

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

THIRTY-EIGHTH DAY

(Continued)

(Thursday, April 7, 2011)

AFTER RECESS

The Senate met at 8:00 a.m. and was called to order by Senator Eltife.

**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.

CSSB 71 (Nelson)

Relating to certain reports submitted and analyses conducted by health and human services agencies.

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

CSSB 82 (Nelson)

Relating to the prosecution of the offense of stalking.

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

SB 182 (Wentworth)

Relating to the penalty for the offense of reckless driving.

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

SB 217 (Huffman)

Relating to expulsion of a public school student who commits certain criminal acts involving a computer, computer network, or computer system owned by or operated on behalf of a school district.

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

CSSB 222 (Nelson)

Relating to access to certain long-term care services and supports under the medical assistance program.

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

SB 227 (Nelson)

Relating to the nondisciplinary resolution of certain complaints filed against physicians.

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

CSSB 229 (Nelson)

Relating to newborn hearing screenings and hearing services for certain children.

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

SB 249 (Estes)

Relating to the composition of the Finance Commission of Texas.

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

SB 258 (Hegar)

Relating to the pledge of allegiance to the state flag during a state flag retirement ceremony.

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

SB 327 (Van de Putte)

Relating to including certain veterans service organizations as small businesses for the purpose of state contracting.

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

CSSB 372 (Seliger)

Relating to certain reports, communications, publications, and other documents involving the attorney general.

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

(Senator Birdwell in Chair)

CSSB 403 (Eltife)

Relating to the consideration of pension and other postemployment benefits in establishing the rates of a gas utility.

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

(Senator Eltife in Chair)

SB 419 (West)

Relating to prohibiting state funding to public junior colleges for physical education courses offered for joint high school and junior college credit.

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

CSSB 420 (Deuell)

Relating to determining eligibility for indigent health care.

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

SB 423 (Lucio)

Relating to health insurance coverage for eligible survivors of certain public servants killed in the line of duty.

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

(Senator Birdwell in Chair)**SB 432** (Jackson)

Relating to the penalty for failure to make a timely installment payment of ad valorem taxes on property in a disaster area.

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

SB 460 (Seliger)

Relating to regulation of the import, export, and management of mule deer; providing penalties.

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

SB 498 (Jackson)

Relating to the trapping and transport of surplus white-tailed deer.

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

CSSB 499 (Jackson)

Relating to the identification of breeder deer by microchips.

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

SB 551 (Williams)

Relating to liability for interest on ad valorem taxes on improvements that escaped taxation in a previous year.

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

CSSB 596 (Shapiro)

Relating to transition planning for a public school student receiving special education services.

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

SB 628 (Duncan)

Relating to the authority of the Childress County Hospital District to provide facilities and services for persons who are elderly or disabled; providing authority to issue bonds and notes.

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

CSSB 630 (Hegar)

Relating to the Ranch at Clear Fork Creek Municipal Utility District No. 2; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

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

CSSB 639 (Van de Putte)

Relating to tuition and fee exemptions at public institutions of higher education for certain military personnel, veterans, and dependents residing in this state.

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

CSSB 680 (Gallegos)

Relating to a fee collected by a district clerk for certain certified copies.
(viva voce vote) Nelson "Nay" (30-1) Nelson "Nay" (30-1) Nelson "Nay"

SB 692 (Estes)

Relating to exemptions from groundwater conservation district permit requirements.
(viva voce vote) (31-0) (31-0)

SB 715 (Harris)

Relating to access to a child's medical records by the child's attorney ad litem, guardian ad litem, or amicus attorney.
(viva voce vote) (31-0) (31-0)

SB 729 (Seliger)

Relating to a joint election for trustees of an independent school district.
(viva voce vote) (31-0) (31-0)

SB 743 (Hegar)

Relating to the designation of a segment of State Highway 71 as the 95th Division Memorial Highway.
(viva voce vote) (31-0) (31-0)

SB 759 (West)

Relating to the state low income housing plan and report developed by the Texas Department of Housing and Community Affairs.
(viva voce vote) (31-0) (31-0)

(Senator Rodriguez in Chair)**SB 778** (Williams)

Relating to the inclusion of professional staff who educate students with disabilities on district-level and campus-level planning and decision-making committees.
(viva voce vote) (31-0) (31-0)

CSSB 779 (Whitmire)

Relating to a central database containing information about certain persons who have been convicted of or received a grant of deferred adjudication for certain offenses involving animal cruelty; providing a criminal penalty.
(viva voce vote) Fraser "Nay" (30-1) Fraser "Nay" (30-1) Fraser "Nay"

CSSB 782 (Carona)

Relating to uniform law on secured transactions.
(viva voce vote) (31-0) (31-0)

SB 789 (Harris)

Relating to the duration of a protective order against family violence.
(viva voce vote) (31-0) (31-0)

SB 794 (Nelson)

Relating to the use of money from the permanent fund for health-related programs to provide grants to nursing education programs.
(viva voce vote) (31-0) (31-0)

CSSB 795 (Nelson)

Relating to regulation of nurse aides.

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

CSSB 800 (Duncan)

Relating to the qualifications and operations of workers' compensation data collection agents.

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

CSSB 803 (Hegar)

Relating to venue projects in certain counties.

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

SB 804 (Hegar)

Relating to the use of revenue from the hotel occupancy tax by certain counties.

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

SB 816 (Lucio)

Relating to the appointment and recommendations of the Border Trade Advisory Committee.

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

SB 867 (Deuell)

Relating to testing accommodations for a person with dyslexia taking a licensing examination administered by a state agency.

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

SB 873 (Duncan)

Relating to rate and damage schedules governing certain easements or other interests in land of The University of Texas System.

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

SB 874 (Fraser)

Relating to establishing a separate provider type for prosthetic and orthotic providers under the medical assistance program.

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

SB 882 (Whitmire)

Relating to the filing of a copy of certain records related to the release of accused persons on personal bond.

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

CSSB 893 (Whitmire)

Relating to motor fuel quality and testing.

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

(Senator Uresti in Chair)

CSSB 894 (Duncan)

Relating to the employment of physicians by certain hospitals.

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

CSSB 900 (Gallegos)

Relating to the Aldine Improvement District; providing authority to impose a tax.
(viva voce vote) (31-0) (31-0)

SB 901 (Hegar)

Relating to approval from the Department of State Health Services for disposal of ambulances purchased with certain grant funds.
(viva voce vote) (31-0) (31-0)

SB 914 (Wentworth)

Relating to the applicability to certain regional water districts of provisions concerning bond approval by the Texas Commission on Environmental Quality.
(viva voce vote) (31-0) (31-0)

CSSB 959 (Wentworth)

Relating to toll collection and enforcement.
(viva voce vote) (31-0) (31-0)

CSSB 969 (Nelson)

Relating to the establishment of the Public Health Funding and Policy Committee within the Department of State Health Services.
(viva voce vote) (31-0) (31-0)

CSSB 978 (Hinojosa)

Relating to procedures for the dissolution of the Hidalgo County Water Improvement District No. 3.
(viva voce vote) (31-0) (31-0)

CSSB 981 (Carona)

Relating to the regulation of distributed renewable generation of electricity.
(viva voce vote) (31-0) (31-0)

CSSB 992 (Lucio)

Relating to the allocation of loans made under the owner-builder loan program.
(viva voce vote) (31-0) (31-0)

SB 997 (Shapiro)

Relating to the public inspection of an application for a ballot to be voted early by mail.
(viva voce vote) (31-0) (31-0)

CSSB 1009 (Huffman)

Relating to requiring public institutions of higher education to notify the federal Student and Exchange Visitor Information System (SEVIS) regarding the withdrawal or nonattendance of certain foreign students.
(viva voce vote) (31-0) (31-0)

CSSB 1017 (Davis)

Relating to certain comprehensive development agreements of the Texas Department of Transportation.
(viva voce vote) Fraser "Nay" (30-1) Fraser "Nay" (30-1) Fraser "Nay"

SB 1025 (Harris)

Relating to service of citation and appointment of an attorney ad litem for an indigent parent in certain suits affecting the parent-child relationship.

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

CSSB 1069 (Jackson)

Relating to the Texas emerging technology fund reporting requirement.

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

SB 1121 (Estes)

Relating to the student fees for the university center at Midwestern State University.

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

CSSB 1144 (Shapiro)

Relating to certain comprehensive development agreements of the Texas Department of Transportation.

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

CSSB 1145 (Shapiro)

Relating to certain comprehensive development agreements of the Texas Department of Transportation.

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

SB 1151 (Jackson)

Relating to notice of utility rate increases.

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

(Senator Birdwell in Chair)**CSSB 1167** (Carona)

Relating to cemeteries and perpetual care cemetery corporations; providing a penalty.

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

CSSB 1176 (Jackson)

Relating to the definition of a postsecondary program in regard to non-baccalaureate career schools and colleges.

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

SB 1185 (Nichols)

Relating to the authority of certain counties to impose a hotel occupancy tax for the operation and maintenance of a fairground in the county.

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

SB 1226 (Hegar)

Relating to the ballot language for junior college district annexation elections.

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

SB 1228 (Hegar)

Relating to the duties of district clerks regarding certain electronic filing systems.

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

SB 1241 (West)

Relating to authorizing certain courts to access information in the juvenile justice information system.

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

SB 1242 (West)

Relating to the judicial immunity and powers of certain magistrates.

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

SB 1322 (Fraser)

Relating to the operation of the Kimble County, McCulloch County, Mason County, and Menard County Juvenile Boards.

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

SB 1343 (Eltife)

Relating to archeological cemeteries.

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

SB 1518 (Eltife)

Relating to the powers and duties of the Texas Historical Commission; imposing a penalty.

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

SB 1714 (Duncan)

Relating to certain actions against an employer by an employee who is not covered by workers' compensation insurance.

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

CSSB 1716 (Duncan)

Relating to voidability of contracts procured through and liability arising from conduct constituting barratry; providing a civil penalty.

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

CSSCR 2 (Uresti)

Urging Congress to reauthorize the Water Resources Development Act of 2007, Section 5056, and to appropriate sufficient funds so that efforts to solve the salt problem in the Amistad International Reservoir can continue.

(viva voce vote)

**BILLS REMOVED FROM
LOCAL AND UNCONTESTED CALENDAR**

Senator Seliger, author of the bill, requested in writing that **SB 371** be removed from the Local and Uncontested Calendar.

Senator Watson, author of the bill, requested in writing that **SB 821** be removed from the Local and Uncontested Calendar.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 8:44 a.m. adjourned, in memory of Robert Forrest Welch III, Scott H. Burgess, and Jose Luis Saenz III, until 10:00 a.m. today.