

# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**FIFTY-NINTH DAY**

(Wednesday, May 15, 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.

Chaplain C. Michael Bingaman, Retama Park, Selma, offered the invocation as follows:

Precious heavenly Father, creator of all that is seen and unseen, we give You thanks for the opportunity to again this day serve You as we serve the people of Texas. We ask Your wisdom, Your grace, Your insight as these men and women wrestle with the daunting task of legislating this great state. Help us to ever be mindful that with great power comes great responsibility. If they feel fatigue, please strengthen them. If they feel discouragement, please encourage them. Assist these men and women to shoulder this responsibility with selfless grace and honor so that when the day is done, they will be able to rest in the assurance of hearing You say, Well done, my good and faithful servant. In the name of the God who created the heavens and the Earth and this little patch of ground we love called Texas, we pray. Amen.

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

The motion prevailed without objection.

## MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Wednesday, May 15, 2013 - 1

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

- SB 50** Zaffirini Sponsor: Guillen  
Relating to the Children's Policy Council, including the composition of the council.
- SB 111** Lucio Sponsor: Lucio III  
Relating to the designation of Texas Historical Use Buildings.  
(Committee Substitute)
- SB 129** Nelson Sponsor: Lewis  
Relating to proper venue for filing an application for a protective order against family violence.
- SB 130** Nelson Sponsor: Lewis  
Relating to representation by prosecuting attorneys in proceedings for protective orders against family violence and in certain other actions.
- SB 131** Nelson Sponsor: Smith  
Relating to the hours of sale and consumption of wine at a winery.
- SB 148** Williams Sponsor: Toth  
Relating to certain legal advice or legal services rendered to certain public servants.  
(Committee Substitute)
- SB 165** Van de Putte Sponsor: Creighton  
Relating to the issuance of specialty license plates to officers of the United States armed forces who graduated from certain United States military academies.
- SB 183** Carona Sponsor: Sheets  
Relating to certain inquiries made by the Texas Department of Insurance to insurers.
- SB 194** West Sponsor: Coleman  
Relating to ingress and egress for access by emergency vehicles and for use during evacuations in certain new residential subdivisions.
- SB 260** Davis Sponsor: Stickland  
Relating to the absence of a student from school to visit with a parent or guardian who will be or has been deployed on military duty.  
(Amended)
- SB 322** Williams Sponsor: Toth  
Relating to the period for confirmation and the terms of the temporary directors of the Montgomery County Municipal Utility District No. 102.
- SB 323** Williams Sponsor: Toth  
Relating to the period for confirmation and the terms of the temporary directors of the Montgomery County Municipal Utility District No. 104.
- SB 324** Williams Sponsor: Toth  
Relating to the period for confirmation and the terms of the temporary directors of the Montgomery County Municipal Utility District No. 117.
- SB 328** Carona Sponsor: Gonzales, Larry  
Relating to entrepreneurs-in-residence at state agencies.

- SB 355** West Sponsor: Lewis  
Relating to the powers and duties of the Title IV-D agency regarding the establishment, collection, and enforcement of child support and in connection with an application for a marriage license or protective order; authorizing a surcharge. (Committee Substitute)
- SB 426** Nelson Sponsor: Zerwas  
Relating to a home visiting program for at-risk families.
- SB 435** Duncan Sponsor: Cortez  
Relating to the payment of tuition for public high school students who participate in college credit programs.
- SB 529** Ellis Sponsor: Oliveira  
Relating to the creation of the offense of installation, transfer, use, or possession of an automated sales suppression device or phantom-ware.
- SB 540** Carona Sponsor: Smith  
Relating to the regulation, registration, and certification of inspectors for elevators, escalators, and related equipment. (Committee Substitute)
- SB 566** Eltife Sponsor: Clardy  
Relating to the establishment of a pharmacy school at The University of Texas at Tyler.
- SB 581** Carona Sponsor: Villarreal  
Relating to procedures for securing the deposit of public funds.
- SB 630** Carona Sponsor: Naishtat  
Relating to certain obligations of and limitations on residential landlords.
- SB 634** Davis Sponsor: Collier  
Relating to regulating faulty on-site sewage disposal systems in the unincorporated areas of a county as a public nuisance; providing a criminal penalty.
- SB 703** Taylor Sponsor: Thompson, Ed  
Relating to the powers and duties of the Brazoria County Municipal Utility District No. 39; providing authority to impose a tax or fee and issue bonds.
- SB 704** Taylor Sponsor: Thompson, Ed  
Relating to the powers and duties of the Brazoria County Municipal Utility District No. 35; providing authority to impose a tax or fee and issue bonds.
- SB 705** Taylor Sponsor: Thompson, Ed  
Relating to the powers and duties of the Brazoria County Municipal Utility District No. 40; providing authority to impose taxes and fees and issue bonds.
- SB 801** Carona Sponsor: Sheets  
Relating to security deposit requirements for certain insurance companies.
- SB 825** Whitmire Sponsor: Thompson, Senfronia  
Relating to disciplinary standards and procedures applicable to grievances alleging certain prosecutorial misconduct.

- SB 828** Van de Putte Sponsor: Guillen  
Relating to the marketing of certain alcoholic beverages by manufacturers and their agents; providing for a permitting fee.
- SB 853** Taylor Sponsor: Sheets  
Relating to notice of a premium increase for certain health insurance policies.
- SB 985** Zaffirini Sponsor: Isaac  
Relating to authorizing broker agreements for the sale of real property by certain municipalities.
- SB 1008** Carona Sponsor: Anderson  
Relating to the business, supervision, and regulation of state savings and loan associations and state savings banks; providing a criminal penalty.
- SB 1060** Nelson Sponsor: Zerwas  
Relating to family cost share provisions in the early childhood intervention program.
- SB 1096** Hinojosa Sponsor: Muñoz, Jr.  
Relating to the monthly fee a defendant must pay during a period of community supervision.
- SB 1134** Ellis Sponsor: Elkins  
Relating to the duties of the Department of Information Resources regarding cybersecurity.
- SB 1423** Hinojosa Sponsor: Hunter  
Relating to validating certain acts of the Lower Nueces River Water Supply District transferring real property rights.
- SB 1532** Zaffirini Sponsor: Rodriguez, Eddie  
Relating to the power of the Texas Commission on Environmental Quality to authorize certain injection wells that transect or terminate in the Edwards Aquifer.
- SB 1611** Ellis Sponsor: Thompson, Senfronia  
Relating to discovery in a criminal case.
- SB 1862** Zaffirini Sponsor: Isaac  
Relating to the creation of the Crosswinds Municipal Utility District; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.
- SCR 20** Estes Sponsor: Anderson  
Designating the first week of May as Texas Bison Week for a 10-year period beginning in 2013.
- SCR 26** Hinojosa Sponsor: Davis, John  
Designating November as COPD Awareness Month for a 10-year period beginning in 2013, and directing the Texas Department of State Health Services to include COPD as a chronic health condition in their public awareness and educational efforts.

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

**SB 1546** (non-record vote)

House Conferees: Guillen - Chair/Aycock/Dukes/Kuempel/Smith

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**MESSAGES FROM THE GOVERNOR**

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

May 14, 2013

Austin, Texas

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

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

To be members of the Guadalupe-Blanco River Authority Board of Directors for terms to expire February 1, 2019:

William R. Carbonara

Cuero, Texas

(replacing Frank Pagel of Tivoli whose term expired)

Darrell G. McLain

Gonzales, Texas

(replacing Myrna McLeroy of Gonzales whose term expired)

Don B. Meador

San Marcos, Texas

(replacing James Powers of Dripping Springs whose term expired)

To be members of the Texas Board of Occupational Therapy Examiners for terms to expire February 1, 2019:

Jennifer B. Clark

Iola, Texas

(replacing Kathleen Hill of Hutto whose term expired)

Amanda J. Ellis

Austin, Texas

(replacing Judith Chambers of Austin whose term expired)

Todd M. Novosad

Austin, Texas

(Mr. Novosad is being reappointed)

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

Timothy Brown  
Dallas, Texas

Mark M. Talbot  
McAllen, Texas

The individuals listed above are being reappointed.

To be members of the Judicial Compensation Commission for terms to expire as indicated:

To Expire February 1, 2017:

William "Bill" Brod, Jr.

Pasadena, Texas

(replacing Harold Jenkins of Irving who resigned)

Conrith Warren Davis

Sugar Land, Texas

(replacing Romulo Chavez of Spring who resigned)

To Expire February 1, 2019:

Patrick "Pat" Mizell

Houston, Texas

(Mr. Mizell is being reappointed)

Linda B. Russell

League City, Texas

(Ms. Russell is being reappointed)

To be members of the Governing Board of the Texas Indigent Defense Commission for terms to expire February 1, 2015:

Don Hase

Arlington, Texas

(replacing J. Knox Fitzpatrick of Dallas whose term expired)

Anthony C. "Tony" Odiorne

Georgetown, Texas

(Mr. Odiorne is being reappointed)

To be members of the Product Development and Small Business Incubator Board for terms to expire as indicated:

To Expire February 1, 2015:

Brett Cornwell

College Station, Texas

(replacing Daniel Hanson of Dallas who resigned)

To Expire February 1, 2019:

John-Patrick Lane

Fort Worth, Texas

(replacing Michael Davis, Jr. of Austin whose term expired)

David Margrave  
San Antonio, Texas  
(Mr. Margrave is being reappointed)

David L. Miller  
Abernathy, Texas  
(Mr. Miller is being reappointed)

To be a member of the Commission on Human Rights for a term to expire February 1, 2015:

Sharon Breckenridge Thomas  
San Antonio, Texas

Ms. Thomas is replacing Travis Morris of Pearland who resigned.

To be a member of the San Jacinto River Authority Board of Directors for a term to expire October 16, 2013:

Michael "Mike" Bleier  
Montgomery, Texas

Mr. Bleier is replacing David Kleimann of Willis who resigned.

To be a member of the Trinity River Authority Board of Directors for a term to expire March 15, 2017:

Amanda B. Davis  
Buffalo, Texas

Ms. Davis is replacing Amanda Davis of Buffalo who resigned.

To be a member of the Trinity River Authority Board of Directors for a term to expire March 15, 2015:

Valerie E. Ertz  
Dallas, Texas

Ms. Ertz is replacing Harold Jenkins of Irving who resigned.

To be members of the Trinity River Authority Board of Directors for terms to expire March 15, 2019:

Henry Borbolla, III  
Fort Worth, Texas  
(Mr. Borbolla is being reappointed)

Tommy G. Fordyce  
Huntsville, Texas  
(Mr. Fordyce is being reappointed)

Jess Laird  
Athens, Texas  
(Mr. Laird is being reappointed)

David Leonard  
Liberty, Texas  
(Mr. Leonard is being reappointed)

James "Jim" Neale  
Dallas, Texas  
(Mr. Neale is being reappointed)

Amirali Rupani  
Dallas, Texas  
(Mr. Rupani is being reappointed)

AnaLaura Saucedo  
Mesquite, Texas  
(Ms. Saucedo is being reappointed)

Dudley Skyrme  
Palestine, Texas  
(replacing Nancy Lavinski of Palestine whose term expired)

C. Dwayne Somerville  
Mexia, Texas  
(replacing Linda Timmerman of Streetman whose term expired)

To be members of the Lavaca-Navidad River Authority for terms to expire as indicated:

To Expire May 1, 2015:

Scott H. Sachtleben  
Ganado, Texas  
(replacing John Cotten, Jr. of Ganado who is deceased)

To Expire May 1, 2019:

Glenn T. Martin  
Edna, Texas  
(Mr. Martin is being reappointed)

Leonard A. Steffek  
Edna, Texas  
(replacing Jon Bradford of Edna whose term expired)

Charles "Charlie" Taylor  
Palacios, Texas  
(replacing Olivia Jarratt of Edna whose term expired)

Respectfully submitted,

/s/Rick Perry  
Governor

May 15, 2013  
Austin, Texas

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

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

To be members of the Nueces River Authority Board of Directors for terms to expire February 1, 2019:

Rebecca Bradford

Corpus Christi, Texas

(Ms. Bradford is being reappointed)

Dane Bruun

Corpus Christi, Texas

(replacing Dan Leyendecker of Corpus Christi whose term expired)

Lynn Haueter

Corpus Christi, Texas

(replacing Judith Creveling of Corpus Christi whose term expired)

Joe C. McMillian

Dilley, Texas

(replacing William Dillard of Uvalde whose term expired)

David E. Purser

Karnes City, Texas

(replacing Scott Petty of Hondo whose term expired)

Armandina "Dina" Ramirez

Karnes City, Texas

(replacing Joe Cantu of Pipe Creek whose term expired)

Emily Stroup

San Antonio, Texas

(replacing Robert Dullnig of San Antonio whose term expired)

To be members of the Real Estate Research Advisory Committee for terms to expire January 31, 2019:

Walter "Ted" Nelson

The Woodlands, Texas

(replacing Joe Bob McCartt of Amarillo whose term expired)

Stephen D. "Doug" Roberts

Austin, Texas

(replacing Kathleen Owen of Pipe Creek whose term expired)

C. Clark Welder

Beeville, Texas

(replacing Mona Bailey of North Richland Hills whose term expired)

Respectfully submitted,

/s/Rick Perry

Governor

#### **PHYSICIAN OF THE DAY**

Senator Schwertner was recognized and presented Dr. Daniel Voss of Jarrell as the Physician of the Day.

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

### **INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED**

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

There was no objection.

### **SENATE RESOLUTION 975**

Senator Patrick offered the following resolution:

**SR 975**, Recognizing Grant Manier for his outstanding achievements as an artist.

The resolution was read and was adopted without objection.

### **GUESTS PRESENTED**

Senator Patrick was recognized and introduced to the Senate Grant Manier and his mother, Julie Manier.

The Senate welcomed its guests.

### **GUESTS PRESENTED**

Senator Duncan was recognized and introduced to the Senate M. Duane Nellis, incoming Texas Tech University President, and Lawrence Schovanec, Texas Tech University Interim President.

The Senate welcomed its guests.

### **SENATE RESOLUTION 844**

Senator Van de Putte offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the North American Safe Boating Campaign on the occasion of National Safe Boating Week, which is being observed May 18 through 24, 2013; and

WHEREAS, Recreational boating, including fishing and waterskiing, is an immensely popular summer sport among Texans, and waterways can quickly become crowded, resulting in confusion, unforeseen risks, and, too often, tragedy; and

WHEREAS, According to the National Safe Boating Council, an average of 700 people die each year in boating-related accidents in the United States, and approximately 70 percent of these fatalities are caused by drowning; the vast majority of accidents occur because of human error or poor judgment and can be easily prevented; recreational boaters should never operate a boat while under the influence of alcohol or drugs; and

WHEREAS, Statistics have shown that about 80 percent of those who drowned in boating mishaps were not wearing a life jacket; although many boaters stow life jackets on board, there is rarely enough time to properly employ one in the event of an

accident; in an effort to increase people's willingness to wear this essential piece of safety equipment, modern life jackets have been designed to be smaller, lighter, and more comfortable; and

WHEREAS, Boating accidents happen regardless of one's level of experience, and wearing a life jacket is the most effective way to prevent drowning for veteran and novice boaters alike; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby commend the goals of the North American Safe Boating Campaign and recognize May 18 through 24, 2013, as Safe Boating Week in Texas; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of Safe Boating Week in Texas.

**SR 844** was again read.

The resolution was previously adopted on Monday, May 6, 2013.

### GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate U.S. Coast Guard Auxillary District 8CR members: Alan Harding, Chief of Staff; Chuck Maricle, District Captain-Central; and Duke Stevens, Staff Officer for Vessel Examinations; as well as Cody Jones, Texas Boating Law Administrator.

The Senate welcomed its guests.

### GUESTS PRESENTED

Senator Ellis was recognized and introduced to the Senate John W. and Betty Bland and Claude Cummings, Jr.

The Senate welcomed its guests.

### SENATE RESOLUTION 891

Senator Garcia offered the following resolution:

**SR 891**, Recognizing May 15, 2013, as East Aldine District Legislative Day.

The resolution was again read.

The resolution was previously adopted on Tuesday, May 14, 2013.

### GUESTS PRESENTED

Senator Garcia was recognized and introduced to the Senate an East Aldine Management District delegation: Gerald Overturff, Board Chair; John Meinke, Board Treasurer; Patti Acosta, Board Member; David Hawes, President and CEO; Scott Bean, Director of Public Infrastructure; Richard Cantu, Director of Services; Natali Lacasa, Assistant Director of Services; and Flor Zarzoza, Community Service Coordinator.

The Senate welcomed its guests.

### CONCLUSION OF MORNING CALL

The Presiding Officer at 11:46 a.m. announced the conclusion of morning call.

### SENATE BILL 1917 ON SECOND READING

On motion of Senator Birdwell and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1917** at this time on its second reading:

**SB 1917**, Relating to the definition of an authorized emergency vehicle.

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 1917 ON THIRD READING

Senator Birdwell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1917** 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 1560 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 1560** at this time on its second reading:

**CSSB 1560**, Relating to easements used for dune construction and maintenance projects.

The bill was read second time.

Senator Taylor offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **CSSB 1560** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in added Section 63.004, Natural Resources Code, between Subsections (a) and (b) of the section (page 1, between lines 31 and 32), insert the following subsection and reletter the subsequent subsections and cross-references to those subsections accordingly:

(b) This section applies only to property in a county:

(1) that contains a barrier island and a peninsula;

(2) with a population of more than 50,000 and less than 350,000; and

(3) that borders:

(A) the Gulf of Mexico; and

(B) a county with a population of more than four million.

(2) In SECTION 1 of the bill, in added Section 63.004(e), Natural Resources Code, between "Subsection (b)" and "may provide that" (page 2, line 1), insert "may not reduce the area of a public beach but".

The amendment to **CSSB 1560** 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 Taylor and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSSB 1560** 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 1560 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 1560** 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 724 ON SECOND READING**

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 724** at this time on its second reading:

**SB 724**, Relating to the creation of the Montgomery County Municipal Utility District No. 133; 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 724 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 **SB 724** 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 725 ON SECOND READING**

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 725** at this time on its second reading:

**SB 725**, Relating to the creation of the Montgomery County Municipal Utility District No. 134; 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 725 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 **SB 725** 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 HOUSE BILL 15 ON SECOND READING**

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 15** at this time on its second reading:

**CSHB 15**, Relating to level of care designations for hospitals that provide neonatal and maternal services.

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

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

### **COMMITTEE SUBSTITUTE HOUSE BILL 15 ON THIRD READING**

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 15** be placed on its third reading and final passage.

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

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

### **HOUSE BILL 1982 ON SECOND READING**

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1982** at this time on its second reading:

**HB 1982**, Relating to the enterprise zone program.

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

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

Amend **HB 1982** (Senate committee printing) as follows:

(1) In SECTION 3 of the bill, in amended Section 2303.4052(2), Government Code (page 2, line 1), strike "transcript" and substitute "certified copy of the minutes [~~transcript~~]".

(2) In the recital to SECTION 4 of the bill (page 2, line 22), immediately before "adding Subsection (d-1)", add "amending Subsections (b) and (e) and".

(3) In SECTION 4 of the bill, immediately before added Section 2303.406(d-1), Government Code (page 2, between lines 22 and 23), insert the following:

(b) [~~This subsection does not apply to a qualified business located in a federally designated zone, as described by Section 2303.101(2), which will receive priority designation in allocating the number of enterprise projects allowed statewide per biennium as provided by Section 2303.403.~~] The bank shall designate qualified businesses as enterprise projects on a competitive basis. The bank shall make its designation decisions using a weighted scale in which:

(1) 40 percent of the evaluation depends on the economic distress of the block group or distressed county in which a proposed enterprise project is located;

(2) 25 percent of the evaluation depends on the local effort to achieve development and revitalization of the block group or distressed county in which a proposed enterprise project is located; and

(3) 35 percent of the evaluation depends on the evaluation criteria as determined by the bank, which must include:

(A) with respect to a proposed enterprise project located in a block group, the level of cooperation and support the project applicant commits to the revitalization goals of all of the enterprise zone block groups within the jurisdiction of the nominating governmental entity;

(B) with respect to a proposed enterprise project located in a distressed county, the level of cooperation and support the project applicant commits to the revitalization of the distressed county; and

(C) the type and wage level of the jobs to be created or retained by the business.

(4) In SECTION 4 of the bill, immediately following added Section 2303.406(d-1), Government Code (page 2, between lines 26 and 27), insert the following:

(e) The office may not [~~during any biennium,~~] designate multiple concurrent enterprise projects to a qualified business located at a qualified business site.

(5) In the recital to SECTION 5 of the bill (page 2, line 28), strike "adding Subsection (e)" and substitute "amending Subsections (b), (c), and (d) and adding Subsections (e) and (f)".

(6) In SECTION 5 of the bill, immediately before added Section 2303.407(e), Government Code (page 2, between lines 28 and 29), insert the following:

(b) A capital investment in a project of:

(1) \$40,000 to \$399,999 will result in a refund of up to \$2,500 per job with a maximum refund of \$25,000 for the creation or retention of 10 jobs;

(2) \$400,000 to \$999,999 will result in a refund of up to \$2,500 per job with a maximum refund of \$62,500 for the creation or retention of 25 jobs;

(3) \$1,000,000 to \$4,999,999 will result in a refund of up to \$2,500 per job with a maximum refund of \$312,500 for the creation or retention of 125 jobs;

(4) \$5,000,000 or more ~~to \$149,999,999~~ will result in a refund of up to \$2,500 per job with a maximum refund of \$1,250,000 for the creation or retention of 500 jobs, except as provided by Subdivision (5) or (6);

(5) \$150,000,000 to \$249,999,999 will result in a refund of up to \$5,000 per new permanent job with a maximum refund of \$2,500,000 for the creation ~~or retention~~ of 500 new permanent jobs if the bank designates the project as a double jumbo enterprise project; or

(6) \$250,000,000 or more will result in a refund of up to \$7,500 per new permanent job with a maximum refund of \$3,750,000 for the creation ~~or retention~~ of at least 500 new permanent jobs if the bank designates the project as a triple jumbo enterprise project.

(c) An enterprise project for which a commitment for a capital investment in the range amount and the creation ~~or retention~~ of the number of new permanent jobs specified by Subsection (b)(5) is made is considered a double jumbo enterprise project if the project is so designated by the bank. The bank may not designate a project as a double jumbo enterprise project after the initial designation period approved by the bank under Section 2303.404(b).

(d) An enterprise project for which a commitment for a capital investment in the range amount and the creation ~~or retention~~ of the number of new permanent jobs specified by Subsection (b)(6) is made is considered a triple jumbo enterprise project if the project is so designated by the bank. The bank may not designate a project as a triple jumbo enterprise project after the initial designation period approved by the bank under Section 2303.404(b).

(e) A state-mandated or federally mandated capital investment, including an investment in pollution abatement equipment, does not qualify as a committed capital investment in an enterprise project under this chapter.

(7) In SECTION 5 of the bill, in added Section 2303.407(e), Government Code (page 2, line 29), strike "(e)" and substitute "(f)".

(8) Strike SECTION 7 of the bill (page 2, lines 46-50) and substitute the following appropriately numbered SECTION:

SECTION \_\_\_\_\_. This Act takes effect September 1, 2013.

(9) Add the following appropriately numbered SECTIONS to the bill:

SECTION \_\_\_\_\_. Section 2303.003, Government Code, is amended by amending Subdivision (7) and adding Subdivision (9) to read as follows:

(7) "Qualified employee" means a person who:

(A) works for a qualified business; ~~and~~

(B) receives wages from the qualified business from which employment taxes are deducted; and

(C) performs at least 50 percent of the person's service for the business at the qualified business site, or if the person engages in the transportation of goods or services, the person reports to the qualified business site and resides within 50 miles of the qualified business site.

(9) "Veteran" means a person who:

(A) has served in:

(i) the army, navy, air force, coast guard, or marine corps of the United States;

- (ii) the state military forces as defined by Section 431.001; or
- (iii) an auxiliary service of one of those branches of the armed

forces; and

(B) has been honorably discharged from the branch of the service in which the person served.

SECTION \_\_\_\_\_. Section 2303.402(a), Government Code, is amended to read as follows:

(a) A person is a qualified business if the bank, for the purpose of state benefits under this chapter, or the nominating body of a project or activity of the person under this chapter, for the purpose of local incentives, certifies that:

(1) the person is engaged in or has provided substantial commitment to initiate the active conduct of a trade or business in an enterprise zone, and at least 25 percent of the person's new permanent jobs ~~[employees]~~ in the enterprise zone are held by:

- (A) residents of any enterprise zone in this state; ~~[or]~~
- (B) economically disadvantaged individuals; or
- (C) veterans; or

(2) the person is engaged in or has provided substantial commitment to initiate the active conduct of a trade or business in an area of this state that does not qualify as an enterprise zone, and at least 35 percent of the person's new permanent jobs ~~[employees]~~ at the qualified business site are held by:

- (A) residents of any enterprise zone in this state; ~~[or]~~
- (B) individuals who are economically disadvantaged; or
- (C) veterans.

SECTION \_\_\_\_\_. Section 2303.504, Government Code, is amended to read as follows:

Sec. 2303.504. STATE TAX REFUNDS ~~[AND CREDITS]~~; REPORT.

(a) Subject to Section 2303.516, an enterprise project is entitled to~~[-~~  
~~[(+)]~~ a refund of state taxes under Section 151.429, Tax Code~~[-and~~  
~~[(2) a franchise tax credit under Subchapter Q-1, Chapter 171, Tax Code].~~

(b) At the time of receipt of any tax benefit available as a result of participating in the enterprise zone program, including a state sales and use tax refund ~~[or franchise tax credit]~~, three percent of the amount of the tax benefit shall be transferred to the Texas economic development bank fund under Subchapter B, Chapter 489, to defray the cost of administering this chapter.

(c) Not later than the 60th day after the last day of each fiscal year, the comptroller shall report to the bank the statewide total of actual jobs created, actual jobs retained, and the tax refunds ~~[and credits]~~ made under this section during that fiscal year.

SECTION \_\_\_\_\_. Section 2303.516(b), Government Code, is amended to read as follows:

(b) The comptroller may determine that the business or project is not entitled to a refund ~~[or credit]~~ of state taxes under Section 2303.504 if the comptroller finds that:

(1) the business or project is not willing to cooperate with the comptroller in providing the comptroller with the information the comptroller needs to determine the state benefits; or

(2) the business or project has substantially failed to follow through on any commitments made by it or on its behalf under this chapter.

SECTION \_\_\_\_\_. Section 151.429, Tax Code, is amended by amending Subsections (b) and (c) and adding Subsection (k) to read as follows:

(b) Subject to the limitations provided by Subsection (c) of this section, an enterprise project qualifies for a refund of taxes under this section based on the amount of capital investment made at the qualified business site, the project's designation level, and the refund per job with a maximum refund to be included in a computation of a tax refund for the project. A capital investment at the qualified business site of:

(1) \$40,000 to \$399,999 will result in a refund of up to \$2,500 per job with a maximum refund of \$25,000 for the creation or retention of 10 jobs;

(2) \$400,000 to \$999,999 will result in a refund of up to \$2,500 per job with a maximum refund of \$62,500 for the creation or retention of 25 jobs;

(3) \$1,000,000 to \$4,999,999 will result in a refund of up to \$2,500 per job with a maximum refund of \$312,500 for the creation or retention of 125 jobs;

(4) \$5,000,000 or more [~~to \$149,999,999~~] will result in a refund of up to \$2,500 per job with a maximum refund of \$1,250,000 for the creation or retention of 500 jobs, except as provided by Subdivision (5) or (6);

(5) \$150,000,000 to \$249,999,999 will result in a refund of up to \$5,000 per new permanent job with a maximum refund of \$2,500,000 for the creation [~~or retention~~] of 500 new permanent jobs if the Texas Economic Development Bank designates the project as a double jumbo enterprise project; or

(6) \$250,000,000 or more will result in a refund of up to \$7,500 per new permanent job with a maximum refund of \$3,750,000 for the creation [~~or retention~~] of at least 500 new permanent jobs if the Texas Economic Development Bank designates the project as a triple jumbo enterprise project.

(c) The total amount of tax refund that an enterprise project may apply for in a state fiscal year may not exceed \$250,000, at not more than \$2,500 per job. The total amount of tax refund that a double jumbo enterprise project may apply for in a state fiscal year may not exceed \$500,000, at not more than \$5,000 per new permanent job. The total amount of tax refund that a triple jumbo enterprise project may apply for in a state fiscal year may not exceed \$750,000, at not more than \$7,500 per new permanent job. If an enterprise project, double jumbo enterprise project, or triple jumbo enterprise project qualifies in a state fiscal year for a refund of taxes in an amount in excess of the applicable limitation provided by this subsection, it may apply for a refund of those taxes in a subsequent year, subject to the applicable limitation for each year. The total amount that may be refunded to:

(1) an enterprise project under this section may not exceed the amount determined by multiplying \$250,000 by the number of state fiscal years during which the enterprise project created or retained one or more jobs for qualified employees;

(2) a double jumbo enterprise project under this section may not exceed the amount determined by multiplying \$500,000 by the number of state fiscal years during which the double jumbo enterprise project created [~~or retained~~] one or more new permanent jobs for qualified employees; or

(3) a triple jumbo enterprise project under this section may not exceed the amount determined by multiplying \$750,000 by the number of state fiscal years during which the triple jumbo enterprise project created [~~or retained~~] one or more new permanent jobs for qualified employees.

(k) A half enterprise project is eligible for a maximum refund not to exceed \$125,000 in each state fiscal year and is subject to the capital investment and job allocation requirements under Subsection (b)(1), (2), or (3).

SECTION \_\_\_\_\_. Section 151.429(e), Tax Code, is amended by adding Subdivision (6) to read as follows:

(6) "Half enterprise project" means an enterprise project split into two half designations as provided by Section 2303.406(d-1), Government Code.

SECTION \_\_\_\_\_. Section 2303.109(b), Government Code, is repealed.

SECTION \_\_\_\_\_. (a) The changes in law made by this Act to Section 2303.402(a), Government Code, apply only to an application for a designation of an enterprise project under the enterprise zone program under Chapter 2303, Government Code, as amended by this Act, filed on or after the effective date of this Act. An application for designation of an enterprise project under the enterprise zone program filed before the effective date of this Act is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

(b) The changes in law made by this Act to Section 2303.407, Government Code, and Section 151.429, Tax Code, apply only to an enterprise project designation made on or after the effective date of this Act. An enterprise project designation made before the effective date of this Act is governed by the law in effect when the designation was made, and the former law is continued in effect for that purpose.

(10) Renumber remaining SECTIONS of the bill accordingly.

The amendment to **HB 1982** 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 Hinojosa and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**HB 1982** as amended was passed to third reading by a viva voce vote.

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

### **HOUSE BILL 1982 ON THIRD READING**

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1982** be placed on its third reading and final passage.

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

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

**HOUSE BILL 1247 ON SECOND READING**

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1247** at this time on its second reading:

**HB 1247**, Relating to the authority of the board of directors of the Nacogdoches County Hospital District to employ physicians.

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

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

**HOUSE BILL 1247 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 **HB 1247** 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  
HOUSE BILL 915 ON SECOND READING**

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 915** at this time on its second reading:

**CSHB 915**, Relating to the administration and monitoring of health care provided to foster children.

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

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

**COMMITTEE SUBSTITUTE  
HOUSE BILL 915 ON THIRD READING**

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 915** be placed on its third reading and final passage.

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

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

**HOUSE BILL 1265 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1265** at this time on its second reading:

**HB 1265**, Relating to providing information to state employees about insurance available to those employees under a group coverage plan.

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

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

#### **HOUSE BILL 1265 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1265** be placed on its third reading and final passage.

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

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

#### **HOUSE BILL 64 ON SECOND READING**

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 64** at this time on its second reading:

**HB 64**, Relating to the liability of and the validation of certain acts of the Midland County Fresh Water Supply District No. 1.

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

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

#### **HOUSE BILL 64 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 **HB 64** be placed on its third reading and final passage.

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

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

#### **COMMITTEE SUBSTITUTE SENATE BILL 1554 ON THIRD READING**

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

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

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

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

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

Absent: Williams.

The bill was read third time and was passed by the following vote: Yeas 20, Nays 10. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
HOUSE BILL 2302 ON SECOND READING**

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2302** at this time on its second reading:

**CSHB 2302**, Relating to signing electronic or digital court documents, to the electronic filing system established by the Texas Supreme Court, to the statewide electronic filing system fund, to certain court fees and court costs, and to recovery of electronic filing fees by taxing units; imposing and authorizing certain fees.

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

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

**COMMITTEE SUBSTITUTE  
HOUSE BILL 2302 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 **CSHB 2302** 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  
HOUSE BILL 1917 ON SECOND READING**

Senator Carona moved to suspend the regular order of business to take up for consideration **CSHB 1917** at this time on its second reading:

**CSHB 1917**, Relating to alcoholic beverage advertising on the outside of certain vehicles.

The motion prevailed.

Senators Campbell and Nelson 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 **CSHB 1917** (senate committee printing) as follows:

(1) In the recital to SECTION 1 of the bill (page 1, line 26), strike "Subsection (i)" and substitute "Subsections (i) and (j)".

(2) In SECTION 1 of the bill, in added Section 108.52(i), Alcoholic Beverage Code (page 1, line 27), strike "Outdoor" and substitute "Except as provided by Subsection (j), outdoor".

(3) In SECTION 1 of the bill, following added Section 108.52(i), Alcoholic Beverage Code (page 1, between lines 37 and 38), insert the following:

(j) An incorporated city or town may, by ordinance, prohibit outdoor advertising described by Subsection (i) on or affixed to a vehicle for hire.

The amendment to **CSHB 1917** 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.

**CSHB 1917** as amended was passed to third reading by a viva voce vote.

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

Nays: Campbell, Nelson.

### **COMMITTEE SUBSTITUTE HOUSE BILL 1917 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 **CSHB 1917** be placed on its third reading and final passage.

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

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

Nays: Campbell, Nelson.

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

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

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

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

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

**SENATE RULES SUSPENDED**  
**(Posting Rules)**

On motion of Senator Deuell and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Economic Development might meet and consider **HB 3005** today.

**SENATE RULES SUSPENDED**  
**(Posting Rules)**

On motion of Senator Nelson and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Health and Human Services might meet and consider **HB 1741** today.

**SENATE RULES SUSPENDED**  
**(Posting Rules)**

On motion of Senator Patrick and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Education might meet and consider **HB 2483** tomorrow.

**SESSION TO CONSIDER EXECUTIVE APPOINTMENTS**

The Presiding Officer announced the time had arrived to consider executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given yesterday by Senator Hegar.

Senator Hegar moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The Presiding Officer asked if there were requests to sever nominees.

There were no requests offered.

**NOMINEES CONFIRMED**

The following nominees, as reported by the Committee on Nominations, were confirmed by the following vote: Yeas 31, Nays 0.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**SENATE RULES SUSPENDED**  
**(Posting Rules)**

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

**HB 12, HB 3116, HB 3648.**

**SENATE RULES SUSPENDED**  
**(Posting Rules)**

On motion of Senator Hegar and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Finance Subcommittee on Fiscal Matters might meet and consider the following bills today: **HB 1736, HB 2100.**

**SENATE RULES SUSPENDED**  
**(Posting Rules)**

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

**HB 500, HB 546, HB 709, HB 1511, HB 1712, HB 2766, HB 3438, HB 3439, HB 2972, HB 97, HJR 24.**

**SENATE RULES SUSPENDED**  
**(Posting Rules)**

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

**HB 52, HB 796, HB 2758, HB 2294.**

**SENATE RULES SUSPENDED**  
**(Posting Rules)**

On motion of Senator Carona and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Business and Commerce might meet and consider **HB 2062** tomorrow.

**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 today:

**HB 508, HB 1354, HB 1355, HB 3793.**

**SENATE RULES SUSPENDED  
(Posting Rules)**

On motion of Senator Van de Putte and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Veteran Affairs and Military Installations might meet and consider **HB 2135** today.

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

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

**BILLS AND RESOLUTION SIGNED**

The Presiding Officer, Senator Eltife in Chair, announced the signing of the following enrolled bills and resolution in the presence of the Senate after the captions had been read: **HB 1222, HB 1421, HB 2961, HCR 92.**

**SENATE RULE 7.21 SUSPENDED  
(House Amendments to Senate Bills)**

On motion of Senator Seliger and by unanimous consent, Senate Rule 7.21, as it relates to the printing and distribution of the House amendments to **SB 15**, was suspended.

**SENATE BILL 15 WITH HOUSE AMENDMENTS**

Senator Seliger called **SB 15** from the President's table for consideration of the House amendments to the bill.

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

**Floor Amendment No. 1**

Amend **SB 15** (house committee printing) as follows:

(1) Add the following appropriately numbered SECTIONS to the bill and renumber the other SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. (a) Section 103.03, Education Code, is amended to read as follows:

Sec. 103.03. BOARD MEMBERS: APPOINTMENT, TERMS, OATH. Members of the board shall be appointed by the governor and confirmed by the senate. Members hold office for staggered terms of six years, with the terms of three members expiring on February 1 of each odd-numbered year. Any vacancy that occurs on the board shall be filled for the unexpired term by appointment of the governor. Each member of the board shall take the constitutional oath of office.

(b) The change in law made by this section does not apply to a member of the board of regents of Midwestern State University who serves all or part of a full term of office if that full term begins before September 1, 2013. To implement the change in law made by this section to Section 103.03, Education Code, the terms of office of members of the board that begin in 2014 expire on February 1, 2019, the terms of office of members of the board that begin in 2016 expire on February 1, 2021, and the terms of office of members of the board that begin in 2018 expire on February 1, 2023.

SECTION \_\_\_\_\_. (a) Section 105.052, Education Code, is amended to read as follows:

Sec. 105.052. TERM OF OFFICE; REMOVAL; VACANCY. The term of office of each regent is six years, with the terms of three regents expiring on February 1 of each odd-numbered year [~~every two years~~]. Members of the board may be removed from office for inefficiency or malfeasance of office. Any vacancy that occurs on the board shall be filled by the governor for the unexpired term.

(b) The change in law made by this section does not apply to a member of the board of regents of the University of North Texas System who serves all or part of a full term of office if that full term begins before September 1, 2013. To implement the change in law made by this section to Section 105.052, Education Code, the terms of office of members of the board that begin in 2015 expire on February 1, 2021, the terms of office of members of the board that begin in 2017 expire on February 1, 2023, and the terms of office of members of the board that begin in 2019 expire on February 1, 2025.

SECTION \_\_\_\_\_. (a) Section 111.12, Education Code, is amended to read as follows:

Sec. 111.12. APPOINTMENTS TO BOARD; TERMS. Members of the board are appointed by the governor with the advice and consent of the senate. The term of office of each regent shall be six years, with the terms of three regents expiring on February 1 of each odd-numbered year [~~except that in making the first appointments the governor shall appoint three members for six years, three members for four years, and three members for two years~~]. Any vacancy that occurs on the board shall be filled for the unexpired term by appointment of the governor.

(b) The change in law made by this section does not apply to a member of the board of regents of the University of Houston System who serves all or part of a full term of office if that full term begins before August 26, 2013. To implement the change in law made by this section to Section 111.12, Education Code, the terms of office of members of the board that begin in August 2013 expire on February 1, 2019, the terms of office of members of the board that begin in August 2016 expire on February 1, 2021, and the terms of office of members of the board that begin in 2018 expire on February 1, 2023.

(2) On page 8, line 12, strike "September 1, 2013" and substitute "August 26, 2013".

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

Amend **SB 15** (house committee printing) as follows:

(1) On page 2, line 18, strike "employment, or personal or familial financial" and substitute "employment, personal financial, or familial financial".

(2) Strike page 3, lines 1-8, and substitute the following:

(a-4) A member of the governing board of an institution of higher education is prohibited from voting on a budgetary or personnel matter related to system administration or institutions of higher education until the member attends a training program that provides instruction in ethics, conflict-of-interest law, and the role of a governing board in a higher education institution or system and that is conducted by the Texas Higher Education Coordinating Board, or by the university system office if the member serves on the governing board of a university system. A governing board is responsible for maintaining records of each board member's attendance of a training program described by this subsection.

(3) Strike page 3, lines 14-22, and substitute the following:

(a-6) A member of the governing board of a university system who is appointed to the board when the legislature is not in session is prohibited from voting until the appointee has appeared before the Senate Committee on Nominations. If the Senate Committee on Nominations fails to hold a hearing before the 20th day after the date the chair of the committee is notified of the appointment by the governor's office, the appointee is not prohibited from voting if the appointee has otherwise met the requirements necessary to be eligible to vote.

### **Floor Amendment No. 1 on Third Reading**

Amend **SB 15** on third reading as follows:

(1) Strike the introductory clause to SECTION 1 of the bill and substitute the following:

Section 51.352, Education Code, is amended by amending Subsections (a), (b), (d), and (e) and adding Subsections (a-1), (a-2), (a-3), (a-4), and (a-5) to read as follows:

(2) In SECTION 1 of the bill, in added Section 51.352(a-4), Education Code, as substituted by Floor Amendment No. 2 by Branch, strike "or by the university system office if the member serves on the governing board of a university system" and substitute "by the system office of a university system, or by the office of a governing board that does not govern a university system".

(3) In SECTION 1 of the bill, strike added Section 51.352(a-6), Education Code, as substituted by Floor Amendment No. 2 by Branch.

(4) In SECTION 1 of the bill, in amended Section 51.352(d)(1), Education Code, between "and" and "consulting", insert "if applicable the chancellor of the university system and after".

(5) In the SECTION of the bill amending Section 111.12, Education Code, as added by Floor Amendment No. 1 by Branch, strike the last sentence of Subsection (b) of that section and substitute the following: "To implement the change in law made by this section to Section 111.12, Education Code, the terms of office of members of the board that begin in 2013 expire on February 1, 2019, the terms of office of members of the board that begin in 2017 expire on February 1, 2021, and the terms of office of members of the board that begin in 2017 expire on February 1, 2023."

The amendments were read.

Senator Seliger moved to concur in the House amendments to **SB 15**.

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

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

Nays: Birdwell, Paxton.

### SENATE BILL 385 WITH HOUSE AMENDMENT

Senator Carona called **SB 385** from the President's table for consideration of the House amendment to the bill.

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

#### Amendment

Amend **SB 385** by substituting in lieu thereof the following:

#### A BILL TO BE ENTITLED AN ACT

relating to authorizing assessments for water and energy improvements in regions designated by municipalities and counties; imposing a fee.

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

SECTION 1. Subtitle C, Title 12, Local Government Code, is amended by adding Chapter 399 to read as follows:

#### CHAPTER 399. MUNICIPAL AND COUNTY WATER AND ENERGY IMPROVEMENT REGIONS

Sec. 399.001. SHORT TITLE. This chapter may be cited as the Property Assessed Clean Energy Act.

Sec. 399.002. DEFINITIONS. In this chapter:

(1) "Local government" means a municipality or county.  
 (2) "Program" means a program established under this chapter.  
 (3) "Qualified improvement" means a permanent improvement fixed to real property and intended to decrease water or energy consumption or demand, including a product, device, or interacting group of products or devices on the customer's side of the meter that uses energy technology to generate electricity, provide thermal energy, or regulate temperature.

(4) "Qualified project" means the installation or modification of a qualified improvement.

(5) "Real property" means privately owned commercial or industrial real property or residential real property with five or more dwelling units.

(6) "Region" means a region designated under this chapter.

Sec. 399.003. EXERCISE OF POWERS. In addition to the authority provided by Chapter 376 for municipalities, the governing body of a local government that establishes a program in accordance with the requirements provided by Section 399.008 may exercise powers granted under this chapter.

Sec. 399.004. AUTHORIZED ASSESSMENTS. (a) An assessment under this chapter may be imposed to repay the financing of qualified projects on real property located in a region designated under this chapter.

(b) An assessment under this chapter may not be imposed to repay the financing of:

(1) facilities for undeveloped lots or lots undergoing development at the time of the assessment; or

(2) the purchase or installation of products or devices not permanently fixed to real property.

Sec. 399.005. WRITTEN CONTRACT FOR ASSESSMENT REQUIRED. A local government may impose an assessment under this chapter only under a written contract with the record owner of the real property to be assessed.

Sec. 399.006. ESTABLISHMENT OF PROGRAM. (a) The governing body of a local government may determine that it is convenient and advantageous to establish a program under this chapter.

(b) An authorized official of the local government that establishes a program may enter into a written contract with a record owner of real property in a region designated under this chapter to impose an assessment to repay the owner's financing of a qualified project on the owner's property. The financing to be repaid through assessments may be provided by a third party or, if authorized by the program, by the local government.

(c) If the program provides for third-party financing, the authorized official of the local government that enters into a written contract with a property owner under Subsection (b) must also enter into a written contract with the party that provides financing for a qualified project under the program to service the debt through assessments.

(d) If the program provides for local government financing, the written contract described by Subsection (b) must be a contract to finance the qualified project through assessments.

(e) The financing for which assessments are imposed may include:

(1) the cost of materials and labor necessary for installation or modification of a qualified improvement;

(2) permit fees;

(3) inspection fees;

(4) lender's fees;

(5) program application and administrative fees;

(6) project development and engineering fees;

(7) third-party review fees, including verification review fees, under Section 399.011; and

(8) any other fees or costs that may be incurred by the property owner incident to the installation, modification, or improvement on a specific or pro rata basis, as determined by the local government.

Sec. 399.007. DESIGNATION OF REGION. (a) The governing body of a local government may determine that it is convenient and advantageous to designate an area of the local government as a region within which authorized local government officials and record owners of real property may enter into written contracts to impose assessments to repay the financing by owners of qualified projects on the owners' property and, if authorized by the local government program, finance the qualified project.

(b) An area designated as a region by the governing body of a local government under this section:

(1) may include the entire local government; and

(2) must be located wholly within the local government's jurisdiction.

(c) For purposes of determining a municipality's jurisdiction under Subsection (b)(2), the municipality's extraterritorial jurisdiction may be included.

(d) A local government may designate more than one region. If multiple regions are designated, the regions may be separate, overlapping, or coterminous.

Sec. 399.008. PROCEDURE FOR ESTABLISHMENT OF PROGRAM. (a) To establish a program under this chapter, the governing body of a local government must take the following actions in the following order:

(1) adopt a resolution of intent that includes:

(A) a finding that, if appropriate, financing qualified projects through contractual assessments is a valid public purpose;

(B) a statement that the local government intends to make contractual assessments to repay financing for qualified projects available to property owners;

(C) a description of the types of qualified projects that may be subject to contractual assessments;

(D) a description of the boundaries of the region;

(E) a description of any proposed arrangements for third-party financing to be available or any local government financing to be provided for qualified projects;

(F) a description of local government debt servicing procedures if third-party financing will be provided and assessments will be collected to service a third-party debt;

(G) a reference to the report on the proposed program prepared as provided by Section 399.009 and a statement identifying the location where the report is available for public inspection;

(H) a statement of the time and place for a public hearing on the proposed program; and

(I) a statement identifying the appropriate local official and the appropriate assessor-collector for purposes of consulting regarding collecting the proposed contractual assessments with property taxes imposed on the assessed property;

(2) hold a public hearing at which the public may comment on the proposed program, including the report required by Section 399.009; and

(3) adopt a resolution establishing the program and the terms of the program, including:

(A) each item included in the report under Section 399.009; and

(B) a description of each aspect of the program that may be amended only after another public hearing is held.

(b) For purposes of Subsection (a)(3)(A), the resolution may incorporate the report or the amended version of the report, as appropriate, by reference.

(c) Subject to the terms of the resolution establishing the program as referenced by Subsection (a)(3)(B), the governing body of a local government may amend a program by resolution.

(d) A local government may:

(1) hire and set the compensation of a program administrator and program staff; or

(2) contract for professional services necessary to administer a program.

(e) A local government may impose fees to offset the costs of administering a program. The fees authorized by this subsection may be assessed as:

(1) a program application fee paid by the property owner requesting to participate in the program;

(2) a component of the interest rate on the assessment in the written contract between the local government and the property owner; or

(3) a combination of Subdivisions (1) and (2).

Sec. 399.009. REPORT REGARDING ASSESSMENT. (a) The report for a proposed program required by Section 399.008 must include:

(1) a map showing the boundaries of the proposed region;

(2) a form contract between the local government and the property owner specifying the terms of:

(A) assessment under the program; and

(B) financing provided by a third party or the local government, as appropriate;

(3) if the proposed program provides for third-party financing, a form contract between the local government and the third party regarding the servicing of the debt through assessments;

(4) a description of types of qualified projects that may be subject to contractual assessments;

(5) a statement identifying a local government official authorized to enter into written contracts on behalf of the local government;

(6) a plan for ensuring sufficient capital for third-party financing and, if appropriate, raising capital for local government financing for qualified projects;

(7) if bonds will be issued to provide capital to finance qualified projects as part of the program as provided by Section 399.016:

(A) a maximum aggregate annual dollar amount for financing through contractual assessments to be provided by the local government under the program;

(B) a method for ranking requests from property owners for financing through contractual assessments in priority order if requests appear likely to exceed the authorization amount; and

(C) a method for determining:

(i) the interest rate and period during which contracting owners would pay an assessment; and

(ii) the maximum amount of an assessment;

(8) a method for ensuring that the period of the contractual assessment does not exceed the useful life of the qualified project that is the basis for the assessment;

(9) a description of the application process and eligibility requirements for financing qualified projects to be repaid through contractual assessments under the program;

(10) a method as prescribed by Subsection (b) for ensuring that property owners requesting to participate in the program demonstrate the financial ability to fulfill financial obligations to be repaid through contractual assessments;

(11) a statement explaining the manner in which property will be assessed and assessments will be collected;

(12) a statement explaining the lender notice requirement provided by Section 399.010;

(13) a statement explaining the review requirement provided by Section 399.011;

(14) a description of marketing and participant education services to be provided for the program;

(15) a description of quality assurance and antifraud measures to be instituted for the program; and

(16) the procedures for collecting the proposed contractual assessments.

(b) The method for ensuring a demonstration of financial ability under Subsection (a)(10) must be based on appropriate underwriting factors, including:

(1) providing for verification that:

(A) the property owner requesting to participate under the program:

(i) is the legal owner of the benefited property;

(ii) is current on mortgage and property tax payments; and

(iii) is not insolvent or in bankruptcy proceedings; and

(B) the title of the benefited property is not in dispute; and

(2) requiring an appropriate ratio of the amount of the assessment to the assessed value of the property.

(c) The local government shall make the report available for public inspection:

(1) on the local government's Internet website; and

(2) at the office of the official designated to enter into written contracts on behalf of the local government under the program.

Sec. 399.010. NOTICE TO MORTGAGE HOLDER REQUIRED FOR PARTICIPATION. Before a local government may enter into a written contract with a record owner of real property to impose an assessment to repay the financing of a qualified project under this chapter:

(1) the holder of any mortgage lien on the property must be given written notice of the owner's intention to participate in a program under this chapter on or before the 30th day before the date the written contract for assessment between the owner and the local government is executed; and

(2) a written consent from the holder of the mortgage lien on the property must be obtained.

Sec. 399.011. REVIEW REQUIRED. (a) A program established under this chapter must require for each proposed qualified project a review of water or energy baseline conditions and the projected water or energy savings to establish the projected water or energy savings.

(b) After a qualified project is completed, the local government shall obtain verification that the qualified project was properly completed and is operating as intended.

(c) A baseline water or energy review or verification review under this section must be conducted by an independent third party.

Sec. 399.012. DIRECT ACQUISITION BY OWNER. The proposed arrangements for financing a qualified project may authorize the property owner to:

(1) purchase directly the related equipment and materials for the installation or modification of a qualified improvement; and

(2) contract directly, including through lease, power purchase agreement, or other service contract, for the installation or modification of a qualified improvement.

Sec. 399.013. RECORDING OF NOTICE OF CONTRACTUAL ASSESSMENT REQUIRED. (a) A local government that authorizes financing through contractual assessments under this chapter shall file written notice of each contractual assessment in the real property records of the county in which the property is located.

(b) The notice under Subsection (a) must contain:

(1) the amount of the assessment;

(2) the legal description of the property;

(3) the name of each property owner; and

(4) a reference to the statutory assessment lien provided under this chapter.

Sec. 399.014. LIEN. (a) A contractual assessment under this chapter and any interest or penalties on the assessment:

(1) is a first and prior lien against the real property on which the assessment is imposed from the date on which the notice of contractual assessment is recorded as provided by Section 399.013 and until the assessment, interest, or penalty is paid; and

(2) has the same priority status as a lien for any other ad valorem tax.

(b) The lien runs with the land, and that portion of the assessment under the assessment contract that has not yet become due is not eliminated by foreclosure of a property tax lien.

(c) The assessment lien may be enforced by the local government in the same manner that a property tax lien against real property may be enforced by the local government to the extent the enforcement is consistent with Section 50, Article XVI, Texas Constitution.

(d) Delinquent installments of the assessments incur interest and penalties in the same manner as delinquent property taxes.

(e) A local government may recover costs and expenses, including attorney's fees, in a suit to collect a delinquent installment of an assessment in the same manner as in a suit to collect a delinquent property tax.

Sec. 399.015. COLLECTION OF ASSESSMENTS. The governing body of a local government may contract with the governing body of another taxing unit, as defined by Section 1.04, Tax Code, or another entity, including a county assessor-collector, to perform the duties of the local government relating to collection of assessments imposed by the local government under this chapter.

Sec. 399.016. BONDS OR NOTES. (a) A local government may issue bonds or notes to finance qualified projects through contractual assessments under this chapter.

(b) Bonds or notes issued under this section may not be general obligations of the local government. The bonds or notes must be secured by one or more of the following as provided by the governing body of the local government in the resolution or ordinance approving the bonds or notes:

(1) payments of contractual assessments on benefited property in one or more specified regions designated under this chapter;

(2) reserves established by the local government from grants, bonds, or net proceeds or other lawfully available funds;

(3) municipal bond insurance, lines of credit, public or private guaranties, standby bond purchase agreements, collateral assignments, mortgages, or any other available means of providing credit support or liquidity; and

(4) any other funds lawfully available for purposes consistent with this chapter.

(c) A local government pledge of assessments, funds, or contractual rights in connection with the issuance of bonds or notes by the local government under this chapter is a first lien on the assessments, funds, or contractual rights pledged in favor of the person to whom the pledge is given, without further action by the local government. The lien is valid and binding against any other person, with or without notice.

(d) Bonds or notes issued under this chapter further an essential public and governmental purpose, including:

(1) improvement of the reliability of the state electrical system;

(2) conservation of state water resources consistent with the state water plan;

(3) reduction of energy costs;

(4) economic stimulation and development;

(5) enhancement of property values;

(6) enhancement of employment opportunities; and

(7) reduction in greenhouse gas emissions.

Sec. 399.017. JOINT IMPLEMENTATION. (a) Any combination of local governments may agree to jointly implement or administer a program under this chapter.

(b) If two or more local governments implement a program jointly, a single public hearing held jointly by the cooperating local governments is sufficient to satisfy the requirement of Section 399.008(a)(2).

(c) One or more local governments may contract with a third party, including another local government, to administer a program.

Sec. 399.018. PROHIBITED ACTS. A local government that establishes a region under this chapter may not:

(1) make the issuance of a permit, license, or other authorization from the local government to a person who owns property in the region contingent on the person entering into a written contract to repay the financing of a qualified project through contractual assessments under this chapter; or

(2) otherwise compel a person who owns property in the region to enter into a written contract to repay the financing of a qualified project through contractual assessments under this chapter.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

The amendment was read.

Senator Carona moved to concur in the House amendment to **SB 385**.

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

### **SENATE BILL 1240 WITH HOUSE AMENDMENT**

Senator Duncan called **SB 1240** from the President's table for consideration of the House amendment to the bill.

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

#### **Amendment**

Amend **SB 1240** by substituting in lieu thereof the following:

#### A BILL TO BE ENTITLED AN ACT

relating to the partition of mineral interests of a charitable trust.

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

SECTION 1. Subtitle C, Title 9, Property Code, is amended by adding Chapter 124 to read as follows:

#### CHAPTER 124. PARTITION OF MINERAL INTERESTS OF CHARITABLE TRUST

Sec. 124.001. DEFINITIONS. In this chapter:

(1) "Charitable entity" means a corporation, trust, community chest, fund, foundation, or other entity organized for scientific, educational, philanthropic, or environmental purposes, social welfare, the arts and humanities, or another civic or public purpose described by Section 501(c)(3), Internal Revenue Code of 1986.

(2) "Charitable trust" means a charitable entity, a trust the stated purpose of which is to benefit a charitable entity, or an inter vivos or testamentary gift to a charitable entity.

(3) "Mineral interest" means an interest in oil, gas, or other mineral substance in place or that otherwise constitutes real property without regard to the depth at which such mineral substance is found.

Sec. 124.002. COMPULSORY DIVESTMENT PROHIBITED. In a suit or other judicial proceeding the object or effect of which is to compel the partition of a mineral interest owned or claimed by a charitable trust, a sale or other action that would divest the charitable trust of the trust's ownership of a mineral interest may not be ordered unless the trust has refused to execute a mineral lease, the terms of which are fair and reasonable, to the plaintiff or petitioner in the proceeding.

SECTION 2. The change in law made by this Act applies only to a proceeding commenced on or after the effective date of this Act.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

The amendment was read.

Senator Duncan moved to concur in the House amendment to **SB 1240**.

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 1029 ON SECOND READING**

Senator Campbell moved to suspend the regular order of business to take up for consideration **CSSB 1029** at this time on its second reading:

**CSSB 1029**, Relating to the conversion of a nontolled state highway or segment of the state highway system to a toll project.

The motion prevailed.

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

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

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

Nays: Duncan, Eltife, Garcia, Rodríguez.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1029 ON THIRD READING**

Senator Campbell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1029** 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, Ellis, Estes, Fraser, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Patrick, Paxton, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Duncan, Eltife, Garcia, Rodríguez.

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

**SENATE BILL 1487 WITH HOUSE AMENDMENT**

Senator Watson called **SB 1487** from the President's table for consideration of the House amendment to the bill.

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

**Amendment**

Amend **SB 1487** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED  
AN ACT

relating to the abandonment of a county road.

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

SECTION 1. Section 251.057(b), Transportation Code, is amended to read as follows:

(b) This section does not apply to:

(1) a road to a cemetery, unless a property owner whose property adjoins the road enclosed with a fence under Subsection (a) files notice with the county clerk of the county in which the road is located that the owner agrees to provide reasonable access to the cemetery in accordance with Section 711.041, Health and Safety Code;  
or

(2) an access road that is reasonably necessary to reach adjoining real property.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

The amendment was read.

Senator Watson moved to concur in the House amendment to **SB 1487**.

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

### HOUSE BILLS ON FIRST READING

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

**HB 194** to Committee on Government Organization.

**HB 1249** to Committee on Transportation.

**HB 3552** to Committee on Intergovernmental Relations.

**HB 3660** to Committee on Agriculture, Rural Affairs and Homeland Security.

### MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Wednesday, May 15, 2013 - 2

(Revised Message)

The Honorable President of the Senate

Senate Chamber

Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

**SB 64** Nelson Sponsor: Zerwas  
Relating to a policy on vaccine-preventable diseases for licensed child-care facilities.  
(Amended)

**SB 204** Nichols Sponsor: Price  
Relating to the continuation and functions of the Texas Board of Professional Engineers; changing a fee.

**SB 211** Nichols Sponsor: Dutton  
Relating to the continuation and functions of the Texas Facilities Commission; authorizing fees.  
(Amended)

- SB 217** Patrick Sponsor: Anchia  
Relating to the continuation and functions of the state employee charitable campaign.  
(Amended)
- SB 259** Carona Sponsor: Cook  
Relating to telecommunications services and markets.
- SB 383** Carona Sponsor: Kuempel  
Relating to the repeal of certain provisions governing the sale and use of certain refrigerants.
- SB 396** Hegar Sponsor: Martinez, "Mando"  
Relating to the provision of state death benefits to certain employees of the Department of Public Safety of the State of Texas.  
(Amended)
- SB 406** Nelson Sponsor: Kolkhorst  
Relating to the practice of advanced practice registered nurses and physician assistants and the delegation of prescriptive authority by physicians to and the supervision by physicians of certain advanced practice registered nurses and physician assistants.  
(Committee Substitute)
- SB 423** Nelson Sponsor: Raymond  
Relating to the flexible response system for investigations of child abuse or neglect reports by the Department of Family and Protective Services.
- SB 441** Birdwell Sponsor: Davis, John  
Relating to the establishment of the Texas Fast Start Program to promote rapid delivery of workforce education and development.
- SB 479** Hinojosa Sponsor: Lozano  
Relating to the application of the professional prosecutors law to the district attorney for the 79th Judicial District.
- SB 559** Duncan Sponsor: Pitts  
Relating to the remittance dates of certain taxes and fees and the allocation dates of certain state money.
- SB 583** Carona Sponsor: Cook  
Relating to eligibility for support from the universal service fund.  
(Committee Substitute)
- SB 742** Carona Sponsor: Frullo  
Relating to reports of missing children, missing persons, or attempted child abductions and to education and training for peace officers regarding missing or exploited children.  
(Committee Substitute/Amended)
- SB 875** Eltife Sponsor: Smith  
Relating to the purchase of plastic bulk merchandise containers by certain businesses; providing a civil penalty.  
(Amended)

**SB 1023**

Watson

Sponsor: Naishtat

Relating to the renewal and extension and modification of a 99-year lease of certain state property to the City of Austin.  
(Committee Substitute)

**SB 1476**

West

Sponsor: Sheffield, Ralph

Relating to the creation of the veteran entrepreneur program by the Texas Veterans Commission.

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

**HB 740** (143 Yeas, 1 Nays, 2 Present, not voting)

**HB 949** (143 Yeas, 0 Nays, 3 Present, not voting)

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**SENATE BILL 176 WITH HOUSE AMENDMENT**

Senator Carona called **SB 176** from the President's table for consideration of the House amendment to the bill.

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

**Amendment**

Amend **SB 176** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED  
AN ACT

relating to contracts for certain professional services and the distribution of certain consultants' reports.

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

SECTION 1. Section 2254.004, Government Code, is amended by adding Subsection (d) to read as follows:

(d) This section does not prohibit an entity from making multiple awards under a request for qualifications, provided that the terms and conditions are noted in the request for qualifications, the selection of providers is based on demonstrated competence and qualifications, the contracts are negotiated sequentially, and the work is distributed on an equitable basis as set out in the request for qualifications.

SECTION 2. Subchapter B, Chapter 2254, Government Code, is amended by adding Section 2254.041 to read as follows:

Sec. 2254.041. DISTRIBUTION OF CONSULTANT REPORTS. (a) A consulting services contract must include provisions that allow the state agency contracting with the consultant and any other state agency and the legislature, at the contracting state agency's discretion, to distribute the consultant report, if any, and to post the report on the agency's Internet website or the website of a standing committee of the legislature.

(b) This section does not affect the application of Chapter 552 to a consultant's report.

SECTION 3. (a) Except as provided by Subsection (b) of this section, Section 2254.041, Government Code, as added by this Act, applies only to a consulting services contract entered into on or after the effective date of this Act. A consulting services contract entered into before the effective date of this Act is governed by the law in effect on the date the contract is entered into, and that law is continued in effect for that purpose.

(b) Section 2254.041, Government Code, as added by this Act, does not apply to a consulting services contract entered into on or after the effective date of this Act if:

(1) the state agency entered into negotiations for the consulting services contract before the effective date of this Act; and

(2) the contract is executed before December 31, 2013.

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

The amendment was read.

Senator Carona moved that the Senate do not concur in the House amendment, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 176** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Carona, Chair; Ellis, Davis, Nelson, and Williams.

### **SENATE RULES SUSPENDED (Posting Rules)**

On motion of Senator Fraser and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Natural Resources might meet and consider **HB 824** today.

### **HOUSE BILL 429 ON SECOND READING**

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **HB 429** at this time on its second reading:

**HB 429**, Relating to the definition of rural area for purposes of certain housing assistance administered by the Texas Department of Housing and Community Affairs.

The motion prevailed.

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

The bill was read second time.

Senator Zaffirini offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **HB 429** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in Section 2306.004(28-a)(A), Government Code (page 1, line 24), immediately following the semicolon, insert "or".

(2) In SECTION 1 of the bill, in Section 2306.004(28-a)(B), Government Code (page 1, line 28), strike "; or" and substitute "[~~or~~".

(3) In SECTION 1 of the bill, strike amended Section 2306.004(28-a)(C), Government Code (page 1, lines 29-34), and substitute the following:

~~[(C) in an area that is eligible for funding by the Texas Rural Development Office of the United States Department of Agriculture, other than an area that is located in a municipality with a population of more than 50,000].~~

(4) On page 1, lines 37-50, strike SECTIONS 3 and 4 of the bill.

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

SECTION \_\_\_\_\_. Section 2306.111, Government Code, is amended by adding Subsection (d-4) to read as follows:

(d-4) Notwithstanding any other law, a proposed or existing development that, before September 1, 2013, has been awarded or has received federal financial assistance provided under Section 514, 515, or 516 of the Housing Act of 1949 (42 U.S.C. Section 1484, 1485, or 1486) may apply for low income housing tax credits allocated under Subsection (d-2) or (d-3) for the uniform state service region in which the development is located regardless of whether the development is located in a rural area.

SECTION \_\_\_\_\_. The change in law made by this Act in amending Section 2306.004(28-a), Government Code, applies only to an application for financial assistance that is submitted by a housing development to the Texas Department of Housing and Community Affairs on or after September 1, 2013. An application for financial assistance that is submitted by a housing development to the department before September 1, 2013, is governed by the law in effect when the application was submitted, and the former law is continued in effect for that purpose.

SECTION \_\_\_\_\_. This Act takes effect September 1, 2013.

The amendment to **HB 429** was read and was adopted by a viva voce vote.

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

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

**HB 429** as amended was passed to third reading by a viva voce vote.

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

Nays: Campbell, Estes, Hancock, Patrick.

**HOUSE BILL 429 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 429** be placed on its third reading and final passage.

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

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

Nays: Campbell, Estes, Hancock, Patrick.

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

**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 **HB 3552** today.

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

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

**SENATE RULES SUSPENDED  
(Posting Rules)**

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

**HB 195, HB 332, HB 382, HB 506, HB 586, HB 658, HB 724, HB 812, HB 1050, HB 1129, HB 1398, HB 1468, HB 1632, HB 2110, HB 2233, HB 2439, HB 2570, HB 2645, HB 2782, HB 2851, HB 2930, HB 2984, HB 3081, HB 3105, HB 3593.**

**SENATE RULES SUSPENDED  
(Posting Rules)**

On motion of Senator Patrick and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Education might meet and consider **HB 2607** tomorrow.

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

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

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

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

**RECESS**

On motion of Senator Whitmire, the Senate at 1:39 p.m. recessed until 2:15 p.m. today.

**AFTER RECESS**

The Senate met at 2:53 p.m. and was called to order by Senator Eltife.

**MOTION TO ADJOURN**

On motion of Senator Whitmire and by unanimous consent, the Senate at 2:54 p.m. agreed to adjourn, upon completion of the introduction of bills and resolutions on first reading and pending the receipt of committee reports, until 11:00 a.m. tomorrow.

**IN LEGISLATIVE SESSION**

Senator Davis at 4:55 p.m. called the Senate to order as In Legislative Session.

**BILLS SIGNED**

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

**SB 15, SB 50, SB 129, SB 130, SB 131, SB 165, SB 183, SB 194, SB 322, SB 323, SB 324, SB 328, SB 329, SB 426, SB 435, SB 529, SB 581, SB 630.**

**HOUSE BILLS ON FIRST READING**

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

**HB 34** to Committee on Business and Commerce.

**HB 137** to Committee on Criminal Justice.

**HB 334** to Committee on State Affairs.

**HB 741** to Committee on Health and Human Services.

**HB 988** to Committee on Agriculture, Rural Affairs and Homeland Security.

**HB 1726** to Committee on Government Organization.

**HB 1773** to Committee on Business and Commerce.

**HB 2061** to Committee on Economic Development.

**HB 2150** to Committee on Agriculture, Rural Affairs and Homeland Security.

**HB 3433** to Committee on Agriculture, Rural Affairs and Homeland Security.

**HB 3509** to Committee on Natural Resources.

**HB 3589** to Committee on Finance.

**ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 5:00 p.m. adjourned until 11:00 a.m. tomorrow pending receipt of committee reports.

**CO-AUTHOR OF SENATE BILL 1029**

On motion of Senator Campbell, Senator Schwertner will be shown as Co-author of **SB 1029**.

**CO-SPONSOR OF HOUSE BILL 166**

On motion of Senator Ellis, Senator Rodríguez will be shown as Co-sponsor of **HB 166**.

**CO-SPONSOR OF HOUSE BILL 252**

On motion of Senator Hegar, Senator Schwertner will be shown as Co-sponsor of **HB 252**.

**CO-SPONSOR OF HOUSE BILL 308**

On motion of Senator Nichols, Senator Patrick will be shown as Co-sponsor of **HB 308**.

**CO-SPONSORS OF HOUSE BILL 970**

On motion of Senator Deuell, Senators Schwertner and Zaffirini will be shown as Co-sponsors of **HB 970**.

**CO-SPONSOR OF HOUSE BILL 1741**

On motion of Senator West, Senator Zaffirini will be shown as Co-sponsor of **HB 1741**.

**CO-SPONSOR OF HOUSE BILL 2392**

On motion of Senator Van de Putte, Senator Zaffirini will be shown as Co-sponsor of **HB 2392**.

**CO-SPONSOR OF HOUSE BILL 2619**

On motion of Senator West, Senator Zaffirini will be shown as Co-sponsor of **HB 2619**.

**CO-SPONSORS OF HOUSE BILL 2824**

On motion of Senator Paxton, Senators Nelson and Schwertner will be shown as Co-sponsors of **HB 2824**.

**CO-SPONSOR OF HOUSE BILL 3121**

On motion of Senator Deuell, Senator Hancock will be shown as Co-sponsor of **HB 3121**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**SR 972** by Huffman, In memory of James Edward Lindeman III.

**SR 979** by Lucio, In memory of Sofia Carmen Pena de Garcia.

**SR 980** by Lucio, In memory of Antonio "Tony" Oliveira, Jr.

**Congratulatory Resolutions**

- SR 905** by Ellis, Recognizing Kelleen Travillion for her participation in the Texas Legislative Internship Program.
- SR 906** by Ellis, Recognizing Amir Tavakkoli for his participation in the Texas Legislative Internship Program.
- SR 907** by Ellis, Recognizing Elizabeth Smith for her participation in the Texas Legislative Internship Program.
- SR 908** by Ellis, Recognizing Michelle Seebachan for her participation in the Texas Legislative Internship Program.
- SR 909** by Ellis, Recognizing Ashley San Miguel for her participation in the Texas Legislative Internship Program.
- SR 910** by Ellis, Recognizing Keith Salas for his participation in the Texas Legislative Internship Program.
- SR 911** by Ellis, Recognizing Jordan Rux for his participation in the Texas Legislative Internship Program.
- SR 912** by Ellis, Recognizing LaVonda Russell for her participation in the Texas Legislative Internship Program.
- SR 913** by Ellis, Recognizing Chelsea Rountree for her participation in the Texas Legislative Internship Program.
- SR 914** by Ellis, Recognizing Michael Roe for his participation in the Texas Legislative Internship Program.
- SR 915** by Ellis, Recognizing Tiajuana Robinson for her participation in the Texas Legislative Internship Program.
- SR 916** by Ellis, Recognizing Tasheedah Roberts for her participation in the Texas Legislative Internship Program.
- SR 917** by Ellis, Recognizing Rashad Roberson for his participation in the Texas Legislative Internship Program.
- SR 918** by Ellis, Recognizing Alec Puente for his participation in the Texas Legislative Internship Program.
- SR 919** by Ellis, Recognizing DeAndrea Petty for her participation in the Texas Legislative Internship Program.
- SR 920** by Ellis, Recognizing Laura Parton for her participation in the Texas Legislative Internship Program.
- SR 921** by Ellis, Recognizing Simone Wilson for her participation in the Texas Legislative Internship Program.
- SR 922** by Ellis, Recognizing Thea Ulrich-Lewis for her participation in the Texas Legislative Internship Program.
- SR 923** by Ellis, Recognizing Carmela Walker for her participation in the Texas Legislative Internship Program.

**SR 924** by Ellis and Campbell, Recognizing Kristen Cade for her participation in the Texas Legislative Internship Program.

**SR 925** by Ellis, Recognizing Adenike Adesokan for her participation in the Texas Legislative Internship Program.

**SR 926** by Ellis, Recognizing Anthony Washington for his participation in the Texas Legislative Internship Program.

**SR 927** by Ellis, Recognizing Amber Weed for her participation in the Texas Legislative Internship Program.

**SR 928** by Ellis, Recognizing Christopher White for his participation in the Texas Legislative Internship Program.

**SR 929** by Ellis, Recognizing Skyla Johnson for her participation in the Texas Legislative Internship Program.

**SR 930** by Ellis, Recognizing Mercadi Crawford for her participation in the Texas Legislative Internship Program.

**SR 931** by Ellis, Recognizing Brenda DeRouen for her participation in the Texas Legislative Internship Program.

**SR 932** by Ellis, Recognizing Thalia Dubose for her participation in the Texas Legislative Internship Program.

**SR 933** by Ellis, Recognizing Christiana Elgin for her participation in the Texas Legislative Internship Program.

**SR 934** by Ellis, Recognizing Carnell Emanuel for his participation in the Texas Legislative Internship Program.

**SR 935** by Ellis, Recognizing Kevin Engman for his participation in the Texas Legislative Internship Program.

**SR 936** by Ellis, Recognizing Karina Erickson for her participation in the Texas Legislative Internship Program.

**SR 937** by Ellis, Recognizing Megan Featherston for her participation in the Texas Legislative Internship Program.

**SR 938** by Ellis, Recognizing Antoine Floyd for his participation in the Texas Legislative Internship Program.

**SR 939** by Ellis, Recognizing Veronica Forge for her participation in the Texas Legislative Internship Program.

**SR 940** by Ellis, Recognizing Mili Gosar for her participation in the Texas Legislative Internship Program.

**SR 941** by Ellis, Recognizing Vanessa Griddine for her participation in the Texas Legislative Internship Program.

**SR 942** by Ellis, Recognizing Jedidah Guerra for her participation in the Texas Legislative Internship Program.

**SR 943** by Ellis, Recognizing Paul Hanchett for his participation in the Texas Legislative Internship Program.

**SR 944** by Ellis, Recognizing Kathryn Hendrix for her participation in the Texas Legislative Internship Program.

**SR 945** by Ellis, Recognizing Jacqueline Hernández for her participation in the Texas Legislative Internship Program.

**SR 946** by Ellis, Recognizing James Hernandez for his participation in the Texas Legislative Internship Program.

**SR 947** by Ellis, Recognizing Arthur Huggins for his participation in the Texas Legislative Internship Program.

**SR 948** by Ellis, Recognizing Jarrett Jackson for his participation in the Texas Legislative Internship Program.

**SR 949** by Ellis, Recognizing Dara Johnson for her participation in the Texas Legislative Internship Program.

**SR 950** by Ellis, Recognizing Matthew Cherry for his participation in the Texas Legislative Internship Program.

**SR 951** by Ellis, Recognizing Leonardo Coelho for his participation in the Texas Legislative Internship Program.

**SR 952** by Ellis, Recognizing Adrian Carter for her participation in the Texas Legislative Internship Program.

**SR 953** by Ellis, Recognizing Shaboyd Cannon for his participation in the Texas Legislative Internship Program.

**SR 954** by Ellis, Recognizing Emily Campbell for her participation in the Texas Legislative Internship Program.

**SR 955** by Ellis, Recognizing Garrett Brawley for his participation in the Texas Legislative Internship Program.

**SR 956** by Ellis, Recognizing Daniel Boettger for his participation in the Texas Legislative Internship Program.

**SR 957** by Ellis, Recognizing Lauren Berryhill for her participation in the Texas Legislative Internship Program.

**SR 958** by Ellis, Recognizing Glen Austin for his participation in the Texas Legislative Internship Program.

**SR 959** by Ellis, Recognizing Richard Arowolo for his participation in the Texas Legislative Internship Program.

**SR 960** by Ellis, Recognizing TaLisa Jones for her participation in the Texas Legislative Internship Program.

**SR 961** by Ellis, Recognizing Joanna Joseph for her participation in the Texas Legislative Internship Program.

**SR 962** by Ellis, Recognizing Thurman Kelley for his participation in the Texas Legislative Internship Program.

**SR 963** by Ellis, Recognizing Sonji Moore for her participation in the Texas Legislative Internship Program.

**SR 964** by Ellis, Recognizing Dailesi Njobvu for her participation in the Texas Legislative Internship Program.

**SR 965** by Ellis, Recognizing Emilio Longoria for his participation in the Texas Legislative Internship Program.

**SR 966** by Ellis, Recognizing Shannon Martin for her participation in the Texas Legislative Internship Program.

**SR 967** by Ellis, Recognizing Matthew McDougal for his participation in the Texas Legislative Internship Program.

**SR 968** by Ellis, Recognizing Lucia Mendez for her participation in the Texas Legislative Internship Program.

**SR 969** by Ellis, Recognizing Cecilee Miller for her participation in the Texas Legislative Internship Program.

**SR 970** by Ellis, Recognizing Stewanna Miskell for her participation in the Texas Legislative Internship Program.

**SR 971** by Ellis, Recognizing Gaven Norris for his participation in the Texas Legislative Internship Program.

**SR 974** by Deuell, Recognizing Carmel Baptist Church on the occasion of its 160th anniversary.

**SR 976** by Schwertner, Recognizing Ed Olson on the occasion of his 95th birthday.

**SR 978** by Lucio, Recognizing Ronald N. McMillan on the occasion of his retirement.

**SR 982** by Lucio, Recognizing Gerardo Acevedo Danache for his assistance in the release of Jon Hammar.

**SR 983** by Ellis, Recognizing the renaming and dedication of Ernest McGowen Sr. Elementary School.

**SR 984** by Van de Putte, Recognizing Esther Rodriguez on the occasion of her retirement.

#### **Official Designation Resolution**

**SR 981** by Lucio, Recognizing May as Stroke Awareness Month.

#### **Legislative Policy Resolution**

**SR 985** by Whitmire, Granting the Texas DeMolay Association permission to use the Senate Chamber on February 15 and 16, 2014.

**ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 6:15 p.m. adjourned until 11:00 a.m. tomorrow.

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**APPENDIX**

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**COMMITTEE REPORTS**

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

May 15, 2013

AGRICULTURE, RURAL AFFAIRS AND HOMELAND SECURITY — **HCR 89, HB 1807, HB 1819, HB 1931, HB 2312, HB 2649, HB 3178, CSHB 3567, CSHB 3279, HB 912, HB 1076, HB 1081, HB 1241, CSHB 1314, CSHB 1494**

BUSINESS AND COMMERCE — **CSHB 346, CSHB 2911, CSHB 2049, CSHB 3068**

ADMINISTRATION — **HB 2952, HCR 51, HCR 102, HCR 40, HCR 68, HCR 84, HCR 87, HCR 96, HB 1256, CSHCR 1**

BUSINESS AND COMMERCE — **CSHB 699, CSHB 1093**

OPEN GOVERNMENT — **HB 367, HB 483, HB 2267**

CRIMINAL JUSTICE — **HB 972**

EDUCATION — **HB 642 (Amended), CSHB 343, CSHB 842, CSHB 897, CSHB 2318, CSHB 2694**

AGRICULTURE, RURAL AFFAIRS AND HOMELAND SECURITY — **CSHB 928**

NATURAL RESOURCES — **HB 3137, HB 693, HB 3233, HB 3604, HB 3309, HB 3212, HB 2704, HB 2446, HB 3933, HB 1563, HB 1330, HB 2290**

HIGHER EDUCATION — **HB 3332, HB 2760, HB 3659, HB 1753**

HEALTH AND HUMAN SERVICES — **HB 424, CSHB 2725, HB 376, HB 746, HB 807, HB 970, HB 1191, HB 1376, HB 1392, HB 1394, HB 1396, HB 1971, HB 2619, HB 3196, HB 3285, HB 3401, HB 3729, HB 3787**

CRIMINAL JUSTICE — **HB 1318, HB 1020, HB 2679, HB 3241**

HEALTH AND HUMAN SERVICES — **CSHB 2620**

BUSINESS AND COMMERCE — **HB 52, CSHB 2585, HB 2758**

STATE AFFAIRS — **CSHB 2197**

HEALTH AND HUMAN SERVICES — **CSHB 978**

HIGHER EDUCATION — **CSHB 1752**

EDUCATION — **CSHB 753, HB 885**

STATE AFFAIRS — **HB 259, HB 394, HB 581, HB 1996, HB 2006, HB 2127, HB 2373, HB 2380, HB 3152, HB 2929**

FINANCE — **HB 1348, HB 78, HB 294, HB 316, HB 561, HB 1287, HB 1487, HB 1903, HB 1913, HB 2451, HB 3121, HJR 133**

TRANSPORTATION — **HB 3070, HB 3568, HB 138, HB 1174, HB 1384, HB 2300, HB 2305, HB 2394, HB 2485, HB 3085, HB 3256, HB 3483, HB 3523, HB 3668, HB 3677, HB 3946**

**BILLS ENGROSSED**

May 14, 2013

**SB 220, SB 1218, SB 1310, SB 1921**

**BILLS AND RESOLUTIONS ENROLLED**

May 14, 2013

**SB 329, SB 346, SR 889, SR 890, SR 891, SR 892, SR 893, SR 894, SR 895, SR 896, SR 897, SR 898, SR 899, SR 900, SR 901, SR 902, SR 903**