors of hope. I pray that You will give them energy, intelligence, imagination, and love so that they can help to bring peace and goodwill among all people. For You, O God, are the giver of every good thing, and we unite together as we pray this day in the name of all that we hold to be holy. 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.

SENATE RESOLUTION 706

Senator Van de Putte offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the AT&T Veterans organization, whose members are celebrating 30 years of volunteer community service to military veterans and their families; and

WHEREAS, The members of AT&T Veterans are marking this milestone of service during National Volunteer Week, April 21 through 27, 2013; and

WHEREAS, Over the years, this extraordinarily active organization has collaborated with many major nonprofit organizations, including the American Red Cross, Military Moms of Texas, and Wounded Warriors, and has partnered with companies such as The Home Depot, Target, and H-E-B to serve the thousands of veterans who call Texas home; and

WHEREAS, Volunteers with the AT&T Veterans have helped numerous homeless veterans find a renewed sense of pride and dignity, and they have worked with such organizations as the Yellow Ribbon Reintegration Program, Centurion Military Alliance, and BackOnMyFeet.com to help transitioning military personnel find a way to apply their skills and experiences in the job market here at home; and

WHEREAS, AT&T has supported active military personnel, veterans, and their families for almost 100 years, and the company has educated its hiring managers on the benefits of hiring military veterans; in keeping with this tradition, AT&T recently joined nine other companies in launching the 100,000 Jobs Mission and pledging to collectively hire 100,000 veterans and former active duty personnel by the end of 2020; and

WHEREAS, The Americans who have served their country have more than earned the right to lead fruitful and productive lives once they return home; the members of AT&T Veterans offer invaluable assistance to these valiant veterans and help to welcome them back to the civilian life and liberty they fought to preserve and protect; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby commend the AT&T Veterans organization and extend to its members sincere best wishes for further success in all their future endeavors; and, be it further

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

SR 706 was read and was adopted without objection.

GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate an AT&T Veterans organization delegation, accompanied by Randy Clawson, President, Central Texas Chapter; Mark Rummel, President, San Antonio Chapter; and Allen Bergeron and Tina Lee, City of Austin Veterans Services Office.

The Senate welcomed its guests.

SENATE RESOLUTION 90

Senator Schwertner offered the following resolution:

SR 90, Recognizing April 23, 2013, as Hutto Day at the State Capitol.

The resolution was again read.

The resolution was previously adopted on Wednesday, January 30, 2013.

GUESTS PRESENTED

Senator Schwertner was recognized and introduced to the Senate a City of Hutto delegation, accompanied by Mayor Debbie Holland and other city officials.

The Senate welcomed its guests.

SENATE RESOLUTION 675

Senator Huffman offered the following resolution:

SR 675, In memory of George Anton Belton.

On motion of Senator Huffman, the resolution was read and was adopted by a rising vote of the Senate.

In honor of the memory of George Anton Belton, the text of the resolution is printed at the end of today's *Senate Journal*.

Senator Huffman was recognized and introduced to the Senate the Belton family: Tim, Elisabeth, Sophie Marie, Carl Rudolph, and Paul Clemens, joined by other family and friends.

The Senate welcomed its guests and extended its sympathy.

GUESTS PRESENTED

Senator Uresti was recognized and introduced to the Senate students from San Antonio Christian Schools.

The Senate welcomed its guests.

SENATE RESOLUTION 744

Senator Paxton offered the following resolution:

SR 744, In memory of Matthew Robert Clark.

On motion of Senator Paxton, the resolution was read and was adopted by a rising vote of the Senate.

In honor of the memory of Matthew Robert Clark, the text of the resolution is printed at the end of today's *Senate Journal*.

SENATE RESOLUTION 553

Senator Rodríguez offered the following resolution:

SR 553, Recognizing the McDonald Observatory on the occasion of its 75th anniversary.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Rodríguez was recognized and introduced to the Senate a McDonald Observatory delegation, accompanied by David Lambert, Director; Sandra Preston, Assistant Director; Randy Henry, Board of Visitors; Gary Hill, Senior Research Scientist; and Linda Hicke, College of Natural Sciences.

The Senate welcomed its guests.

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.

RECESS

On motion of Senator Whitmire, the Senate at 11:44 a.m. recessed until 1:30 p.m. today.

AFTER RECESS

The Senate met at 2:43 p.m. and was called to order by Senator Eltife.

**SENATE RULE 5.14(a) SUSPENDED
(Intent Calendar)**

On motion of Senator Seliger and by unanimous consent, Senate Rule 5.14(a), requiring bills to be posted on the Intent Calendar by 3:00 p.m., was suspended and the time was extended to 5:00 p.m. today.

CONCLUSION OF MORNING CALL

The Presiding Officer at 2:44 p.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE
SENATE BILL 16 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 16** at this time on its second reading:

CSSB 16, Relating to authorizing the issuance of revenue bonds to fund capital projects at public institutions of higher education.

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 16 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 16** 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 1387 ON THIRD READING**

Senator Carona moved to suspend the regular order of business to take up for consideration **CSSB 1387** at this time on its third reading and final passage:

CSSB 1387, Relating to water well drillers and pump installers; changing fees.

The motion prevailed by the following vote: Yeas 23, Nays 8.

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

Nays: Birdwell, Campbell, Hancock, Huffman, Nelson, Patrick, Paxton, Seliger.

The bill was read third time and was passed by the following vote: Yeas 23, Nays 8. (Same as previous roll call)

SENATE JOINT RESOLUTION 42 ON SECOND READING

On motion of Senator Huffman and by unanimous consent, the regular order of business was suspended to take up for consideration **SJR 42** at this time on its second reading:

SJR 42, Proposing a constitutional amendment relating to the sanctions that may be assessed against a judge or justice following a formal proceeding instituted by the State Commission on Judicial Conduct.

The resolution was read second time.

Senator Huffman offered the following amendment to the resolution:

Floor Amendment No. 1

Amend **SJR 42** (senate committee report) in SECTION 3 of the resolution, in the ballot proposition (page 2, lines 1-2), by striking "the sanctions" and substituting "expanding the types of sanctions".

The amendment to **SJR 42** 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 Huffman and by unanimous consent, the caption was amended to conform to the body of the resolution as amended.

SJR 42 as amended was passed to engrossment by a viva voce vote.

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

SENATE JOINT RESOLUTION 42 ON THIRD READING

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SJR 42** be placed on its third reading and final passage.

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

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

SENATE BILL 209 ON SECOND READING

On motion of Senator Huffman and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 209** at this time on its second reading:

SB 209, Relating to the functions and operation of the State Commission on Judicial Conduct.

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 209 ON THIRD READING

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 209** 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.

MOTION TO PLACE COMMITTEE SUBSTITUTE SENATE BILL 861 ON SECOND READING

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

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

The motion was lost by the following vote: Yeas 19, Nays 12. (Not receiving two-thirds vote of Members present)

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

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

COMMITTEE SUBSTITUTE SENATE BILL 791 ON SECOND READING

Senator Seliger moved to suspend the regular order of business to take up for consideration **CSSB 791** at this time on its second reading:

CSSB 791, Relating to the regulation of low-level radioactive waste disposal facilities and radioactive substances.

The motion prevailed by the following vote: Yeas 25, Nays 6.

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

Nays: Davis, Duncan, Garcia, Huffman, Rodríguez, Watson.

The bill was read second time.

Senator Seliger offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 791** (senate committee report) by striking all below the enacting clause and substituting the following:

SECTION 1. Section 401.003(15), Health and Safety Code, is amended to read as follows:

(15) "Person affected" means a person who demonstrates that the person has suffered or will suffer actual injury or economic damage and, if the person is not a local government:

(A) is a resident of a county in this state, or a county in this state adjacent to that county, in which nuclear or radioactive material is or will be located; or

(B) is doing business or has a legal interest in land in the county in this state in which nuclear or radioactive material is or will be located or a county in this state adjacent to that county.

SECTION 2. Section 401.052(d), Health and Safety Code, as amended by Chapters 580 (H.B. 1678) and 1067 (H.B. 1567), Acts of the 78th Legislature, Regular Session, 2003, is reenacted and amended to read as follows:

(d) Fees assessed under this section:

(1) may not exceed \$10 per cubic foot of shipped low-level radioactive waste;

(2) shall be collected by the department and deposited to the credit of the perpetual care account;

(3) shall be used ~~[exclusively]~~ by the department for emergency planning for and response to transportation accidents involving low-level radioactive waste, including first responder training in counties through which transportation routes are designated in accordance with Subsection (a); and

(4) may not be collected on waste disposed of at a federal facility waste disposal facility ~~[shall be suspended when the amount of fees collected reaches \$500,000, except that if the balance of fees collected is reduced to \$350,000 or less, the assessments shall be reinstated to bring the balance of fees collected to \$500,000].~~

SECTION 3. Section 401.109(a), Health and Safety Code, is amended to read as follows:

(a) The department or commission may require a holder of a license issued by the agency to provide security acceptable to the agency to assure performance of the license holder's obligations under this chapter. The department ~~[or commission]~~ shall deposit security provided to the department under this section to the credit of the perpetual care account. The department ~~[or commission]~~ by rule shall provide that any

evidence of security must be made payable to the credit of the perpetual care account. The commission shall deposit security provided to the commission under this section to the credit of the environmental radiation and perpetual care account. The commission shall provide that security must be made payable to the credit of the environmental radiation and perpetual care account.

SECTION 4. Section 401.152, Health and Safety Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) The department [agency] shall use the security provided by the license holder to pay the costs of actions that are taken or that are to be taken under this section. The department [agency] shall send to the comptroller a copy of its order together with necessary written requests authorizing the comptroller to:

- (1) enforce security supplied by the license holder;
- (2) convert an amount of security into cash, as necessary; and
- (3) disburse from the security in the radiation and perpetual care account the amount necessary to pay the costs.

(c) The commission shall use the security provided by the license holder to pay the costs of actions taken or to be taken under this section. The commission shall send to the comptroller a copy of its order together with necessary written requests authorizing the comptroller to:

- (1) enforce security supplied by the license holder;
- (2) convert an amount of security to cash, as necessary; and
- (3) disburse from the security in the environmental radiation and perpetual care account the amount necessary to pay the costs.

SECTION 5. Section 401.2005, Health and Safety Code, is amended by adding Subdivision (6-b) to read as follows:

(6-b) "Operational year" means the period from April 27 of one year through April 26 of the following year unless otherwise defined by the Texas Low-Level Radioactive Waste Disposal Compact Commission by rule. The first operational year is April 27, 2012, to April 26, 2013.

SECTION 6. Section 401.202, Health and Safety Code, is amended by adding Subsection (d) to read as follows:

(d) If the commission issues a compact waste disposal facility license and the decision to issue the license is later reversed or remanded to the commission by order of a court on the basis of a procedural error:

- (1) all terms of the license remain in effect until the court determines in a final order that all procedural errors have been resolved by the commission; and
- (2) the commission's executive director may enter into a compliance agreement with the license holder authorizing continued operation of the disposal facility until the court determines in a final order that all procedural errors have been resolved by the commission.

SECTION 7. Section 401.207, Health and Safety Code, is amended by adding Subsection (d-1) and amending Subsections (e) and (h) to read as follows:

(d-1) Beginning in the third operational year, the compact waste disposal facility license holder may accept nonparty compact waste for disposal at the facility only if the waste has been volume-reduced, if eligible, by at least a factor of three. The commission by rule shall establish requirements for ensuring that low-level radioactive waste has been volume-reduced in a manner consistent with this subchapter. Before establishing those requirements, the commission must determine that competitive volume-reduction technologies and companies using those technologies exist in the marketplace in the United States.

(e) The compact waste disposal facility license holder may not enter into a contract for the disposal of nonparty low-level radioactive waste that has been designated as Class A low-level radioactive waste under 10 C.F.R. Section 61.55 and commission rule ~~[accept more than 50,000 total cubic feet of nonparty compact waste annually]~~. The compact waste disposal facility license holder may not accept more than 300,000 ~~[120,000]~~ curies of nonparty compact waste annually until April 26, 2019 ~~[, except that in the first year the license holder may accept 220,000 curies]~~. The legislature by general law may establish revised limits after considering the results of the study under Section 401.208.

(h) A surcharge collected under Subsection (g) shall be deposited to the credit of the environmental radiation and perpetual care account ~~[low level radioactive waste fund]~~.

SECTION 8. Subchapter F, Chapter 401, Health and Safety Code, is amended by adding Section 401.2077 to read as follows:

Sec. 401.2077. CLASS A PARTY STATE COMPACT WASTE. To the greatest extent practicable, if a party state compact waste generator seeks to export low-level radioactive waste that has been designated as Class A low-level radioactive waste under 10 C.F.R. Section 61.55 and commission rule, or a subset of that waste, the compact waste disposal facility license holder shall work with the generator to support the export of the waste. The Texas Low-Level Radioactive Waste Disposal Compact Commission shall grant export petitions for Class A low-level radioactive waste from party state compact waste generators as it finds appropriate.

SECTION 9. Section 401.218, Health and Safety Code, is amended by adding Subsection (d) to read as follows:

(d) The commission's executive director may adjust, correct, or otherwise modify a license on completion of an annual performance assessment or other study. A modification by the executive director to a license regarding a waste form, type, or stream must be based on a site-specific performance assessment and objectives as defined by commission rule. The license holder is not required to submit an amendment application for a license modification initiated by the executive director in response to a site-specific performance assessment or other study.

SECTION 10. Section 401.2456, Health and Safety Code, is amended by amending Subsection (b) and adding Subsections (f) and (g) to read as follows:

(b) Rates and contract terms negotiated under this section are subject to review and approval by the commission's executive director to ensure they meet all of the requirements of this section and the rules of the commission.

(f) The commission shall adopt rules governing the review and approval by the commission's executive director of contract terms negotiated under this section.

(g) A person affected by an action under this section may seek judicial review under Subchapter I, Chapter 5, Water Code.

SECTION 11. Section 401.249(e), Health and Safety Code, is amended to read as follows:

(e) The commission may transfer money from the low-level radioactive waste fund to the environmental radiation and perpetual care account to make payments required by the commission under Section 401.303.

SECTION 12. Section 401.301(d), Health and Safety Code, is amended to read as follows:

(d) The commission and department shall ~~[may]~~ require that each person who holds a specific license issued by the agency pay to the agency an additional five percent of the appropriate fee set under Subsection (b). Fees collected by the department under this subsection shall be deposited to the credit of the perpetual care account. Fees collected by the commission under this subsection shall be deposited to the environmental radiation and perpetual care account. The fees are not refundable.

SECTION 13. Section 401.303(g), Health and Safety Code, is amended to read as follows:

(g) If a license holder satisfies the obligations under this chapter, the issuing agency shall have the comptroller promptly refund to the license holder from the perpetual care account or the environmental radiation and perpetual care account, as applicable, the excess of the amount of all payments made by the license holder to the issuing agency and the investment earnings of those payments over the amount determined to be required for the continuing maintenance and surveillance of land, buildings, and radioactive material conveyed to the state.

SECTION 14. Sections 401.305(b), (c), (d), (e), (f), and (g), Health and Safety Code, are amended to read as follows:

(b) The department ~~[and commission each]~~ shall deposit to the credit of the perpetual care account money and security it receives ~~[they receive]~~ under this chapter, including an administrative penalty collected by the department under Sections 401.384-401.390 but excluding fees collected under Sections 401.301(a)-(c) and 401.302. Interest earned on money in the perpetual care account shall be credited to the perpetual care account.

(c) Money and security in the perpetual care account may be administered by the department ~~[or commission]~~ only for storage, maintenance, and distribution of mammography medical records or the decontamination, decommissioning, stabilization, reclamation, maintenance, surveillance, control, storage, and disposal of radioactive substances for the protection of the public health and safety and the environment under this chapter and for refunds under Section 401.303.

(d) Money and security in the perpetual care account may not be used for normal operating expenses of the department ~~[or commission]~~.

(e) The department ~~[or commission]~~ may use money in the perpetual care account to pay for measures:

(1) to prevent or mitigate the adverse effects of abandonment of radioactive substances, default on a lawful obligation, insolvency, or other inability by the holder of a license issued by the department ~~[or commission]~~ to meet the requirements of this chapter or of department ~~[or commission]~~ rules;

(2) to assure the protection of the public health and safety and the environment from the adverse effects of ionizing radiation; and

(3) to protect the health and safety of mammography patients by assuring mammography medical records are made available to affected patients.

(f) The department [~~or commission~~] may provide, by the terms of a contract or lease entered into between the department [~~or commission~~] and any person, by the terms of a mammography certification issued by the department [~~or commission~~] to any person, or by the terms of a license issued to any person, for the storage, maintenance, and distribution of mammography medical records. The department [~~or commission~~] may provide, by the terms of a contract or lease entered into between the department [~~or commission~~] and any person or by the terms of a license issued by the department [~~or commission~~] to any person, for the decontamination, closure, decommissioning, reclamation, surveillance, or other care of a site or facility subject to department [~~or commission~~] jurisdiction under this chapter as needed to carry out the purpose of this chapter.

(g) The existence of the perpetual care account does not make the department [~~or commission~~] liable for the costs of storage, maintenance, and distribution of mammography medical records arising from a mammography certification holder's failure to store, maintain, and make available mammography medical records or for the costs of decontamination, transfer, transportation, reclamation, surveillance, or disposal of radioactive substances arising from a license holder's abandonment of radioactive substances, default on a lawful obligation, insolvency, or inability to meet the requirements of this chapter or of department [~~or commission~~] rules.

SECTION 15. Subchapter H, Chapter 401, Health and Safety Code, is amended by adding Sections 401.306 and 401.307 to read as follows:

Sec. 401.306. ENVIRONMENTAL RADIATION AND PERPETUAL CARE ACCOUNT. (a) The environmental radiation and perpetual care account is an account in the general revenue fund.

(b) The commission shall deposit to the credit of the environmental radiation and perpetual care account money and security it receives under this chapter, including fees collected under Section 401.301(d). Interest earned on money in the environmental radiation and perpetual care account shall be credited to the environmental radiation and perpetual care account.

(c) Money and security in the environmental radiation and perpetual care account may be administered by the commission only for the decontamination, decommissioning, stabilization, reclamation, maintenance, surveillance, control, storage, and disposal of radioactive substances for the protection of the public health and safety and the environment under this chapter and for refunds under Section 401.303.

(d) Money and security in the environmental radiation and perpetual care account may not be used for normal operating expenses of the commission.

(e) The commission may use money in the environmental radiation and perpetual care account to pay for measures:

(1) to prevent or mitigate the adverse effects of abandonment of radioactive substances, default on a lawful obligation, insolvency, or other inability by the holder of a license issued by the commission to meet the requirements of this chapter or of commission rules; and

(2) to ensure the protection of the public health and safety and the environment.

(f) The commission may provide, by the terms of a contract or lease entered into between the commission and any person, or by the terms of a license issued to any person, for the decontamination, closure, decommissioning, reclamation, surveillance, or other care of a site or facility subject to commission jurisdiction under this chapter as needed to carry out the purposes of this chapter.

(g) The existence of the environmental radiation and perpetual care account does not make the commission liable for the costs of decontamination, transfer, transportation, reclamation, surveillance, or disposal of radioactive substances arising from a license holder's abandonment of radioactive substances, default on a lawful obligation, insolvency, or inability to meet the requirements of this chapter or of commission rules.

Sec. 401.307. PERPETUAL CARE ACCOUNT AND ENVIRONMENTAL RADIATION AND PERPETUAL CARE ACCOUNT CAP. (a) The fees imposed under Sections 401.052(d) and 401.301(d) are suspended when the sum of the balances of the perpetual care account and the environmental radiation and perpetual care account reaches \$150 million. The fees are reinstated when the sum of the balances of the perpetual care account and the environmental radiation and perpetual care account falls to \$75 million or less.

(b) The surcharge collected under Section 401.207(h) is collected without regard to the balances of the perpetual care account and the environmental radiation and perpetual care account.

SECTION 16. The following sections of the Health and Safety Code are repealed:

- (1) Section 401.245(h);
- (2) Section 401.2455(b);
- (3) Section 401.301(e); and
- (4) Section 403.0052.

SECTION 17. (a) As soon as practicable after the effective date of this Act, the Texas Commission on Environmental Quality shall adopt rules to implement Sections 401.207(d-1) and 401.218(d), Health and Safety Code, as added by this Act.

(b) As soon as practicable after the effective date of this Act but not later than the first anniversary of the effective date of this Act, the Texas Commission on Environmental Quality shall adopt rules to implement Section 401.2456(b), Health and Safety Code, as amended by this Act, and Section 401.2456(f), Health and Safety Code, as added by this Act.

(c) As soon as practicable after the effective date of this Act but not later than January 1, 2014, the Texas Commission on Environmental Quality and the Department of State Health Services shall update the portion of the memorandum of

understanding between the two agencies under Section 401.069, Health and Safety Code, that governs each agency's role regarding the regulation and oversight of radioactive materials and sources of radiation.

SECTION 18. The changes in law made by this Act apply only to a contract for the disposal of compact waste or nonparty compact waste that is signed on or after the effective date of this Act. A contract signed before the effective date of this Act is governed by the law in effect on the date the contract was signed, and the former law is continued in effect for that purpose.

SECTION 19. This Act takes effect September 1, 2013.

The amendment to **CSSB 791** was read.

Senator Seliger offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 2

Amend Floor Amendment No. 1 by Seliger to **CSSB 791** as follows:

(1) Strike SECTION 5 of the amendment.

(2) In SECTION 7 of the amendment, in added Section 401.207(d-1), Health and Safety Code (page 4, line 7), strike "in the third operational year" and substitute "September 1, 2015".

(3) In SECTION 7 of the amendment, in added Section 401.207(d-1), Health and Safety Code (page 4, lines 13 through 16), strike the last sentence of the subsection and substitute the following:

Before establishing requirements for volume reduction of low-level radioactive waste streams, the commission must first determine that there are at least two unaffiliated companies in operation in the United States marketplace that offer low-level radioactive waste volume reduction for each stream. In this subsection, "unaffiliated" means not associated with one another as a subordinate, subsidiary, or member.

(4) In SECTION 7 of the amendment, strike amended Section 401.207(e), Health and Safety Code (page 4, lines 17 through 27), and substitute the following:

(e) The compact waste disposal facility license holder may not enter into a contract for the disposal of nonparty low-level radioactive waste that has been designated as Class A low-level radioactive waste under 10 C.F.R. Section 61.55 and commission rule [accept more than 50,000 total cubic feet of nonparty compact waste annually]. In the state fiscal year beginning September 1, 2013, the ~~[The]~~ compact waste disposal facility license holder may not accept more than 300,000 ~~[120,000]~~ curies of nonparty compact waste. In the state fiscal years beginning September 1, 2014, and September 1, 2015, ~~[annually, except that in the first year]~~ the license holder may not accept more than 220,000 curies of nonparty compact waste annually. In the state fiscal year beginning September 1, 2016, the compact waste disposal facility license holder may not accept more than 120,000 curies of nonparty compact waste. The legislature by general law may establish revised limits after considering the results of the study under Section 401.208.

(5) Add the following SECTION to the amendment:

SECTION _____. Section 401.208(c), Health and Safety Code, is amended to read as follows:

(c) Not later than December 1, 2016 [~~2012~~], the commission shall submit a final report of the results of the study to the standing committees of the senate and the house of representatives with jurisdiction over the disposal of low-level radioactive waste.

(6) In SECTION 9 of the amendment, in added Section 401.218(d), Health and Safety Code (page 5, line 16), strike "or other study".

(7) In SECTION 9 of the amendment, in added Section 401.218(d), Health and Safety Code (page 5, line 22), strike "or other study".

(8) In SECTION 15 of the amendment, in added Section 401.307, Health and Safety Code (page 10, between lines 22 and 23), insert the following:

(c) Notwithstanding Subsection (a), a fee imposed by the commission under Section 401.301(d) on the holder of a license authorizing the extraction, processing, or concentration of uranium or thorium from ore is suspended when the amount in the environmental radiation and perpetual care account attributable to those fees reaches \$2 million. If the amount in that account attributable to those fees is reduced to \$1.5 million or less, the fee is reinstated until the amount reaches \$2 million.

(9) Renumber the SECTIONS of the amendment accordingly.

The amendment to Floor Amendment No. 1 to **CSSB 791** was read and was adopted by a viva voce vote.

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

Senator Duncan offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 3

Amend Floor Amendment No. 1 by Seliger to **CSSB 791** by striking SECTION 1 of the amendment (page 1, lines 3 through 14) and renumbering subsequent SECTIONS of the amendment accordingly.

The amendment to Floor Amendment No. 1 to **CSSB 791** was read and was adopted by a viva voce vote.

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

Senator Hinojosa offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 4

Amend Floor Amendment No. 1 by Seliger to **CSSB 791** as follows:

(1) Strike SECTION 6 of the amendment.

(2) In SECTION 9 of the amendment, in added Section 401.218(d), Health and Safety Code (page 5, between lines 14 and 22) strike and replace with:

(d) The commission's executive director may adjust, correct, or otherwise modify license condition 150 on completion of an annual performance assessment. A modification by the executive director to a license regarding a waste form, type, or stream must be based on a site-specific performance assessment and objectives as defined by commission rule and must be processed as a minor amendment.

(3) Add Section 401.208, new subsection (f) to read:

(f) The commission, through the agency's internal audit, shall conduct random audits of shipments to the site to ensure that volumes, waste contents, and classifications are represented accurately. The commission shall report these findings to the legislature in the biennial report.

The amendment to Floor Amendment No. 1 to **CSSB 791** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 4.

Senator Hegar offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 5

Amend Floor Amendment No. 1 by Seliger to **CSSB 791** (senate committee report) in SECTION 15 of the amendment, in added Section 401.307, Health and Safety Code (page 10, between lines 22 and 23), by inserting the following:

(c) Notwithstanding Subsection (a), a fee imposed under Section 401.052(d) is suspended from imposition against a party state compact waste generator when the amount in the perpetual care account attributable to those fees reaches \$500,000. If the amount in that account attributable to those fees is reduced to \$350,000 or less, the fee is reinstated until the amount reaches \$500,000.

HEGAR
VAN DE PUTTE

The amendment to Floor Amendment No. 1 to **CSSB 791** was read.

Senator Seliger moved to table Floor Amendment No. 5.

The motion to table was lost by the following vote: Yeas 14, Nays 17.

Yeas: Carona, Davis, Deuell, Duncan, Eltife, Hinojosa, Nelson, Nichols, Schwertner, Seliger, Uresti, Watson, West, Zaffirini.

Nays: Birdwell, Campbell, Ellis, Estes, Fraser, Garcia, Hancock, Hegar, Huffman, Lucio, Patrick, Paxton, Rodríguez, Taylor, Van de Putte, Whitmire, Williams.

Question recurring on the adoption of Floor Amendment No. 5 to Floor Amendment No. 1 to **CSSB 791**, the amendment to the amendment was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 5.

Senator Seliger offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 6

Amend Floor Amendment No. 1 to **CSSB 791** by Seliger as follows:

Amend Subsection (c), Section 401.307, as added, by F.A. # 5 as follows:

On line 9, add the following: "The costs of all clean-up associated with a transportation accident will be borne by the generator of the product proportional to its share of the load."

The amendment to Floor Amendment No. 1 to **CSSB 791** was read and was adopted by the following vote: Yeas 16, Nays 15.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Eltife, Estes, Hinojosa, Lucio, Nelson, Nichols, Schwertner, Seliger, Watson, West, Zaffirini.

Nays: Campbell, Ellis, Fraser, Garcia, Hancock, Hegar, Huffman, Patrick, Paxton, Rodríguez, Taylor, Uresti, Van de Putte, Whitmire, Williams.

Question recurring on the adoption of Floor Amendment No. 1 to **CSSB 791**, the amendment as amended was adopted by a viva voce vote.

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

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

CSSB 791 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: Davis, Duncan, Garcia, Huffman, Rodríguez, Watson.

COMMITTEE SUBSTITUTE SENATE BILL 791 ON THIRD READING

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 791** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

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

Nays: Davis, Duncan, Garcia, Huffman, Rodríguez, Watson.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 7.

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

Nays: Davis, Duncan, Garcia, Huffman, Lucio, Rodríguez, Watson.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
Tuesday, April 23, 2013 - 1

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 630

Larson

Relating to the filling of vacancies on a political party's county executive committee.

HB 1325

Miller, Doug

Relating to the dismissal of certain actions arising from exposure to asbestos and silica.

HB 1752

Patrick, Diane

Relating to creating the Texas Teacher Residency Program.

SB 307

Huffman

Sponsor: Guillen

Relating to the transfer of adult education and literacy programs from the Texas Education Agency to the Texas Workforce Commission.

(Committee Substitute/Amended)

SB 953

Carona

Sponsor: Elkins

Relating to the adoption of the Uniform Trade Secrets Act.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

COMMITTEE SUBSTITUTE HOUSE BILL 1600 ON SECOND READING

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1600** at this time on its second reading:

CSHB 1600, Relating to the continuation and functions of the Public Utility Commission of Texas, to the transfer of certain functions from the Texas Commission on Environmental Quality to the Public Utility Commission of Texas, to the rates for water service, and to the functions of the Office of Public Utility Counsel; authorizing a fee.

The bill was read second time.

Senator Fraser offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 1600** (senate committee printing) by adding the following appropriately numbered SECTION to ARTICLE 1 of the bill and renumbering subsequent SECTIONS of the article appropriately:

SECTION 1.____. Subchapter D, Chapter 39, Utilities Code, is amended by adding Section 39.159 to read as follows:

Sec. 39.159. COST-BENEFIT ANALYSIS OF SIGNIFICANT MARKET CHANGE. (a) In this section, "significant market change" means a change to the fundamental market design of the electric market that is reasonably expected to add more than \$1 billion to annual energy costs to customers in this state.

(b) The commission shall require an independent organization certified under Section 39.151 to conduct a cost-benefit analysis of a proposed significant market change before authorizing the significant market change. The cost-benefit analysis, to the extent possible, must:

(1) quantify the degree to which the proposed significant market change will result in an increase in:

(A) wholesale electricity prices;

(B) residential electricity prices; and

(C) electricity prices for commercial and industrial customers;

(2) analyze potential adverse effects of the proposed significant market change on retail electric providers; and

(3) compare the potential benefits of the proposed significant market change to the potential economic costs of the proposed change.

(c) The independent organization shall make the cost-benefit analysis available to the public, the appropriate state agencies, and the appropriate legislative committees not less than 90 days before the date the commission authorizes the significant market change.

(d) The fact that the commission required or did not require an independent organization to conduct a cost-benefit analysis under this section may not be used as a legal basis for challenging the validity of:

(1) a commission rule; or

(2) a commission order entered in a contested case proceeding.

The amendment to **CSHB 1600** was read.

Senator Fraser withdrew Floor Amendment No. 1.

CSHB 1600 was passed to third reading by a viva voce vote.

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

COMMITTEE SUBSTITUTE HOUSE BILL 1600 ON THIRD READING

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1600** be placed on its third reading and final passage.

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

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

COMMITTEE SUBSTITUTE SENATE BILL 861 ON SECOND READING

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

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

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

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

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

The bill was read second time.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 861** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill, on page 1, line 30, strike "display a sign on the door to" and replace with "prominently display a sign inside".

(2) In SECTION 2 of the bill, on page 1, line 50, strike "display a sign on the door to" and replace with "prominently display a sign inside".

The amendment to **CSSB 861** was read and was adopted by a viva voce vote.

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

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 861** 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 Jeremy DeMarcus Price Act.

The amendment to **CSSB 861** was read and was adopted by a viva voce vote.

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

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

CSSB 861 as amended was passed to engrossment by the following vote: Yeas 21, Nays 10.

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 376 ON SECOND READING**

Senator Lucio moved to suspend the regular order of business to take up for consideration **CSSB 376** at this time on its second reading:

CSSB 376, Relating to breakfast for certain public school students.

The motion prevailed.

Senators Fraser, Huffman, Nelson, and Nichols 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: Fraser, Huffman, Nelson, Nichols.

**COMMITTEE SUBSTITUTE
SENATE BILL 376 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 376** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 4.

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

Nays: Fraser, Huffman, Nelson, Nichols.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 4. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 766 ON SECOND READING**

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 766** at this time on its second reading:

CSSB 766, Relating to the regulation of volunteer fire departments, volunteer firefighters, and members of industrial emergency response teams.

The bill was read second time.

Senator Hegar offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 766** (senate committee report) in SECTION 1 of the bill, in added Section 419.910, Government Code (page 1, lines 22-24), by striking Subsection (a) and substituting the following:

(a) In this section:

(1) "State agency" has the meaning assigned by Section 2103.001.

(2) "Volunteer firefighter" means a member of a volunteer fire department who is not a full-time paid employee.

The amendment to **CSSB 766** 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.

CSSB 766 as amended was passed to engrossment by a viva voce vote.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 766 ON THIRD READING**

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 766** 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 1419 ON SECOND READING**

Senator West moved to suspend the regular order of business to take up for consideration **CSSB 1419** at this time on its second reading:

CSSB 1419, Relating to funding for juvenile case managers through certain court costs and to the establishment of the truancy prevention and diversion fund.

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

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Garcia, Hancock, Hinojosa, Huffman, Lucio, Patrick, Rodríguez, Seliger, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Campbell, Estes, Fraser, Hegar, Nelson, Nichols, Paxton, Schwertner, Taylor.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1379 ON SECOND READING**

On motion of Senator Hancock and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1379** at this time on its second reading:

CSSB 1379, Relating to the standard valuation for life insurance, accident and health insurance, and annuities.

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1379 ON THIRD READING**

Senator Hancock moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1379** 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 1386 ON SECOND READING**

On motion of Senator Hancock and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1386** at this time on its second reading:

CSSB 1386, Relating to the nonforfeiture requirements of certain life insurance policies.

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1386 ON THIRD READING**

Senator Hancock moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1386** 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 418 ON SECOND READING**

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 418** at this time on its second reading:

CSSB 418, Relating to a notification requirement if a public school campus or open-enrollment charter school does not have a nurse assigned to the campus during all instructional hours.

The bill was read second time.

Senator Nichols offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 418** (senate committee report) in SECTION 1 of the bill, in added Section 38.021, Education Code (page 1, between lines 57 and 58), by inserting the following:

(g) A school district that is located in a county with a population of less than 100,000 is not required to provide the notice required by this section.

The amendment to **CSSB 418** was read and was adopted by a viva voce vote.

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

Nays: Lucio.

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

CSSB 418 as amended was passed to engrossment by a viva voce vote.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 418 ON THIRD READING**

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 418** be placed on its third reading and final passage.

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

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

**SENATE RULE 5.14(a) SUSPENDED
(Intent Calendar)**

On motion of Senator Huffman and by unanimous consent, Senate Rule 5.14(a), requiring bills to be posted on the Intent Calendar by 3:00 p.m., was suspended and the time was extended to 6:00 p.m. today.

**COMMITTEE SUBSTITUTE
SENATE BILL 1532 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1532** at this time on its second reading:

CSSB 1532, Relating to the power of the Texas Commission on Environmental Quality to authorize certain injection wells that transect or terminate in the Edwards Aquifer.

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1532 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1532** 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 315 ON SECOND READING**

Senator Uresti moved to suspend the regular order of business to take up for consideration **CSSB 315** at this time on its second reading:

CSSB 315, Relating to electronic voter registration.

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

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Garcia, Hinojosa, Huffman, Lucio, Nichols, Rodríguez, Schwertner, Seliger, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Campbell, Eltife, Estes, Fraser, Hancock, Hegar, Nelson, Patrick, Paxton, Taylor.

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

**COMMITTEE SUBSTITUTE
SENATE JOINT RESOLUTION 55 ON THIRD READING**

Senator Williams moved to suspend the regular order of business to take up for consideration **CSSJR 55** at this time on its third reading and final passage:

CSSJR 55, Proposing a constitutional amendment appropriating money from the system benefit fund for the purpose of returning system benefit fund fees to retail electric customers.

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

Yeas: Birdwell, Campbell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Hancock, Hegar, Hinojosa, Huffman, Nelson, Nichols, Patrick, Paxton, Schwertner, Seliger, Taylor, Whitmire, Williams.

Nays: Davis, Ellis, Garcia, Lucio, Rodríguez, Uresti, Van de Putte, Watson, West, Zaffirini.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1655 ON THIRD READING**

Senator Williams moved to suspend the regular order of business to take up for consideration **CSSB 1655** at this time on its third reading and final passage:

CSSB 1655, Relating to authorizing the Public Utility Commission of Texas to direct the comptroller to return the unappropriated balance of the system benefit fund to retail electric customers.

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

Yeas: Birdwell, Campbell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Hancock, Hegar, Hinojosa, Huffman, Nelson, Nichols, Patrick, Paxton, Schwertner, Seliger, Taylor, Whitmire, Williams.

Nays: Davis, Ellis, Garcia, Lucio, Rodríguez, Uresti, Van de Putte, Watson, West, Zaffirini.

The bill was read third time.

Senator Williams offered the following amendment to the bill:

Floor Amendment No. 1 on Third Reading

Amend **CSSB 1655** on third reading in Section 1 of the bill, in added Section 39.9039(c), Utilities Code, by striking the last sentence of that subsection and substituting:

The commission by rule shall ensure that the customer is provided, with the customer's bill, notice that the refund of the system benefit fund fee is "provided by the Texas Legislature."

The amendment to **CSSB 1655** 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 Third Reading.

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

CSSB 1655 as again amended was finally passed by the following vote: Yeas 21, Nays 10.

Yeas: Birdwell, Campbell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Hancock, Hegar, Hinojosa, Huffman, Nelson, Nichols, Patrick, Paxton, Schwertner, Seliger, Taylor, Whitmire, Williams.

Nays: Davis, Ellis, Garcia, Lucio, Rodríguez, Uresti, Van de Putte, Watson, West, Zaffirini.

SENATE BILL 1044 ON SECOND READING

On motion of Senator Rodríguez and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1044** at this time on its second reading:

SB 1044, Relating to access to criminal history record information by a public defender's office and the office of capital writs and to an exemption for those offices from fees imposed for processing inquiries for that information.

The bill was read second time.

Senator Rodríguez moved to temporarily postpone further consideration of **SB 1044**.

The motion prevailed.

Question — Shall **SB 1044** be passed to engrossment?

**COMMITTEE SUBSTITUTE
SENATE BILL 1309 ON SECOND READING**

On motion of Senator Davis and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1309** at this time on its second reading:

CSSB 1309, Relating to assessment alternatives or accommodations for certain public school students in special education programs.

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1309 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 1309** 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 1605 ON SECOND READING**

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **CSSB 1605** at this time on its second reading:

CSSB 1605, Relating to an optional county fee for transportation projects.

The motion prevailed.

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

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

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

Nays: Campbell, Deuell, Hancock, Huffman, Nelson.

**COMMITTEE SUBSTITUTE
SENATE BILL 1605 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1605** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

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

Nays: Campbell, Deuell, Hancock, Huffman, Nelson.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 5. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1419 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1419** be placed on its third reading and final passage:

CSSB 1419, Relating to funding for juvenile case managers through certain court costs and to the establishment of the truancy prevention and diversion fund.

The motion prevailed by the following vote: Yeas 26, Nays 5.

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

Nays: Birdwell, Campbell, Nelson, Paxton, Schwertner.

The bill was read third time and was passed by the following vote: Yeas 21, Nays 10.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Garcia, Hancock, Hinojosa, Huffman, Lucio, Patrick, Rodríguez, Seliger, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Campbell, Estes, Fraser, Hegar, Nelson, Nichols, Paxton, Schwertner, Taylor.

**COMMITTEE SUBSTITUTE
SENATE BILL 1668 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1668** at this time on its second reading:

CSSB 1668, Relating to the institutions of higher education eligible to participate in the Texas Science, Technology, Engineering, and Mathematics (T-STEM) Challenge Scholarship program.

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1668 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1668** be placed on its third reading and final passage.

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

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

SENATE BILL 1080 ON SECOND READING

Senator Lucio moved to suspend the regular order of business to take up for consideration **SB 1080** at this time on its second reading:

SB 1080, Relating to a study on the adequacy and appropriateness of additional compensation paid to certain county judges.

The motion prevailed.

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

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1080** (senate committee printing) in SECTION 1(a)(1) of the bill (page 1, lines 24-26) by striking the following:
:

- (A) that has a population of 50,000 or less; and
- (B)

The amendment to **SB 1080** 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.

SB 1080 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: Hancock, Huffman.

SENATE BILL 1080 ON THIRD READING

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1080** 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, Hegar, Hinojosa, Lucio, Nelson, Nichols, Patrick, Paxton, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Hancock, Huffman.

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

SENATE BILL 1044 ON SECOND READING

The Presiding Officer, Senator Eltife in Chair, laid before the Senate **SB 1044** by Senator Rodríguez on its second reading. The bill had been read second time and further consideration temporarily postponed:

SB 1044, Relating to access to criminal history record information by a public defender's office and the office of capital writs and to an exemption for those offices from fees imposed for processing inquiries for that information.

Question — Shall **SB 1044** be passed to engrossment?

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1044** (Introduced Version) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.1301 to read as follows:

Sec. 411.1301. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: CERTAIN LOCAL GOVERNMENT CORPORATIONS ENGAGED IN CRIMINAL IDENTIFICATION ACTIVITIES. (a) This section applies only to a local government corporation that is created under Subchapter D, Chapter 431, Transportation Code, for governmental purposes relating to criminal identification activities, including forensic analysis, and that allocates a substantial part of its annual budget to those criminal identification activities.

(b) A local government corporation described by Subsection (a) is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who:

(1) is an employee or an applicant for employment with the local government corporation;

(2) is a consultant, intern, or volunteer for the local government corporation or an applicant to serve as a consultant, intern, or volunteer;

(3) proposes to enter into a contract with or has a contract with the local government corporation to perform services for or supply goods to the local government corporation; or

(4) is an employee or subcontractor, or an applicant to be an employee or subcontractor, of a contractor that provides services to the local government corporation.

(c) Criminal history record information obtained by a local government corporation under Subsection (b) may not be released or disclosed to any person except:

(1) on court order; or

(2) with the consent of the person who is the subject of the criminal history record information.

The amendment to **SB 1044** was read and was adopted by a viva voce vote.

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

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

SB 1044 as amended was passed to engrossment by a viva voce vote.

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

SENATE BILL 1044 ON THIRD READING

Senator Rodríguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1044** 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 1034 ON SECOND READING

Senator Carona moved to suspend the regular order of business to take up for consideration **CSSB 1034** at this time on its second reading:

CSSB 1034, Relating to the unauthorized use of an alcoholic beverage permit or license; providing a criminal penalty.

The motion prevailed.

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

The bill was read second time.

Senator Carona offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1034** in SECTION 7 of the bill, in added Section 101.76(c), Alcoholic Beverage Code (page 2, line 8, senate committee printing), by striking "state jail felony" and substituting "Class A misdemeanor".

The amendment to **CSSB 1034** was read and was adopted by a viva voce vote.

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

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

CSSB 1034 as amended was passed to engrossment by a viva voce vote.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1034 ON THIRD READING**

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1034** 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 1679 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1679** at this time on its second reading:

CSSB 1679, Relating to state agency procurement.

The bill was read second time.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1679** (Senate Committee printing) as follows:

(1) Strike SECTION 9 of the bill (page 4, line 46, through page 5, line 8) and renumber the subsequent sections appropriately.

(2) In SECTION 10 of the bill, strike subdivisions (2) - (4) (page 5, lines 12 - 14) and substitute the following:

(2) Section 2155.087, and

(3) Section 2155.141.

The amendment to **CSSB 1679** 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.

CSSB 1679 as amended was passed to engrossment by a viva voce vote.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1679 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1679** 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 984 ON SECOND READING**

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 984** at this time on its second reading:

CSSB 984, Relating to the meeting of a governmental body held by videoconference call.

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 984 ON THIRD READING**

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 984** 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 1031 ON SECOND READING**

On motion of Senator Taylor and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1031** at this time on its second reading:

CSSB 1031, Relating to the Harris-Galveston Subsidence District; providing authority to impose a fee.

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1031 ON THIRD READING**

Senator Taylor moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1031** 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 1747 ON SECOND READING**

On motion of Senator Uresti and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1747** at this time on its second reading:

CSSB 1747, Relating to funding and donations for county transportation projects, including projects of county energy transportation reinvestment zones.

The bill was read second time.

Senator Uresti offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1747** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in proposed Section 256.101(2), Transportation Code (page 1, line 33), between "for," and "construction", insert "administration of,".

(2) In SECTION 1 of the bill, in proposed Section 256.101(4), Transportation Code (page 1, line 22), strike ", including a disposal well".

(3) In SECTION 1 of the bill, strike proposed Sections 256.102(a)(1) and (2), Transportation Code (page 1, lines 46-49), and substitute the following:

(1) any federal funds received by the state, including funds received under the federal act, deposited to the credit of the fund;

(2) matching state funds in an amount required by the federal act;

(3) funds appropriated by the legislature to the credit of the fund;

(4) a gift or grant;

(5) fees paid to the bank; and

(6) investment earnings on the money on deposit in the fund.

(4) In SECTION 1 of the bill, in proposed Section 256.103, Transportation Code (page 1, lines 56 and 57), strike "county energy transportation reinvestment zones" and substitute "a county containing at least one county energy transportation reinvestment zone".

(5) In SECTION 1 of the bill, in proposed Section 256.103(b), Transportation Code (page 1, line 60), strike "county energy transportation reinvestment zones" and substitute "counties".

(6) In SECTION 1 of the bill, in proposed Section 256.103(b)(1), Transportation Code (page 2, line 4), strike "designated the county" and substitute "designated a county".

(7) In SECTION 1 of the bill, in proposed Section 256.103(b)(2), Transportation Code (page 2, line 11), strike "designated the county" and substitute "designated a county".

(8) In SECTION 1 of the bill, in proposed Section 256.103(b)(3), Transportation Code (page 2, line 17), strike "designated the county" and substitute "designated a county".

(9) In SECTION 1 of the bill, in proposed Section 256.104(a), Transportation Code (page 2, lines 22-24), strike "board of directors of a county energy transportation reinvestment zone or jointly administered zones" and substitute "county".

(10) In SECTION 1 of the bill, in proposed Section 256.104(a)(1), Transportation Code (page 2, lines 26-27), strike "or counties that designated a county energy transportation reinvestment zone".

(11) In SECTION 1 of the bill, insert a new proposed Section 256.104(a)(2)(A), Transportation Code (page 2, between lines 29-30), to read as follows and redesignate the existing Section 256.104(a)(2)(A) and subsequent paragraphs of that section appropriately:

(A) provides a list of transportation infrastructure projects to be funded by the grant;

(12) In SECTION 1 of the bill, in proposed Section 256.104(c), Transportation Code (page 2, lines 50-51), strike "board of directors" and substitute "county".

(13) In SECTION 1 of the bill, strike proposed Section 256.105, Transportation Code (page 2, lines 52-55), and substitute the following:

Sec. 256.105. MATCHING FUNDS. (a) Except as provided by Subsection (b), to be eligible to receive a grant under the program, matching funds must be provided, from any source, in an amount equal to at least 10 percent of the amount of the grant.

(b) A county that the department determines to be economically disadvantaged must provide matching funds in an amount equal to at least five percent of the amount of the grant.

(14) In SECTION 1 of the bill, in proposed Section 256.106(a), Transportation Code (page 2, lines 56-57), strike "A board of directors" and substitute "A county".

(15) In SECTION 1 of the bill, in proposed Section 256.106(a)(1), Transportation Code (page 2, line 60), strike "and".

(16) In SECTION 1 of the bill, in proposed Section 256.106(a)(2), Transportation Code (page 2, line 62), strike the period and substitute "; and

(3) provide an accounting of how previous grants were spent, including any amounts spent on administrative costs.

(17) In the recital to SECTION 2 of the bill (page 2, line 67), strike "Sections 222.1071 and 222. 1072" and substitute "Section 222.1071".

(18) In SECTION 2 of the bill, in proposed Section 222.1071(b)(2), Transportation Code (page 3, lines 17 and 18), strike ", as provided by Subsecion (l)".

(19) In SECTION 2 of the bill, strike proposed Section 222.1071(f)(5), Transportation Code (page 3, lines 48-50), and substitute the following:

(5) designate not less than 90 percent of the tax increment to be used for planning for, construction of, reconstruction of, or maintenance of transportation infrastructure projects;

(20) In SECTION 2 of the bill, in proposed Section 222.1071(f)(6)(A), Transportation Code (page 3, line 55), strike "and".

(21) In SECTION 2 of the bill, in proposed Section 222.1071(f)(6)(B), Transportation Code (page 3, line 57), strike the period and substitute the following:

; and

(C) details the transportation infrastructure projects for which each county is responsible.

(22) In SECTION 2 of the bill, in proposed Section 222.1071(i), Transportation Code (page 3, line 68), strike "board of directors" and substitute "county".

(23) In SECTION 2 of the bill, in proposed Section 222.1071(i)(1)(B), Transportation Code (page 4, line 3), strike "and".

(24) In SECTION 2 of the bill, in proposed Section 222.1071(i)(2), Transportation Code (page 4, line 4), strike the period and substitute the following:

;

(3) establish an advisory board to advise the county on the establishment and administration of the county energy transportation reinvestment zone;

(4) use not more than one percent of any grant distributed to the county under Subchapter C, Chapter 256 for the administration of a county energy transportation reinvestment zone;

(5) use not more than ten percent of the tax increment in a tax increment account for the administration of a county energy transportation reinvestment zone;
and

(6) enter into an agreement to provide for the joint administration of county energy transportation reinvestment zones if the commissioners court of the county has designated a county energy transportation reinvestment zone under this section for the same transportation infrastructure project or projects as another county commissioners court.

(25) In SECTION 2 of the bill, in proposed Section 222.1071(k), Transportation Code (page 4, lines 9-10), strike "zone's board of directors" and substitute "county commissioners court that designated the zone".

(26) In SECTION 2 of the bill, strike proposed Sections 222.1071(l) and 222.1072, Transportation Code (page 4, lines 11-49), and substitute the following:

(l) The captured appraised value of real property located in a county energy transportation reinvestment zone shall be treated as provided by Section 26.03, Tax Code.

The amendment to **CSSB 1747** 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 Uresti and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1747 as amended was passed to engrossment by a viva voce vote.

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

COMMITTEE SUBSTITUTE SENATE BILL 1747 ON THIRD READING

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1747** be placed on its third reading and final passage.

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

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

SENATE BILL 1845 ON SECOND READING

On motion of Senator Taylor and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1845** at this time on its second reading:

SB 1845, Relating to the creation of the Brazoria County Municipal Utility District No. 48; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and 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 1845 ON THIRD READING

Senator Taylor moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1845** be placed on its third reading and final passage.

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

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

SENATE BILL 1846 ON SECOND READING

On motion of Senator Taylor and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1846** at this time on its second reading:

SB 1846, Relating to the creation of the Brazoria County Municipal Utility District No. 49; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and 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 1846 ON THIRD READING

Senator Taylor moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1846** be placed on its third reading and final passage.

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

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

SENATE BILL 1847 ON SECOND READING

On motion of Senator Taylor and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1847** at this time on its second reading:

SB 1847, Relating to the creation of the Brazoria County Municipal Utility District No. 50; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and 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 1847 ON THIRD READING

Senator Taylor moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1847** 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 315 ON THIRD READING

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 315** be placed on its third reading and final passage:

CSSB 315, Relating to electronic voter registration.

The motion prevailed by the following vote: Yeas 27, Nays 4.

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

Nays: Deuell, Estes, Fraser, Nelson.

The bill was read third time and was passed by the following vote: Yeas 21, Nays 10.

Yeas: Birdwell, Carona, Davis, Duncan, Ellis, Garcia, Hancock, Hinojosa, Huffman, Lucio, Nichols, Rodríguez, Schwertner, Seliger, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Campbell, Deuell, Eltife, Estes, Fraser, Hegar, Nelson, Patrick, Paxton, Taylor.

SENATE BILL 1364 ON SECOND READING

Senator Schwertner moved to suspend the regular order of business to take up for consideration **SB 1364** at this time on its second reading:

SB 1364, Relating to the computation of an electric utility's income taxes.

The motion prevailed.

Senators Davis, Fraser, Hegar, Hinojosa, and Watson asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by the following vote: Yeas 24, Nays 7.

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

Nays: Davis, Fraser, Garcia, Hegar, Hinojosa, Rodríguez, Watson.

SENATE BILL 1364 ON THIRD READING

Senator Schwertner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1364** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

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

Nays: Davis, Fraser, Hegar, Hinojosa, Watson.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 7.

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

Nays: Davis, Fraser, Garcia, Hegar, Hinojosa, Rodríguez, Watson.

AT EASE

The Presiding Officer, Senator Eltife in Chair, at 5:32 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

Senator Eltife at 5:40 p.m. called the Senate to order as In Legislative Session.

SENATE JOINT RESOLUTION 1 ON SECOND READING

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **SJR 1** at this time on its second reading:

SJR 1, Proposing a constitutional amendment providing for the creation and use of funds in the state treasury to provide financial assistance for certain projects related to economic development and water infrastructure and for the transfer to the funds of money from the economic stabilization fund.

The resolution was read second time.

Senator Williams offered the following amendment to the resolution:

Floor Amendment No. 1

Amend **SJR 1** (senate committee printing) by striking all below the resolving clause and substituting the following:

SECTION 1. Article III, Texas Constitution, is amended by adding Sections 49-d-12 and 49-d-13 to read as follows:

Sec. 49-d-12. (a) The state water implementation fund for Texas is created as a special fund in the state treasury outside the general revenue fund to provide a means to finance water infrastructure, conservation, and reuse projects in this state.

(b) Money or other assets in the state water implementation fund for Texas may be used only to fund water infrastructure, conservation, and reuse projects included in a statewide water plan that is adopted as required by general law by the Texas Water Development Board or that board's successor in function.

(c) The state water implementation fund for Texas consists of:

(1) money or other assets deposited, appropriated, or otherwise transferred to the credit of the fund as provided by law; and

(2) interest or other investment earnings that accrue on the balance of the fund.

(d) The legislature by general law may provide for the assets of the state water implementation fund for Texas to be invested separately from the investment of other treasury assets and funds to the extent that the general law ensures that, in managing the assets of the fund, on behalf of the fund the fund's investment manager may acquire, exchange, sell, supervise, manage, or retain any kind of investment that a prudent investor, exercising reasonable care, skill, and caution, would acquire or retain in light of the purposes, terms, distribution requirements, and other circumstances of the fund then prevailing, taking into consideration the investment of all the assets of the fund rather than a single investment, and taking into consideration the goal of preserving the aggregate purchasing power of the fund assets.

(e) The legislature by general law shall prescribe the manner in which the assets of the state water implementation fund for Texas may be used, subject to the limitations provided by Subsections (a) and (b) of this section.

(f) The legislature may authorize the Texas Water Development Board or its successor in function to issue bonds and enter into bond enhancement agreements that are payable or secured by amounts on deposit in the state water implementation fund for Texas.

(g) In each fiscal year there is appropriated from amounts on deposit in the state water implementation fund for Texas an amount that is sufficient to:

(1) pay the principal of and interest on the bonds that mature or become due during the fiscal year after considering all other sources pledged for those purposes;

(2) fund or restore reserves necessary to secure the bonds; and

(3) pay any cost related to the bonds, including payments under bond enhancement agreements that becomes due during that fiscal year.

(h) Any dedication or appropriation of amounts on deposit in the state water implementation fund for Texas may not be modified so as to impair any outstanding bonds secured by a pledge of those amounts unless provisions have been made for a full discharge of those bonds.

(i) An appropriation from the state water implementation fund for Texas is an appropriation of state tax revenues dedicated by this constitution for the purposes of Section 22, Article VIII, of this constitution.

(j) On November 30, 2013, the amount of \$2 billion is transferred from the economic stabilization fund to the credit of the state water implementation fund for Texas. This subsection expires January 1, 2014.

Sec. 49-d-13. (a) The state water implementation revenue fund for Texas is created as a special fund in the state treasury outside the general revenue fund to provide a means to finance water infrastructure, conservation, and reuse projects in this state.

(b) Money or other assets in the state water implementation revenue fund for Texas may be used only to fund water infrastructure, conservation, and reuse projects included in the statewide water plan that is adopted as required by general law by the Texas Water Development Board or that board's successor in function.

(c) The state water implementation revenue fund for Texas consists of:

(1) money or other assets deposited, appropriated, or otherwise transferred to the credit of the fund as provided by law;

(2) interest or other investment earnings that accrue on the balance of the fund;

(3) the proceeds from the sale of bonds, including revenue bonds issued by the board as authorized by law, that are designated by the board for the purpose of providing money for the fund;

(4) money disbursed to the fund from the state water implementation fund for Texas as authorized by law;

(5) repayments of loans made from the fund; and

(6) proceeds from the sale of political subdivision bonds or obligations held in the fund and not otherwise pledged to the discharge, repayment, or redemption of revenue bonds or other bonds, the proceeds of which were placed in the fund.

(d) The legislature by general law may provide for the assets of the state water implementation revenue fund for Texas to be invested separately from the investment of other treasury assets and funds to the extent that the general law ensures that, in

managing the assets of the fund, on behalf of the fund the fund's investment manager may acquire, exchange, sell, supervise, manage, or retain any kind of investment that a prudent investor, exercising reasonable care, skill, and caution, would acquire or retain in light of the purposes, terms, distribution requirements, and other circumstances of the fund then prevailing, taking into consideration the investment of all the assets of the fund rather than a single investment, and taking into consideration the goal of preserving the aggregate purchasing power of the fund assets.

(e) The legislature by general law shall prescribe the manner in which the assets of the state water implementation revenue fund for Texas may be used, subject to the limitations provided by Subsections (a) and (b) of this section.

(f) The legislature may authorize the Texas Water Development Board or its successor in function to issue bonds and enter into bond enhancement agreements that are payable from revenue deposited to the credit of the state water implementation revenue fund for Texas.

(g) In each fiscal year in which amounts become due under the bonds, or agreements authorized by this section, there is appropriated from revenue deposited to the credit of the state water implementation revenue fund for Texas in that fiscal year an amount that is sufficient to pay:

(1) the principal of and interest on the bonds that mature or become due during the fiscal year; and

(2) any cost related to the bonds, including payments under bond enhancement agreements that becomes due during that fiscal year.

(h) Any dedication or appropriation of revenue to the credit of the state water implementation revenue fund for Texas may not be modified so as to impair any outstanding bonds secured by a pledge of that revenue unless provisions have been made for a full discharge of those bonds.

SECTION 2. Section 49-p, Article III, Texas Constitution, is amended by adding Subsection (e) to read as follows:

(e) Money deposited to the credit of the state highway fund may be appropriated to repay the principal and interest on bonds issued under this section.

SECTION 3. Section 49-g, Article III, Texas Constitution, is amended by adding Subsection (p) to read as follows:

(p) On November 30, 2013, the amount of \$2.9 billion is transferred from the economic stabilization fund to the credit of an account created by the Texas Department of Transportation in the state highway fund for the purposes described by this subsection. Funds transferred under this subsection may only be appropriated to the Texas Department of Transportation for the purposes of paying the principal and interest on bonds issued on or before January 1, 2013, for projects described by Rider No. 42, pages VII-36 and VII-37, Article VII, Chapter 1355, Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), and funding projects previously selected to be funded with the proceeds of bonds issued under Section 49-p, Article III, of this constitution. Interest earned on funds transferred under this subsection must be deposited to the credit of the state highway fund. The amounts appropriated under this subsection are not included in determining the total amount of appropriations from state tax revenues for purposes of Section 22, Article VIII, of this constitution. This subsection expires August 31, 2015.

SECTION 4. Section 49-g, Article III, Texas Constitution, is amended by adding Subsection (q) to read as follows:

(q) The amount of \$500 million is appropriated from the economic stabilization fund to the Texas Education Agency for the state fiscal biennium beginning September 1, 2013, for purposes of the Foundation School Program. The commissioner of education shall use the amount appropriated for the Foundation School Program under this subsection to increase the basic allotment under the Foundation School Program for the 2013-2014 and 2014-2015 school years. The amount of \$300 million is appropriated from the economic stabilization fund to the Texas Education Agency for the state fiscal biennium beginning September 1, 2013, for purposes of the Educator Excellence Awards program as provided by Subchapter O, Chapter 21, Education Code. The amounts appropriated under this subsection are not included in determining the total amount of appropriations from state tax revenues for purposes of Section 22, Article VIII, of this constitution. This subsection expires August 31, 2015.

SECTION 5. (a) The proposed amendment to the Texas Constitution providing for adding Sections 49-d-12 and 49-d-13, Article III, to the constitution shall be submitted to the voters at an election to be held November 5, 2013. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment providing for the transfer of existing money from the economic stabilization fund to a state water implementation fund for Texas to assist in the financing of priority water infrastructure projects in the state water plan."

(b) The proposed amendment to the Texas Constitution relating to transportation and providing for amending Section 49-g, Article III, shall be submitted to the voters at an election to be held November 5, 2013. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment providing for the transfer of existing money from the economic stabilization fund to assist in the funding of transportation construction, maintenance, and rehabilitation projects."

(c) The proposed amendment to the Texas Constitution relating to education and providing for amending Section 49-g, Article III, shall be submitted to the voters at an election to be held November 5, 2013. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment transferring \$800 million from the economic stabilization fund for purposes of public education."

WILLIAMS	GARCIA	RODRÍGUEZ
BIRDWELL	HANCOCK	SCHWERTNER
CAMPBELL	HEGAR	SELIGER
CARONA	HINOJOSA	TAYLOR
DAVIS	HUFFMAN	URESTI
DEUELL	LUCIO	VAN DE PUTTE
DUNCAN	NELSON	WATSON
ELLIS	NICHOLS	WEST
ELTIFE	PATRICK	WHITMIRE
ESTES	PAXTON	ZAFFIRINI
FRASER		

The amendment to **SJR 1** was read.

Senator Watson offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 2

Amend Floor Amendment No. 1 by Senator Williams to **SJR 1** (Committee Printing) as follows:

(1) In SECTION 3 of the amendment, proposed Subsection (p) (page 7, line 5), strike "\$2.9 billion" and insert "\$2 billion".

(2) In SECTION 4 of the amendment, proposed Subsection (q) (line 3), strike "\$500 million" and insert "\$2 billion".

(3) In SECTION 4 of the amendment, proposed Subsection (q) (lines 10 through 15), strike the sentence beginning "The amount of \$300 million" and ending "Education Code.".

WATSON	HINOJOSA	VAN DE PUTTE
DAVIS	LUCIO	WEST
ELLIS	RODRÍGUEZ	WHITMIRE
GARCIA	URESTI	ZAFFIRINI

The amendment to Floor Amendment No. 1 to **SJR 1** was read and failed of adoption by the following vote: Yeas 12, Nays 19.

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

Nays: Birdwell, Campbell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Hancock, Hegar, Huffman, Nelson, Nichols, Patrick, Paxton, Schwertner, Seliger, Taylor, Williams.

Senator Davis offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 3

Amend Floor Amendment No. 1 to **SJR 1** (Senate Committee Printing) on page 8, by striking added Subsection (q) to SECTION 4, Section 49-g, Article III, Texas Constitution, and substituting the following:

(q) The amount of \$800 million is appropriated from the economic stabilization fund to the Texas Education Agency for the state fiscal biennium beginning September 1, 2013, for purposes of the Foundation School Program. The commissioner of education shall use the amount appropriated for the Foundation School Program under this subsection to increase the basic allotment under the Foundation School Program for the 2013-2014 and 2014-2015 school years. The amounts appropriated under this subsection are not included in determining the total amount of appropriations from state tax revenues for purposes of Section 22, Article VIII, of this constitution. This subsection expires August 31, 2015.

DAVIS	LUCIO	WATSON
ELLIS	RODRÍGUEZ	WEST
GARCIA	URESTI	WHITMIRE
HINOJOSA	VAN DE PUTTE	ZAFFIRINI

The amendment to Floor Amendment No. 1 to **SJR 1** was read and failed of adoption by the following vote: Yeas 12, Nays 19.

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

Nays: Birdwell, Campbell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Hancock, Hegar, Huffman, Nelson, Nichols, Patrick, Paxton, Schwertner, Seliger, Taylor, Williams.

Senator West offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 4

Amend Floor Amendment No. 1 by Williams to **SJR 1** (senate committee printing), page 8, line 14, strike "Subchapter O, Chapter 21, Education Code." and insert "Education Code, Section 21.705 (1) - (8). Priority shall be given to campuses that fail to meet the standard defined under Texas Education Code 39.054."

WEST	ELTIFE	URESTI
CARONA	GARCIA	VAN DE PUTTE
DAVIS	HINOJOSA	WATSON
DEUELL	LUCIO	WILLIAMS
DUNCAN	PATRICK	ZAFFIRINI
ELLIS	RODRÍGUEZ	

The amendment to Floor Amendment No. 1 to **SJR 1** was read and was adopted by the following vote: Yeas 23, Nays 8.

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

Nays: Birdwell, Campbell, Fraser, Hegar, Huffman, Nelson, Nichols, Paxton.

Senator Watson offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 5

Amend Floor Amendment No. 1 by Senator Williams to **SJR 1** (Committee Printing) as follows:

(1) In SECTION 3 of the amendment, proposed Subsection (p) (page 7, line 5), strike "\$2.9 billion" and insert "\$2.7 billion".

(2) In SECTION 4 of the amendment, proposed Subsection (q) (line 3), strike "\$500 million" and insert "\$1 billion".

(3) In SECTION 4 of the amendment, proposed Subsection (q) (lines 10 through 15), strike the sentence beginning "The amount of \$300 million" and ending "Education Code.".

WATSON	HINOJOSA	VAN DE PUTTE
DAVIS	LUCIO	WEST
ELLIS	RODRÍGUEZ	WHITMIRE
GARCIA	URESTI	ZAFFIRINI

The amendment to Floor Amendment No. 1 to **SJR 1** was read and failed of adoption by the following vote: Yeas 12, Nays 19.

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

Nays: Birdwell, Campbell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Hancock, Hegar, Huffman, Nelson, Nichols, Patrick, Paxton, Schwertner, Seliger, Taylor, Williams.

Senator Ellis offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 6

Amend Floor Amendment No. 1 by Williams to **SJR 1** (Senate Committee Printing) as follows:

(1) Add the following appropriately numbered SECTION to the resolution and renumber subsequent SECTIONS of the resolution accordingly:

SECTION _____. Section 49-g, Article III, Texas Constitution, is amended by adding Subsection (r) to read as follows:

(r) The amount of \$50.4 million is appropriated from the economic stabilization fund to the Health and Human Services Commission for the state fiscal biennium beginning September 1, 2013, for purposes of providing Medicaid program benefits to all persons who apply for the benefits and who are eligible, and for whom federal matching funds are available, under the federal Patient Protection and Affordable Care Act (Pub. L. No. 111-148) as amended by the Health Care and Education Reconciliation Act of 2010 (Pub. L. No. 111-152). The amount appropriated under this subsection is not included in determining the total amount of appropriations from state tax revenues for purposes of Section 22, Article VIII, of this constitution. This subsection expires August 31, 2015.

(2) In SECTION 4 of the resolution (page 3, following line 23), insert the following:

(c) The proposed amendment to the Texas Constitution providing for amending Section 49-g, Article III, shall be submitted to the voters at an election to be held November 5, 2013. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment appropriating \$50.4 million from the economic stabilization fund for purposes of expanding eligibility for the Medicaid program to all persons for whom federal matching funds are available under the federal Patient Protection and Affordable Care Act."

ELLIS	LUCIO	WATSON
DAVIS	RODRÍGUEZ	WEST
GARCIA	URESTI	WHITMIRE
HINOJOSA	VAN DE PUTTE	ZAFFIRINI

The amendment to Floor Amendment No. 1 to **SJR 1** was read and failed of adoption by the following vote: Yeas 12, Nays 19.

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

Nays: Birdwell, Campbell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Hancock, Hegar, Huffman, Nelson, Nichols, Patrick, Paxton, Schwertner, Seliger, Taylor, Williams.

Question recurring on the adoption of Floor Amendment No. 1 to **SJR 1**, the amendment as amended was adopted by the following vote: Yeas 31, Nays 0.

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

SJR 1 as amended was passed to engrossment by a viva voce vote.

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

SENATE JOINT RESOLUTION 1 ON THIRD READING

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SJR 1** be placed on its third reading and final passage.

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

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

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:

Presiding Judge, Second Administrative Judicial Region: Olen U. Underwood, Montgomery County.

Public Counsel, Office of Public Insurance Counsel: Deeia Denise Curry Beck, Travis County.

Members, Board of Directors, Sabine River Authority of Texas: Stanley N. Mathews, Orange County; Martha Sharon Newcomer, Orange County; Clifford Ralph Todd, Panola County.

Members, State Employee Charitable Campaign Policy Committee: Amy Susan Baillargeon, Travis County; Gregory Scott Davidson, Lee County; Steven Wroe Jackson, Travis County; Louri Marie O'Leary, Travis County; Diane Black Smith, Williamson County.

Members, Texas Board of Architectural Examiners: Charles H. Anastos, Nueces County; Michael Chad Davis, Lubbock County; William David Edwards, Wise County.

Members, Texas Board of Professional Engineers: Sockalingam Kannappan, Harris County; Sina K. Nejad, Jefferson County; Edward Lee Summers, Travis County; Robert Kyle Womack, Llano County.

Members, Texas Commission on the Arts: Rita Esther Baca, El Paso County; Patricia Ann Bryant, Potter County; David Champion Garza, Cameron County; Mila Beth Gibson, Nolan County; Marsha Wilson Rappaport, Galveston County; Ronald Byron Sanders, Bexar County.

Members, Texas Farm and Ranch Lands Conservation Council: James Cleveland Cathey, Brazos County; Thomas Randolph Kelsey, Harris County; John Edward Zacek, Victoria County.

Member, Board of Directors, Texas Guaranteed Student Loan Corporation: Fernando Trevino, Val Verde County.

Members, Texas Historical Commission: Michael D. Donegan, Rockwall County; August Watkins Harris, Travis County; Robert Kelly Shepard, Parker County.

Members, Texas Industrialized Building Code Council: Roland Lee Brown, Ellis County; Joe D. Campos, Dallas County; Randall Reddin Childers, McLennan County; Steven James Fitzpatrick, Smith County; Edward Earl Martin, Travis County; Scott Alexander McDonald, Randall County; Cecil Mark Remmert, Williamson County; Jesse E. Rider, Smith County; Douglas Owen Robinson, Dallas County; Rolando Romeo Rubiano, Cameron County; William Fletcher Smith, Hays County; Larry E. Wilkinson, Galveston County.

Members, Texas State Board of Examiners of Marriage and Family Therapists: Michael R. Miller, Bell County; Keith Rosenbaum, Johnson County; Jennifer Ruth Smothermon, Taylor 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 RULE 11.10(a) SUSPENDED (Public Notice of Committee Meetings)

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

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 Hinojosa and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Intergovernmental Relations might meet and consider the following bills tomorrow:

SB 1877, SB 1878.

SENATE RULES SUSPENDED (Posting Rules)

On motion of Senator Nichols and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Transportation might meet and consider **HB 63** tomorrow.

SENATE RULES SUSPENDED
(Posting Rules)

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

SB 1391, SB 1392, HB 1550.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Whitmire and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Criminal Justice might meet and consider **SB 969** today.

CO-AUTHORS OF SENATE BILL 315

On motion of Senator Uresti, Senators Ellis and Garcia will be shown as Co-authors of **SB 315**.

CO-AUTHOR OF SENATE BILL 376

On motion of Senator Lucio, Senator Garcia will be shown as Co-author of **SB 376**.

CO-AUTHOR OF SENATE BILL 1003

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

CO-AUTHOR OF SENATE BILL 1080

On motion of Senator Lucio, Senator Zaffirini will be shown as Co-author of **SB 1080**.

CO-AUTHOR OF SENATE BILL 1309

On motion of Senator Davis, Senator West will be shown as Co-author of **SB 1309**.

CO-AUTHOR OF SENATE BILL 1310

On motion of Senator Davis, Senator Lucio will be shown as Co-author of **SB 1310**.

CO-AUTHOR OF SENATE BILL 1589

On motion of Senator Zaffirini, Senator Uresti will be shown as Co-author of **SB 1589**.

CO-AUTHOR OF SENATE BILL 1639

On motion of Senator Carona, Senator Campbell will be shown as Co-author of **SB 1639**.

CO-AUTHOR OF SENATE BILL 1643

On motion of Senator Williams, Senator Nelson will be shown as Co-author of **SB 1643**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 55

On motion of Senator Williams, Senator Nelson will be shown as Co-author of **SJR 55**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 749 by Schwertner, In memory of the life of Alex Hernandez III.

SR 750 by Schwertner, In memory of the life of Paul A. Rivera.

SR 751 by West, In memory of Kenneth Luckey Harris, Jr.

Congratulatory Resolutions

SR 745 by Lucio, Recognizing Patricia Lillie Zamora on the occasion of her 50th birthday.

SR 746 by West, Recognizing Frederick D. Haynes III on the occasion of his 30th anniversary as pastor of Friendship-West Baptist Church.

SR 747 by Seliger, Recognizing Ruby Lee Martin Beebe on the occasion of her 100th birthday.

SR 748 by Schwertner, Recognizing the Leon High School Lady Cougars volleyball team for winning a state championship.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 7:29 p.m. adjourned, in memory of Kenneth Luckey Harris, Jr., Matthew Robert Clark, and George Anton Belton, until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

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

April 23, 2013

HEALTH AND HUMAN SERVICES — **CSSB 44**

CRIMINAL JUSTICE — **CSSB 1475**

ADMINISTRATION — **HB 174, HB 701, HB 2035, HCR 43**

OPEN GOVERNMENT — **SB 1896, CSSB 1368, CSSB 1882**

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — **CSSB 1200, CSSB 1536**

OPEN GOVERNMENT — **CSSB 1512**

HEALTH AND HUMAN SERVICES — **CSSB 937**

ADMINISTRATION — **CSSB 1871**

HEALTH AND HUMAN SERVICES — **SB 1535, SB 1889**

EDUCATION — **SB 1384**

HEALTH AND HUMAN SERVICES — **CSSB 495**

BILLS ENGROSSED

April 22, 2013

SB 190, SB 991, SB 1247, SB 1670, SB 1671, SB 1756, SB 1795

BILLS AND RESOLUTIONS ENROLLED

April 22, 2013

**SB 422, SB 510, SB 530, SB 543, SB 847, SR 583, SR 592, SR 662, SR 699,
SR 707, SR 708, SR 709, SR 710, SR 711, SR 712, SR 713, SR 714, SR 715,
SR 716, SR 717, SR 718, SR 719, SR 720, SR 721, SR 722, SR 723, SR 724,
SR 725, SR 726, SR 727, SR 728, SR 729, SR 730, SR 731, SR 732, SR 733,
SR 734, SR 735, SR 736, SR 737, SR 738, SR 739, SR 740, SR 741, SR 742,
SR 743**

In Memory
of
Matthew Robert Clark
Senate Resolution 744

WHEREAS, Matthew Robert Clark of Frisco lost his life in a tragic accident on June 3, 2012, at the age of 21, and family and friends are honoring his memory by performing simple acts of kindness for others; and

WHEREAS, Born on January 1, 1991, in Hot Springs, Arkansas, Matt Clark was the son of John and Sandra Clark and the brother of Byron Clark; at the time of his passing, he was in his senior year as a health science major at Baylor University and had dreams of a career in the medical field; he was a graduate of Legacy Christian Academy, where he belonged to the National Honor Society and received a host of awards for his achievements in football, basketball, baseball, and track; and

WHEREAS, Guided by a strong faith in his every endeavor, Mr. Clark had a particular affinity for the verse Proverbs 16:3, which reads, "Commit to the Lord whatever you do, and your plans will succeed"; he strove to be a leader and a positive example, and his compassionate nature was readily apparent in his words and actions; and

WHEREAS, In May 2011, he drove out to bring aid to the victims of the tornado that devastated Joplin, Missouri; on the return trip, he rescued from the side of the road an abandoned puppy, which he welcomed into his home and named "Joplin"; he was known for brightening the days of those around him with his many good deeds, such as helping a friend move, offering a lift to the airport, tutoring a classmate, or simply sharing a smile or a joke; and

WHEREAS, Inspired by the sense of purpose that this caring young man demonstrated throughout his life, his family has provided a list of 22 suggested acts of kindness that they are asking their fellow Texans to perform during 2013 in celebration of what would have been Matt's 22nd birthday:

1. Write a note to a person who could use some encouragement.
2. Say "I love you" to someone you hold dear.
3. Bring coffee or treats to an acquaintance.
4. Say "please" and "thank you" and mean it.
5. Call or write to a teacher who made a difference in your life.
6. Help a friend move.
7. Forgive a debt, and never bring it up again.
8. Say "I'm sorry" when you are wrong.
9. Ask someone "How are you really doing?" and genuinely listen to the response.
10. Offer to babysit for a single mom.
11. Return shopping carts for people in parking lots.
12. Smile and say "hello" to people.

13. Donate clothing.
14. Make someone laugh.
15. Hold the door open for the person behind you.
16. Give a compliment.
17. Pay for the person behind you in line at a restaurant or coffee shop.
18. Buy a homeless person a meal.
19. Volunteer at or take towels and blankets to an animal shelter.
20. Take doughnuts to the fire station, the police station, or the office.
21. Pass along a great book that you have just finished reading.
22. Spend time at a nursing home by playing board games or conversing with residents; and

WHEREAS, Intended to be unexpected and unreciprocated, these quiet yet meaningful gestures are seldom forgotten, and through the journey of sharing them, participants are ensuring that the vibrant spirit of Matt Clark will forever shine brightly for those who were blessed to share in his love and friendship, and many more beyond; now, therefore, be it

RESOLVED, That the Senate of the 83rd Texas Legislature hereby pay tribute to the life of Matthew Robert Clark and urge all who hear of this heartfelt endeavor to seek out opportunities to help and encourage friends and strangers alike.

PAXTON

In Memory
of
George Anton Belton
Senate Resolution 675

WHEREAS, The Senate of the State of Texas joins the citizens of Bellaire in mourning the untimely loss of George Anton Belton, who died April 21, 2012, at the age of 13; and

WHEREAS, George Belton was born January 19, 1999, to Elisabeth Lange and Timothy D. Belton; a fifth-generation Texan of German heritage, he was a loving and devoted brother to his older sister, Sophie Marie, and to his younger brothers, Carl Rudolph and Paul Clemens; and

WHEREAS, He pursued his many and varied interests with passion, enthusiasm, and a drive for excellence; whether playing baseball, hunting, cheering for the Texas Longhorns, participating in the Boy Scouts, or serving at the church altar, he approached all his activities with a zest for life that was inspirational to all who knew him; and

WHEREAS, In appreciation of the fine example of sportsmanship he set for others, the Bellaire Little League instituted its Sportsmanship Award in his honor; he was posthumously awarded the ranks of Life Scout and Star Scout by Boy Scout Troop 99 at Saint Thomas More Catholic Church, and Leadership Camp Texas renamed its annual Cabin Cup competition in recognition of George Belton and his embrace of the camp and the virtues it seeks to instill in young men; and

WHEREAS, A young man of courage, strength, and determination, he gave unselfishly to others, and his fondness for all things outdoors, his ability to bring out the best in others, and his unbridled enthusiasm for living each day to the fullest will not be forgotten; and

WHEREAS, He was devoted to his large and loving family, and he leaves behind memories that will be treasured forever by his family and countless friends; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby extend sincere condolences to the bereaved family and friends of George Anton Belton; and, be it further

RESOLVED, That a copy of this Resolution be prepared for his family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of George Anton Belton.

HUFFMAN

