

# SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**FORTY-SIXTH DAY**

(Continued)

(Thursday, April 21, 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.

**CSHB 74** (Van de Putte)

Relating to persons authorized to control the disposition of the remains of certain members of the United States armed forces.

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

**HB 612** (Nichols)

Relating to the criminal penalty for failure of a trustee to pay the beneficiaries of the trust the purchase price for timber sold by the trustee.

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

**HB 613** (Nichols)

Relating to the unauthorized harvesting of standing timber; providing for the imposition of a criminal penalty.

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

**CSSB 95** (Lucio)

Relating to the use by insurers of certain standard insurance policy forms for residential property insurance.

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

**CSSB 120** (Uresti)

Relating to requiring dental support for a child subject to a child support order.  
(viva voce vote) (31-0) (31-0)

**SB 149** (West)

Relating to rules adopted and reporting required under the school district college credit program.  
(viva voce vote) (31-0) (31-0)

**CSSB 216** (Ellis)

Relating to procedures related to the placement of a voter on the suspense list.  
(viva voce vote) Nelson "Nay" (30-1) Nelson "Nay" (30-1) Nelson "Nay"

**CSSB 252** (Jackson)

Relating to procedures relating to the issuance and renewal of, and certain notice requirements associated with, certain deer permits.  
(viva voce vote) (31-0) (31-0)

**CSSB 260** (West)

Relating to minimum training standards for employees of certain child-care facilities.  
(viva voce vote) (31-0) (31-0)

**CSSB 264** (Zaffirini)

Relating to certain information provided by local workforce development boards regarding certain child-care providers.  
(viva voce vote) (31-0) (31-0)

**SB 265** (Zaffirini)

Relating to training for employees and operators of certain child-care facilities.  
(viva voce vote) (31-0) (31-0)

**SB 348** (Estes)

Relating to the sale or delivery of salvia divinorum or Salvinorin A to a child; providing a penalty.  
(viva voce vote) (31-0) (31-0)

**CSSB 375** (Wentworth)

Relating to categories of information presumed to be public and certain exceptions from required disclosure under the public information law.  
(viva voce vote) (31-0) (31-0)

**CSSB 378** (Hegar)

Relating to the date by which a pest management zone or cotton grower may request an extension of the cotton stalk destruction deadline.  
(viva voce vote) (31-0) (31-0)

**SB 540** (Van de Putte)

Relating to a study of the fiscal impact of adjusting the amount of the ad valorem tax exemption to which disabled veterans and the surviving spouses and children of disabled veterans and certain members of the armed forces are entitled.  
(viva voce vote) (31-0) (31-0)

**(Senator Birdwell in Chair)****CSSB 602** (Rodriguez)

Relating to allowing a governmental body to redact certain personal information under the public information law without the necessity of requesting a decision from the attorney general and the calculation of certain deadlines under the public information law.

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

**SB 609** (Rodriguez)

Relating to the exemption of certain property from municipal drainage service charges and from related ordinances, resolutions, and rules.

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

**CSSB 613** (Rodriguez)

Relating to educational requirements for licensing as a speech-language pathologist or audiologist.

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

**CSSB 768** (Watson)

Relating to the creation of the Rio de Vida Municipal Utility District No. 1; providing authority to impose a tax and issue bonds.

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

**CSSB 810** (Hinojosa)

Relating to the boundaries of the Ingleside Cove Wildlife Sanctuary.

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

**SB 896** (Estes)

Relating to the issuance of specialty license plates to certain family members of a person who dies while serving in the United States armed forces.

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

**CSSB 913** (Estes)

Relating to the transmission of records regarding over-the-counter sales of ephedrine, pseudoephedrine, and norpseudoephedrine and a person's civil liability for certain acts arising from the sale of those products.

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

**SB 924** (Carona)

Relating to energy efficiency reports by municipally owned utilities and electric cooperatives.

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

**CSSB 942** (Watson)

Relating to the creation and financing of the Lakeway Regional Medical Center Defined Area in Travis County Water Control and Improvement District No. 17; providing authority to impose a tax and issue bonds.

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

**CSSB 943** (Carona)

Relating to the classification, use, and regulation of electric energy storage equipment or facilities.

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

**CSSB 958** (Wentworth)

Relating to the regulation of dangerous wild animals.

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

**SB 977** (Hinojosa)

Relating to the imposition and use of the municipal hotel occupancy tax by certain eligible central municipalities.

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

**CSSB 982** (Carona)

Relating to the authority of the Public Utility Commission of Texas in relation to extended service areas and toll-free local calling areas.

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

**CSSB 984** (Carona)

Relating to the elimination of certain tariff filing requirements for telecommunications providers.

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

**CSSB 985** (Carona)

Relating to the regulation of Voice over Internet Protocol service.

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

**(Senator Eltife in Chair)****CSSB 986** (Carona)

Relating to deregulation of certain telecommunications markets and companies.

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

**CSSB 993** (Uresti)

Relating to certain arrangements to provide care for a child during an investigation of abuse or neglect.

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

**CSSB 1026** (Harris)

Relating to the powers and duties of an attorney ad litem appointed for a parent or an alleged father in certain suits affecting the parent-child relationship.

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

**SB 1043** (Watson)

Relating to the criminal penalty for the discarding of certain burning materials.

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

**SB 1046** (Duncan)

Relating to information regarding deceased registered voters.

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

**SB 1054** (Hegar)

Relating to notice of acceptance or rejection of an insurance claim.

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

**CSSB 1055** (Carona)

Relating to reports concerning and the reporting of the use of certain funds by community supervision and corrections departments and to the preparation of commitment reduction plans by those departments.

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

**SB 1058** (Nichols)

Relating to the transfer of certain state property from the Department of Aging and Disability Services to the Angelina and Neches River Authority.

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

**CSSB 1081** (Van de Putte)

Relating to the dispensing of pharmaceuticals with an aesthetic purpose by physicians and therapeutic optometrists.

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

**SB 1096** (Rodriguez)

Relating to the designation of State Highway 20 as a historic highway.

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

**SB 1100** (Shapiro)

Relating to the designation of the Irving Diamond Interchange.

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

**SB 1103** (Carona)

Relating to the venue for prosecution of certain theft offenses.

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

**CSSB 1125** (Carona)

Relating to energy efficiency goals and programs and the participation of loads in certain energy markets.

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

**CSSB 1130** (Hegar)

Relating to the exception from required public disclosure of certain records of an appraisal district.

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

**(Senator Birdwell in Chair)****CSSB 1168** (Carona)

Relating to the repeal of the certification process for personnel service owners and the regulation of personnel services.

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

**CSSB 1169** (Carona)

Relating to the regulation of providers, administrators, and sellers of service contracts and identity recovery service contracts; providing penalties.

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

**CSSB 1178** (Nelson)

Relating to the regulation of certain shelter day-care facilities, child-care facilities, and individuals providing child-care services, and access to certain criminal history record information; providing an administrative penalty.

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

**SB 1229** (Eltife)

Relating to the registration with the Texas Department of Insurance of certain contract examiners.

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

**CSSB 1233** (West)

Relating to the promotion of efficiencies in and the administration of certain county services and functions.

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

**CSSB 1243** (West)

Relating to the use of a county risk management pool by certain county and district officers instead of the execution of bonds and to the authority of certain counties and intergovernmental pools to require reimbursement for punitive damage coverage.

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

**CSSB 1244** (Carona)

Relating to the licensing and regulation of air conditioning and refrigeration contractors and contracting companies; providing penalties.

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

**CSSB 1255** (Estes)

Relating to the employment of physicians by certain municipal hospital authorities.

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

**CSSB 1269** (Wentworth)

Relating to transportation, lodging, and meals offered to and accepted by public servants.

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

**SB 1271** (Duncan)

Relating to alternative dispute resolution systems established by counties.

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

**SB 1295** (Hegar)

Relating to the mining and reclamation of certain land previously affected by surface coal mining operations.

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

**SB 1303** (West)

Relating to nonsubstantive additions to and corrections in enacted codes, to the nonsubstantive codification or disposition of various laws omitted from enacted codes, and to conforming codifications enacted by the 81st Legislature to other Acts of that legislature.

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

**SB 1311** (Lucio)

Relating to the designation of certain highways as part of the Purple Heart Trail.  
(viva voce vote) (31-0) (31-0)

**CSSB 1400** (Patrick)

Relating to the regulation of certain private security companies and occupations.  
(viva voce vote) (31-0) (31-0)

**CSSB 1410** (Duncan)

Relating to reporting student enrollment in tech-prep programs and evaluating tech-prep consortia.  
(viva voce vote) (31-0) (31-0)

**SB 1413** (Hegar)

Relating to the authority of certain counties to impose a county hotel occupancy tax and to the rate of the tax.  
(viva voce vote) (31-0) (31-0)

**(Senator Eltife in Chair)****SB 1433** (Carona)

Relating to insurer receivership.  
(viva voce vote) (31-0) (31-0)

**CSSB 1442** (Shapiro)

Relating to the application requirements for a local project permit.  
(viva voce vote) (31-0) (31-0)

**CSSB 1477** (Hegar)

Relating to differential pay and benefits for certain officers and employees of emergency services districts who are members of the armed forces.  
(viva voce vote) (31-0) (31-0)

**SB 1480** (Hegar)

Relating to the regulation of exotic aquatic species by the Parks and Wildlife Department; providing penalties.  
(viva voce vote) (31-0) (31-0)

**SB 1494** (Uresti)

Relating to reporting to the Texas Judicial Council the election or appointment of certain municipal officers.  
(viva voce vote) (31-0) (31-0)

**CSSB 1496** (Uresti)

Relating to the scope and validity of correction instruments in the conveyance of real property.  
(viva voce vote) (31-0) (31-0)

**SB 1521** (Uresti)

Relating to the distribution of money appropriated from a municipal court building security fund.  
(viva voce vote) (31-0) (31-0)

**SB 1598** (Carona)

Relating to the inspection of portable fire extinguishers.

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

**SB 1600** (Whitmire)

Relating to the registration of peace officers as private security officers.

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

**CSSB 1655** (Watson)

Relating to transparency and propagation of information regarding personal automobile and residential property insurance rates, policies, and complaints.

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

**CSSB 1660** (Lucio)

Relating to certain unclaimed property of veterans and veterans' families.

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

**SB 1692** (Lucio)

Relating to municipal and county budgets on the Internet.

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

**CSSB 1732** (Van de Putte)

Relating to authorizing the adjutant general to operate post exchanges on state military property.

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

**SB 1736** (Van de Putte)

Relating to the establishment of the College Credit for Heroes program.

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

**(Senator Birdwell in Chair)**

**SB 1744** (Eltife)

Relating to the certification of a certified capital company.

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

**(Senator Eltife in Chair)**

**SB 1752** (Uresti)

Relating to confidentiality of certain Class C misdemeanor records related to the conviction of a child.

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

**CSSB 1788** (Patrick)

Relating to the development of a model individualized education program form by the Texas Education Agency.

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

**CSSB 1810** (Carona)

Relating to the exemption of certain retirement accounts from access by creditors.

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



**SB 1831** (Wentworth)

Relating to the designation of the El Camino Real de los Tejas National Historic Trail as a historic highway.

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

**BILL REMOVED FROM  
LOCAL AND UNCONTESTED CALENDAR**

Senator Van de Putte, author of the bill, requested in writing that **SB 1099** be removed from the Local and Uncontested Calendar.

**AT EASE**

The Presiding Officer at 8:41 a.m. announced the Senate would stand At Ease subject to the call of the Chair.

**IN LEGISLATIVE SESSION**

Senator Eltife at 1:19 p.m. called the Senate to order as In Legislative Session.

**ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 1:20 p.m. adjourned, in memory of Nicolis Terrel Williams and Charles Wren, until 11:00 a.m. Tuesday, April 26, 2011.

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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 21, 2011

ECONOMIC DEVELOPMENT — **SB 627**

HEALTH AND HUMAN SERVICES — **CSSB 1206, CSSB 546, SB 1022, SB 1438**

STATE AFFAIRS — **SB 1302, SB 1443, SB 1560, SB 1668, SB 1669**

FINANCE — **SJR 4, CSSB 1798**

CRIMINAL JUSTICE — **SB 682, SB 1209, SB 1208, SB 1117, SB 1066, SB 955, SB 568, SB 954**

HEALTH AND HUMAN SERVICES — **CSSB 506, CSSB 848**

EDUCATION — **CSSB 1543**

FINANCE — **CSHB 1**

**BILLS ENGROSSED**April 20, 2011

**SB 89, SB 208, SB 220, SB 434, SB 511, SB 601, SB 635, SB 636, SB 660, SB 838, SB 1000, SB 1014, SB 1216, SB 1281, SB 1291, SB 1331, SB 1353, SB 1368, SB 1378, SB 1393, SB 1434, SB 1766**

**RESOLUTIONS ENROLLED**April 20, 2011

**SR 626, SR 746, SR 797, SR 799, SR 813, SR 814, SR 815, SR 816, SR 817, SR 818, SR 819, SR 820**