

# SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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## FORTY-EIGHTH DAY

(Wednesday, April 27, 2011)

The Senate met at 11:15 a.m. pursuant to adjournment and was called to order by President Pro Tempore Ogden.

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 President Pro Tempore announced that a quorum of the Senate was present.

Pastor Kent L. Bohls, Gethsemane Lutheran Church, Austin, offered the invocation as follows:

Holy loving God, we humbly bow our hearts before You today in this moment of quiet so that we might hear Your word of hope and promise. Touch our hearts so that we might be receptive to Your call to use our power, authority, and responsibility with a sense of compassion and purpose as we speak and act on behalf of all Your people of this great state, especially the voiceless, the weak, the abandoned, and the forgotten. It is our call and blessing to be courageous, to cast aside fear, and care for the greater good. Help us to see the world as You see it, one people loved and claimed by Your grace, where brokenness is healed, where the lowly are lifted up, where we serve as good stewards of our land and resources. As we ask for rain on our parched and thirsty land, may we willingly offer ourselves as water of refreshing hope for those who are parched, fearful, and hungry for justice, equality, welcome, and healing. These are indeed tough times, but this is our time. Open us to solutions that are creative, positive, and life-giving as we boldly look to a future lived thankfully in Your grace. 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 Eltife, on behalf of Senator Ogden, was recognized and presented Dr. Mary Helen Morrow of North Zulch as the Physician of the Day.

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

### GUESTS PRESENTED

Senator Eltife was recognized and introduced to the Senate a Rusk County delegation.

The Senate welcomed its guests.

### INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

The President Pro Tempore 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.

### SENATE RESOLUTION 12

Senator Fraser offered the following resolution:

**SR 12**, Recognizing April 27, 2011, as Texas Water Conservation Day at the State Capitol.

The resolution was again read.

The resolution was previously adopted on Thursday, January 13, 2011.

### GUESTS PRESENTED

Senator Fraser was recognized and introduced to the Senate a Texas Water Conservation Association delegation.

The Senate welcomed its guests.

### ACKNOWLEDGMENT

The President Pro Tempore acknowledged the presence of former Senator Kip Averitt.

The Senate welcomed its guest.

### SENATE RESOLUTION 847

Senator Birdwell offered the following resolution:

**SR 847**, In memory of Clifton L. Taylor of Johnson County.

The resolution was read.

On motion of Senator Birdwell, **SR 847** was adopted by a rising vote of the Senate.

In honor of the memory of Clifton L. Taylor, the text of the resolution is printed at the end of today's *Senate Journal*.

**REMARKS ORDERED PRINTED**

On motion of Senator Birdwell and by unanimous consent, his remarks regarding **SR 847** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Mr. President, Members, it is with great sadness that I share with you that this past Saturday, April 23rd, Johnson County Sheriff's Deputy Clifton Taylor was killed in the line of duty. While attempting to apprehend an armed suspect involved in a domestic violence dispute, Deputy Taylor was shot three times. Deputy Taylor had been with the Johnson County Sheriff's Department for a little more than three years and will be remembered for his sense of humor, his work ethic, and his humility. He was 31 years old and engaged to be married. Let us not forget, though, the service of our fine law enforcement officers and firefighters who put their lives on the line anytime they put on their uniforms. Mr. President, at this time I would ask that the Senate adjourn today in memory of Deputy Clifton Taylor.

**SENATE RESOLUTION 846**

Senator Patrick offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to pay tribute to a Texas legend, O. A. "Bum" Phillips; and

WHEREAS, Bum Phillips is an icon in the world of football coaching; with a background in ranching and military experience in the elite Marine Raiders during World War II, he is an inspirational leader known for bringing out the best in the players and the teams he coached at the high school, college, and professional levels; since retiring, he has put his talents to use in a wider sphere as a motivational speaker and in his work with numerous charities and ministries; and

WHEREAS, Born Oail Andrew Phillips, Bum Phillips got his nickname as a young boy when his sister could not pronounce the word "brother"; the moniker stuck, and Bum Phillips is now one of the most recognized names not just in Texas but across the United States, even some 25 years after the conclusion of his illustrious football coaching career; and

WHEREAS, On September 30, 1942, one day after his 19th birthday, Bum Phillips enlisted in the United States Marine Corps; after completing boot camp, he volunteered for the newly formed Marine Raiders, an amphibious commando assault force created at the request of President Franklin D. Roosevelt; and

WHEREAS, He fought bravely in numerous South Pacific campaigns during World War II and took part in the Battle of New Georgia, where the Raiders, who were outnumbered 10 to one, fought courageously in hand-to-hand combat, and nearly half of the force was wounded or killed in action; he was honorably discharged on August 18, 1945, after spending 18 months in combat and 11 months rebuilding islands, roads, and runways, and he is one of only two surviving Marine Raiders living in Texas; and

WHEREAS, Bum Phillips became a legendary high school football coach, establishing winning programs in schools across Texas; he taught young men not just the game of football but the leadership principles he learned in the Marines; in the

1950s, at the request of Bear Bryant, head football coach at Texas A&M University, he invented a system of defensive signal calling that is still used today at all levels of football; and

WHEREAS, After several years coaching college football, he joined the National Football League as defensive assistant coach for the San Diego Chargers; he soon joined the Houston Oilers and was named head coach and general manager in 1975; as coach of the Oilers, he became famous as the winningest coach in franchise history and took his team twice to the American Football Conference championship game; he then coached the New Orleans Saints for five years, turning around their defense and rebuilding the franchise before retiring from coaching in 1985; and

WHEREAS, He retired from football but not from working; he still operates a horse and cattle ranch in Goliad County with his wife, Debbie; he does advertising and motivational speaking and works in many charity events; he also ministers to men in Texas prisons; and

WHEREAS, Bum Phillips to this day is one of the most popular, respected, and admired coaches in the history of American football; a rancher, a horseman, and a true Texan, he is known for his dry sense of humor, his laid-back demeanor, his ever-present cowboy hat and boots, and his famous name, which he still explains is a nickname, not a description; and

WHEREAS, A father figure to many, Bum Phillips has had a positive impact on the lives of thousands of young men over the years, and he is truly worthy of recognition for his outstanding career and his inspirational efforts on behalf of his fellow man; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby recognize O. A. "Bum" Phillips as a true Texas treasure and an exceptional representative of this state; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Bum Phillips as an expression of high regard from the Texas Senate.

**SR 846** was read and was adopted without objection.

#### **GUESTS PRESENTED**

Senator Patrick was recognized and introduced to the Senate Coach Bum Phillips, Wade Phillips, Dee Jean Hurta, Andrea McCarthy, KimAnn England, Susan Phillips, Cicely DeVore, and David Van Fleet.

The Senate welcomed its guests.

**(Senator Carona in Chair)**

#### **GUESTS PRESENTED**

Senator Lucio was recognized and introduced to the Senate students from the First Baptist School of Brownsville, accompanied by their teacher, Susan Smith Lingo.

The Senate welcomed its guests.

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

The Presiding Officer at 12:06 p.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1035 ON SECOND READING**

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1035** at this time on its second reading:

**CSSB 1035**, Relating to motor vehicle title services; providing penalties.

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 1035 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 **CSSB 1035** 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 1035**, 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 1035** 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 13 ON SECOND READING**

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration **SJR 13** at this time on its second reading:

**SJR 13**, Proposing a constitutional amendment requiring certain revenue collected by a public entity from the use of a tolled highway project in this state to be used only for transportation projects.

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 13 ON THIRD READING**

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SJR 13** 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 13**, 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 13** 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.

#### **REMARKS ORDERED PRINTED**

On motion of Senator Williams and by unanimous consent, the exchange between Senators Harris and Williams regarding **SJR 13** was ordered reduced to writing and printed in the *Senate Journal* as follows:

**Senator Williams:** The relevant text of SJR 13 provides as follows, "Sec. 7-c. Revenue collected by a public entity from the use of a tolled highway project in this state, other than an international bridge, that is not dedicated to repayment of debt for the project may be used only for the acquisition, construction, operation, maintenance,

or improvement of transportation projects." The intent seems to be to ensure that toll revenues are used only on transportation projects and not be diverted to non-transportation uses such as sports facilities, hospital districts, etc. Is that correct?

**Senator Harris:** Yes.

**Senator Williams:** So your intent is not to limit in any way the manner in which toll agencies operate and deliver transportation projects under current or other reasonable business practices that may be necessary or appropriate for carrying out their basic mission, which is to finance and deliver transportation infrastructure projects. Is that correct?

**Senator Harris:** Yes.

**Senator Williams:** Would it be appropriate for me to clarify that this SJR would not prohibit or limit toll agencies from using toll revenues to pay general operational and administrative costs—whether or not directly or indirectly related to a particular transportation project—including salaries and benefits, rent and utilities, costs to comply with state and federal requirements such as audit and reporting requirements and compliance with open meetings and open records laws and other types of necessary or appropriate operational and administrative costs all of which should be included in the term "operation." Is that correct?

**Senator Harris:** Yes.

**Senator Williams:** The term "operation" should be intended to be read very broadly to include the full range of operational and administrative costs necessary or appropriate for a toll agency to operate under reasonable business practices, including, without limitation, using toll revenues for the payment of costs associated with manning toll booths, collecting tolls, video tolling, toll tags, toll enforcement measures, installing, removing and repairing equipment, gantries and other infrastructure, incident management, legal, finance, and other administrative staff and consultants, and other related costs, including customer service, community and public outreach and educational efforts, purchasing and leasing equipment, costs of rolling stock and business supplies, information technology costs, and costs for human resources.

**Senator Harris:** Yes.

**Senator Williams:** We should also clarify that the term "transportation project" includes the full range of costs associated with the development of transportation infrastructure, including without limitation, traffic and revenue studies, demographic studies, feasibility reports, engineering and design costs, construction costs, financing and other contract terms which may or may not constitute "debt," right-of-way acquisition, demolition costs, utility relocations, environmental studies, remediation and other related costs, grading separations, interchanges, administration facilities, drainage, striping, signals, signage, etc.

**Senator Harris:** Correct.

**Senator Williams:** We should be careful that the SJR does not inadvertently restrict or limit a toll agency from doing any action or paying any cost that would limit in any way its ability to carry out its basic functions such as restricting a toll agency from paying rent and utilities on an administration building. Is that your intent?

**Senator Harris:** That is correct.

**Senator Williams:** The only "new" restriction resulting from this SJR would be that toll agencies would not be able to use toll revenues on non-transportation projects, which we do not believe they do anyway.

**Senator Harris:** That is the intent.

### NOMINATION RETURNED

On motion of Senator Deuell and by unanimous consent, the Senate agreed to grant the request of the Governor to return the following nomination:

Member, State Employee Charitable Campaign Policy Committee: Carol Frost Treadway, Travis County.

### SENATE BILL 627 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 627** at this time on its second reading:

**SB 627**, Relating to the participation by certain taxing units in tax increment financing and the payment of tax increments into the tax increment fund for a reinvestment zone.

The bill was read second time.

Senator Davis offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **SB 627** (senate committee report) in SECTION 1 of the bill, in amended Section 311.013(c), Tax Code, between "Section 311.017(a) and the comma (page 1, line 16), by inserting "and unless otherwise specified by an agreement between the taxing unit and the municipality or county that created the zone".

The amendment to **SB 627** 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 Davis and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**SB 627** 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 627 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 627** 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 627**, 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 627** 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 1248 ON SECOND READING**

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1248** at this time on its second reading:

**CSSB 1248**, Relating to the designation of a portion of State Highway 499 as the Colonel Bill Card, Jr., Boulevard.

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

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

Amend **CSSB 1248** (senate printing) as follows:

(1) In SECTION 1 of the bill, (page 1, lines 14, 18, 20, and 23), strike "Colonel Bill Card, Jr., Boulevard" each time it appears and substitute "Colonel Bill Card Boulevard".

The amendment to **CSSB 1248** 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 Lucio and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSSB 1248** 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 1248 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 **CSSB 1248** 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 1248**, 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 1248** 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 5 ON SECOND READING**

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **CSSB 5** at this time on its second reading:

**CSSB 5**, Relating to the administration and business affairs of public institutions of higher education.

The motion prevailed.

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

The bill was read second time.

Senator Wentworth offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 5** (Senate Committee Printing) in ARTICLE 1 of the bill as follows:

(1) In the recital to SECTION 1.01 (page 1, lines 14-15), strike "Subsection (b), Section 51.003, Education Code, is amended to read as follows" and substitute "Section 51.003, Education Code, is amended by amending Subsection (b) and adding Subsection (f) to read as follows".

(2) At the end of SECTION 1.01 (page 1, between lines 20 and 21), insert the following:

(f) Notwithstanding any other provision of this section, the governing board of each institution may maintain unsecured deposits in a foreign bank as necessary to support the institution's operations in a foreign country. The foreign bank must:

(1) be licensed and supervised by a central bank;

(2) be audited annually by an accounting firm that follows international financial reporting standards; and

(3) maintain a capital to total assets ratio that is not less than the greater of four percent or the minimum tier 1 capital to total assets ratio required for depository institutions insured by the Federal Deposit Insurance Corporation.

The amendment to **CSSB 5** 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.

Senator Wentworth offered the following amendment to the bill:

### **Floor Amendment No. 2**

Amend **CSSB 5** (Senate Committee Printing) in ARTICLE 6 of the bill by adding the following appropriately numbered SECTION and renumbering the subsequent SECTIONS of ARTICLE 6 appropriately:

SECTION 6. \_\_\_\_\_. Section 51.914, Education Code, is amended to read as follows:

Sec. 51.914. PROTECTION OF CERTAIN INFORMATION. (a) In order to protect the actual or potential value, the following information is ~~shall be~~ confidential and is ~~shall~~ not be subject to disclosure under Chapter 552, Government Code, or otherwise:

(1) all information relating to a product, device, or process, the application or use of such a product, device, or process, and all technological and scientific information (including computer programs) developed in whole or in part at a state institution of higher education, regardless of whether patentable or capable of being registered under copyright or trademark laws, that have a potential for being sold, traded, or licensed for a fee;

(2) any information relating to a product, device, or process, the application or use of such product, device, or process, and any technological and scientific information (including computer programs) that is the proprietary information of a person, partnership, corporation, or federal agency that has been disclosed to an institution of higher education solely for the purposes of a written research contract or grant that contains a provision prohibiting the institution of higher education from disclosing such proprietary information to third persons or parties; or

(3) the plans, specifications, blueprints, and designs, including related proprietary information, of a scientific research and development facility that is jointly financed by the federal government and a local government or state agency, including an institution of higher education, if the facility is designed and built for the purposes of promoting scientific research and development and increasing the economic development and diversification of this state.

(b) Information maintained by or for an institution of higher education that would reveal the institution's plans or negotiations for commercialization or research, or that consists of unpublished research results or data, is not subject to Chapter 552, Government Code, unless the information has been published, is patented, or is otherwise subject to an executed license, sponsored research agreement, or research contract or grant. In this subsection, "institution of higher education" has the meaning assigned by Section 61.003.

The amendment to **CSSB 5** 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.

Senator Watson offered the following amendment to the bill:

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

Amend **CSSB 5** (Senate Committee Printing) in SECTION 2.02 of the bill as follows:

(1) Strike amended Section 51.9335(d), Education Code (page 4, lines 29-36), and substitute the following:

(d) Subtitle D, Title 10, Government Code, and Subchapter B, Chapter 2254, Government Code, do not apply to the acquisition of goods and services under this section, except that an institution must comply with any provision of those laws, or a rule adopted under a provision of those laws, [To the extent of any conflict, this section prevails over any other law, including Chapters 2155, 2156, 2157, 2158, 2167, and 2170, Government Code, except a law or rule] relating to contracting with historically underutilized businesses or relating to the procurement of goods and services from persons with disabilities. An institution of higher education may, but is not required to, acquire goods or services as provided by Subtitle D, Title 10 [Chapters 2155, 2156, 2157, 2158, 2167, and 2170], Government Code.

(2) Strike added Section 51.9335(g), Education Code (page 4, lines 41-45), and substitute the following:

(g) An institution of higher education may adopt rules and procedures for the acquisition of goods or services.

The amendment to **CSSB 5** 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.

Senator Birdwell offered the following amendment to the bill:

**Floor Amendment No. 4**

Amend **CSSB 5** (Senate Committee Printing) in ARTICLE 6 of the bill, by striking SECTION 6.08 (page 11, lines 58-65), and renumbering subsequent SECTIONS of ARTICLE 6 of the bill accordingly.

The amendment to **CSSB 5** 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.

Senator West offered the following amendment to the bill:

**Floor Amendment No. 5**

Amend **CSSB 5** (Senate Committee Printing) in ARTICLE 6 of the bill, by striking SECTION 6.14 (page 12, lines 41-47), and renumbering subsequent SECTIONS of ARTICLE 6 of the bill accordingly.

The amendment to **CSSB 5** 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. 5.

Senator Birdwell offered the following amendment to the bill:

**Floor Amendment No. 6**

Amend **CSSB 5** (Senate Committee Printing) in ARTICLE 7 of the bill, in SECTION 7.01(a), by striking Subdivision (4) (page 13, line 3), and renumbering subsequent subdivisions of SECTION 7.01(a) accordingly.

The amendment to **CSSB 5** 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. 6.

Senator Wentworth offered the following amendment to the bill:

**Floor Amendment No. 7**

Amend **CSSB 5** (senate committee printing) by inserting the following appropriately numbered ARTICLE into the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE \_\_\_\_ . MISCELLANEOUS PROVISIONS

SECTION \_\_\_\_ . Subchapter H, Chapter 411, Government Code, is amended by adding Section 411.2031 to read as follows:

Sec. 411.2031. CARRYING OF HANDGUNS BY LICENSE HOLDERS ON CERTAIN CAMPUSES. (a) For purposes of this section:

(1) "Campus" means all land and buildings owned or leased by an institution of higher education or private or independent institution of higher education.

(2) "Institution of higher education" and "private or independent institution of higher education" have the meanings assigned by Section 61.003, Education Code.

(3) "Premises" has the meaning assigned by Section 46.035, Penal Code.

(b) A license holder may carry a concealed handgun on or about the license holder's person while the license holder is on the campus of an institution of higher education or private or independent institution of higher education in this state.

(c) Except as provided by Subsection (e), an institution of higher education or private or independent institution of higher education in this state may not adopt any rule, regulation, or other provision prohibiting license holders from carrying handguns on the campus of the institution.

(d) An institution of higher education or private or independent institution of higher education in this state may establish rules, regulations, or other provisions concerning the storage of handguns in dormitories that are owned or operated by the institution and located on the campus of the institution.

(e) A private or independent institution of higher education in this state, after consulting with students, staff, and faculty of the institution, may establish rules, regulations, or other provisions prohibiting license holders from carrying handguns on premises that are owned or operated by the institution and located on the campus of the institution.

(f) This section does not permit a license holder to carry concealed handgun on or about the premises of a hospital maintained or operated by an institution of higher education. In this subsection, "hospital" has the meaning assigned by Section 41.003, Health and Safety Code.

SECTION \_\_\_\_\_. Section 411.208, Government Code, is amended by amending Subsections (a), (b), and (d) and adding Subsection (f) to read as follows:

(a) A court may not hold the state, an agency or subdivision of the state, an officer or employee of the state, an institution of higher education, an officer or employee of an institution of higher education, a private or independent institution of higher education that has not adopted rules under Section 411.2031(e), an officer or employee of a private or independent institution of higher education that has not adopted rules under Section 411.2031(e), a peace officer, or a qualified handgun instructor liable for damages caused by:

(1) an action authorized under this subchapter or a failure to perform a duty imposed by this subchapter; or

(2) the actions of an applicant or license holder that occur after the applicant has received a license or been denied a license under this subchapter.

(b) A cause of action in damages may not be brought against the state, an agency or subdivision of the state, an officer or employee of the state, an institution of higher education, an officer or employee of an institution of higher education, a private or independent institution of higher education that has not adopted rules under Section 411.2031(e), an officer or employee of a private or independent institution of higher education that has not adopted rules under Section 411.2031(e), a peace officer, or a qualified handgun instructor for any damage caused by the actions of an applicant or license holder under this subchapter.

(d) The immunities granted under Subsections (a), (b), and (c) do not apply to an act or a failure to act by the state, an agency or subdivision of the state, an officer of the state, an institution of higher education, an officer or employee of an institution of higher education, a private or independent institution of higher education that has not

adopted rules under Section 411.2031(e), an officer or employee of a private or independent institution of higher education that has not adopted rules under Section 411.2031(e), or a peace officer if the act or failure to act was capricious or arbitrary.

(f) For purposes of this section, "institution of higher education" and "private or independent institution of higher education" have the meanings assigned by Section 61.003, Education Code.

SECTION \_\_\_\_\_. Section 46.03, Penal Code, is amended by amending Subsections (a) and (c) and adding Subsection (j), to read as follows:

(a) A person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, illegal knife, club, or prohibited weapon listed in Section 46.05(a):

(1) on the physical premises of a school or educational institution, any grounds or building on which an activity sponsored by a school or educational institution is being conducted, or a passenger transportation vehicle of a school or educational institution, whether the school or educational institution is public or private, unless:

(A) pursuant to written regulations or written authorization of the institution; or

(B) the person possesses or goes with a concealed handgun that the person is licensed to carry under Subchapter H, Chapter 411, Government Code, on the physical premises of an institution of higher education or private or independent institution of higher education, on any grounds or building on which an activity sponsored by the institution is being conducted, or in a passenger transportation vehicle of the institution;

(2) on the premises of a polling place on the day of an election or while early voting is in progress;

(3) on the premises of any government court or offices utilized by the court, unless pursuant to written regulations or written authorization of the court;

(4) on the premises of a racetrack;

(5) in or into a secured area of an airport; or

(6) within 1,000 feet of premises the location of which is designated by the Texas Department of Criminal Justice as a place of execution under Article 43.19, Code of Criminal Procedure, on a day that a sentence of death is set to be imposed on the designated premises and the person received notice that:

(A) going within 1,000 feet of the premises with a weapon listed under this subsection was prohibited; or

(B) possessing a weapon listed under this subsection within 1,000 feet of the premises was prohibited.

(c) In this section:

(1) "Institution of higher education" and "private or independent institution of higher education" have the meanings assigned by Section 61.003, Education Code.

(2) [(4)] "Premises" has the meaning assigned by Section 46.035.

(3) [(2)] "Secured area" means an area of an airport terminal building to which access is controlled by the inspection of persons and property under federal law.

(j) Subsection (a)(1)(B) does not permit a person to possess a concealed handgun, or go with a concealed handgun, on the premises of a hospital maintained or operated by an institution of higher education. In this subsection, "hospital" has the meaning assigned by Section 241.003, Health and Safety Code.

SECTION \_\_\_\_\_. Section 46.035, Penal Code, is amended by adding Subsection (l) to read as follows:

(l) Subsection (b)(2) does not apply on the premises where a collegiate sporting event is taking place if the actor was not given effective notice under Section 30.06.

SECTION \_\_\_\_\_. Subdivision (1), Subsection (c), Section 46.11, Penal Code, is amended to read as follows:

(1) "Premises" has the meaning [~~"Institution of higher education" and "premises" have the meanings]~~ assigned by Section 481.134, Health and Safety Code.

SECTION \_\_\_\_\_. Section 411.208, Government Code, as amended by this Act, applies only to a cause of action that accrues on or after September 1, 2012. A cause of action that accrued before that date is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION \_\_\_\_\_. Subsections (a) and (c), Section 46.03, Penal Code, as amended by this Act, and Subsection (l), Section 46.035, Penal Code, as added by this Act, apply only to an offense committed on or after September 1, 2012. An offense committed before September 1, 2012, is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before September 1, 2012, if any element of the offense occurred before that date.

The amendment to **CSSB 5** was read.

Senator Zaffirini moved to postpone further consideration of the bill to a time certain of 11:00 a.m. tomorrow.

The motion prevailed.

Question — Shall Floor Amendment No. 7 to **CSSB 5** be adopted?

### RECESS

On motion of Senator Whitmire, the Senate at 12:45 p.m. recessed until 2:00 p.m. today.

### AFTER RECESS

The Senate met at 3:55 p.m. and was called to order by the President.

### BILLS AND RESOLUTIONS SIGNED

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

**SB 85, SB 323, SB 439, SB 527, SB 638, SB 1226, SB 1846, HB 612, HB 613, HCR 120, HCR 134, HCR 136.**

**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. tomorrow and that all bills and resolutions would be considered on second and third reading in the order in which they were listed.

**SENATE RULE 11.13 SUSPENDED  
(Consideration of Bills in Committees)**

On motion of Senator Eltife and by unanimous consent, Senate Rule 11.13 was suspended to grant all committees permission to meet while the Senate is meeting today during the introduction of bills and resolutions on first reading and tomorrow during the Local and Uncontested Calendar Session.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Wednesday, April 27, 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 78** Flynn  
Relating to the purchase of food and beverages by certain state law enforcement agencies for peace officer training functions.

**HB 143** Laubenberg  
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.

**HB 232** White  
Relating to the amendment of restrictions affecting real property in certain subdivisions.

**HB 290** Jackson, Jim  
Relating to the punishment for the offense of employment harmful to children.

**HB 343** Fletcher  
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.

**HB 398** Jackson, Jim  
Relating to the eligibility of employees convicted of certain offenses to provide services under a contract with a public school.

- HB 417** Anchia  
Relating to claims for compensation for wrongful imprisonment.
- HB 625** Solomons  
Relating to notice of staff leasing services company workers' compensation claim and payment information; providing an administrative violation.
- HB 627** Woolley  
Relating to a fee collected by a district clerk for certain certified copies.
- HB 707** Laubenberg  
Relating to the validation of certain governmental acts and proceedings of certain municipalities relating to certain public improvement districts.
- HB 718** Fletcher  
Relating to the period in which a person commits the offense of funeral service disruption.
- HB 782** Davis, Yvonne  
Relating to a requirement that certain bond issuers obtain an appraisal of property that is to be purchased with bond proceeds.
- HB 788** Kuempel  
Relating to the establishment and use of a private family cemetery by certain organizations.
- HB 812** King, Phil  
Relating to the definition of peace officer for purposes of intercepting or collecting information in relation to certain communications in an investigation of criminal conduct.
- HB 844** Geren  
Relating to the sale or lease of property by certain municipalities owning land near the shoreline of certain lakes.
- HB 858** Gonzalez, Naomi  
Relating to the authority of the El Paso County Hospital District to employ and commission peace officers.
- HB 887** Geren  
Relating to registration of a motor vehicle alleged to have been involved in a violation detected by a photographic traffic signal enforcement system.
- HB 890** Howard, Charlie  
Relating to certain custom vehicles and street rods.
- HB 901** Thompson  
Relating to spousal maintenance.
- HB 927** Harper-Brown  
Relating to the punishment for the offense of indecent exposure.
- HB 969** Lewis  
Relating to the election of directors of the board of the Ector County Hospital District.
- HB 976** Carter  
Relating to the issuance of a warrant or summons by a magistrate.

- HB 990** Rodriguez, Eddie  
Relating to certain homestead preservation reinvestment zones.
- HB 1048** Cain  
Relating to the terms of the 102nd District Court in Red River County.
- HB 1057** Anchia  
Relating to business leave time for certain municipal firefighters and police officers.
- HB 1061** Otto  
Relating to the expiration of certain investment authority of the Teacher Retirement System of Texas.
- HB 1094** Farias  
Relating to the availability on the Internet of reports of political expenditures and contributions filed in connection with certain county and municipal offices.
- HB 1103** Lucio III  
Relating to payment of a fee as a required condition of community supervision for certain criminal offenses involving animal cruelty.
- HB 1112** Phillips  
Relating to the authority and powers of regional mobility authorities.
- HB 1120** Weber  
Relating to the dissolution of the Country Place Management District.
- HB 1123** Dutton  
Relating to the regulation of athlete agents; providing administrative and criminal penalties.
- HB 1127** Gutierrez  
Relating to notice of relief available to certain members of the military required to be provided in certain real property documentation.
- HB 1144** Cain  
Relating to the Hopkins County Hospital District.
- HB 1168** Miller, Doug  
Relating to smoke alarms and fire extinguishers in residential rental units.
- HB 1235** Schwertner  
Relating to the transfer of certain state property from the Texas Department of Transportation to the Parks and Wildlife Department.
- HB 1261** Thompson  
Relating to court costs imposed on conviction and deposited to the municipal court technology fund.
- HB 1267** Smithee  
Relating to the authority of certain counties and intergovernmental pools to require reimbursement for punitive damage coverage.
- HB 1274** Pena  
Relating to an exemption from the payment of a toll for unmarked military vehicles conducting or training for emergency operations.

- HB 1283** Craddick  
Relating to consideration of a bidder's principal place of business in awarding certain municipal contracts.
- HB 1371** Gonzalez, Naomi  
Relating to vehicle parking requirements in certain municipal housing authority communities.
- HB 1385** Harless  
Relating to personalization of certain license plates issued to veterans with disabilities.
- HB 1403** Rodriguez, Eddie  
Relating to eligibility to participate in the low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement program.
- HB 1449** Guillen  
Relating to certain right-of-way easements on land owned by the Parks and Wildlife Department.
- HB 1450** Guillen  
Relating to a study regarding tort liability arising from a volunteer's operation of a Parks and Wildlife Department vehicle.
- HB 1488** Gutierrez  
Relating to examinations for hiring in certain municipal fire departments.
- HB 1503** White  
Relating to the qualifications to serve as a special peace officer at a polling place.
- HB 1514** Isaac  
Relating to the issuance to veterans of specially marked driver's licenses.
- HB 1523** Phillips  
Relating to the offense of transporting household goods without registration; providing a penalty.
- HB 1529** Miller, Sid  
Relating to the offense of fraudulent use or possession of identifying information.
- HB 1545** Lewis  
Relating to the authority of certain political subdivisions to change the date of their general elections.
- HB 1559** Davis, Sarah  
Relating to the retention, storage, and destruction of certain court documents.
- HB 1566** Coleman  
Relating to the authority of counties to appoint, contract for, or employ physicians, dentists, or other health care providers for county jails.
- HB 1593** Isaac  
Relating to the inclusion of a candidate's e-mail address on an official application for a place on the ballot.
- HB 1627** Flynn  
Relating to the eligibility requirements of election judges.

- HB 1631** Thompson  
Relating to expedited credentialing for certain podiatrists providing services under a managed care plan.
- HB 1651** Alonzo  
Relating to the North Oak Cliff Municipal Management District.
- HB 1665** King, Susan  
Relating to the notification requirements regarding certain land use regulations in an area near military facilities.
- HB 1666** Castro  
Relating to the prosecution of the offense of online impersonation.
- HB 1683** Fletcher  
Relating to parking placards for vehicles of persons with disabilities.
- HB 1694** Coleman  
Relating to the purchasing and contracting authority of certain governmental entities.
- HB 1711** Davis, John  
Relating to disaster remediation contracts.
- HB 1721** Lucio III  
Relating to protective orders for certain victims of stalking or sexual assault.
- HB 1737** Bohac  
Relating to the installation of a speed feedback sign by a property owners' association.
- HB 1750** Darby  
Relating to the authority of the Texas Department of Transportation to lease and contract for the operation of rolling stock during certain emergencies.
- HB 1759** Rodriguez, Eddie  
Relating to the creation of the Pilot Knob Municipal Utility District No. 4; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.
- HB 1760** Rodriguez, Eddie  
Relating to the creation of the Pilot Knob Municipal Utility District No. 5; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.
- HB 1767** Munoz, Jr.  
Relating to the enforcement of county subdivision regulations prohibiting more than one residential dwelling on each subdivision lot; creating an offense.
- HB 1771** Madden  
Relating to the establishment of the Specialty Courts Advisory Council.
- HB 1823** Harless  
Relating to the authority of certain persons to execute bail bonds and act as sureties.
- HB 1841** Hartnett  
Relating to the taxability of Internet hosting.
- HB 1866** Gonzalez, Naomi  
Relating to the designation of State Highway 20 as a historic highway.

- HB 1896** Harper-Brown  
Relating to the designation of the Irving Diamond Interchange.
- HB 1898** Pickett  
Relating to optional fees for the registration of motor vehicles in certain municipalities.
- HB 1899** Pickett  
Relating to the posting of signs in school crossing zones regarding the prohibited use of a wireless communication device while operating a motor vehicle.
- HB 1906** Howard, Donna  
Relating to the idling of motor vehicles; providing a criminal penalty.
- HB 1936** Gutierrez  
Relating to importation and shipment of alcoholic beverages for personal consumption.
- HB 1940** Perry  
Relating to the requirement of a preliminary hearing for certain persons released from the Texas Department of Criminal Justice who are alleged to have violated a condition of release.
- HB 2002** Marquez  
Relating to the county ethics commission for certain counties.
- HB 2033** Hamilton  
Relating to the separate statement of the mixed beverage tax for informational purposes.
- HB 2047** Lewis  
Relating to service of process at the registered office of certain registered agents.
- HB 2067** Callegari  
Relating to the regulation of the practice of engineering by individuals engaged in the evaluation of oil and gas resources.
- HB 2080** King, Tracy O.  
Relating to certification of a person as eligible for disabled parking privileges.
- HB 2091** Craddick  
Relating to the authority of the State Cemetery Committee.
- HB 2108** Paxton  
Relating to electronic filing and rerecording of livestock marks and brands by county clerks.
- HB 2118** Coleman  
Relating to adding certain synthetic compounds to Penalty Group 2 of the Texas Controlled Substances Act.
- HB 2122** Lozano  
Relating to certain state attorneys called into active duty military service.
- HB 2132** Reynolds  
Relating to the creation of magistrates in certain counties.

- HB 2135** Hochberg  
Relating to the administration of end-of-course assessment instruments to public school students enrolled below the high school level.
- HB 2141** Guillen  
Relating to enforcement of laws related to water safety.
- HB 2144** Garza  
Relating to the use of uniform election dates by newly incorporated municipalities.
- HB 2162** Kuempel  
Relating to the power of the Cibolo Creek Municipal Authority to issue bonds.
- HB 2223** Davis, Yvonne  
Relating to the contracts of certain regional transportation authorities that are required to be competitively bid.
- HB 2226** Truitt  
Relating to authorized investments for governmental entities.
- HB 2238** Creighton  
Relating to the powers and duties of the Montgomery County Municipal Utility District No. 112.
- HB 2245** Zerwas  
Relating to physician incentive programs to reduce hospital emergency room use for non-emergent conditions by Medicaid recipients.
- HB 2277** Eiland  
Relating to the sale, exchange, or replacement of life insurance and annuity contracts.
- HB 2286** Gonzales, Veronica  
Relating to the duties of a funeral director or an agent at the interment or entombment of a human body.
- HB 2289** Crownover  
Relating to the authority of a gas corporation to use a public right-of-way along a railroad, a railroad right-of-way, an interurban railroad, or a street railroad.
- HB 2327** McClendon  
Relating to the establishment and operation of a motor-bus-only lane pilot program in certain counties.
- HB 2330** King, Phil  
Relating to the statutory county courts in Wise County.
- HB 2344** Castro  
Relating to the authority of the commissioners court of a county to create a law enforcement technology fund and to require certain defendants to pay court costs for deposit in the fund.
- HB 2346** Bonnen  
Relating to authorized investments for ports and navigation districts.
- HB 2371** Kleinschmidt  
Relating to the designation of a segment of State Highway 71 as the 95th Division Memorial Highway.

- HB 2385** Geren  
Relating to the DNA database at the University of North Texas Health Science Center at Fort Worth.
- HB 2466** Phillips  
Relating to the licensing and operation of motor vehicles by minors.
- HB 2472** Marquez  
Relating to the reporting of certain warrant or capias information to the national crime information center.
- HB 2518** Kolkhorst  
Relating to the transfer of certain state property from the Texas Board of Criminal Justice to the board of regents of The Texas A&M University System for the use and benefit of the Texas Forest Service.
- HB 2579** Davis, John  
Relating to relief for certain employers from penalties and sanctions under the Texas Unemployment Compensation Act.
- HB 2615** Veasey  
Relating to the provision of information on financial literacy resources to the public.
- HB 2725** Hartnett  
Relating to the determination of incompetency in criminal cases.
- HB 2769** Frullo  
Relating to the authority of the Texas Facilities Commission regarding gifts, grants, and donations.
- HB 2771** Smith, Wayne  
Relating to the purchasing powers and duties of a navigation district or port authority.
- HB 2792** Hunter  
Relating to the power of the Aransas County Navigation District to determine the amount of a check or bond necessary to purchase land from the district.
- HB 2793** Hunter  
Relating to the processing fee charged for a dishonored payment device.
- HB 2809** Phillips  
Relating to the authority of the board of the Greater Texoma Utility Authority to approve changes in a construction contract.
- HB 2859** Gallego  
Relating to the creation of the Terrell County Groundwater Conservation District; providing authority to impose a tax and issue bonds.
- HB 2869** Harper-Brown  
Relating to the powers and duties of certain master mixed-use property owners' associations.
- HB 2900** Hartnett  
Relating to guardianship matters and proceedings.
- HB 2907** Branch  
Relating to the requirements for and procedures governing tuition equalization grants.

- HB 2920** Reynolds  
Relating to the authority of a governing body of a Type C General Law City to adopt an ordinance to determine the manner of when commissioners run for elected office.
- HB 2928** Farias  
Relating to privileged parking for recipients of the Silver Star Medal.
- HB 2935** Castro  
Relating to the appointment of a court reporter by a criminal law magistrate in Bexar County.
- HB 2936** Castro  
Relating to the administration of district courts in Bexar County.
- HB 2937** Lewis  
Relating to access to the criminal history record information of certain individuals by public or private institutions of higher education and the Texas Higher Education Coordinating Board.
- HB 2948** Lozano  
Relating to the designation of certain highways as part of the Purple Heart Trail.
- HB 2964** Naishtat  
Relating to the lease of property or hospital facilities by certain hospital districts.
- HB 2966** Naishtat  
Relating to the confidentiality of certain communications and records made or collected in reference to certain sexual assault survivors.
- HB 3003** Hughes  
Relating to the issuance of an identification card to certain individuals to permit entrance into certain county buildings without passing through security services.
- HB 3049** Lucio III  
Relating to the designation of a portion of State Highway 499 as the Colonel Bill Card, Jr., Boulevard.
- HB 3051** Pickett  
Relating to the provision of child care by certain facilities exempt from child-care licensing requirements.
- HB 3208** Burkett  
Relating to the designation of a segment of U.S. Highway 80 in the town of Sunnyvale as a Blue Star Memorial Highway.
- HB 3255** Strama  
Relating to the creation of guidelines for the Office of the State Demographer to encourage the inclusion of a broad variety of racial/ethnic groups in estimates and projections.
- HB 3287** Giddings  
Relating to license renewals by the Texas Department of Licensing and Regulation.
- HB 3421** Miller, Doug  
Relating to the designation of the El Camino Real de los Tejas National Historic Trail as a historic highway.

- HB 3459** Eiland  
Relating to the containment of costs incurred in the correctional health care system.
- HB 3465** Sheffield  
Relating to the period for which a school district's participation in certain tax increment financing reinvestment zones may be taken into account in determining the total taxable value of property in the school district.
- HB 3470** Patrick, Diane  
Relating to the Texas Armed Services Scholarship Program.
- HB 3487** Taylor, Van  
Relating to regulations concerning certain service animals; providing a criminal penalty.
- HB 3531** Strama  
Relating to a system for monitoring prescriptions of certain drugs under the Medicaid program for children in foster care.
- HB 3788** Marquez  
Relating to the authority of a county civil service commission to administer oaths and issue subpoenas; providing a penalty.
- HB 3803** Phillips  
Relating to the creation of the Cottonwood Municipal Utility District No. 2 of Grayson County; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.
- HB 3804** Gallego  
Relating to the creation of the Lajitas Utility District No. 1 of Brewster County; providing authority to impose taxes and issue bonds; granting a limited power of eminent domain.
- HB 3806** Hardcastle  
Relating to the authority of the board of directors of the Haskell County Hospital District to employ physicians and other health care providers.
- HB 3809** Hardcastle  
Relating to the authority of the board of directors of the Muenster Hospital District to employ physicians and other health care providers.
- HB 3816** Hardcastle  
Relating to the authority of the board of directors of the Nocona Hospital District to employ physicians and other health care providers.
- HB 3817** Hardcastle  
Relating to the authority of the Gainesville Hospital District to employ physicians and other health care providers.
- HB 3823** Thompson  
Relating to the regulation of certain telecommunicators; providing penalties.
- HCR 24** Darby  
Designating Nymphaea Texas Dawn as the official State Waterlily of Texas.

**HCR 74** Landtroop

Honoring pregnancy care centers.

**HCR 99** Truitt

Requesting the lieutenant governor and the speaker to create a joint interim committee to study the benefits, including health insurance, retirement programs, and other benefits, of active and retired state employees.

**SB 416** Deuell Sponsor: Smithee

Relating to the amount of outstanding total liability of a mortgage guaranty insurer.

**SB 488** Van de Putte Sponsor: Patrick, Diane

Relating to criminal background checks on users of online dating services and to disclosures of online dating safety measures; providing a civil penalty.

**SB 605** Rodriguez Sponsor: Gallego

Relating to the creation of an appellate judicial system for the Eighth Court of Appeals District.

**SB 630** Hegar Sponsor: Isaac

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.

**SB 646** Nichols Sponsor: Cook

Relating to the continuation and functions of the Texas Forest Service.  
(Amended)

**SB 692** Estes Sponsor: Miller, Doug

Relating to exemptions from groundwater conservation district permit requirements.

**SB 729** Seliger Sponsor: Price

Relating to a joint election for trustees of an independent school district.

**SB 777** Williams Sponsor: Otto

Relating to re-creating the scholarship trust fund for fifth-year accounting students as a trust fund outside the state treasury.

**SB 873** Duncan Sponsor: Hilderbran

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

**SB 874** Fraser Sponsor: Craddick

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

**SB 914** Wentworth Sponsor: Miller, Doug

Relating to the applicability to certain regional water districts of provisions concerning bond approval by the Texas Commission on Environmental Quality.

**SB 1230** Estes Sponsor: Crownover

Relating to the construction and operation of combined heating and power facilities in certain municipalities.

**SCR 43** Fraser Sponsor: King, Susan

Recognizing the 50th anniversary of the C-130 Hercules aircraft at Dyess Air Force Base.

**SCR 44** Whitmire

Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, April 21, 2011, and ending on Tuesday, April 26, 2011.

**SCR 48** Harris Sponsor: Thompson  
Recalling S.B. No. 785 from the governor for clerical correction.

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

**HB 74** (145 Yeas, 0 Nays, 1 Present, not voting)

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**PERMISSION TO INTRODUCE BILLS**  
**(Motion In Writing)**

On motion of Senator Whitmire and by unanimous consent, Senate Rule 7.07(b) was suspended to permit the introduction of the following bills: **SB 1919**, **SB 1920**.

**MOTION TO RECESS AND ADJOURN**

On motion of Senator Whitmire and by unanimous consent, the Senate at 3:59 p.m. agreed to recess, upon completion of the introduction of bills and resolutions on first reading, until 8:00 a.m. tomorrow for the Local and Uncontested Calendar Session.

The Senate further agreed to adjourn, in memory of Clifton L. Taylor, upon conclusion of the Local and Uncontested Calendar Session, until 11:30 a.m. tomorrow.

**SENATE BILLS ON FIRST READING**

The following bills were introduced, read first time, and referred to the committees indicated:

**SB 1919** by Gallegos

Relating to the election from single-member districts of the governing body of certain populous municipalities.

To Committee on State Affairs.

**SB 1920** by Gallegos

Relating to the powers of the Coastal Water Authority; affecting the authority to issue bonds.

To Committee on Business and Commerce.

**HOUSE BILLS ON FIRST READING**

The following bills received from the House were read first time and referred to the committees indicated:

**HB 268** to Committee on Finance.

**HB 385** to Committee on Criminal Justice.

**HB 438** to Committee on State Affairs.  
**HB 602** to Committee on Business and Commerce.  
**HB 938** to Committee on Transportation and Homeland Security.  
**HB 1070** to Committee on Administration.  
**HB 1174** to Committee on Administration.  
**HB 1179** to Committee on Finance.  
**HB 1754** to Committee on Criminal Justice.  
**HB 1862** to Committee on Intergovernmental Relations.  
**HB 2017** to Committee on Transportation and Homeland Security.  
**HB 2170** to Committee on Health and Human Services.  
**HB 2337** to Committee on Criminal Justice.  
**HB 2561** to Committee on State Affairs.  
**HB 2680** to Committee on Business and Commerce.  
**HB 2694** to Committee on Natural Resources.  
**HB 2779** to Committee on Intergovernmental Relations.  
**HB 2806** to Committee on Transportation and Homeland Security.  
**HB 2991** to Committee on Business and Commerce.  
**HB 3234** to Committee on Health and Human Services.  
**HB 3372** to Committee on Natural Resources.  
**HB 3510** to Committee on Transportation and Homeland Security.  
**HB 3726** to Committee on Administration.

#### **CO-AUTHOR OF SENATE BILL 1248**

On motion of Senator Lucio, Senator Hinojosa will be shown as Co-author of **SB 1248**.

#### **CO-AUTHOR OF SENATE BILL 1294**

On motion of Senator Hegar, Senator Davis will be shown as Co-author of **SB 1294**.

#### **CO-AUTHORS OF SENATE BILL 1505**

On motion of Senator Uresti, Senators Davis and Hegar will be shown as Co-authors of **SB 1505**.

#### **CO-AUTHOR OF SENATE BILL 1793**

On motion of Senator Patrick, Senator Whitmire will be shown as Co-author of **SB 1793**.

#### **CO-AUTHOR OF SENATE BILL 1798**

On motion of Senator West, Senator Davis will be shown as Co-author of **SB 1798**.

#### **RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

##### **Memorial Resolutions**

**SR 855** by Hinojosa, In memory of Ted Lee Bullard.

**SR 859** by Whitmire, In memory of Elizabeth Anne Smith Jones.

### **Congratulatory Resolutions**

**SR 844** by Van de Putte, Recognizing Victor Clint Graham on the occasion of his 80th birthday.

**SR 848** by Whitmire, Recognizing the Northwest Preparatory Academy Charter School in Houston on the occasion of its 10th Annual Eighth Grade Promotion Ceremony.

**SR 849** by Whitmire, Recognizing Saint Andrew's Episcopal Church in Houston on the occasion of its Texas Historical Marker dedication.

**SR 852** by Hinojosa, Recognizing Sofia Garza for winning a Texas Media Award from the Texas Library Association.

**SR 853** by Hinojosa, Recognizing David Julian Villarreal for winning a Texas Media Award from the Texas Library Association.

**SR 854** by Hinojosa, Recognizing Therese Baldado for winning a Texas Media Award from the Texas Library Association.

**SR 856** by Harris, Recognizing Gale Moericke for his service to the Mansfield Independent School District.

**SR 857** by Harris, Recognizing Patricia Bridges Andrews for her contributions to her community and the state.

**SR 858** by Jackson, Recognizing James E. Elliott on the occasion of his retirement from the United States Coast Guard.

### **Official Designation Resolutions**

**SR 826** by Van de Putte, Observing April 27, 2011, as Anti-Human Trafficking Day at the Capitol.

**SR 851** by Duncan, Celebrating May 1, 2011, as Lubbock Law Day.

**(Senator Williams in Chair)**

### **RECESS**

Pursuant to a previously adopted motion, the Senate at 4:11 p.m. recessed until 8:00 a.m. tomorrow for the Local and Uncontested Calendar Session.

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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 27, 2011

STATE AFFAIRS — **SB 1285, SB 1286**

JURISPRUDENCE — **HB 905, HB 906, SB 1751**

CRIMINAL JUSTICE — **SB 533, CSSB 841, SB 972, CSSB 1200, SB 1529, CSSB 1616**

BUSINESS AND COMMERCE — **CSHB 2035**

REDISTRICTING — **CSHB 600**

JURISPRUDENCE — **CSSB 1197, CSHB 984**

EDUCATION — **CSSB 66**

NATURAL RESOURCES — **HB 801, HB 1551, HB 1944, SB 1471, SB 1491**

BUSINESS AND COMMERCE — **CSSB 1910**

CRIMINAL JUSTICE — **CSSB 1059**

**BILLS ENGROSSED**

April 26, 2011

**SB 47, SB 205, SB 224, SB 518, SB 573, SB 681, SB 718, SB 811, SB 877, SB 963, SB 1024, SB 1116, SB 1177, SB 1296, SB 1383, SB 1421, SB 1489, SB 1522, SB 1551, SB 1656, SB 1662, SB 1682, SB 1693, SB 1717, SB 1872**

**BILLS AND RESOLUTIONS ENROLLED**

April 26, 2011

**SB 85, SB 323, SB 439, SB 527, SB 638, SB 1226, SB 1846, SR 742, SR 821, SR 822, SR 823, SR 824, SR 825, SR 827, SR 828, SR 829, SR 830, SR 832, SR 833, SR 834, SR 835, SR 836, SR 837, SR 838, SR 839, SR 840, SR 841, SR 842, SR 843**

**In Memory**  
**of**  
**Clifton L. Taylor**  
**Senate Resolution 847**

WHEREAS, The Senate of the State of Texas joins the citizens of Johnson County and Texans across the state in mourning the loss of Johnson County Deputy Sheriff Clifton L. Taylor, who died in the line of duty on April 23, 2011, at the age of 31; and

WHEREAS, Deputy Sheriff Taylor had been serving and protecting the people of Johnson County as a member of the sheriff's office for three years and three months; he was greatly respected and admired by his colleagues and all who knew him, and his death is a tragic reminder of the sacrifices made daily by the members of law enforcement and their families; and

WHEREAS, An outstanding officer, Cliff Taylor was renowned for his dedication to duty, his selfless service in the community, and his strong work ethic; an engaging young man with a warm sense of humor, he was noted for his reliability, his fairness, and his compassion for others; and

WHEREAS, Cliff Taylor leaves a legacy of courage and commitment to public service, and his family, his fiancée, his colleagues in the first-responder community, and his countless friends will forever cherish their memories of his life, his loyalty, and his many achievements; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby pay tribute to the life of Johnson County Deputy Sheriff Clifton L. Taylor and extend sincere condolences to his bereaved family; and, be it further

RESOLVED, That a copy of this Resolution be prepared for his family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Clifton L. Taylor.

BIRDWELL