

# SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**SIXTY-SECOND DAY**

(Continued)

(Thursday, May 19, 2011)

**AFTER RECESS**

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

**SESSION HELD FOR  
LOCAL AND UNCONTESTED CALENDAR**

The Presiding Officer announced that the time had arrived to consider bills and resolutions placed on the Local and Uncontested Calendar. Notice of consideration of the local calendar was given by Senator Uresti yesterday.

Pursuant to Senate Rule 9.03(d), the following bills and resolutions were laid before the Senate in the order listed, read second time, amended where applicable, passed to engrossment or third reading, read third time, and passed. The votes on passage to engrossment or third reading, suspension of the Constitutional Three-day Rule, and final passage are indicated after each caption. All Members are deemed to have voted "Yea" on viva voce votes unless otherwise indicated.

**HB 114** (Zaffirini)

Relating to designating April as Minority Cancer Awareness Month.

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

**HB 123** (Nelson)

Relating to an adult diabetes education program in certain county hospital systems and hospital districts.

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

**CSHB 200** (Whitmire)

Relating to the notification of the release of certain inmates given to certain courts, law enforcement agencies, and the United States Social Security Administration.

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

**CSHB 240** (Nelson)

Relating to requiring the Texas Commission on Environmental Quality to adopt rules preventing access to on-site sewage disposal systems.

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

**HB 253** (Nelson)

Relating to the protection of children by ensuring reports of abuse or neglect, protecting children from abuse and neglect, ensuring that births are reported, and prosecuting the offense of bigamy; providing criminal penalties.

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

**HB 265** (Birdwell)

Relating to the lease of space by or for a state agency.

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

**HB 282** (Van de Putte)

Relating to an analysis by the adjutant general of facility needs of state military forces before grants or conveyances of real property.

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

**CSHB 350** (Van de Putte)

Relating to discharging fines and costs assessed against certain juvenile defendants through community service or tutoring.

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

**HB 399** (Zaffirini)

Relating to requiring general academic teaching institutions to offer personal financial literacy training.

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

**HB 451** (Hegar)

Relating to the creation of a Don't Mess with Texas Water program to prevent illegal dumping that affects the surface waters of this state.

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

**HB 533** (Hinojosa)

Relating to the rendition of property for ad valorem tax purposes and to the protest of a penalty imposed for a failure to timely file a rendition statement or property report.

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

**HB 549** (Uresti)

Relating to the disposition of a decedent's remains.

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

**HB 627** (Gallegos)

Relating to a fee collected by a district clerk for certain certified copies.

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

**HB 649** (Hinojosa)

Relating to the issuance and duration of certain protective orders for victims of sexual assault.

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

**HB 824** (Van de Putte)

Relating to an outreach campaign to promote fathers' involvement with their children before birth.

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

**(Senator Rodriguez in Chair)****HB 930** (Harris)

Relating to the requirements for an application for a tax warrant authorizing the seizure of personal property for the payment of ad valorem taxes.

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

**HB 942** (Gallegos)

Relating to an exemption for school districts from security for court costs and appeal bond.

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

**HB 960** (Whitmire)

Relating to the powers of the Central Harris County Regional Water Authority.

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

**HB 969** (Seliger)

Relating to the election of directors of the board of the Ector County Hospital District.

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

**HB 976** (Carona)

Relating to the issuance of a warrant or summons by a magistrate.

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

**CSHB 1057** (West)

Relating to business leave time for certain municipal firefighters and police officers.

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

**HB 1110** (Seliger)

Relating to the contracting authority of the Midland County Hospital District.

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

**CSHB 1127** (Van de Putte)

Relating to notice of relief available to certain members of the military required to be provided in certain real property documentation.

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

**HB 1128** (Van de Putte)

Relating to consent to certain medical treatments by a surrogate decision-maker on behalf of certain inmates.

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

**HB 1135** (Fraser)

Relating to an application to run for political office.

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

**CSHB 1168** (Van de Putte)

Relating to smoke alarms and fire extinguishers in residential rental units.

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

**CSHB 1179** (Deuell)

Relating to certification requirements for certain property tax professionals.

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

**HB 1215** (Uresti)

Relating to the creation of the offense of unauthorized acquisition or transfer of certain financial information.

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

**HB 1245** (Birdwell)

Relating to the repeal of the authorization to establish a super collider facility research authority.

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

**HB 1379** (West)

Relating to the purchasing of a firearm from the county by an honorably retired law enforcement officer.

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

**HB 1381** (Whitmire)

Relating to the service of civil process on an inmate of the Texas Department of Criminal Justice.

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

**HB 1383** (Uresti)

Relating to the territory of the El Paso County Water Control and Improvement District No. 4.

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

**HB 1426** (Wentworth)

Relating to the collection of court costs, fees, fines, and other money by the commissioners courts of certain counties.

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

**(Senator Uresti in Chair)****HB 1481** (Zaffirini)

Relating to the use of person first respectful language in reference to individuals with disabilities.

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

**HB 1514** (Birdwell)

Relating to the issuance to veterans of specially marked driver's licenses.

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

**HB 1529** (Wentworth)

Relating to the offense of fraudulent use or possession of identifying information.

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

**HB 1559** (Huffman)

Relating to the retention, storage, and destruction of certain court documents.

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

**HB 1614** (Deuell)

Relating to fees for process server certification.

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

**HB 1643** (Hegar)

Relating to the duration of a development agreement governing land in the extraterritorial jurisdiction of certain municipalities.

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

**HB 1666** (Watson)

Relating to the prosecution of the offense of online impersonation.

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

**HB 1678** (Estes)

Relating to the employment of an elections administrator.

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

**HB 1682** (Jackson)

Relating to prohibiting school districts from requiring or coercing school district employees to make charitable contributions.

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

**HB 1694** (West)

Relating to the purchasing and contracting authority of certain governmental entities.

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

**HB 1772** (Duncan)

Relating to the regulation of certain benefit plans.

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

**CSHB 1814** (Lucio)

Relating to the provision of water and certain equipment by water supply or sewer service corporations for use in fire suppression and the liability of those corporations.

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

**HB 1906** (Fraser)

Relating to the idling of motor vehicles; providing a criminal penalty.

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

**HB 1908** (Whitmire)

Relating to student loan repayment assistance for certain providers of correctional health care.

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

**HB 1965** (Deuell)

Relating to the expansion of faith- and community-based health and human services initiatives.

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

**HB 1983** (Nelson)

Relating to certain childbirths occurring before the 39th week of gestation.

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

**HB 2061** (Nelson)

Relating to the reporting of certain information to the director of the bureau of vital statistics.

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

**(Senator Eltife in Chair)****HB 2069** (Lucio)

Relating to the authority of a pharmacist to dispense up to a 90-day supply of dangerous drugs and accelerate refills.

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

**HB 2108** (Estes)

Relating to electronic filing and rerecording of livestock marks and brands by county clerks.

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

**HB 2162** (Wentworth)

Relating to the power of the Cibolo Creek Municipal Authority to issue bonds.

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

**HB 2245** (Nelson)

Relating to physician incentive programs to reduce hospital emergency room use for non-emergent conditions by Medicaid recipients.

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

**HB 2258** (Williams)

Relating to the use and transferability of certain state property transferred from the state to Spindletop MHMR Services.

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

**HB 2286** (Hinojosa)

Relating to the duties of a funeral director or an agent at the interment or entombment of a human body.

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

**HB 2289** (Jackson)

Relating to the authority of a gas corporation to use a public right-of-way along a railroad, a railroad right-of-way, an interurban railroad, or a street railroad.

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

**HB 2312** (West)

Relating to the creation of a sickle cell disease program.

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

**HB 2354** (Whitmire)

Relating to the installation and use of a pen register, ESN reader, trap and trace device, mobile tracking device, or similar equipment in a correctional facility operated by or under contract with the Texas Department of Criminal Justice.

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

**HB 2370** (West)

Relating to certain notice to applicants to provide care under the permanency care assistance program.

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

**HB 2385** (Harris)

Relating to the DNA database at the University of North Texas Health Science Center at Fort Worth.

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

**HB 2418** (Patrick)

Relating to the territory, board of directors, and powers of the North Harris County Regional Water Authority.

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

**(Senator Uresti in Chair)**

**CSHB 2476** (Eltife)

Relating to the appraisal for ad valorem tax purposes of certain dealer's heavy equipment inventory; providing penalties.

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

**(Senator Eltife in Chair)**

**HB 2482** (Williams)

Relating to the prosecution of and punishment for certain offenses involving theft.

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

**CSHB 2488** (Harris)

Relating to access to a child's medical records by the child's attorney ad litem, guardian ad litem, or amicus attorney.

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

**HB 2538** (Jackson)

Relating to the confidentiality of certain identifying information regarding students of career schools or colleges and other educational entities; providing a criminal penalty.

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

**HB 2582** (Whitmire)

Relating to the repeal of the partial tax exemption for certain beer.

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

**(Senator Rodriguez in Chair)**

**CSHB 2609** (Uresti)

Relating to convictions barring employment at or by certain facilities serving the elderly or persons with disabilities.

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

**HB 2624** (Van de Putte)

Relating to procedures applicable in circumstances involving family violence or other criminal conduct and military personnel.

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

**HB 2633** (Whitmire)

Relating to the office of inspector general of the Texas Youth Commission.

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

**CSHB 2716** (Carona)

Relating to fees charged for the management and preservation of the county clerk's records.

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

**HB 2727** (Whitmire)

Relating to the regulation by the Texas Department of Licensing and Regulation of the application of eyelash extensions and private beauty culture schools; providing a criminal penalty.

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

**HB 2759** (Duncan)

Relating to the nonsubstantive revision of provisions of the Texas Probate Code relating to durable powers of attorney, guardianships, and other related proceedings and alternatives, and the redesignation of certain other provisions of the Texas Probate Code, including conforming amendments and repeals.

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

**HB 2793** (Hinojosa)

Relating to the processing fee charged for a dishonored payment device.

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

**HB 2859** (Uresti)

Relating to the creation of the Terrell County Groundwater Conservation District; providing authority to impose a tax and issue bonds.

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

**CSHB 2907** (Carona)

Relating to the requirements for and procedures governing tuition equalization grants.

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

**HB 2908** (Zaffirini)

Relating to providing graduate medical education positions for Texas medical school graduates.

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

**HB 2928** (Birdwell)

Relating to privileged parking for recipients of the Silver Star Medal.

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

**HB 2937** (Zaffirini)

Relating to access to the criminal history record information of certain individuals by public or private institutions of higher education and the Texas Higher Education Coordinating Board.

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

**CSHB 2959** (Fraser)

Relating to the required transfer of records to a new county chair of a political party; providing a penalty.

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



**HB 2978** (Hegar)

Relating to the applicability of open meetings requirements to certain meetings of the governing board of a county hospital or county hospital authority.

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

**HB 3065** (Nichols)

Relating to the requirement that certain food service establishments post a sign depicting the Heimlich maneuver.

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

**HB 3146** (Zaffirini)

Relating to consent for treatment for chemical dependency in a treatment facility and required training for the facility's intake personnel.

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

**(Senator Uresti in Chair)****HB 3174** (Harris)

Relating to the stay of recognition or enforcement of a foreign country judgment to allow for de novo review of a contract or agreement for a sale, offer for sale, or sell under The Securities Act.

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

**HB 3307** (Hinojosa)

Relating to the confidentiality of certain home address information in ad valorem tax appraisal records.

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

**CSHB 3372** (Jackson)

Relating to rainwater harvesting systems that are connected to public water supply systems.

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

**HB 3465** (Fraser)

Relating to the period for which a school district's participation in certain tax increment financing reinvestment zones may be taken into account in determining the total taxable value of property in the school district.

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

**HB 3470** (Ogden)

Relating to the Texas Armed Services Scholarship Program.

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

**CSHB 3531** (Nelson)

Relating to a system for monitoring prescriptions of certain drugs under the Medicaid program for children in foster care.

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

**HB 3547** (Gallegos)

Relating to enforcement by a local government of fire safety standards at certain child-care facilities.

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

**CSHB 3577** (Zaffirini)

Relating to priority consideration and eligibility for Texas Educational Opportunity Grants, TEXAS grants, and other state financial aid.

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

**HB 3814** (Wentworth)

Relating to certain financial powers and duties of the Travis-Creedmoor Municipal Utility District.

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

**HB 3818** (Harris)

Relating to a limitation on production fees on groundwater withdrawals assessed by the Northern Trinity Groundwater Conservation District.

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

**HCR 63** (Eltife)

Authorizing the lieutenant governor and speaker to appoint interim joint committees.

(viva voce vote)

**HCR 68** (Van de Putte)

Requesting the lieutenant governor and the speaker of the house of representatives to create a joint interim committee to study human trafficking in Texas.

(viva voce vote)

**HCR 90** (Hinojosa)

Urging Congress to provide a comprehensive public alert warning system.

(viva voce vote)

**HCR 133** (Hinojosa)

Designating the red drum as the official State Saltwater Fish of Texas.

(viva voce vote)

**SB 774** (Zaffirini)

Relating to exemptions for disabled peace officers from the payment of tuition and fees at public institutions of higher education.

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

**CSSB 824** (Lucio)

Relating to the coordination of rural and small community initiatives.

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

**(Senator Eltife in Chair)****SB 1645** (Uresti)

Relating to the authority to create and operate a defense adjustment management authority.

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

**SB 1928** (Ellis)

Relating to an African American Texans memorial monument on the Capitol grounds.

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

**SCR 51** (Ellis)

Expressing the legislature's support for the construction of a monument to African American Texans on the grounds of the State Capitol at the location approved by the State Preservation Board for a Juneteenth monument.

(viva voce vote)

**ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 8:45 a.m. adjourned, in memory of Dolph Briscoe, until 11:00 a.m. today.

