

# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

---

---

AUSTIN, TEXAS

---

---

PROCEEDINGS

---

**SIXTY-FIRST DAY**

(Friday, May 17, 2013)

The Senate met at 10:07 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, Rodriguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

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

Pastor Mark Denison, First Baptist Church, Conroe, was introduced by Senator Williams and offered the invocation as follows:

Our loving and generous Father, we step into Your presence today with a sense of awe and reverence. We know that You care uniquely about the affairs of our world, country, and state. We pray for Your divine inspiration and leadership for those in national office. But today we especially lift up our state government and this great body in particular. For our State Senators, we pray for an unusual endowment of insight and wisdom as they wrestle with difficult issues in difficult times. May they seek You in every decision. Give to them a fresh vision and unity of purpose. Forgive us for the mistakes of the past, and may Your light guide our steps of tomorrow. Now, may Your richest blessings fall upon the great State of Texas, her leaders, and her citizens. Thank You for the opportunities of this day to lead, inspire, work together, and to follow Your will. We offer this prayer in the name of Christ, our savior and lord. Amen.

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

The motion prevailed without objection.

## PHYSICIAN OF THE DAY

Senator Zaffirini was recognized and presented Dr. Vip Mangalick of San Marcos as the Physician of the Day.

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

### MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Friday, May 17, 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 112** Lucio Sponsor: Smithee  
Relating to a requirement for and the contents of a declarations page required for certain standard insurance policy forms for residential property insurance.  
(Committee Substitute)

**SB 123** Rodríguez Sponsor: Márquez  
Relating to the authority of the commissioner of education to issue subpoenas and conduct accreditation investigations.  
(Amended)

**SB 215** Birdwell Sponsor: Anchia  
Relating to the continuation and functions of the Texas Higher Education Coordinating Board, including related changes to the status and functions of the Texas Guaranteed Student Loan Corporation.  
(Committee Substitute/Amended)

**SB 270** Seliger Sponsor: Herrero  
Relating to a limited exception to the prohibition on releasing personal information about a juror collected during the jury selection process in certain cases.  
(Amended)

**SB 357** Hinojosa Sponsor: Anchia  
Relating to the issuance of protective orders for certain sexual, stalking, and trafficking offenses.  
(Amended)

**SB 462** Huffman Sponsor: Lewis  
Relating to specialty court programs in this state.  
(Committee Substitute)

**SB 673** Carona Sponsor: Smith  
Relating to the requirements for elevators, escalators, and related equipment; providing penalties.  
(Committee Substitute/Amended)

**SB 700** Hegar Sponsor: Kacal  
Relating to energy and water management planning and reporting by state agencies and institutions of higher education.  
(Committee Substitute/Amended)

**SB 734** Carona Sponsor: Smithee  
Relating to the licensing of captive insurance companies; authorizing fees and authorizing and imposing taxes.  
(Committee Substitute/Amended)

**SB 1367** Duncan Sponsor: Smithee  
Relating to abolishing the Texas Health Insurance Pool.  
(Committee Substitute)

**SB 1372** Hinojosa Sponsor: King, Phil  
Relating to timeshare owners' associations.  
(Amended)

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

### MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Friday, May 17, 2013 - 2

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

**HCR 120** Smithee  
Honoring Conquer Chiari for its efforts in behalf of those with Chiari Malformation.

**HCR 121** Gutierrez  
Declaring May 15, 2013, as Ramon Ayala Day at the State Capitol.

**HCR 122** Zerwas  
Designating September 23, 2013, as Restless Legs Syndrome–Willis-Ekbom Disease Awareness Day in Texas.

**HCR 125** Martinez Fischer  
Congratulating the Honorable Charlie Gonzalez on his retirement from the United States House of Representatives.

**HCR 126** Márquez  
Paying tribute to the life of World War II veteran Juan C. Marquez of El Paso and commemorating the posthumous presentation of his military awards.

- HCR 129** Menéndez  
In memory of U.S. Army Sergeant Joshua C. Michael of Converse.
- HCR 130** Menéndez  
In memory of United States Navy Seaman Benjamin D. Rast.
- HCR 131** Menéndez  
In memory of Robert Mitchell Wilson of Arlington.
- HCR 132** Menéndez  
In memory of U.S. Army Private First Class Genaro Bedoy of Amarillo.
- HCR 133** Menéndez  
In memory of U.S. Marine Corps Major Nathan W. Anderson of Amarillo.
- HCR 134** Menéndez  
In memory of U.S. Navy Petty Officer Third Class Clayton R. Beauchamp of Weatherford.
- HCR 135** Menéndez  
In memory of U.S. Army Staff Sergeant Nicholas P. Bellard of El Paso.
- HCR 136** Menéndez  
In memory of U.S. Army Sergeant Robert John Billings of Amarillo.
- HCR 137** Menéndez  
In memory of U.S. Army Staff Sergeant Scott H. Burgess of Franklin.
- HCR 138** Menéndez  
In memory of U.S. Army Sergeant John P. Castro of Andrews.
- HCR 139** Menéndez  
In memory of U.S. Marine Corps Lance Corporal John F. Farias of New Braunfels.
- HCR 140** Menéndez  
In memory of U.S. Army Chief Warrant Officer Bradley J. Gaudet of Gladewater.
- HCR 141** Menéndez  
In memory of U.S. Marine Corps Lance Corporal Mark R. Goyet of Sinton.
- HCR 142** Menéndez  
In memory of U.S. Army Specialist Alex Hernandez III of Round Rock.
- HCR 143** Menéndez  
In memory of U.S. Marine Corps Private First Class Josue Ibarra of Midland.
- HCR 144** Menéndez  
In memory of U.S. Army Sergeant Adam Huckstep-La Porte of Round Rock.
- HCR 145** Menéndez  
In memory of U.S. Army Sergeant Tanner S. Higgins of Yantis.
- HCR 146** Menéndez  
In memory of U.S. Army Specialist Kurt W. Kern of McAllen.

- HCR 147** Menéndez  
In memory of U.S. Army Private Andrew M. Krippner of Garland.
- HCR 148** Menéndez  
In memory of U.S. Army Staff Sergeant Roberto Loeza of El Paso.
- HCR 149** Menéndez  
In memory of U.S. Army Staff Sergeant Mecolus C. McDaniel of Fort Hood.
- HCR 150** Menéndez  
In memory of U.S. Army Sergeant Enrique Mondragon of The Colony.
- HCR 151** Menéndez  
In memory of U.S. Army Sergeant James M. Darrough of Austin.
- HCR 152** Menéndez  
In memory of U.S. Air Force Captain Nathan J. Nylander of Hockley.
- HCR 153** Menéndez  
In memory of U.S. Army Lieutenant Colonel David E. Cabrera of Abilene.
- HCR 154** Menéndez  
In memory of U.S. Army Sergeant Joshua D. Powell of Quitman.
- HCR 155** Menéndez  
In memory of U.S. Army Master Sergeant Charles L. Price III of Milam.
- HCR 156** Menéndez  
In memory of U.S. Army Private First Class Joel A. Ramirez of Waxahachie.
- HCR 157** Menéndez  
In memory of U.S. Army Chief Warrant Officer 2 Thalia S. Ramirez of San Antonio.
- HCR 158** Menéndez  
In memory of U.S. Army Second Lieutenant Clovis T. Ray of San Antonio.
- HCR 159** Menéndez  
In memory of U.S. Army Sergeant Paul A. Rivera of Round Rock.
- HCR 160** Menéndez  
In memory of U.S. Army Sergeant Rodolfo Rodriguez, Jr., of Pharr.
- HCR 161** Menéndez  
In memory of U.S. Marine Corps Lance Corporal Benjamin W. Schmidt of San Antonio.
- HCR 162** Menéndez  
In memory of U.S. Marine Corps Staff Sergeant Jeremy D. Smith of Arlington.
- HCR 163** Menéndez  
In memory of U.S. Army Master Sergeant Benjamin A. Stevenson of Canyon Lake.
- HCR 164** Menéndez  
In memory of U.S. Army Sergeant Steven L. Talamantez of Laredo.

- HCR 165** Menéndez  
In memory of U.S. Army First Lieutenant Robert F. Welch III of Denton.
- HCR 166** Menéndez  
In memory of U.S. Marine Corps Sergeant Wade D. Wilson of Normangee.
- HCR 167** Menéndez  
In memory of U.S. Army First Lieutenant Andres Zermeno of San Antonio.
- HCR 168** Menéndez  
In memory of U.S. Army Staff Sergeant Estevan Altamirano of Edcouch.
- HCR 169** Menéndez  
In memory of U.S. Army First Sergeant Russell R. Bell of Tyler.
- HCR 170** Menéndez  
In memory of U.S. Army Staff Sergeant Jeremie S. Border of Mesquite.
- HCR 171** Menéndez  
In memory of U.S. Navy Culinary Specialist Second Class Milton W. Brown of Dallas.
- HCR 172** Menéndez  
In memory of U.S. Army Specialist Charles J. Wren of Beeville.
- HCR 173** Menéndez  
In memory of U.S. Army First Lieutenant Dustin D. Vincent of Mesquite.
- HCR 174** Menéndez  
In memory of U.S. Navy Petty Officer Second Class Jorge Luis Velasquez of Houston.
- HCR 175** Menéndez  
In memory of U.S. Army Staff Sergeant Houston M. Taylor of Hurst.
- HCR 176** Menéndez  
In memory of U.S. Army Sergeant First Class Riley G. Stephens of Tolar.
- HCR 177** Menéndez  
In memory of U.S. Army Specialist Riley S. Spaulding of Sheridan.
- HCR 178** Menéndez  
In memory of U.S. Army Sergeant Glenn M. Sewell of Live Oak.
- HCR 179** Menéndez  
In memory of U.S. Army Specialist Philip C. S. Schiller of The Colony.
- HCR 180** Menéndez  
In memory of U.S. Army Specialist Michael C. Roberts of Watauga.
- HCR 181** Menéndez  
In memory of U.S. Army Corporal Juan Pantoja Navarro of Austin.
- HCR 182** Menéndez  
In memory of U.S. Army Private First Class Anthony M. Nunn of Burnet.

- HCR 183** Menéndez  
In memory of U.S. Army Private First Class Cody R. Norris of Houston.
- HCR 184** Menéndez  
In memory of U.S. Army Staff Sergeant Nelson D. Trent of Austin.
- HCR 185** Menéndez  
In memory of U.S. Army Chief Warrant Officer 2 Jose L. Montenegro, Jr., of Houston.
- HCR 186** Menéndez  
In memory of U.S. Army Sergeant Jacob Molina of Houston.
- HCR 187** Menéndez  
In memory of U.S. Navy Special Warfare Operator Chief Petty Officer Stephen Matthew Mills of Fort Worth.
- HCR 188** Menéndez  
In memory of U.S. Army Staff Sergeant Kashif M. Memon of Houston.
- HCR 189** Menéndez  
In memory of U.S. Navy Petty Officer Brian K. Lundy of Austin.
- HCR 190** Menéndez  
In memory of U.S. Marine Corps Corporal Joseph D. Logan of Willis.
- HCR 191** Menéndez  
In memory of U.S. Army Private First Class Payton A. Jones of Marble Falls.
- HCR 192** Menéndez  
In memory of U.S. Army Sergeant John E. Hansen of Austin.
- HCR 193** Menéndez  
In memory of U.S. Marine Corps Staff Sergeant Joseph H. Fankhauser of Mason.
- HCR 194** Menéndez  
In memory of U.S. Army Specialist Krystal M. Fitts of Houston.
- HCR 195** Menéndez  
In memory of U.S. Army Private First Class Jesse W. Dietrich of Venus.
- HCR 196** Menéndez  
In memory of U.S. Army Private First Class David A. Drake of Lumberton.
- SB 109** West Sponsor: Dutton  
Relating to a housing plan developed and certain housing information collected and reported by the Texas Department of Housing and Community Affairs.
- SB 152** Nelson Sponsor: Kolkhorst  
Relating to the protection and care of persons who are elderly or disabled or who are children.
- SB 222** Watson Sponsor: Dukes  
Relating to the venue for prosecution of certain computer crimes.

- SB 246** West Sponsor: Harper-Brown  
Relating to the electronic submission of a request for an attorney general opinion.
- SB 286** Hinojosa Sponsor: Bonnen, Greg  
Relating to a home loan program operated by the Texas State Affordable Housing Corporation.
- SB 344** Whitmire Sponsor: Turner, Sylvester  
Relating to the procedure for an application for a writ of habeas corpus based on relevant scientific evidence.
- SB 394** West Sponsor: Herrero  
Relating to restricting access to records of children convicted of or receiving deferred disposition for certain fine-only misdemeanors.
- SB 395** West Sponsor: Herrero  
Relating to fines and court costs imposed on a child in a criminal case.
- SJR 18** Carona Sponsor: Villarreal  
Proposing a constitutional amendment to authorize the making of a reverse mortgage loan for the purchase of homestead property and to amend certain requirements in connection with a reverse mortgage loan.
- SJR 42** Huffman Sponsor: Dutton  
Proposing a constitutional amendment relating to expanding the types of sanctions that may be assessed against a judge or justice following a formal proceeding instituted by the State Commission on Judicial Conduct.

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

- HB 15** (137 Yeas, 0 Nays, 2 Present, not voting)
- HB 86** (144 Yeas, 0 Nays, 2 Present, not voting)
- HB 243** (142 Yeas, 0 Nays, 2 Present, not voting)
- HB 248** (132 Yeas, 5 Nays, 3 Present, not voting)
- HB 617** (93 Yeas, 48 Nays, 3 Present, not voting)
- HB 798** (140 Yeas, 0 Nays, 2 Present, not voting)
- HB 857** (139 Yeas, 4 Nays, 2 Present, not voting)
- HB 915** (140 Yeas, 0 Nays, 2 Present, not voting)
- HB 944** (140 Yeas, 2 Nays, 2 Present, not voting)
- HB 1272** (143 Yeas, 0 Nays, 2 Present, not voting)
- HB 1711** (141 Yeas, 0 Nays, 2 Present, not voting)
- HB 1762** (141 Yeas, 0 Nays, 2 Present, not voting)
- HB 1818** (143 Yeas, 0 Nays, 2 Present, not voting)
- HB 1917** (133 Yeas, 8 Nays, 3 Present, not voting)
- HB 2302** (141 Yeas, 0 Nays, 2 Present, not voting)
- HB 2462** (139 Yeas, 2 Nays, 2 Present, not voting)

**HB 2683** (142 Yeas, 0 Nays, 2 Present, not voting)

**HB 3559** (142 Yeas, 0 Nays, 2 Present, not voting)

THE HOUSE HAS REFUSED TO CONCUR IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

**HB 1160** (non-record vote)

House Conferees: Geren - Chair/Frullo/Kuempel/Paddie/Schaefer

**HB 1768** (non-record vote)

House Conferees: Canales - Chair/Larson/Lucio III/Nevárez/Rodriguez, Justin

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

### SENATE RESOLUTION 973

Senator Whitmire, on behalf of Senator Eltife, offered the following resolution:

WHEREAS, The Texas Senate is honored to pay tribute to one of its most distinguished members, Judith Zaffirini, on the grand occasion of her 50,000th consecutive vote in the Senate; and

WHEREAS, Senator Zaffirini's many attributes have long been appreciated by her colleagues, and today is an occasion to recognize one quality that has consistently stood out during her lengthy and exceptional service in the legislature—her extraordinary work ethic; and

WHEREAS, A member of the Texas Senate since 1987, Senator Zaffirini is the longest-serving woman in the Senate and the second-highest-ranking senator; she is noted for her impeccable attendance and voting records; throughout her years of service, she has worked diligently to alleviate the problems of persons with mental illness and of senior citizens, and as an experienced educator, she has brought her considerable knowledge to bear on countless educational issues; and

WHEREAS, The first Hispanic woman to serve in the Texas Senate, she has represented District 21 with distinction; she is the senior senator for South Texas, Central Texas, and the border region, and she has skillfully represented a constituency of diverse citizenry and multifaceted needs; in 2012, she was reelected in an eighth landslide victory; and

WHEREAS, During her tenure in the Senate, she has served as President Pro Tempore and has been honored as Governor for a Day; she has served as chair of the Committee on Health and Human Services and of the Committee on Higher Education, and she is currently chair of the Committee on Government Organization; and

WHEREAS, Over the course of her career, Senator Zaffirini has sponsored and passed more than 700 bills and was cosponsor of several hundred additional bills; to help others, particularly freshman senators, to master the complexities of the Senate, she writes a Presiding Guide handbook each session that memorializes the procedures

and language for passing bills and for presiding over Senate committees; she attributes much of her success in the Texas Senate to lessons learned from the Ursuline nuns, particularly her punctuality and reverence for decorum; and

WHEREAS, She has received more than 670 awards and honors for her legislative, public service, and professional work; she has been named Legislator of the Year by numerous organizations and has four times been named one of the 10 Best Legislators by *Texas Monthly*; she is a Distinguished Alumna of The University of Texas at Austin, where she earned her bachelor's, master's, and doctoral degrees; she is also an award-winning communications specialist, a public servant who is deeply devoted to her family and to helping the families of Texas, and one of the 100 Most Influential Hispanics listed by *Hispanic Business* magazine; and

WHEREAS, A senator whose unquestionable loyalty to the Senate body has earned her the highest regard of those with whom she serves, she is also noted for performing her duties with the utmost faithfulness and trustworthiness on behalf of her constituents, and she has long held not only her constituents' enduring respect but also the esteem of citizens across the state; and

WHEREAS, Senator Zaffirini's 50,000th vote is a milestone in an illustrious career distinguished by exemplary decision-making and statesmanship; her earnest support of causes for the betterment of our state and her highly effective work as a lawmaker are testaments to her high standards, her strong leadership, and her dedication to public service; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby pay tribute to Senator Judith Zaffirini for her outstanding career and her exceptional accomplishments on behalf of the citizens of this state and extend to her sincere appreciation for her loyal service in the Senate and congratulations on the casting of her 50,000th consecutive vote in the Senate; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of Senator Zaffirini and as an expression of highest esteem from her colleagues in the Texas Senate.

**SR 973** was read and was adopted without objection.

#### **GAVEL PRESENTED**

Senator Whitmire was recognized and presented Senator Zaffirini with the gavel used when she cast consecutive vote number 50,000.

#### **REMARKS ORDERED PRINTED**

On motion of Senator Whitmire and by unanimous consent, the remarks regarding **SR 973** were ordered reduced to writing and printed in the *Senate Journal* as follows:

**Senator Whitmire:** Thank you, Mr. President and Members. I would like to, unless Senator Schwertner would like to do this for me, actually, I would not allow anyone to have this opportunity because I want it, on behalf of this body. We're pleased today, Members, to present Senate Resolution 973 honoring our colleague, Senator Judith Zaffirini, on reaching a monumental milestone, a record 50,000 consecutive record votes in the Texas Senate. Whether you've been here as long as I have been, or if you're a freshman, you realize how difficult and practically impossible to do this,

unless you're Senator Zaffirini, because it is a milestone and it's an accomplishment unheard of in legislative institutions. Fifty thousand record votes, and we've all seen firsthand Senator Zaffirini's dedication to the Texas Senate and those that she represents. We all know that she is usually the first to arrive at the Capitol each morning so she can prepare for the day ahead and review legislation that will come on the floor and in committees. I am honored to serve with Senator Zaffirini, having watched her arrive in 1987, knew of her in Democratic circles, civic leadership positions across this state. But for her to become the first female Hispanic State Senator in 1987 and have the commitment and dedication to never ever be off the floor or attending to other duties, always recording her vote, I've been here, I know how difficult it is for anyone to accomplish this. But only through her dedication and commitment to her district and the State of Texas allows you to accomplish such a huge accomplishment. With us today is her past and present staff, the kind of commitment, and she would be the first to acknowledge that it's our staffs that also allows that accomplishment. Also with us today is her pride and joy and very accomplished young man, Carlos, her son. I could speak many, many more words about her legislative accomplishments, the subject matters, the leadership roles, but it's well-documented. And I'm just proud on behalf of this body, and I would also suggest previous Lieutenant Governors. I know Bob Bullock, if he was here he would be so proud because he was such a dedicated public servant in his own right. Bill Hobby, who was Lieutenant Governor for 20 years, Bill Ratliff, Senator Ellis, Rick Perry, David Dewhurst, the leadership of this body knows that if you really want to get something accomplished during the session, you can do it so much more effectively if you have Senator Zaffirini working on that issue. Senator Zaffirini, as Dean of the Senate and as someone that has such a respect for public service, and for someone who knows experience counts, I salute you today as a colleague, as a Hispanic State Senator, and someone that epitomizes what public service should be. Your integrity is beyond reproach, your hard work, your early arrival, your late leaving, so, as you know, I don't always agree, as none of us do, but I never have to wonder where you're coming from and that your word is your bond. And you're a tribute to the State of Texas and, particularly, this legislative body. For that, Mr. President, I yield to my colleagues to join me in this celebration.

**Senator Duncan:** Thank you, Mr. President and Members and Senator Zaffirini. Congratulations on this occasion, it is unique and probably will never be done again, unless you get to 60. I think we'll do it then. But you are, and Senator Whitmire stated it very well, but you have been a mentor to a lot of us on how to do this right. No one is more organized. No one runs a better committee. No one does the things that you do in order to be prepared every day. When you start asking questions in Finance, I know exactly where you're going because you are consistent in the way you do it, and that consistency yields a lot of results for you and for the Senate. So, I want to recognize this and congratulate you on this honor and also on the respect that you have earned in this body from your, not only your abilities as a legislator but also for your abilities on the public policy issues and the guidance you give to all of us. So, congratulations to you today, and we'll do this again in another five or, well, I don't know how long it takes to get to 60, but we'll see.

**Senator Ellis:** Thank you, Mr. President. I, too, rise to salute the great Judith Zaffirini on her 50,000 votes. Members, I think it's important to note that not only did she cast 50,000 votes but she cast the right votes 50,000 times. May be a couple of times that I voted the wrong way, and I'm so sorry for that, Senator Zaffirini. Dean, you really have said it all. I can only add to it by saying that when I think of Senator Zaffirini and her life's work, the attention to detail, printing out the motions, not some sessions but every session, updating them for us, even if they haven't changed, she updates that card she gives out every session so that it has the right year on it and the right session. It is that attention to detail, Senator Zaffirini, that I think has made you a success throughout your life, even before you were here. And it's made you a good teacher. Anytime I'm giving a speech, I really dread having you in the audience. You always do it in such a pleasant, polite, motherly way, but you do tell me if I split a verb or two or if I delayed too long in the enunciation or if I mispronounced a name or if I forgot a name. But when you do it, I know it's from the heart. It is not to be critical just for the sake of being critical, but to help me and help all of us to be the very best that we can be. And, Senator, that is what you have been in this body and throughout your life, the very best that Judith Zaffirini can be. And for that, we thank you.

**Senator Van de Putte:** Mr. President and Members, I also rise to salute my dear friend, Judith Zaffirini, on this tremendous occasion of casting your 50,000th consecutive vote. What an accomplishment. In looking back at records that any organization has, whether it's the National Conference of State Legislatures or any legislative body, we found that this record is unique and unmatched. And in fact, most legislatures don't keep the type of records because they don't ever expect the Members to cast that many consecutive votes. And so, we salute you today. So much has been said about your work ethic. I think those Ursuline nuns really did a lot, but it's got to have come from your parents and the love of your husband, Carlos, and the understanding of your son, Carlos, and that's what I'd like to touch upon at this particular time. Members, we are all here and you know that our families serve with us. They understand when we can't get away to go back home for an anniversary or a birthday or to go to your son's first baseball game or your daughter's first piano recital, the countless things that we miss here because we're doing our job. I know that my friend, Judith Zaffirini, could not have accomplished this without the support of her husband and her son. And to tell you how strong that bond is, how great a treasure it is to witness the graduation of one of your children from college, did you know that Senator Zaffirini left her son's graduation to return to the Senate floor because we were casting votes? She was there at the beginning, and we urged her to stay. We said, it's all right. But it was her son who said, Mom, you have to go back, it's your record. The love of your husband and your son, to be with you and understand that this is so important and to say, it's okay, we can manage this at home. I remember the time very vividly that you were given a very difficult task. On the Friday before Mother's Day several sessions back, we were given the task of having a tuition revenue bond bill, and everyone thought we could not accomplish this because we had to have it done by Mother's Day, and so they gave the task to Judith Zaffirini on a Friday. Her niece's wedding was that weekend, in which Senator Zaffirini and her family were throwing the rehearsal dinner. She stayed throughout the weekend

working on the tuition revenue bonds with many of us, but actually, as we left, she would call every Senator and say, what do you want for your university? She worked through Mother's Day, and if you remember, Senators that were here, we came back at two o'clock on that Mother's Day. Nobody expected that bill to be ready. It was her dedication and her work ethic and her family's understanding that they were going to miss the wedding, they were going to miss Mother's Day, but that bill was ready and we got to cast votes on it. So, I am in awe of your record, as is most of us here and legislators across the country. I tried to find something that would signify that—and I know that Senator Zaffirini has also become a Spurs fan, she's a Spurs fan, by the way, you know there was a victory last night. Go Spurs Go. And I know that a basketball star, Bill Bradley, also became a U.S. Senator—and I found this quote which just is all about Judith Zaffirini. It says, Ambition is the path to success, persistence is the vehicle you arrive in. Yep, that's you. That's the persistence. And another famous minister, Roy L. Smith, said, Discipline is the refining fire by which talent becomes ability. It's your discipline, it's your persistence, it's your adherence to that oath of office that we all took. Nobody can match it, Judy. Congratulations on your 50,000th vote, and congratulations and special love to your family, who's allowed you to do the work to make this great record.

**Senator Schwertner:** Thank you, Mr. Chairman. It was a true honor to serve with you as your Vice-chair in Government Organization. Through your leadership you have taught me much about the mechanics of running a committee and the mechanics of how to get through a difficult issue, or the process. But more importantly, through the way you conduct yourself and the way you hold yourself as a person, through your regal air, you've taught me how to be more of a true Texas Senator. Because when I think about Texas Senators, I think about you first, the way you handle yourself, and so, I thank you for that. I thank you for allowing me to serve as your Vice-chair. The Texas Senate is a better place because you are here, but the State of Texas is blessed because you have been a Texas Senator. Thank you.

**Senator Davis:** Thank you, Mr. President. I, too, rise to congratulate our Senate colleague, Senator Judy Zaffirini, on her 50,000th consecutive vote, and it's an honor to stand and recognize you for that achievement. As others have risen today, we've all talked about something in common that we admire about you, whether it's the way you've mentored us and made sure—the freshmen can particularly appreciate, and I know I did when I was a freshman, those cards that you put together for us so that we would lay out a bill properly here on the Senate floor. Others have talked about your incredible work ethic, and I don't think there's a person on the floor that would argue that you have the strongest among us. I know I particularly admired watching you when you rise to give a speech on behalf of someone here in this body, how beautifully prepared you are, how articulate you are. I'm not sure others know or have paid attention to the fact that when you rise to do so, you do so from memory. And I saw you give the most beautiful speech for Senator Van de Putte at her Governor of the Day that was delivered from your heart, that was delivered from your incredible intellect, that was incredibly moving, and that you had committed to heart because it was that important to you as you delivered it. We would all say we recognize you for those things, but I want to recognize you for something that's been uniquely meaningful to me. You are a person of such incredible integrity, and I think that it is

probably commonplace in legislatures throughout the country, certainly in our nation's capital, that people find themselves compromising their values here and there along the way, sometimes for personal advancement, sometimes simply not to rock the boat. But you, Senator Zaffirini, are the person on this floor that I find most to admire in your capacity to be true, to have incredible integrity regardless of the consequence, and I have personally seen you show incredible courage and stamina and discipline and, all the while, hold a smile on your face and a dignity in your air, as Senator Schwertner said. It is a rare, precious, incredible quality, and we are so fortunate to serve with you, and I am so pleased to join and rise with my colleagues in congratulating you on your 50,000th consecutive vote.

**Senator Deuell:** Thank you, Mr. President and Members. Congratulations, Senator. You certainly have set an example for us in so many ways, and we all value your friendship. I know I certainly do. And I just want to comment as a physician and sitting across from you in Health and Human Services that I have been more than impressed with your knowledge of health care. But your compassion and your true desire to see that every Texan receives adequate health care, and some of the bills that you come up, I practiced medicine for 27 years, and some of the bills that you come up with, gee, why didn't I think of that? And, obviously, you represent some of the girls that sat next to me in school that always had their homework done and were always more prepared than me and always acted a lot better than I did, but I have learned that that's actually good behavior and should be emulated. So, congratulations, and we're all very, very proud of you, and I know the whole state is proud of you. Thank you, Mr. President.

**Senator Lucio:** Thank you, Mr. President and Members. I, too, rise to congratulate our colleague and our beloved friend who has shown us all what it takes to be a State Senator, a great State Senator. We arrived at the Capitol together back in January 1987. She checked in here; I checked in the lower chamber. But I kept an eye on certain Senators, and one was a great Senator from Laredo. I appreciate the staff being here, Senator Zaffirini, and also our colleagues and those that have served with you in the House, outstanding State Representatives, Representative Raymond, Representative Guillen, who worked closely with you in partnership, not only with you but also with everyone to make Texas better. As I followed your career, obviously, the word exemplary stands out all the time, and somebody said organized a while ago. Let me add, very organized, and that, obviously, challenges us all to be the same. I want to agree with Senator Ellis, before I send out a memorandum, a letter, or an e-mail, I check all my grammar and punctuation, because I don't want it coming back with a bunch of red marks on it. I think one of the things that I was thinking of a little while ago was the fact that 50,000 votes, a lot of votes, and I know they can't all be just for your district. So, what that means to me is that the very majority of those 50,000 went to and impacted every corner of the state. It made a difference to so many people, millions of people who were able to have a better quality of life because of your votes on Finance. And by the way, Finance is where you and I really work the closest together, and we certainly appreciate all that you have done. I know that you were instrumental in South Texas, Border higher education, and health care initiatives of the 1990s. You championed higher education. You have really done so much. And I want to be the first to call you Vice-dean Zaffirini. And the other thing I wanted to

share with you, that's the only other thing you've got to accomplish now. And I'm not going to say anything along those lines, because I know that Dean Whitmire's got a lot of energy left. So, you're going to have to run a few more laps before you get to that level. But I want to say this, that I really thought, after hearing everyone speak, and especially Senator Davis, who so eloquently addressed how we should describe Senator Zaffirini, I think you're really the Tiger Woods of the Texas Senate, so I might just call you Tigress Zaffirini from now on. You know, he's broken a lot of records, records that will never be broken, and I think you're in that same category. Last thing I want to say is that you have done a wonderful job no matter what senatorial district you wind up in. You know, you're a winner and you get the job done, and people obviously look at your background, appreciate your accomplishments, and certainly support your effort in continuing your job as a State Senator from the district that you finally have received over the years. We've gone through about three or four redistrictings, and I think we're on our way to another one, but I want to thank you, Judy, personally, for all you've done for me and for those of us that have served with you. For me, I've served directly with you 22 years here, and it's been a joy and an honor to have that opportunity. God bless you.

**Senator Nichols:** Thank you, Mr. President. I wanted to stand also to congratulate you on your 50,000 votes but also salute you for the work and effort you put in every one of them. I don't think there's anyone on this floor that doubts that you studied very meticulously the details in each one of those votes and that you cast those votes with the sole purpose to make the state and your district a better place to live. So, I look at those 50,000 votes and know that the State of Texas is a better place because of those and for your effort. So, that's why I wanted to stand and salute you. I appreciate all the help you've given me over the years. I've worked with you now for 16 years in different capacities. I first worked with you in your district, where we know you are well thought of, well respected, and have accomplished a lot there. So, thank you very much for being here.

**Senator West:** Thank you very much, Mr. President and Members. Senator, only thing I can say is ditto. I mean, the reality is I don't know what else there is to be said. All of us feel pretty much the same way. You know, you have consulted with us about our grammar. You have, each session, provided us a procedure manual before the 60th day and after the 60th day. You were there to consult with us. You start earlier than anyone else in the building. You have hearings that start at 6:30 in the morning, or was it 5:30 in the morning? Well, the point I'm making is this, I want to say, ditto. Thank you for your friendship, thank you for your counsel, and thank you for your professionalism here on the floor of the State Senate. You truly embody the tradition of what's good about this body.

**Senator Watson:** Thank you, Mr. President. Madam Chair, I can't add to what's been said, other than to say that I feel it important to rise and to say congratulations to you and thank you and God bless you for the role that you play in our state's history in your lifetime of service.

**Senator Rodríguez:** Thank you, Mr. President. I, too, rise to congratulate you, Senator Zaffirini, and to thank you for also being a mentor for me, as others have expressed here. Your guidance and your support has been invaluable to me in trying to

navigate through the legislative process. And just this very morning, as a matter of fact, Members, and for the young people up on the gallery, when we talk about the attention to detail and the preparation and all the rest that Senator Zaffirini embodies in the legislative process, I was laying out a bill for one of my colleagues, and there was a substitute bill which I couldn't find in the file. And, you know, so I'm kind of moving the papers around, and the next thing I know, Senator Zaffirini is saying it's on section such and such, page such and such, line such and such. And so, quickly, I was able to get to that, as Senator Schwertner will attest. So, that is the kind of attention to detail and guidance that some of us get from Senator Zaffirini on a daily basis. I knew about your work long before I came to the Senate, especially, it's been mentioned your work on health and mental health, your work on higher education, on finance issues. But, I know that you have also done a lot of work for our Border communities. You've done a lot of work to address colonia issues, to provide water and sewer and other services for those individuals that have, frankly, lived in third world conditions for a long time. And you have been very instrumental in the drive in this state to let those citizens become a part of the state and appreciate all of the wonderful things that the state has to offer. So, your votes, I'm sure, all 50,000 of them have all been votes that have advanced the quality of life and the future of our citizens, especially our children and our disadvantaged, our infirmed in this state. And so, I wanted to thank you for that and also to let you know that I appreciate your guidance and support for all of us here in the Senate. Thank you very much.

**Senator Campbell:** Thank you, Mr. President. You know, they say that imitation is the greatest form of flattery. And I may have played you on stage last night, but I have a long way to go to reach the legislative success that you have achieved. I want to thank you for the support you've shown me and the instruction you've given me. I think you demonstrate great grace and poise as a woman. Thank you. Congratulations.

**Senator Estes:** Thank you, Mr. President. Senator, congratulations on this amazing accomplishment. And I think a lot of, most everything's been said. I remember 12 years ago when we first met, we had a breakfast at the DoubleTree, you just happened to bring a complete list of every bill you've ever passed for me to review. I think it was 478 at the time. And, we had a wonderful time and I thought, frankly, it was the only meeting as a freshman I had with the senior Members of the Senate that I was nervous about before I came. Because, obviously, your reputation precedes you. One thing that has not been mentioned is your steady, stealth campaign to influence us by delivering to our offices wonderful fresh tamales, homemade tortillas, cashew nuts, oatmeal cookies, the list goes on. I wish I'd kept the list of all the things that you have done like that, kind of random acts of kindness. And also, I remember one time, I was a little perturbed at you my freshman year because I thought you were wrong on an issue, and I was venting with Senator Armbrister. And he looked at me very sternly and said, Craig, you can learn a lot from her, she's a heck of a Senator. And he was right. And I've learned to have great affection for you and friendship. And I want to say also that, in my mind, you are always a lady, and thank you for being you.

**Senator Uresti:** Thank you, Mr. President and Members. Good morning, Senator Zaffirini. I, too, rise to join my colleagues to honor you and congratulate you. It was an honor this morning when we did the Local and Uncontested Calendar to watch

Senator Eltife gavel in that 50,000th vote on your behalf. And I see you brought all your 50,000 bills as well, this morning, and on your desk. But, seriously, it's been an honor to serve with you. As you know, I sat where Senator Schwertner sat for three sessions, and I always felt like you had my back. And I've learned from your wisdom and your experience, and I thought it was time to let another colleague learn from that same wisdom and experience. Congratulations.

**Senator Hinojosa:** Thank you, Mr. President and Members. I'm too, am very honored to have as my deskmate Senator Zaffirini, Madam Chair, and also my *madrina*. And I have a lot of respect for your work ethic, I have a lot of respect for your honesty, and she doesn't hesitate to tell you what she thinks and, again, she always votes her district and votes her conscience. And many times we may disagree, but I know of no one in this Chamber doubts your commitment, doubts that what you say is what you mean. And for us, when we work with you, you're very detailed, always very, very well prepared. I always try to look over her notebook so I can learn how to prepare my presentations. But, *madrina*, I really appreciate, from the bottom of my heart, your advice, your counsel, even *cuando me regañas*, because I misbehave. But, thank you so much for representing the State of Texas, for the work you've done, not only for higher education but health care, all across the board. Your knowledge is best, and you know the process, and thank you so much for your 50,000 votes. Congratulations.

**Presiding Officer:** Thank you, Senator Hinojosa. If I might add, Senator Zaffirini, it's an honor to serve with you. Dean Whitmire to close on the resolution.

**Senator Whitmire:** Thank you, Mr. President. I would like to close by saying, Senator Zaffirini, we are individually better Senators and certainly the body is a better body because we have the opportunity to serve with you. I know John Whitmire has become a better Senator because you're my colleague. And I know I echo those feelings of all the Members.

## RECESS

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

## AFTER RECESS

The Senate met at 12:44 p.m. and was called to order by Senator Eltife.

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

Senator Williams submitted the following Motion In Writing:

Mr. President:

I move to suspend Senate Rule 11.13 to permit the conference committee on S.B. 1 to meet while the Senate is in session today.

WILLIAMS

The Motion In Writing prevailed without objection.

**SENATE RULE 5.14(a) SUSPENDED**  
**(Intent Calendar)**  
**(Motion In Writing)**

Senator Whitmire submitted the following Motion In Writing:

Mr. President:

I move suspension of Senate Rule 5.14 so that we may move the Intent Calendar deadline to 5:00 p.m. today.

WHITMIRE

The Motion In Writing prevailed without objection.

**SENATE RULES SUSPENDED**  
**(Posting Rules)**  
**(Motion In Writing)**

Senator Eltife submitted the following Motion In Writing:

Mr. President and Members,

I move to suspend the 24-hour posting rule, in accordance with Senate Rules 11.10 and 11.18, in order for the Senate Committee on Administration to take up and consider HB 677 immediately upon adjournment today, May 17, 2013, at my desk.

ELTIFE

The Motion In Writing prevailed without objection.

**SENATE RULE 11.18(a) SUSPENDED**  
**(Public Hearings)**

On motion of Senator Estes and by unanimous consent, Senate Rule 11.18(a) was suspended in order that the Committee on Agriculture, Rural Affairs and Homeland Security might consider **HB 2153** today.

**SENATE RULE 11.18(a) SUSPENDED**  
**(Public Hearings)**

On motion of Senator Deuell and by unanimous consent, Senate Rule 11.18(a) was suspended in order that the Committee on Economic Development might consider the following bills today: **HB 983**, **HB 3643**.

**SENATE RULE 11.18(a) SUSPENDED**  
**(Public Hearings)**

On motion of Senator Patrick and by unanimous consent, Senate Rule 11.18(a) was suspended in order that the Committee on Education might consider the following bills today: **HB 462**, **HB 1009**.

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

On motion of Senator Van de Putte and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Veteran Affairs and Military Installations 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.

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

On motion of Senator Hinojosa and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Intergovernmental Relations 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 RULE 11.18(a) SUSPENDED  
(Public Hearings)**

On motion of Senator Hegar and by unanimous consent, Senate Rule 11.18(a) was suspended in order that the Committee on Finance might consider the following bills today:

**HB 6, HB 7, HB 1025, HB 3188, HB 213, HB 500, HB 800, HB 1133, HB 1223, HB 2100, HB 2148, HB 2202.**

**SENATE RULE 11.18(a) SUSPENDED  
(Public Hearings)**

On motion of Senator Hegar and by unanimous consent, Senate Rule 11.18(a) was suspended in order that the Committee on Finance Subcommittee on Fiscal Matters might consider the following bills today: **HB 315, HB 697.**

**SENATE RULE 11.18(a) SUSPENDED  
(Public Hearings)**

On motion of Senator Ellis and by unanimous consent, Senate Rule 11.18(a) was suspended in order that the Committee on Open Government might consider the following bills today: **HB 16, HB 628, HB 2676, HB 2668.**

**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 **HB 3276** today.

**RECESS**

On motion of Senator Whitmire, the Senate at 12:52 p.m. recessed until 2:30 p.m. today.

**AFTER RECESS**

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

### GUESTS PRESENTED

Senator Birdwell was recognized and introduced to the Senate students from Meridian Elementary School.

The Senate welcomed its guests.

### INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

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

There was no objection.

### CONCLUSION OF MORNING CALL

The Presiding Officer at 2:52 p.m. announced the conclusion of morning call.

### COMMITTEE SUBSTITUTE HOUSE BILL 2197 ON SECOND READING

Senator Huffman moved to suspend the regular order of business to take up for consideration **CSHB 2197** at this time on its second reading:

**CSHB 2197**, Relating to the continuation and functions of the Texas Lottery Commission; providing penalties; imposing and changing fees.

The motion prevailed.

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

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

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

Nays: Campbell, Deuell.

### COMMITTEE SUBSTITUTE HOUSE BILL 2197 ON THIRD READING

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2197** be placed on its third reading and final passage.

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

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

Nays: Campbell, Deuell.

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

**HOUSE BILL 2760 ON SECOND READING**

On motion of Senator Birdwell and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2760** at this time on its second reading:

**HB 2760**, Relating to partnerships between the Texas State Technical College System and public junior colleges.

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 2760 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 **HB 2760** 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 2015 ON SECOND READING**

Senator Watson moved to suspend the regular order of business to take up for consideration **HB 2015** at this time on its second reading:

**HB 2015**, Relating to the proper classification of workers performing services in connection with governmental contracts; providing a penalty.

The motion prevailed.

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

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

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

Nays: Campbell, Nichols.

**HOUSE BILL 2015 ON THIRD READING**

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2015** 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, Nelson, Patrick, Paxton, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Campbell, Nichols.

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

#### **HOUSE BILL 1348 ON SECOND READING**

Senator Uresti moved to suspend the regular order of business to take up for consideration **HB 1348** at this time on its second reading:

**HB 1348**, Relating to the taxation of certain tangible personal property located inside a defense base development authority.

The motion prevailed.

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

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

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

Nays: Birdwell, Patrick.

#### **HOUSE BILL 1348 ON THIRD READING**

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1348** be placed on its third reading and final passage.

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, Paxton, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Patrick.

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

#### **COMMITTEE SUBSTITUTE HOUSE BILL 753 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 753** at this time on its second reading:

**CSHB 753**, Relating to certain information to be provided by school districts to parents concerning supplemental educational services and to Texas Education Agency approval and investigation of supplemental educational services providers.

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 753 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 **CSHB 753** 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 2006 ON SECOND READING**

On motion of Senator Hancock and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2006** at this time on its second reading:

**HB 2006**, Relating to eligibility for appointment as a central counting station manager.

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 2006 ON THIRD READING**

Senator Hancock moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2006** 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 424 ON SECOND READING**

Senator Deuell moved to suspend the regular order of business to take up for consideration **HB 424** at this time on its second reading:

**HB 424**, Relating to the sex offender status of a person who becomes a resident of certain group home facilities.

The motion prevailed.

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

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

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

Nays: Garcia, Zaffirini.

**HOUSE BILL 424 ON THIRD READING**

Senator Deuell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 424** be placed on its third reading and final passage.

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

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

Nays: Garcia, Zaffirini.

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

**LEAVE OF ABSENCE**

On motion of Senator Whitmire, Senator Williams was granted leave of absence for the remainder of the day on account of important business.

**HOUSE BILL 1772 ON SECOND READING**

Senator Davis moved to suspend the regular order of business to take up for consideration **HB 1772** at this time on its second reading:

**HB 1772**, Relating to the disconnection of electric or gas utility service.

The motion prevailed.

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

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

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

Nays: Patrick.

Absent-excused: Williams.

**HOUSE BILL 1772 ON THIRD READING**

Senator Davis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1772** be placed on its third reading and final passage.

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

Nays: Patrick.

Absent-excused: Williams.

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

**HOUSE BILL 912 ON SECOND READING**

Senator Estes moved to suspend the regular order of business to take up for consideration **HB 912** at this time on its second reading:

**HB 912**, Relating to images captured by unmanned vehicles and unmanned aircraft; providing penalties.

The motion prevailed.

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

The bill was read second time.

Senator Estes offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **HB 912** (Senate Committee Printing) in SECTION 2 of the bill as follows:

(1) In the heading to added Chapter 423, Government Code (page 1, line 22), strike "UNMANNED VEHICLES AND".

(2) In added Section 423.002, Government Code (page 1, line 30), strike "unmanned vehicle or".

(3) In added Section 423.002(5), Government Code (page 1, lines 48-49), strike "unmanned vehicle or".

(4) In added Section 423.002(5), Government Code (page 1, line 50), after "research of", strike "the vehicle or".

(5) In the heading to added Section 423.003, Government Code (page 2, line 6), strike "UNMANNED VEHICLES OR".

(6) In added Section 423.003(a), Government Code (page 2, line 8), strike "unmanned vehicle or".

(7) In added Section 423.003(e), Government Code (page 3, line 35), strike "unmanned vehicle or".

(8) In added Section 423.005(a), Government Code (page 3, line 65), strike "unmanned vehicle or".

(9) In added Section 423.007, Government Code (page 4, line 42), strike "unmanned vehicle or".

The amendment to **HB 912** was read and was adopted by a viva voce vote.

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

Absent-excused: Williams.

Senator Estes offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **HB 912** (Senate Committee Printing) in SECTION 2 of the bill as follows:

(1) In added Section 423.002, Government Code (page 1, lines 29-30), strike "of real property or an individual on real property located in this state".

(3) In added Section 423.002(6), Government Code (page 1, line 55), following the underlined semicolon, strike "or".

(4) In added Section 423.002(7)(D), Government Code (page 2, line 5), between "service" and the underlined period, insert the following:

;

(8) with the consent of the individual captured in the image and the individual who owns or lawfully occupies the real property captured in the image;

(9) pursuant to a valid search or arrest warrant;

(10) by a law enforcement authority or a person who is under contract with or otherwise acting under the direction or on behalf of a law enforcement authority:

(A) in immediate pursuit of a person law enforcement officers have reasonable suspicion or probable cause to suspect has committed an offense;

(B) for the purpose of documenting a crime scene where an offense has been committed;

(C) for the purpose of investigating the scene of:

(i) a human fatality;

(ii) a motor vehicle accident causing death or serious bodily injury

to a person; or

(iii) any motor vehicle accident on a state highway or federal interstate or highway;

(D) in connection with the search for a missing person; or

(E) for the purpose of conducting a high-risk tactical operation that poses a threat to human life;

(11) by state or local law enforcement authorities, or a person who is under contract with or otherwise acting under the direction or on behalf of state authorities, for the purpose of:

(A) surveying the scene of a catastrophe or other damage to determine whether a state of emergency should be declared;

(B) preserving public safety, protecting property, or surveying damage or contamination during a lawfully declared state of emergency; or

(C) conducting routine air quality sampling and monitoring;

(12) at the scene of a spill, or a suspected spill, of hazardous materials;

(13) for the purpose of fire suppression;

(14) for the purpose of rescuing a person whose life or well-being is in imminent danger;

(15) by a Texas licensed real estate broker in connection with the marketing, sale, or financing of real property, provided that no individual is identifiable in the image;

(16) of real property or a person on real property that is within 25 miles of the United States border;

(17) from a height no more than eight feet above ground level in a public place, if the image was captured without using any electronic, mechanical, or other means to amplify the image beyond normal human perception;

(18) of public real property or a person on that property;

(19) by an electric or telecommunications utility provider regulated by the Public Utility Commission of Texas;

(A) for the purpose of performing and reporting the results of the annual inspection of transmission lines and other facilities as required by the commission, if the image is captured without the intent to conduct surveillance on an individual or real property located in this state; or

(B) for the purpose of maintaining or repairing transmission lines or other facilities, if the image is captured without the intent to conduct surveillance on an individual or real property located in this state;

(20) by the owner or operator of an oil, gas, water, or other pipeline for the purpose of inspecting, maintaining, or repairing pipelines or other related facilities, if the image is captured without the intent to conduct surveillance on an individual or real property located in this state;

(21) in connection with oil pipeline safety and rig protection;

(22) in connection with port authority surveillance and security;

(23) in connection with cattle ranching or agriculture and wildlife management;

(24) in connection with oil and gas exploration;

(25) for the purpose of water supply safety;

(26) for the purpose of surveying land;

(27) for the purpose of agriculture and farming safety;

(28) in connection with an air show or related event;

(29) for the purpose of producing a film or other artistic work incorporating a visual or aural image, if:

(A) any identifiable person captured in the image was not in a place where that person had a reasonable expectation of privacy, the image or recording was made in accordance with a permit issued by a state or federal agency, and the vehicle capturing the image or recording is at least 10 feet in length and affixed with lights or reflective markings indicating the vehicle's owner; or

(B) the image was recorded at an altitude of at least 400 feet;

(30) by a radio or television station licensed by the Federal Communications Commission, a newspaper of general circulation published in Texas, or another bona fide news organization if:

(A) the image was captured for news-gathering purposes, any identifiable person captured in the image was not in a place where that person had a reasonable expectation of privacy, and the vehicle capturing the image is at least 10 feet in length and affixed with lights or reflective markings indicating the vehicle's owner; or

(B) the image was recorded at an altitude of at least 400 feet; or

(31) in connection with the manufacture, assembly, distribution, or sale of an unmanned vehicle or unmanned aircraft

(5) Strike added Sections 423.003(c) and (e), Government Code (page 2, line 18 through page 3, line 27, and page 3, lines 34 through 36), and reletter the remaining subsections of that section accordingly.

The amendment to **HB 912** was read.

Senator Estes offered the following amendment to Floor Amendment No. 2:

**Floor Amendment No. 3**

Amend Floor Amendment No. 2 by Estes to **HB 912** (Senate Committee Printing), in Item (4) that amends added Section 423.002, Government Code, as follows:

(1) At the end of added Section 423.002(10)(D), Government Code (page 2, line 8), following the underlined semicolon, strike "or".

(2) Following the underlined semicolon at the end of added Section 423.002(10)(E), Government Code (page 2, line 10), insert the following:

or

(F) of private property that is generally open to the public and for which law enforcement has public safety responsibilities;

(3) In added Section 423.002(29)(A), Government Code (page 4, line 9), between "and the" and "capturing", strike "vehicle" and substitute "unmanned aircraft".

(4) In added Section 423.002(29)(A), Government Code (page 4, line 11), before "owner", strike "vehicle's" and substitute "aircraft's".

(5) In added Section 423.002(30)(A), Government Code (page 4, line 21), between "and the" and "capturing", strike "vehicle" and substitute "unmanned aircraft".

(6) In added Section 423.002(30)(A), Government Code (page 4, line 23), before "owner", strike "vehicle's" and substitute "aircraft's".

(7) In added Section 423.002(31), Government Code (page 4, line 27), strike "unmanned vehicle or".

The amendment to Floor Amendment No. 2 to **HB 912** was read and was adopted by a viva voce vote.

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

Absent-excused: Williams.

Question recurring on the adoption of Floor Amendment No. 2 to **HB 912**, the amendment as amended was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2 as amended except as follows:

Absent-excused: Williams.

Senator Estes moved to temporarily postpone further consideration of the bill.

The motion prevailed.

Question—Shall **HB 912** as amended be passed to third reading?

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Friday, May 17, 2013 - 3

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

- SB 2** Patrick Sponsor: Aycock  
Relating to certain charter schools.  
(Committee Substitute/Amended)
- SB 12** Huffman Sponsor: Riddle  
Relating to the admissibility of evidence of other similar offenses in the prosecution of certain sexual offenses.
- SB 63** Nelson Sponsor: Sheffield, J. D.  
Relating to consent to the immunization of certain children.
- SB 209** Huffman Sponsor: Dutton  
Relating to the functions and operation of the State Commission on Judicial Conduct.  
(Amended)
- SB 356** Carona Sponsor: Ratliff  
Relating to the audit of court registry funds in certain counties.
- SB 358** Hinojosa Sponsor: Muñoz, Jr.  
Relating to the use of a polygraph statement as evidence that a defendant or releasee from the Texas Department of Criminal Justice has violated a condition of release.  
(Amended)
- SB 427** Nelson Sponsor: Raymond  
Relating to the regulation of certain child-care facilities and administrators of those facilities.  
(Amended)
- SB 495** Huffman Sponsor: Walle  
Relating to the creation of a task force to study maternal mortality and severe maternal morbidity.  
(Amended)
- SB 772** Uresti Sponsor: Springer  
Relating to the elimination of obsolete and redundant reporting requirements for the Department of Agriculture.
- SB 819** Duncan Sponsor: King, Susan  
Relating to the disposal of demolition waste from abandoned or nuisance buildings by certain local governments.
- SB 894** Whitmire Sponsor: Bonnen, Dennis  
Relating to real property within the Capitol complex.  
(Committee Substitute/Amended)
- SB 944** Nelson Sponsor: Kolkhorst  
Relating to criminal history record checks for certain employees of facilities licensed by the Department of State Health Services.
- SB 983** Ellis Sponsor: Harper-Brown  
Relating to in camera review and filing of the information at issue in a suit filed under the public information law.

- SB 1120** West Sponsor: Anchia  
Relating to a residential tenant's lease obligation after the loss of the leased premises resulting from a natural disaster.
- SB 1167** Hegar Sponsor: Coleman  
Relating to the creation of a county assistance district.
- SB 1238** Hinojosa Sponsor: Pickett  
Relating to the composition and duties of and investigations conducted by the Texas Forensic Science Commission, the administrative attachment of the Texas Forensic Science Commission to Sam Houston State University, the accreditation of criminal laboratories by the Department of Public Safety of the State of Texas, and the status of certain local government corporations as criminal justice agencies for the purpose of engaging in criminal identification activities, including forensic analysis.  
(Committee Substitute)
- SB 1365** Duncan Sponsor: Villarreal  
Relating to the provision of credit by examination for public school students.  
(Committee Substitute/Amended)
- SB 1451** Hinojosa Sponsor: Sheets  
Relating to the prosecution of the offense of money laundering and to the forfeiture of certain contraband.  
(Amended)
- SB 1556** Seliger Sponsor: Davis, John  
Relating to the establishment of a school safety certification program and the School Safety Task Force.  
(Committee Substitute/Amended)
- SB 1665** Carona Sponsor: Smithee  
Relating to the deposit of assessments and fees collected for examination expenses.
- SB 1719** Rodríguez Sponsor: Moody  
Relating to the construction, remodeling, or rehabilitation of certain hotel projects.
- SB 1756** Uresti Sponsor: Villalba  
Relating to the expedited processing of certain applications for permits under the Clean Air Act; authorizing a surcharge.  
(Amended)
- SB 1803** Huffman Sponsor: Kolkhorst  
Relating to investigations of and payment holds relating to allegations of fraud or abuse and investigations of and hearings on overpayments and other amounts owed by providers in connection with the Medicaid program or other health and human services programs.  
(Committee Substitute/Amended)

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

**HB 252** (140 Yeas, 0 Nays, 3 Present, not voting)

THE HOUSE HAS REFUSED TO CONCUR IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

**HB 630** (non-record vote)

House Conferees: Larson - Chair/Klick/Miller, Rick/Paddie/Springer

**HB 1534** (non-record vote)

House Conferees: Leach - Chair/Laubenberg/Sanford/Taylor, Van/Turner, Scott

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

### HOUSE BILL 2127 ON SECOND READING

Senator Watson moved to suspend the regular order of business to take up for consideration **HB 2127** at this time on its second reading:

**HB 2127**, Relating to the eligibility of certain employees of public institutions of higher education to participate in a state group benefits program.

The motion prevailed.

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

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

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

Nays: Birdwell, Campbell, Hancock, Nelson, Nichols, Patrick, Schwertner.

Absent-excused: Williams.

### HOUSE BILL 2127 ON THIRD READING

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2127** be placed on its third reading and final passage.

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

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

Nays: Birdwell, Campbell, Nelson, Nichols, Patrick, Schwertner.

Absent-excused: Williams.

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

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

Nays: Birdwell, Campbell, Hancock, Nelson, Nichols, Patrick, Schwertner.

Absent-excused: Williams.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 719 ON SECOND READING**

Senator Hegar moved to suspend the regular order of business to take up for consideration **CSHB 719** at this time on its second reading:

**CSHB 719**, Relating to the operation of a golf cart or utility vehicle on a public highway in certain counties; authorizing a fee.

The motion prevailed.

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

The bill was read second time and was passed to 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: Patrick, Schwertner.

Absent-excused: Williams.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 719 ON THIRD READING**

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 719** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

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

Nays: Patrick, Schwertner.

Absent-excused: Williams.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 2. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
HOUSE BILL 2741 ON SECOND READING**

Senator Nichols moved to suspend the regular order of business to take up for consideration **CSHB 2741** at this time on its second reading:

**CSHB 2741**, Relating to the regulation of motor vehicles by counties and the Texas Department of Motor Vehicles; authorizing a fee; creating an offense.

The motion prevailed.

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

The bill was read second time.

Senator Nichols offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSHB 2741** (senate committee printing) as follows:

(1) In SECTION 103 of the bill, in amended Section 623.011(b), Transportation Code (page 21, line 40), strike "\$90" and substitute "\$180 [~~\$90~~]".

(2) In SECTION 133 of the bill (page 27, line 50), between "SECTION 133." and "The changes", insert "(a)".

(3) Immediately following SECTION 133 of the bill (page 27, between lines 57 and 58), add the following:

(b) The changes in law made by this Act to Section 623.011, Transportation Code, apply only to an application for a permit that is filed on or after the effective date of this Act.

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

SECTION \_\_\_\_\_. Subsection (a), Section 621.353, Transportation Code, is amended to read as follows:

(a) The comptroller shall send \$140 [~~\$50~~] of each base fee collected under Section 623.011 for an excess weight permit to the counties of the state, with each county receiving an amount determined according to the ratio of the total number of miles of county roads maintained by the county to the total number of miles of county roads maintained by all of the counties of this state. The comptroller shall deposit \$40 of each base fee, plus each fee collected under Section 623.0112, to the credit of the state highway fund. Money deposited to the credit of that fund under this subsection may be appropriated only to the department to administer this section and Sections 623.011, 623.0111, and 623.0112.

SECTION \_\_\_\_\_. Subsections (a) and (c), Section 623.0111, Transportation Code, are amended to read as follows:

(a) When a person applies for a permit under Section 623.011, the person must:

(1) designate in the application each county in which the vehicle will be operated; and

(2) pay in addition to other fees an annual fee in an amount determined according to the following table:

Number of Counties Designated	Fee
1-5	<u>\$250</u> [ <del>\$175</del> ]
6-20	<u>\$400</u> [ <del>\$250</del> ]
21-40	<u>\$690</u> [ <del>\$450</del> ]
41-60	<u>\$1,130</u> [ <del>\$625</del> ]
61-80	<u>\$1,570</u> [ <del>\$800</del> ]

81-100	\$1,800 [ <del>\$900</del> ]
<u>101-150</u> [ <del>401-254</del> ]	<u>\$2,400</u> [ <del>\$1,000</del> ]
<u>151-200</u>	<u>\$2,700</u>
<u>201-254</u>	<u>\$3,000</u>

(c) Of the fees collected under Subsection (a) the following amounts shall be deposited to the general revenue fund and the remainder shall be deposited to the credit of the state highway fund:

Number of Counties Designated	Amount Allocated to General Revenue Fund
1-5	\$125
6-20	<u>\$200</u> [ <del>\$125</del> ]
21-40	<u>\$345</u>
41-60	\$565
61-80	\$785
81-100	\$900
<u>101-150</u> [ <del>401-254</del> ]	<u>\$1,200</u> [ <del>\$1,000</del> ]
<u>151-200</u>	<u>\$1,350</u>
<u>201-254</u>	<u>\$1,500</u>

The amendment to **CSHB 2741** was read and was adopted by a viva voce vote.

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

Absent-excused: Williams.

Senator Nichols offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **CSHB 2741** (senate committee printing) as follows:

(1) In SECTION 132 of the bill, in Subdivision (2) (page 27, lines 45-46), between "520.0092," and "623.0711(k)", insert "623.019(d),".

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

SECTION \_\_\_\_\_. Section 621.502, Transportation Code, is amended by adding Subsections (e), (f), and (g) to read as follows:

(e) Intent to operate a vehicle at a weight that is heavier than the weight authorized by a permit issued under Chapter 623, except for a permit issued under Section 623.011, is presumed if:

(1) the vehicle is operated at a weight that is seven percent heavier than the applicable weight allowed under Chapter 623; and

(2) a permit to operate at that weight has not been issued for the vehicle.

(f) A person commits an offense if:

(1) the person operates a vehicle at a weight for which a permit is required by Chapter 623, other than a permit issued under Section 623.011, plus a tolerance allowance equal to seven percent of that weight; and

(2) the person has failed to obtain the permit.

(g) An offense under Subsection (f) is punishable by a fine of \$5,000. Half of the amount of each fine collected under this subsection shall be deposited to the credit of the state highway fund. The remaining portion of the fine may be retained by the county in which the violation occurred to be used solely for the purposes of road maintenance on county roads and enforcement of traffic laws in the county.

SECTION \_\_\_\_\_. Section 621.503, Transportation Code, is amended by amending Subsections (a) and (b) and adding Subsection (d) to read as follows:

(a) A person may not load, or cause to be loaded, a vehicle for operation on a public highway of this state that exceeds the weight limitations for operation of that vehicle provided by Section 621.101 or Chapter 623.

(b) Intent to violate a limitation is presumed if the weight of the loaded vehicle is heavier than the applicable axle or gross weight limit by seven ~~four~~ percent or more.

(d) A violation of this section is subject to administrative enforcement under Subchapter N, Chapter 623, except that administrative enforcement may not be imposed on a shipper of crude oil, natural gas liquids, gasoline, diesel fuel, or aviation fuel, as those terms are defined by Section 162.001, Tax Code, for a violation of this section.

SECTION \_\_\_\_\_. Section 621.506, Transportation Code, is amended by amending Subsections (a) and (b) and adding Subsections (b-1), (b-2), and (i) to read as follows:

(a) A person commits an offense if the person:

(1) operates a vehicle or combination of vehicles in violation of Section 621.101, ~~622.012,~~ 622.031, 622.041, 622.0435, 622.051, 622.061, 622.133, 622.953, or 623.162; or

(2) loads a vehicle or causes a vehicle to be loaded in violation of Section 621.503.

(b) An offense under this section is a misdemeanor punishable:

(1) by a fine of not less than \$500 ~~[\$100]~~ and not more than \$1,250 ~~[\$150]~~;

(2) on conviction of an offense involving:

(A) a Class 1 weight violation, by a fine of not less than \$2,500 or more than \$4,500;

(B) a Class 2 weight violation, by a fine of not less than \$4,500 or more than \$8,000; or

(C) a Class 3 weight violation, by a fine of not less than \$9,250 or more than \$18,000 ~~[a vehicle having a single axle weight, tandem axle weight, or gross weight that is more than 5,000 but not more than 10,000 pounds heavier than the vehicle's allowable weight, by a fine of not less than \$300 or more than \$500]; and~~

~~(3) [on conviction of an offense involving a vehicle having a single axle weight, tandem axle weight, or gross weight that is more than 10,000 pounds heavier than the vehicle's allowable weight, by a fine of not less than \$500 or more than \$1,000; or~~

~~[(4)] on conviction, before the first anniversary of the date of a previous conviction under this section, of a third offense under this section involving:~~

(A) a Class 1 weight violation, by a fine of not less than \$4,000 or more than \$5,500;

(B) a Class 2 weight violation, by a fine of not less than \$6,000 or more than \$9,000; or

(C) a Class 3 weight violation, by a fine of not less than \$12,500 or more than \$22,000 [~~by a fine in an amount that is twice the amount specified by Subdivision (1), (2), or (3)].~~

(b-1) For purposes of Subsection (b)(2), (3), or (4), a previous offense under this section includes any offense under this section, regardless of whether the offense involved a weight class violation or the same weight class violation.

(b-2) In this section:

(1) a vehicle having a single axle weight or tandem axle weight that is more than the vehicle's allowable weight is a Class 1 weight violation, if the excess weight is more than 5,000 pounds; and

(2) a vehicle having a gross weight that is more than the vehicle's allowable weight is:

(A) a Class 1 weight violation, if the excess weight is more than 5,000 pounds but not more than 10,000 pounds;

(B) a Class 2 weight violation, if the excess weight is more than 10,000 pounds but not more than 20,000 pounds; and

(C) a Class 3 weight violation, if the excess weight is more than 20,000 pounds.

(i) A violation of this section is subject to administrative enforcement under Subchapter N, Chapter 623.

SECTION \_\_\_\_\_. Subchapter G, Chapter 621, Transportation Code, is amended by adding Section 621.5061 to read as follows:

Sec. 621.5061. OFFENSE OF OPERATING OVERWEIGHT READY-MIXED CONCRETE TRUCK; PENALTY; DEFENSE. (a) In this section, "ready-mixed concrete truck" has the meaning assigned by Section 622.011.

(b) A person commits an offense if the person operates a ready-mixed concrete truck in violation of Section 622.012.

(c) An offense under this section is a misdemeanor punishable:

(1) by a fine of not less than \$100 and not more than \$150;

(2) on conviction of an offense involving a vehicle having a single axle weight, tandem axle weight, or gross weight that is more than 5,000 pounds but not more than 10,000 pounds heavier than the vehicle's allowable weight, by a fine of not less than \$300 or more than \$500;

(3) on conviction of an offense involving a vehicle having a single axle weight, tandem axle weight, or gross weight that is more than 10,000 pounds heavier than the vehicle's allowable weight, by a fine of not less than \$500 or more than \$1,000; or

(4) on conviction before the first anniversary of the date of a previous conviction under this section, by a fine in an amount that is twice the amount specified by Subdivision (1), (2), or (3).

(d) On conviction of a violation of an axle weight limitation, the court may assess a fine less than the applicable minimum amount prescribed by Subsection (c) if the court finds that when the violation occurred:

(1) the vehicle was registered to carry the maximum gross weight authorized for that vehicle under Section 622.012; and

(2) the gross weight of the vehicle did not exceed that maximum gross weight.

(e) A judge or justice shall promptly report to the Department of Public Safety each conviction obtained in the judge's or the justice's court under this section. The Department of Public Safety shall keep a record of each conviction reported to it under this subsection.

(f) If a corporation fails to pay the fine assessed on conviction of an offense under this section, the district or county attorney in the county in which the conviction occurs may file suit against the corporation to collect the fine.

(g) A justice or municipal court has jurisdiction of an offense under this section.

(h) Except as provided by Subsection (i), a governmental entity that collects a fine under this section for an offense involving a vehicle having a single axle weight, tandem axle weight, or gross weight that is more than 5,000 pounds heavier than the vehicle's allowable weight shall send an amount equal to 50 percent of the fine to the comptroller in the manner provided by Subchapter B, Chapter 133, Local Government Code.

(i) If the offense described by Subsection (h) occurred within 20 miles of an international border, the entire amount of the fine shall be deposited for the purposes of road maintenance in:

(1) the municipal treasury, if the fine was imposed by a municipal court; or

(2) the county treasury, if the fine was imposed by a justice court.

SECTION \_\_\_\_\_. Section 621.507(b), Transportation Code, is amended to read as follows:

(b) An offense under this section is a misdemeanor punishable:

(1) by a fine of:

(A) not less than \$500 and not more than \$1,250; or

(B) \$5,000, if the convicted person is a corporation [not to exceed \$200];

(2) on conviction before the first anniversary of the date of a previous conviction under this section:

(A) by a fine of not less than \$1,500 and not more than \$3,000 [to exceed \$500], by confinement in a county jail for not more than 60 days, or by both the fine and confinement; or

(B) if the convicted person is a corporation, by a fine of \$8,000 [not to exceed \$1,000]; or

(3) on a conviction after ~~before~~ the first anniversary of the date of a previous conviction under this section that was punishable under Subdivision (1) ~~(2) or this subdivision~~:

(A) by a fine of not less than \$750 and not more than \$1,500 [to exceed \$1,000], by confinement in the county jail for not more than 30 days [six months], or by both the fine and confinement; or

(B) if the convicted person is a corporation, by a fine not to exceed \$6,500 [2,000].

SECTION \_\_\_\_\_. Section 623.019, Transportation Code, is amended by amending Subsections (b), (c), (e), and (f) and adding Subsections (b-1) and (b-2) to read as follows:

(b) ~~An [Except as provided by Subsections (e) and (d), an]~~ offense under Subsection (a) is a misdemeanor punishable:

~~(1) by a fine of not less than \$500 [~~\$100~~] or more than \$1,250;~~

~~(2) on conviction of an offense involving:~~

~~(A) a Class 1 weight violation, by a fine of not less than \$2,500 or more than \$4,500;~~

~~(B) a Class 2 weight violation, by a fine of not less than \$4,500 or more than \$8,000; or~~

~~(C) a Class 3 weight violation, by a fine of not less than \$9,250 or more than \$18,000; and~~

~~(3) on conviction, before the first anniversary of the date of a previous conviction under this section, of a third offense under this section involving:~~

~~(A) a Class 1 weight violation, by a fine of not less than \$4,000 or more than \$5,500;~~

~~(B) a Class 2 weight violation, by a fine of not less than \$6,000 or more than \$9,000; or~~

~~(C) a Class 3 weight violation, by a fine of not less than \$12,500 or more than \$22,000 [~~\$150~~].~~

~~(b-1) For purposes of Subsection (b)(2), (3), or (4), a previous offense under this section includes any offense under this section, regardless of whether the offense involved a weight class violation or the same weight class violation.~~

~~(b-2) In this section:~~

~~(1) a vehicle having a single axle weight or tandem axle weight that is more than the vehicle's allowable weight is a Class 1 weight violation, if the excess weight is more than 5,000 pounds; and~~

~~(2) a vehicle having a gross weight that is more than the vehicle's allowable weight is:~~

~~(A) a Class 1 weight violation, if the excess weight is more than 5,000 pounds but not more than 10,000 pounds;~~

~~(B) a Class 2 weight violation, if the excess weight is more than 10,000 pounds but not more than 20,000 pounds; and~~

~~(C) a Class 3 weight violation, if the excess weight is more than 20,000 pounds.~~

~~(c) A violation of this section is subject to administrative enforcement under Subchapter N, Chapter 623. [An offense under Subsection (a) is a misdemeanor and, except as provided by Subsection (d), is punishable by a fine of:~~

~~[(1) not less than \$300 or more than \$500 if the offense involves a vehicle having a gross weight that is heavier than 5,000 but not heavier than 10,000 pounds over the vehicle's allowable gross weight; or~~

~~[(2) not less than \$500 or more than \$1,000 if the offense involves a vehicle having a gross weight that is at least 10,000 pounds heavier than the vehicle's allowable gross weight.]~~

(e) A governmental entity collecting a fine under this section [~~Subsection (e)~~] shall send an amount equal to 50 percent of the fine to the comptroller.

(f) A justice of the peace has jurisdiction of any offense under this section. A municipal court has jurisdiction of an offense under this section in which the fine does not exceed \$10,000 [~~\$500~~]. A county or district court has jurisdiction of an offense under this section in which the fine exceeds \$10,000.

SECTION \_\_\_\_\_. Section 623.082(b), Transportation Code, is amended to read as follows:

(b) Except as provided by Subsection (c), an offense under this section is a misdemeanor punishable:

(1) by a fine of not more than \$1,500 [~~\$200~~];

(2) on conviction before the first anniversary of [~~within one year after~~] the date of a previous [~~prior~~] conviction under this section [~~that was punishable under Subdivision (1)~~], by a fine of not more than \$2,500 [~~\$500~~], by confinement in the county jail for not more than 60 days, or by both the fine and the confinement; [~~or~~]

(3) on conviction of a third offense before the first anniversary of the date of a previous conviction under Subdivision (1), by a fine of not more than \$3,500; or

(4) on conviction of an offense after the first anniversary of [~~within one year after~~] the date of a previous [~~prior~~] conviction under this section that was punishable under Subdivision (1) [~~(2) or this subdivision~~], by a fine of not less [~~more~~] than \$2,000 [~~\$1,000~~], by confinement in the county jail for not more than 30 days [~~six months~~], or by both the fine and the confinement.

SECTION \_\_\_\_\_. Section 623.271, Transportation Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) Except as provided by Subsection (a-1), the [~~The~~] department may investigate and, except as provided by Subsection (f), may impose an administrative penalty or revoke an oversize or overweight permit issued under this chapter if the person or the holder of the permit, as applicable:

(1) provides false information on the permit application or another form required by the department for the issuance of an oversize or overweight permit;

(2) violates this chapter, Chapter 621, or Chapter 622;

(3) violates a rule or order adopted under this chapter, Chapter 621, or Chapter 622; or

(4) fails to obtain an oversize or overweight permit if a permit is required.

(a-1) The department may not revoke an oversize or overweight permit issued under Subchapter D for a violation of Section 623.082 unless the holder of the permit is convicted before the first anniversary of the date of a previous conviction under Section 623.082(b)(1) of three or more offenses under that section.

SECTION \_\_\_\_\_. Section 623.272, Transportation Code, is amended by adding Subsection (d) to read as follows:

(d) If the department imposes an administrative penalty on a shipper under this section, the department shall assess, in addition to the penalty, a law enforcement fee in the amount of \$5,000 against the shipper. A fee collected under this subsection shall be remitted to the comptroller for deposit in a special account in the general revenue fund and may be appropriated only to the Department of Public Safety for

commercial vehicle enforcement. This subsection does not apply to an administrative penalty imposed on a shipper of crude oil, natural gas liquids, gasoline, diesel fuel, or aviation fuel, as those terms are defined by Section 162.001, Tax Code.

The amendment to **CSHB 2741** was read and was adopted by a viva voce vote.

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

Absent-excused: Williams.

Senator Davis offered the following amendment to the bill:

### **Floor Amendment No. 3**

Amend **CSHB 2741** by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Section 504.660(b), Transportation Code, as added by Chapter 1381 (S.B. 1616), Acts of the 81st Legislature, Regular Session, 2009, is repealed.

The amendment to **CSHB 2741** was read and was adopted by a viva voce vote.

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

Absent-excused: Williams.

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

**CSHB 2741** 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.

Absent-excused: Williams.

### **COMMITTEE SUBSTITUTE HOUSE BILL 2741 ON THIRD READING**

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2741** be placed on its third reading and final passage.

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

Nays: Campbell.

Absent-excused: Williams.

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

### **HOUSE BILL 912 ON SECOND READING**

The Presiding Officer, Senator Eltife in Chair, laid before the Senate **HB 912** by Senator Estes on its second reading. The bill had been read second time, amended, and further consideration temporarily postponed:

**HB 912**, Relating to images captured by unmanned vehicles and unmanned aircraft; providing penalties.

Question — Shall **HB 912** as amended be passed to third reading?

Senator Ellis offered the following amendment to the bill:

**Floor Amendment No. 4**

Amend **HB 912** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Title 5, Civil Practice and Remedies Code, is amended by adding Chapter 112 to read as follows:

CHAPTER 112. LIABILITY OF GOVERNMENTAL UNIT FOR CERTAIN UNSUCCESSFUL PROSECUTIONS

Sec. 112.001. DEFINITION. In this chapter, "governmental unit" has the meaning assigned by Section 101.001.

Sec. 112.002. LIABILITY FOR CERTAIN RETALIATORY PROSECUTIONS. A person who is prosecuted for an offense under Section 22.01(a)(1) or 38.15(a)(1), Penal Code, or Section 542.501(a)(1), Transportation Code, and is acquitted of the offense may recover in a civil action against the governmental unit that employed any peace officer who accused the person of the offense of which the person was acquitted if the person shows by a preponderance of the evidence that:

(1) the person was filming, recording, photographing, documenting, or observing the peace officer; and

(2) the peace officer's accusation was made in retaliation for the person's act of filming, recording, photographing, documenting, or observing the peace officer.

Sec. 112.003. REMEDIES. A person who prevails in a suit against a governmental unit under Section 112.002 is entitled to recover only:

(1) the person's reasonable attorney's fees incurred in connection with the retaliatory prosecution; and

(2) the amount of any actual damages incurred by the person arising from damage by a peace officer to any recording equipment used in connection with the conduct that resulted in the retaliatory prosecution.

Sec. 112.004. SOVEREIGN IMMUNITY WAIVED. Sovereign immunity to suit and liability is waived and abolished to the extent of liability created by this chapter.

SECTION \_\_\_\_\_. Section 38.15(c), Penal Code, is amended to read as follows:

(c) It is a defense to prosecution under Subsection (a)(1) that the conduct engaged in by the defendant:

(1) was intended to warn a person operating a motor vehicle of the presence of a peace officer who was enforcing Subtitle C, Title 7, Transportation Code; or

(2) consisted only of filming, recording, photographing, documenting, or observing a peace officer.

SECTION \_\_\_\_\_. Section 542.501, Transportation Code, is amended to read as follows:

Sec. 542.501. OBEDIENCE REQUIRED TO POLICE OFFICERS AND TO SCHOOL CROSSING GUARDS. (a) A person may not wilfully fail or refuse to comply with a lawful order or direction of:

- (1) a police officer; or
- (2) a school crossing guard who:

(A) is performing crossing guard duties in a school crosswalk to stop and yield to a pedestrian; or

(B) has been trained under Section 600.004 and is directing traffic in a school crossing zone.

(b) Subsection (a)(1) does not apply to an order or direction to cease filming, recording, photographing, documenting, or observing a police officer while the officer is engaged in the performance of official duties.

SECTION \_\_\_\_\_. Chapter 112, Civil Practice and Remedies Code, as added by this Act, applies only with respect to a prosecution of an offense committed on or after the effective date of this Act.

SECTION \_\_\_\_\_. (a) Except as provided by Subsection (b) of this section, Section 38.15, Penal Code, and Section 542.501, Transportation Code, as amended by this Act, apply to the prosecution of an offense under one of those sections commenced before, on, or after the effective date of this Act.

(b) A final conviction for an offense under Section 38.15, Penal Code, or Section 542.501, Transportation Code, that exists on the effective date of this Act is unaffected by this Act.

The amendment to **HB 912** was read and was adopted by a viva voce vote.

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

Absent-excused: Williams.

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

**HB 912** 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: Garcia.

Absent-excused: Williams.

### **HOUSE BILL 912 ON THIRD READING**

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 912** be placed on its third reading and final passage.

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

Nays: Garcia.

Absent-excused: Williams.

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

**COMMITTEE SUBSTITUTE  
HOUSE BILL 343 ON SECOND READING**

On motion of Senator Rodríguez and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 343** at this time on its second reading:

**CSHB 343**, Relating to the filing of financial disclosure statements by trustees of certain independent school districts; providing criminal and civil penalties.

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

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

Absent-excused: Williams.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 343 ON THIRD READING**

Senator Rodríguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 343** be placed on its third reading and final passage.

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

Absent-excused: Williams.

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

**HOUSE BILL 52 ON SECOND READING**

Senator Carona moved to suspend the regular order of business to take up for consideration **HB 52** at this time on its second reading:

**HB 52**, Relating to the sale of a cemetery plot; providing penalties; authorizing a fee.

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

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Estes, Garcia, Hancock, Hegar, Hinojosa, Lucio, Nelson, Paxton, Rodríguez, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Nays: Birdwell, Campbell, Eltife, Fraser, Huffman, Nichols, Patrick, Schwertner, Seliger, Taylor.

Absent-excused: Williams.

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

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

Nays: Birdwell, Campbell, Eltife, Fraser, Huffman, Nichols, Patrick, Schwertner, Seliger, Taylor.

Absent-excused: Williams.

### HOUSE BILL 52 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 **HB 52** be placed on its third reading and final passage.

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

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

Nays: Birdwell, Campbell, Patrick, Schwertner, Seliger, Taylor.

Absent-excused: Williams.

The bill was read third time and was passed by the following vote: Yeas 20, Nays 10.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Estes, Garcia, Hancock, Hegar, Hinojosa, Lucio, Nelson, Paxton, Rodriguez, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Nays: Birdwell, Campbell, Eltife, Fraser, Huffman, Nichols, Patrick, Schwertner, Seliger, Taylor.

Absent-excused: Williams.

### HOUSE BILL 885 ON SECOND READING

Senator Patrick moved to suspend the regular order of business to take up for consideration **HB 885** at this time on its second reading:

**HB 885**, Relating to the guarantee of refinanced open-enrollment charter school bonds by the permanent school fund.

The motion prevailed.

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

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

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

Nays: Garcia.

Absent-excused: Williams.

**HOUSE BILL 885 ON THIRD READING**

Senator Patrick moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 885** be placed on its third reading and final passage.

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

Nays: Garcia.

Absent-excused: Williams.

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

**HOUSE BILL 642 ON SECOND READING**

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 642** at this time on its second reading:

**HB 642**, Relating to continuing education requirements for certain educators.

The bill was read second time.

Senator Lucio offered the following committee amendment to the bill:

**Committee Amendment No. 1**

Amend **HB 642** (engrossed version) as follows:

(1) In SECTION 1 of the bill, adding Section 21.054(d)(3), Education Code (page 1, line 15), following the semicolon, insert "and".

(2) In SECTION 1 of the bill, adding Section 21.054(d)(4)(D), Education Code (page 1, lines 22-23), strike "; and" and substitute ";".

(3) In SECTION 1 of the bill, strike added Section 21.054(d)(5), Education Code (page 1, line 24, through page 2, line 1).

(4) In SECTION 1 of the bill, adding Section 21.054(e)(3), Education Code (page 2, line 13), following the semicolon, insert "and".

(5) In SECTION 1 of the bill, adding Section 21.054(e)(4)(D), Education Code (page 2, lines 20-21), strike "; and" and substitute ";".

(6) In SECTION 1 of the bill, strike added Section 21.054(e)(5), Education Code (page 2, line 22, through page 3, line 1).

The amendment to **HB 642** was read and was adopted by a viva voce vote.

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

Absent-excused: Williams.

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

**HB 642** 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:

Absent-excused: Williams.

### **HOUSE BILL 642 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 642** be placed on its third reading and final passage.

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

Absent-excused: Williams.

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

### **HOUSE BILL 2380 ON SECOND READING**

On motion of Senator Taylor and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2380** at this time on its second reading:

**HB 2380**, Relating to a provision in a will or trust that would cause a forfeiture of or void an interest for bringing any court action, including contesting the will or trust.

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

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

Absent-excused: Williams.

### **HOUSE BILL 2380 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 **HB 2380** be placed on its third reading and final passage.

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

Absent-excused: Williams.

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

### **REMARKS ORDERED PRINTED**

On motion of Senator Taylor and by unanimous consent, his remarks regarding **HB 2380** were ordered reduced to writing and printed in the *Senate Journal* as follows:

House Bill 2380 seeks to clear up the law on forfeiture clauses, which are frequently used provisions in wills and trusts. Legislation that passed in 2009 sought to clear up the inconsistent application of forfeiture clauses by recognizing that a forfeiture clause is invalid if the challenge to a will or

trust is brought in good faith and with probable cause. However, questions remain in which party has this burden of proof. House Bill 2380 continues to recognize the good faith and just cause exceptions to the enforcement of forfeiture clauses but clarifies that the burden of proof is on the party seeking to avoid enforcement of the forfeiture clause. House Bill 2380 is not intended to and does not repeal Texas law, recognizing that forfeiture clauses generally will not be construed to prevent a beneficiary from seeking to compel a fiduciary to perform his duties, to seek redress against a fiduciary for breaches of his duties, or to seek a judicial construction of a will or trust.

**MOTION TO PLACE  
COMMITTEE SUBSTITUTE  
HOUSE BILL 928 ON SECOND READING**

Senator Estes moved to suspend the regular order of business to take up for consideration **CSHB 928** at this time on its second reading:

**CSHB 928**, Relating to the enforcement of certain federal laws regulating firearms, firearm accessories, and firearm ammunition within the State of Texas.

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

**HOUSE BILL 2025 ON SECOND READING**

On motion of Senator Hancock and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2025** at this time on its second reading:

**HB 2025**, Relating to the concurrent jurisdiction of the municipal courts of certain neighboring municipalities to hear criminal cases.

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

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

Absent-excused: Williams.

**HOUSE BILL 2025 ON THIRD READING**

Senator Hancock moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2025** be placed on its third reading and final passage.

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

Absent-excused: Williams.

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

**HOUSE BILL 2929 ON SECOND READING**

Senator Deuell moved to suspend the regular order of business to take up for consideration **HB 2929** at this time on its second reading:

**HB 2929**, Relating to health benefit plan coverage for brain injury.

The motion prevailed by the following vote: Yeas 22, Nays 8.

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

Nays: Birdwell, Campbell, Hancock, Nelson, Nichols, Patrick, Schwertner, Taylor.

Absent-excused: Williams.

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

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

Nays: Birdwell, Campbell, Hancock, Nelson, Nichols, Patrick, Schwertner, Taylor.

Absent-excused: Williams.

#### **HOUSE BILL 2929 ON THIRD READING**

Senator Deuell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2929** be placed on its third reading and final passage.

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

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

Nays: Hancock, Nelson, Nichols, Patrick, Schwertner, Taylor.

Absent-excused: Williams.

The bill was read third time and was passed by the following vote: Yeas 22, Nays 8.

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

Nays: Birdwell, Campbell, Hancock, Nelson, Nichols, Patrick, Schwertner, Taylor.

Absent-excused: Williams.

#### **HOUSE BILL 1996 ON SECOND READING**

Senator Fraser moved to suspend the regular order of business to take up for consideration **HB 1996** at this time on its second reading:

**HB 1996**, Relating to certain political party officials visiting a primary election polling place for administrative purposes.

The motion prevailed.

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

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

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

Nays: Uresti.

Absent-excused: Williams.

#### **HOUSE BILL 1996 ON THIRD READING**

Senator Fraser moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1996** be placed on its third reading and final passage.

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

Nays: Uresti.

Absent-excused: Williams.

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

#### **COMMITTEE SUBSTITUTE HOUSE BILL 2840 ON SECOND READING**

Senator West moved to suspend the regular order of business to take up for consideration **CSHB 2840** at this time on its second reading:

**CSHB 2840**, Relating to the urban land bank demonstration program in certain municipalities.

The motion prevailed.

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

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

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

Nays: Nelson, Patrick.

Absent-excused: Williams.

#### **COMMITTEE SUBSTITUTE HOUSE BILL 2840 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 2840** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

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

Nays: Nelson, Patrick.

Absent-excused: Williams.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 2. (Same as previous roll call)

**CONFERENCE COMMITTEE ON HOUSE BILL 1160**  
**(Motion In Writing)**

Senator Nelson submitted a Motion In Writing to call from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 1160** and moved that the request be granted.

The Motion In Writing prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 1160** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Nelson, Chair; Eltife, Nichols, Deuell, and Watson.

**COMMITTEE SUBSTITUTE**  
**HOUSE BILL 978 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 978** at this time on its second reading:

**CSHB 978**, Relating to the transportation of certain patients to a mental health facility.

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

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

Absent-excused: Williams.

**COMMITTEE SUBSTITUTE**  
**HOUSE BILL 978 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 **CSHB 978** be placed on its third reading and final passage.

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

Absent-excused: Williams.

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

#### **HOUSE BILL 2482 ON SECOND READING**

On motion of Senator Taylor and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2482** at this time on its second reading:

**HB 2482**, Relating to a study to determine the reasons major manufacturers have chosen to invest in other states after considering development in this state.

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

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

Absent-excused: Williams.

#### **HOUSE BILL 2482 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 **HB 2482** be placed on its third reading and final passage.

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

Absent-excused: Williams.

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

#### **HOUSE BILL 2394 ON SECOND READING**

Senator Hancock moved to suspend the regular order of business to take up for consideration **HB 2394** at this time on its second reading:

**HB 2394**, Relating to a study on the feasibility of requiring title for all trailers, semitrailers, and travel trailers not considered manufactured housing.

The motion prevailed.

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

The bill was read second time and was passed to 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: Schwertner.

Absent-excused: Williams.

**HOUSE BILL 2394 ON THIRD READING**

Senator Hancock moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2394** be placed on its third reading and final passage.

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

Nays: Schwertner.

Absent-excused: Williams.

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

**COMMITTEE SUBSTITUTE  
HOUSE BILL 2725 ON SECOND READING**

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2725** at this time on its second reading:

**CSHB 2725**, Relating to the confidentiality of certain records maintained by a victims of trafficking shelter center and the creation of minimum standards for certain facilities that provide services to victims of trafficking.

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

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

Absent-excused: Williams.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 2725 ON THIRD READING**

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2725** be placed on its third reading and final passage.

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

Absent-excused: Williams.

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

**COMMITTEE SUBSTITUTE  
HOUSE BILL 3361 ON SECOND READING**

Senator Birdwell moved to suspend the regular order of business to take up for consideration **CSHB 3361** at this time on its second reading:

**CSHB 3361**, Relating to the continuation and functions of the Texas Department of Housing and Community Affairs; authorizing and otherwise affecting the application of certain fees.

The motion prevailed.

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

The bill was read second time.

Senator Birdwell offered the following amendment to the bill:

### Floor Amendment No. 1

Amend **CSHB 3361** (senate committee report), in SECTION 2.02 of the bill, in added Section 2306.67071(c)(4), Government Code (page 3, line 24), by striking "the filing of".

The amendment to **CSHB 3361** was read and was adopted by a viva voce vote.

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

Absent-excused: Williams.

Senator Taylor offered the following amendment to the bill:

### Floor Amendment No. 2

Amend **CSHB 3361** (senate committee report) as follows:

(1) In SECTION 2.03 of the bill, strike amended Section 2306.6710(b)(1)(F), Government Code (page 3, lines 62-65), and substitute the following:

(F) the level of community support for the application, evaluated on the basis of written statements from the state representative who [~~or the state senator that~~] represents the district containing the proposed development site;

(2) In SECTION 2.03 of the bill, in amended Section 2306.6710(b)(1), Government Code (page 3, line 66), strike "~~(G)~~" and substitute "(G)".

(3) In SECTION 2.03 of the bill, in amended Section 2306.6710(b)(1), Government Code (page 3, line 67), strike "~~(G)~~ [~~(H)~~]" and substitute "(H)".

(4) In SECTION 2.03 of the bill, in amended Section 2306.6710(b)(1), Government Code (page 3, line 69), strike "~~(H)~~ [~~(I)~~]" and substitute "(I)".

(5) In SECTION 2.03 of the bill, in amended Section 2306.6710(b)(1), Government Code (page 4, line 2), strike "~~(I)~~ [~~(J)~~]" and substitute "(J)".

(6) In SECTION 2.03 of the bill, in amended Section 2306.6710(b)(1), Government Code (page 4, line 7), strike "~~(J)~~" and substitute "~~(K)~~".

(7) In SECTION 5.01 of the bill, in the repealer, on page 9, strike lines 66-68 and substitute the following:

(1) Section 2306.255(h); and

(2) Section 2306.560(d).

The amendment to **CSHB 3361** was read.

Senator Taylor withdrew Floor Amendment No. 2.

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

**CSHB 3361** 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: Schwertner.

Absent-excused: Williams.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 3361 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 **CSHB 3361** be placed on its third reading and final passage.

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

Nays: Schwertner.

Absent-excused: Williams.

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

**HOUSE BILL 3729 ON SECOND READING**

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3729** at this time on its second reading:

**HB 3729**, Relating to licensing requirements for newly constructed assisted living facilities.

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

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

Absent-excused: Williams.

**HOUSE BILL 3729 ON THIRD READING**

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3729** be placed on its third reading and final passage.

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

Absent-excused: Williams.

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

**HOUSE BILL 3568 ON SECOND READING**

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3568** at this time on its second reading:

**HB 3568**, Relating to the designation of the structure on Loop 150 in the city of Bastrop connecting the east and west banks of the Colorado River as the Chief Petty Officer (SOC) Stephen "Matt" Mills Bridge.

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

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

Absent-excused: Williams.

#### **HOUSE BILL 3568 ON THIRD READING**

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3568** be placed on its third reading and final passage.

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

Absent-excused: Williams.

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

#### **HOUSE BILL 2300 ON SECOND READING**

On motion of Senator Uresti and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2300** at this time on its second reading:

**HB 2300**, Relating to funding and donations for county transportation projects, including projects of county energy transportation reinvestment zones.

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

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

Absent-excused: Williams.

#### **HOUSE BILL 2300 ON THIRD READING**

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2300** be placed on its third reading and final passage.

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

Absent-excused: Williams.

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

#### **HOUSE BILL 1487 ON SECOND READING**

On motion of Senator Rodríguez and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1487** at this time on its second reading:

**HB 1487**, Relating to the searchable state expenditure database maintained by the comptroller.

The bill was read second time.

Senator Rodríguez offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **HB 1487** (senate committee printing) by striking SECTION 1 of the bill and substituting the following:

SECTION 1. Subchapter B, Chapter 403, Government Code, is amended by adding Section 403.0245 to read as follows:

Sec. 403.0245. AVAILABILITY ON INTERNET OF CERTAIN INFORMATION ON STATE GRANTS. (a) In this section, "state agency" has the meaning assigned by Section 403.013.

(b) A state agency that awards a state grant in an amount greater than \$25,000 shall make available to the public on the agency's generally accessible Internet website the purposes for which the grant was awarded. The agency shall provide to the comptroller a link to the information in order for the comptroller to maintain the information on the comptroller's Internet website through a central Internet portal.

The amendment to **HB 1487** was read and was adopted by a viva voce vote.

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

Absent-excused: Williams.

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

**HB 1487** 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:

Absent-excused: Williams.

**HOUSE BILL 1487 ON THIRD READING**

Senator Rodríguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1487** be placed on its third reading and final passage.

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

Absent-excused: Williams.

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

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

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

**HOUSE BILL 3256 ON SECOND READING**

On motion of Senator Uresti and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3256** at this time on its second reading:

**HB 3256**, Relating to the eligibility of certain vehicles to be operated as farm vehicles on a road or highway in this state.

The bill was read second time.

Senator Uresti offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **HB 3256** (senate committee printing) in SECTION 3 of the bill, at the end of added Section 502.434(a-1), Transportation Code (page 1, line 46), by inserting the following:

This subsection does not apply to a permit issued to a retail dealer of tools or equipment that is transporting the tools or equipment from the place of purchase or storage to the customer's farm or ranch.

The amendment to **HB 3256** was read and was adopted by a viva voce vote.

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

Absent-excused: Williams.

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

**HB 3256** 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:

Absent-excused: Williams.

**HOUSE BILL 3256 ON THIRD READING**

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3256** be placed on its third reading and final passage.

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

Absent-excused: Williams.

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

**HOUSE BILL 3068 ON SECOND READING**

Senator Carona moved to suspend the regular order of business to take up for consideration **HB 3068** at this time on its second reading:

**HB 3068**, Relating to debit card or stored value card surcharges.

The motion prevailed.

Senators Birdwell, 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 and was passed to third reading by a viva voce vote.

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

Nays: Birdwell, Campbell, Estes, Hancock, Patrick.

Absent-excused: Williams.

#### **HOUSE BILL 3068 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 **HB 3068** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 5.

Yeas: 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, Zaffirini.

Nays: Birdwell, Campbell, Estes, Hancock, Patrick.

Absent-excused: Williams.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 5. (Same as previous roll call)

#### **HOUSE BILL 3152 ON SECOND READING**

On motion of Senator Fraser and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3152** at this time on its second reading:

**HB 3152**, Relating to the payment of and contracts with health care providers by certain entities under contract with a certified workers' compensation network.

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

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

Absent-excused: Williams.

#### **HOUSE BILL 3152 ON THIRD READING**

Senator Fraser moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3152** be placed on its third reading and final passage.

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

Absent-excused: Williams.

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

### **HOUSE BILL 1191 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 1191** at this time on its second reading:

**HB 1191**, Relating to certain information about housing for persons with mental illness provided through the Texas Information and Referral Network Internet site.

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

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

Absent-excused: Williams.

### **HOUSE BILL 1191 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 1191** be placed on its third reading and final passage.

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

Absent-excused: Williams.

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

### **HOUSE BILL 1448 ON SECOND READING**

Senator Campbell moved to suspend the regular order of business to take up for consideration **HB 1448** at this time on its second reading:

**HB 1448**, Relating to the use of money deposited to a justice court technology fund in certain counties.

The motion prevailed.

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

The bill was read second time and was passed to 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: Hancock.

Absent-excused: Williams.

**HOUSE BILL 1448 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 **HB 1448** be placed on its third reading and final passage.

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

Nays: Hancock.

Absent-excused: Williams.

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

**COMMITTEE SUBSTITUTE  
HOUSE BILL 2020 ON SECOND READING**

Senator Deuell moved to suspend the regular order of business to take up for consideration **CSHB 2020** at this time on its second reading:

**CSHB 2020**, Relating to the adoption of wellness policies and programs by state agencies.

The motion prevailed.

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

The bill was read second time.

Senator Deuell offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSHB 2020** in SECTION 2 of the bill (senate committee report page 1, line 47) between "incentives" and "for" by inserting ", notwithstanding Section 2113.201,".

The amendment to **CSHB 2020** was read and was adopted by a viva voce vote.

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

Absent-excused: Williams.

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

**CSHB 2020** 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: Birdwell, Campbell, Hancock, Patrick, Schwertner.

Absent-excused: Williams.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 2020 ON THIRD READING**

Senator Deuell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2020** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 5.

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

Nays: Birdwell, Campbell, Hancock, Patrick, Schwertner.

Absent-excused: Williams.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 5. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
HOUSE BILL 2772 ON SECOND READING**

Senator Duncan moved to suspend the regular order of business to take up for consideration **CSHB 2772** at this time on its second reading:

**CSHB 2772**, Relating to an interim study regarding the method by which certain judicial officers are selected.

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

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

Nays: Birdwell, Campbell, Nelson, Nichols, Patrick, Schwertner.

Absent-excused: Williams.

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

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

Nays: Birdwell, Campbell, Hegar, Nelson, Nichols, Patrick, Schwertner.

Absent-excused: Williams.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 2772 ON THIRD READING**

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2772** be placed on its third reading and final passage.

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

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

Nays: Birdwell, Campbell, Nelson, Nichols, Patrick, Schwertner.

Absent-excused: Williams.

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

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

Nays: Birdwell, Campbell, Hegar, Nelson, Nichols, Patrick, Schwertner.

Absent-excused: Williams.

### LEAVE OF ABSENCE

On motion of Senator Whitmire, Senator Duncan was granted leave of absence for the remainder of the day on account of important business.

### HOUSE BILL 308 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 308** at this time on its second reading:

**HB 308**, Relating to a school district's recognition of and education regarding traditional winter celebrations.

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

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

Absent-excused: Duncan, Williams.

### HOUSE BILL 308 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 308** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Duncan, Williams.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

### HOUSE JOINT RESOLUTION 147 ON SECOND READING

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **HJR 147** at this time on its second reading:

**HJR 147**, Proposing a constitutional amendment repealing the constitutional provision authorizing the creation of a hospital district in Hidalgo County.

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

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

Absent-excused: Duncan, Williams.

#### **HOUSE JOINT RESOLUTION 147 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 **HJR 147** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Duncan, Williams.

The resolution was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

#### **HOUSE BILL 154 ON SECOND READING**

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 154** at this time on its second reading:

**HB 154**, Relating to the termination of the parent-child relationship and the duty to pay child support in circumstances involving mistaken paternity.

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

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

Absent-excused: Duncan, Williams.

#### **HOUSE BILL 154 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 154** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Duncan, Williams.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

#### **COMMITTEE SUBSTITUTE HOUSE BILL 1297 ON SECOND READING**

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1297** at this time on its second reading:

**CSHB 1297**, Relating to the review of certain skills development fund workforce training programs.

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

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

Absent-excused: Duncan, Williams.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 1297 ON THIRD READING**

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1297** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Duncan, Williams.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
HOUSE BILL 1494 ON SECOND READING**

Senator Hinojosa moved to suspend the regular order of business to take up for consideration **CSHB 1494** at this time on its second reading:

**CSHB 1494**, Relating to certain regulatory programs administered by the Department of Agriculture; providing penalties; imposing fees.

The motion prevailed.

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

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSHB 1494** (senate committee report) by adding the following appropriately numbered article to the bill and renumbering the articles of the bill accordingly:

ARTICLE \_\_. REGULATION OF CITRUS PEST AND DISEASE MANAGEMENT  
SECTION \_\_.01. Section 80.003(6), Agriculture Code, is amended to read as follows:

(6) "Citrus producer" means a person who grows citrus and receives or intends to receive income from the sale of citrus. The term includes an individual who as owner, landlord, tenant, or sharecropper is entitled to share in the citrus grown and available for marketing from a farm or to share in the proceeds from the sale of the citrus from the farm. The term includes a person who owns land that is primarily used to grow citrus and that is appraised based on agricultural use under Chapter 23,

Tax Code, regardless of whether the person receives income from the sale of citrus, and there is an irrebuttable presumption that the person intends to receive income from the sale of citrus.

SECTION \_\_.02. Section 80.015(b), Agriculture Code, is amended to read as follows:

(b) The commissioner shall propose in a referendum the:

(1) maximum assessment to be paid by citrus producers [~~having production~~] in the pest management zone; and

(2) time for which the assessment will be made.

SECTION \_\_.03. Section 80.016(d), Agriculture Code, is amended to read as follows:

(d) A citrus producer [~~having citrus production~~] in a proposed or established pest management zone is entitled to:

(1) vote in a referendum concerning the pest management zone; and

(2) elect board members to represent the pest management zone.

SECTION \_\_.04. The changes in law made by this article to Sections 80.015(b) and 80.016(d), Agriculture Code, apply only to an election ordered on or after the effective date of this Act. An election ordered before the effective date of this Act is governed by the law in effect when the election was ordered, and the former law is continued in effect for that purpose.

The amendment to **CSHB 1494** was read and was adopted by a viva voce vote.

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

Absent-excused: Duncan, Williams.

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

**CSHB 1494** 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: Patrick.

Absent-excused: Duncan, Williams.

### COMMITTEE SUBSTITUTE HOUSE BILL 1494 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 **CSHB 1494** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Patrick.

Absent-excused: Duncan, Williams.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 1. (Same as previous roll call)

**HOUSE BILL 693 ON SECOND READING**

On motion of Senator Deuell and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 693** at this time on its second reading:

**HB 693**, Relating to the authority of a water and sewer utility to collect voluntary contributions on behalf of a local library.

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

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

Absent-excused: Duncan, Williams.

**HOUSE BILL 693 ON THIRD READING**

Senator Deuell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 693** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Duncan, Williams.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

**HOUSE BILL 1318 ON SECOND READING**

On motion of Senator Whitmire and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1318** at this time on its second reading:

**HB 1318**, Relating to the appointment of counsel to represent certain youths and indigent defendants.

The bill was read second time.

Senator Ellis offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **HB 1318** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. (a) Effective September 1, 2014, Article 26.04(j), Code of Criminal Procedure, is amended to read as follows:

(j) An attorney appointed under this article shall:

(1) make every reasonable effort to contact the defendant not later than the end of the first working day after the date on which the attorney is appointed and to interview the defendant as soon as practicable after the attorney is appointed;

(2) represent the defendant until charges are dismissed, the defendant is acquitted, appeals are exhausted, or the attorney is permitted or ordered by the court to withdraw as counsel for the defendant after a finding of good cause is entered on the record; ~~and~~

(3) with respect to a defendant not represented by other counsel, before withdrawing as counsel for the defendant after a trial or the entry of a plea of guilty:

(A) advise the defendant of the defendant's right to file a motion for new trial and a notice of appeal;

(B) if the defendant wishes to pursue either or both remedies described by Paragraph (A), assist the defendant in requesting the prompt appointment of replacement counsel; and

(C) if replacement counsel is not appointed promptly and the defendant wishes to pursue an appeal, file a timely notice of appeal; and

(4) not later than October 15 of each year and on a form prescribed by the Texas Indigent Defense Commission, submit to the county information, for the preceding fiscal year, that describes the percentage of the attorney's practice time that was dedicated to work based on appointments accepted in the county under this article and Title 3, Family Code.

(b) The change in law made by this section to Article 26.04(j), Code of Criminal Procedure, applies only to a criminal proceeding that commences on or after September 1, 2014. A criminal proceeding that commences before September 1, 2014, is governed by the law in effect when the proceeding commenced, and the former law is continued in effect for that purpose.

SECTION \_\_\_\_\_. Effective September 1, 2013, Section 79.036(a), Government Code, is amended to read as follows:

(a) Not ~~[In each county, not]~~ later than November 1 of each odd-numbered year and in the form and manner prescribed by the commission, each county ~~[the following information]~~ shall prepare ~~[be prepared]~~ and provide ~~[provided]~~ to the commission:

(1) a copy of all formal and informal rules and forms that describe the procedures used in the county to provide indigent defendants with counsel in accordance with the Code of Criminal Procedure, including the schedule of fees required under Article 26.05 of that code;

(2) any plan or proposal submitted to the commissioners court under Article 26.044, Code of Criminal Procedure;

(3) any plan of operation submitted to the commissioners court under Article 26.047, Code of Criminal Procedure;

(4) any contract for indigent defense services required under rules adopted by the commission relating to a contract defender program;

(5) ~~(2)~~ any revisions to rules, ~~[or]~~ forms, plans, proposals, or contracts previously submitted under this section; or

(6) ~~(3)~~ verification that rules, ~~[and]~~ forms, plans, proposals, or contracts previously submitted under this section still remain in effect.

SECTION \_\_\_\_\_. Effective September 1, 2014, Section 79.036, Government Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) Not later than November 1 of each year and in the form and manner prescribed by the commission, each county shall prepare and provide to the commission information that describes for the preceding fiscal year the number of appointments under Article 26.04, Code of Criminal Procedure, and Title 3, Family Code, made to each attorney accepting appointments in the county, and information provided to the county by those attorneys under Article 26.04(j)(4), Code of Criminal Procedure.

SECTION \_\_\_\_\_. (a) This section takes effect September 1, 2013.

(b) Not later than January 1, 2015, the Texas Indigent Defense Commission shall conduct and publish a study for the purpose of determining guidelines for establishing a maximum allowable caseload for a criminal defense attorney that, when the attorney's total caseload, including appointments made under Article 26.04, Code of Criminal Procedure, appointments made under Title 3, Family Code, and other work, is considered, allows the attorney to give each indigent defendant the time and effort necessary to ensure effective representation. The study must be based on relevant policies, performance guidelines, and best practices.

(c) In conducting the study under Subsection (b) of this section, the commission shall consult with criminal defense attorneys, criminal defense attorney associations, the judiciary, and any other organization engaged in the development of criminal indigent defense policy that the commission considers appropriate.

The amendment to **HB 1318** was read and was adopted by a viva voce vote.

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

Absent-excused: Duncan, Williams.

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

**HB 1318** 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:

Absent-excused: Duncan, Williams.

### **HOUSE BILL 1318 ON THIRD READING**

Senator Whitmire moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1318** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Duncan, Williams.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

### **HOUSE BILL 367 ON SECOND READING**

On motion of Senator Davis and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 367** at this time on its second reading:

**HB 367**, Relating to the disclosure by a member of the legislature or the lieutenant governor of certain information concerning a resident of this state to a governmental body.

The bill was read second time.

Senator Davis offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **HB 367** (senate committee report) as follows:

(1) In the recital (page 1, line 20), strike "Subsection (c)" and substitute "Subsections (c) and (d)".

(2) In SECTION 1 of the bill, in amended Section 306.003, Government Code, (immediately following page 1, line 34), immediately following Subsection (c), insert the following:

(d) If the department or governmental unit that is a "covered entity" under Section 181.001(b), Health and Safety Code, receives a request for public information under Chapter 552, and information subject to the request is information described by Subsection (c), the department or governmental unit shall promptly notify, in writing or by electronic means, the member of the legislature or the lieutenant governor, as applicable, that the department or governmental entity received the request. The notification must specify the type of information that is requested and include a copy of the request.

(3) In SECTION 2 of the bill, in the recital (page 1, line 36), strike "Subsection (d)" and substitute "Subsections (d) and (e)".

(4) In SECTION 2 of the bill, in amended Section 306.004, Government Code, (immediately following page 1, line 50), immediately following Subsection (d), insert the following:

(e) If the department or governmental unit that is a "covered entity" under Section 181.001(b), Health and Safety Code, receives a request for public information under Chapter 552, and information subject to the request is information described by Subsection (d), the department or governmental unit shall promptly notify, in writing or by electronic means, the member of the legislature or the lieutenant governor, as applicable, that the department or governmental entity received the request. The notification must specify the type of information that is requested and include a copy of the request.

The amendment to **HB 367** was read and was adopted by a viva voce vote.

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

Absent-excused: Duncan, Williams.

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

**HB 367** 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:

Absent-excused: Duncan, Williams.

**HOUSE BILL 367 ON THIRD READING**

Senator Davis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 367** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Duncan, Williams.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

**HOUSE BILL 3211 ON SECOND READING**

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **HB 3211** at this time on its second reading:

**HB 3211**, Relating to the Hispanic Heritage Center of Texas.

The motion prevailed.

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

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

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

Nays: Birdwell, Hegar.

Absent-excused: Duncan, Williams.

**HOUSE BILL 3211 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 3211** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 2.

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

Nays: Birdwell, Hegar.

Absent-excused: Duncan, Williams.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 2. (Same as previous roll call)

**HOUSE BILL 485 ON SECOND READING**

On motion of Senator Whitmire and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 485** at this time on its second reading:

**HB 485**, Relating to the amount of the fees paid by certain peace officers, correctional officers, members of the state military forces, and veterans of the armed forces for a license to carry a concealed handgun and to the issuance of such a license to certain peace officers and members of the state military forces; authorizing a fee.

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

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

Absent-excused: Duncan, Williams.

#### **HOUSE BILL 485 ON THIRD READING**

Senator Whitmire moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 485** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Duncan, Williams.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

#### **HOUSE BILL 62 ON SECOND READING**

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 62** at this time on its second reading:

**HB 62**, Relating to a justice or judge having an interest in a business entity that owns, manages, or operates a private correctional or rehabilitation facility.

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

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

Absent-excused: Duncan, Williams.

#### **HOUSE BILL 62 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 62** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Duncan, Williams.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

#### **SENATOR ANNOUNCED PRESENT**

Senator Duncan, who had previously been recorded as "Absent-excused," was announced "Present."

**COMMITTEE SUBSTITUTE  
HOUSE BILL 1752 ON SECOND READING**

Senator Watson moved to suspend the regular order of business to take up for consideration **CSHB 1752** at this time on its second reading:

**CSHB 1752**, Relating to creating the Texas Teacher Residency Program.

The motion prevailed.

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

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

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

Nays: Hegar, Patrick.

Absent-excused: Williams.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 1752 ON THIRD READING**

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1752** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

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

Nays: Hegar, Patrick.

Absent-excused: Williams.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 2. (Same as previous roll call)

**HOUSE BILL 2290 ON SECOND READING**

Senator Estes moved to suspend the regular order of business to take up for consideration **HB 2290** at this time on its second reading:

**HB 2290**, Relating to the use for administrative costs of a portion of money received by certain entities to implement a supplemental environmental project.

The motion prevailed.

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

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

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

Nays: Seliger.

Absent-excused: Williams.

### **HOUSE BILL 2290 ON THIRD READING**

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2290** be placed on its third reading and final passage.

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

Nays: Seliger.

Absent-excused: Williams.

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

### **SENATOR ANNOUNCED PRESENT**

Senator Williams, who had previously been recorded as "Absent-excused," was announced "Present."

### **MOTION TO PLACE HOUSE BILL 1314 ON SECOND READING**

Senator Patrick moved to suspend the regular order of business to take up for consideration **HB 1314** at this time on its second reading:

**HB 1314**, Relating to the unlawful seizure of a firearm by a governmental officer or employee; providing penalties.

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

### **SENATE RULE 5.14(a) SUSPENDED (Intent Calendar) (Motion In Writing)**

Senator Uresti submitted the following Motion In Writing:

Mr. President:

I move suspension of Senate Rule 5.14 so that we may move the Intent Calendar deadline to 6:30 p.m. today.

URESTI

The Motion In Writing prevailed without objection.

### **HOUSE BILL 1967 ON SECOND READING**

Senator Williams moved to suspend the regular order of business to take up for consideration **HB 1967** at this time on its second reading:

**HB 1967**, Relating to use of sales and use tax proceeds by certain economic development corporations for certain job-related skills training.

The motion prevailed.

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

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

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

Nays: Birdwell, Campbell, Fraser, Hancock, Patrick.

### **HOUSE BILL 1967 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 **HB 1967** be placed on its third reading and final passage.

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

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

Nays: Birdwell, Campbell, Fraser, Hancock, Patrick.

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

### **COMMITTEE SUBSTITUTE HOUSE BILL 2049 ON SECOND READING**

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2049** at this time on its second reading:

**CSHB 2049**, Relating to a qualifying cogeneration facility's ability to sell electric energy to multiple purchasers.

The bill was read second time.

Senator Williams offered the following amendment to the bill:

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

Amend **CSHB 2049** (Senate committee report) in SECTION 2 of the bill, in added Section 37.0521(b), Utilities Code (page 1, lines 38-41), by striking "A qualifying cogenerator that sells electric energy at retail to more than one purchaser, if not otherwise subject to regulation as an electric utility, is not as a result of the sale subject to regulation as:" and substituting "Selling electric energy at retail to more than one purchaser does not, as a result of that sale, subject a qualifying cogenerator to regulation as:".

The amendment to **CSHB 2049** 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 Williams and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSHB 2049** 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.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 2049 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 **CSHB 2049** 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 2473 ON SECOND READING**

Senator Williams moved to suspend the regular order of business to take up for consideration **CSHB 2473** at this time on its second reading:

**CSHB 2473**, Relating to use of sales and use tax proceeds by economic development corporations in connection with housing facilities for certain institutions of higher education.

The motion prevailed.

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

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

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

Nays: Birdwell, Campbell, Fraser, Hancock, Nichols, Patrick.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 2473 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 **CSHB 2473** be placed on its third reading and final passage.

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

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

Nays: Birdwell, Campbell, Fraser, Hancock, Nichols, Patrick.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 6. (Same as previous roll call)

### HOUSE BILLS ON FIRST READING

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

**HB 1260** to Committee on Administration.

**HB 1587** to Committee on Administration.

**HB 1588** to Committee on Administration.

**HB 2640** to Committee on Administration.

**HB 3916** to Committee on Administration.

**HB 3945** to Committee on Administration.

**HB 3954** to Committee on Administration.

### HOUSE BILL 376 ON SECOND READING

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

**HB 376**, Relating to the regulation of child-care providers by the Texas Workforce Commission and local workforce development boards.

The motion prevailed.

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

The bill was read second time and was passed to 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, Huffman, Nichols.

### HOUSE BILL 376 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 376** be placed on its third reading and final passage.

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

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

Nays: Campbell, Huffman, Nichols.

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

### COMMITTEE SUBSTITUTE HOUSE BILL 1294 ON SECOND READING

On motion of Senator Seliger and by unanimous consent, the regular order of

business was suspended to take up for consideration **CSHB 1294** at this time on its second reading:

**CSHB 1294**, Relating to the dismissal of a charge for the offense of failing to secure a child in a child passenger safety seat system.

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 1294 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 **CSHB 1294** 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.

Senator Seliger offered the following amendment to the bill:

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

Amend **CSHB 1294** (senate committee printing) on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 545.412(b), Transportation Code, is amended to read as follows:

(b) An offense under this section is a misdemeanor punishable by a fine of not less ~~[more]~~ than \$25 ~~[for the first offense]~~ and not more than \$250 ~~[for a second or subsequent offense]~~.

The amendment to **CSHB 1294** was read and was adopted by a viva voce vote.

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

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

**CSHB 1294** as amended was finally passed by the following vote: Yeas 31, Nays 0.

### **HOUSE BILL 489 REREFERRED (Motion In Writing)**

Senator Uresti submitted a Motion In Writing requesting that **HB 489** be withdrawn from the Committee on Health and Human Services and rereferred to the Committee on Veteran Affairs and Military Installations.

The Motion In Writing prevailed without objection.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Friday, May 17, 2013 - 4

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

**HB 1260** Creighton

Relating to the creation of the Montgomery County Municipal Utility District No. 132; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

**HB 1587** Creighton

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, or taxes.

**HB 1588** Creighton

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, or taxes.

**HB 2640** Workman

Relating to the creation of the Western Travis County Groundwater Conservation District; providing general law authority to issue bonds and exercise the power of eminent domain; providing general law authority to impose assessments, fees, surcharges, or taxes.

**HB 3916** Fallon

Relating to the creation of the Comanche Municipal Management District No. 1; providing authority to issue bonds; providing authority to impose assessments or fees.

**HB 3945** King, Phil

Relating to the annexation of certain territory by the Wise County Water Control and Improvement District No. 1.

**HB 3954** Stephenson

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

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER  
Austin, Texas  
Friday, May 17, 2013 - 5

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

**HB 3942** Parker  
Relating to the creation of the Riverwalk Municipal Management District No. 1; providing authority to issue bonds; providing authority to impose assessments or fees.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**CONFERENCE COMMITTEE ON HOUSE BILL 1768**

Senator Hinojosa called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 1768** and moved that the request be granted.

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 1768** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Hinojosa, Chair; Uresti, Seliger, Deuell, and Whitmire.

**SENATE BILL 64 WITH HOUSE AMENDMENT  
(Motion In Writing)**

Senator Nelson submitted a Motion In Writing to call **SB 64** from the President's table for consideration of the House amendment to the bill.

The Motion In Writing prevailed without objection.

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

**Floor Amendment No. 1**

Amend **SB 64** (house committee report) as follows:

(1) On page 3, line 2, strike "may" and insert "shall".

The amendment was read.

Senator Nelson 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 64** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Nelson, Chair; Huffman, Deuell, Hinojosa, and Van de Putte.

**SENATE BILL 971 WITH HOUSE AMENDMENT**  
**(Motion In Writing)**

Senator Williams submitted a Motion In Writing to call **SB 971** from the President's table for consideration of the House amendment to the bill.

The Motion In Writing prevailed without objection.

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

**Amendment**

Amend **SB 971** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED  
AN ACT

relating to the purposes, designation, and funding of a transportation reinvestment zone for port projects; providing authority to issue bonds; authorizing an assessment.

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

SECTION 1. Subchapter E, Chapter 222, Transportation Code, is amended by adding Section 222.1075 to read as follows:

Sec. 222.1075. PORT AUTHORITY TRANSPORTATION REINVESTMENT ZONE. (a) In this section:

(1) "Port authority" means a port authority or navigation district created or operating under Section 52, Article III, or Section 59, Article XVI, Texas Constitution.

(2) "Port commission" means the governing body of a port authority or navigation district.

(3) "Port project" means a project that is necessary or convenient for the proper operation of a maritime port or waterway and that will improve the security, movement, and intermodal transportation of cargo or passengers in commerce and trade, including dredging, disposal, and other projects.

(b) In this section:

(1) the amount of a port authority's tax increment for a year is the amount of ad valorem taxes levied and collected by the port authority or by the commissioners court on behalf of the port authority for that year on the captured appraised value of real property taxable by the port authority and located in a transportation reinvestment zone under this section;

(2) the captured appraised value of real property taxable by a port authority for a year is the total appraised value of all real property taxable by the port authority and located in a transportation reinvestment zone for that year less the tax increment base of the port authority; and

(3) the tax increment base of a port authority is the total appraised value of all real property taxable by the port authority and located in a transportation reinvestment zone for the year in which the zone was designated under this section.

(c) The port commission of the port authority, after determining that an area is unproductive or underdeveloped and that action under this section would improve the security, movement, and intermodal transportation of cargo or passengers in commerce and trade, by order or resolution may designate a contiguous geographic area in the jurisdiction of the port authority to be a transportation reinvestment zone to promote a port project and for the purpose of abating ad valorem taxes or granting other relief from taxes imposed by the county on real property located in the zone.

(d) The port commission must comply with all applicable laws in the application of this chapter.

(e) Not later than the 30th day before the date the port commission proposes to designate an area as a transportation reinvestment zone under this section, the port commission must hold a public hearing on the creation of the zone, its benefits to the port authority and to property in the proposed zone, and the abatement of ad valorem taxes or the grant of other relief from ad valorem taxes imposed by the port authority on real property located in the zone. At the hearing an interested person may speak for or against the designation of the zone, its boundaries, or the abatement of or other relief from port authority taxes on real property in the zone. Not later than the seventh day before the date of the hearing, notice of the hearing and the intent to create a zone must be published in a newspaper having general circulation in the county in which the zone is proposed to be located.

(f) The order or resolution designating an area as a transportation reinvestment zone must:

(1) describe the boundaries of the zone with sufficient definiteness to identify with ordinary and reasonable certainty the territory included in the zone;

(2) provide that the zone takes effect immediately on adoption of the order or resolution and that the base year shall be the year of passage of the order or resolution or some year in the future;

(3) assign a name to the zone for identification, with the first zone designated by a county designated as "Transportation Reinvestment Zone Number One, (name of port authority)," and subsequently designated zones assigned names in the same form numbered consecutively in the order of their designation;

(4) designate the base year for purposes of establishing the tax increment base of the port authority;

(5) establish an ad valorem tax increment account for the zone; and

(6) contain findings that promotion of a port project will improve the security, movement, and intermodal transportation of cargo or passengers in commerce and trade.

(g) Compliance with the requirements of this section constitutes designation of an area as a transportation reinvestment zone without further hearings or other procedural requirements.

(h) The port commission may:

(1) from taxes collected on property in a zone, including maintenance and operation taxes, pay into a tax increment account for the zone an amount equal to the tax increment produced by the port authority less any amounts allocated under previous agreements, including agreements under Chapter 312, Tax Code;

(2) from a tax increment account for the zone, repay any loan or other debt incurred to finance a port project under this section;

(3) by order or resolution enter into an agreement with the owner of any real property located in the transportation reinvestment zone to abate all or a portion of the ad valorem taxes or to grant other relief from the taxes imposed by the port authority on the owner's property in an amount not to exceed the amount calculated under Subsection (b)(1) for that year;

(4) by order or resolution elect to abate all or a portion of the ad valorem taxes imposed by the port authority on all real property in a zone; or

(5) grant other relief from ad valorem taxes on property in a zone.

(i) All abatements or other relief granted by the port commission in a transportation reinvestment zone must be equal in rate. In any ad valorem tax year, the total amount of the taxes abated or the total amount of other relief granted under this section may not exceed the amount calculated under Subsection (b)(1) for that year, less any amounts allocated under previous agreements, including agreements under Chapter 312, Tax Code.

(j) To further the development of the port project for which the transportation reinvestment zone was designated, a port authority may assess all or part of the cost of the port project against property within the zone. The assessment against each property in the zone may be levied and payable in installments in the same manner as provided for municipal and county public improvement districts under Sections 372.016-372.018, Local Government Code, provided that the installments do not exceed the total amount of the tax abatement or other relief granted under Subsection (h). The port authority has the powers provided to municipalities and counties under Sections 372.015-372.020 and 372.023, Local Government Code, for the assessment of costs and Sections 372.024-372.030, Local Government Code, for the issuance of bonds by the port authority to pay the cost of a port project. The port commission of the port authority may contract with a public or private entity to develop, redevelop, or improve a port project in the transportation reinvestment zone, including aesthetic improvements, and may pledge and assign to that entity all or a specified amount of the revenue the port authority receives from installment payments of the assessments for the payment of the costs of that port project. After a pledge or assignment is made, if the entity that received the pledge or assignment has itself pledged or assigned that amount to secure bonds or other obligations issued to obtain funding for the port project, the port commission of the port authority may not rescind its pledge or assignment until the bonds or other obligations secured by the pledge or

assignment have been paid or discharged. Any amount received from installment payments of the assessments not pledged or assigned in connection with the port project may be used for other purposes associated with the port project or in the zone.

(k) To accommodate changes in the limits of the project for which a reinvestment zone was designated, the boundaries of a zone may be amended at any time, except that property may not be removed or excluded from a designated zone if any part of the assessment has been assigned or pledged directly by the port authority or through another entity to secure bonds or other obligations issued to obtain funding of the project, and property may not be added to a designated zone unless the port commission of the port authority complies with Subsections (e) and (f).

(l) Except as provided by Subsection (m), a tax abatement agreement entered into under Subsection (h), or an order or resolution on the abatement of taxes or the grant of other relief from taxes under that subsection, terminates on December 31 of the year in which the port authority completes any contractual requirement that included the pledge or assignment of assessments collected under this section.

(m) A transportation reinvestment zone terminates on December 31 of the 10th year after the year the zone was designated, if before that date the port authority has not used the zone for the purpose for which it was designated.

SECTION 2. Section 201.943(d), Transportation Code, is amended to read as follows:

(d) Obligations may be issued for one or more of the following purposes:

(1) to pay all or part of the costs of constructing, reconstructing, acquiring, and expanding state highways, including any necessary design and acquisition of rights-of-way, in the manner and locations determined by the commission that, according to conclusive findings of the commission, have an expected useful life, without material repair, of not less than 10 years;

(2) to provide participation by the state in the payment of part of the costs of constructing and providing publicly owned toll roads and other public transportation projects, including transportation projects described by Section 222.108(d), that are determined by the commission to be in the best interests of the state in its major goal of improving the mobility of the residents of the state;

(3) to create debt service reserve accounts;

(4) to pay interest on obligations for a period of not longer than two years;

(5) to refund or cancel outstanding obligations; and

(6) to pay the commission's costs of issuance.

SECTION 3. Section 222.108(d), Transportation Code, is amended to read as follows:

(d) In this section, "transportation project" includes:

(1) transportation projects described [has the meaning assigned] by Section 370.003; and

(2) port security, transportation, or facility projects described by Section 55.001(5).

SECTION 4. This Act takes effect September 1, 2013.

The amendment was read.

Senator Williams 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 971** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Williams, Chair; Nichols, Taylor, Hinojosa, and Ellis.

### **SENATE BILL 111 WITH HOUSE AMENDMENT**

Senator Lucio called **SB 111** 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 111** by substituting in lieu thereof the following:

#### A BILL TO BE ENTITLED AN ACT

relating to the designation of Texas Historical Use Buildings.

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

SECTION 1. Section 442.006, Government Code, is amended by adding Subsection (d-1) to read as follows:

(d-1) The commission shall specially designate as a Texas Historical Use Building that is considered worthy of preservation because of its history, culture, or architecture a building that:

(1) is currently used regularly for a purpose that benefits the community in which the building is located, as determined by the commission; and

(2) has been used regularly for the purpose described by Subdivision (1) for at least 150 years.

SECTION 2. This Act takes effect September 1, 2013.

The amendment was read.

Senator Lucio moved to concur in the House amendment to **SB 111**.

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

### **SENATE BILL 201 WITH HOUSE AMENDMENT**

Senator Birdwell called **SB 201** 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 201** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED  
AN ACT

relating to the continuation and functions of the State Preservation Board.

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

SECTION 1. Section 443.002, Government Code, is amended to read as follows:

Sec. 443.002. SUNSET PROVISION. The State Preservation Board is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished and this chapter expires September 1, 2025 [~~2013~~].

SECTION 2. Section 443.003, Government Code, is amended by adding Subsection (e) to read as follows:

(e) The governor, lieutenant governor, and speaker, as a member of the board, may designate a representative to act, including the ability to vote, on behalf of the member during a board meeting.

SECTION 3. Section 443.004(b), Government Code, is amended to read as follows:

(b) The board shall meet at least twice each year and at other times at the call of the governor and as provided by board rules.

SECTION 4. Chapter 443, Government Code, is amended by adding Section 443.0295 to read as follows:

Sec. 443.0295. GOVERNOR'S MANSION RENEWAL TRUST FUND. (a) The Governor's Mansion renewal trust fund is created as a trust fund outside the treasury with the comptroller and shall be administered by the board, as a trustee on behalf of the people of this state, to maintain and preserve the Governor's Mansion. The fund consists of:

(1) money transferred to the fund at the direction of the legislature; and

(2) money donated to the board for the purposes of preserving and maintaining the Governor's Mansion.

(b) Money in the fund may be used only for the purpose of performing major repairs to or preserving the Governor's Mansion, as determined by the board.

(c) The interest received from investment of money in the fund shall be credited to the fund.

SECTION 5. Chapter 445, Government Code, is amended by adding Sections 445.014 and 445.015 to read as follows:

Sec. 445.014. MUSEUM DIRECTOR. The executive director of the State Preservation Board shall employ a museum director to manage and operate the museum.

Sec. 445.015. NAMING OF MUSEUM AREAS. The State Preservation Board shall adopt reasonable policies for naming areas within the museum, including rooms and exhibition halls, in honor of donors or other benefactors, if appropriate.

SECTION 6. This Act takes effect September 1, 2013.

The amendment was read.

Senator Birdwell moved to concur in the House amendment to **SB 201**.

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

**SENATE BILL 260 WITH HOUSE AMENDMENT**

Senator Davis called **SB 260** from the President's table for consideration of the House amendment to the bill.

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

**Floor Amendment No. 1**

Amend **SB 260** (house committee printing) as follows:

- (1) On page 1, lines 9-10, between "parent" and "or", insert ", stepparent,".
- (2) On page 1, line 13, between "parent" and "or", insert ", stepparent,".
- (3) On page 1, line 14, between "parent" and "or", insert ", stepparent,".

The amendment was read.

Senator Davis moved to concur in the House amendment to **SB 260**.

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

**SENATE BILL 1792 WITH HOUSE AMENDMENTS**

Senator Watson called **SB 1792** 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 1792** (house committee printing) as follows:

(1) On page 2, lines 26-27, strike "in the same manner as provided by general law for a private litigant".

(2) On page 3, line 22, strike "shall" and substitute "may".

(3) On page 6, strike lines 11-14 and substitute:

(c) A party requesting a hearing shall pay a filing fee of \$100 to the clerk of the justice court. If that party prevails under the justice's finding under Subsection (f), the other party shall reimburse the prevailing party for the amount of the filing fee within 10 days after issuance of the finding.

(4) On page 11, between lines 4 and 5, insert:

(c) For the purposes of Section 2303.155(b)(4), Occupations Code, fees required to be submitted to a governmental entity include an amount for unpaid tolls and fees owed by the registered owner of an impounded vehicle as set out in timely written notice given by the toll project entity to the operator of the vehicle storage facility where the vehicle is impounded. The toll project entity may set out in that notice an amount less than all unpaid tolls and fees owed by the registered owner without releasing the registered owner from liability under any other law for the full amount of unpaid tolls and fees.

(5) On page 12, line 4, strike "five" and substitute "two".

(6) On page 13, line 17, strike "A reasonable fee not to exceed \$100 may be" and substitute "A filing fee of \$100 shall be".

(7) On page 13, lines 18-19, strike "as court costs".

(8) Strike page 13, line 21, and substitute:

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.

### Floor Amendment No. 2

Amend **SB 1792** (house committee printing) on page 12, between lines 22 and 23, by inserting:

Sec. 372.116. TEMPORARY GRACE PERIOD FOR REGIONAL TOLLWAY AUTHORITIES. (a) Not later than the 30th day after the effective date of this subchapter, a regional tollway authority shall send to each person the authority determines to be a habitual violator on the effective date of this subchapter the notice required by Section 372.106(b).

(b) The notice under Subsection (a) must also include:

(1) the total amount the person would owe for the events of nonpayment in the notice, not including any otherwise applicable administrative fees or penalties; and

(2) information regarding the terms of the grace period under this section.

(c) Not later than the 90th day after the effective date of this subchapter, a person who receives notice under this section may:

(1) request a hearing under Section 372.107; or

(2) become an electronic toll collection customer of the regional tollway authority and:

(A) pay the amount specified under Subsection (b) plus an administrative fee in an amount not to exceed 10 percent of the amount specified under Subsection (b); or

(B) enter into a contract under Section 372.103 to pay the amount specified under Subsection (b) plus an administrative fee in an amount not to exceed 10 percent of the amount specified under Subsection (b).

(d) A regional tollway authority may not pursue habitual toll violator remedies under this subchapter against a person who becomes an electronic toll collection customer and:

(1) pays the amount specified under Subsection (b) plus an administrative fee in an amount not to exceed 10 percent of the amount specified under Subsection (b); or

(2) enters into a contract under Section 372.103 to pay the amount specified under Subsection (b) plus an administrative fee in an amount not to exceed 10 percent of the amount specified under Subsection (b) and makes the required payments.

(e) This section expires August 31, 2015.

The amendments were read.

Senator Watson moved to concur in the House amendments to **SB 1792**.

The motion prevailed by the following vote: Yeas 30, Nays 0, Present-not voting 1.

Present-not voting: Davis.

**REMARKS ORDERED PRINTED**

On motion of Senator Watson and by unanimous consent, the remarks by Senators Watson and Nichols regarding **SB 1792** were ordered reduced to writing and printed in the *Senate Journal* as follows:

**Senator Watson:** Members, this is the bill that provides toll entities additional remedies to discourage habitual toll violators from continuing to use toll roads without paying and encourage their payment of unpaid tolls and fees. The House changes address technical and conforming changes requested by the AG, TxDOT, and toll entities.

**Senator Nichols:** Senator Watson, language in the new Section 372.107(c) requires the party requesting a hearing before the JP to pay the \$100 court fee in advance, then the loser is ultimately responsible for the fee. Does this require the driver to pay for a hearing on their designation as a habitual violator?

**Senator Watson:** Just reading this section of the bill, it does appear the vehicle owner is responsible for upfronting the bill. However, our intent is for the toll entity to pay the upfront fee, they would be reimbursed by the driver if the JP agreed with the habitual violation designation. To accomplish this, in new Section 372.106(d) it requires the agency to give the individual notice of their right to a hearing. The person then has 30 days to notify the toll entity of their desire for a hearing. It's then the entity's responsibility to request the hearing and therefore provide the upfront payment to the JP court, which would be governed by the section you mentioned.

**Senator Nichols:** I understand that Rep. Stickland's amendment was drafted in consultation with NTTA. However, the expiration date of Section 372.116 has created some confusion; can you clarify the intent of the amendment?

**Senator Watson:** Happy to, as the NTTA system is more mature, they have a substantial number of people that would meet the habitual violator criteria immediately and the ultimate goal of this legislation is to get people to pay up what they owe, not to criminalize folks. So, the amendment was drafted to provide a one-time opportunity to settle-up with NTTA at a discount that expires 90 days after the bill goes into effect. Because this is a temporary provision, the language will also expire. I have a memo from Rep. Stickland's office that I will submit for the record to provide additional clarity should it be needed.

**STATEMENT OF LEGISLATIVE INTENT**

Senator Watson submitted the following memo to show legislative intent for **SB 1792**:

## MEMO

To: Pete Havel, Director of Legislative Affairs, NTTA  
Thomas J. Bamonte, General Counsel, NTTA  
Frank Stevenson, Partner, Locke Lord

From: Tony McDonald, Chief of Staff, Rep. Jonathan Stickland

Date: May 13, 2013

RE: Stickland Amendment to SB 1792; "Temporary Grace Period" provision

I wish to clarify the legislative intent behind Rep. Stickland's amendment to SB 1792 and remove any confusion which has been raised as to the expiration date of the new code section added by the amendment.

The intent behind the amendment was to afford habitual toll violators who will be newly subjected to the remedies contained in the bill a one-time opportunity to settle-up with the NTTA at a discount that fully expires 90 days after the bill goes into effect. The concern was that toll violators who ran up tolls under existing law would be so far in debt that they would be unable to bring themselves within compliance of the law before the new penalties are exercised. Rep. Stickland and I believed this situation risked criminalizing a substantial class of people who might choose to drive with an unregistered vehicle because of their unwillingness or inability to pay their debts to the toll authority.

The amendment is intended to offer a one-time opportunity for those found to be habitual toll violators on the effective date of the bill to settle-up at a discount and avoid being subjected to the habitual toll violator remedies contained in the bill. If a habitual toll violator pays the tolls and then subsequently becomes a habitual toll violator again, the amendment is not intended to offer that person any protection the second time and he/she is fully subject to the habitual toll violator remedies. The same is true for a habitual toll violator who defaults under a Section 372.103 contract signed during the temporary grace period or, obviously, a habitual toll violator who fails to take advantage of the grace period during its 90-day term.

In addition, I would like to clarify any confusion which has arisen over the expiration date of Section 372.116. Because the section creates only a temporary grace period and is not intended to have any effect after the expiration of the three-month grace period, an expiration date to the section was added so that the dead Section would not be codified when the session laws are eventually codified in the Transportation Code. This is a common legislative practice to ensure clearer codes. The expiration is not intended to have any effect on the length, purpose or application of the temporary grace period. The purpose of Section 372.116 should have long run its course and the grace period long expired by the time the code section expires in August of 2015.

I hope that this memo clarifies the legislative intent of Rep. Stickland's amendment. Please let me know if you have further questions or need anything else clarified. I can be reached in our office at (512) 463-0522 and via my cell phone at (512) 923-6893.

WATSON

#### **SENATE BILL 406 WITH HOUSE AMENDMENT**

Senator Nelson called **SB 406** 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 406** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED  
AN ACT

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.

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

SECTION 1. The heading to Subchapter B, Chapter 157, Occupations Code, is amended to read as follows:

SUBCHAPTER B. DELEGATION TO ADVANCED PRACTICE REGISTERED  
NURSES AND PHYSICIAN ASSISTANTS

SECTION 2. Section 157.051, Occupations Code, is amended to read as follows:

Sec. 157.051. DEFINITIONS. In this subchapter:

(1) "Advanced practice registered nurse" has the meaning assigned to that term by Section 301.152. The term includes an advanced nurse practitioner and advanced practice nurse.

~~(2) ["Carrying out or signing a prescription drug order" means completing a prescription drug order prescribed by the delegating physician, or the signing of a prescription by a registered nurse or physician assistant.~~

~~[(2-a)]~~ "Controlled substance" has the meaning assigned to that term by Section 481.002, Health and Safety Code.

~~(3) [(2-b)]~~ "Dangerous drug" has the meaning assigned to that term by Section 483.001, Health and Safety Code.

(4) "Device" has the meaning assigned by Section 551.003, and includes durable medical equipment.

(5) "Health professional shortage area" means:

(A) an urban or rural area of this state that:

(i) is not required to conform to the geographic boundaries of a political subdivision but is a rational area for the delivery of health services;

(ii) the secretary of health and human services determines has a health professional shortage; and

(iii) is not reasonably accessible to an adequately served area;

(B) a population group that the secretary of health and human services determines has a health professional shortage; or

(C) a public or nonprofit private medical facility or other facility that the secretary of health and human services determines has a health professional shortage, as described by 42 U.S.C. Section 254e(a)(1).

(6) "Hospital" means a facility that:

(A) is:

(i) a general hospital or a special hospital, as those terms are defined by Section 241.003, Health and Safety Code, including a hospital maintained or operated by the state; or

(ii) a mental hospital licensed under Chapter 577, Health and Safety Code; and

(B) has an organized medical staff.

(7) "Medication order" has the meanings assigned by Section 551.003 of this code and Section 481.002, Health and Safety Code.

(8) "Nonprescription drug" has the meaning assigned by Section 551.003.

(9) ~~(3)~~ "Physician assistant" means a person who holds a license issued under Chapter 204.

(10) "Physician group practice" means an entity through which two or more physicians deliver health care to the public through the practice of medicine on a regular basis and that is:

(A) owned and operated by two or more physicians; or

(B) a freestanding clinic, center, or office of a nonprofit health organization certified by the board under Section 162.001(b) that complies with the requirements of Chapter 162.

(11) "Practice serving a medically underserved population" means:

(A) a practice in a health professional shortage area;

(B) a clinic designated as a rural health clinic under 42 U.S.C. Section 1395x(aa);

(C) a public health clinic or a family planning clinic under contract with the Health and Human Services Commission or the Department of State Health Services;

(D) a clinic designated as a federally qualified health center under 42 U.S.C. Section 1396d(1)(2)(B);

(E) a county, state, or federal correctional facility;

(F) a practice:

(i) that either:

(a) is located in an area in which the Department of State Health Services determines there is an insufficient number of physicians providing services to eligible clients of federally, state, or locally funded health care programs;  
or

(b) is a practice that the Department of State Health Services determines serves a disproportionate number of clients eligible to participate in federally, state, or locally funded health care programs; and

(ii) for which the Department of State Health Services publishes notice of the department's determination in the Texas Register and provides an opportunity for public comment in the manner provided for a proposed rule under Chapter 2001, Government Code; or

(G) a practice at which a physician was delegating prescriptive authority to an advanced practice registered nurse or physician assistant on or before March 1, 2013, based on the practice qualifying as a site serving a medically underserved population.

(12) "Prescribe or order a drug or device" means prescribing or ordering a drug or device, including the issuing of a prescription drug order or a medication order.

(13) "Prescription drug" has the meaning assigned by Section 551.003.

(14) "Prescriptive authority agreement" means an agreement entered into by a physician and an advanced practice registered nurse or physician assistant through which the physician delegates to the advanced practice registered nurse or physician assistant the act of prescribing or ordering a drug or device.

SECTION 3. Section 157.0511, Occupations Code, is amended to read as follows:

Sec. 157.0511. DELEGATION OF PRESCRIBING AND ORDERING DRUGS AND DEVICES [~~PRESCRIPTION DRUG ORDERS~~]. (a) A physician's authority to delegate the prescribing or ordering of a drug or device [~~carrying out or signing of a prescription drug order~~] under this subchapter is limited to:

(1) nonprescription drugs;  
 (2) dangerous drugs; and  
 (3) [~~(2)~~] controlled substances to the extent provided by Subsections [~~Subsection~~] (b) and (b-1).

(b) Except as provided by Subsection (b-1), a [~~A~~] physician may delegate the prescribing or ordering of [~~carrying out or signing of a prescription drug order for~~] a controlled substance only if:

(1) the prescription is for a controlled substance listed in Schedule III, IV, or V as established by the commissioner of the Department of State Health Services [~~public health~~] under Chapter 481, Health and Safety Code;

(2) the prescription, including a refill of the prescription, is for a period not to exceed 90 days;

(3) with regard to the refill of a prescription, the refill is authorized after consultation with the delegating physician and the consultation is noted in the patient's chart; and

(4) with regard to a prescription for a child less than two years of age, the prescription is made after consultation with the delegating physician and the consultation is noted in the patient's chart.

(b-1) A physician may delegate the prescribing or ordering of a controlled substance listed in Schedule II as established by the commissioner of the Department of State Health Services under Chapter 481, Health and Safety Code, only:

(1) in a hospital facility-based practice under Section 157.054, in accordance with policies approved by the hospital's medical staff or a committee of the hospital's medical staff as provided by the hospital bylaws to ensure patient safety, and as part of the care provided to a patient who:

(A) has been admitted to the hospital for an intended length of stay of 24 hours or greater; or

(B) is receiving services in the emergency department of the hospital; or

(2) as part of the plan of care for the treatment of a person who has executed a written certification of a terminal illness, has elected to receive hospice care, and is receiving hospice treatment from a qualified hospice provider.

(b-2) The board shall adopt rules that require a physician who delegates the prescribing or ordering of a drug or device [~~carrying out or signing of a prescription drug order under this subchapter~~] to register with the board the name and license

number of the physician assistant or advanced practice registered nurse to whom a delegation is made. The board may develop and use an electronic online delegation registration process for registration under this subsection.

(c) This subchapter does not modify the authority granted by law for a licensed registered nurse or physician assistant to administer or provide a medication, including a controlled substance listed in Schedule II as established by the commissioner of the Department of State Health Services [~~public health~~] under Chapter 481, Health and Safety Code, that is authorized by a physician under a physician's order, standing medical order, standing delegation order, or protocol.

SECTION 4. Subchapter B, Chapter 157, Occupations Code, is amended by adding Sections 157.0512, 157.0513, and 157.0514 to read as follows:

Sec. 157.0512. PRESCRIPTIVE AUTHORITY AGREEMENT. (a) A physician may delegate to an advanced practice registered nurse or physician assistant, acting under adequate physician supervision, the act of prescribing or ordering a drug or device as authorized through a prescriptive authority agreement between the physician and the advanced practice registered nurse or physician assistant, as applicable.

(b) A physician and an advanced practice registered nurse or physician assistant are eligible to enter into or be parties to a prescriptive authority agreement only if:

(1) if applicable, the Texas Board of Nursing has approved the advanced practice registered nurse's authority to prescribe or order a drug or device as authorized under this subchapter;

(2) the advanced practice registered nurse or physician assistant:

(A) holds an active license to practice in this state as an advanced practice registered nurse or physician assistant, as applicable, and is in good standing in this state; and

(B) is not currently prohibited by the Texas Board of Nursing or the Texas Physician Assistant Board, as applicable, from executing a prescriptive authority agreement; and

(3) before executing the prescriptive authority agreement, the physician and the advanced practice registered nurse or physician assistant disclose to the other prospective party to the agreement any prior disciplinary action by the board, the Texas Board of Nursing, or the Texas Physician Assistant Board, as applicable.

(c) Except as provided by Subsection (d), the combined number of advanced practice registered nurses and physician assistants with whom a physician may enter into a prescriptive authority agreement may not exceed seven advanced practice registered nurses and physician assistants or the full-time equivalent of seven advanced practice registered nurses and physician assistants.

(d) Subsection (c) does not apply to a prescriptive authority agreement if the prescriptive authority is being exercised in:

(1) a practice serving a medically underserved population; or

(2) a facility-based practice in a hospital under Section 157.054.

(e) A prescriptive authority agreement must, at a minimum:

(1) be in writing and signed and dated by the parties to the agreement;

(2) state the name, address, and all professional license numbers of the parties to the agreement;

(3) state the nature of the practice, practice locations, or practice settings;

(4) identify the types or categories of drugs or devices that may be prescribed or the types or categories of drugs or devices that may not be prescribed;

(5) provide a general plan for addressing consultation and referral;

(6) provide a plan for addressing patient emergencies;

(7) state the general process for communication and the sharing of information between the physician and the advanced practice registered nurse or physician assistant to whom the physician has delegated prescriptive authority related to the care and treatment of patients;

(8) if alternate physician supervision is to be utilized, designate one or more alternate physicians who may:

(A) provide appropriate supervision on a temporary basis in accordance with the requirements established by the prescriptive authority agreement and the requirements of this subchapter; and

(B) participate in the prescriptive authority quality assurance and improvement plan meetings required under this section; and

(9) describe a prescriptive authority quality assurance and improvement plan and specify methods for documenting the implementation of the plan that includes the following:

(A) chart review, with the number of charts to be reviewed determined by the physician and advanced practice registered nurse or physician assistant; and

(B) periodic face-to-face meetings between the advanced practice registered nurse or physician assistant and the physician at a location determined by the physician and the advanced practice registered nurse or physician assistant.

(f) The periodic face-to-face meetings described by Subsection (e)(9)(B) must:

(1) include:

(A) the sharing of information relating to patient treatment and care, needed changes in patient care plans, and issues relating to referrals; and

(B) discussion of patient care improvement; and

(2) be documented and occur:

(A) except as provided by Paragraph (B):

(i) at least monthly until the third anniversary of the date the agreement is executed; and

(ii) at least quarterly after the third anniversary of the date the agreement is executed, with monthly meetings held between the quarterly meetings by means of a remote electronic communications system, including videoconferencing technology or the Internet; or

(B) if during the seven years preceding the date the agreement is executed the advanced practice registered nurse or physician assistant for at least five years was in a practice that included the exercise of prescriptive authority with required physician supervision:

(i) at least monthly until the first anniversary of the date the agreement is executed; and

(ii) at least quarterly after the first anniversary of the date the agreement is executed, with monthly meetings held between the quarterly meetings by means of a remote electronic communications system, including videoconferencing technology or the Internet.

(g) The prescriptive authority agreement may include other provisions agreed to by the physician and advanced practice registered nurse or physician assistant.

(h) If the parties to the prescriptive authority agreement practice in a physician group practice, the physician may appoint one or more alternate supervising physicians designated under Subsection (e)(8), if any, to conduct and document the quality assurance meetings in accordance with the requirements of this subchapter.

(i) The prescriptive authority agreement need not describe the exact steps that an advanced practice registered nurse or physician assistant must take with respect to each specific condition, disease, or symptom.

(j) A physician, advanced practice registered nurse, or physician assistant who is a party to a prescriptive authority agreement must retain a copy of the agreement until the second anniversary of the date the agreement is terminated.

(k) A party to a prescriptive authority agreement may not by contract waive, void, or nullify any provision of this section or Section 157.0513.

(l) In the event that a party to a prescriptive authority agreement is notified that the individual has become the subject of an investigation by the board, the Texas Board of Nursing, or the Texas Physician Assistant Board, the individual shall immediately notify the other party to the prescriptive authority agreement.

(m) The prescriptive authority agreement and any amendments must be reviewed at least annually, dated, and signed by the parties to the agreement. The prescriptive authority agreement and any amendments must be made available to the board, the Texas Board of Nursing, or the Texas Physician Assistant Board not later than the third business day after the date of receipt of request, if any.

(n) The prescriptive authority agreement should promote the exercise of professional judgment by the advanced practice registered nurse or physician assistant commensurate with the advanced practice registered nurse's or physician assistant's education and experience and the relationship between the advanced practice registered nurse or physician assistant and the physician.

(o) This section shall be liberally construed to allow the use of prescriptive authority agreements to safely and effectively utilize the skills and services of advanced practice registered nurses and physician assistants.

(p) The board may not adopt rules pertaining to the elements of a prescriptive authority agreement that would impose requirements in addition to the requirements under this section. The board may adopt other rules relating to physician delegation under this chapter.

(q) The board, the Texas Board of Nursing, and the Texas Physician Assistant Board shall jointly develop responses to frequently asked questions relating to prescriptive authority agreements not later than January 1, 2014. This subsection expires January 1, 2015.

Sec. 157.0513. PRESCRIPTIVE AUTHORITY AGREEMENT: INFORMATION. (a) The board, the Texas Board of Nursing, and the Texas Physician Assistant Board shall jointly develop a process:

(1) to exchange information regarding the names, locations, and license numbers of each physician, advanced practice registered nurse, and physician assistant who has entered into a prescriptive authority agreement;

(2) by which each board shall immediately notify the other boards when a license holder of the board becomes the subject of an investigation involving the delegation and supervision of prescriptive authority, as well as the final disposition of any such investigation; and

(3) by which each board shall maintain and share a list of the board's license holders who have been subject to a final adverse disciplinary action for an act involving the delegation and supervision of prescriptive authority.

(b) If the board, the Texas Board of Nursing, or the Texas Physician Assistant Board receives a notice under Subsection (a)(2), the board that received notice may open an investigation against a license holder of the board who is a party to a prescriptive authority agreement with the license holder who is under investigation by the board that provided notice under Subsection (a)(2).

(c) The board shall maintain and make available to the public a searchable online list of physicians, advanced practice registered nurses, and physician assistants who have entered into a prescriptive authority agreement authorized under Section 157.0512 and identify the physician, advanced practice registered nurse, or physician assistant with whom each physician, advanced practice registered nurse, and physician assistant has entered into a prescriptive authority agreement.

(d) The board shall collaborate with the Texas Board of Nursing and the Texas Physician Assistant Board to maintain and make available to the public a list of physicians, advanced practice registered nurses, and physician assistants who are prohibited from entering into or practicing under a prescriptive authority agreement.

Sec. 157.0514. PRESCRIPTIVE AUTHORITY AGREEMENT: INSPECTIONS. If the board receives a notice under Section 157.0513(a)(2), the board or an authorized board representative may enter, with reasonable notice and at a reasonable time, unless the notice would jeopardize an investigation, a site where a party to a prescriptive authority agreement practices to inspect and audit any records or activities relating to the implementation and operation of the agreement. To the extent reasonably possible, the board and the board's authorized representative shall conduct any inspection or audit under this section in a manner that minimizes disruption to the delivery of patient care.

SECTION 5. Section 157.054, Occupations Code, is amended by amending Subsections (a), (b), and (c) and adding Subsections (a-1) and (b-1) to read as follows:

(a) One or more physicians [~~A physician~~] licensed by the board may delegate, to one or more physician assistants or advanced practice registered nurses acting under adequate physician supervision whose practice is facility-based at a [~~licensed~~] hospital or licensed long-term care facility, the administration or provision of a drug and the prescribing or ordering of a drug or device [~~carrying out or signing of a prescription drug order~~] if each of the delegating physicians [~~physician~~] is:

- (1) the medical director or chief of medical staff of the facility in which the physician assistant or advanced practice registered nurse practices;
- (2) the chair of the facility's credentialing committee;
- (3) a department chair of a facility department in which the physician assistant or advanced practice registered nurse practices; or

(4) a physician who consents to the request of the medical director or chief of medical staff to delegate the prescribing or ordering of a drug or device [~~carrying out or signing of a prescription drug order~~] at the facility in which the physician assistant or advanced practice registered nurse practices.

(a-1) The limits on the number of advanced practice registered nurses or physician assistants to whom a physician may delegate under Section 157.0512 do not apply to a physician under Subsection (a) whose practice is facility-based under this section, provided that the physician is not delegating in a freestanding clinic, center, or practice of the facility.

(b) A physician's authority to delegate under Subsection (a) is limited as follows:

(1) the delegation must be made under a physician's order, standing medical order, standing delegation order, or another order or protocol developed in accordance with policies approved by the facility's medical staff or a committee of the facility's medical staff as provided by the facility bylaws;

(2) the delegation must occur in the facility in which the physician is the medical director, the chief of medical staff, the chair of the credentialing committee, [~~or~~] a department chair, or a physician who consents to delegate under Subsection (a)(4);

(3) the delegation may not permit the prescribing or ordering of a drug or device [~~carrying out or signing of prescription drug orders~~] for the care or treatment of the patients of any other physician without the prior consent of that physician; and

(4) delegation in a long-term care facility must be by the medical director and is limited to the prescribing or ordering of a drug or device [~~carrying out and signing of prescription drug orders~~] to not more than seven [~~four~~] advanced practice registered nurses or physician assistants or their full-time equivalents. [~~and~~]

(b-1) A facility-based [(5) - a] physician may not delegate at more than one [licensed] hospital or more than two long-term care facilities under this section unless approved by the board. The facility-based physician may not be prohibited from delegating the prescribing or ordering of drugs or devices under Section 157.0512 at other practice locations, including hospitals or long-term care facilities, provided that the delegation at those locations complies with all the requirements of Section 157.0512.

(c) Physician supervision of the prescribing or ordering of a drug or device [~~carrying out and signing of prescription drug orders~~] must conform to what a reasonable, prudent physician would find consistent with sound medical judgment but may vary with the education and experience of the particular advanced practice registered nurse or physician assistant. A physician shall provide continuous supervision, but the constant physical presence of the physician is not required.

SECTION 6. Section 157.055, Occupations Code, is amended to read as follows:

Sec. 157.055. ORDERS AND PROTOCOLS. A protocol or other order shall be defined in a manner that promotes the exercise of professional judgment by the advanced practice registered nurse and physician assistant commensurate with the education and experience of that person. Under this section, an order or protocol used by a reasonable and prudent physician exercising sound medical judgment:

(1) is not required to describe the exact steps that an advanced practice registered nurse or a physician assistant must take with respect to each specific condition, disease, or symptom; and

(2) may state the types or categories of medications that may be prescribed or the types or categories of medications that may not be prescribed.

SECTION 7. Section 157.057, Occupations Code, is amended to read as follows:

Sec. 157.057. ADDITIONAL IMPLEMENTATION METHODS. The board may adopt additional methods to implement:

(1) a physician's prescription; or

(2) the delegation of prescriptive authority [~~the signing of a prescription under a physician's order, standing medical order, standing delegation order, or other order or protocol~~].

SECTION 8. Sections 157.059(b), (d), (e), (f), and (j), Occupations Code, are amended to read as follows:

(b) A physician may delegate to a physician assistant offering obstetrical services and certified by the board as specializing in obstetrics or an advanced practice registered nurse recognized by the Texas Board of Nursing as a nurse midwife the act of administering or providing controlled substances to the physician assistant's or nurse midwife's clients during intrapartum and immediate postpartum care.

(d) The delegation of authority to administer or provide controlled substances under Subsection (b) must be under a physician's order, medical order, standing delegation order, prescriptive authority agreement, or protocol that requires adequate and documented availability for access to medical care.

(e) The physician's orders, medical orders, standing delegation orders, prescriptive authority agreements, or protocols must require the reporting of or monitoring of each client's progress, including complications of pregnancy and delivery and the administration and provision of controlled substances by the nurse midwife or physician assistant to the clients of the nurse midwife or physician assistant.

(f) The authority of a physician to delegate under this section is limited to:

(1) seven [~~four~~] nurse midwives or physician assistants or their full-time equivalents; and

(2) the designated facility at which the nurse midwife or physician assistant provides care.

(j) This section does not limit the authority of a physician to delegate the prescribing or ordering of [~~carrying out or signing of a prescription drug order involving~~] a controlled substance under this subchapter.

SECTION 9. Section 157.060, Occupations Code, is amended to read as follows:

Sec. 157.060. PHYSICIAN LIABILITY FOR DELEGATED ACT. Unless the physician has reason to believe the physician assistant or advanced practice registered nurse lacked the competency to perform the act, a physician is not liable for an act of a physician assistant or advanced practice registered nurse solely because the physician signed a standing medical order, a standing delegation order, or another

order or protocol, or entered into a prescriptive authority agreement, authorizing the physician assistant or advanced practice registered nurse to administer, provide, prescribe, or order a drug or device ~~[carry out, or sign a prescription drug order]~~.

SECTION 10. Section 156.056, Occupations Code, is amended to read as follows:

Sec. 156.056. CERTAIN VOLUNTEER SERVICES. (a) In this section, "practice [site] serving a medically underserved population" has the meaning assigned by Section 157.051 ~~[157.052]~~.

(b) The board by rule shall permit a license holder to complete half of any informal continuing medical education hours required under this subchapter by providing volunteer medical services at a practice [site] serving a medically underserved population other than a site that is a primary practice site of the license holder.

SECTION 11. Subchapter C, Chapter 204, Occupations Code, is amended by adding Section 204.1025 to read as follows:

Sec. 204.1025. DUTIES REGARDING PRESCRIPTIVE AUTHORITY AGREEMENTS. The physician assistant board shall in conjunction with the Texas Medical Board and the Texas Board of Nursing perform the functions and duties relating to prescriptive authority agreements assigned to the physician assistant board in Sections 157.0512 and 157.0513.

SECTION 12. Section 204.1565, Occupations Code, is amended to read as follows:

Sec. 204.1565. INFORMAL CONTINUING MEDICAL EDUCATION. (a) In this section, "practice [site] serving a medically underserved population" has the meaning assigned by Section 157.051 ~~[157.052]~~.

(b) The physician assistant board by rule shall permit a license holder to complete half of any informal continuing medical education hours required to renew a license under this chapter by providing volunteer medical services at a practice [site] serving a medically underserved population, other than a site that is a primary practice site of the license holder.

SECTION 13. Section 204.202(b), Occupations Code, is amended to read as follows:

(b) Medical services provided by a physician assistant may include:

- (1) obtaining patient histories and performing physical examinations;
- (2) ordering or performing diagnostic and therapeutic procedures;
- (3) formulating a working diagnosis;
- (4) developing and implementing a treatment plan;
- (5) monitoring the effectiveness of therapeutic interventions;
- (6) assisting at surgery;
- (7) offering counseling and education to meet patient needs;
- (8) requesting, receiving, and signing for the receipt of pharmaceutical

sample prescription medications and distributing the samples to patients in a specific practice setting in which the physician assistant is authorized to prescribe pharmaceutical medications and sign prescription drug orders as provided by Section 157.0512 or ~~[157.052, 157.053, 157.054[, 157.0541, or 157.0542 or as otherwise authorized by physician assistant board rule]~~;

(9) ~~prescribing or ordering a drug or device [signing or completing a prescription]~~ as provided by Subchapter B, Chapter 157; and

(10) making appropriate referrals.

SECTION 14. Section 204.204, Occupations Code, is amended by adding Subsection (c) to read as follows:

(c) The number of physician assistants a physician may supervise in a practice setting may not be less than the number of physician assistants to whom a physician may delegate the authority to prescribe or order a drug or device in that practice setting under Subchapter B, Chapter 157.

SECTION 15. Section 301.002(2), Occupations Code, is amended to read as follows:

(2) "Professional nursing" means the performance of an act that requires substantial specialized judgment and skill, the proper performance of which is based on knowledge and application of the principles of biological, physical, and social science as acquired by a completed course in an approved school of professional nursing. The term does not include acts of medical diagnosis or the prescription of therapeutic or corrective measures. Professional nursing involves:

(A) the observation, assessment, intervention, evaluation, rehabilitation, care and counsel, or health teachings of a person who is ill, injured, infirm, or experiencing a change in normal health processes;

(B) the maintenance of health or prevention of illness;

(C) the administration of a medication or treatment as ordered by a physician, podiatrist, or dentist;

(D) the supervision or teaching of nursing;

(E) the administration, supervision, and evaluation of nursing practices, policies, and procedures;

(F) the requesting, receiving, signing for, and distribution of prescription drug samples to patients at practices at [sites in] which an advanced practice [a] registered nurse is authorized to sign prescription drug orders as provided by Subchapter B, Chapter 157;

(G) the performance of an act delegated by a physician under Section 157.0512 [157.052, 157.053], 157.054, [157.0541, 157.0542,] 157.058, or 157.059; and

(H) the development of the nursing care plan.

SECTION 16. Section 301.005, Occupations Code, is amended to read as follows:

Sec. 301.005. REFERENCE IN OTHER LAW. (a) A reference in any other law to the former Board of Nurse Examiners means the Texas Board of Nursing.

(b) A reference in any other law to an "advanced nurse practitioner" or "advanced practice nurse" means an advanced practice registered nurse.

SECTION 17. Section 301.152, Occupations Code, is amended to read as follows:

Sec. 301.152. RULES REGARDING SPECIALIZED TRAINING. (a) In this section, "advanced practice registered nurse" means a registered nurse licensed [approved] by the board to practice as an advanced practice registered nurse on the

basis of completion of an advanced educational program. The term includes a nurse practitioner, nurse midwife, nurse anesthetist, and clinical nurse specialist. The term is synonymous with "advanced nurse practitioner" and "advanced practice nurse."

(b) The board shall adopt rules to:

- (1) license a registered nurse as an advanced practice registered nurse;
- (2) establish:

(A) any specialized education or training, including pharmacology, that an advanced practice ~~is~~ registered nurse must have to prescribe or order a drug or device as delegated by a physician ~~[carry out a prescription drug order]~~ under Section 157.0512 or 157.054 ~~[157.052]; and]~~

(B) a system for approving an advanced practice registered nurse to prescribe or order a drug or device as delegated by a physician under Section 157.0512 or 157.054 on the receipt of ~~[assigning an identification number to a registered nurse who provides the board with]~~ evidence of completing the specialized education and training requirement under Paragraph (A) ~~[Subdivision (1)(A)]; and~~

(C) a system for issuing a prescription authorization number to an advanced practice registered nurse approved under Paragraph (B) ~~[(2) approve a registered nurse as an advanced practice nurse]; and~~

(3) concurrently ~~[initially approve and biennially]~~ renew any license or approval granted to an advanced practice registered nurse under this subsection and a license renewed by the advanced practice registered nurse under Section 301.301 ~~[an advanced practice nurse's authority to carry out or sign a prescription drug order under Chapter 157].~~

(c) At a minimum, the rules adopted under Subsection (b)(2) ~~[(b)(3)]~~ must:

(1) require completion of pharmacology and related pathophysiology ~~[pathology]~~ education for initial approval; and

(2) require continuing education in clinical pharmacology and related pathophysiology ~~[pathology]~~ in addition to any continuing education otherwise required under Section 301.303~~;~~ and

~~[(3) provide for the issuance of a prescription authorization number to an advanced practice nurse approved under this section].~~

(d) The signature of an advanced practice registered nurse attesting to the provision of a legally authorized service by the advanced practice registered nurse satisfies any documentation requirement for that service established by a state agency.

SECTION 18. Subchapter D, Chapter 301, Occupations Code, is amended by adding Section 301.168 to read as follows:

Sec. 301.168. DUTIES REGARDING PRESCRIPTIVE AUTHORITY AGREEMENTS. The board shall in conjunction with the Texas Medical Board and the Texas Physician Assistant Board perform the functions and duties relating to prescriptive authority agreements assigned to the board in Sections 157.0512 and 157.0513.

SECTION 19. Sections 551.003(34) and (45), Occupations Code, are amended to read as follows:

(34) "Practitioner" means:

(A) a person licensed or registered to prescribe, distribute, administer, or dispense a prescription drug or device in the course of professional practice in this state, including a physician, dentist, podiatrist, or veterinarian but excluding a person licensed under this subtitle;

(B) a person licensed by another state, Canada, or the United Mexican States in a health field in which, under the law of this state, a license holder in this state may legally prescribe a dangerous drug;

(C) a person practicing in another state and licensed by another state as a physician, dentist, veterinarian, or podiatrist, who has a current federal Drug Enforcement Administration registration number and who may legally prescribe a Schedule II, III, IV, or V controlled substance, as specified under Chapter 481, Health and Safety Code, in that other state; or

(D) an advanced practice registered nurse or physician assistant to whom a physician has delegated the authority to prescribe or order a drug or device [~~carry out or sign prescription drug orders~~] under Section 157.0511, 157.0512 [~~157.052, 157.053~~], or 157.054 [~~157.0541, or 157.0542~~].

(45) "Written protocol" means a physician's order, standing medical order, standing delegation order, or other order or protocol as defined by rule of the Texas Medical ~~[State]~~ Board [~~of Medical Examiners~~] under Subtitle B.

SECTION 20. Section 533.005(a), Government Code, is amended to read as follows:

(a) A contract between a managed care organization and the commission for the organization to provide health care services to recipients must contain:

(1) procedures to ensure accountability to the state for the provision of health care services, including procedures for financial reporting, quality assurance, utilization review, and assurance of contract and subcontract compliance;

(2) capitation rates that ensure the cost-effective provision of quality health care;

(3) a requirement that the managed care organization provide ready access to a person who assists recipients in resolving issues relating to enrollment, plan administration, education and training, access to services, and grievance procedures;

(4) a requirement that the managed care organization provide ready access to a person who assists providers in resolving issues relating to payment, plan administration, education and training, and grievance procedures;

(5) a requirement that the managed care organization provide information and referral about the availability of educational, social, and other community services that could benefit a recipient;

(6) procedures for recipient outreach and education;

(7) a requirement that the managed care organization make payment to a physician or provider for health care services rendered to a recipient under a managed care plan not later than the 45th day after the date a claim for payment is received with documentation reasonably necessary for the managed care organization to process the claim, or within a period, not to exceed 60 days, specified by a written agreement between the physician or provider and the managed care organization;

(8) a requirement that the commission, on the date of a recipient's enrollment in a managed care plan issued by the managed care organization, inform the organization of the recipient's Medicaid certification date;

(9) a requirement that the managed care organization comply with Section 533.006 as a condition of contract retention and renewal;

(10) a requirement that the managed care organization provide the information required by Section 533.012 and otherwise comply and cooperate with the commission's office of inspector general and the office of the attorney general;

(11) a requirement that the managed care organization's usages of out-of-network providers or groups of out-of-network providers may not exceed limits for those usages relating to total inpatient admissions, total outpatient services, and emergency room admissions determined by the commission;

(12) if the commission finds that a managed care organization has violated Subdivision (11), a requirement that the managed care organization reimburse an out-of-network provider for health care services at a rate that is equal to the allowable rate for those services, as determined under Sections 32.028 and 32.0281, Human Resources Code;

(13) a requirement that, notwithstanding any other law, including Sections 843.312 and 1301.052, Insurance Code, the organization:

(A) use advanced practice registered nurses and physician assistants in addition to physicians as primary care providers to increase the availability of primary care providers in the organization's provider network; and

(B) treat advanced practice registered nurses and physician assistants in the same manner as primary care physicians with regard to:

(i) selection and assignment as primary care providers;

(ii) inclusion as primary care providers in the organization's provider network; and

(iii) inclusion as primary care providers in any provider network directory maintained by the organization;

(14) a requirement that the managed care organization reimburse a federally qualified health center or rural health clinic for health care services provided to a recipient outside of regular business hours, including on a weekend day or holiday, at a rate that is equal to the allowable rate for those services as determined under Section 32.028, Human Resources Code, if the recipient does not have a referral from the recipient's primary care physician;

(15) a requirement that the managed care organization develop, implement, and maintain a system for tracking and resolving all provider appeals related to claims payment, including a process that will require:

(A) a tracking mechanism to document the status and final disposition of each provider's claims payment appeal;

(B) the contracting with physicians who are not network providers and who are of the same or related specialty as the appealing physician to resolve claims disputes related to denial on the basis of medical necessity that remain unresolved subsequent to a provider appeal; and

(C) the determination of the physician resolving the dispute to be binding on the managed care organization and provider;

(16) a requirement that a medical director who is authorized to make medical necessity determinations is available to the region where the managed care organization provides health care services;

(17) a requirement that the managed care organization ensure that a medical director and patient care coordinators and provider and recipient support services personnel are located in the South Texas service region, if the managed care organization provides a managed care plan in that region;

(18) a requirement that the managed care organization provide special programs and materials for recipients with limited English proficiency or low literacy skills;

(19) a requirement that the managed care organization develop and establish a process for responding to provider appeals in the region where the organization provides health care services;

(20) a requirement that the managed care organization develop and submit to the commission, before the organization begins to provide health care services to recipients, a comprehensive plan that describes how the organization's provider network will provide recipients sufficient access to:

- (A) preventive care;
- (B) primary care;
- (C) specialty care;
- (D) after-hours urgent care; and
- (E) chronic care;

(21) a requirement that the managed care organization demonstrate to the commission, before the organization begins to provide health care services to recipients, that:

(A) the organization's provider network has the capacity to serve the number of recipients expected to enroll in a managed care plan offered by the organization;

(B) the organization's provider network includes:

- (i) a sufficient number of primary care providers;
- (ii) a sufficient variety of provider types; and
- (iii) providers located throughout the region where the organization

will provide health care services; and

(C) health care services will be accessible to recipients through the organization's provider network to a comparable extent that health care services would be available to recipients under a fee-for-service or primary care case management model of Medicaid managed care;

(22) a requirement that the managed care organization develop a monitoring program for measuring the quality of the health care services provided by the organization's provider network that:

(A) incorporates the National Committee for Quality Assurance's Healthcare Effectiveness Data and Information Set (HEDIS) measures;

(B) focuses on measuring outcomes; and

(C) includes the collection and analysis of clinical data relating to prenatal care, preventive care, mental health care, and the treatment of acute and chronic health conditions and substance abuse;

(23) subject to Subsection (a-1), a requirement that the managed care organization develop, implement, and maintain an outpatient pharmacy benefit plan for its enrolled recipients:

(A) that exclusively employs the vendor drug program formulary and preserves the state's ability to reduce waste, fraud, and abuse under the Medicaid program;

(B) that adheres to the applicable preferred drug list adopted by the commission under Section 531.072;

(C) that includes the prior authorization procedures and requirements prescribed by or implemented under Sections 531.073(b), (c), and (g) for the vendor drug program;

(D) for purposes of which the managed care organization:

(i) may not negotiate or collect rebates associated with pharmacy products on the vendor drug program formulary; and

(ii) may not receive drug rebate or pricing information that is confidential under Section 531.071;

(E) that complies with the prohibition under Section 531.089;

(F) under which the managed care organization may not prohibit, limit, or interfere with a recipient's selection of a pharmacy or pharmacist of the recipient's choice for the provision of pharmaceutical services under the plan through the imposition of different copayments;

(G) that allows the managed care organization or any subcontracted pharmacy benefit manager to contract with a pharmacist or pharmacy providers separately for specialty pharmacy services, except that:

(i) the managed care organization and pharmacy benefit manager are prohibited from allowing exclusive contracts with a specialty pharmacy owned wholly or partly by the pharmacy benefit manager responsible for the administration of the pharmacy benefit program; and

(ii) the managed care organization and pharmacy benefit manager must adopt policies and procedures for reclassifying prescription drugs from retail to specialty drugs, and those policies and procedures must be consistent with rules adopted by the executive commissioner and include notice to network pharmacy providers from the managed care organization;

(H) under which the managed care organization may not prevent a pharmacy or pharmacist from participating as a provider if the pharmacy or pharmacist agrees to comply with the financial terms and conditions of the contract as well as other reasonable administrative and professional terms and conditions of the contract;

(I) under which the managed care organization may include mail-order pharmacies in its networks, but may not require enrolled recipients to use those pharmacies, and may not charge an enrolled recipient who opts to use this service a fee, including postage and handling fees; and

(J) under which the managed care organization or pharmacy benefit manager, as applicable, must pay claims in accordance with Section 843.339, Insurance Code; and

(24) a requirement that the managed care organization and any entity with which the managed care organization contracts for the performance of services under a managed care plan disclose, at no cost, to the commission and, on request, the office of the attorney general all discounts, incentives, rebates, fees, free goods, bundling arrangements, and other agreements affecting the net cost of goods or services provided under the plan.

SECTION 21. Section 671.001(b), Government Code, is amended to read as follows:

(b) The pilot program must provide for the following:

(1) a licensed advanced practice registered nurse as defined by Section 301.152, Occupations Code, or a licensed physician assistant as described by Chapter 204, Occupations Code, who is employed by the state or whose services are acquired by contract, who will be located at a state office complex;

(2) a licensed physician, who is employed by a state governmental entity for purposes other than the pilot program or whose services are acquired by contract, who will ~~delegate to and supervise the advanced practice registered nurse or physician assistant under a prescriptive authority agreement under Chapter 157 [perform all supervisory functions described by Section 157.052(e)],~~ Occupations Code;

(3) appropriate office space and equipment for the advanced practice registered nurse or physician assistant to provide basic medical care to employees at the state office complex where the nurse or physician assistant is located; and

(4) professional liability insurance covering services provided by the advanced practice registered nurse or the physician assistant.

SECTION 22. Subchapter D, Chapter 62, Health and Safety Code, is amended by adding Section 62.1551 to read as follows:

Sec. 62.1551. INCLUSION OF CERTAIN HEALTH CARE PROVIDERS IN PROVIDER NETWORKS. Notwithstanding any other law, including Sections 843.312 and 1301.052, Insurance Code, the executive commissioner of the commission shall adopt rules to require a managed care organization or other entity to ensure that advanced practice registered nurses and physician assistants are available as primary care providers in the organization's or entity's provider network. The rules must require advanced practice registered nurses and physician assistants to be treated in the same manner as primary care physicians with regard to:

(1) selection and assignment as primary care providers;

(2) inclusion as primary care providers in the provider network; and

(3) inclusion as primary care providers in any provider network directory

maintained by the organization or entity.

SECTION 23. Section 481.002(39), Health and Safety Code, is amended to read as follows:

(39) "Practitioner" means:

(A) a physician, dentist, veterinarian, podiatrist, scientific investigator, or other person licensed, registered, or otherwise permitted to distribute, dispense, analyze, conduct research with respect to, or administer a controlled substance in the course of professional practice or research in this state;

(B) a pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or administer a controlled substance in the course of professional practice or research in this state;

(C) a person practicing in and licensed by another state as a physician, dentist, veterinarian, or podiatrist, having a current Federal Drug Enforcement Administration registration number, who may legally prescribe Schedule II, III, IV, or V controlled substances in that state; or

(D) an advanced practice registered nurse or physician assistant to whom a physician has delegated the authority to prescribe or order a drug or device [~~carry out or sign prescription drug orders~~] under Section 157.0511, 157.0512 [~~157.052, 157.053~~], or 157.054, [~~157.0541, or 157.0542~~], Occupations Code.

SECTION 24. Section 483.001(12), Health and Safety Code, is amended to read as follows:

(12) "Practitioner" means [~~a person licensed~~]:

(A) a person licensed by the Texas [~~State Board of~~] Medical Board [~~Examiners~~], State Board of Dental Examiners, Texas State Board of Podiatric Medical Examiners, Texas Optometry Board, or State Board of Veterinary Medical Examiners to prescribe and administer dangerous drugs;

(B) a person licensed by another state in a health field in which, under the laws of this state, a licensee may legally prescribe dangerous drugs;

(C) a person licensed in Canada or Mexico in a health field in which, under the laws of this state, a licensee may legally prescribe dangerous drugs; or

(D) an advanced practice registered nurse or physician assistant to whom a physician has delegated the authority to prescribe or order a drug or device [~~carry out or sign prescription drug orders~~] under Section 157.0511, 157.0512 [~~157.052, 157.053~~], or 157.054, [~~157.0541, or 157.0542~~], Occupations Code.

SECTION 25. Section 32.024, Human Resources Code, is amended by adding Subsection (gg) to read as follows:

(gg) Notwithstanding any other law, including Sections 843.312 and 1301.052, Insurance Code, the department shall ensure that advanced practice registered nurses and physician assistants may be selected by and assigned to recipients of medical assistance as the primary care providers of those recipients. The department must require that advanced practice registered nurses and physician assistants be treated in the same manner as primary care physicians with regard to:

(1) selection and assignment as primary care providers; and

(2) inclusion as primary care providers in any directory of providers of medical assistance maintained by the department.

SECTION 26. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.03141 to read as follows:

Sec. 32.03141. AUTHORITY OF ADVANCED PRACTICE REGISTERED NURSES AND PHYSICIAN ASSISTANTS REGARDING DURABLE MEDICAL EQUIPMENT AND SUPPLIES. To the extent allowed by federal law, an advanced practice registered nurse or physician assistant acting under adequate physician supervision and to whom a physician has delegated the authority to prescribe and

order drugs and devices under Chapter 157, Occupations Code, may order and prescribe durable medical equipment and supplies under the medical assistance program.

SECTION 27. Sections 157.052, 157.053, 157.0541, and 157.0542, Occupations Code, are repealed.

SECTION 28. The calculation under Chapter 157, Occupations Code, as amended by this Act, of the amount of time an advanced practice registered nurse or physician assistant has practiced under the delegated prescriptive authority of a physician under a prescriptive authority agreement shall include the amount of time the advanced practice registered nurse or physician assistant practiced under the delegated prescriptive authority of that physician before the effective date of this Act.

SECTION 29. Not later than November 1, 2013, the Texas Medical Board, the Texas Board of Nursing, and the Texas Physician Assistant Board shall adopt the rules necessary to implement the changes in law made by this Act.

SECTION 30. This Act takes effect November 1, 2013.

The amendment was read.

Senator Nelson moved to concur in the House amendment to **SB 406**.

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

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

Senator Zaffirini submitted a Motion In Writing to suspend Senate Rule 11.13 to grant all committees permission to meet while the Senate was meeting today.

The Motion In Writing prevailed without objection.

**SENATE RULE 11.18(a) SUSPENDED**  
**(Public Hearings)**

On motion of Senator Zaffirini and by unanimous consent, Senate Rule 11.18(a) was suspended in order that the Committee on Government Organization might consider the following bills today: **HB 1726, HB 2422**.

**SENATE RULE 11.18(a) SUSPENDED**  
**(Public Hearings)**

On motion of Senator Williams and by unanimous consent, Senate Rule 11.18(a) was suspended in order that the Committee on Finance might consider the following bills and resolution today:

**HB 97, HB 315, HB 585, HB 697, HB 709, HB 826, HB 1511, HB 1712, HB 2500, HB 2636, HB 2684, HB 2712, HB 2766, HB 3086, HB 3169, HB 3438, HB 3439, HB 3536, HB 3572, HJR 24**.

**SENATE RULE 11.18(a) SUSPENDED**  
**(Public Hearings)**

On motion of Senator Duncan and by unanimous consent, Senate Rule 11.18(a) was again suspended in order that the Committee on State Affairs might consider **HB 3276** today.

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

On motion of Senator Williams and by unanimous consent, Senate Rule 11.13 was suspended to grant the Committee on Finance permission to meet while the Senate was meeting today.

**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 11.13 SUSPENDED**  
**(Consideration of Bills in Committees)**

On motion of Senator Duncan and by unanimous consent, Senate Rule 11.13 was suspended to grant the Committee on State Affairs permission to meet while the Senate was meeting today.

**AT EASE**

The Presiding Officer at 7:05 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

**IN LEGISLATIVE SESSION**

Senator Eltife at 7:45 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 377, SB 715, SB 914, SB 1142, SB 1312, SB 1541, SB 1868, HB 250, HB 1106, HB 1717, HB 1738, HB 15, HB 86, HB 243, HB 248, HB 617, HB 798, HB 857, HB 915, HB 944, HB 1272, HB 1445, HB 1711, HB 1762, HB 1818, HB 1917, HB 2302, HB 2462, HB 2683, HB 3559.**

**CONFERENCE COMMITTEE ON HOUSE BILL 5**

Senator Patrick called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 5** and moved that the request be granted.

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 5** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Patrick, Chair; Williams, Van de Putte, Seliger, and Duncan.

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 4**

Senator Fraser submitted the following Conference Committee Report:

Austin, Texas  
May 17, 2013

Honorable David Dewhurst  
President of the Senate

Honorable Joe Straus  
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 4** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

FRASER

HEGAR

ESTES

URESTI

WILLIAMS

On the part of the Senate

RITTER

LUCIO III

CALLEGARI

MILLER, DOUG

KEFFER

On the part of the House

The Conference Committee Report on **HB 4** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 1730**

Senator Nichols submitted the following Conference Committee Report:

Austin, Texas  
May 17, 2013

Honorable David Dewhurst  
President of the Senate

Honorable Joe Straus  
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 1730** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

NICHOLS

URESTI

WATSON

On the part of the Senate

PHILLIPS

FLETCHER

HARPER-BROWN

MARTINEZ, "MANDO"

PICKETT

On the part of the House

A BILL TO BE ENTITLED  
AN ACT

relating to comprehensive development agreements of the Texas Department of Transportation or a regional mobility authority.

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

SECTION 1. Subsections (a), (b), (f), (g), (i), (j), (k), and (l), Section 223.201, Transportation Code, are amended to read as follows:

(a) Subject to Section 223.202, the department may enter into a comprehensive development agreement with a private entity to design, develop, finance, construct, maintain, repair, operate, extend, or expand a:

- (1) toll project;
- (2) state highway improvement project that includes both tolled and nontolled lanes and may include nontolled appurtenant facilities;
- (3) state highway improvement project in which the private entity has an interest in the project; ~~or~~
- (4) state highway improvement project financed wholly or partly with the proceeds of private activity bonds, as defined by Section 141(a), Internal Revenue Code of 1986; or
- (5) nontolled state highway improvement project authorized by the legislature.

(b) In this subchapter, "comprehensive development agreement" means an agreement that, at a minimum, provides for the design and construction, reconstruction, rehabilitation, expansion, or improvement of a project described in Subsection (a) and may also provide for the financing, acquisition, maintenance, or operation of a project described in Subsection (a).

(f) The department may enter into a comprehensive development agreement only for all or part of:

- (1) the State Highway 99 (Grand Parkway) project;
- (2) the Interstate Highway 35E managed lanes project in Dallas and Denton Counties from Interstate Highway 635 to U.S. Highway 380;
- (3) the Interstate Highway 35W project in Tarrant County from Interstate Highway 30 to State Highway 114 ~~[North Tarrant Express project in Tarrant and Dallas Counties, including:~~
  - ~~[(A) on State Highway 183 from State Highway 121 to State Highway 161 (Segment 2E);~~
  - ~~[(B) on Interstate Highway 35W from Interstate Highway 30 to State Highway 114 (Segments 3A, 3B, and 3C); and~~
  - ~~[(C) on Interstate Highway 820 from State Highway 183 North to south of Randol Mill Road (Segment 4)];~~
- (4) the State Highway 183 managed lanes project in Tarrant and Dallas Counties ~~[County]~~ from State Highway 121 ~~[+61]~~ to Interstate Highway 35E;
- (5) the Interstate Highway 35E/U.S. Highway 67 Southern Gateway project in Dallas County, including:

(A) Interstate Highway 35E from 8th Street to Interstate Highway 20;

and

(B) U.S. Highway 67 from Interstate Highway 35E to Farm-to-Market Road 1382 (Belt Line Road) [State Highway 249 project in Harris and Montgomery Counties from Spring Cypress Road to Farm to Market Road 1774];

(6) the State Highway 288 project from U.S. Highway 59 to south of State Highway 6 in Brazoria County and Harris County; [and]

(7) the U.S. Highway 290 [Hempstead] managed lanes project in Harris County from Interstate Highway 610 to State Highway 99;

(8) the Interstate Highway 820 project from State Highway 183 to Randol Mill Road;

(9) the State Highway 114 project in Dallas County from State Highway 121 to State Highway 183;

(10) the Loop 12 project in Dallas County from State Highway 183 to Interstate Highway 35E;

(11) the Loop 9 project in Dallas and Ellis Counties from Interstate Highway 20 to U.S. Highway 67; and

(12) the U.S. Highway 181 Harbor Bridge project in Nueces County between U.S. Highway 181 at Beach Avenue and Interstate Highway 37.

(g) The department may combine in a comprehensive development agreement under this subchapter:

(1) a toll project and a rail facility as defined by Section 91.001; or

(2) two or more projects described by Subsection (f).

(i) The authority to enter into a comprehensive development agreement expires:

(1) August 31, 2017, for a project described by Subsection (f), other than the State Highway 99 (Grand Parkway) project and the State Highway 183 managed lanes project; and

(2) [expires] August 31, 2015, for the State Highway 183 managed lanes project.

(j) Before the department may enter into a comprehensive development agreement under Subsection (f), the department must:

(1) for a project other than the State Highway 99 (Grand Parkway) project, obtain, not later than August 31, 2017 [2013], the appropriate environmental clearance;

(A) for the project; or

(B) for the initial or base scope of the project if the project agreement provides for the phased construction of the [for any project other than the State Highway 99 (Grand Parkway)] project; and

(2) present to the commission a full financial plan for the project, including costing methodology and cost proposals.

(k) Not later than December 1, 2014 [2012], the department shall provide [present] a report to the commission on the status of a project described by Subsection

(f). The report must include:

(1) the status of the project's environmental clearance;

(2) an explanation of any project delays; and

(3) if the procurement is not completed, the anticipated date for the completion of the procurement.

(l) In this section, "environmental clearance" means:

(1) a finding of no significant impact has been issued for the project or, as applicable, for the initial or base scope of the project; or

(2) for a project for which an environmental impact statement is prepared, a record of decision has been issued for that project or, as applicable, for the initial or base scope of the project.

SECTION 2. Subsections (a), (c), (e), and (f), Section 223.2011, Transportation Code, are amended to read as follows:

(a) Notwithstanding Sections 223.201(f) and 370.305(c), the department or an authority under Section 370.003 may enter into a comprehensive development agreement relating to improvements to, or construction of, all or part of:

(1) the Loop 1 (MoPac Improvement) project from Farm-to-Market Road 734 to Cesar Chavez Street;

(2) the U.S. 183 (Bergstrom Expressway) project from Springdale Road to Patton Avenue; ~~or~~

(3) a project consisting of the construction of:

(A) the Outer Parkway Project in Cameron County from U.S. Highway 77 ~~[77/83]~~ to Farm-to-Market Road 1847; and

(B) the South Padre Island Second Access Causeway Project from State Highway 100 to Park Road 100;

(4) the Loop 49 project from Interstate 20 to U.S. Highway 69 (Lindale Relief Route) and from State Highway 110 to U.S. Highway 259 (Segments 6 and 7);

(5) the Loop 375 Border Highway West project in El Paso County from Race Track Drive to U.S. Highway 54;

(6) the Northeast Parkway project in El Paso County from Loop 375 east of the Railroad Drive overpass to the Texas-New Mexico border;

(7) the Loop 1604 project in Bexar County;

(8) the Hidalgo County Loop project; and

(9) the International Bridge Trade Corridor project.

(c) Not later than December 1, 2014 ~~[2012]~~, the department or the authority, as applicable, shall provide ~~[present]~~ a report to the commission on the status of a project described by Subsection (a). The report must include:

(1) the status of the project's environmental clearance;

(2) an explanation of any project delays; and

(3) if the procurement is not completed, the anticipated date for the completion of the procurement.

(e) In this section, "environmental clearance" means:

(1) a finding of no significant impact has been issued for the project or, as applicable, for the initial or base scope of the project; or

(2) for a project for which an environmental impact statement is prepared, a record of decision has been issued for that project or, as applicable, for the initial or base scope of the project.

(f) The authority to enter into a comprehensive development agreement under this section expires August 31, 2017 ~~[2015]~~.

SECTION 3. Section 371.101, Transportation Code, is amended to read as follows:

Sec. 371.101. TERMINATION FOR CONVENIENCE. (a) A comprehensive development agreement under which a private participant receives the right to operate and collect revenue from a toll project must contain a provision authorizing the toll project entity to terminate the agreement for convenience and to purchase, under terms agreed to by the parties:

(1) the interest of the private participant in the comprehensive development agreement; and

(2) related property, including any interest in a highway or other facility designed, developed, financed, constructed, operated, or maintained under the agreement.

(b) A comprehensive development agreement described by Subsection (a) must include a price breakdown stating a specific price for the purchase of the private participant's interest at specified intervals from the date the toll project opens, of not less than two years and not more than five years, over the term of the agreement.

(c) The provision must authorize the toll project entity to terminate the comprehensive development agreement and to purchase the private participant's interest at any time during a specified interval at the lesser of:

(1) the price stated for that interval; or

(2) the greater of:

(A) the then fair market value of the private participant's interest, plus or minus any other amounts specified in the comprehensive development agreement; or

(B) an amount equal to the amount of outstanding debt specified in the comprehensive development agreement, plus or minus any other amounts specified in the comprehensive development agreement.

(d) A toll project entity shall include in a request for proposals for an agreement described by Subsection (a) a request for the proposed price breakdown described by Subsection (b) and shall assign points to and score each proposer's price breakdown in the evaluation of proposals.

(e) A private participant shall, not later than 12 months before the date that a new price interval takes effect, notify the toll project entity of the beginning of the price interval. The toll project entity must notify the private participant as to whether it will exercise the option to purchase under this section not later than six months after the date it receives notice under this subsection.

(f) A toll project entity must notify the private participant of the toll project entity's intention to purchase the private participant's interest under this section not less than six months before the date of the purchase.

(g) Subsections (b), (c), (d), (e), and (f) do not apply to a project for which a request for proposals was issued before January 1, 2013.

(h) If a project requires expansion or reconstruction in a manner that differs from the manner provided in the original project scope or schedule, the price for terminating the comprehensive development agreement may be adjusted to reflect the changes in the agreement. [A toll project entity having rulemaking authority by rule and a toll project entity without rulemaking authority by official action shall develop a formula for making termination payments to terminate a comprehensive development

~~agreement under which a private participant receives the right to operate and collect revenue from a toll project. A formula must calculate an estimated amount of loss to the private participant as a result of the termination for convenience.~~

~~[(b) The formula shall be based on investments, expenditures, and the internal rate of return on equity under the agreed base case financial model as projected over the original term of the agreement, plus an agreed percentage markup on that amount.~~

~~[(c) A formula under Subsection (b) may not include any estimate of future revenue from the project, if not included in an agreed base case financial model under Subsection (b). Compensation to the private participant upon termination for convenience may not exceed the amount determined using the formula under Subsection (b).]~~

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 Conference Committee Report on **SB 1730** was filed with the Secretary of the Senate.

#### **CO-SPONSOR OF HOUSE BILL 213**

On motion of Senator Hegar, Senator Patrick will be shown as Co-sponsor of **HB 213**.

#### **CO-SPONSOR OF HOUSE BILL 294**

On motion of Senator Watson, Senator Zaffirini will be shown as Co-sponsor of **HB 294**.

#### **CO-SPONSORS OF HOUSE BILL 308**

On motion of Senator Nichols, Senators Campbell, Lucio, and Nelson will be shown as Co-sponsors of **HB 308**.

#### **CO-SPONSOR OF HOUSE BILL 633**

On motion of Senator Davis, Senator Campbell will be shown as Co-sponsor of **HB 633**.

#### **CO-SPONSOR OF HOUSE BILL 1123**

On motion of Senator Rodríguez, Senator Campbell will be shown as Co-sponsor of **HB 1123**.

#### **CO-SPONSOR OF HOUSE BILL 1297**

On motion of Senator Estes, Senator Garcia will be shown as Co-sponsor of **HB 1297**.

#### **CO-SPONSOR OF HOUSE BILL 1318**

On motion of Senator Whitmire, Senator Garcia will be shown as Co-sponsor of **HB 1318**.

**CO-SPONSOR OF HOUSE BILL 1678**

On motion of Senator Duncan, Senator Campbell will be shown as Co-sponsor of **HB 1678**.

**CO-SPONSOR OF HOUSE BILL 1772**

On motion of Senator Davis, Senator Garcia will be shown as Co-sponsor of **HB 1772**.

**CO-SPONSOR OF HOUSE BILL 2015**

On motion of Senator Watson, Senator Garcia will be shown as Co-sponsor of **HB 2015**.

**CO-SPONSOR OF HOUSE BILL 2020**

On motion of Senator Deuell, Senator Zaffirini will be shown as Co-sponsor of **HB 2020**.

**CO-SPONSOR OF HOUSE BILL 2028**

On motion of Senator Davis, Senator Campbell will be shown as Co-sponsor of **HB 2028**.

**CO-SPONSOR OF HOUSE BILL 2029**

On motion of Senator Davis, Senator Campbell will be shown as Co-sponsor of **HB 2029**.

**CO-SPONSOR OF HOUSE BILL 2099**

On motion of Senator Hinojosa, Senator West will be shown as Co-sponsor of **HB 2099**.

**CO-SPONSOR OF HOUSE BILL 2135**

On motion of Senator Rodríguez, Senator Campbell will be shown as Co-sponsor of **HB 2135**.

**CO-SPONSOR OF HOUSE BILL 2388**

On motion of Senator Van de Putte, Senator Campbell will be shown as Co-sponsor of **HB 2388**.

**CO-SPONSOR OF HOUSE BILL 2482**

On motion of Senator Taylor, Senator Garcia will be shown as Co-sponsor of **HB 2482**.

**CO-SPONSOR OF HOUSE BILL 2500**

On motion of Senator Watson, Senator Carona will be shown as Co-sponsor of **HB 2500**.

**CO-SPONSOR OF HOUSE BILL 2562**

On motion of Senator Van de Putte, Senator Campbell will be shown as Co-sponsor of **HB 2562**.

**CO-SPONSOR OF HOUSE BILL 2924**

On motion of Senator Davis, Senator Campbell will be shown as Co-sponsor of **HB 2924**.

**CO-SPONSOR OF HOUSE BILL 3063**

On motion of Senator Van de Putte, Senator Campbell will be shown as Co-sponsor of **HB 3063**.

**CO-SPONSOR OF HOUSE BILL 3066**

On motion of Senator Van de Putte, Senator Campbell will be shown as Co-sponsor of **HB 3066**.

**CO-SPONSOR OF HOUSE BILL 3067**

On motion of Senator Van de Putte, Senator Campbell will be shown as Co-sponsor of **HB 3067**.

**CO-SPONSOR OF HOUSE BILL 3077**

On motion of Senator Hinojosa, Senator Campbell will be shown as Co-sponsor of **HB 3077**.

**CO-SPONSOR OF HOUSE BILL 3211**

On motion of Senator Zaffirini, Senator Garcia will be shown as Co-sponsor of **HB 3211**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolution**

**SR 1006** by Van de Putte, In memory of Mary Denman.

**Congratulatory Resolutions**

**SCR 36** by Estes, Honoring Ken Horton for his leadership in Texas agriculture.

**SR 1001** by Garcia, Recognizing Dennis W. Walker for his service with the Jacinto City Police Department.

**SR 1002** by Garcia, Recognizing Jennifer Simpson Castaneda for her service with the Jacinto City Police Department.

**SR 1003** by Taylor, Recognizing William R. Kern III for his achievements.

**SR 1004** by Watson, Recognizing Rod Nelson on the occasion of his retirement.

**SR 1005** by Watson, Recognizing Robin Ramsay on the occasion of her retirement.

**SR 1007** by Schwertner, Recognizing Louis M. McCormick on the occasion of his 70th birthday.

**SR 1008** by Schwertner, Recognizing Ruby Howell on the occasion of her high school graduation.

## ADJOURNMENT

On motion of Senator Estes, the Senate at 8:14 p.m. adjourned, in honor of his son, Mark Linton Estes, until 10:00 a.m. Monday, May 20, 2013.

---

## APPENDIX

---

### COMMITTEE REPORTS

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

May 17, 2013

HIGHER EDUCATION — **CSHB 29**

GOVERNMENT ORGANIZATION — **CSHB 1965**

ADMINISTRATION — **HB 3905, HCR 41, HB 3017**

NATURAL RESOURCES — **HCR 59, HB 738, HB 852, CSHB 1324, HB 1461, HB 2152, CSHB 2362, HB 2767, CSHB 2982, CSHB 3511, CSHB 3605, HB 3898, HB 3903, HB 3934, HB 3941**

INTERGOVERNMENTAL RELATIONS — **HB 2075, HB 2139, CSHB 3860, HB 3895, HB 3932, HB 2138, HB 2902, HB 3739 (Amended), HB 3877, HB 3910, HB 3943, HB 3947**

ECONOMIC DEVELOPMENT — **HB 3714, HB 1908**

STATE AFFAIRS — **HB 3357 (Amended)**

INTERGOVERNMENTAL RELATIONS — **CSHB 3914**

BUSINESS AND COMMERCE — **CSHB 2062, CSHB 2818**

HIGHER EDUCATION — **HB 1843, HB 3640, HB 2550, HB 3792, HB 2474**

NATURAL RESOURCES — **CSHB 2590**

CRIMINAL JUSTICE — **HB 694, HB 1523**

TRANSPORTATION — **HB 438, HB 714, HB 1044, HB 2424, HB 2612, HB 2648, CSHB 2690, HB 3125, HB 3126, HB 3471, CSHB 3520, HB 3831**

JURISPRUDENCE — **CSHB 1513, CSHB 2795, CSHB 3153**

OPEN GOVERNMENT — **HB 2676, HB 628, HB 2668**

NATURAL RESOURCES — **CSHB 3459**

ECONOMIC DEVELOPMENT — **HB 2061, HB 983, HB 950, HB 1966**

GOVERNMENT ORGANIZATION — **HB 3116**

HEALTH AND HUMAN SERVICES — **CSHB 1741**

INTERGOVERNMENTAL RELATIONS — **HB 1734, HB 2123, HB 3159, HB 3613**

ADMINISTRATION — **HB 677**

HEALTH AND HUMAN SERVICES — **CSHB 2383**

INTERGOVERNMENTAL RELATIONS — **CSHB 3552**

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — **HB 3067, HB 2924, HB 2562, HB 1678, HB 1960, HB 2135, HB 633, HB 1123, CSHB 3077, HJR 62, HB 3066**

INTERGOVERNMENTAL RELATIONS — **CSHB 680**

STATE AFFAIRS — **HB 3105, HB 2984, HB 2233, HB 2110**

CRIMINAL JUSTICE — **CSHB 8, HB 48, HB 124, HB 167, HB 1120, CSHB 1125, CSHB 431, CSHB 1606, HB 1562, HB 1544, HB 1206, HB 1284, HB 705, HB 577, CSHB 1659, HB 555, HB 1790, HB 1862, HB 3161, HB 2090, HB 2407, HB 2539, HB 2719, CSHB 2825, HB 2862, HB 3334, HB 3805**

AGRICULTURE, RURAL AFFAIRS AND HOMELAND SECURITY — **HB 1781, HB 2153, HB 3142, HB 3660**

TRANSPORTATION — **CSHB 2204**

HIGHER EDUCATION — **CSHB 31**

GOVERNMENT ORGANIZATION — **CSHB 194, CSHB 3648**

OPEN GOVERNMENT — **CSHB 16**

STATE AFFAIRS — **CSSB 612, CSHB 3593, CSHB 2645, CSHB 1632, CSHB 1129, CSHB 1050, CSHB 658, CSHB 506, CSHB 195, CSHB 586**

TRANSPORTATION — **CSHB 1675**

INTERGOVERNMENTAL RELATIONS — **CSHB 3793**

CRIMINAL JUSTICE — **HB 1302**

EDUCATION — **HB 217, CSHB 462, HB 590, HB 1009, HB 866, CSHB 742, HB 1775, HB 647, HB 2201 (Amended), HB 2483, HB 2607, HB 2824, HB 3573, HB 3662, HB 1751 (Amended)**

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — **CSHB 2028, CSHB 2029, CSHB 2388, CSHB 3063**

CRIMINAL JUSTICE — **CSHB 232**

EDUCATION — **HB 1501, CSHB 1479, HB 1454**

FINANCE — **HB 1133, HB 800, HB 2202, HB 2148, HB 2100, HB 3188**

HEALTH AND HUMAN SERVICES — **CSHB 595**

**BILLS AND RESOLUTIONS ENROLLED**May 16, 2013**SB 377, SB 715, SB 914, SB 1142, SB 1312, SB 1541, SB 1868, SR 888, SR 904, SR 977, SR 986, SR 987, SR 988, SR 990, SR 991, SR 992, SR 993, SR 994, SR 995, SR 996, SR 997, SR 998, SR 999, SR 1000****SIGNED BY GOVERNOR**May 16, 2013**SB 1611**