

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

SIXTY-SECOND DAY

(Wednesday, May 18, 2011)

The Senate met at 11:06 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.

The Reverend Denny Henderson, Hill Country Bible Church UT, Austin, offered the invocation as follows:

Father, we recognize today that You are intimately acquainted with our every need and our every challenge. As the psalmist wrote, You have humbled Yourself to know the things of heaven and the things of Earth. (Psalm 113:6) So nothing is a surprise to You, nor are You apathetic toward the affairs of man. We affirm this morning that You have blessed us richly and that every good and perfect gift is from You. We acknowledge both Your goodness in our abundance and Your faithfulness in our challenges. I pray this morning that You will give wisdom to those who lead our great state. As Your elected public servants, may each lead with compassion, conviction, and integrity, placing the good of the people above their own interests. Give them divine wisdom and unity in their decision-making. I pray for their families, who have also sacrificed for the good of others. May Your blessing and comfort be present in their everyday life. Grant each man and woman here this morning the courage to lead the people of Texas honorably. Equip them for complete usefulness and service for others. May they steward their leadership well. We praise You in advance for Your complete faithfulness, and, God, may You 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

Wednesday, May 18, 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 CONCURRED IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

HB 716 (141 Yeas, 1 Nays, 1 Present, not voting)

THE HOUSE HAS REFUSED TO CONCUR IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

HB 2694 (non-record vote)

House Conferees: Smith, Wayne - Chair/Bonnen/Burnam/Chisum/Geren

THE HOUSE HAS TAKEN THE FOLLOWING OTHER ACTION:

HB 92

Pursuant to Rule 13, Section 5A of the Rules of the Texas House, 82nd Legislature, the house hereby returns house bill 92 to the senate for further consideration due to non germane amendments.

HB 370

Pursuant to Rule 13, Section 5A of the Rules of the Texas House, 82nd Legislature, the house hereby returns house bill 370 to the senate for further consideration due to non germane amendments.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

PHYSICIAN OF THE DAY

Senator Watson was recognized and presented Dr. Love D. Paul of Austin as the Physician of the Day.

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

SENATE RESOLUTION 918

Senator Watson offered the following resolution:

SR 918, Recognizing Rosalio "Rabbit" Duran for his contributions to East Austin.

The resolution was again read.

The resolution was previously adopted on Wednesday, May 4, 2011.

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate Rosalio "Rabbit" Duran, Ryan Duran, Catherine Ferrell, Angela Duran Hood, and Mary Duran.

The Senate welcomed its guests.

SENATE RESOLUTIONS

Senator West offered the following resolutions:

SR 989, Congratulating Rasheed Jamal Furlow on achieving the rank of Eagle Scout.

The resolution was read.

SR 990, Congratulating Edmund Kyle English on achieving the rank of Eagle Scout.

The resolution was read.

SR 991, Congratulating Daijon Mitchell on achieving the rank of Eagle Scout.

The resolution was read.

SR 989, **SR 990**, and **SR 991** were adopted without objection.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate Eagle Scouts, Rasheed Jamal Furlow, Edmund Kyle English, and Daijon Mitchell, joined by Boy Scout leaders, Jami Hayes and Joe Hayes.

The Senate welcomed its guests.

BILLS AND RESOLUTION SIGNED

The Presiding Officer announced the signing of the following enrolled bills and resolution in the presence of the Senate after the captions had been read:

SB 14, **SB 118**, **SB 132**, **SB 328**, **SB 420**, **SB 977**, **SB 1125**, **SB 1353**, **SB 1693**, **SCR 25**.

SENATE CONCURRENT RESOLUTION 50

The Presiding Officer laid before the Senate the following resolution:

SCR 50, Congratulating Bobby R. Inman for receiving the Joe M. Kilgore Award for Public Service.

WATSON

The resolution was again read.

The resolution was previously adopted on Monday, May 2, 2011.

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate a Greater Austin Crime Commission delegation: Joe Holt, Director and Past President; Bobby R. Inman, Director and Past President; Kenny Jastrow, Director; Ralph Wayne, co-founder, Director, and Past President; and Cary Roberts, Executive Director; accompanied by Crime Commission Directors and students from the Longhorn Leaders program.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Uresti was recognized and introduced to the Senate daughters of former Governor Dolph Briscoe: Janey Briscoe Marmion and Cele Briscoe Carpenter.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate an Innocence Project of Texas delegation: exoneree, Johnny Pinchback; Natalie Roetzel, attorney; and Cory Session, member.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Estes was recognized and introduced to the Senate students from Travis Elementary School of Mineral Wells, accompanied by their teacher, Cody Jordan.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate business members of the Dallas Black Chamber of Commerce.

The Senate welcomed its guests.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The Presiding Officer announced the time had arrived to consider executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given yesterday by Senator Deuell.

Senator Deuell moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The Presiding Officer asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The following nominees, as reported by the Committee on Nominations, were confirmed by the following vote: Yeas 31, Nays 0.

Commissioners, Board of Pilot Commissioners for Galveston County Ports: Edward Alois Janek, Galveston County; Henry Stephen Porretto, Galveston County; Linda Raedene Rounds, Galveston County; James Earl Toups, Galveston County.

Member, Board of Directors, Brazos River Authority: Henry William Munson, Brazoria County.

Member, Coastal Coordination Council: Jerry A. Mohn, Galveston County.

Members, Family and Protective Services Council: Patricia B. Cole, Tarrant County; Anna Maria Jimenez-Martinez, Nueces County; Benny W. Morris, Johnson County.

Members, Governing Board, Texas School for the Deaf: Jean F. Andrews, Jefferson County; Shalia H. Cowan, Hays County; Tyran Paul Lee, Harris County; Connie Fay Sefcik-Kennedy, Travis County.

Members, Board of Directors, Lavaca-Navidad River Authority: Jerry Lynn Adelman, Matagorda County; David Martin Muegge, Jackson County.

Member, Board of Directors, Lower Colorado River Authority: Sandra Lea Wright Kibby, Comal County.

Commissioner, Pecos River Compact Commission: Fredrick A. Rylander, Pecos County.

Members, State Securities Board: David Alan Appleby, El Paso County; Greg Alan Waldrop, Travis County.

Members, Texas Board of Architectural Examiners: Debra J. Dockery, Bexar County; Paula Ann Miller, Montgomery County; Sonya B. Odell, Dallas County.

Members, Texas Board of Professional Land Surveying: Mary Ellen Chruszczak, Montgomery County; Gerardo M. Garcia, Nueces County; Paul Pong Kin Kwan, Harris County.

Members, Texas Commission on the Arts: Rita Esther Baca, El Paso County; Dale Wills Brock, Wichita County; Linda Lowes Hatchel, McLennan County; Patty Hayes Huffines, Travis County; Liza Billups Lewis, Bexar County; Jacoba-Jetske S. Russell, Dallas County; Stephanie Shawn Stephens, Harris County.

Members, Texas Farm and Ranch Lands Conservation Council: Pamela Jean McAfee, Hays County; George David Scott, Fort Bend County.

Members, Texas Higher Education Coordinating Board: Durga D. Agrawal, Harris County; Dennis Donia Golden, Panola County; Harold Wayne Hahn, El Paso County.

Members, Board of Directors, Trinity River Authority of Texas: Harold Lynn Barnard, Ellis County; William W. Collins, Tarrant County; Christina Melton Crain, Dallas County; Michael Cronin, Kaufman County; Steve Wayne Cronin, San Jacinto County; Amanda Boswell Davis, Leon County; Martha Ann Hernandez, Tarrant County; Dennis Joe McCleskey, Trinity County; J. Carol Spillars, Madison County.

**COMMITTEE SUBSTITUTE
HOUSE BILL 417 ON SECOND READING**

Senator Ellis moved to suspend the regular order of business to take up for consideration **CSHB 417** at this time on its second reading:

CSHB 417, Relating to claims for compensation for wrongful imprisonment.

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

Nays: Carona.

The bill was read second time.

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 417** (senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. The heading to Subchapter A, Chapter 103, Civil Practice and Remedies Code, is amended to read as follows:

SUBCHAPTER A. ELIGIBILITY; NOTICE OF ELIGIBILITY [~~AND CHOICE OF COMPENSATION METHOD~~]

SECTION 2. Section 103.001, Civil Practice and Remedies Code, is amended by amending Subsection (a) and adding Subsections (d) and (e) to read as follows:

(a) A person is entitled to compensation if:

(1) the person has served in whole or in part a sentence in prison under the laws of this state; and

(2) the person:

(A) has received a full pardon on the basis of innocence for the crime for which the person was sentenced; ~~or~~

(B) has been granted relief in accordance with a writ of habeas corpus that is based on a court finding or determination that the person is actually innocent of the crime for which the person was sentenced; or

(C) has been granted relief in accordance with a writ of habeas corpus and:

(i) the state district court in which the charge against the person was pending has entered an order dismissing the charge; and

(ii) the district court's dismissal order is based on a motion to dismiss in which the state's attorney states that no credible evidence exists that inculpates the defendant and, either in the motion or in an affidavit, the state's attorney states that the state's attorney believes that the defendant is actually innocent of the crime for which the person was sentenced [~~on the basis of actual innocence of the crime for which the person was sentenced~~].

(d) Subject to this section, a person entitled to compensation under Subsection (a) is also eligible to obtain group health benefit plan coverage through the Texas Department of Criminal Justice as if the person were an employee of the department. This subsection does not entitle the person's spouse or other dependent or family member to group health benefit plan coverage. Coverage may be obtained under this subsection for a period of time equal to the total period the claimant served for the

crime for which the claimant was wrongfully imprisoned, including any period during which the claimant was released on parole or to mandatory supervision or required to register under Chapter 62, Code of Criminal Procedure. A person who elects to obtain coverage under this subsection shall pay a monthly contribution equal to the total amount of the monthly contributions for that coverage for an employee of the department.

(e) Notwithstanding Section 103.053(c), annuity payments may be reduced by an amount necessary to make the payments required by Subsection (d), and that amount shall be transferred to an appropriate account as provided by the comptroller by rule to fund that coverage.

SECTION 3. Subchapter A, Chapter 103, Civil Practice and Remedies Code, is amended by adding Section 103.002 to read as follows:

Sec. 103.002. NOTICE TO WRONGFULLY IMPRISONED PERSON. (a) In this section:

(1) "Department" means the Texas Department of Criminal Justice.

(2) "Penal institution" has the meaning assigned by Article 62.001, Code of Criminal Procedure.

(3) "Wrongfully imprisoned person" has the meaning assigned by Section 501.091, Government Code, as added by Chapter 1389 (S.B. 1847), Acts of the 81st Legislature, Regular Session, 2009.

(b) The department shall provide to each wrongfully imprisoned person information, both orally and in writing, that includes:

(1) guidance on how to obtain compensation under this chapter; and

(2) a list of and contact information for nonprofit advocacy groups, identified by the department, that assist wrongfully imprisoned persons in filing claims for compensation under this chapter.

(c) The department must provide the information required under Subsection (b):

(1) at the time of the release of the wrongfully imprisoned person from a penal institution; or

(2) as soon as practicable after the department has reason to believe that the person is entitled to compensation under Section 103.001(a).

SECTION 4. Section 103.003, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 103.003. LIMITATION ON TIME TO FILE. A person seeking compensation under this chapter must file an application with the comptroller for compensation under Subchapter B not ~~Not~~ later than the third anniversary of the date:

(1) the person on whose imprisonment the claim is based received a ~~the~~ pardon as provided by Section 103.001(a)(2)(A);

(2) the person's application for a writ of habeas corpus was granted as provided by Section 103.001(a)(2)(B); or

(3) an order of dismissal described by Section 103.001(a)(2)(C) was signed ~~[was granted relief as required by Section 103.001, a person seeking compensation under this chapter must file an application with the comptroller for compensation under Subchapter B].~~

SECTION 5. Section 103.051, Civil Practice and Remedies Code, is amended by amending Subsections (a), (b-1), and (d) and adding Subsection (f) to read as follows:

(a) To apply for compensation under this subchapter, the claimant must file with the comptroller's judiciary section:

(1) an application for compensation provided for that purpose by the comptroller;

(2) a verified copy of the pardon, ~~or~~ court order, motion to dismiss, and affidavit, as applicable, justifying the application for compensation;

(3) a statement provided by the Texas Department of Criminal Justice and any county or municipality that incarcerated the person on whose imprisonment the claim is based in connection with the relevant sentence verifying the length of incarceration;

(4) if applicable, a statement from the Department of Public Safety verifying registration as a sex offender and length of registration;

(5) if applicable, a statement from the Texas Department of Criminal Justice verifying the length of time spent on parole; and

(6) if the claimant is applying for compensation under Section 103.052(a)(2), a certified copy of each child support order under which child support payments became due during the time the claimant served in prison and copies of the official child support payment records described by Section 234.009, Family Code, for that period.

(b-1) In determining the eligibility of a claimant, the comptroller shall consider only the verified copies of documents ~~[copy of the pardon or court order]~~ filed ~~[by the claimant]~~ under Subsection (a)(2) [(a)]. If the filed documents do ~~[pardon or court order does]~~ not clearly indicate on their ~~[its]~~ face that the person is entitled to compensation under Section 103.001(a)(2) ~~[pardon or the court order was granted or rendered on the basis of the claimant's actual innocence of the crime for which the claimant was sentenced]~~, the comptroller shall deny the claim. The comptroller's duty to determine the eligibility of a claimant under this section is purely ministerial.

(d) If the comptroller denies the claim, the comptroller must state the reason for the denial. Not later than the 30th ~~[40th]~~ day after the date the denial is received, the claimant must submit an application to cure any problem identified. Not later than the 45th day after the date an application is received under this subsection, the comptroller shall determine the claimant's eligibility and the amount owed.

(f) To apply for coverage through the Texas Department of Criminal Justice under Section 103.001(d), the claimant must file with the department:

(1) an application for coverage provided for that purpose by the department;
and

(2) a statement by the comptroller that the comptroller has determined the claimant to be eligible for compensation under this subchapter.

SECTION 6. Section 103.054, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 103.054. PAYMENT OF CERTAIN TUITION AND FEES. If requested by the claimant before the seventh anniversary of the relevant date described by Section 103.003 ~~[the claimant received the pardon or was granted relief as required by Section~~

~~103.001~~], tuition for up to 120 credit hours, including tuition charged under Section 54.0513, Education Code, or any other law granting an educational institution discretion to set the tuition rate, and any mandatory fees associated with attendance at the institution, charged by a career center or public institution of higher education shall be paid on behalf of the claimant.

SECTION 7. Chapter 103, Civil Practice and Remedies Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. FEES

Sec. 103.101. FEES LIMITED; PREREQUISITES TO FEE AGREEMENT.

(a) A person, including an attorney, may not charge or collect a fee for preparing, filing, or curing a claimant's application under Section 103.051 unless the fee is based on a reasonable hourly rate.

(b) An attorney may enter into a fee agreement with a claimant for services related to an application under Section 103.051 only after the attorney has disclosed in writing to the claimant the hourly rate that will be charged for the services.

(c) An attorney may not collect a fee for preparing, filing, or curing a claimant's application under Section 103.051 before a final determination is made by the comptroller that the claimant is eligible or ineligible for compensation under this chapter.

Sec. 103.102. SUBMISSION OF FEE REPORT. (a) Together with an application for compensation under this chapter or not later than the 14th day after the date the application or cured application is filed, a person seeking payment for preparing, filing, or curing the application must file a fee report with the comptroller's judiciary section.

(b) A fee report under this section must include:

(1) the total dollar amount sought for fees;

(2) the number of hours the person worked preparing, filing, or curing the application; and

(3) the name of the applicant.

(c) A fee report under this section is public information subject to Chapter 552, Government Code.

SECTION 8. Section 501.091, Government Code, as added by Chapter 1389 (S.B. 1847), Acts of the 81st Legislature, Regular Session, 2009, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) In this section, "wrongfully imprisoned person" means a person who:

(1) has served in whole or in part a sentence in a facility operated by or under contract with the department; and

(2) has:

(A) received a pardon for innocence for the crime for which the person was sentenced; ~~or~~

(B) been granted relief in accordance with a writ of habeas corpus that is based on a court finding or determination that the person is actually innocent of the crime for which the person was sentenced; or

(C) been granted relief in accordance with a writ of habeas corpus and:

(i) the state district court in which the charge against the person was pending has entered an order dismissing the charge; and

(ii) the district court's dismissal order is based on a motion to dismiss in which the state's attorney states that no credible evidence exists that inculpatates the defendant and, either in the motion or in an affidavit, the state's attorney states that the state's attorney believes that the defendant is actually innocent of the crime for which the person was sentenced [otherwise been granted relief on the basis of actual innocence of the crime for which the person was sentenced].

(d) The department shall provide information to wrongfully imprisoned persons as required by Section 103.002, Civil Practice and Remedies Code.

SECTION 9. Subchapter C, Chapter 1551, Insurance Code, is amended by adding Section 1551.115 to read as follows:

Sec. 1551.115. PARTICIPATION BY WRONGFULLY IMPRISONED PERSONS. Subject to Section 103.001, Civil Practice and Remedies Code, a person who is entitled to compensation under Chapter 103, Civil Practice and Remedies Code, is eligible to obtain health benefit plan coverage under the group benefits program in the manner and to the extent that an employee of the Texas Department of Criminal Justice would be entitled to coverage, except that this section does not entitle the person's spouse or other dependent or family member to coverage.

SECTION 10. Section 501.091(a), Government Code, as added by Chapter 180 (H.B. 1736), Acts of the 81st Legislature, Regular Session, 2009, is repealed.

SECTION 11. Section 103.001(a)(2)(C), Civil Practice and Remedies Code, as added by this Act, applies to a person who has received an order of dismissal signed on or after September 1, 2009.

SECTION 12. Sections 103.001(d) and (e) and 103.051(f), Civil Practice and Remedies Code, and Section 1551.115, Insurance Code, as added by this Act, apply to a person the comptroller of public accounts has determined to be eligible for compensation as provided by Section 103.051(b), Civil Practice and Remedies Code, on or after September 1, 2011.

SECTION 13. Subchapter C, Chapter 103, Civil Practice and Remedies Code, as added by this Act, applies only to an attorney's fee agreement entered into on or after January 1, 2012. An attorney's fee agreement entered into before January 1, 2012, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 14. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

The amendment to **CSHB 417** 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 except as follows:

Nays: Carona.

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

CSHB 417 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: Carona.

**COMMITTEE SUBSTITUTE
HOUSE BILL 417 ON THIRD READING**

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 417** be placed on its third reading and final passage.

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

Nays: Carona.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1425 ON THIRD READING**

Senator Wentworth moved to suspend the regular order of business to take up for consideration **CSSB 1425** at this time on its third reading and final passage:

CSSB 1425, Relating to an account for construction retainage; providing a civil penalty.

The motion prevailed by the following vote: Yeas 21, Nays 10.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Estes, Gallegos, Hinojosa, Lucio, Nichols, Ogden, Rodriguez, Seliger, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Eltife, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Patrick, Shapiro, Uresti.

The bill was read third time and was passed by the following vote: Yeas 20, Nays 11.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Estes, Gallegos, Hinojosa, Lucio, Nichols, Ogden, Rodriguez, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Eltife, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Patrick, Seliger, Shapiro, Uresti.

**COMMITTEE SUBSTITUTE
SENATE BILL 1916 ON SECOND READING**

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1916** at this time on its second reading:

CSSB 1916, Relating to the creation of the Southeast Travis County Municipal Utility District No. 4; providing authority to impose a tax and 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 1916 ON THIRD READING**

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CS SB 1916** 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 252 ON SECOND READING**

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **CS HB 252** at this time on its second reading:

CS HB 252, Relating to eligibility for an exemption from ad valorem taxation of the residence homestead of a person.

The bill was read second time.

Senator Wentworth offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CS HB 252** (senate committee printing) as follows:

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

SECTION _____. (a) Section 11.432, Tax Code, is amended to read as follows:

Sec. 11.432. HOMESTEAD EXEMPTION FOR MANUFACTURED HOME.

(a) Except as provided by Subsection (a-1), for [For] a manufactured home to qualify as a residence homestead [for an exemption] under Section 11.13, the application for [the] exemption required by Section 11.43 must be accompanied by:

(1) a copy of the statement of ownership and location for the manufactured home issued by the manufactured housing division of the Texas Department of Housing and Community Affairs under Section 1201.207, Occupations Code, showing that the individual applying for the exemption is the owner of the manufactured home;

(2) a [or be accompanied by a verified] copy of the purchase contract or payment receipt showing that the applicant is the purchaser of the manufactured home; or

(3) a sworn affidavit by the applicant stating that:

(A) the applicant is the owner of the manufactured home;

(B) the seller of the manufactured home did not provide the applicant

with a purchase contract; and

(C) the applicant could not locate the seller after making a good faith effort[; unless a photostatic copy of the current title page for the home is displayed on the computer website of the Texas Department of Housing and Community Affairs].

(a-1) An [The] appraisal district may rely upon the computer records of the Texas Department of Housing and Community Affairs to verify an applicant's ownership of a manufactured home. An applicant is not required to submit an accompanying document described by Subsection (a) if the appraisal district verifies the applicant's ownership under this subsection [determine whether a manufactured home qualifies for an exemption].

(b) The land on which a manufactured home is located qualifies as a residence homestead [for an exemption] under Section 11.13 only if:

(1) the land is owned by one or more individuals, including the applicant [manufactured home qualifies for an exemption as provided by Subsection (a)]; [and]

(2) the applicant occupies the manufactured home as the applicant's principal residence; and

(3) the applicant demonstrates ownership of the manufactured home under Subsection (a) or the appraisal district determines the applicant's ownership under Subsection (a-1) [manufactured home is listed together with the land on which it is located under Section 25.08].

(c) The owner of land that qualifies as a residence homestead under this section [consumer] is entitled to obtain the homestead exemptions provided by Section 11.13 and any other benefit granted under this title to the owner of a residence homestead regardless of whether the applicant [owner] has elected to treat the manufactured home as real property or personal property and regardless of whether the manufactured home is listed on the tax rolls with the real property to which it is attached or listed on the tax rolls separately.

(d) [(e)] In this section, "manufactured home" has the meaning assigned by Section 1201.003, Occupations Code.

(b) Section 25.08, Tax Code, is amended by adding Subsection (g) to read as follows:

(g) The chief appraiser shall apportion a residence homestead exemption for property consisting of land and a manufactured home listed separately on the tax roll on a pro rata basis based on the appraised value of the land and the manufactured home.

(c) Section 11.432, Tax Code, as amended by this Act, applies only to an application for a residence homestead exemption filed on or after the effective date of this section. An application filed before the effective date of this section is governed by the law in effect when the application was filed, and that law is continued in effect for that purpose.

(d) Section 25.08, Tax Code, as amended by this Act, applies only to an apportionment of a residence homestead exemption for a tax year beginning on or after the effective date of this section.

(e) This section takes effect January 1, 2012.

(2) In SECTION 2 of the bill, between "Act" and "applies" (page 1, line 58), insert "to Section 11.43, Tax Code,".

(3) In SECTION 3 of the bill (page 2, line 2), strike "This Act" and substitute "Except as otherwise provided by this Act, this Act".

The amendment to **CSHB 252** 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 Estes and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSHB 252 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 252 ON THIRD READING

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 252** 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 1899 ON SECOND READING

Senator Rodriguez moved to suspend the regular order of business to take up for consideration **CSHB 1899** at this time on its second reading:

CSHB 1899, Relating to the posting of signs in school crossing zones regarding the prohibited use of a wireless communication device while operating a motor vehicle.

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 1899 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 **CSHB 1899** 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 901 ON SECOND READING

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 901** at this time on its second reading:

HB 901, Relating to spousal maintenance.

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 901 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 **HB 901** 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 JOINT RESOLUTION 130 ON SECOND READING

On motion of Senator Birdwell and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHJR 130** at this time on its second reading:

CSHJR 130, Meeting requirements of the United States Department of Education concerning federal student aid by naming private institutions of higher education in the State of Texas that are authorized to operate educational programs beyond secondary education, including programs leading to a degree or certificate.

The resolution 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 JOINT RESOLUTION 130 ON THIRD READING

Senator Birdwell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHJR 130** be placed on its third reading and final passage.

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

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

STATEMENT OF LEGISLATIVE INTENT

Senator Birdwell submitted the following statement of legislative intent for **CSHJR 130**:

Mr. President and Members, last October the U.S. Department of Education adopted new regulations to clarify the role of the States in assuring the integrity of federal student aid programs. These new regulations will go into effect on July 1, 2011. For an institution to be eligible to participate in federal financial aid programs, the regulations require institutions be "established by name as an educational institution by a State through a charter, statute, constitutional provision, or other action issued by an appropriate State agency or State entity and is authorized to operate educational programs beyond secondary education, including programs leading to a degree or certificate." All public institutions are established in this manner, but few private institutions are named in any statute or state document. Years ago, private or independent colleges and universities were granted charters by the Congress of the Republic of Texas, the Texas Legislature or the Texas Secretary of State at various points in Texas history. Furthermore, those institutions chartered in the 19th or 20th centuries have modernized their original documents by filing new Articles of Incorporation with the Secretary of State. Because the Federal regulations require institutions to be established by "a state action" and "by name," it is difficult to determine what private institutions must do to prove they are "authorized to operate." If a new institution were being created now, it would file Articles of Incorporation as college or university with the Secretary of State and, at the appropriate time, seek a certificate of authority to grant degrees from the Coordinating Board (THECB). After the Coordinating Board's review that institution would be given a certificate of authority to grant degrees. The certificate would have the institution's name on it. That would meet the Federal requirement. Our independent institutions are not new. For many years, they have been accredited by accrediting bodies the Coordinating Board recognizes. Under Texas law that long-term accreditation exempts them from the Coordinating Board's certificate process. All of the institutions eligible to participate in federal financial aid programs have reached this exempt status. At this point it appears the most efficient way to validate the status of Texas independent institutions in the eyes of the U.S. Department of Education is for the Legislature to act to inform them these institutions are authorized to provide postsecondary education and to grant degrees and certificates by listing them by name and citing the ways such institutions meet the October 2010 regulations. We propose to do this by joint resolution since that requires a two-thirds majority and should be an adequate demonstration of "state action."

BIRDWELL

REMARKS ORDERED PRINTED

On motion of Senator Birdwell and by unanimous consent, the remarks by Senators Birdwell and Huffman regarding **CSHJR 130** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Huffman: Senator Birdwell, do I understand you are proposing a joint resolution?

Senator Birdwell: Yes, Senator, I am.

Senator Huffman: Don't we normally reserve joint resolutions for a few very important matters?

Senator Birdwell: Yes, Senator, we use joint resolutions to amend the Texas Constitution, to ratify an amendment to the United States Constitution, or to request a constitutional convention to propose amendments to the United States Constitution. We may never have used a joint resolution for anything other than those three things.

Senator Huffman: So why are we going beyond our usual practice and using a joint resolution for this?

Senator Birdwell: Well, Senator, the United States Department of Education adopted regulations requiring states to do certain things to assure the integrity of federal student aid programs. One of the regulations requires colleges be established by name as an educational institution by a state to operate educational programs beyond secondary education, including programs leading to a degree or certificate. The Texas Education Code creates all public colleges and universities by name and establishes their degree-granting authority. While we set standards in the Education Code to describe which colleges and universities qualify as private or independent institutions of higher education, we do not name them in law. In fact, naming them in the Code is not really desirable. So this Legislature must take an action that names the private or independent colleges and universities that meet the Texas Education Code's standards to be operating and granting degrees to comply with those federal regulations. We chose a joint resolution to do this because a two-thirds vote of each house of the Legislature is required to pass a joint resolution. We set a high bar to pass this measure so the Department of Education would know we took a significant state action, comparable to ratifying an amendment to the U.S. Constitution or requesting a constitutional convention, to assure Texas institutions were authorized to teach and grant degrees. Meeting these regulations is so important to Texas and to our private institutions we took an extraordinary action, one requiring even more than the simple majority needed to pass a bill, to meet them.

Senator Huffman: What was the vote in the House on this HJR?

Senator Birdwell: It was 145 "Ayes" to 0 "Nays."

Senator Huffman: Just one more question, Senator. Haven't most of these institutions been around for a long time?

Senator Birdwell: Yes, the youngest is about 25 years old; the oldest was founded well before the Civil War.

GUESTS PRESENTED

Senator Wentworth was recognized and introduced to the Senate Frank Tejada Middle School students.

The Senate welcomed its guests.

HOUSE BILL 423 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 423** at this time on its second reading:

HB 423, Relating to the powers of rural and urban transit districts.

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 423 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 423** 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 3234 ON SECOND READING

On motion of Senator Davis and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3234** at this time on its second reading:

HB 3234, Relating to the prioritization of requests to release certain case records maintained by the Department of Family and Protective Services.

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 3234 ON THIRD READING

Senator Davis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3234** 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 555 ON SECOND READING

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 555** at this time on its second reading:

HB 555, Relating to reportable boating accidents and the penalties for certain boating accidents.

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 555 ON THIRD READING

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 555** 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 215 ON SECOND READING

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 215** at this time on its second reading:

HB 215, Relating to photograph and live lineup identification procedures in criminal cases.

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 215 ON THIRD READING

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 215** 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 2851 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 2851** at this time on its second reading:

HB 2851, Relating to deferral of certain surcharge payments for military personnel deployed outside of the continental United States.

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 2851 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 2851** 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 2973 ON SECOND READING

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2973** at this time on its second reading:

CSHB 2973, Relating to encouraging public participation by citizens by protecting a person's right to petition, right of free speech, and right of association from meritless lawsuits arising from actions taken in furtherance of those rights.

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 2973 ON THIRD READING

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2973** 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 2007 ON SECOND READING

On motion of Senator Davis and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2007** at this time on its second reading:

HB 2007, Relating to payment by the Benbrook Water Authority for certain damages caused by the authority's operation of a sanitary sewer system.

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 2007 ON THIRD READING

Senator Davis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2007** 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 2342 ON SECOND READING

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2342** at this time on its second reading:

HB 2342, Relating to certain violations of and offenses under The Securities Act; 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.

HOUSE BILL 2342 ON THIRD READING

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2342** 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 statement of legislative intent for **HB 2342**:

HB 2342 reconciles the administrative, criminal and civil authority and remedies previously granted by the Legislature to The Securities Board and Securities Commissioner with other provisions of law. The bill does not provide a wholesale expansion of the powers of the Securities Board or the Securities Commissioner. HB 2342 does not alter the existing definitions of "investment adviser" or "investment adviser representative." Under current law, the terms "investment adviser" and "investment adviser representative" are defined terms in the Texas Securities Act and those existing definitions do not include persons who advise another as to the value of, or who issue or adopt analyses or reports concerning, financial products that are not securities. By definition, the investment adviser's services are already limited to activities relating to securities. However, if the advice, analyses or report involves both securities and financial products that are not securities, the services relating to securities, regardless of the percentage of those services relative to the total services provided, would be subject to the provisions of the Texas Securities Act.

WATSON

HOUSE BILL 2170 ON SECOND READING

On motion of Senator Davis and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2170** at this time on its second reading:

HB 2170, Relating to assisting a foster child in obtaining the child's credit report.

The bill was read second time.

Senator Uresti offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2170** by adding the following appropriately numbered SECTION to the bill and renumbering existing SECTIONS accordingly:

SECTION ___. Subchapter A, Chapter 263, Family Code, is amended by adding Section 263.007 to read as follows:

Sec. 263.007. FOSTER CHILDREN'S BILL OF RIGHTS. (a) In this section:

(1) "Agency foster group home," "agency foster home," "facility," "foster group home," and "foster home" have the meanings assigned by Section 42.002, Human Resources Code.

(2) "Foster care" means the placement of a child who is in the conservatorship of the department or an authorized agency and in care outside the child's home in an agency foster group home, agency foster home, foster group home, foster home, or another facility licensed or certified under Chapter 42, Human Resources Code, in which care is provided for 24 hours a day.

(3) "Foster children's bill of rights" means the rights described by Subsection (b).

(b) It is the policy of this state that each child in foster care be informed of the child's rights provided by state or federal law or policy that relate to:

(1) abuse, neglect, exploitation, discrimination, and harassment;

(2) food, clothing, shelter, and education;

(3) medical, dental, vision, and mental health services, including the right of the child to consent to treatment;

(4) emergency behavioral intervention, including what methods are permitted, the conditions under which it may be used, and the precautions that must be taken when administering it;

(5) placement with the child's siblings and contact with members of the child's family;

(6) privacy and searches, including the use of storage space, mail, and the telephone;

(7) participation in school-related extracurricular or community activities;

(8) interaction with persons outside the foster care system, including teachers, church members, mentors, and friends;

(9) contact and communication with caseworkers, attorneys ad litem, guardians ad litem, and court-appointed special advocates;

(10) religious services and activities;

(11) confidentiality of the child's records;

(12) job skills, personal finances, and preparation for adulthood;

(13) participation in a court hearing that involves the child;

(14) participation in the development of service and treatment plans;

(15) if the child has a disability, the advocacy and protection of the rights of a person with that disability; and

(16) any other matter affecting the child's ability to receive care and treatment in the least restrictive environment that is most like a family setting, consistent with the best interests and needs of the child.

(c) The department shall provide a written copy of the foster children's bill of rights to each child placed in foster care in the child's primary language, if possible, and shall inform the child of the rights described by the foster children's bill of rights:

(1) orally in the child's primary language, if possible, and in simple, nontechnical terms; or

(2) for a child who has a disability, including an impairment of vision or hearing, through any means that can reasonably be expected to result in successful communication with the child.

(d) A child placed in foster care may, at the child's option, sign a document acknowledging the child's understanding of the foster children's bill of rights after the department provides a written copy of the foster children's bill of rights to the child and informs the child of the rights described by the foster children's bill of rights in accordance with Subsection (c). If a child signs a document acknowledging the child's understanding of the foster children's bill of rights, the document must be placed in the child's case file.

(e) An agency foster group home, agency foster home, foster group home, foster home, or other facility in which a child is placed in foster care shall provide a copy of the foster children's bill of rights to a child on the child's request. The foster children's bill of rights must be printed in English and in a second language.

(f) The department shall promote the participation of foster children and former foster children in educating other foster children about the foster children's bill of rights.

(g) The department shall develop and implement a policy for receiving and handling reports that the rights of a child in foster care are not being observed. The department shall inform a child in foster care and, if appropriate, the child's parent, managing conservator, or guardian of the method for filing a report with the department under this subsection.

(h) This section does not create a cause of action.

The amendment to **HB 2170** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

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

HB 2170 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 2170 ON THIRD READING

Senator Davis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2170** 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 3051 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 3051** at this time on its second reading:

HB 3051, Relating to the provision of child care by certain facilities exempt from child-care licensing requirements.

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 3051 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 3051** 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 3302 ON SECOND READING

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3302** at this time on its second reading:

HB 3302, Relating to the authority of certain Type A economic development corporations to undertake certain categories of projects.

The bill was read second time.

Senator Hegar, on behalf of Senator Hinojosa, offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 3302** (Senate Committee Printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 504.103(a), Local Government Code, is amended to read as follows:

(a) Except as otherwise provided by this section, a Type A corporation may not undertake a project the primary purpose of which is to provide:

- (1) ~~a transportation facility;~~
- ~~(2)~~ a solid waste disposal facility;
- ~~(2)~~ ~~(3)~~ a sewage facility;
- ~~(3)~~ ~~(4)~~ a facility for furnishing water to the general public; or
- ~~(4)~~ ~~(5)~~ an air or water pollution control facility.

The amendment to **HB 3302** 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 Hegar and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 3302 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 3302 ON THIRD READING

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3302** 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 3342 ON SECOND READING

On motion of Senator Rodriguez and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 3342** at this time on its second reading:

CSHB 3342, Relating to representation of and by the state and joinder of the state in certain mental health proceedings.

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 3342 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 **CSHB 3342** 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 3510 ON SECOND READING

Senator Carona moved to suspend the regular order of business to take up for consideration **CSHB 3510** at this time on its second reading:

CSHB 3510, Relating to the regulation of the towing, booting, and storage of vehicles.

The motion prevailed.

Senator Nichols 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: Nichols.

COMMITTEE SUBSTITUTE HOUSE BILL 3510 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 **CSHB 3510** be placed on its third reading and final passage.

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

Nays: Nichols.

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

SENATE BILL 647 WITH HOUSE AMENDMENT

Senator Hegar called **SB 647** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 647** immediately following the enacting clause (house committee printing, page 1, between lines 4 and 5), by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____. Section 501.002, Insurance Code, is amended to read as follows:

Sec. 501.002. OFFICE OF PUBLIC INSURANCE COUNSEL. The independent office of public insurance counsel represents the interests of insurance consumers in this state and assists the commissioner in ensuring that:

(1) rates for and coverage under insurance products offered in this state:

(A) are fair and reasonable to insurers, agents, and consumers; and

(B) are not confiscatory to insurers and agents; and

(2) insurance products are reasonably available to consumers in all parts of this state.

The amendment was read.

Senator Hegar moved that the Senate do not concur in the House amendment, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 647** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Hegar, Chair; Huffman, Birdwell, Uresti, and Nelson.

CONFERENCE COMMITTEE ON HOUSE BILL 1112

Senator Nichols called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 1112** and moved that the request be granted.

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 1112** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Nichols, Chair; Williams, Shapiro, Rodriguez, and Watson.

SENATE BILL 602 WITH HOUSE AMENDMENTS

Senator Rodriguez called **SB 602** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

Floor Amendment No. 1

Amend **SB 602** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Subchapter C, Chapter 552, Government Code, is amended by adding Section 552.1305 to read as follows:

Sec. 552.1305. EXCEPTION: CERTAIN PERSONAL INFORMATION FROM TRAFFIC VIOLATION RECORDS. Information contained in a citation issued for a violation of a state traffic law or local traffic ordinance is excepted from the requirements of Section 552.021 if the information is the home address or personal telephone number of the person who is the subject of a citation.

Floor Amendment No. 2

Amend **SB 602** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 51.217, Education Code, is amended by adding Subsection (g) to read as follows:

(g) The personal information of an individual maintained in an institution's emergency notification system is confidential and is not subject to disclosure under Chapter 552, Government Code. In this subsection, "personal information" includes an e-mail address or telephone number maintained in order to notify an individual of an emergency.

Floor Amendment No. 3

Amend **SB 602** (house committee report) as follows:

(1) On page 1, between lines 6 and 7, insert the following:

SECTION 1. The heading to Section 552.130, Government Code, is amended to read as follows:

Sec. 552.130. EXCEPTION: CONFIDENTIALITY OF CERTAIN MOTOR VEHICLE RECORDS.

(2) On page 4, line 18, strike "552.263" and substitute "552.022, 552.263,".

(3) Add the following appropriately numbered SECTIONS to the bill:

SECTION _____. Section 552.022, Government Code, is amended to read as follows:

Sec. 552.022. CATEGORIES OF PUBLIC INFORMATION; EXAMPLES. (a) Without limiting the amount or kind of information that is public information under this chapter, the following categories of information are public information and not excepted from required disclosure unless made confidential under this chapter or ~~unless they are expressly confidential under~~ other law:

(1) a completed report, audit, evaluation, or investigation made of, for, or by a governmental body, except as provided by Section 552.108;

(2) the name, sex, ethnicity, salary, title, and dates of employment of each employee and officer of a governmental body;

(3) information in an account, voucher, or contract relating to the receipt or expenditure of public or other funds by a governmental body;

(4) the name of each official and the final record of voting on all proceedings in a governmental body;

(5) all working papers, research material, and information used to estimate the need for or expenditure of public funds or taxes by a governmental body, on completion of the estimate;

(6) the name, place of business, and the name of the municipality to which local sales and use taxes are credited, if any, for the named person, of a person reporting or paying sales and use taxes under Chapter 151, Tax Code;

(7) a description of an agency's central and field organizations, including:

(A) the established places at which the public may obtain information, submit information or requests, or obtain decisions;

(B) the employees from whom the public may obtain information, submit information or requests, or obtain decisions;

(C) in the case of a uniformed service, the members from whom the public may obtain information, submit information or requests, or obtain decisions; and

(D) the methods by which the public may obtain information, submit information or requests, or obtain decisions;

(8) a statement of the general course and method by which an agency's functions are channeled and determined, including the nature and requirements of all formal and informal policies and procedures;

(9) a rule of procedure, a description of forms available or the places at which forms may be obtained, and instructions relating to the scope and content of all papers, reports, or examinations;

(10) a substantive rule of general applicability adopted or issued by an agency as authorized by law, and a statement of general policy or interpretation of general applicability formulated and adopted by an agency;

(11) each amendment, revision, or repeal of information described by Subdivisions (7)-(10);

(12) final opinions, including concurring and dissenting opinions, and orders issued in the adjudication of cases;

(13) a policy statement or interpretation that has been adopted or issued by an agency;

(14) administrative staff manuals and instructions to staff that affect a member of the public;

(15) information regarded as open to the public under an agency's policies;

(16) information that is in a bill for attorney's fees and that is not privileged under the attorney-client privilege;

(17) information that is also contained in a public court record; and

(18) a settlement agreement to which a governmental body is a party.

(b) A court in this state may not order a governmental body or an officer for public information to withhold from public inspection any category of public information described by Subsection (a) or to not produce the category of public information for inspection or duplication, unless the category of information is [~~expressly made~~] confidential under this chapter or other law.

SECTION _____. The heading to Section 552.102, Government Code, is amended to read as follows:

Sec. 552.102. EXCEPTION: CONFIDENTIALITY OF CERTAIN PERSONNEL INFORMATION.

SECTION _____. The heading to Section 552.109, Government Code, is amended to read as follows:

Sec. 552.109. EXCEPTION: CONFIDENTIALITY OF CERTAIN PRIVATE COMMUNICATIONS OF AN ELECTED OFFICE HOLDER.

SECTION _____. The heading to Section 552.110, Government Code, is amended to read as follows:

Sec. 552.110. EXCEPTION: CONFIDENTIALITY OF TRADE SECRETS; CONFIDENTIALITY OF CERTAIN COMMERCIAL OR FINANCIAL INFORMATION.

SECTION _____. The heading to Section 552.113, Government Code, is amended to read as follows:

Sec. 552.113. EXCEPTION: CONFIDENTIALITY OF GEOLOGICAL OR GEOPHYSICAL INFORMATION.

SECTION _____. The heading to Section 552.114, Government Code, is amended to read as follows:

Sec. 552.114. EXCEPTION: CONFIDENTIALITY OF STUDENT RECORDS. SECTION _____. The heading to Section 552.115, Government Code, is amended to read as follows:

Sec. 552.115. EXCEPTION: CONFIDENTIALITY OF BIRTH AND DEATH RECORDS.

SECTION _____. The heading to Section 552.117, Government Code, is amended to read as follows:

Sec. 552.117. EXCEPTION: CONFIDENTIALITY OF CERTAIN ADDRESSES, TELEPHONE NUMBERS, SOCIAL SECURITY NUMBERS, AND PERSONAL FAMILY INFORMATION.

SECTION _____. The heading to Section 552.118, Government Code, is amended to read as follows:

Sec. 552.118. EXCEPTION: CONFIDENTIALITY OF OFFICIAL PRESCRIPTION FORM.

SECTION _____. The heading to Section 552.119, Government Code, is amended to read as follows:

Sec. 552.119. EXCEPTION: CONFIDENTIALITY OF CERTAIN PHOTOGRAPHS [PHOTOGRAPH] OF PEACE OFFICERS [OFFICER].

SECTION _____. The heading to Section 552.120, Government Code, is amended to read as follows:

Sec. 552.120. EXCEPTION: CONFIDENTIALITY OF CERTAIN RARE BOOKS AND ORIGINAL MANUSCRIPTS.

SECTION _____. The heading to Section 552.121, Government Code, is amended to read as follows:

Sec. 552.121. EXCEPTION: CONFIDENTIALITY OF CERTAIN DOCUMENTS HELD FOR HISTORICAL RESEARCH.

SECTION _____. The heading to Section 552.123, Government Code, is amended to read as follows:

Sec. 552.123. EXCEPTION: CONFIDENTIALITY OF NAME OF APPLICANT FOR CHIEF EXECUTIVE OFFICER OF INSTITUTION OF HIGHER EDUCATION.

SECTION _____. The heading to Section 552.1235, Government Code, is amended to read as follows:

Sec. 552.1235. EXCEPTION: CONFIDENTIALITY OF IDENTITY OF PRIVATE DONOR TO INSTITUTION OF HIGHER EDUCATION.

SECTION _____. The heading to Section 552.124, Government Code, is amended to read as follows:

Sec. 552.124. EXCEPTION: CONFIDENTIALITY OF RECORDS OF LIBRARY OR LIBRARY SYSTEM.

SECTION _____. The heading to Section 552.126, Government Code, is amended to read as follows:

Sec. 552.126. EXCEPTION: CONFIDENTIALITY OF NAME OF APPLICANT FOR SUPERINTENDENT OF PUBLIC SCHOOL DISTRICT.

SECTION _____. The heading to Section 552.127, Government Code, is amended to read as follows:

Sec. 552.127. EXCEPTION: CONFIDENTIALITY OF PERSONAL INFORMATION RELATING TO PARTICIPANTS IN NEIGHBORHOOD CRIME WATCH ORGANIZATION.

SECTION _____. The heading to Section 552.128, Government Code, is amended to read as follows:

Sec. 552.128. EXCEPTION: CONFIDENTIALITY OF CERTAIN INFORMATION SUBMITTED BY POTENTIAL VENDOR OR CONTRACTOR.

SECTION _____. The heading to Section 552.129, Government Code, is amended to read as follows:

Sec. 552.129. CONFIDENTIALITY OF CERTAIN MOTOR VEHICLE INSPECTION INFORMATION.

SECTION _____. The heading to Section 552.131, Government Code, is amended to read as follows:

Sec. 552.131. EXCEPTION: CONFIDENTIALITY OF CERTAIN ECONOMIC DEVELOPMENT INFORMATION.

SECTION _____. The heading to Section 552.133, Government Code, is amended to read as follows:

Sec. 552.133. EXCEPTION: CONFIDENTIALITY OF PUBLIC POWER UTILITY COMPETITIVE MATTERS.

SECTION _____. The heading to Section 552.134, Government Code, is amended to read as follows:

Sec. 552.134. EXCEPTION: CONFIDENTIALITY OF CERTAIN INFORMATION RELATING TO INMATE OF DEPARTMENT OF CRIMINAL JUSTICE.

SECTION _____. The heading to Section 552.135, Government Code, is amended to read as follows:

Sec. 552.135. EXCEPTION: CONFIDENTIALITY OF CERTAIN INFORMATION HELD BY SCHOOL DISTRICT.

SECTION _____. The heading to Section 552.138, Government Code, is amended to read as follows:

Sec. 552.138. EXCEPTION: CONFIDENTIALITY OF FAMILY VIOLENCE SHELTER CENTER AND SEXUAL ASSAULT PROGRAM INFORMATION.

SECTION _____. The heading to Section 552.139, Government Code, is amended to read as follows:

Sec. 552.139. EXCEPTION: CONFIDENTIALITY OF GOVERNMENT INFORMATION RELATED TO SECURITY OR INFRASTRUCTURE ISSUES FOR COMPUTERS.

SECTION _____. The heading to Section 552.140, Government Code, is amended to read as follows:

Sec. 552.140. EXCEPTION: CONFIDENTIALITY OF MILITARY DISCHARGE RECORDS.

SECTION _____. The heading to Section 552.142, Government Code, is amended to read as follows:

Sec. 552.142. EXCEPTION: CONFIDENTIALITY OF RECORDS OF CERTAIN DEFERRED ADJUDICATIONS AND CERTAIN MISDEMEANORS PUNISHABLE BY FINE ONLY.

SECTION _____. The heading to Section 552.145, Government Code, is amended to read as follows:

Sec. 552.145. EXCEPTION: CONFIDENTIALITY OF TEXAS NO-CALL LIST.

SECTION _____. The heading to Section 552.148, Government Code, is amended to read as follows:

Sec. 552.148. EXCEPTION: CONFIDENTIALITY OF CERTAIN PERSONAL INFORMATION MAINTAINED BY MUNICIPALITY PERTAINING TO A MINOR.

SECTION _____. The heading to Section 552.149, Government Code, is amended to read as follows:

Sec. 552.149. EXCEPTION: CONFIDENTIALITY OF RECORDS OF COMPTROLLER OR APPRAISAL DISTRICT RECEIVED FROM PRIVATE ENTITY.

SECTION _____. The heading to Section 552.150, Government Code, is amended to read as follows:

Sec. 552.150. EXCEPTION: CONFIDENTIALITY OF INFORMATION THAT COULD COMPROMISE SAFETY OF OFFICER OR EMPLOYEE OF HOSPITAL DISTRICT.

SECTION _____. The heading to Section 552.151, Government Code, as added by Chapter 1377 (S.B. 1182), Acts of the 81st Legislature, Regular Session, 2009, is amended to read as follows:

Sec. 552.151. EXCEPTION: CONFIDENTIALITY OF INFORMATION REGARDING SELECT AGENTS.

SECTION _____. The heading to Section 552.151, Government Code, as added by Chapter 283 (S.B. 1068), Acts of the 81st Legislature, Regular Session, 2009, is amended to read as follows:

Sec. 552.151. EXCEPTION: CONFIDENTIALITY OF INFORMATION CONCERNING PUBLIC EMPLOYEE OR OFFICER PERSONAL SAFETY.

(4) Renumber the SECTIONS of the bill accordingly.

The amendments were read.

Senator Rodriguez moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 602** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Rodriguez, Chair; Uresti, Gallegos, Wentworth, and Eltife.

HOUSE BILL 1573 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 1573** at this time on its second reading:

HB 1573, Relating to certain pretrial and post-trial procedures in a criminal case.

The bill was read second time.

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1573** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Article 64.01, Code of Criminal Procedure, is amended by amending Subsections (a) and (b) and adding Subsection (a-1) to read as follows:

(a) In this section, "biological material":

(1) means an item that is in possession of the state and that contains blood, semen, hair, saliva, skin tissue or cells, fingernail scrapings, bone, bodily fluids, or other identifiable biological evidence that may be suitable for forensic DNA testing;
and

(2) includes the contents of a sexual assault evidence collection kit.

(a-1) A convicted person may submit to the convicting court a motion for forensic DNA testing of evidence containing biological material. The motion must be accompanied by an affidavit, sworn to by the convicted person, containing statements of fact in support of the motion.

(b) The motion may request forensic DNA testing only of evidence described by Subsection (a-1) ~~[(a)]~~ that was secured in relation to the offense that is the basis of the challenged conviction and was in the possession of the state during the trial of the offense, but:

(1) was not previously subjected to DNA testing[=

~~[(A) because DNA testing was:~~

~~[(i) not available; or~~

~~[(ii) available, but not technologically capable of providing probative results; or~~

~~[(B) through no fault of the convicted person, for reasons that are of a nature such that the interests of justice require DNA testing]; or~~

(2) although previously subjected to DNA testing, can be subjected to testing with newer testing techniques that provide a reasonable likelihood of results that are more accurate and probative than the results of the previous test.

SECTION _____. Chapter 64, Code of Criminal Procedure, is amended by adding Article 64.035 to read as follows:

Art. 64.035. UNIDENTIFIED DNA PROFILES. If an analyzed sample meets the applicable requirements of state or federal submission policies, on completion of the testing under Article 64.03, the convicting court shall order any unidentified DNA profile to be compared with the DNA profiles in:

(1) the DNA database established by the Federal Bureau of Investigation;
and
(2) the DNA database maintained by the Department of Public Safety under
Subchapter G, Chapter 411, Government Code.

SECTION _____. Article 64.04, Code of Criminal Procedure, is amended to read as follows:

Art. 64.04. FINDING. After examining the results of testing under Article 64.03 and any comparison of a DNA profile under Article 64.035, the convicting court shall hold a hearing and make a finding as to whether, had the results been available during the trial of the offense, it is reasonably probable that the person would not have been convicted.

SECTION _____. The change in law made by this Act in amending Chapter 64, Code of Criminal Procedure, applies to a motion for forensic DNA testing filed on or after the effective date of this Act. A motion for forensic DNA testing filed before the effective date of this Act is covered by the law in effect at the time the motion was filed, and the former law is continued in effect for that purpose.

The amendment to **HB 1573** 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 Carona and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 1573 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 1573 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 1573** 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 871 ON SECOND READING

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **HB 871** at this time on its second reading:

HB 871, Relating to indigent health care services that may be provided by a county.

The motion prevailed.

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

The bill was read second time.

Senator Uresti offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 871** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 61.038(b), Health and Safety Code, is amended to read as follows:

(b) State funds provided under this section to a county must be equal to the amount [~~at least 90 percent~~] of the actual payment for the health care services for the county's eligible residents during the remainder of the state fiscal year after the eight percent expenditure level is reached.

SECTION _____. Section 61.038(b), Health and Safety Code, as amended by this Act, applies beginning with the state fiscal year that begins September 1, 2011.

The amendment to **HB 871** 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 Zaffirini and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 871 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: Birdwell, Shapiro.

HOUSE BILL 871 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 **HB 871** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

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

Nays: Birdwell, Shapiro.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

REMARKS ORDERED PRINTED

On motion of Senator Whitmire and by unanimous consent, the complete dialogue regarding **CSSB 31**, which was finally passed on Tuesday, May 17, 2011, was ordered reduced to writing and printed in the *Senate Journal*.

The remarks were printed in an addendum to that day's Journal.

HOUSE BILL 1665 ON SECOND READING

Senator Fraser moved to suspend the regular order of business to take up for consideration **HB 1665** at this time on its second reading:

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

The motion prevailed.

Senators Davis and Wentworth 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 **HB 1665** (senate committee printing) in SECTION 2 of the bill as follows:

(1) In the recital (page 1, lines 16-17), strike "Section 397.005(b), Local Government Code, is amended" and substitute "Section 397.005, Local Government Code, is amended by amending Subsection (b) and adding Subsections (d) and (e)".

(2) Following amended Section 397.005(b), Local Government Code (page 1, between lines 28 and 29), insert the following:

(d) This subsection applies to an ordinance, rule, or plan regulating the planting, clearing, or harvesting of trees or vegetation or other uses of trees or vegetation on a particular tract of land located in the corporate boundaries or in the extraterritorial jurisdiction of a municipality that is a defense community and within three miles of the boundary line of a defense base. Defense base authorities may submit comments and analysis to a defense community that is a municipality regarding the compatibility of the proposed ordinance, rule, or plan or the proposed enforcement of the ordinance, rule, or plan in the corporate boundaries or applicable extraterritorial jurisdiction. The defense community shall consider and analyze comments and analysis submitted under this subsection before making a final determination relating to the proposed ordinance, rule, or plan or proposed enforcement of the ordinance, rule, or plan. The defense community may enforce the ordinance, rule, or plan only if any comments and analysis received from defense base authorities support the enforcement of the ordinance, rule, or plan in the corporate boundaries or applicable extraterritorial jurisdiction.

(e) Notwithstanding any other law, an ordinance, rule, or plan regulating the planting, clearing, or harvesting of trees or vegetation or other uses of trees or vegetation on a particular tract of land may not be enforced in any portion of the extraterritorial jurisdiction of a municipality that is not located within three miles of the boundary line of a defense base.

The amendment to **HB 1665** 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 except as follows:

Nays: Davis, Wentworth.

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

HB 1665 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: Davis, Wentworth.

HOUSE BILL 1665 ON THIRD READING

Senator Fraser moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1665** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, 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, West, Whitmire, Williams, Zaffirini.

Nays: Davis, Wentworth.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

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 the following bills today:

HB 844, HB 3840, HB 3246, HB 3813.

SENATE RULES SUSPENDED (Posting Rules)

On motion of Senator Jackson and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Economic Development might meet and consider **HB 3275** today.

SENATE RULES SUSPENDED (Posting Rules)

On motion of Senator Huffman 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 tomorrow:

HB 710, HB 3197.

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

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

SENATE RULES SUSPENDED
(Posting Rules)

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

HB 1020, HB 2603.

NOTICE GIVEN FOR
LOCAL AND UNCONTESTED CALENDAR

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

SENATE RULE 11.13 SUSPENDED
(Consideration of Bills in Committees)

On motion of Senator Uresti and by unanimous consent, Senate Rule 11.13 was suspended to grant all committees permission to meet while the Senate is meeting tomorrow.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Deuell 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 tomorrow:

HB 1046, HB 1129, HB 1528, HB 2098, HB 2190, HB 2425, HB 2449, HB 2728.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 2:10 p.m. agreed to adjourn, in memory of Dolph Briscoe, upon conclusion of the Local and Uncontested Calendar Session, until 11:00 a.m. tomorrow.

CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 1555

Senator Ellis submitted the following Conference Committee Report:

Austin, Texas
May 16, 2011

Honorable David Dewhurst
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 1555** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

ELLIS
HUFFMAN
PATRICK
SHAPIRO
WHITMIRE

THOMPSON
ALLEN
EISSLER
HARTNETT
HOCHBERG

On the part of the Senate

On the part of the House

The Conference Committee Report on **HB 1555** was filed with the Secretary of the Senate on Tuesday, May 17, 2011.

CO-AUTHOR OF SENATE BILL 1916

On motion of Senator Watson, Senator Zaffirini will be shown as Co-author of **SB 1916**.

CO-AUTHORS OF SENATE BILL 1928

On motion of Senator Ellis, Senators Uresti and Zaffirini will be shown as Co-authors of **SB 1928**.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 51

On motion of Senator Ellis, Senator Zaffirini will be shown as Co-author of **SCR 51**.

CO-SPONSOR OF HOUSE BILL 2118

On motion of Senator Estes, Senator Van de Putte will be shown as Co-sponsor of **HB 2118**.

CO-SPONSOR OF HOUSE BILL 2173

On motion of Senator Van de Putte, Senator Hinojosa will be shown as Co-sponsor of **HB 2173**.

CO-SPONSOR OF HOUSE BILL 2725

On motion of Senator Williams, Senator Van de Putte will be shown as Co-sponsor of **HB 2725**.

CO-SPONSORS OF HOUSE BILL 3616

On motion of Senator Ellis, Senators Uresti and Zaffirini will be shown as Co-sponsors of **HB 3616**.

CO-SPONSOR OF HOUSE CONCURRENT RESOLUTION 68

On motion of Senator Van de Putte, Senator Patrick will be shown as Co-sponsor of **HCR 68**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Congratulatory Resolutions

SR 1034 by West, Recognizing Omega Psi Phi Fraternity, Incorporated, on the occasion of its 100th anniversary and the Theta Alpha Chapter in Dallas on the occasion of its 75th anniversary.

SR 1035 by Ellis, Recognizing the New Covenant Tabernacle of Houston on the occasion of its Professional Sunday.

SR 1037 by Lucio, Recognizing Nicole Olvera on the occasion of her graduation from the Nursing Program at The University of Texas at Brownsville.

SR 1038 by Shapiro, Congratulating the Conner Harrington Republican Women's Club on its 40th year as a federated club.

RECESS

On motion of Senator Whitmire, the Senate at 2:10 p.m. recessed until 8:00 a.m. tomorrow for the Local and Uncontested Calendar Session.

APPENDIX

COMMITTEE REPORTS

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

May 18, 2011

HEALTH AND HUMAN SERVICES — **HB 577, HB 753, HB 1720, HB 1797, HB 2038, HB 2109, HB 2610, HB 2703, HB 2940, HB 3085, HB 3145, HB 3207, HB 3369**

FINANCE — **CSHB 257**

JURISPRUDENCE — **SB 1929, HB 2422, HB 1771, HB 1830, HB 2132, HB 3311, HB 3314, HB 3796**

HEALTH AND HUMAN SERVICES — **CSHB 2903**

GOVERNMENT ORGANIZATION — **HCR 24, HB 2139, HB 2518, HB 2632, HB 2769, HB 3404**

NATURAL RESOURCES — **HB 3391, HB 2133, HB 3399, HB 1060, HB 2510, HB 2077**

JURISPRUDENCE — **CSHB 2330**

AGRICULTURE AND RURAL AFFAIRS — **CSHB 1992**

BUSINESS AND COMMERCE — HB 1469, SB 1837, HB 1355, HB 2295, HB 2382, HB 3329, HB 3573, HB 3410, HB 1580, HB 3167, HB 1959, HB 2103

STATE AFFAIRS — CSHB 174

BUSINESS AND COMMERCE — HB 602, HB 1456, HB 2619, HB 2707, HB 2982

GOVERNMENT ORGANIZATION — CSHB 1781, CSHB 1818, CSHB 3333

BILLS ENGROSSED

May 17, 2011

SB 31, SB 856, SB 923, SB 1021, SB 1358, SB 1405, SB 1724, SB 1807, SB 1913, SB 1914, SB 1915, SB 1925

BILLS AND RESOLUTIONS ENROLLED

May 17, 2011

SB 14, SB 118, SB 132, SB 328, SB 420, SB 977, SB 1125, SB 1353, SB 1693, SCR 25, SR 988, SR 1007, SR 1008, SR 1009, SR 1010, SR 1011, SR 1012, SR 1013, SR 1014, SR 1015, SR 1016, SR 1017, SR 1018, SR 1019, SR 1020, SR 1021, SR 1022, SR 1023, SR 1024, SR 1025, SR 1026, SR 1027, SR 1028, SR 1029, SR 1030, SR 1031, SR 1032, SR 1033

SIGNED BY GOVERNOR

May 17, 2011

SB 257, SB 360, SB 428, SB 483, SB 782, SB 934, SB 1086, SB 1147, SB 1258

SENT TO GOVERNOR

May 18, 2011

SB 14, SB 118, SB 132, SB 248, SB 328, SB 331, SB 356, SB 403, SB 420, SB 509, SB 533, SB 564, SB 604, SB 628, SB 816, SB 977, SB 1121, SB 1125, SB 1140, SB 1150, SB 1165, SB 1217, SB 1229, SB 1241, SB 1242, SB 1327, SB 1353, SB 1356, SB 1357, SB 1385, SB 1433, SB 1492, SB 1496, SB 1608, SB 1693, SB 1806, SB 1886, SCR 25

