

# SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**SIXTY-THIRD DAY**

(Thursday, May 19, 2011)

The Senate met at 11:37 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.

Bishop Joe Vasquez, Catholic Diocese of Austin, was introduced by Senator Watson and offered the invocation as follows:

Lord God, heavenly Father, we humbly invoke Your blessing over the Texas Senate and each of its Members. We thank You for their staff and those who collaborate with them so that Your work may be accomplished. May they dedicate themselves to bringing about a just society in their role as public servants. You have created us in Your likeness and image, which are both a blessing and a responsibility. Lord, guide us in Your wisdom, comfort us with Your mercy, protect us with Your power, and help us to seek justice. Human dignity is Your gift to us. Mindful of this gift, help us to be kind and respectful towards others who may disagree with us. Father, we ask You to guide these Senators as they deliberate serious and important issues. Help them to conquer anger with gentleness and greed with generosity. May they seek the common good for all Texans, especially, for the weak, the vulnerable, and the poor. As we seek to be faithful citizens, form our consciences so that we may exercise and enact laws according to Your will. Let our conscience be clear, our conduct without fault, our speech blameless, our lives well-ordered. God, bless Texas. 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

Thursday, May 19, 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:

**HCR 1** Hilderbran

In memory of former Texas governor Dolph Briscoe, Jr.

**HCR 50** Creighton

Affirming the pride of all Texans in both our one and indivisible national union and our one and indivisible state, claiming sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the U.S. Constitution, serving notice to the federal government to cease and desist from certain mandates, and providing that certain federal legislation be prohibited or repealed.

**HCR 60** Burkett

Urging Congress to propose and submit to the states for ratification the Parental Rights Amendment to the U.S. Constitution.

**HCR 94** Flynn

Urging Congress to repeal the Dodd-Frank Wall Street Reform and Consumer Protection Act.

**HCR 129** Patrick, Diane

Notifying the U.S. Department of Education that certain career schools or colleges are legally authorized by the state of Texas to operate educational programs beyond secondary education.

**HCR 151** Lavender

In memory of Bowie County Transport Deputy Sherri Jones.

**HCR 153** Dukes

Honoring the Austin Area Urban League.

**HCR 160** Hughes

In memory of former state representative Dr. Bob Glaze.

**HCR 162** Davis, John

Congratulating the Space Center Intermediate Band in Houston on its receipt of a 2010 Sudler Cup.

- HCR 164** Smithee  
Honoring Jean Hilfiger of Saint-Nabord, France, for his courageous actions in assisting U.S. military forces in France during World War II.
- SB 544** Seliger Sponsor: Shelton  
Relating to unlawful acts against and criminal offenses involving the Medicaid program; providing penalties.  
(Committee Substitute)
- SB 652** Hegar Sponsor: Bonnen  
Relating to governmental entities subject to the sunset review process.  
(Committee Substitute/Amended)
- SB 683** Huffman Sponsor: Bonnen  
Relating to the composition of the board of directors of the Gulf Coast Water Authority.  
(Amended)
- SB 688** Nichols Sponsor: Creighton  
Relating to the investigation, prosecution, and punishment of criminal Medicaid fraud and certain other offenses related to Medicaid fraud; providing penalties.
- SB 1106** Harris Sponsor: Madden  
Relating to the exchange of confidential information among certain governmental entities concerning certain juveniles.  
(Amended)
- SB 1504** Seliger Sponsor: Lewis  
Relating to the disposal of waste at the Texas Low-Level Radioactive Waste Disposal Compact waste disposal facility.  
(Committee Substitute/Amended)
- SCR 50** Watson  
Congratulating Bobby R. Inman for receiving the Joe M. Kilgore Award for Public Service.
- SCR 53** Watson Sponsor: Guillen  
Recognizing the Texas Heritage Songwriters' Association for fostering and preserving Texas culture.
- SCR 54** Fraser Sponsor: Keffer  
In memory of Gregory Mack Simmons.
- THE HOUSE HAS CONCURRED IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES:
- HB 1123** (140 Yeas, 0 Nays, 3 Present, not voting)
- HB 1146** (145 Yeas, 0 Nays, 2 Present, not voting)
- HB 1840** (144 Yeas, 2 Nays, 2 Present, not voting)
- HB 2014** (146 Yeas, 0 Nays, 2 Present, not voting)

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

### PHYSICIAN OF THE DAY

Senator Estes was recognized and presented Dr. Mark Eidson of Weatherford as the Physician of the Day.

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

### SENATE RESOLUTION 941

Senator Watson offered the following resolution:

**SR 941**, Recognizing Central Health, CommUnityCare, and The University of Texas at Austin School of Nursing for creating a nurse practitioner residency program.

The resolution was again read.

The resolution was previously adopted on Monday, May 9, 2011.

### GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate Fletcher Brown, Board Chair, CommUnityCare; Thomas Coopwood, Board Chair, Central Health; and Linda Carpenter, The University of Texas at Austin School of Nursing.

The Senate welcomed its guests.

### SENATE RESOLUTION 996

Senator Carona offered the following resolution:

**SR 996**, In memory of Ashley Therese Perret Harrison of Dallas.

The resolution was read.

On motion of Senator Carona, **SR 996** was adopted by a rising vote of the Senate.

In honor of the memory of Ashley Therese Perret Harrison, the text of the resolution is printed at the end of today's *Senate Journal*.

### GUESTS PRESENTED

Senator Carona was recognized and introduced to the Senate the family of Ashley Therese Perret Harrison: parents, Darlene and David Harrison; grandparents, Marion and Annette Perret, and uncle, Marion Perret II.

The Senate welcomed its guests and extended its sympathy.

### GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate Gonzales Elementary School students.

The Senate welcomed its guests.

### SENATE RESOLUTION 1033

Senator Jackson offered the following resolution:

**SR 1033**, Recognizing Mickey Gilley for his career in country music.

The resolution was again read.

The resolution was previously adopted on Tuesday, May 17, 2011.

### **GUESTS PRESENTED**

Senator Jackson was recognized and introduced to the Senate a Pasadena delegation: Mickey Gilley, Kathy Gilley, Michael Gilley, Troy Payne, and Mayor Johnny Isbell.

The Senate welcomed its guests.

### **GUESTS PRESENTED**

Senator Watson was recognized and introduced to the Senate LBJ High School students, accompanied by their teacher, Linda Powell, and Eva Munoz of AT&T.

The Senate welcomed its guests.

### **INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED**

The Presiding Officer 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.

### **CONCLUSION OF MORNING CALL**

The Presiding Officer at 12:22 p.m. announced the conclusion of morning call.

### **COMMITTEE SUBSTITUTE SENATE BILL 1920 ON SECOND READING**

On motion of Senator Gallegos and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1920** at this time on its second reading:

**CSSB 1920**, Relating to the powers of the Coastal Water Authority; affecting the authority to issue bonds.

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 1920 ON THIRD READING**

Senator Gallegos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1920** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

**HOUSE BILL 1774 ON SECOND READING**

On motion of Senator Huffman and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1774** at this time on its second reading:

**HB 1774**, Relating to the continuation and functions of the office of injured employee counsel under the workers' compensation program.

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

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

**HOUSE BILL 1774 ON THIRD READING**

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1774** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

**HOUSE BILL 2189 ON SECOND READING**

On motion of Senator Deuell and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2189** at this time on its second reading:

**HB 2189**, Relating to the regulation of handfishing.

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

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

**HOUSE BILL 2189 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 **HB 2189** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

**COMMITTEE SUBSTITUTE  
HOUSE BILL 8 ON SECOND READING**

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 8** at this time on its second reading:

**CSHB 8**, Relating to prohibiting certain private transfer fees and the preservation of private real property rights; providing penalties.

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

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

**COMMITTEE SUBSTITUTE  
HOUSE BILL 8 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 **CSHB 8** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

**STATEMENT OF LEGISLATIVE INTENT**

Senator Watson submitted the following legislative intent dialogue for **CSHB 8**:

**Senator Watson:** Is it your understanding that CSHB 8 as amended would not prohibit the Mueller Foundation, which is located in my district in Austin, Texas, from continuing to use the Foundation's funds to benefit education and low income housing in a 3 miles radius in East Austin?

**Senator Harris:** Yes.

**Senator Watson:** Is it also correct that funds collected through transfers under the terms of covenants existing prior to the effective date of your bill as amended are not impacted by the restrictions in CSHB 8?

**Senator Harris:** Yes.

WATSON

**HOUSE BILL 962 ON SECOND READING**

On motion of Senator Rodriguez and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 962** at this time on its second reading:

**HB 962**, Relating to rules regarding return of service.

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

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

**HOUSE BILL 962 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 **HB 962** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

## HOUSE BILL 260 ON SECOND READING

On motion of Senator Patrick and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 260** at this time on its second reading:

**HB 260**, Relating to the prosecution and punishment of unlawful transport of a person.

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

### Floor Amendment No. 1

Amend **HB 260** (Senate Committee Printing) by striking all below the enacting clause and substituting the following:

SECTION 1. The heading to Chapter 20, Penal Code, is amended to read as follows:

CHAPTER 20. KIDNAPPING, ~~[AND]~~ UNLAWFUL RESTRAINT, AND  
SMUGGLING OF PERSONS

SECTION 2. Section 20.05, Penal Code, is amended to read as follows:

Sec. 20.05. SMUGGLING OF PERSONS ~~[UNLAWFUL TRANSPORT]~~. (a) A person commits an offense if the person intentionally uses a motor vehicle, aircraft, or watercraft to transport an individual with the intent to conceal the individual from a peace officer or special investigator and flees from a person the actor knows is a peace officer or special investigator attempting to lawfully arrest or detain the actor ~~for pecuniary benefit transports an individual in a manner that:~~

~~(1) is designed to conceal the individual from local, state, or federal law enforcement authorities; and~~

~~(2) creates a substantial likelihood that the individual will suffer serious bodily injury or death.~~

(b) Except as provided by Subsection (c), an [An] offense under this section is a state jail felony.

(c) An offense under this section is a felony of the third degree if the actor commits the offense:

(1) for pecuniary benefit; or

(2) in a manner that creates a substantial likelihood that the transported individual will suffer serious bodily injury or death.

(d) It is an affirmative defense to prosecution under this section that the actor is related to the transported individual within the second degree of consanguinity or, at the time of the offense, within the second degree of affinity.

(e) If conduct constituting an offense under this section also constitutes an offense under another section of this code, the actor may be prosecuted under either section or under both sections.

SECTION 3. Subsection (a), Section 71.02, Penal Code, as amended by Chapters 153 (S.B. 2225), 1130 (H.B. 2086), and 1357 (S.B. 554), Acts of the 81st Legislature, Regular Session, 2009, is reenacted and amended to read as follows:



(a) A person commits an offense if, with the intent to establish, maintain, or participate in a combination or in the profits of a combination or as a member of a criminal street gang, the person commits or conspires to commit one or more of the following:

(1) murder, capital murder, arson, aggravated robbery, robbery, burglary, theft, aggravated kidnapping, kidnapping, aggravated assault, aggravated sexual assault, sexual assault, forgery, deadly conduct, assault punishable as a Class A misdemeanor, burglary of a motor vehicle, or unauthorized use of a motor vehicle;

(2) any gambling offense punishable as a Class A misdemeanor;

(3) promotion of prostitution, aggravated promotion of prostitution, or compelling prostitution;

(4) unlawful manufacture, transportation, repair, or sale of firearms or prohibited weapons;

(5) unlawful manufacture, delivery, dispensation, or distribution of a controlled substance or dangerous drug, or unlawful possession of a controlled substance or dangerous drug through forgery, fraud, misrepresentation, or deception;

(6) any unlawful wholesale promotion or possession of any obscene material or obscene device with the intent to wholesale promote the same;

(7) any offense under Subchapter B, Chapter 43, depicting or involving conduct by or directed toward a child younger than 18 years of age;

(8) any felony offense under Chapter 32;

(9) any offense under Chapter 36;

(10) any offense under Chapter 34 or 35;

(11) any offense under Section 37.11(a);

(12) any offense under Chapter 20A;

(13) any offense under Section 37.10; ~~[or]~~

(14) any offense under Section 38.06, 38.07, 38.09, or 38.11;

(15) ~~(44)~~ any offense under Section 42.10;

(16) ~~(44)~~ any offense under Section 46.06(a)(1) or 46.14; or

(17) any offense under Section 20.05.

SECTION 4. Article 13.12, Code of Criminal Procedure, is amended to read as follows:

Art. 13.12. FALSE IMPRISONMENT, ~~[AND]~~ KIDNAPPING, AND SMUGGLING OF PERSONS. Venue for false imprisonment, ~~[and]~~ kidnapping, and smuggling of persons is in either the county in which the offense was committed, or in any county through, into, or out of which the person falsely imprisoned, ~~[or]~~ kidnapped, or transported may have been taken.

SECTION 5. Subdivision (2), Article 59.01, Code of Criminal Procedure, as amended by Chapters 153 (S.B. 2225), 1130 (H.B. 2086), and 1357 (S.B. 554), Acts of the 81st Legislature, Regular Session, 2009, is reenacted and amended to read as follows:

(2) "Contraband" means property of any nature, including real, personal, tangible, or intangible, that is:

(A) used in the commission of:

(i) any first or second degree felony under the Penal Code;

(ii) any felony under Section 15.031(b), 20.05, 21.11, 38.04, Subchapter B of Chapter 43, or Chapter 29, 30, 31, 32, 33, 33A, or 35, Penal Code;

(iii) any felony under The Securities Act (Article 581-1 et seq., Vernon's Texas Civil Statutes); or

(iv) any offense under Chapter 49, Penal Code, that is punishable as a felony of the third degree or state jail felony, if the defendant has been previously convicted three times of an offense under that chapter;

(B) used or intended to be used in the commission of:

(i) any felony under Chapter 481, Health and Safety Code (Texas Controlled Substances Act);

(ii) any felony under Chapter 483, Health and Safety Code;

(iii) a felony under Chapter 153, Finance Code;

(iv) any felony under Chapter 34, Penal Code;

(v) a Class A misdemeanor under Subchapter B, Chapter 365, Health and Safety Code, if the defendant has been previously convicted twice of an offense under that subchapter;

(vi) any felony under Chapter 152, Finance Code;

(vii) any felony under Chapter 32, Human Resources Code, or Chapter 31, 32, 35A, or 37, Penal Code, that involves the state Medicaid program;

(viii) a Class B misdemeanor under Chapter 522, Business & Commerce Code;

(ix) a Class A misdemeanor under Section 306.051, Business & Commerce Code; ~~(x)~~

(x) any offense under Section 42.10, Penal Code;

(xi) ~~(x)~~ any offense under Section 46.06(a)(1) or 46.14, Penal Code;

(xii) ~~(x)~~ any offense under Chapter 71, Penal Code; or

(xiii) any offense under Section 20.05, Penal Code;

(C) the proceeds gained from the commission of a felony listed in Paragraph (A) or (B) of this subdivision, a misdemeanor listed in Paragraph (B)(viii), ~~(x)~~, (xi), or (xii) of this subdivision, or a crime of violence;

(D) acquired with proceeds gained from the commission of a felony listed in Paragraph (A) or (B) of this subdivision, a misdemeanor listed in Paragraph (B)(viii), ~~(x)~~, (xi), or (xii) of this subdivision, or a crime of violence; or

(E) used to facilitate or intended to be used to facilitate the commission of a felony under Section 15.031 or 43.25, Penal Code.

SECTION 6. The changes in law made by this Act in amending Sections 20.05 and 71.02, Penal Code, apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered 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 the effective date of this Act if any element of the offense occurred before that date.

SECTION 7. The change in law made by this Act in amending Subdivision (2), Article 59.01, Code of Criminal Procedure, applies only to the forfeiture of property in relation to an offense committed on or after the effective date of this Act. Forfeiture

of property in relation to an offense committed before the effective date of this Act 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 the effective date of this Act if any element of the offense occurred before that date.

SECTION 8. To the extent of any conflict, this Act prevails over another Act of the 82nd Legislature, Regular Session, 2011, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 9. This Act takes effect September 1, 2011.

The amendment to **HB 260** 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 Hinojosa offered the following amendment to the bill:

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

Amend Amendment No. 1 by Hinojosa to **HB 260** (Senate Committee Printing) as follows:

(1) In SECTION 1 of the amendment, in amended Section 20.05(a), Penal Code (page 1, line 12), between "intent to" and "conceal" insert an underlined colon followed on the next line by "(1)".

(2) In SECTION 1 of the amendment, in amended Section 20.05(a), Penal Code (page 1, line 13), strike "and flees" and substitute "; or", followed on the next line by "(2) flee".

The amendment to **HB 260** 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.

On motion of Senator Patrick and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**HB 260** as amended was passed to third reading by a viva voce vote.

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

### **HOUSE BILL 260 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 **HB 260** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

**COMMITTEE SUBSTITUTE  
HOUSE BILL 2605 ON SECOND READING**

On motion of Senator Huffman and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2605** at this time on its second reading:

**CSHB 2605**, Relating to the continuation and functions of the division of workers' compensation of the Texas Department of Insurance.

The bill was read second time.

Senator Huffman offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSHB 2605** (senate committee printing) as follows:

(1) Strike SECTIONS 13, 14, 15, 16, 17, and 18 of the bill.  
(2) In SECTION 43 of the bill (page 13, between lines 27 and 28), insert the following and renumber subsequent subdivisions of that SECTION accordingly:

- (1) Section 413.031(l);
- (3) Renumber the SECTIONS of the bill accordingly.

The amendment to **CSHB 2605** 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 Van de Putte offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **CSHB 2605** (Senate Committee Printing) as follows:

(1) Strike the recital to SECTION 11 of the bill (page 3, lines 2-4) and substitute the following:

SECTION 11. Section 408.0041, Labor Code, is amended by amending Subsections (b) and (h) and adding Subsections (b-1), (f-2), (f-3), and (f-4) to read as follows:

(2) In SECTION 11 of the bill, after added Section 408.0041(b-1), Labor Code (page 3, between lines 26 and 27), insert the following:

(f-2) An employee required to be examined by a designated doctor may request a medical examination to determine maximum medical improvement and the employee's impairment rating from the treating doctor or from another doctor to whom the employee is referred by the treating doctor if:

(1) the designated doctor's opinion is the employee's first evaluation of maximum medical improvement and impairment rating; and

(2) the employee is not satisfied with the designated doctor's opinion.

(f-3) The commissioner shall provide the insurance carrier and the employee with reasonable time to obtain and present the opinion of a doctor selected under Subsection (f) or (f-2) before the commissioner makes a decision on the merits of the issue.

(f-4) The commissioner by rule shall adopt guidelines prescribing the circumstances under which an examination by the employee's treating doctor or another doctor to whom the employee is referred by the treating doctor to determine any issue under Subsection (a), other than an examination under Subsection (f-2), may be appropriate.

(h) The insurance carrier shall pay for:

(1) an examination required under Subsection (a), ~~(f)~~ (f), or (f-2), unless otherwise prohibited by this subtitle or by an order or rule of the commissioner; and

(2) the reasonable expenses incident to the employee in submitting to the examination.

(3) In SECTION 47(d) of the bill (page 14, lines 6-7), strike "Section 408.0041, Labor Code, as amended by this Act, applies" and substitute "Section 408.0041(b), Labor Code, as amended by this Act, and Section 408.0041(b-1), Labor Code, as added by this Act, apply".

The amendment to **CSHB 2605** 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 Huffman, on behalf of Senator Duncan, offered the following amendment to the bill:

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

Amend **CSHB 2605** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Sections 406.033(a) and (d), Labor Code, are amended to read as follows:

(a) In an action against an employer by or on behalf of an employee who is not covered by ~~who does not have~~ workers' compensation insurance obtained in the manner authorized by Section 406.003 ~~[coverage]~~ to recover damages for personal injuries or death sustained by an employee in the course and scope of the employment, it is not a defense that:

(1) the employee was guilty of contributory negligence;

(2) the employee assumed the risk of injury or death; or

(3) the injury or death was caused by the negligence of a fellow employee.

(d) In an action described by Subsection (a) ~~[against an employer who does not have workers' compensation insurance coverage]~~, the plaintiff must prove negligence of the employer or of an agent or servant of the employer acting within the general scope of the agent's or servant's employment.

SECTION \_\_\_\_\_. Section 406.034(d), Labor Code, is amended to read as follows:

(d) An employee who elects to retain the right of action or a legal beneficiary of that employee may bring a cause of action for damages for injuries sustained in the course and scope of the employment under common law or under a statute of this state. Notwithstanding Section 406.033, the cause of action is subject to all defenses available under common law and the statutes of this state unless the employee has waived coverage in connection with an agreement with the employer.

SECTION \_\_\_\_\_. (a) Sections 406.033 and 406.034, Labor Code, as amended by this Act, do not apply to a cause of action by an employee if:

(1) the employee is subject to a valid and enforceable contract with the employee's employer relating to benefits for occupational injury or death; and

(2) the employer, since January 1, 2011, has continuously:

(A) had workers' compensation insurance coverage; and

(B) offered its employees a program providing benefits for occupational injury or death that is not governed by Subtitle A, Title 5, Labor Code.

(b) Except as provided by Subsection (a) of this section, Sections 406.033 and 406.034, Labor Code, as amended by this Act, apply only to a cause of action that is filed on or after the effective date of this Act. A cause of action that is filed before that date is governed by the law in effect on the date the action is filed, and the former law is continued in effect for that purpose.

The amendment to **CSHB 2605** 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 Lucio offered the following amendment to the bill:

#### **Floor Amendment No. 4**

Amend **CSHB 2605** by adding the following appropriately numbered SECTIONS to the proposed substitute and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Subchapter C, Chapter 504, Labor Code, is amended by adding Sections 504.054 and 504.055 to read as follows:

Sec. 504.054. EXPEDITED PROVISION OF MEDICAL BENEFITS FOR CERTAIN INJURIES SUSTAINED BY FIRST RESPONDER IN COURSE AND SCOPE OF EMPLOYMENT. (a) In this section, "first responder" means:

(1) an individual employed by a political subdivision of this state who is:

(A) a peace officer under Article 2.12, Code of Criminal Procedure;

(B) a person licensed under Chapter 773, Health and Safety Code, as an emergency care attendant, emergency medical technician, emergency medical technician-intermediate, emergency medical technician-paramedic, or licensed paramedic; or

(C) a firefighter subject to certification by the Texas Commission on Fire Protection under Chapter 419, Government Code, whose principal duties are firefighting and aircraft crash and rescue; or

(2) an individual covered under Section 504.012(a) who is providing volunteer services to a political subdivision of this state as:

(A) a volunteer firefighter, without regard to whether the volunteer firefighter is certified under Subchapter D, Chapter 419, Government Code; or

(B) an emergency medical services volunteer, as defined by Section 773.003, Health and Safety Code.

(b) This section applies only to a first responder who sustains a serious bodily injury, as defined by Section 1.07, Penal Code, in the course and scope of employment. For purposes of this section, an injury sustained in the course and scope of employment includes an injury sustained by a first responder providing services on a volunteer basis.

(c) The political subdivision, division, and insurance carrier shall accelerate and give priority to an injured first responder's claim for medical benefits, including all health care required to cure or relieve the effects naturally resulting from a compensable injury described by Subsection (b).

(d) The division shall accelerate, under rules adopted by the commissioner of workers' compensation, a contested case hearing requested by or an appeal submitted by a first responder regarding the denial of a claim for medical benefits, including all health care required to cure or relieve the effects naturally resulting from a compensable injury described by Subsection (b). The first responder shall provide notice to the division and independent review organization that the contested case or appeal involves a first responder.

Sec. 504.055. FIRST RESPONDER MEDICAL DISPUTES; CONTESTED CASE HEARING AND JUDICIAL REVIEW. (a) In this section, "first responder" has the meaning assigned by Section 504.054.

(b) A first responder whose medical dispute remains unresolved after a review by an independent review organization is entitled to a contested case hearing. The independent review organization's decision is binding during the pendency of a dispute. A hearing under this subsection shall be conducted by the division in the same manner as a hearing conducted under Section 413.0311.

(c) A first responder who has exhausted all administrative remedies under Subsection (b) and is aggrieved by a final decision of the division may seek judicial review of the decision. Judicial review under this subsection shall be conducted in the manner provided by Section 413.0311(d).

SECTION \_\_\_\_. Sections 504.054 and 504.055, Labor Code, as added by this Act, apply only to a claim for workers' compensation benefits based on a compensable injury that occurs on or after the effective date of this Act. A claim based on a compensable injury that occurs before that date is governed by the law in effect on the date the compensable injury occurred, and the former law is continued in effect for that purpose.

The amendment to **CSHB 2605** 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 except as follows:

Nays: Birdwell, Carona, Fraser, Seliger.

Senator Lucio offered the following amendment to the bill:

### **Floor Amendment No. 5**

Amend **CSHB 2605** by adding the following appropriately numbered SECTION to the proposed substitute and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_. Subchapter C, Chapter 504, Labor Code, is amended by adding Section 504.056 to read as follows:

Section 504.056 INTENT OF EXPEDITED PROVISION OF MEDICAL BENEFITS FOR CERTAIN INJURIES SUSTAINED BY FIRST RESPONDER IN COURSE AND SCOPE OF EMPLOYMENT.

The purpose of section 504.054 is to ensure that an injured first responder's claim for medical benefits is accelerated by a political subdivision, insurance carrier, and the division to the full extent authorized by current law.

The amendment to **CSHB 2605** 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.

On motion of Senator Huffman and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSHB 2605** as amended was passed to third reading by a viva voce vote.

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

**COMMITTEE SUBSTITUTE  
HOUSE BILL 2605 ON THIRD READING**

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2605** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

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

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

**SENATE RULES SUSPENDED  
(Posting Rules)**

On motion of Senator West and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Intergovernmental Relations might meet and consider **HB 3246** today.

**SENATE RULES SUSPENDED  
(Posting Rules)**

On motion of Senator West, on behalf of Senator Nelson, and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Health and Human Services might meet and consider the following bills today: **HB 13, HB 335, HB 300, HB 3387.**



**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Thursday, May 19, 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:

**HB 1690** Flynn

Relating to the use of municipal hotel occupancy tax revenue to enhance and upgrade sports facilities in certain municipalities.

**HB 1693** Cain

Relating to the jurisdiction of, civil fees assessed by, and the administration of the county court at law of Lamar County.

**HB 3743** Workman

Relating to the rights, powers, functions, and duties of the West Travis County Municipal Utility District No. 5.

**HB 3848** Gooden

Relating to compensation for services and reimbursement for expenses of a member of the board of directors of the Lake View Management and Development District.

**HB 3864** Gooden

Relating to the creation of the Lazy W District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

**HB 3865** Isaac

Relating to the Hays Trinity Groundwater Conservation District.

**HB 3866** Miller, Doug

Relating to the date for the election of directors of the Hill Country Underground Water Conservation District.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**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: **HB 127, HB 359, HB 1386.**

**SENATE RULES SUSPENDED**  
**(Posting Rules)**

On motion of Senator Van de Putte 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: **HB 2102, HB 254.**

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

On motion of Senator Van de Putte and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on State Affairs might meet tomorrow.

**SENATE RULES SUSPENDED**  
**(Posting Rules)**

On motion of Senator Watson, on behalf of Senator Wentworth, and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Open Government might meet and consider **HB 1500** today.

**RECESS**

On motion of Senator Whitmire, the Senate at 1:42 p.m. recessed until 3:00 p.m. today.

**AFTER RECESS**

The Senate met at 3:20 p.m. and was called to order by Senator Eltife.

**SENATE RULE 5.14(a) SUSPENDED**  
**(Intent Calendar)**

Senator West moved to suspend Senate Rule 5.14(a) to extend the time to allow Members to place bills and resolutions on the Intent Calendar until 6:00 p.m. today.

The motion prevailed without objection.

**COMMITTEE SUBSTITUTE**  
**HOUSE BILL 268 ON SECOND READING**

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 268** at this time on its second reading:

**CSHB 268**, Relating to the exemption from sales and use taxes, including the motor vehicle sales and use tax, for timber and certain items used in or on a farm, ranch, timber operation, or agricultural aircraft operation.

The bill was read second time.

Senator Seliger offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSHB 268** (senate committee printing) as follows:

(1) In SECTION 3 of the bill, in amended Section 151.316(a)(11), Tax Code (page 3, line 63), strike "and" and substitute "[~~and~~]".

(2) In SECTION 3 of the bill, in amended Section 151.316(a)(12), Tax Code (page 3, line 66), between "Code" and the period, insert the following:  
; and

(13) tangible personal property incorporated into or attached to a structure that is located on a commercial dairy farm, is used or employed exclusively for the production of milk, and is:

(A) a free-stall dairy barn; or

(B) a dairy structure used solely for maternity purposes

(3) In SECTION 9 of the bill (page 5, line 35), strike "The" and substitute "(a) Except as provided by Subsection (b) of this section, the".

(4) In SECTION 9 of the bill (page 5, between lines 40 and 41), insert the following:

(b) Section 151.316(a)(13), Tax Code, as added by this Act, does not affect tax liability accruing before the effective date of this Act. That liability continues in effect as if that section had not been enacted, and the former law is continued in effect for the collection of taxes due and for civil and criminal enforcement of the liability for those taxes.

The amendment to **CSHB 268** 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 Seliger and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSHB 268** as amended was passed to third reading by a viva voce vote.

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

Nays: Ellis.

### COMMITTEE SUBSTITUTE HOUSE BILL 268 ON THIRD READING

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 268** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

### HOUSE BILL 2203 ON SECOND READING

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2203** at this time on its second reading:

**HB 2203**, Relating to the pilot program authorizing a property owner to appeal to the State Office of Administrative Hearings certain appraisal review board determinations.

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

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

#### **HOUSE BILL 2203 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 **HB 2203** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

#### **COMMITTEE SUBSTITUTE**

#### **HOUSE BILL 109 ON SECOND READING**

On motion of Senator Ogden and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 109** at this time on its second reading:

**CSHB 109**, Relating to the temporary lowering of prima facie speed limits at a vehicular accident reconstruction site.

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

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

#### **COMMITTEE SUBSTITUTE**

#### **HOUSE BILL 109 ON THIRD READING**

Senator Ogden moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 109** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

#### **COMMITTEE SUBSTITUTE**

#### **HOUSE BILL 970 ON SECOND READING**

On motion of Senator Ogden and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 970** at this time on its second reading:

**CSHB 970**, Relating to the use of municipal hotel occupancy tax revenue to enhance and upgrade coliseums and multiuse facilities in certain municipalities.

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

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

**COMMITTEE SUBSTITUTE  
HOUSE BILL 970 ON THIRD READING**

Senator Ogden moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 970** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

**COMMITTEE SUBSTITUTE  
HOUSE BILL 1615 ON SECOND READING**

On motion of Senator Ogden and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1615** at this time on its second reading:

**CSHB 1615**, Relating to the administering of medications to children in certain facilities; providing criminal penalties.

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

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

**COMMITTEE SUBSTITUTE  
HOUSE BILL 1615 ON THIRD READING**

Senator Ogden moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1615** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

**(President Pro Tempore Ogden in Chair)**

**HOUSE BILL 3272 ON SECOND READING**

Senator Deuell moved to suspend the regular order of business to take up for consideration **HB 3272** at this time on its second reading:

**HB 3272**, Relating to the low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement program.

The motion prevailed.

Senators Birdwell, Nelson, Nichols, Patrick, 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 third reading by a viva voce vote.

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

Nays: Birdwell, Nelson, Nichols, Patrick, Shapiro.

### **HOUSE BILL 3272 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 **HB 3272** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

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

Nays: Birdwell, Nelson, Nichols, Patrick, Shapiro.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 5. (Same as previous roll call)

### **HOUSE CONCURRENT RESOLUTION 18 ON SECOND READING**

Senator Shapiro moved to suspend the regular order of business to take up for consideration **HCR 18** at this time on its second reading:

**HCR 18**, Urging Congress to propose and submit to the states an amendment to the United States Constitution providing for a federal balanced budget.

The motion prevailed.

Senators Ellis, Lucio, and Rodriguez asked to be recorded as voting "Nay" on suspension of the regular order of business.

The resolution was read second time and was adopted by the following vote: Yeas 28, Nays 3.

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

Nays: Ellis, Lucio, Rodriguez.

### **COMMITTEE SUBSTITUTE HOUSE BILL 2725 ON SECOND READING**

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2725** at this time on its second reading:

**CSHB 2725**, Relating to the determination of incompetency in criminal cases.

The bill was read second time.

Senator Williams offered the following amendment to the bill:

### Floor Amendment No. 1

Amend **CSHB 2725** (senate committee report) as follows:

(1) Strike the recital of SECTION 16 of the bill, amending Article 46B.086(a), Code of Criminal Procedure (page 6, lines 60-61), and substitute "Articles 46B.086(a) and (c), Code of Criminal Procedure, are amended to read as follows:".

(2) In SECTION 16 of the bill, after amended Article 46B.086(a), Code of Criminal Procedure (page 7, between lines 20 and 21), insert the following:

(c) The court, after notice and after a hearing held not later than the 10th day after the motion to compel medication is filed ~~[fifth day after the defendant is returned to the committing court]~~, may authorize the director of the correctional facility or the program provider, as applicable, to have the medication administered to the defendant, by reasonable force if necessary. A hearing under this subsection may be conducted using an electronic broadcast system as provided by Article 46B.013.

The amendment to **CSHB 2725** 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 Williams, on behalf of Senator Duncan, offered the following amendment to the bill:

### Floor Amendment No. 2

Amend **CSHB 2725** (senate committee printing) as follows:

(1) In SECTION 20 of the bill (page 7, line 43), strike "The change in law" and substitute "(a) Except as provided by Subsection (b) of this section, the change in law".

(2) Between SECTIONS 20 and 21 of the bill (page 7, between lines 46 and 47), insert the following:

(b) Article 46B.004(c-1), Code of Criminal Procedure, as added by this Act, applies only to a motion suggesting a defendant's incompetency to stand trial made on or after the effective date of this Act. A motion suggesting a defendant's incompetency to stand trial made before the effective date of this Act is covered by the law in effect when the motion was made, and the former law is continued in effect for that purpose.

(3) Add the following appropriately numbered SECTION to the bill and renumber existing SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Article 46B.004, Code of Criminal Procedure, is amended by adding Subsection (c-1) to read as follows:

(c-1) A suggestion of incompetency is the threshold requirement for an informal inquiry under Subsection (c) and may consist solely of a representation from any credible source that the defendant may be incompetent. A further evidentiary showing is not required to initiate the inquiry, and the court is not required to have a bona fide doubt about the competency of the defendant. Evidence suggesting the need for an informal inquiry may be based on observations made in relation to one or more of the factors described by Article 46B.024 or on any other indication that the defendant is incompetent within the meaning of Article 46B.003.

The amendment to **CSHB 2725** 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.

On motion of Senator Williams and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSHB 2725** as amended was passed to third reading by a viva voce vote.

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

### **COMMITTEE SUBSTITUTE HOUSE BILL 2725 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 **CSHB 2725** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

### **HOUSE BILLS AND RESOLUTIONS ON FIRST READING**

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

**HB 1690** to Committee on Intergovernmental Relations.

**HB 3743** to Committee on Intergovernmental Relations.

**HB 3848** to Committee on Intergovernmental Relations.

**HB 3864** to Committee on Intergovernmental Relations.

**HB 3865** to Committee on Natural Resources.

**HB 3866** to Committee on Natural Resources.

**HCR 50** to Committee on State Affairs.

**HCR 60** to Committee on State Affairs.

**HCR 94** to Committee on Business and Commerce.

### **COMMITTEE SUBSTITUTE HOUSE BILL 2499 ON SECOND READING**

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2499** at this time on its second reading:

**CSHB 2499**, Relating to the continuation and functions of the Department of Information Resources and the transfer of certain department functions to the comptroller of public accounts.

The bill was read second time.



Senator Nichols offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSHB 2499** (senate committee printing) as follows:

(1) In SECTION 19 of the bill, in added Section 2054.376(b)(6), Government Code (page 7, line 1), strike "or".

(2) In SECTION 19 of the bill, in amended Section 2054.376(b), Government Code (page 7, line 3), strike the period and substitute the following:

; or

(8) a database or network managed by a state agency in the judicial branch of state government.

(3) Add the following appropriately numbered SECTIONS to the bill and renumber the remaining SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 2054.113, Government Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) This section does not apply to a state agency in the judicial branch of state government that implements electronic filing and service of documents under rules adopted or approved by the supreme court.

SECTION \_\_\_\_\_. Section 2054.113(a-1), Government Code, as added by this Act, takes effect September 1, 2012.

The amendment to **CSHB 2499** 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 Lucio offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **CSHB 2499** (Senate committee printing) as follows:

(1) Strike SECTIONS 5, 12, 16, 17, 18, 22, 23, 24, 25, 28, 29, 30, 31, and 35 of the bill.

(2) In SECTION 26 of the bill, in added Section 2157.0685, Government Code (page 10, lines 46, 47, 51, 53, 55, and 56), strike "comptroller" each time it appears and substitute "department".

(3) In SECTION 26 of the bill, in added Section 2157.0685, Government Code (page 10, line 51), strike "comptroller's" and substitute "department's".

(4) In SECTION 32 of the bill (page 11, lines 44 and 45), strike "Sections 2054.024(c), 2155.501(1), 2155.502(e), 2157.0611, and 2157.181(b), Government Code, are" and substitute "Section 2054.024(c), Government Code, is".

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

SECTION \_\_\_\_\_. (a) In this section:

(1) "Commission" means the Sunset Advisory Commission.

(2) "Department" means the Department of Information Resources.

(b) Except as provided by Subsections (c) and (d), the commission shall study the cost-effectiveness of transferring to the comptroller the department's powers and duties related to the information and communications technology cooperative contracts program.

(c) The commission is not required to conduct the study and make the report required by this section if the commission determines that the commission's workload requirements for the interim will limit its ability to conduct the study and make the report required by this section. If the commission makes this determination, the commission must notify the governor, the lieutenant governor, the speaker of the house of representatives, and the department of this determination not later than September 1, 2011.

(d) If the commission makes the determination under Subsection (c), the department shall conduct the study and make the report required by this section. The department may contract with an independent contractor to conduct the study and make the report. The department shall pay for the study and report under this subsection.

(e) Not later than September 1, 2012, the commission or department, as applicable, shall report in detail, including all costs and savings resulting from a transfer described by Subsection (b), the results of the study to:

- (1) the lieutenant governor;
  - (2) the speaker of the house of representatives;
  - (3) the chairs of the house and senate committees with primary oversight over the department;
  - (4) the department, if the commission makes the report;
  - (5) the governor; and
  - (6) the comptroller.
- (6) Renumber the remaining SECTIONS of the bill accordingly.

The amendment to **CSHB 2499** was read.

On motion of Senator Nichols, Floor Amendment No. 2 was tabled by the following vote: Yeas 17, Nays 9.

Yeas: Birdwell, Carona, Eltife, Estes, Fraser, Harris, Hegar, Hinojosa, Huffman, Jackson, Nichols, Patrick, Rodriguez, Seliger, Shapiro, Wentworth, Whitmire.

Nays: Deuell, Gallegos, Lucio, Ogden, Uresti, Van de Putte, Watson, West, Zaffirini.

Absent: Davis, Duncan, Ellis, Nelson, Williams.

Senator Lucio offered the following amendment to the bill:

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

Amend **CSHB 2499** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering the remaining SECTIONS of the bill appropriately:

SECTION \_\_\_\_\_. Subchapter B, Chapter 403, Government Code, is amended by adding Section 403.020 to read as follows:

Sec. 403.020. CERTAIN POLITICAL CONTRIBUTIONS PROHIBITED. (a) In this section, "political contribution" and "specific-purpose committee" have the meanings assigned by Section 251.001, Election Code.

(b) The comptroller may not accept a political contribution from a person who enters into a contract under Section 2157.068 relating to information technology commodity items.

(c) For purposes of this section, a contribution to a specific-purpose committee for the purpose of supporting a candidate for comptroller, opposing the candidate's opponent, or assisting the comptroller is considered to be a contribution to the comptroller.

SECTION \_\_\_\_\_. Section 403.020, Government Code, as added by this Act, applies only to a political contribution made on or after the effective date of this Act. A political contribution made before the effective date of this Act is governed by the law in effect when the contribution was made, and the former law is continued in effect for that purpose.

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The amendment to **CSHB 2499** was read.

Senator Lucio withdrew Floor Amendment No. 3.

Senator Ellis offered the following amendment to the bill:

#### **Floor Amendment No. 4**

Amend **CSHB 2499** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 2059.060, Government Code, is repealed.

The amendment to **CSHB 2499** 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 Hegar offered the following amendment to the bill:

#### **Floor Amendment No. 5**

Amend **CSHB 2499** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering the remaining SECTIONS of the bill appropriately:

SECTION \_\_\_\_\_. Section 2155.003, Government Code, is amended by amending Subsection (e) and adding Subsections (f) and (g) to read as follows:

(e) The comptroller must report to the Texas Ethics Commission a campaign contribution from a vendor that bids on or receives a contract under the comptroller's purchasing authority, including authority under this subtitle.

(f) In this section, "campaign contribution" and "specific-purpose committee" have the meanings assigned by Section 251.001, Election Code.

(g) For purposes of Subsection (e), a campaign contribution to a specific-purpose committee for the purpose of supporting a candidate for comptroller, opposing the candidate's opponent, or assisting the comptroller is considered to be a campaign contribution to the comptroller.

SECTION \_\_\_\_\_. Section 2155.003, Government Code, as amended by this Act, applies only to a campaign contribution made on or after the effective date of this Act. A campaign contribution made before the effective date of this Act is governed by the law in effect when the contribution was made, and the former law is continued in effect for that purpose.

The amendment to **CSHB 2499** 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.

On motion of Senator Nichols and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSHB 2499** as amended was passed to third reading by a viva voce vote.

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

**COMMITTEE SUBSTITUTE  
HOUSE BILL 2499 ON THIRD READING**

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2499** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER  
Austin, Texas  
Thursday, May 19, 2011 - 3

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 430** Nichols Sponsor: Christian  
Relating to written notice to a groundwater conservation district of groundwater contamination.

**SB 662** Nichols Sponsor: Anchia  
Relating to the continuation and functions of the State Board of Examiners for Speech-Language Pathology and Audiology; providing an administrative penalty.

**SB 764** Williams Sponsor: Ritter  
Relating to a prohibition against use of school district resources for a hotel.

**SB 800**

Duncan

Sponsor: Elkins

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

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**COMMITTEE SUBSTITUTE  
HOUSE BILL 2904 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2904** at this time on its second reading:

**CSHB 2904**, Relating to the administration of the Glenda Dawson Donate Life-Texas Registry.

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

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

**COMMITTEE SUBSTITUTE  
HOUSE BILL 2904 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2904** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

**COMMITTEE SUBSTITUTE  
HOUSE BILL 447 ON SECOND READING**

On motion of Senator Uresti and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 447** at this time on its second reading:

**CSHB 447**, Relating to the powers of a defense base development authority.

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

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

**COMMITTEE SUBSTITUTE  
HOUSE BILL 447 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 **CSHB 447** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

**COMMITTEE SUBSTITUTE  
HOUSE BILL 725 ON SECOND READING**

Senator Fraser moved to suspend the regular order of business to take up for consideration **CSHB 725** at this time on its second reading:

**CSHB 725**, Relating to the operation, powers, and duties of certain water districts.

The motion prevailed.

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

The bill was read second time.

Senator Fraser offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSHB 725** by adding the following appropriately numbered SECTIONS to the bill accordingly:

SECTION \_\_\_\_\_. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8372 to read as follows:

CHAPTER 8372. BELL COUNTY MUNICIPAL UTILITY DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8372.001. DEFINITIONS. In this chapter:

- (1) "Board" means the district's board of directors.
- (2) "Commission" means the Texas Commission on Environmental Quality.
- (3) "Director" means a board member.
- (4) "District" means the Bell County Municipal Utility District No. 1.

Sec. 8372.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8372.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 8372.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 8372.003 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Sec. 8372.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

(b) The district is created to accomplish the purposes of:

(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and

(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, or improvement of macadamized, graveled, or paved roads described by Section 54.234, Water Code, or improvements, including storm drainage, in aid of those roads.

Sec. 8372.006. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3) right to impose a tax; or

(4) legality or operation.

[Sections 8372.007-8372.050 reserved for expansion]

#### SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8372.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 8372.052, directors serve staggered four-year terms.

Sec. 8372.052. TEMPORARY DIRECTORS. (a) The temporary board consists of:

(1) Roger Hunter;

(2) Randy Reding;

(3) David Barr;

(4) Karen Walinder; and

(5) David Lazar.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 8372.003; or

(2) September 1, 2015.

(c) If permanent directors have not been elected under Section 8372.003 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 8372.003; or

(2) the fourth anniversary of the date of the appointment or reappointment.

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

[Sections 8372.053-8372.100 reserved for expansion]

#### SUBCHAPTER C. POWERS AND DUTIES

Sec. 8372.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8372.102. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8372.103. AUTHORITY FOR ROAD PROJECTS. (a) Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads described by Section 54.234, Water Code, or improvements, including storm drainage, in aid of those roads.

(b) The district may exercise the powers provided by this section without submitting a petition to or obtaining approval from the commission as required by Section 54.234, Water Code.

Sec. 8372.104. APPROVAL OF ROAD PROJECT. (a) The district may not undertake a road project authorized by Section 8372.103 unless:

(1) each municipality or county that will operate and maintain the road has approved the plans and specifications of the road project, if a municipality or county will operate and maintain the road; or

(2) the Texas Transportation Commission has approved the plans and specifications of the road project, if the state will operate and maintain the road.

(b) Except as provided by Subsection (a), the district is not required to obtain approval from the Texas Transportation Commission to design, acquire, construct, finance, issue bonds for, improve, or convey a road project.

Sec. 8372.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

Sec. 8372.106. LIMITATION ON USE OF EMINENT DOMAIN. The district may not exercise the power of eminent domain outside the district to acquire a site or easement for:

(1) a road project authorized by Section 8372.103; or

(2) a recreational facility as defined by Section 49.462, Water Code.

[Sections 8372.107-8372.150 reserved for expansion]

#### SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8372.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 8372.153.

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Sec. 8372.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 8372.151, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.



(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Sec. 8372.153. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

[Sections 8372.154-8372.200 reserved for expansion]

#### SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 8372.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 8372.202. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 8372.203. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

SECTION \_\_\_\_. The Bell County Municipal Utility District No. 1 initially includes all the territory contained in the following area:

Being all that certain tract or parcel of land situated in the C. H. Fitch Survey, A-316, the John Lewis Survey, A-512, the S.C. Fitch Survey, A-371, and the Young Williams Survey, A-861, Bell County, Texas, being all of Tract One (called 442.51 acres), Tract Two (called 23.923 acres), and Tract 4 (called 8.440 acres) described in deed to Weldon Whitis and Bruce Whitis in Volume 4441, Page 575, Official Records, Bell County, Texas, and all of that certain called 64.7 acre tract described in deed to Whitis Land Investments, Ltd., in Volume 6622, Page 114, Official Records, Bell County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron rod at the southeast corner of said Tract 4 (called 8.440 acres), same being in the north line of said Tract One (called 442.51 acres), also being the southwest corner of Tract Three (called 6.747 acres) also described in deed to Weldon Whitis and Bruce Whitis in Volume 4441, Page 575, Official Records, Bell County, Texas, for corner of the herein described tract,

THENCE N 17°42'07" E, 444.85 along the west line of said Tract Three and east line of said Tract Two to an iron pipe for corner of the herein described tract;

THENCE in a westerly direction along the north line of said Tract Three with the following courses:

1. N 88°11'16" W, 310.38 feet to an iron pipe;

2. S 83°11'40" W, 317.12 feet, to an iron pipe;
3. S 82°58'31" W, 246.70, feet to an iron pipe, for the northwest corner of said Tract Three;

THENCE in a southerly direction along the west line of said Tract Three with the following courses:

1. S 10°13'31" W, 26.66 feet;
2. S 29°13'59" E, 10.60 feet;
3. S 01°30'59" E 14.54 feet;
4. S 43°00'42" W, 24.35 feet;
5. S 61°37'21" W, 12.89 feet;
6. S 14°33'54" W, 88.90 feet, to an iron pipe in a fence corner, for an ell corner;

THENCE N 71°44'38" W, 190.17 feet, westerly, along a north line of said Tract Three to an iron rod in the north line of said Tract One;

THENCE in a westerly direction along the north line of said Tract One with the following courses:

1. N 70°34'14" W, 44.59 feet, an iron rod for corner;
2. N 72°25'22" W, 616.92 feet, an iron rod for corner;
3. N 74°43'06" W, 507.39 feet, an iron rod in the east line of said 64.7 acre tract, for corner;

THENCE N 15°55'53" E, 851.78 feet, westerly, along an east line of said 64.7 acre tract to a cedar, for the northeast corner of said 64.7 acre tract;

THENCE in a westerly direction a the north line of said 64.7 acre tract with the following courses:

1. N 48°17'37" W, 82.11 feet, a post for corner;
2. N 28°55'27" W, 225.01 feet, a post for corner;
3. N 58°18'37" W, 18.24 feet, an elm for corner;
4. N 75°42'40" W, 266.08 feet, an iron rod for corner;
5. N 75°23'12" W, 237.82 feet, an iron rod for corner;
6. N 73°19'20" W, 164.19 feet, an iron rod for the northeast corner of Lot 5, Block 6, Stoneoak Subdivision, Phase 2, recorded in Cabinet B, Slide 334-B, Plat Records, Bell County, Texas, for corner of the herein described tract;

THENCE along the easterly and southerly boundaries of Block 6, Stoneoak Subdivision, Phase 2 with the following courses:

1. S 14°37'25" W, 427.85 feet, an iron rod for corner;
2. S 39°36'49" W, 477.27 feet, an iron rod for corner;
3. N 50°23'11" W, 139.40 feet, an iron rod in the north margin of Stoneoak Dr., for corner;

THENCE S 39°36'49" W, 60.00 feet, to an iron rod in the south margin of Stoneoak Dr, for corner;

THENCE N 50°23'59" W, 99.90 feet, along the south margin of Stoneoak Dr., to an iron rod for the northeast corner of Block 3, Stoneoak Subdivision, Phase 2, for corner;

THENCE along the easterly and southerly boundaries of Block 3, Stoneoak Subdivision, Phase 2 with the following courses:

1. S 39°39'11" W, 139.38 feet, an iron rod for the northeast corner of Lot 5, Block 3, Stoneoak Subdivision, Phase 2, for corner;

2. N 50°23'11" W, 311.48 feet, an iron rod, for corner;
3. N 53°09'02" W, 458.34 feet, an iron rod for the southwest corner of Lot 1, Block 3, Stoneoak Subdivision, Phase 2, same being the southeast corner of Lot 1, Block 1, Stoneoak Subdivision, Phase 1, recorded in Cabinet B, Slide 236-B, Plat Records, Bell County, Texas, for corner;  
THENCE N 53°50'25" W, 155.91 feet, along the south line of said Lot 1, Block 1, to an iron rod in the east margin of FM 1670, for corner;  
THENCE S 27°04'56" W, 566.14 feet, along the east margin of FM 1670 for an iron rod in the north line of Lot 6, Block 1, Stoneoak Subdivision, Phase 1, for corner;  
THENCE along the easterly and southerly boundaries of Lot Lot 6, Block 1, Stoneoak Subdivision, Phase 1, with the following courses:
  1. S 53°56'27" E, 155.87 feet, an iron rod for corner;
  2. S 27°04'53" W, 145.23 feet, an iron rod for the southeast corner of said Lot 6, Block 1, Stoneoak Subdivision, Phase 1, and corner of the herein described tract;  
THENCE along the southeasterly along the southerly boundary of said 64.7 acre tract with the following courses:
    1. S 56°19'35" E, 696.11 feet, an iron rod, for corner;
    2. N 23°01'40" E, 18.36 feet, an iron rod, for corner;
    3. S 47°22'19" E, 1346.71 feet, an iron rod, in the west line of said Tract One and an ell corner of the herein described tract;  
THENCE in a southerly direction along the fenced west line of said Tract One with the following courses:
      1. S 45°43'29" W, 521.79 feet, an iron rod, for corner;
      2. S 28°59'19" W, 430.76 feet, an iron rod, for corner;
      3. S 15°02'24" W, 590.71 feet, a 12" cedar, for corner;
      4. S 31°13'21" W, 11.21 feet, a 12" cedar, for corner;
      5. S 28°24'41" W, 2.53 feet, an iron rod for the north corner of the called 8.12 acre tract described in deed to the United States of America in Volume 874, Page 283, Deed Records of Bell County, Texas;  
THENCE S 19°42'32" E, 1187.26 feet, along a east line of said 8.12 acre tract and west line of said Tract One to an iron pipe for the south corner of said 8.12 acre tract, for corner;  
THENCE S 15°55'45" W, 377.40 feet, along a north west line of said Tract One to an iron pipe for the westerly southwest corner of the herein described tract;  
THENCE S 78°41'13" E, 2847.43 feet, along a south line of said Tract One and existing fence to an iron pipe in a fence corner, same being an ell corner of the herein described tract;  
THENCE S 12°34'41" W, 95.71 feet, to a point, for corner;  
THENCE in a easterly direction 100' north of an parallel to the south line of said Tract One, south line of said Tract Two, and left bank of the Lampasas River with the following courses:
        1. N 59°59'13" E, 125.67 feet, a point, for corner;
        2. N 78°13'20" E, 288.55 feet, a point, for corner;
        3. S 69°41'17" E, 72.82 feet, a point, for corner;
        4. S 67°06'56" E, 275.14 feet, a point, for corner;
        5. S 58°22'11" E, 271.35 feet, a point, for corner

6. S 46°50'39" E, 512.57 feet, a point, for corner;
7. S 26°54'16" E, 299.38 feet, a point, for corner;
8. S 43°48'14" E, 309.26 feet, a point, for the southeast corner of the herein described tract;

THENCE in a northerly direction along the fenced east line of said Tract Two, and east line of the herein described tract, with the following courses:

1. N 14°02'58" E, 481.07 feet, a post, for corner;
2. N 02°07'12" W, 180.92 feet, a post, for corner;
3. N 10°32'57" E, 614.21 feet, a post, for corner;
4. N 49°54'32" E, 229.03 feet, a fence corner post for the northeast corner of said Tract Two;

THENCE in a westerly direction along a fenced north line of said Tract Two, and east line of the herein described tract, with the following courses:

1. N 72°21'30" W, 39.54 feet, an iron rod, for corner;
2. N 64°20'47" W, 70.85 feet, an iron rod in a fence corner in the east line of said Tract One, for corner of the herein described tract;

THENCE in a northerly direction along the fenced east line of said Tract One, and east line of the herein described tract, with the following courses:

1. N 53°59'40" E, 167.20 feet, an iron rod, for corner;
  2. N 59°20'36" E, 58.19 feet, an iron rod, for corner;
  3. N 62°55'16" E, 71.72 feet, an iron rod, for corner;
  4. N 69°11'44" E, 68.89 feet, an iron rod, for corner;
  5. N 62°45'31" E, 112.05 feet, an iron rod, for corner;
  6. N 73°56'23" E, 35.96 feet, an iron rod, for corner;
  7. N 61°52'10" E, 86.51 feet, an iron rod, for corner;
  8. N 51°31'36" E, 274.08 feet, an iron rod, for corner;
  9. N 45°30'37" E, 58.94 feet, an iron rod, for corner;
  10. N 35°22'34" E, 111.93 feet, an iron rod, for corner;
  11. N 24°37'26" E, 55.46 feet, an iron rod, for corner;
  12. N 02°52'20" E, 61.55 feet, an iron rod, for corner;
  13. N 05°33'08" W, 125.86 feet, an iron rod, for corner;
  14. N 42°54'00" W, 25.42 feet, an iron rod, for corner;
  15. N 83°42'20" W, 111.89 feet, a post, for corner;
  16. N 79°38'56" W, 59.70 feet, an iron rod, for corner;
  17. N 12°35'12" E, 319.71 feet, a 14" cedar, for corner;
  18. N 03°59'50" E, 60.17 feet, an iron rod, for corner;
  19. N 00°04'49" E, 10.78 feet, an iron rod, for corner;
  20. N 24°58'14" E, 56.12 feet, an iron rod, for corner;
  21. N 12°05'54" E, 554.94 feet, an iron rod, for corner;
  22. N 14°09'42" W, 13.29 feet, an iron rod, for corner;
  23. N 54°33'04" W, 43.94 feet, an iron rod, for corner;
  24. N 67°13'03" W, 67.22 feet, an iron rod, for corner;
  25. N 15°57'36" E, 766.87 feet, an iron rod in a fence corner, same being the most easterly northeast corner of said Tract One, for corner of the herein described tract;
- THENCE N 76°03'02" W, 608.28 feet, along the fenced north line of said Tract One to an iron rod in a fence corner for an ell corner of the herein described tract;

THENCE N 16°06'35" E, 385.98 feet, along a fenced east line of said Tract One to an iron pipe in a fence corner for corner;

THENCE N 74°31'12" W, 801.90 feet, along a fenced north line of said Tract One to an iron pipe in a fence corner for corner;

THENCE S 16°27'16" W, 399.55 feet, along a fenced line of said Tract One to an iron pipe in a fence corner for corner;

THENCE N 71°41'44" W, 1155.49 feet, along a fenced north line of said Tract One to an iron rod for the southeast corner of said Tract Three (called 6.747 acres), for corner;

THENCE N 71°42'51" W, 62.25 feet along the south line of said Tract Three and north line of said Tract One to the PLACE OF BEGINNING and containing a called mathematical total of 534.66 acres of land, more or less.

SECTION \_\_\_\_\_. (a) Section 8372.106, Special District Local Laws Code, as added by Section 1 of this Act, takes effect only if this Act receives a two-thirds vote of all the members elected to each house.

(b) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 8372, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 8372.106 to read as follows:

Sec. 8372.106. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(c) This section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution.

SECTION \_\_\_\_\_. Except as provided by the Section \_\_\_(preceding) of this Act, this Act takes effect September 1, 2011.

The amendment to **CSHB 725** 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 Fraser offered the following amendment to the bill:

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

Amend **CSHB 725** (senate committee printing) by adding the appropriately numbered SECTIONS to the bill and renumbering the subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Section 36.002, Water Code, is amended to read as follows:

Sec. 36.002. OWNERSHIP OF GROUNDWATER. (a) The legislature recognizes that a landowner owns the groundwater below the surface of the landowner's land as real property. Groundwater ownership and rights may be transferred, conveyed, or leased in the same manner and by the same means as any other ownership interest in real property.

(b) The groundwater ownership and rights described by this section:

(1) entitle the landowner, including a landowner's lessees, heirs, or assigns, to drill for and produce the groundwater below the surface of real property, subject to Subsection (d), without causing waste or malicious drainage of other property or

negligently causing subsidence, but does not entitle a landowner, including a landowner's lessees, heirs, or assigns, to the right to capture a specific amount of groundwater below the surface of his land; and

(2) do not affect the existence of common law defenses or other defenses to liability under the rule of capture.

(c) Nothing [The ownership and rights of the owners of the land and their lessees and assigns in groundwater are hereby recognized, and nothing] in this code shall be construed as granting the authority to deprive [depriving] or divest a landowner, including a landowner's lessees, heirs, or assigns, [divesting the owners of their lessees and assigns] of the groundwater ownership and rights described by this section [or rights, except as those rights may be limited or altered by rules promulgated by a district].

(d) This section does not:

(1) prohibit a district from limiting or prohibiting the drilling of a well by a landowner for failure or inability to comply with minimum well spacing or tract size requirements adopted by the district;

(2) affect the ability of a district to regulate groundwater production as authorized under Section 36.113, 36.116, or 36.122 or otherwise under this chapter or a special law governing a district; or

(3) require that a rule adopted by a district allocate to each landowner a proportionate share of available groundwater for production from the aquifer based on the number of acres owned by the landowner [A rule promulgated by a district may not discriminate between owners of land that is irrigated for production and owners of land or their lessees and assigns whose land that was irrigated for production is enrolled or participating in a federal conservation program].

(e) This section does not affect the ability to regulate groundwater in any manner authorized under:

(1) Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, for the Edwards Aquifer Authority;

(2) Chapter 8801, Special District Local Laws Code, for the Harris-Galveston Subsidence District; and

(3) Chapter 8834, Special District Local Laws Code, for the Fort Bend Subsidence District.

SECTION \_\_\_\_\_. Section 36.101, Water Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) A district may make and enforce rules, including rules limiting groundwater production based on tract size or the spacing of wells, to provide for conserving, preserving, protecting, and recharging of the groundwater or of a groundwater reservoir or its subdivisions in order to control subsidence, prevent degradation of water quality, or prevent waste of groundwater and to carry out the powers and duties provided by this chapter. In adopting a rule under this chapter, a district [During the rulemaking process the board] shall:

(1) consider all groundwater uses and needs;

(2) [and shall] develop rules that [which] are fair and impartial;

(3) consider the groundwater ownership and rights described by Section

36.002;

(4) consider the public interest in conservation, preservation, protection, recharging, development and prevention of waste of groundwater, and of groundwater reservoirs or their subdivisions, and in controlling subsidence caused by withdrawal of water from those groundwater reservoirs or their subdivisions, consistent with the objectives of Section 59, Article XVI, Texas Constitution;

(5) consider the goals developed as part of the district's comprehensive management plan under Section 36.1071; and

(6) ~~and that do~~ not discriminate between land that is irrigated for production and land that was irrigated for production and enrolled or participating in a federal conservation program.

(a-1) Any rule of a district that discriminates between land that is irrigated for production and land that was irrigated for production and enrolled or participating in a federal conservation program is void.

The amendment to **CSHB 725** was read and was adopted by the following vote: Yeas 27, Nays 4.

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

Nays: Ellis, Lucio, Rodriguez, Watson.

Senator Fraser offered the following amendment to the bill:

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

Amend **CSHB 725** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_ . Subchapter H, Chapter 49, Water Code, is amended by adding Section 49.2127 to read as follows:

Sec. 49.2127. WATER MANAGEMENT PLANS FOR CERTAIN SPECIAL WATER AUTHORITIES. (a) In this section:

(1) "Authority" means a special water authority to which this section applies under Subsection (b).

(2) "Firm water" means a stored supply of water for customers of an authority for which a continuous water supply has a higher priority during drought conditions than that of interruptible water customers. Firm water customers include municipalities, industries, and electric power plants.

(3) "Interruptible water" means a stored supply of water for customers of an authority that must be rationed or curtailed during drought conditions before firm water supplies.

(b) This section applies only to a special water authority whose water management plan consists of a reservoir operation plan for the operation of two water supply reservoirs and was:

(1) developed by an applicant for a permit under Chapter 11; and

(2) originally required by a court order adjudicating the water rights for those reservoirs.

(c) An authority's water management plan must:

(1) ensure adequate protection of firm water supplies so that the needs of firm water customers are met to the extent provided by previously adjudicated permits; and

(2) provide for curtailing water supplies under interruptible commitments before requesting that firm water customers institute voluntary water conservation measures.

SECTION \_\_\_\_\_. A special water authority to which Section 49.2127, Water Code, as added by this Act, applies shall adopt or amend its rules and its water management plan as required to implement Section 49.2127, Water Code, as added by this Act.

The amendment to **CSHB 725** was read.

### POINT OF ORDER

Senator Hegar raised a Point of Order that Floor Amendment No. 3 to **CSHB 725** was not germane to the body of the bill.

Senator Fraser postponed further consideration of **CSHB 725** until tomorrow.

Question — Shall the Point of Order on Floor Amendment No. 3 to **CSHB 725** be sustained?

### SENATE BILL 1927 ON SECOND READING

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **SB 1927** at this time on its second reading:

**SB 1927**, Relating to the authority of certain volunteer firefighter and emergency services organizations to hold tax-free sales or auctions.

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 and was passed to engrossment by the following vote: Yeas 30, Nays 1.

Nays: Ogden.

### SENATE BILL 1927 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1927** be placed on its third reading and final passage.

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

Nays: Ogden.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)



(Senator Eltife in Chair)

(President Pro Tempore Ogden in Chair)

**VOTE RECONSIDERED ON  
HOUSE BILL 1665**

Senator Van de Putte moved to reconsider the vote by which **HB 1665** was finally passed.

The motion prevailed by the following vote: Yeas 16, Nays 13.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Birdwell, Eltife, Estes, Fraser, Harris, Hegar, Jackson, Nichols, Ogden, Patrick, Seliger, Shapiro, Williams.

Absent: Huffman, Nelson.

**HB 1665**, Relating to the notification requirements regarding certain land use regulations in an area near military facilities.

Question — Shall **HB 1665** be finally passed?

Senator Fraser moved to postpone further consideration of **HB 1665** to a time certain of 12:00 noon tomorrow.

The motion prevailed.

Question — Shall **HB 1665** be finally passed?

**COMMITTEE SUBSTITUTE  
HOUSE BILL 3134 ON SECOND READING**

Senator Duncan moved to suspend the regular order of business to take up for consideration **CSHB 3134** at this time on its second reading:

**CSHB 3134**, Relating to the plugging of inactive oil and gas wells.

The motion prevailed.

Senator Ogden asked to be recorded as "Present-not voting" on suspension of the regular order of business.

The bill was read second time and was passed to third reading by the following vote: Yeas 30, Nays 0, Present-not voting 1.

Present-not voting: Ogden.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 3134 ON THIRD READING**

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 3134** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0, Present-not voting 1.

Present-not voting: Ogden.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0, Present-not voting 1. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
HOUSE BILL 378 ON SECOND READING**

Senator Williams moved to suspend the regular order of business to take up for consideration **CSHB 378** at this time on its second reading:

**CSHB 378**, Relating to stationary tow trucks on a highway; providing a penalty.

The motion prevailed.

Senator Hegar 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 third reading by a viva voce vote.

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

Nays: Hegar.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 378 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 **CSHB 378** be placed on its third reading and final passage.

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

Nays: Hegar.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

**HOUSE BILL 3841 REREFERRED  
(Motion In Writing)**

Senator Lucio submitted a Motion In Writing requesting that **HB 3841** be withdrawn from the Committee on Transportation and Homeland Security and rereferred to the Committee on International Relations and Trade.

The Motion In Writing prevailed without objection.

**HOUSE BILL 1841 ON SECOND READING**

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1841** at this time on its second reading:

**HB 1841**, Relating to the taxability of Internet hosting.

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

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

**HOUSE BILL 1841 ON THIRD READING**

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1841** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

**VOTE RECONSIDERED ON HOUSE BILL 92**

Senator Estes moved to reconsider the vote by which **HB 92** was finally passed.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**HB 92**, Relating to the regulation of slaughterers by certain counties.

Question — Shall **HB 92** be finally passed?

Senator Estes offered the following amendment to the bill:

**Floor Amendment No. 1 on Third Reading**

Amend **HB 92** on third reading by striking second reading Floor Amendment No. 1 by Estes.

The amendment to **HB 92** was read and was adopted by the following vote: Yeas 31, Nays 0.

On motion of Senator Estes and by unanimous consent, the caption was again amended to conform to the body of the bill as amended.

**HB 92** as again amended was again finally passed by the following vote: Yeas 31, Nays 0.

**HOUSE RESOLUTION ON FIRST READING**

The following resolution received from the House was read first time and referred to the committee indicated:

**HCR 129** to Committee on Higher Education.

**BILLS AND RESOLUTIONS SIGNED**

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

**HB 27, HB 563, HB 699, HB 843, HB 848, HB 908, HB 1028, HB 1106, HB 1380, HB 1390, HB 1401, HB 1405, HB 1829, HB 1956, HB 2229, HB 3000, HCR 69, HCR 100, HB 35, HB 118, HB 184, HB 266, HB 315, HB 434, HB 460, HB 479, HB 625, HB 650, HB 679, HB 716, HB 726, HB 885, HB 988, HB 989, HB 993, HB 1061, HB 1130, HB 1174, HB 1263, HB 1344, HB 1449, HB 1488, HB 1503, HB 1545, HB 1566, HB 1567, HB 1570, HB 1674, HB 1779, HB 1861, HB 1862, HB 1869, HB 2033, HB 2035, HB 2144, HB 2251, HB 2271, HB 2351, HB 2360, HB 2376, HB 2495, HB 2615, HB 2631, HB 2670, HB 2699, HB 2866, HB 2920, HB 2935, HB 3004, HB 3141, HB 3255, HB 3389, HB 3487, HB 3570, HB 3847, HCR 33, HCR 143.**

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

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

**SENATE RULES SUSPENDED  
(Posting Rules)**

On motion of Senator Fraser and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Natural Resources might meet and consider **HB 3866** today.

**SENATE RULES SUSPENDED  
(Posting Rules)**

On motion of Senator Zaffirini and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Higher Education might meet and consider **HCR 129** tomorrow at 7:30 a.m.

**CO-AUTHOR OF SENATE BILL 1927**

On motion of Senator Zaffirini, Senator Uresti will be shown as Co-author of **SB 1927**.

**CO-SPONSORS OF HOUSE BILL 335**

On motion of Senator Birdwell, Senators Nelson and Patrick will be shown as Co-sponsors of **HB 335**.

**CO-SPONSOR OF HOUSE BILL 3328**

On motion of Senator Fraser, Senator Nelson will be shown as Co-sponsor of **HB 3328**.

**CO-SPONSOR OF HOUSE CONCURRENT RESOLUTION 18**

On motion of Senator Shapiro, Senator Huffman will be shown as Co-sponsor of **HCR 18**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Congratulatory Resolutions**

**SCR 56** by Fraser, Recognizing John Cowan on the occasion of his retirement from the Texas Association of Dairymen.

**SR 1039** by Nelson, Recognizing Lockheed Martin Aeronautics on the occasion of its 70th anniversary and on the success of its F-35 Joint Strike Fighter program.

**SR 1041** by Hinojosa, Congratulating the Alice High School Academic Decathlon team on winning the 2011 national championship.

**SR 1042** by Seliger, Recognizing Danny Fryar for his service to the people of Stanton and Martin County.

**SR 1043** by Lucio, Recognizing Kim A. Cockins for his contributions to his community and his state.

**SR 1046** by Lucio, Recognizing Janiece Longoria for her service on The University of Texas System Board of Regents.

**HCR 164** (Seliger), Honoring Jean Hilfiger of Saint-Nabord, France, for his courageous actions in assisting U.S. military forces in France during World War II.

### **Official Designation Resolution**

**SR 1040** by Nelson, Recognizing the week of May 8 through 14, 2011, as National Hospital Week in Texas.

### **ADJOURNMENT**

On motion of Senator Whitmire, the Senate at 6:12 p.m. adjourned, in memory of Ashley Therese Perret Harrison and Edward H. Harte, 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:

May 19, 2011

STATE AFFAIRS — **HB 1226, HB 1608, HB 1776, HB 2093, HB 2120, HB 2292, HB 3337**

CRIMINAL JUSTICE — **CSHB 1451**

HIGHER EDUCATION — **HB 1163, HB 1341, HB 2758, HB 2911, HB 3578, HB 3579**

STATE AFFAIRS — **CSHB 2817, CSHB 3409**

CRIMINAL JUSTICE — **CSHB 1907**

HEALTH AND HUMAN SERVICES — **CSHB 411**

EDUCATION — **HB 692, CSHB 742, HB 826, CSHB 968**

TRANSPORTATION AND HOMELAND SECURITY — **CSHB 1301**

EDUCATION — **CSHB 1334, CSHB 2135, HB 2366, HB 2971, CSHB 3278, HB 3506**

STATE AFFAIRS — **CSHB 1616**

JURISPRUDENCE — **CSHB 1111, HB 2900, HB 2899, CSHB 2717**

INTERGOVERNMENTAL RELATIONS — **HB 91, HB 361, HB 499, HB 1118, HB 1278, HB 1967, HB 1812, HB 2226, HB 2296, HB 2584, HB 2690, HB 2809, HB 2972, HB 3003, HB 3788, HB 554, HB 707, HB 831, HB 850, HB 1090**

ADMINISTRATION — **CSHB 3616**

INTERGOVERNMENTAL RELATIONS — **HJR 63, HB 534, HB 709, HB 782, HB 844, HB 886, HB 1071, HB 1120, HB 1429, HB 1525, HB 1932, HB 2104, HB 2220, HB 2238, HB 2363, HB 3096, HB 3111, HB 3803, HB 3813, HB 3840, HB 3842, HB 3857**

NATURAL RESOURCES — **CSHB 2663, CSHB 2794**

CRIMINAL JUSTICE — **CSHB 3459, HB 289, HB 530, HB 961, HB 1083, HB 1137, HB 1173, HB 1205, HB 1402, HB 1822, HB 1823, HB 1891, HB 2006, HB 2118, HB 2889, HB 3346**

TRANSPORTATION AND HOMELAND SECURITY — **CSHB 2017**

STATE AFFAIRS — **CSHB 2089**

GOVERNMENT ORGANIZATION — **CSHB 2004, CSHB 2549, CSHB 3395**

FINANCE — **HB 2383, HB 2169**

OPEN GOVERNMENT — **HB 2460**

TRANSPORTATION AND HOMELAND SECURITY — **HB 42, HB 78, HB 384, HB 442, HB 673, HB 1330, HB 1422, HB 1473, HB 1541, HB 1737, HB 1750, HB 1960**

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — **HB 1784, HB 2417, HB 3580**

BUSINESS AND COMMERCE — **CSHB 2603, CSHB 2655, CSHB 1242, CSHB 2604**

TRANSPORTATION AND HOMELAND SECURITY — **HB 2080, HB 2138, HB 2141**

GOVERNMENT ORGANIZATION — **CSHB 2608**

HIGHER EDUCATION — **CSHB 3689, CSHB 1000**

JURISPRUDENCE — **CSHB 592**

ECONOMIC DEVELOPMENT — **HB 14**

INTERGOVERNMENTAL RELATIONS — **HB 1293**

CRIMINAL JUSTICE — **HB 2735**

BUSINESS AND COMMERCE — **CSHB 2592**

INTERGOVERNMENTAL RELATIONS — **CSHB 362, CSHB 1228, CSHB 1400, HB 1651, CSHB 1821, CSHB 2160**

BUSINESS AND COMMERCE — **HB 2594 (Amended), CSHB 2490, CSHB 213**

### **BILLS ENGROSSED**

May 18, 2011

**SB 1425, SB 1916**

**RESOLUTIONS ENROLLED**

May 18, 2011

**SR 989, SR 990, SR 991, SR 1034, SR 1035, SR 1037, SR 1038**

**SIGNED BY GOVERNOR**

May 19, 2011

**SB 18, SB 265, SB 378, SB 528, SB 653, SB 820, SB 877, SB 918, SB 1195,  
SB 1272, SB 1303, SB 1490, SB 1568, SB 1716**

**In Memory**  
**of**  
**Ashley Therese Perret Harrison**  
**Senate Resolution 996**

WHEREAS, The Senate of the State of Texas joins the citizens of Dallas in mourning the loss of Ashley Therese Perret Harrison, who died April 27, 2011, at the age of 22; and

WHEREAS, Ashley Harrison was born on January 10, 1989, in Dallas; she graduated from the Ursuline Academy of Dallas, and she spent her freshman year in college with a scholarship at Saint Edward's University; she spent her next three years at the University of Alabama, where she would have graduated with honors and a bachelor's degree in economics in December of 2011; she lost her life in the tornado that struck Tuscaloosa; and

WHEREAS, Throughout her life, Ashley excelled in athletics and in dance; she spent years working on her gymnastics techniques and on ballet, and she played for two years on the Texas National Lacrosse team; she was also dedicated to her work on behalf of numerous charitable causes, including Locks of Love; and

WHEREAS, Ashley dreamed of becoming a lawyer and had already worked for a time at the law firm of Phelps, Jenkins, Gibson and Fowler; she had been accepted into the United Bank of Switzerland's internship program in Washington, D.C., for the summer of 2011; and

WHEREAS, An exemplary young woman, Ashley was strong in character, high spirited, and generous and compassionate; she was noted for her beautiful smile and for her enthusiasm for living each day to the fullest, and she will be greatly missed by all who were privileged to share in her life; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby extend sincere condolences to the bereaved family of Ashley Therese Perret Harrison; and, be it further

RESOLVED, That a copy of this Resolution be prepared for her 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 Ashley Harrison.

CARONA  
NELSON  
ZAFFIRINI