

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

SIXTY-SIXTH DAY

(Continued)

(Tuesday, May 24, 2011)

AFTER RECESS

The Senate met at 9:00 a.m. and was called to order by Senator Uresti.

**SESSION HELD FOR
LOCAL AND UNCONTESTED CALENDAR**

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

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

SB 1460 (Harris)

Relating to energy savings performance contracts.

(viva voce vote) (31-0) (31-0)

HB 174 (Duncan)

Relating to the cancellation of the voter registration and to the eligibility to vote of persons who are deceased or not citizens of the United States.

(viva voce vote) (31-0) (31-0)

HB 308 (Watson)

Relating to life preserving devices on recreational vessels.

(viva voce vote) (31-0) (31-0)

HB 343 (Huffman)

Relating to the reporting and recording of a motor vehicle accident involving an official vehicle driven by a peace officer, firefighter, or an emergency medical services employee in the course of official duties.

(viva voce vote) (31-0) (31-0)

HB 360 (Duncan)

Relating to ballot language for a proposition to approve the imposition, increase, or reduction of a tax or the issuance of bonds.

(viva voce vote) (31-0) (31-0)

HB 412 (Hegar)

Relating to the requirement that certain impaired veterinarians participate in a peer assistance program.

(viva voce vote) (31-0) (31-0)

HB 528 (Van de Putte)

Relating to the provision of pharmaceutical services through informal and voluntary networks in the workers' compensation system; providing an administrative violation.

(viva voce vote) (31-0) (31-0)

HB 577 (Deuell)

Relating to emergency prehospital care provided by emergency services personnel.

(viva voce vote) (31-0) (31-0)

HB 588 (Whitmire)

Relating to surcharges under the Driver Responsibility Program.

(viva voce vote) (31-0) (31-0)

HB 630 (Nichols)

Relating to the environmental review process for transportation projects.

(viva voce vote) (31-0) (31-0)

HB 654 (Shapiro)

Relating to a report regarding the municipality or county of origin of certain tax revenue collected by the comptroller.

(viva voce vote) (31-0) (31-0)

HB 692 (Van de Putte)

Relating to high school graduation requirements for a student who is unable to participate in physical activity due to disability or illness.

(viva voce vote) (31-0) (31-0)

HB 787 (Wentworth)

Relating to abandoned, wrecked, dismantled, discarded, and inoperable aircraft and vessels.

(viva voce vote) (31-0) (31-0)

HB 788 (Wentworth)

Relating to the establishment and use of a private family cemetery by certain organizations in certain counties.

(viva voce vote) (31-0) (31-0)

HB 805 (Hegar)

Relating to the requirement that certain water service providers ensure emergency operations during an extended power outage.

(viva voce vote) (31-0) (31-0)

HB 990 (Watson)

Relating to certain homestead preservation reinvestment zones.
(viva voce vote) (31-0) (31-0)

(Senator Van de Putte in Chair)

HB 1040 (Uresti)

Relating to the validation of the creation of, and certain acts related to, a venue project, and the dissolution of certain venue districts.
(viva voce vote) (31-0) (31-0)

(Senator Uresti in Chair)

HB 1048 (Eltime)

Relating to the terms of the 102nd District Court in Red River County.
(viva voce vote) (31-0) (31-0)

HB 1060 (Hegar)

Relating to the de-annexation of land in Bastrop County by the Barton Springs-Edwards Aquifer Conservation District.
(viva voce vote) (31-0) (31-0)

HB 1070 (Hinojosa)

Relating to the taking of a defendant's bail bond by county jailers.
(viva voce vote) (31-0) (31-0)

HB 1116 (Shapiro)

Relating to prohibiting the sale and use of certain radar interference devices; creating an offense.
(viva voce vote) (31-0) (31-0)

HB 1144 (Deuell)

Relating to the Hopkins County Hospital District.
(viva voce vote) (31-0) (31-0)

HB 1148 (Hinojosa)

Relating to an exemption for certain disabled veterans from the payment of a fee for the issuance of a personal identification certificate.
(viva voce vote) (31-0) (31-0)

(Senator Van de Putte in Chair)

HB 1163 (Hegar)

Relating to tuition and fee exemptions at public institutions of higher education for certain peace officers and firefighters.
(viva voce vote) (31-0) (31-0)

HB 1226 (Ellis)

Relating to the eligibility of certain persons who have received deferred adjudication to vote.
(viva voce vote) (31-0) (31-0)

HB 1235 (Ogden)

Relating to the transfer of certain state property from the Texas Department of Transportation to the Parks and Wildlife Department.

(viva voce vote) (31-0) (31-0)

HB 1274 (Wentworth)

Relating to an exemption from the payment of a toll for unmarked military vehicles conducting or training for emergency operations.

(viva voce vote) (31-0) (31-0)

HB 1301 (Eltime)

Relating to making a voluntary contribution to the Parks and Wildlife Department when registering a motor vehicle or renewing a motor vehicle registration.

(viva voce vote) (31-0) (31-0)

HB 1305 (Huffman)

Relating to the issuance of oversize or overweight vehicle permits by certain port authorities.

(viva voce vote) (31-0) (31-0)

HB 1341 (Zaffirini)

Relating to the manner of payment of tuition and mandatory fees at public institutions of higher education.

(viva voce vote) (31-0) (31-0)

HB 1456 (Deuell)

Relating to the waiver and release of a mechanic's, contractor's, or materialman's lien or payment bond claim and to the creation of a mechanic's, contractor's, or materialman's lien for certain landscaping.

(viva voce vote) (31-0) (31-0)

HB 1486 (Wentworth)

Relating to signs posted under the memorial sign program for victims of certain vehicle accidents.

(viva voce vote) (31-0) (31-0)

HB 1499 (Wentworth)

Relating to the designation of the Scenic Loop Road–Boerne Stage Road–Toutant Beauregard Road Historic Corridor.

(viva voce vote) (31-0) (31-0)

HB 1504 (Hinojosa)

Relating to statutory references to the common electronic infrastructure project formerly known as TexasOnline.

(viva voce vote) (31-0) (31-0)

HB 1523 (Watson)

Relating to the offense of transporting household goods without registration; providing a penalty.

(viva voce vote) (31-0) (31-0)

HB 1593 (Huffman)

Relating to the inclusion of a candidate's e-mail address on an official application for a place on the ballot.

(viva voce vote) (31-0) (31-0)

HB 1608 (Watson)

Relating to participation in and contributions to the state employee charitable campaign by retired state employees.

(viva voce vote) (31-0) (31-0)

HB 1658 (Whitmire)

Relating to the refund of a cash bond to a defendant in a criminal case.

(viva voce vote) (31-0) (31-0)

HB 1907 (Whitmire)

Relating to notification requirements concerning offenses committed by students and school district discretion over admission or placement of certain students.

(viva voce vote) (31-0) (31-0)

HB 1959 (Carona)

Relating to appeal of the certification of an area's wet or dry status.

(viva voce vote) (31-0) (31-0)

HB 1981 (Gallegos)

Relating to measuring, monitoring, and reporting emissions.

(viva voce vote) (31-0) (31-0)

(Senator Uresti in Chair)

HB 2015 (Van de Putte)

Relating to certain conduct indicating a need for supervision and the sealing of records related to that conduct.

(viva voce vote) (31-0) (31-0)

(Senator Van de Putte in Chair)

HB 2038 (Deuell)

Relating to prevention, treatment, and oversight of concussions affecting public school students participating in interscholastic athletics.

(viva voce vote) (31-0) (31-0)

STATEMENT OF LEGISLATIVE INTENT

Senator Deuell submitted the following statement of legislative intent for **HB 2038**:

It is my intent that this does affect a physician's referral of a student for treatment to a licensed health care professional.

It is also my intent that the physician described in Section 38.157(3) may be a medical doctor actively practicing in a neighboring state if he or she is the student's personal physician.

DEUELL

HB 2077 (Deuell)

Relating to a pilot program under the loanstar revolving loan program to promote the use of energy efficiency measures and renewable energy technology by certain nonprofit organizations.

(viva voce vote) (31-0) (31-0)

HB 2103 (Carona)

Relating to the consideration of a letter of credit issued by a federal home loan bank as an eligible security for collateral to secure public funds.

(viva voce vote) (31-0) (31-0)

HB 2109 (Uresti)

Relating to agency action concerning assisted living facilities, including regulation of inappropriate placement of residents at facilities; providing a penalty.

(viva voce vote) (31-0) (31-0)

HB 2120 (Duncan)

Relating to the composition of the board of trustees of the Teacher Retirement System of Texas.

(viva voce vote) (31-0) (31-0)

HB 2127 (Harris)

Relating to the municipal regulation of the discharge of firearms and certain other weapons in certain counties.

(viva voce vote) (31-0) (31-0)

(Senator Rodriguez in Chair)**HB 2132** (Hegar)

Relating to the creation of magistrates in certain counties.

(viva voce vote) (31-0) (31-0)

HB 2139 (Zaffirini)

Relating to the establishment of an Adopt-A-Library program and state employee charitable contributions to the program.

(viva voce vote) (31-0) (31-0)

HB 2172 (Van de Putte)

Relating to the eligibility of certain children under group life insurance policies.

(viva voce vote) (31-0) (31-0)

HB 2195 (Carona)

Relating to requirements for certain arrangements or agreements of certain regional transportation authorities.

(viva voce vote) West "Present-not voting" (30-0-1) West "Present-not voting" (30-0-1) West "Present-not voting"

HB 2223 (Carona)

Relating to the contracts of certain regional transportation authorities that are required to be competitively bid.

(viva voce vote) West "Present-not voting" (30-0-1) West "Present-not voting" (30-0-1) West "Present-not voting"

HB 2280 (Jackson)

Relating to the composition of the permanent advisory committee to advise the Texas Commission on Environmental Quality regarding the implementation of the ad valorem tax exemption for pollution control property.

(viva voce vote) (31-0) (31-0)

HB 2292 (Van de Putte)

Relating to payment of claims to pharmacies and pharmacists.

(viva voce vote) (31-0) (31-0)

HB 2313 (Wentworth)

Relating to certain notice requirements for municipalities and counties under the open meetings law.

(viva voce vote) (31-0) (31-0)

HB 2325 (Wentworth)

Relating to the competitive bidding and notice requirements for contracts of certain mass transportation authorities.

(viva voce vote) West "Present-not voting" (30-0-1) West "Present-not voting" (30-0-1) West "Present-not voting"

HB 2330 (Estes)

Relating to the statutory county courts in Wise County.

(viva voce vote) (31-0) (31-0)

HB 2359 (Williams)

Relating to direct campaign expenditures.

(viva voce vote) (31-0) (31-0)

HB 2382 (Estes)

Relating to notice required upon nonrenewal of property and casualty insurance policies.

(viva voce vote) (31-0) (31-0)

HB 2422 (Harris)

Relating to the procedure for providing a copy of the final decree of dissolution of a marriage to a party who waived service of process.

(viva voce vote) (31-0) (31-0)

HB 2469 (Estes)

Relating to a memorial sign program for victims of motorcycle accidents.

(viva voce vote) (31-0) (31-0)

HB 2471 (Deuell)

Relating to limiting the civil liability of certain persons who obtain or provide medical care and treatment for certain animals.

(viva voce vote) (31-0) (31-0)

HB 2477 (Ellis)

Relating to provision of bilingual election materials.

(viva voce vote) (31-0) (31-0)

HB 2510 (Eltife)

Relating to exempting the intrastate manufacture of certain incandescent light bulbs from federal regulation.

(viva voce vote) (31-0) (31-0)

HB 2579 (Deuell)

Relating to relief for certain employers from penalties and sanctions under the Texas Unemployment Compensation Act.

(viva voce vote) (31-0) (31-0)

HB 2610 (Deuell)

Relating to facilitating access to certain public assistance benefits programs and health care providers and services through a community-based navigator program and through promotoras and community health workers.

(viva voce vote) Birdwell "Nay" (30-1) Birdwell "Nay" (30-1) Birdwell "Nay"

(Senator Eltife in Chair)

HB 2619 (Whitmire)

Relating to emergency preparedness information about water facilities.

(viva voce vote) (31-0) (31-0)

HB 2632 (Wentworth)

Relating to access to the criminal history record information of certain persons by the Texas Facilities Commission.

(viva voce vote) (31-0) (31-0)

HB 2636 (Nelson)

Relating to a council to study neonatal intensive care units.

(viva voce vote) (31-0) (31-0)

HB 2703 (Uresti)

Relating to the regulation of orthotists and prosthetists.

(viva voce vote) (31-0) (31-0)

HB 2717 (Carona)

Relating to the duties and responsibilities of certain county officials and the functions of county government.

(viva voce vote) (31-0) (31-0)

HB 2758 (Zaffirini)

Relating to mandatory emergency alert systems at institutions of higher education.

(viva voce vote) (31-0) (31-0)

HB 2769 (Wentworth)

Relating to the authority of the Texas Facilities Commission regarding gifts, grants, and donations.

(viva voce vote) (31-0) (31-0)

HB 2826 (Huffman)

Relating to the issuance of a certificate for a municipal setting designation.

(viva voce vote) (31-0) (31-0)

HB 2869 (Shapiro)

Relating to the powers and duties of certain master mixed-use property owners' associations.

(viva voce vote) (31-0) (31-0)

HB 2903 (Deuell)

Relating to the program of all-inclusive care for the elderly.

(viva voce vote) (31-0) (31-0)

HB 2940 (Zaffirini)

Relating to the form of death certificates and fetal death certificates.

(viva voce vote) (31-0) (31-0)

(Senator Van de Putte in Chair)

HB 3002 (Eltife)

Relating to certain conservation and reclamation districts exempted from filing a full audit.

(viva voce vote) (31-0) (31-0)

(Senator Eltife in Chair)

HB 3017 (Duncan)

Relating to the prohibited use of discretionary clauses in certain health maintenance organization and insurance contracts.

(viva voce vote) (31-0) (31-0)

HB 3093 (Duncan)

Relating to the amendment of certain reports of political contributions and expenditures.

(viva voce vote) (31-0) (31-0)

HB 3167 (Carona)

Relating to the abolishment of the state regulation of talent agencies and personnel services.

(viva voce vote) (31-0) (31-0)

HB 3270 (Deuell)

Relating to the list of candidates compiled by a state or county party chair for a primary election.

(viva voce vote) (31-0) (31-0)

HB 3309 (Nichols)

Relating to the authority to set maximum weights for state highways, roads, and bridges.

(viva voce vote) (31-0) (31-0)

HB 3311 (Nelson)

Relating to the duty of an attorney ad litem appointed for a child to meet with the child or individual with whom the child resides before each court hearing.

(viva voce vote) (31-0) (31-0)

HB 3314 (Nelson)

Relating to a requirement that an attorney ad litem appointed for a child file a statement with the court regarding the attorney ad litem's meeting with the child or other specified person.

(viva voce vote) (31-0) (31-0)

HB 3333 (Hegar)

Relating to the authority of the governor to order the disconnection of state computer networks from the Internet.

(viva voce vote) (31-0) (31-0)

HB 3336 (Deuell)

Relating to information regarding pertussis for parents of newborn children.

(viva voce vote) (31-0) (31-0)

HB 3337 (Hinojosa)

Relating to the emergency medical services that give rise to an emergency medical services lien.

(viva voce vote) (31-0) (31-0)

HB 3578 (Zaffirini)

Relating to clarification of the authorized uses for loans under public institution of higher education emergency loan programs.

(viva voce vote) (31-0) (31-0)

HB 3579 (Zaffirini)

Relating to repayment assistance for certain physician education loans.

(viva voce vote) (31-0) (31-0)

HB 3796 (Uresti)

Relating to the composition of certain judicial districts.

(viva voce vote) (31-0) (31-0)

HB 3808 (Uresti)

Relating to fishing with certain archery equipment in certain counties.

(viva voce vote) (31-0) (31-0)

HCR 24 (Duncan)

Designating Nymphaea Texas Dawn as the official State Waterlily of Texas.

(viva voce vote)

HCR 130 (Carona)

Designating the city of Richardson as the official International Business Capital of North Texas.

(viva voce vote)

**BILLS REMOVED FROM
LOCAL AND UNCONTESTED CALENDAR**

Senator Carona, sponsor of the bill, requested in writing that **HB 1580** be removed from the Local and Uncontested Calendar.

Senator Williams, sponsor of the bill, requested in writing that **HB 2040** be removed from the Local and Uncontested Calendar.

Senator Uresti and Senator Eltife requested in writing that **HCR 117** be removed from the Local and Uncontested Calendar.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 9:45 a.m. adjourned until 10:30 a.m. today.

