

# SENATE JOURNAL

EIGHTY-FIRST LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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## FOURTEENTH DAY

(Monday, February 23, 2009)

The Senate met at 1:30 p.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Averitt, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

The President announced that a quorum of the Senate was present.

The Reverend Dr. James A. McKibbin, Hyde Park Christian Church, Austin, offered the invocation as follows:

We pray for the aura of a supreme, sovereign influence and ubiquitous presence to be with us as we debate, discuss, deliberate, decide, and vote on the legislative business for today. We desire unanimity as our polar star illuminating our camaraderie as Texans. Create in each of us a spirit to be credible so nothing disturbs our peace of mind; to speak of health, happiness, and prosperity in the presence of all we meet; to gaze at the bright side of everything and make optimism our motto; to anticipate the best, labor for the best, and imagine the best; to be as wholehearted about the success of others as we are about our own; to treat the blunders of the past as springboards of experience for our future successful ventures; to have a positive countenance at all times and greet everyone with a smile; to set aside time for improving ourselves so that we have no time to pass judgment on others; to be too selfless to worry; to be too courteous to anger; to be too dedicated to fear; to be too happy to permit the presence of inequity; and to be too selfless to be divided. We pray that this day will enter the archives of history as a day when the government "by the people, for the people, and of the people" provides opportunity for all people to achieve the success they desire. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of Wednesday, February 18, 2009, be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

**CO-AUTHORS OF SENATE BILL 61**

On motion of Senator Zaffirini, Senators Davis and Uresti will be shown as Co-authors of **SB 61**.

**CO-AUTHORS OF SENATE BILL 108**

On motion of Senator Ellis, Senators Carona, Davis, Lucio, and Watson will be shown as Co-authors of **SB 108**.

**CO-AUTHOR OF SENATE BILL 170**

On motion of Senator Ellis, Senator Davis will be shown as Co-author of **SB 170**.

**CO-AUTHOR OF SENATE BILL 201**

On motion of Senator Shapleigh, Senator Zaffirini will be shown as Co-author of **SB 201**.

**CO-AUTHOR OF SENATE BILL 268**

On motion of Senator Harris, Senator Fraser will be shown as Co-author of **SB 268**.

**CO-AUTHOR OF SENATE BILL 290**

On motion of Senator Nelson, Senator Zaffirini will be shown as Co-author of **SB 290**.

**CO-AUTHOR OF SENATE BILL 296**

On motion of Senator West, Senator Uresti will be shown as Co-author of **SB 296**.

**CO-AUTHOR OF SENATE BILL 297**

On motion of Senator Van de Putte, Senator Zaffirini will be shown as Co-author of **SB 297**.

**CO-AUTHOR OF SENATE BILL 305**

On motion of Senator Shapleigh, Senator Zaffirini will be shown as Co-author of **SB 305**.

**CO-AUTHOR OF SENATE BILL 309**

On motion of Senator Jackson, Senator Carona will be shown as Co-author of **SB 309**.

**CO-AUTHOR OF SENATE BILL 362**

On motion of Senator Fraser, Senator Nichols will be shown as Co-author of **SB 362**.

**CO-AUTHOR OF SENATE BILL 553**

On motion of Senator Lucio, Senator Uresti will be shown as Co-author of **SB 553**.

**CO-AUTHOR OF SENATE BILL 564**

On motion of Senator Jackson, Senator Harris will be shown as Co-author of **SB 564**.

**CO-AUTHOR OF SENATE BILL 639**

On motion of Senator Lucio, Senator Deuell will be shown as Co-author of **SB 639**.

**CO-AUTHOR OF SENATE BILL 643**

On motion of Senator Nelson, Senator Estes will be shown as Co-author of **SB 643**.

**CO-AUTHOR OF SENATE BILL 661**

On motion of Senator Carona, Senator Duncan will be shown as Co-author of **SB 661**.

**CO-AUTHOR OF SENATE BILL 689**

On motion of Senator Shapiro, Senator Nelson will be shown as Co-author of **SB 689**.

**CO-AUTHOR OF SENATE BILL 761**

On motion of Senator Watson, Senator Carona will be shown as Co-author of **SB 761**.

**CO-AUTHOR OF SENATE BILL 796**

On motion of Senator Hinojosa, Senator Nelson will be shown as Co-author of **SB 796**.

**CO-AUTHOR OF SENATE BILL 816**

On motion of Senator Patrick, Senator Shapiro will be shown as Co-author of **SB 816**.

**CO-AUTHOR OF SENATE BILL 826**

On motion of Senator Ellis, Senator Lucio will be shown as Co-author of **SB 826**.

**CO-AUTHOR OF SENATE BILL 843**

On motion of Senator Uresti, Senator Zaffirini will be shown as Co-author of **SB 843**.

**CO-AUTHOR OF SENATE BILL 928**

On motion of Senator Patrick, Senator Fraser will be shown as Co-author of **SB 928**.

**CO-AUTHOR OF SENATE BILL 1062**

On motion of Senator Shapiro, Senator Carona will be shown as Co-author of **SB 1062**.

**PHYSICIAN OF THE DAY**

Senator Duncan was recognized and presented Dr. Patrick Hanford of Lubbock as the Physician of the Day.

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

**RESOLUTIONS SIGNED**

The President announced the signing of the following enrolled resolutions in the presence of the Senate: **SCR 19, SCR 20, HCR 33, HCR 39, HCR 42, HCR 48.**

**INTRODUCTION OF  
BILLS AND RESOLUTIONS POSTPONED**

The President announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

There was no objection.

**MESSAGES FROM THE GOVERNOR**

The following Messages from the Governor were read and were referred to the Committee on Nominations:

Austin, Texas  
February 18, 2009

TO THE SENATE OF THE EIGHTY-FIRST LEGISLATURE, REGULAR SESSION:

On January 22, 2009, I submitted the name of Joaquin L. Rodriguez for appointment to the Office of Rural Community Affairs for a term to expire February 1, 2011.

Because he resigned, I hereby withdraw his nomination and request that the Senate return the appointment to me.

Respectfully submitted,  
/s/Rick Perry  
Governor  
Austin, Texas  
February 18, 2009

TO THE SENATE OF THE EIGHTY-FIRST LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the Office of Rural Community Affairs for terms to expire February 1, 2015:

Dora G. Alcalá  
Del Rio, Texas

Woody Anderson  
Colorado City, Texas

Charles W. Graham, D.V.M.  
Elgin, Texas

(the individuals listed above are being reappointed)

To be the Presiding Judge of the First Administrative Judicial Region for a term to expire four years from the date of qualification:

John David Ovard  
Dallas, Texas

(Judge Ovard is being reappointed)

Respectfully submitted,

/s/Rick Perry  
Governor

Austin, Texas  
February 20, 2009

TO THE SENATE OF THE EIGHTY-FIRST LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the Texas Transportation Commission for terms to expire February 1, 2015:

Edward C. Houghton IV  
El Paso, Texas

Fred A. Underwood  
Lubbock, Texas

(the individuals listed above are being reappointed)

Respectfully submitted,

/s/Rick Perry  
Governor

#### **SENATE RESOLUTION 274**

Senator Shapiro offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to pay tribute to Hazel Ryder on the grand occasion of her 100th birthday; and

WHEREAS, Hazel Ryder was born on February 23, 1909; her father was a frontiersman, and she was married to a Kansas City socialite; and

WHEREAS, She is a beloved and esteemed resident of Life Care Center of Plano, where she is noted for her courage, her compassion for others, and her wise and engaging personality; and

WHEREAS, Hazel has lived a most interesting and creative life over the span of a century; her many accomplishments include skating with the Ice Capades; she was a member of Dallas Figure Skating Association; and

WHEREAS, A 100th birthday is a wonderful event, and the Texas Senate is pleased to join her family and friends in wishing Hazel Ryder a wonderful birthday celebration; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby recognize Hazel Ryder as a treasured citizen of this state and extend to her congratulations on this special day in her life; and, be it further

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

**SR 274** was read and was adopted without objection.

### **GUESTS PRESENTED**

Senator West was recognized and introduced to the Senate Carmen Garcia, founder of the Minority Business Enterprise Institute for Public Policy; Margo Posey, President, Dallas/Fort Worth Minority Business Council; Sam Guzman, President, Texas Association of Mexican-American Chambers of Commerce; and Dick Huebner, Houston Minority Business Council.

The Senate welcomed its guests.

### **BIRTHDAY GREETINGS EXTENDED**

Senator Zaffirini was recognized and, on behalf of the Senate, extended birthday greetings to Senator Harris.

### **SENATE RESOLUTION 280**

Senator Lucio offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Brownsville Independent School District, which has been named the recipient of the 2008 Broad Prize for Urban Education; and

WHEREAS, Awarded by The Eli and Edythe Broad Foundation, the Broad Prize for Urban Education annually honors large urban school districts that demonstrate the strongest student improvement and success while narrowing achievement gaps between income and ethnic groups; and

WHEREAS, The Brownsville Independent School District earned this notable award by outperforming similar districts in Texas; there was greater improvement by ethnic and income subgroups than in similar districts, and with its strong district-wide policies and practices, the district was able to close achievement gaps at all grade levels in reading and mathematics; and

WHEREAS, This prestigious award carries with it a \$1 million prize to be given to graduating seniors in the form of college scholarships, which are awarded based on financial need and a record of academic improvement; and

WHEREAS, The Brownsville Independent School District has excelled due to its wise allocation of resources toward directly supporting students and faculty; it is truly deserving of recognition for its hard work and dedication to students' needs; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby commend the Brownsville Independent School District on its commitment to educational excellence and extend congratulations to the district's students, faculty, and staff on receiving the 2008 Broad Prize for Urban Education; and, be it further

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

**SR 280** was read and was adopted without objection.

### GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate Brett Springston, Interim Superintendent, Brownsville Independent School District; Ruben Cortez, Jr., Board Vice-president; Rolando Aguilar, Board President; Joe Colunga, Board Secretary; and Enrique Escobedo, Jr., Board Member; accompanied by Senator Lucio's daughter, Lynda; his son, Representative Lucio; and other representatives of the Brownsville Independent School District.

The Senate welcomed its guests.

### SENATE RESOLUTION 55

Senator Duncan offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the musical group The Picks, who were inducted into the New Mexico Music Hall of Fame and Museum in 2007; and

WHEREAS, Comprised of Bob Lapham, John Pickering, and the late Bill Pickering, The Picks were given this prestigious honor for their work in the summer of 1957 with Buddy Holly and The Crickets and for their recordings for Columbia Records and with a variety of other artists; and

WHEREAS, The Picks performed on nine of the 12 songs on the Buddy Holly and The Crickets album *The Chirping Crickets*, which was the result of those 1957 sessions; the daily radio shows and personal appearances of the Pickering Family Quartet throughout the 1940s and 1950s also played a role in their selection for this honor; and

WHEREAS, Through their work with Texas and rock and roll icons Buddy Holly and The Crickets, and their radio and other recording work, The Picks have made important contributions to the rich cultural heritage of our state, and they are truly deserving of recognition; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby extend congratulations to The Picks on their induction into the New Mexico Music Hall of Fame and Museum; and, be it further

RESOLVED, That a copy of this Resolution be prepared for them as an expression of esteem from the Texas Senate.

**SR 55** was read and was adopted without objection.

### GUESTS PRESENTED

Senator Duncan was recognized and introduced to the Senate John Pickering, manager and owner of Pick Records, and his wife, Vicky; Bob Lapham, retired editor of the *Abilene Reporter-News* and soloist for The Picks, and his wife, Mary; and Victoria Bellany.

The Senate welcomed its guests.

### SENATE RESOLUTION 257

Senator Watson offered the following resolution:

WHEREAS, The Senate of the State of Texas takes pleasure in recognizing public radio station KUT-FM on the occasion of its 50th anniversary; and

WHEREAS, Through the efforts of a group of students at The University of Texas and radio-television-film Professor Robert Schenkkan, KUT went on the air in November of 1958 as a full-power FM radio station; it has grown from a 4,000-watt station with a range of 15 miles to one with 100,000 watts that reaches 500,000 people each week over the air, online, through two additional digital channels, and through nationally syndicated original programming; and

WHEREAS, Initially run by student volunteers, KUT-FM now employs 65 professionals and continues its collaboration with the university's journalism school through a competitive internship program; and

WHEREAS, The news department, added in 2002 to expand news coverage in the Central Texas area, has received more than 50 state, national, and international awards, including 12 Edward R. Murrow awards for journalistic excellence; and

WHEREAS, From its beginning as a mostly classical station operating three hours per night, the station has evolved over the years with the interests of its listeners, whose donations make up the bulk of the station's budget; it now provides news and information, public affairs programming, and a variety of music programming, as well as National Public Radio's popular programs *Morning Edition* and *All Things Considered*; and

WHEREAS, Central Texas is fortunate to have such a dedicated and talented group of broadcasting professionals and students who supply entertainment, information, and inspiration through programming that is now aired around the clock; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby commend all those associated with KUT-FM for the many contributions the public radio station has made to the cultural life of Central Texas and extend to them congratulations on KUT's 50th anniversary celebration; and, be it further

RESOLVED, That a copy of this Resolution be prepared as an expression of esteem from the Texas Senate.

**SR 257** was read and was adopted without objection.

### GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate representatives of KUT-FM radio station in Austin.

The Senate welcomed its guests.



**SENATE RESOLUTION 277**

Senator Ellis offered the following resolution:

WHEREAS, Participants in the City Hall Fellows program of Houston are visiting the State Capitol on February 24, 2009; and

WHEREAS, The City Hall Fellows program was developed to introduce recent college graduates to the inner workings of local government, while exposing them to meaningful careers in public service; the 10 fellows chosen to participate in the program were selected based on their academic performance, writing skills, record of leadership and community service, and demonstrated interest in public service; and

WHEREAS, During the 12-month program, fellows work as full-time staff members in offices throughout municipal government; the experience offers them an opportunity to learn about the mechanics and challenges of local government as well as to apply their own experience and energy to addressing issues faced by the participating agencies, which include the Houston Police Department, municipal courts, and the Houston Department of Health and Human Services, to name but a few; and

WHEREAS, Houston's first group of fellows includes Niiobli Armah, Bill Bacon, Sagari Bette, E. B. Brooks, Tara Garlinghouse, Kimberly Hartsfield, Mario Salinas, Krishanu Sengupta, Meredith Spencer, and Ricardo Zavala; and

WHEREAS, These accomplished young men and women have demonstrated impressive drive and dedication that will continue to serve them well for years to come, and it is indeed appropriate to honor the program and these future leaders of the Lone Star State; now, therefore, be it

RESOLVED, That the Senate of the 81st Texas Legislature hereby welcome the visiting participants of the City Hall Fellows program to the State Capitol and extend to them sincere best wishes for continued success in all of their endeavors; and, be it further

RESOLVED, That an official copy of this resolution be prepared for the group as an expression of high regard by the Texas Senate.

**SR 277** was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Ellis was recognized and introduced to the Senate participants in the City Hall Fellows program and their Director.

The Senate welcomed its guests.

**REPORT OF COMMITTEE ON NOMINATIONS**

Senator Jackson submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed:

Judge, 168th Judicial District Court, El Paso County: Christopher Allen Antcliff, El Paso County.

Judge, 269th Judicial District Court, Harris County: Daniel E. "Dan" Hinde, Harris County.

Judge, 281st Judicial District Court, Harris County: Sylvia A. Matthews, Harris County.

Judge, 288th Judicial District Court, Bexar County: Solomon J. Casseb III, Bexar County.

Judge, 397th Judicial District Court, Grayson County: Brian Keith Gary, Grayson County.

Judge, 429th Judicial District Court, Collin County: Jill R. Willis, Collin County.

Presiding Judge, Fourth Administrative Judicial Region: David Peeples, Bexar County.

Presiding Judge, Ninth Administrative Judicial Region: Kelly G. Moore, Terry County.

Presiding Judge, Sixth Administrative Judicial Region: Stephen B. Ables, Kerr County.

Justice, Court of Appeals, Fourteenth Court of Appeals District: Kent C. Sullivan, Harris County.

Justice, Court of Appeals, Fourth Court of Appeals District: Marialyn Barnard, Bexar County.

District Attorney, 344th Judicial District, Chambers County: Cheryl Swope Lieck, Chambers County.

Member, Judicial Districts Board: Craig T. Enoch, Travis County.

Secretary of State: Esperanza "Hope" Andrade, Bexar County.

Members, On-site Wastewater Treatment Research Council: Janet R. Boone, Madison County; Richard Dwain Gerard, Polk County; Susan R. Johnson, Travis County; Sockalingam "Sam" Kannappan, Harris County; Sarah E. Kirksey, Jefferson County; Janet Dee Meyers, Denton County; Brian Lawrence Padden, Travis County; Carl M. Russell, Jr., Lubbock County; Ronald J. Suchecki, Jr., McLennan County; Al Sulak, Fort Bend County.

Chief Administrative Law Judge, State Office of Administrative Hearings: Cathleen Parsley, Travis County.

Members, State Seed and Plant Board: Aubrey James Allison, Llano County; David D. Baltensperger, Brazos County; Nicky "Nick" Bamert, Bailey County; Kelly A. Book, Bastrop County; James Wahrmond, Gillespie County; Robert J. Wright, Lubbock County.

Members, State Soil and Water Conservation Board: Larry D. Jacobs, Montgomery County; Joe L. Ward, Fannin County.

Members, Board of Trustees, Texas County and District Retirement System: Robert A. Eckels, Harris County; Bridget McDowell, Callahan County; Robert C. "Bob" Willis, Polk County.

Members, Board of Directors, Texas Small Business Industrial Development Corporation: Kelly Edward Doster, Collin County; William C. Lawrence, Denton County.

Members, Board of Regents, Texas Tech University System: Lawrence Frederick "Rick" Francis, El Paso County; John Huffaker, Randall County; Mickey Linn Long, Midland County; Nancy R. Neal, Lubbock County; John Field Scovell, Dallas County; Jerry Edward Turner, Blanco County.

Members, Veterans' Land Board: Alan L. Johnson, Cameron County; Alan K. Sandersen, Fort Bend County.

### **NOTICE OF CONSIDERATION OF NOMINATIONS**

Senator Jackson gave notice that he would tomorrow at the conclusion of morning call submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

### **MOTION TO ADJOURN**

On motion of Senator Whitmire and by unanimous consent, the Senate at 2:10 p.m. agreed to adjourn, upon completion of the introduction of bills and resolutions on first reading, until 11:00 a.m. tomorrow.

### **SENATE BILLS ON FIRST READING**

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

**SB 551** by Carona

Relating to civil liability for criminal street gang activity.

To Committee on State Affairs.

**SB 552** by Hegar

Relating to funding for the continuing education of certain peace officers.

To Committee on Criminal Justice.

**SB 553** by Lucio

Relating to the disclosure of certain economic benefits provided by manufacturers or repackagers of prescription drugs; providing penalties.

To Committee on Health and Human Services.

**SB 554** by Whitmire

Relating to conduct constituting the offense of dog fighting and to the criminal and civil consequences of committing that offense.

To Committee on Criminal Justice.

**SB 555** by Duncan

Relating to indemnification provisions in construction contracts.  
To Committee on State Affairs.

**SB 556** by Hinojosa

Relating to requirements for certain contracts with physicians and health care providers.  
To Committee on State Affairs.

**SB 557** by Hinojosa

Relating to the hours of sale for liquor.  
To Committee on Business and Commerce.

**SB 558** by Ogden

Relating to the designation of highway safety corridors; providing penalties.  
To Committee on Transportation and Homeland Security.

**SB 559** by Hegar

Relating to inventories, appraisements, and lists of claims of a decedent's estate under independent administration.  
To Committee on Jurisprudence.

**SB 560** by Jackson

Relating to the computation of taxable margin for purposes of the franchise tax by certain taxable entities.  
To Committee on Finance.

**SB 561** by Jackson

Relating to the number of license plates to be issued for and displayed on a motor vehicle.  
To Committee on Transportation and Homeland Security.

**SB 562** by Jackson

Relating to the inclusion on the exterior of an ad valorem tax bill of a statement directing the United States Postal Service to return the bill if it is not deliverable as addressed.  
To Committee on Finance.

**SB 563** by Jackson

Relating to the designation of a candidate as an incumbent on a primary ballot.  
To Committee on State Affairs.

**SB 564** by Jackson

Relating to exempting from ad valorem taxation property used by certain nonprofit community business organizations to provide services to aid in the economic development of local communities.  
To Committee on Finance.

**SB 565** by West

Relating to premium discounts for certain vehicles equipped with a tracking system.  
To Committee on Business and Commerce.

**SB 566** by Hegar

Relating to information included in the judgment in a criminal case.  
To Committee on Criminal Justice.

**SB 567** by Hegar

Relating to the course levels offered by the University of Houston-Victoria.  
To Committee on Higher Education.

**SB 568** by Lucio

Relating to the employment of certified counselors by school districts.  
To Committee on Education.

**SB 569** by Lucio

Relating to a school district policy concerning the use of school counselors' work time.  
To Committee on Education.

**SB 570** by Lucio

Relating to the financing of school district facilities and tax relief for facilities debt.  
To Committee on Education.

**SB 571** by Hinojosa

Relating to a crematory establishment's authority to accept for cremation unidentified human remains.  
To Committee on Health and Human Services.

**SB 572** by Shapiro

Relating to transportation safety training requirements for certain child-care providers.  
To Committee on Health and Human Services.

**SB 573** by Lucio, Van de Putte

Relating to the adoption of an alternative base period for computation of unemployment compensation benefits.  
To Committee on Business and Commerce.

**SB 574** by Jackson

Relating to an exception to the wealth per student limitation for school districts that, as a result of natural disasters, are suffering financial hardship.  
To Committee on Education.

**SB 575** by Davis

Relating to the time for dissolution of crime control prevention districts.  
To Committee on Intergovernmental Relations.

**SB 576** by Davis

Relating to the implementation of a project plan or financing plan for a reinvestment zone under the Tax Increment Financing Act and the granting of exemptions from ad valorem taxes imposed on real property in a reinvestment zone under that Act.  
To Committee on Economic Development.

**SB 577** by Shapleigh

Relating to the child health plan program.  
To Committee on Health and Human Services.

**SB 578** by Wentworth

Relating to the authority of a county to regulate land development after a local option election.

To Committee on Intergovernmental Relations.

**SB 579** by Wentworth

Relating to an exception to the purchase of a refrigerant or equipment containing a refrigerant.

To Committee on Natural Resources.

**SB 580** by Wentworth

Relating to the issuance of French Legion of Honor specialty license plates.

To Committee on Transportation and Homeland Security.

**SB 581** by Wentworth

Relating to intermunicipal commuter rail districts.

To Committee on Transportation and Homeland Security.

**SB 582** by Wentworth

Relating to prohibitions on the use of a wireless communication device while operating a motor vehicle.

To Committee on Transportation and Homeland Security.

**SB 583** by Wentworth

Relating to the penalty for failure to yield the right-of-way.

To Committee on Transportation and Homeland Security.

**SB 584** by Van de Putte

Relating to notification to a patient of a mental health facility or resident of a residential care facility of the exemption of certain trusts from liability to pay for support.

To Committee on Health and Human Services.

**SB 585** by Carona

Relating to standards of conduct and ethics policies for metropolitan planning organizations.

To Committee on Transportation and Homeland Security.

**SB 586** by Carona

Relating to the operation of certain managed care plans regarding out-of-network health care providers.

To Committee on State Affairs.

**SB 587** by Shapiro

Relating to the eligibility of school districts for state assistance with payment of existing debt.

To Committee on Education.

**SB 588** by Hegar

Relating to the creation of the Waller County Municipal Utility District No. 9; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

**SB 589** by Carona

Relating to certain requirements for suncreening devices that are placed on or attached to a motor vehicle; providing a penalty.

To Committee on Transportation and Homeland Security.

**SB 590** by Jackson

Relating to a requirement that the board of directors of an appraisal district develop a plan for reappraising property after a natural disaster.

To Committee on Finance.

**SB 591** by Van de Putte

Relating to the establishment of an evidence-based youth development competitive grant pilot program.

To Committee on Health and Human Services.

**SB 592** by Van de Putte

Relating to the capacity of certain minors to consent to examination or medical treatment related to contraception.

To Committee on Health and Human Services.

**SB 593** by Van de Putte

Relating to the expansion of services provided under the child health plan program for certain adolescents.

To Committee on Health and Human Services.

**SB 594** by Van de Putte

Relating to the Women's Health Program.

To Committee on Health and Human Services.

**SB 595** by Hegar

Relating to the sealing of and discovery procedures relating to evidence that constitutes child pornography in a criminal hearing or proceeding.

To Committee on Criminal Justice.

**SB 596** by Nichols

Relating to the name of Stephen F. Austin State University.

To Committee on Higher Education.

**SB 597** by Nichols

Relating to authorizing the issuance of revenue bonds for a molecular science building at Stephen F. Austin State University.

To Committee on Finance.

**SB 598** by Van de Putte

Relating to a pilot revolving loan program for retrofitting public school buildings with photovoltaic solar panels and associated energy efficiency improvements.

To Committee on Natural Resources.

**SB 599** by Van de Putte

Relating to an exemption from the sales tax for certain renewable energy devices and manufacturing equipment.

To Committee on Finance.

**SB 600** by Van de Putte

Relating to a solar energy technology generation incentive program to be administered by electric utilities.

To Committee on Business and Commerce.

**SB 601** by Van de Putte

Relating to the state goal for energy efficiency.

To Committee on Business and Commerce.

**SB 602** by Ellis

Relating to prohibiting the investment of the permanent university fund in certain business entities doing business in Sudan.

To Committee on Finance.

**SB 603** by Deuell

Relating to the creation of an additional judicial district composed of Rockwall County.

To Committee on Jurisprudence.

**SB 604** by Deuell

Relating to the creation of an additional judicial district composed of Kaufman County.

To Committee on Jurisprudence.

**SB 605** by Deuell

Relating to incentives for the film, television, video, and digital interactive media production industries.

To Committee on Economic Development.

**SB 606** by Hegar

Relating to Gonzales Healthcare Systems.

To Committee on Intergovernmental Relations.

**SB 607** by Uresti

Relating to enrollment requirements for the operation of Texas A&M University–San Antonio as a general academic teaching institution and the issuance of bonds for that institution.

To Committee on Finance.

**SB 608** by Watson

Relating to the creation of the Texas Center for Sustainable Business.

To Committee on Natural Resources.



**SB 609** by Shapleigh

Relating to the foreclosure of a contract lien on certain residential real property.  
To Committee on Business and Commerce.

**SB 610** by Shapleigh

Relating to lobbying by former members of the governor's executive staff; providing civil and criminal penalties.  
To Committee on State Affairs.

**SB 611** by Shapleigh

Relating to notification to certain mobile service customers regarding minutes remaining on the customer's calling plan.  
To Committee on Business and Commerce.

**SB 612** by Shapleigh

Relating to the powers and duties of the Texas Department of Transportation related to rail facilities.  
To Committee on Transportation and Homeland Security.

**SB 613** by Shapleigh

Relating to political contributions and expenditures; providing civil and criminal penalties.  
To Committee on State Affairs.

**SB 614** by Shapleigh

Relating to preexisting condition provisions in individual accident and health insurance policies.  
To Committee on State Affairs.

**SB 615** by Shapleigh

Relating to allowing a county to consider health insurance benefits provided by a bidder to its employees when awarding a purchasing contract.  
To Committee on Intergovernmental Relations.

**SB 616** by Shapleigh

Relating to examination requirements for certain applicants for a license to practice medicine.  
To Committee on Health and Human Services.

**SB 617** by Shapleigh

Relating to requiring a retail seller of motor vehicle tires to render certain tires unusable; providing a civil penalty.  
To Committee on Transportation and Homeland Security.

**SB 618** by Shapleigh

Relating to the use of net metering by certain electric utilities.  
To Committee on Business and Commerce.

**SB 619** by Shapleigh

Relating to an exemption from the sales tax for certain solar energy devices.  
To Committee on Finance.

**SB 620** by Shapleigh

Relating to the state's goal for non-wind renewable electric generating capacity.  
To Committee on Business and Commerce.

**SB 622** by Hegar

Relating to access to the state highway system and damages for diminished access to the state highway system.  
To Committee on Transportation and Homeland Security.

**SB 623** by West, Deuell

Relating to the hours worked during a week by fire fighters in certain municipalities.  
To Committee on Intergovernmental Relations.

**SB 624** by West

Relating to competitive procurement and change order requirements for local governments.  
To Committee on Intergovernmental Relations.

**SB 625** by Wentworth

Relating to the representation of indigent defendants in criminal cases.  
To Committee on Jurisprudence.

**SB 626** by Carona

Relating to the creation, organization, governance, duties, and functions of the Texas Department of Vehicles; providing a penalty.  
To Committee on State Affairs.

**SB 627** by Carona

Relating to a rebuttable presumption regarding liability of an in-home service company or residential delivery company for negligent hiring.  
To Committee on State Affairs.

**SB 628** by Ogden

Relating to immunity of the state and state agencies and employees of the state and state agencies from suit by certain public entities.  
To Committee on State Affairs.

**SB 629** by West

Relating to the statutory limitation imposed on the University of North Texas System to issue revenue bonds to fund facilities at the University of North Texas Dallas Campus.  
To Committee on Finance.

**SB 630** by Davis

Relating to utility bill payment protection for elderly or disabled persons.  
To Committee on Business and Commerce.

**SB 631** by Davis

Relating to the establishment of a loan incentive program to promote energy efficiency in apartment buildings.  
To Committee on Business and Commerce.

**SB 632** by Seliger

Relating to the authority of the governing body of a municipality to create a municipal court equal justice and education fund and to require certain defendants to pay court costs for deposit in the fund.

To Committee on Criminal Justice.

**SB 633** by Seliger

Relating to the number of counties or municipalities necessary to establish a regional drug court program.

To Committee on Jurisprudence.

**SB 634** by Seliger

Relating to the unlawful restraint of a dog.

To Committee on Criminal Justice.

**SB 635** by Seliger

Relating to certain requirements for school bus emergency evacuation training.

To Committee on Transportation and Homeland Security.

**SB 636** by Seliger

Relating to the authority of a county to receive local sales tax information.

To Committee on Economic Development.

**SB 637** by Hegar

Relating to the creation of the Wharton County Drainage District.

To Committee on Natural Resources.

**SB 638** by Nichols

Relating to the collateralization of certain public funds; providing administrative penalties.

To Committee on Finance.

**SB 639** by Lucio

Relating to the rights of persons with intellectual or developmental disabilities residing in state residential care facilities.

To Committee on Health and Human Services.

**SB 640** by Ellis

Relating to electronic technology infrastructure.

To Committee on Business and Commerce.

**SB 641** by Ellis

Relating to prohibiting human cloning; providing a penalty.

To Committee on Health and Human Services.

**SB 642** by Carona

Relating to payments by bidders associated with a toll project contract.

To Committee on Transportation and Homeland Security.

**SB 644** by Shapiro

Relating to modifications, adjustments, and reimbursements under the public school finance system for a school district located in a disaster area.

To Committee on Education.

**SB 645** by Hegar

Relating to the production and taxation of renewable diesel fuel.  
To Committee on Finance.

**SB 646** by Van de Putte

Relating to a study regarding the confidentiality of prescription information; providing a civil penalty.  
To Committee on Health and Human Services.

**SB 647** by Van de Putte

Relating to blind and disabled pedestrians and failure of the operator of a motor vehicle to yield the right-of-way.  
To Committee on Criminal Justice.

**SB 648** by Van de Putte

Relating to the right of an employee who is a parent of a child enrolled in a special education program to time off from work to meet with certain persons affecting the education of the child.  
To Committee on Business and Commerce.

**SB 649** by Van de Putte

Relating to the ability of an employee to participate in certain school-related activities of the employee's child.  
To Committee on Business and Commerce.

**SB 650** by Van de Putte

Relating to certain peace officers commissioned by the Texas State Board of Pharmacy.  
To Committee on Criminal Justice.

**SB 651** by Van de Putte

Relating to restrictions on the use of a stun gun; providing certain criminal penalties and defenses to prosecution.  
To Committee on Criminal Justice.

**SB 652** by Zaffirini

Relating to the maintenance of emergency contact and medical information databases by the Texas Department of Public Safety.  
To Committee on Transportation and Homeland Security.

**SB 653** by Zaffirini

Relating to the accountability of emergency services district board members to a county commissioners court.  
To Committee on Intergovernmental Relations.

**SB 654** by Zaffirini

Relating to continued health coverage for employees of certain political subdivisions.  
To Committee on Intergovernmental Relations.

**SB 655** by Fraser, Uresti, West

Relating to the statutory limitation imposed on certain university systems to issue revenue bonds to fund facilities at certain institutions of higher education.

To Committee on Finance.

**SB 656** by Fraser

Relating to notice of an application for a permit to dispose of oil and gas waste in a commercial disposal well; creating an offense.

To Committee on Natural Resources.

**SB 657** by Fraser

Relating to the selection of the local administrative district judge for Blanco, Burnet, Llano, and San Saba Counties.

To Committee on Jurisprudence.

**SB 658** by Eltife

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

To Committee on Jurisprudence.

**SB 659** by Eltife

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

To Committee on Jurisprudence.

**SB 660** by Hegar

Relating to the creation of the Caldwell County Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

**SB 661** by Carona

Relating to discovery in a criminal case and the consequences of a failure to disclose certain discoverable evidence in a timely manner.

To Committee on Criminal Justice.

**SB 662** by Lucio, Hinojosa, Nelson, Ogden, Seliger, Shapiro, Shapleigh, Whitmire, Zaffirini

Relating to the establishment and use of a mausoleum beneath certain religious buildings.

To Committee on Health and Human Services.

**SB 663** by Averitt

Relating to the dissolution of the Tablerock Groundwater Conservation District.

To Committee on Natural Resources.

**SB 664** by Gallegos

Relating to the establishment and operation of a public building mapping information system by the Texas Facilities Commission.

To Committee on Government Organization.

**SB 665** by Gallegos

Relating to the establishment of a windstorm preparedness assistance program that provides financial assistance for certain homeowners in certain counties.

To Committee on Business and Commerce.

**SB 666** by Shapleigh

Relating to the administration of charitable trusts.

To Committee on Jurisprudence.

**SB 668** by Shapleigh

Relating to the establishment of a student mentorship pilot program at certain institutions of higher education.

To Committee on Higher Education.

**SB 669** by Shapleigh

Relating to the availability of online testing for high school equivalency examinations.

To Committee on Education.

**SB 670** by Shapleigh

Relating to design and construction standards for newly constructed state buildings, public school facilities, and higher education facilities.

To Committee on Natural Resources.

**SB 671** by Shapleigh

Relating to information requested by a member, committee, or agency of the legislature under the public information law.

To Committee on State Affairs.

**SB 672** by Shapleigh

Relating to considering ownership interests of certain disabled veterans in determining whether a business is a historically underutilized business for purposes of state contracting.

To Committee on State Affairs.

**SB 673** by Hegar

Relating to plans by local governments in coastal areas for reducing public expenditures for erosion and storm damage losses to public and private property.

To Committee on Natural Resources.

**SB 674** by Shapleigh

Relating to the student academic performance information provided through the Public Education Information Management System (PEIMS).

To Committee on Education.

**SB 675** by Shapleigh

Relating to exemptions from the sales tax for certain limited periods.

To Committee on Finance.

**SB 676** by Shapleigh

Relating to credit card marketing activities at postsecondary educational institutions.

To Committee on Business and Commerce.

**SB 677** by Shapleigh

Relating to requiring solar panels to be offered by certain builders of new homes.  
To Committee on Business and Commerce.

**SB 678** by Shapleigh

Relating to the additional tax imposed on land appraised for ad valorem tax purposes as open-space land if a change of use of the land occurs.  
To Committee on Finance.

**SB 679** by Lucio

Relating to the administration of certain housing funds by the Texas Department of Housing and Community Affairs.  
To Committee on Finance.

**SB 680** by Hegar

Relating to a physician's authority to delegate prescribing acts to advanced practice nurses or physician assistants.  
To Committee on Health and Human Services.

**SB 681** by Ogden

Relating to the ability of electric utilities to provide electric service during a major power outage.  
To Committee on Business and Commerce.

**SB 682** by Eltife

Relating to participation in an animal identification system.  
To Committee on Agriculture and Rural Affairs.

**SB 683** by Wentworth

Relating to the recusal or disqualification of a statutory probate court judge and subsequent assignment of another judge.  
To Committee on Jurisprudence.

**SB 684** by Lucio

Relating to the establishment of the Texas Rural Development Fund and to the establishment, operation, and funding of certain programs for rural economic development.  
To Committee on Agriculture and Rural Affairs.

**SB 685** by Lucio

Relating to authorizing the commissioner of insurance to further regulate the financial security and operations of certain insurance companies through local districts or chapters.  
To Committee on Business and Commerce.

**SB 686** by Davis

Relating to the installation of natural gas pipelines in controlled access highway rights-of-way.  
To Committee on Transportation and Homeland Security.

**SB 687** by Hegar

Relating to injury leave and related benefits for certain state peace officers injured in the course of performance of duty.

To Committee on State Affairs.

**SB 688** by Wentworth

Relating to the mitigation of the impact of residential development in public school districts.

To Committee on Education.

**SB 689** by Shapiro

Relating to restrictions on the use of the Internet by sex offenders and to the collection and exchange of information regarding those offenders.

To Committee on Criminal Justice.

**SB 690** by Wentworth

Relating to the requirements for a petition proposing an amendment to the charter of a home-rule municipality.

To Committee on Intergovernmental Relations.

**SB 691** by Hegar

Relating to the establishment of the Texas Invasive Species Coordinating Committee.

To Committee on Agriculture and Rural Affairs.

**SB 692** by Van de Putte

Relating to family care leave for certain employees; providing a civil penalty.

To Committee on Business and Commerce.

**SB 693** by Van de Putte

Relating to the sale of an alcoholic beverage to a minor.

To Committee on Business and Commerce.

**SB 694** by Ellis

Relating to certain reimbursements and discounts provided for collecting sales and use taxes.

To Committee on Finance.

**SB 695** by Ellis

Relating to public access to personal financial statements filed by candidates for and holders of state office and state chairs of political parties.

To Committee on State Affairs.

**SB 696** by Ellis

Relating to the lease of certain state parking facilities to other persons.

To Committee on Finance.

**SB 697** by Ellis

Relating to coverage under certain residential property insurance policies for losses incurred because of storm surges.

To Committee on Business and Commerce.



**SB 698** by Ellis

Relating to the establishment of a registry at the Texas Department of Insurance of certain legal entities determined to have sold race-based insurance coverage.

To Committee on State Affairs.

**SB 699** by Ellis

Relating to higher education student loan repayment assistance for peace officers.

To Committee on Higher Education.

**SB 700** by Patrick

Relating to ad valorem tax relief.

To Committee on Finance.

**SB 956** by West

Relating to the establishment of a law school in the city of Dallas by the University of North Texas System.

To Committee on Education.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**SCR 29** by Watson, In memory of Patrick Honeycutt of Austin.

**SCR 30** by Watson, In memory of Jess M. Irwin, Jr.

**SR 261** by Watson, In memory of Ann Reinhardt Allen of Austin.

**SR 262** by Williams, In memory of Wilson Archer of Humble.

**SR 282** by Watson, In memory of Willie I. Kocurek of Austin.

**SR 283** by Watson, In memory of M. James Moritz.

**Welcome and Congratulatory Resolutions**

**SCR 25** by Deuell, Recognizing Linda Muhl on the occasion of her retirement from Dr. John D. Horn High School in Mesquite.

**SCR 26** by Averitt, Recognizing Ipswich, Queensland, Australia, on the occasion of the 40th Anniversary Memorial Service in honor of the crew of the USS *Frank E. Evans*.

**SCR 31** by Seliger, Recognizing Bell Helicopter Textron on the occasion of the 10th anniversary of its Amarillo Military Aircraft Assembly Center.

**SR 256** by Averitt, Harris, and Watson, Welcoming representatives of Baylor University to the State Capitol.

**SR 258** by Watson, Recognizing Joshua Chance Parker on the occasion of his graduation from Abilene Christian University.

**SR 259** by Watson, Recognizing CyberTex Institute of Technology, Incorporated, for its selection as one of the Top 500 Emerging Businesses in the United States by DiversityBusiness.com.

**SR 260** by Watson, Congratulating the Austin Tour Guide Association on the occasion of its third annual gala event.

**SR 263** by Watson, Congratulating Elizabeth McQueen and Dave Sanger on the occasion of the birth of their daughter, Lisel Blossom Sanger McQueen.

**SR 264** by Nelson, Welcoming members of Leadership Northeast Tarrant Class of 2009 to the State Capitol.

**SR 265** by Nelson, Recognizing Leadership Grapevine for its contributions to the community.

**SR 266** by Nelson and Davis, Welcoming members of Leadership Hurst-Eules-Bedford Class of 2009 to the State Capitol.

**SR 267** by Nelson and Davis, Recognizing Leadership Southlake for its contributions to the community.

**SR 268** by Nelson and Davis, Recognizing Leadership Colleyville for its contributions to the community.

**SR 269** by West, Congratulating E. Brice Cunningham for being named a legacy honoree by the Urban League of Greater Dallas.

**SR 270** by West, Congratulating Irie Lynne Session for being named a legacy torch recipient by the Urban League of Greater Dallas.

**SR 271** by West, Congratulating Valencia Nash for being named a legacy torch recipient by the Urban League of Greater Dallas.

**SR 272** by West, Congratulating Barbara Lord Watkins for being named a legacy honoree by the Urban League of Greater Dallas.

**SR 273** by West, Congratulating Barbara Cambridge for being named a legacy honoree by the Urban League of Greater Dallas.

**SR 275** by Ellis, Recognizing Anne Hurst Rojas and Barry Worthington Keenan on the occasion of their wedding.

**SR 276** by Ellis, Recognizing James W. Vaughn of Houston on the occasion of his 70th birthday.

**SR 279** by Lucio, Commending Ronald Paul Camacho of Port Isabel for achieving the rank of Eagle Scout.

**SR 285** by Jackson, Congratulating Corby and Erin Brooks on the birth of their daughter, Emma Kate Brooks.

**SR 286** by Jackson, Recognizing the Butler Building in League City on the occasion of its 100th anniversary.

**SR 290** by Shapiro and Nelson, Recognizing John S. Findley for his contributions to the field of dentistry.

**SR 291** by Shapiro, Recognizing Hilton Israelson for his contributions to the field of dentistry.

**SR 292** by Shapiro and Nelson, Recognizing Paul I. Rubin for his contributions to the field of dentistry.

**SR 294** by Shapiro, Commending Lissa Smith of Plano for her service in Senator Shapiro's district office.

**SR 295** by Eltife, Recognizing Mogiaree Chastain Richardson on the occasion of her 99th birthday.

**SR 297** by Gallegos, Congratulating Felix Fraga for being honored by Houston Community College.

**SR 298** by Shapleigh, Recognizing Bert Williams for his contributions to the City of El Paso.

#### **Official Designation Resolutions**

**SR 229** by Nelson, Davis, and Harris, Recognizing February 25 and 26, 2009, as Tarrant County Days at the State Capitol.

**SR 281** by Seliger, Recognizing March 3, 2009, as Cotton Day at the State Capitol.

**SR 288** by Nelson, Recognizing Substance Abuse Prevention and Treatment Advocacy Day at the State Capitol.

**SR 289** by Nelson, Recognizing February 26, 2009, as Osteopathic Medicine Day at the State Capitol.

#### **ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 2:40 p.m. adjourned until 11:00 a.m. tomorrow.

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### **APPENDIX**

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#### **RESOLUTIONS ENROLLED**

February 18, 2009

**SCR 19, SCR 20, SR 54, SR 206, SR 208, SR 221, SR 233, SR 243, SR 245, SR 246, SR 247, SR 248, SR 249, SR 250, SR 251, SR 252, SR 253, SR 254, SR 255**

#### **SENT TO SECRETARY OF STATE**

February 23, 2009

**SCR 20**

#### **SENT TO GOVERNOR**

February 23, 2009

**SCR 19**

#### **SIGNED BY GOVERNOR**

February 20, 2009

**SCR 14**

