

# SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**FORTY-FIRST DAY**

(Tuesday, April 12, 2011)

The Senate met at 11:05 a.m. pursuant to adjournment and was called to order by Senator Eltife.

The roll was called and the following Senators were present: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

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

Pastor William Mose Johnson, Jr., First Baptist Church, Buda, offered the invocation as follows:

Almighty God of heaven and Earth, we ask Your blessing and divine guidance on these men and women chosen to lead us. We pray that through their efforts, lives would be enriched and helped and Your name glorified. We pray according to Your word that these would act justly, love mercy, and would walk humbly with You, O God. (Micah 6:8) In Your name. Amen.

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

The motion prevailed without objection.

## MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Tuesday, April 12, 2011 - 1

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

## THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

**HB 362**

Solomons

Relating to the regulation by a property owners' association of the installation of solar energy devices and certain roofing materials on property.

**HB 411**

Laubenberg

Relating to the confidentiality of newborn screening information.

**HB 443**

Fletcher

Relating to the amount of the fee paid by a defendant for a peace officer's services in executing or processing an arrest warrant, capias, or capias pro fine.

**HB 630**

Pickett

Relating to the authority of the Texas Department of Transportation, counties, regional tollway authorities, and regional mobility authorities to enter into funding agreements to expedite the entity's environmental review duties related to certain transportation projects.

**HB 1808**

Cook

Relating to the continuation and functions of the State Soil and Water Conservation Board.

**HB 2193**

Truitt

Relating to service and qualifications for membership on an advisory committee established by the Employees Retirement System of Texas to provide advice to the board of trustees on investments and investment-related issues.

**HB 2271**

Anchia

Relating to the continuation and functions of the Texas Racing Commission, the abolishment of the Equine Research Account Advisory Committee, and the authority of Texas AgriLife Research; providing an administrative penalty.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**MESSAGE FROM THE GOVERNOR**

The following Message from the Governor was read and was referred to the Committee on Nominations:

April 11, 2011  
Austin, Texas

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

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

To be a member of the State Preservation Board for a term to expire February 1, 2013:

Ida Louise "Weisie" Clement Steen  
San Antonio, Texas

Ms. Steen is replacing Charlotte Foster of Houston whose term expired.

Respectfully submitted,

/s/Rick Perry  
Governor

### **SENATE RESOLUTION 725**

Senator Carona offered the following resolution:

**SR 725**, Recognizing April 12, 2011, as Realtor Appreciation Day at the State Capitol.

The resolution was read and was adopted without objection.

### **GUESTS PRESENTED**

Senator Carona was recognized and introduced to the Senate a Texas Association of Realtors delegation: Dwight Hale, Chairman; Joe Stewart, Chairman-elect; Shad Bogany, Secretary-Treasurer; Travis Kessler, CEO; and Bill Jones, Immediate Past Chairman.

The Senate welcomed its guests.

### **GUESTS PRESENTED**

Senator Patrick, on behalf of Senator Eltife, was recognized and introduced to the Senate a Panola County delegation.

The Senate welcomed its guests.

### **SENATE RESOLUTION 632**

Senator Jackson offered the following resolution:

**SR 632**, Recognizing Christopher Fields of the Lakeview Police Department for his service to his community.

The resolution was again read.

The resolution was previously adopted on Monday, March 28, 2011.

### **GUESTS PRESENTED**

Senator Jackson was recognized and introduced to the Senate Officer Christopher Fields, Kimber Fields, Logan Fields, Christyn Fields, Katelyn Ginther, Sergeant Don Fields, and Carla Fields.

The Senate welcomed its guests.

### **REPORT OF COMMITTEE ON NOMINATIONS**

Senator Deuell submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed:

Members, Board of Directors, Brazos River Authority: Christopher S. Adams, Hood County; Cynthia Olson Bourland, Williamson County; Michel Todd Brashears, Lubbock County; Robert Manning Christian, Leon County; Christopher Douglas DeCluitt, McLennan County; Carolyn Harper Johnson, Brazoria County; Roberta Jean Killgore, Burleson County; William Arthur Masterson, King County; Jeffrey Scott Tallas, Fort Bend County.

Members, Credit Union Commission: Manuel Cavazos, Travis County; Rob Kyker, Dallas County; Sherri Kay Brannon Merket, Midland County; Gary Don Tuma, Fort Bend County.

Members, Board of Directors, Guadalupe-Blanco River Authority: Robert E. Brockman, Comal County; Oscar Howard Fogle, Caldwell County; Arlene N. Marshall, Calhoun County; Thomas Owen Mathews, Kendall County; Myrna Patterson McLeroy, Gonzales County; Dennis Lynn Patillo, Victoria County.

Members, Manufactured Housing Board: Michael Horst Bray, El Paso County; Anthony George Burks, Tarrant County.

Members, Public Safety Commission: Anne Cynthia Leon, Hidalgo County; Allan B. Polunsky, Bexar County.

Members, Texas Board of Nursing: Deborah Hughes Bell, Taylor County; Mary Margaret LeBeck, Parker County; Beverley Nutall, Brazos County; Verna Kathleen Shipp, Lubbock County.

Members, Texas Industrialized Building Code Council: Robert L. Bowling, El Paso County; Roland Lee Brown, Ellis County; Joe D. Campos, Dallas County; Randall Reddin Childers, McLennan County; Amy Dempsey, Travis County; Martin J. Garza, Bexar County; Scott Alexander McDonald, Randall County; Mark Remmert, Williamson County; Jesse Rider, Smith County; Douglas Owen Robinson, Dallas County; Rolando Romeo Rubiano, Cameron County; Larry E. Wilkinson, Galveston County.

Members, Texas State Board of Examiners of Professional Counselors: Sarah Abraham, Fort Bend County; Glynda Beth Corley, Williamson County; Lauren Polunsky Dreszer, Bexar County; Hoc Etienne Nguyen, Harris County.

#### **NOTICE OF CONSIDERATION OF NOMINATIONS**

Senator Deuell gave notice that he would tomorrow at the conclusion of morning call submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

#### **CONCLUSION OF MORNING CALL**

The Presiding Officer at 11:19 a.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE  
SENATE BILL 449 ON SECOND READING**

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 449** at this time on its second reading:

**CSSB 449**, Relating to the appraisal for ad valorem tax purposes of open-space land devoted to water stewardship purposes on the basis of its productive capacity.

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

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 449 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 **CSSB 449** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

**Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 449**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 449** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

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

**SENATE JOINT RESOLUTION 16 ON SECOND READING**

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

**SJR 16**, Proposing a constitutional amendment providing for the appraisal for ad valorem tax purposes of open-space land devoted to water-stewardship purposes on the basis of its productive capacity.

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

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

### **SENATE JOINT RESOLUTION 16 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 **SJR 16** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

### **Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SJR 16**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SJR 16** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

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

### **COMMITTEE SUBSTITUTE SENATE BILL 758 ON SECOND READING**

On motion of Senator Deuell and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 758** at this time on its second reading:

**CSSB 758**, Relating to sales and use tax information provided to certain local governmental entities.

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

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 758 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 **CSSB 758** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

**Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 758**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 758** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 904 ON SECOND READING**

On motion of Senator Patrick and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 904** at this time on its second reading:

**CSSB 904**, Relating to the eligibility of certain citizens residing outside the United States to vote a full ballot.

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

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 904 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 **CSSB 904** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

### **Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 904**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 904** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

### **WENTWORTH**

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

### **SENATE BILL 1349 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 **SB 1349** at this time on its second reading:

**SB 1349**, Relating to a requirement that a person hold a license issued by the appropriate state agency to be employed as a marriage and family therapist by a school district.

The bill was read second time.

Senator Van de Putte offered the following amendment to the bill:

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

Amend **SB 1349** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in amended Section 21.003(b), Education Code (page 1, line 24), strike "services" and substitute "as defined by Section 502.002, Occupations Code,".

(2) In SECTION 1 of the bill, in amended Section 21.003(b), Education Code (page 1, line 27), strike "services".

The amendment to **SB 1349** 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 Van de Putte and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**SB 1349** as amended was passed to engrossment by a viva voce vote.

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

#### **SENATE BILL 1349 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 **SB 1349** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

#### **Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1349**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 1349** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

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

#### **SENATE BILL 1304 ON SECOND READING**

Senator Rodriguez moved to suspend the regular order of business to take up for consideration **SB 1304** at this time on its second reading:

**SB 1304**, Relating to requiring financial disclosure concerning reports prepared by public institutions of higher education for other entities.

The motion prevailed.

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

The bill was read second time and was passed to engrossment by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Harris, Shapiro.

### **SENATE BILL 1304 ON THIRD READING**

Senator Rodriguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1304** 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, Gallegos, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Harris, Shapiro, Wentworth.

### **Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1304**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 1304** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

### **WENTWORTH**

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Harris, Shapiro.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Tuesday, April 12, 2011 - 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:

**SB 115** Uresti Sponsor: Gallego  
Relating to limiting the liability of space flight entities.

**SB 569** Jackson Sponsor: Taylor, Larry  
Relating to the rates charged by certain conservation and reclamation districts for potable water or wastewater service to recreational vehicle parks.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**GUESTS PRESENTED**

Senator Hegar, joined by Senator Whitmire, was recognized and introduced to the Senate a Juvenile Justice Association of Texas delegation.

The Senate welcomed its guests.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1490 ON SECOND READING**

On motion of Senator Uresti and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1490** at this time on its second reading:

**CSSB 1490**, Relating to the recording of proceedings and the issuance of a warrant to take physical custody of a child in certain suits affecting the parent-child relationship; creating an offense.

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

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 1490 ON THIRD READING**

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1490** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

### **Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1490**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1490** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

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

### **(President in Chair)**

### **COMMITTEE SUBSTITUTE SENATE BILL 694 ON SECOND READING**

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 694** at this time on its second reading:

**CSSB 694**, Relating to the regulation of metal recycling entities; providing penalties.

The bill was read second time.

Senator West offered the following amendment to the bill:

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

Amend **CSSB 694** (senate committee report) as follows:

(1) In SECTION 5 of the bill, in amended Section 1956.015(d), Occupations Code (page 3, line 16), strike "The" and substitute "The department may use information provided under this section for law enforcement purposes. Except as provided by this subsection, the".

(2) In SECTION 8 of the bill, in amended Section 1956.032(a)(3)(B), Occupations Code (page 4, line 38), following the underlined semicolon, add "and".

(3) In SECTION 8 of the bill, in added Section 1956.032(a)(4)(D), Occupations Code (page 4, line 53), strike "; and" and substitute ".".

(4) In SECTION 8 of the bill, strike added Section 1956.032(a)(5), Occupations Code (page 4, lines 54-60).

(5) In SECTION 9 of the bill, in added Section 1956.033(b)(6)(D), Occupations Code (page 5, line 34), following the underlined semicolon, add "and".

(6) In SECTION 9 of the bill, strike added Sections 1956.033(b)(7) and (8), Occupations Code (page 5, lines 35-38), and substitute the following:

(7) a copy of the documentation described by Section 1956.032(g) [Section 1956.032(a)(3)].

(7) Add the following appropriately numbered SECTION to the bill:

SECTION \_\_\_\_\_. Subchapter A-3, Chapter 1956, Occupations Code, is amended by adding Section 1956.0331 to read as follows:

Sec. 1956.0331. PHOTOGRAPH OR RECORDING REQUIREMENT FOR REGULATED METAL TRANSACTION. (a) In addition to the requirements of Sections 1956.032 and 1956.033, for each purchase by a metal recycling entity of an item of regulated metal, the entity shall obtain a digital photograph or video recording that accurately depicts the seller's entire face, and each type of regulated metal purchased.

(b) A metal recycling entity shall preserve a photograph or recording required under Subsection (a) as follows:

(1) for a video recording, until the 91st day after the date of the transaction;  
and

(2) for a digital photograph, until the 181st day after the date of the transaction.

(c) The photograph or recording must be made available for inspection as provided by Section 1956.035 not later than 72 hours after the time of purchase.

(8) In SECTION 11 of the bill, strike amended Sections 1956.035(a)(1) and (2), Occupations Code (page 5, lines 55-56), and substitute the following:

(1) a record required by Section 1956.033; ~~or~~

(2) a digital photograph or video recording required by Section 1956.0331;

or

(3) regulated material in the entity's possession.

(9) In SECTION 11 of the bill, strike amended Section 1956.035(b), Occupations Code (page 5, lines 57-61), and substitute the following:

(b) The person seeking to inspect a record or material ~~[inspecting officer]~~ shall:

(1) inform the entity of the officer's status as a peace officer; or

(2) if the person is a representative of the department or a representative of a county, municipality, or other political subdivision, inform the entity of the person's status and display to the entity an identification document or other appropriate documentation establishing the person's status as a representative of the department or of the appropriate county, municipality, or political subdivision.

(10) Strike SECTION 13 of the bill, amending Section 1956.037(a), Occupations Code (page 6, lines 34-55).

(11) In SECTION 15 of the bill, strike added Section 1956.040(a-1), Occupations Code (page 7, lines 57-65), and substitute the following:

(a-1) A person commits an offense if the person knowingly violates Section 1956.021, 1956.023(d), 1956.036(a), or 1956.039.

(12) Renumber the SECTIONS of the bill accordingly.

The amendment to **CSSB 694** 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 West and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSSB 694** as amended was passed to engrossment by a viva voce vote.

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

### **COMMITTEE SUBSTITUTE SENATE BILL 694 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 694** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

#### **Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 694**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 694** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

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

#### **BILLS SIGNED**

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

**SB 24, SB 37, SB 351, SB 582.**

**SENATE BILL 746 ON SECOND READING**

On motion of Senator Davis and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 746** at this time on its second reading:

**SB 746**, Relating to membership of the state continuing advisory committee for special education services.

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

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

**SENATE BILL 746 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 **SB 746** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

**Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 746**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 746** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 202 ON SECOND READING**

Senator Shapiro moved to suspend the regular order of business to take up for consideration **CSSB 202** at this time on its second reading:

**CSSB 202**, Relating to achievement benchmarks in fiscal notes and to legislative review of those benchmarks.

The motion prevailed.

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

The bill was read second time.

Senator Ellis offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 202** in SECTION 1 of the bill, added Section 314.006, Government Code (page 1, senate committee printing), as follows:

(1) In Subsection (a) (line 16), between "(a)" and "The", insert:

In this section, "tax preference" means a credit, discount, exclusion, exemption, refund, special valuation, special accounting treatment, special rate, or special method of reporting authorized by state law that relates to a state or local tax imposed in this state.

(b)

(2) In Subsection (a) (line 18), between "state funds" and the underscored colon, insert:

or that authorizes or otherwise provides for a tax preference

(3) At the beginning of Subsection (b) (line 23), strike "(b)" and substitute "(c)".

(4) In Subsection (b) (line 24), strike "Subsection (a)" and substitute "Subsection (b)".

(5) At the beginning of Subsection (c) (line 29), strike "(c)" and substitute "(d)".

(6) In Subsection (c) (line 31), strike "Subsection (a)" and substitute "Subsection (b)".

(7) In Subsection (c) (line 34), between "Committee, and" and "the House Appropriations" insert ", as applicable, the House Ways and Means Committee or".

(8) Strike the text of Subsection (d) from the beginning of the subsection through the underscored colon before Subdivision (1) (lines 37 through 41) and substitute:

(e) If the report submitted under Subsection (d) indicates that the board finds a benchmark has not been met, the Senate Finance Committee together with the House Appropriations Committee, for a bill that authorizes or requires the expenditure or diversion of state funds, or the House Ways and Means Committee, for a bill that authorizes or otherwise provides for a tax preference, shall review the statutes enacted or amended by the bill to determine whether:

(9) In Subsection (d)(1) (line 43), between "bill" and the underscored semicolon, insert "or, if applicable, whether the authorization of or other provision for a tax preference should be continued to further the purposes of the bill".

(10) At the beginning of Subsection (e) (line 46), strike "(e)" and substitute "(f)".

(11) In Subsection (e) (line 47), strike "Subsection (c)" and substitute "Subsection (d)".

(12) At the beginning of Subsection (f) (line 52), strike "(f)" and substitute "(g)".

The amendment to **CSSB 202** 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 Shapiro and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSSB 202** as amended was passed to engrossment by a viva voce vote.

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

Nays: Van de Putte, Zaffirini.

**COMMITTEE SUBSTITUTE  
SENATE BILL 202 ON THIRD READING**

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 202** 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, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Watson, West, Whitmire, Williams.

Nays: Van de Putte, Wentworth, Zaffirini.

**Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 202**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 202** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

**WENTWORTH**

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Watson, Wentworth, West, Whitmire, Williams.

Nays: Van de Putte, Zaffirini.

**NOTICE GIVEN FOR  
LOCAL AND UNCONTESTED CALENDAR**

Senator Eltife announced that a Local and Uncontested Calendar had been furnished to each Member of the Senate. He then gave notice that the Local and Uncontested Calendar Session would be held at 8:00 a.m. Thursday, April 14, 2011, and that all bills and resolutions would be considered on second and third reading in the order in which they were listed.

**SENATE RULES SUSPENDED  
(Posting Rules)**

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

**SB 866, SB 1113, SB 1543, SB 1619, SB 3.**

**SENATE RULES SUSPENDED  
(Posting Rules)**

On motion of Senator Duncan and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on State Affairs might meet and consider the following bills today: **SB 1565, HB 15.**

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

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

**CO-AUTHOR OF SENATE BILL 34**

On motion of Senator Zaffirini, Senator Harris will be shown as Co-author of **SB 34.**

**CO-AUTHOR OF SENATE BILL 715**

On motion of Senator Harris, Senator Davis will be shown as Co-author of **SB 715.**

**CO-AUTHOR OF SENATE BILL 1002**

On motion of Senator Van de Putte, Senator Patrick will be shown as Co-author of **SB 1002.**

**CO-AUTHOR OF SENATE BILL 1310**

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

**CO-AUTHOR OF SENATE BILL 1689**

On motion of Senator Duncan, Senator Seliger will be shown as Co-author of **SB 1689.**

**CO-AUTHOR OF SENATE BILL 1692**

On motion of Senator Lucio, Senator Birdwell will be shown as Co-author of **SB 1692**.

**CO-AUTHOR OF SENATE BILL 1736**

On motion of Senator Van de Putte, Senator Davis will be shown as Co-author of **SB 1736**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolution**

**SR 756** by Van de Putte, In memory of Glenda Salazar Saucedo of San Antonio.

**Welcome and Congratulatory Resolutions**

**SR 747** by Watson, Welcoming World War II veterans from the 506th Fighter Group of the 7th Army Air Force on the occasion of their visit to the State Capitol.

**SR 749** by Ellis, Recognizing the American Baptist Southeast District Association on the occasion of its Inaugural Session.

**SR 750** by Watson, Recognizing Boy Scout Troop 1 in Austin on the occasion of its 100th anniversary.

**SR 751** by Watson, Commending Huston-Tillotson University on its choice to be a tobacco-free campus.

**SR 752** by Watson, Recognizing Austan Librach on the occasion of his retirement from the City of Austin.

**SR 753** by Van de Putte, Recognizing Geri Berger for being named the 2011 Texas High School Principal of the Year by the Texas Association of Secondary School Principals.

**SR 754** by Van de Putte, Recognizing Ernest Casillas for driving one million accident-free miles.

**ADJOURNMENT**

On motion of Senator Eltife, the Senate at 12:02 p.m. adjourned until 11:00 a.m. tomorrow.

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**APPENDIX**

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**COMMITTEE REPORTS**

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

April 12, 2011

FINANCE — **CSSB 1179**

INTERGOVERNMENTAL RELATIONS — **CSSB 768**

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — **CSHB 74, CSSB 1477**

OPEN GOVERNMENT — **CSSB 375, CSSB 602, CSSB 1130, CSSB 1269, CSSB 1442**

CRIMINAL JUSTICE — **CSSB 1680**

TRANSPORTATION AND HOMELAND SECURITY — **SCR 36, SB 896, SB 1043, SB 1096, SB 1100, SB 1311, SB 1831**

STATE AFFAIRS — **CSSB 1216**

INTERGOVERNMENTAL RELATIONS — **CSSB 942**

#### **BILLS ENGROSSED**

April 11, 2011

**SB 663, SB 688, SB 776, SB 1019, SB 1195, SB 1416, SB 1625, SB 1701**

#### **BILLS AND RESOLUTIONS ENROLLED**

April 11, 2011

**SB 24, SB 37, SB 351, SB 582, SR 737, SR 738, SR 739, SR 740, SR 741, SR 743, SR 744, SR 745**

#### **SENT TO GOVERNOR**

April 12, 2011

**SB 24, SB 37, SB 351, SB 582**