

# SENATE JOURNAL

EIGHTY-FIRST LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**TWENTY-FIRST DAY**

(Continued)

(Friday, March 13, 2009)

**AFTER RECESS**

The Senate met at 10:00 a.m. and was called to order by Senator Watson.

**AT EASE**

The Presiding Officer, Senator Watson in Chair, at 10:01 a.m. announced the Senate would stand At Ease until 2:00 p.m. today.

**IN LEGISLATIVE SESSION**

Senator Watson at 2:00 p.m. called the Senate to order as In Legislative Session.

**SENATE BILLS AND RESOLUTIONS ON FIRST READING**

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

**SB 9** by Zaffirini

Relating to financial support and incentives for the development of national research universities and high-quality comprehensive regional universities and a review of the institutional groupings under the Texas Higher Education Coordinating Board's accountability system.

To Committee on Higher Education.

**SB 12** by Carona

Relating to emergency management.

To Committee on Transportation and Homeland Security.

**SB 31** by Zaffirini

Relating to tuition rebates for students who complete certain coursework at two-year public institutions of higher education.

To Committee on Higher Education.

**SB 45** by Zaffirini

Relating to tuition exemptions at public institutions of higher education for students enrolled in certain interinstitutional academic programs.

To Committee on Higher Education.

**SB 46** by Zaffirini

Relating to tuition exemptions at public institutions of higher education for certain students who volunteer for outreach programs.

To Committee on Higher Education.

**SB 483** by Seliger, Carona, Deuell

Relating to the establishment of incentives by this state for the implementation of certain projects to capture and sequester in geological formations carbon dioxide that would otherwise be emitted into the atmosphere.

To Committee on Finance.

**SB 725** by Estes

Relating to the sunset review of certain river authorities.

To Committee on Natural Resources.

**SB 841** by Averitt

Relating to the child health plan program.

To Committee on Finance.

**SB 1006** by Hegar

Relating to the governmental entities subject to the sunset review process.

To Committee on Government Organization.

**SB 1008** by Estes

Relating to the abolition of the Board of Tax Professional Examiners and the transfer of its functions to the Texas Department of Licensing and Regulation.

To Committee on Government Organization.

**SB 1009** by Deuell

Relating to the continuation and functions of the Commission on Jail Standards.

To Committee on Government Organization.

**SB 1010** by Hegar

Relating to the continuation and functions of the Parks and Wildlife Department; changing the elements of an offense.

To Committee on Government Organization.

**SB 1011** by Estes

Relating to the continuation and functions of the Texas Commission on Fire Protection.

To Committee on Government Organization.

**SB 1012** by Estes

Relating to the continuation and functions of the Credit Union Department and the Credit Union Commission.

To Committee on Government Organization.

**SB 1013** by Hinojosa

Relating to the continuation and functions of the Texas Racing Commission, the abolishment of the Equine Research Account Advisory Committee, and the authority of Texas AgriLife Research.

To Committee on Government Organization.

**SB 1014** by Hinojosa

Relating to the continuation and functions of the Texas Military Preparedness Commission.

To Committee on Government Organization.

**SB 1015** by Hegar

Relating to the continuation and functions of the Texas Residential Construction Commission.

To Committee on Business and Commerce.

**SB 1016** by Estes, Hegar

Relating to the continuation and functions of the Department of Agriculture and the Prescribed Burning Board and the abolition of the Texas-Israel Exchange Fund Board.

To Committee on Government Organization.

**SB 1017** by Hinojosa

Relating to the continuation and functions of the Department of Public Safety of the State of Texas and the Texas Private Security Board.

To Committee on Government Organization.

**SB 1018** by Deuell

Relating to the continuation and functions of the Texas Commission on Law Enforcement Officer Standards and Education.

To Committee on Government Organization.

**SB 1019** by Hegar

Relating to the continuation and functions of the Texas Department of Transportation, including the transfer of certain functions to the Texas Department of Motor Vehicles; providing penalties.

To Committee on Transportation and Homeland Security.

**SB 1020** by Hinojosa, Hegar

Relating to abolishing the Texas Youth Commission and the Texas Juvenile Probation Commission and transferring the powers and duties of those agencies to the newly created Texas Juvenile Justice Department and to the functions of the independent ombudsman for the Texas Youth Commission.

To Committee on Government Organization.

**SB 1021** by Gallegos

Relating to a prohibition on parking a commercial motor vehicle in certain residential subdivisions.

To Committee on Intergovernmental Relations.

**SB 1022** by Ellis

Relating to death benefits for the survivors of certain members of the Texas National Guard.

To Committee on Veteran Affairs and Military Installations.

**SB 1023** by Ogden

Relating to the exercise of eminent domain authority.

To Committee on State Affairs.

**SB 1024** by Ogden

Relating to the due dates for split payment of ad valorem taxes.  
To Committee on Finance.

**SB 1025** by Ogden

Relating to the votes required for a candidate to be elected to office.  
To Committee on State Affairs.

**SB 1026** by Lucio

Relating to the establishment of the Texas secure loan pilot program by the Texas Department of Housing and Community Affairs.  
To Committee on International Relations and Trade.

**SB 1027** by Watson

Relating to the establishment of an interagency farm-to-school coordination task force.  
To Committee on Agriculture and Rural Affairs.

**SB 1028** by Watson

Relating to the use of safety belts while operating or riding in a passenger vehicle; creating an offense.  
To Committee on Transportation and Homeland Security.

**SB 1029** by Davis

Relating to the guaranteed level of state and local funds for the instructional facilities allotment and the existing debt allotment under the public school finance system.  
To Committee on Education.

**SB 1030** by Shapleigh, Uresti, Zaffirini

Relating to providing certain health care services for certain military servicemembers.  
To Committee on Veteran Affairs and Military Installations.

**SB 1031** by Van de Putte

Relating to creating a county task force to study collaborative methods for public education cost savings in certain counties.  
To Committee on Education.

**SB 1032** by Van de Putte

Relating to providing notification to parents of eligible children of the availability of prekindergarten classes.  
To Committee on Education.

**SB 1033** by Fraser

Relating to the purposes and powers of the Temple Health and Bioscience Economic Development District.  
To Committee on Economic Development.

**SB 1034** by Fraser

Relating to allowing the governing bodies of certain municipalities to order a local option election relating to the sale of alcoholic beverages.  
To Committee on Business and Commerce.

**SB 1035** by Hinojosa

Relating to the cities or counties that may create a cultural education facilities finance corporation.

To Committee on International Relations and Trade.

**SB 1036** by Harris

Relating to amendments to the Texas Timeshare Act.

To Committee on Business and Commerce.

**SB 1037** by Jackson

Relating to the franchise tax liability of certain taxable entities.

To Committee on Finance.

**SB 1038** by Patrick

Relating to the name, powers, and duties of the Northampton Municipal Utility District; providing authority to impose a tax and issue bonds.

To Committee on Intergovernmental Relations.

**SB 1039** by Patrick

Relating to the creation of the Harris County Municipal Utility District No. 478; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

**SB 1040** by Duncan

Relating to the board of directors of the Canadian River Municipal Water Authority.

To Committee on Natural Resources.

**SB 1041** by Patrick

Relating to the liability of public servants of certain governmental units for property damage.

To Committee on State Affairs.

**SB 1042** by Ellis

Relating to improving state energy conservation, including through the use of thermostat settings.

To Committee on Natural Resources.

**SB 1043** by Ellis

Relating to the quantification of carbon dioxide emissions reductions attributable to state programs.

To Committee on Natural Resources.

**SB 1044** by Gallegos

Relating to the hours for the wholesale delivery or sale of alcoholic beverages.

To Committee on Business and Commerce.

**SB 1045** by Gallegos

Relating to the reinstatement of a firefighter or police officer following a decision rendered by the Fire Fighters' and Police Officers' Civil Service Commission or an independent third party hearing examiner.

To Committee on Intergovernmental Relations.

**SB 1046** by Gallegos

Relating to the state contribution to and certain annuities under the Teacher Retirement System of Texas.

To Committee on State Affairs.

**SB 1047** by Lucio

Relating to the procurement methods authorized for public projects by a combined municipally owned electric, water, and wastewater utility situated in an economically distressed area within 30 miles of the Lower Texas Gulf Coast.

To Committee on International Relations and Trade.

**SB 1048** by Uresti

Relating to requiring dental support for a child subject to a child support order.

To Committee on Jurisprudence.

**SB 1049** by Uresti

Relating to the distribution, possession, purchase, consumption, and receipt of tobacco products; providing penalties.

To Committee on Health and Human Services.

**SB 1050** by Uresti

Relating to the release of certain information relating to child fatalities resulting from abuse or neglect.

To Committee on Health and Human Services.

**SB 1051** by Uresti

Relating to leave for certain state employees who volunteer or participate in training for Court Appointed Special Advocates.

To Committee on Government Organization.

**SB 1052** by Uresti

Relating to a foster children's bill of rights.

To Committee on Health and Human Services.

**SB 1053** by Uresti

Relating to the appointment or removal of guardians of incapacitated persons.

To Committee on Jurisprudence.

**SB 1054** by Uresti

Relating to the Hill Country local mental health authority crisis stabilization unit.

To Committee on Health and Human Services.

**SB 1055** by Uresti

Relating to reporting and application requirements regarding certain public and private guardians.

To Committee on Jurisprudence.

**SB 1056** by Uresti

Relating to authorizing a criminal justice agency to disclose certain criminal history record information to the Guardianship Certification Board and offices of the county clerk.

To Committee on Jurisprudence.

**SB 1057** by Uresti

Relating to criminal history record information relating to persons who are certified to provide guardianship services.

To Committee on Jurisprudence.

**SB 1058** by Uresti

Relating to reporting requirements for health occupation regulatory agencies.

To Committee on Health and Human Services.

**SB 1059** by Hegar

Relating to the procedure for the removal of a cattle guard on a county road.

To Committee on Agriculture and Rural Affairs.

**SB 1060** by Ellis

Relating to the creation of a strategic plan to reform long-term services and supports for individuals with disabilities.

To Committee on Health and Human Services.

**SB 1061** by Shapiro

Relating to improving the accuracy of reporting concerning certain criminal history.

To Committee on Criminal Justice.

**SB 1062** by Shapiro

Relating to creating an online resource center for judges and attorneys handling child abuse and neglect cases.

To Committee on Jurisprudence.

**SB 1063** by Watson

Relating to the powers of certain hospital districts and to the retirement benefits of employees of the districts and related entities.

To Committee on State Affairs.

**SB 1064** by Watson

Relating to access to certain records and documents in an investigation of child abuse or neglect.

To Committee on Health and Human Services.

**SB 1065** by Williams, Van de Putte

Relating to the civil and criminal prosecution of racketeering; providing penalties.

To Committee on State Affairs.

**SB 1066** by Wentworth

Relating to posttrial psychological counseling for jurors in a criminal trial or juvenile adjudication hearing involving graphic evidence or testimony.

To Committee on Jurisprudence.

**SB 1067** by Wentworth

Relating to the composition of the jury in certain adjudication hearings in juvenile court.

To Committee on Jurisprudence.

**SB 1068** by Wentworth

Relating to allowing a governmental body to redact certain personal information under the public information law without the necessity of requesting a decision from the attorney general.

To Committee on State Affairs.

**SB 1069** by Wentworth

Relating to the authority of certain magistrates to issue certain search warrants.

To Committee on Criminal Justice.

**SB 1070** by Wentworth

Relating to jury assembly and administration.

To Committee on Jurisprudence.

**SB 1071** by Wentworth

Relating to the required disclosure under the public information law of information pertaining to an employee or trustee of a public employee pension system.

To Committee on State Affairs.

**SB 1072** by Hegar

Relating to the creation of the Waller County Municipal Utility District No. 13; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

**SB 1073** by Hegar

Relating to the creation of the Waller County Municipal Utility District No. 14; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

**SB 1074** by Hegar

Relating to the creation of the Waller County Municipal Utility District No. 15; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

**SB 1075** by Van de Putte

Relating to the absence of a student from public school to visit with a parent who has been or will be deployed to a combat zone.

To Committee on Veteran Affairs and Military Installations.

**SB 1076** by Van de Putte

Relating to abstinence education in public schools.

To Committee on Education.

**SB 1077** by Carona

Relating to certain persons and activities regulated by the Department of Public Safety.

To Committee on Transportation and Homeland Security.



**SB 1078** by Carona

Relating to the conduct constituting the offense of graffiti, the consequences of engaging in that conduct, and the authority of certain governmental entities to take certain actions designed to eradicate graffiti.

To Committee on Criminal Justice.

**SB 1079** by Carona

Relating to requiring the disclosure of certain records and other information in a criminal investigation.

To Committee on Criminal Justice.

**SB 1080** by Jackson

Relating to compliance with federal occupational safety and health standards in environmental enforcement.

To Committee on Natural Resources.

**SB 1081** by Huffman

Relating to access to criminal history record information by the office of the attorney general.

To Committee on State Affairs.

**SB 1082** by Huffman

Relating to the storage, maintenance, and distribution of mammography medical records.

To Committee on Health and Human Services.

**SB 1083** by Huffman

Relating to access to certain confidential patient information within the Department of State Health Services.

To Committee on Health and Human Services.

**SB 1084** by Ellis, Carona

Relating to the authorization and regulation of casino and slot gaming in this state, the creation, powers, and duties of the Texas Gaming Commission, and the powers and duties of the Texas Racing Commission; providing penalties.

To Committee on State Affairs.

**SB 1085** by Shapleigh

Relating to a report to the legislature regarding funding for campuses of public institutions of higher education located outside the United States.

To Committee on International Relations and Trade.

**SB 1086** by Shapleigh

Relating to the location, operation, and management of certain correctional residential facilities.

To Committee on Criminal Justice.

**SB 1087** by Shapleigh

Relating to the conduct constituting the offense of graffiti, the creation and criminal prosecution of, and penalties for offenses involving graffiti, and the authority of certain governmental entities to take certain actions designed to prevent or eradicate graffiti.

To Committee on Criminal Justice.

**SB 1088** by Shapleigh

Relating to the use of food stamp benefits at farmers markets.

To Committee on Agriculture and Rural Affairs.

**SB 1089** by Shapleigh

Relating to farm-to-school initiatives.

To Committee on Agriculture and Rural Affairs.

**SB 1090** by Deuell

Relating to the regulation of the practice of construction and program management for capital improvement projects of governmental entities.

To Committee on Government Organization.

**SB 1091** by Ellis, Duncan

Relating to the establishment of the capital writs committee and the office of capital writs.

To Committee on Criminal Justice.

**SB 1092** by West

Relating to the screening of newborns for sickle-cell trait and other disorders by the Department of State Health Services.

To Committee on Health and Human Services.

**SB 1093** by Carona

Relating to the operation of a commercial motor vehicle.

To Committee on Transportation and Homeland Security.

**SB 1094** by Carona

Relating to the submission of reports on certain convictions or adjudications relating to the operation of motor vehicles to the Texas Department of Public Safety.

To Committee on Transportation and Homeland Security.

**SB 1095** by Carona

Relating to the licensing and regulation of used automotive parts recyclers; providing penalties.

To Committee on Transportation and Homeland Security.

**SB 1096** by Carona

Relating to certain charges included in a retail installment agreement.

To Committee on Business and Commerce.

**SB 1097** by Carona

Relating to the establishment and determination of financial responsibility for a motor vehicle; providing a penalty.

To Committee on Business and Commerce.

**SB 1098** by Carona

Relating to the issuance of "Choose Life" license plates and the creation of the Choose Life account in the general revenue fund.

To Committee on Transportation and Homeland Security.

**SB 1099** by Watson

Relating to a restriction on permits authorizing direct discharges of waste or pollutants into water in certain areas associated with the Barton Springs segment of the Edwards Aquifer.

To Committee on Natural Resources.

**SB 1100** by Watson

Relating to the improvement of women's health by providing certain services and information related to unintended pregnancies and sexually transmitted diseases.

To Committee on Health and Human Services.

**SB 1101** by Watson

Relating to exempting certain entities providing emergency services from motor fuel taxes.

To Committee on Finance.

**SB 1102** by Watson

Relating to certain energy security technologies for critical governmental facilities.

To Committee on Natural Resources.

**SB 1103** by Duncan

Relating to the use of a perpetual trust fund for a cemetery by certain municipalities.

To Committee on Intergovernmental Relations.

**SB 1104** by Hegar

Relating to the creation of the XS Ranch Municipal Utility District; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

**SB 1105** by Duncan

Relating to the authority of certain municipalities to extend the termination date for a reinvestment zone created under the Tax Increment Financing Act.

To Committee on Economic Development.

**SB 1106** by Van de Putte

Relating to payment of claims to pharmacies and pharmacists.

To Committee on State Affairs.

**SB 1107** by Shapiro

Relating to the requirement that driver education curriculum include information regarding distractions while driving.

To Committee on Transportation and Homeland Security.

**SB 1108** by Hegar

Relating to the closure of certain instant lottery games.

To Committee on State Affairs.

**SB 1109** by Jackson

Relating to the limits of certain life insurance coverage written by stipulated premium insurance companies.

To Committee on State Affairs.

**SB 1110** by Jackson

Relating to contracts by governmental entities and related professional services and to public works performance and payment bonds.

To Committee on Government Organization.

**SB 1111** by Duncan

Relating to the liability of and legal fees for a trustee of certain facilities.

To Committee on State Affairs.

**SB 1112** by Estes

Relating to the provision of money from a county's general fund to disaster victims.

To Subcommittee on Flooding and Evacuations.

**SB 1113** by Hegar

Relating to the creation of the Fort Bend County Municipal Utility District No. 201; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

**SB 1114** by Hegar

Relating to the creation of the Fort Bend County Municipal Utility District No. 202; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

**SB 1115** by Hegar

Relating to the creation of the Fort Bend County Municipal Utility District No. 203; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

**SB 1116** by Hegar

Relating to the creation of the Fort Bend County Municipal Utility District No. 204; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

**SB 1117** by Nichols

Relating to the appeal of certain ad valorem tax determinations through binding arbitration.

To Committee on Finance.

**SB 1118** by Ellis, Carona, Deuell, Whitmire

Relating to community supervision for certain drug possession offenses and to a person's eligibility for an order of nondisclosure following a term of community supervision for any of those offenses.

To Committee on Criminal Justice.

**SB 1119** by Hinojosa

Relating to the recovery of medical or health care expenses in civil actions.  
To Committee on State Affairs.

**SB 1120** by West

Relating to reports on racial profiling in connection with motor vehicle stops; providing a penalty.  
To Committee on Criminal Justice.

**SB 1121** by Hegar

Relating to the retrieval and waste of game birds, game animals, fish, and oysters; providing a penalty.  
To Committee on Natural Resources.

**SB 1122** by Hegar

Relating to the requirement to keep records of game bird or animal carcasses placed in a cold storage or processing facility.  
To Committee on Natural Resources.

**SB 1123** by Duncan

Relating to the standard of causation in claims involving mesothelioma caused by exposure to asbestos fibers.  
To Committee on State Affairs.

**SB 1124** by West

Relating to authorization for the Department of Aging and Disability Services to conduct a desk review instead of an inspection when issuing a license after a change in ownership of certain facilities.  
To Committee on Health and Human Services.

**SB 1125** by Zaffirini

Relating to transition and employment services for public school students enrolled in special education programs.  
To Committee on Education.

**SB 1126** by Averitt

Relating to the operation of property owners' associations.  
To Committee on Intergovernmental Relations.

**SB 1127** by Van de Putte

Relating to the confidentiality of test results of samples of compounded products.  
To Committee on Health and Human Services.

**SB 1128** by Nichols

Relating to an exemption from the sales tax for medical equipment used by physicians in certain areas of this state.  
To Committee on Finance.

**SB 1129** by Nichols

Relating to membership on and reporting requirements of the child fatality review team committee.  
To Committee on Health and Human Services.

**SB 1130** by Seliger

Relating to the standards for attorneys representing indigent defendants in capital cases.

To Committee on Jurisprudence.

**SB 1131** by Hinojosa

Relating to the seizure and destruction of certain plants.

To Committee on Agriculture and Rural Affairs.

**SB 1132** by Hinojosa

Relating to the issuance and execution of agriculture warrants; creating an offense.

To Committee on Agriculture and Rural Affairs.

**SB 1133** by Hinojosa

Relating to the date of the general election for certain political subdivisions.

To Committee on State Affairs.

**SB 1134** by Duncan

Relating to the authority for certain high school students to serve as election clerks.

To Committee on State Affairs.

**SB 1135** by Hegar

Relating to the authority of the General Land Office to undertake coastal erosion studies and projects in conjunction with qualified project partners.

To Committee on Natural Resources.

**SB 1136** by Hegar

Relating to the designation by the commissioner of the General Land Office of critical coastal erosion areas for purposes of the coastal erosion response plan.

To Committee on Natural Resources.

**SB 1137** by Jackson

Relating to construction contract trust funds and the misapplication of those funds.

To Committee on Business and Commerce.

**SB 1138** by Duncan

Relating to regional poison control centers.

To Committee on Health and Human Services.

**SB 1139** by Hinojosa

Relating to the applicability of the death penalty to a capital offense committed by a person with mental retardation.

To Committee on Criminal Justice.

**SB 1140** by Shapiro

Relating to the eligibility of certain teachers to serve on the board of directors of a regional education service center.

To Committee on Education.

**SB 1141** by Van de Putte

Relating to student loan repayment assistance for speech-language pathologists or audiologists employed by a public school or as faculty members of certain graduate programs at public institutions of higher education.

To Committee on Higher Education.

**SB 1142** by Carona

Relating to the authority with whom campaign finance reports must be filed in connection with a judicial district office filled by the voters of only one county.

To Committee on State Affairs.

**SB 1143** by Carona

Relating to requirements regarding employer liability for certain group health benefit plan premiums.

To Committee on State Affairs.

**SB 1144** by Zaffirini

Relating to the establishment of a volunteer-supported decision-making advocate pilot program for persons with intellectual and developmental disabilities and persons with other cognitive disabilities.

To Committee on Health and Human Services.

**SB 1145** by Zaffirini, Van de Putte

Relating to protocol for folding the state flag.

To Committee on Veteran Affairs and Military Installations.

**SB 1146** by Zaffirini

Relating to authorizing the issuance of revenue bonds or other obligations to fund capital projects at public institutions of higher education.

To Committee on Finance.

**SB 1147** by Carona

Relating to the terms of office of certain elected members of the board of trustees of the Employees Retirement System of Texas.

To Committee on State Affairs.

**SB 1148** by Averitt

Relating to the administration by certain health care professionals of certain treatments, therapy, or medication ordered by an optometrist or therapeutic optometrist.

To Committee on Health and Human Services.

**SB 1149** by Hegar, Huffman

Relating to authorizing the Texas Board of Criminal Justice to sell certain real property for municipal airport expansion.

To Committee on Government Organization.

**SB 1150** by Hinojosa

Relating to the liability of the state for a violation of the federal Americans with Disabilities Act.

To Committee on State Affairs.

**SB 1151** by Hinojosa

Relating to increasing the maximum amount of the local option residence homestead exemption from ad valorem taxation by a taxing unit from 20 percent to 30 percent.

To Committee on Finance.

**SB 1152** by Hinojosa

Relating to the making or acceptance of political contributions in a courthouse; providing penalties.

To Committee on State Affairs.

**SB 1153** by Hinojosa

Relating to the liability of a landowner for an act or omission of a peace officer on the property of the landowner.

To Committee on State Affairs.

**SB 1154** by Davis

Relating to the licensing and regulation of landmen by the Texas Real Estate Commission.

To Committee on Business and Commerce.

**SB 1155** by Davis

Relating to certain content requirements for an insurance consumer information website.

To Committee on State Affairs.

**SB 1156** by Davis

Relating to reporting of medical loss ratios by health benefit plan issuers.

To Committee on State Affairs.

**SB 1157** by Davis

Relating to a study concerning the collection and use of certain information by certain insurers.

To Committee on Business and Commerce.

**SB 1158** by Davis

Relating to regulation of health benefit plan rates.

To Committee on State Affairs.

**SB 1159** by Carona

Relating to an exemption from ad valorem taxation of the residence homesteads of certain totally disabled veterans and to continuing the exemption on the same property for the surviving spouse or children of such a veteran, and to the amount of the exemption from ad valorem taxation to which a disabled veteran is entitled based on disability rating.

To Committee on Finance.

**SB 1160** by Jackson

Relating to the use of Texas Department of Transportation facilities or property to serve a project aiding security in a ship channel security district.

To Committee on Transportation and Homeland Security.



**SB 1161** by Jackson

Relating to the computation of the franchise tax.  
To Committee on Finance.

**SB 1162** by Hegar

Relating to notice to the attorney general of an action, suit, or proceeding challenging the validity of a Texas statute or rule.  
To Committee on State Affairs.

**SB 1163** by Seliger

Relating to the penalties for theft of cattle, horses, exotic livestock, exotic fowl, sheep, swine, or goats.  
To Committee on Agriculture and Rural Affairs.

**SB 1164** by Wentworth, Deuell, Eltife, Estes, Fraser, Harris, Hegar, Hinojosa, Lucio, Patrick, Williams

Relating to the carrying of concealed handguns on the campuses of institutions of higher education.  
To Committee on State Affairs.

**SB 1165** by Carona

Relating to the use of certain vehicles for law enforcement purposes.  
To Committee on Criminal Justice.

**SB 1166** by Duncan

Relating to the duties and salary of the county attorney of Swisher County and the election and duties of the district attorney for the 64th Judicial District.  
To Committee on Jurisprudence.

**SB 1167** by West

Relating to the regulation of certain lending and loan origination practices in connection with home loans.  
To Committee on Business and Commerce.

**SB 1168** by Hinojosa

Relating to a rescission period for annuity contracts.  
To Committee on State Affairs.

**SB 1169** by Nichols

Relating to abolishing the Private Sector Prison Industries Oversight Authority and to the certification and operation of private sector prison industries programs.  
To Committee on Criminal Justice.

**SB 1170** by Nichols

Relating to health care services provided or paid by a hospital district or public hospital.  
To Committee on State Affairs.

**SB 1171** by Nichols

Relating to certain health-related reports, records, and information.  
To Committee on Health and Human Services.

**SB 1172** by Nichols

Relating to on-site surveys of home and community support services agencies.  
To Committee on Health and Human Services.

**SB 1173** by Seliger

Relating to certain procedures for delivery of a warrant of execution and modifications or withdrawals of a warrant of execution.  
To Committee on Criminal Justice.

**SB 1174** by Patrick

Relating to the disposition of the fines collected from persons issued citations for certain offenses by a school district peace officer.  
To Committee on Education.

**SB 1175** by Patrick

Relating to the prosecution of the offense of failure to identify.  
To Committee on Criminal Justice.

**SB 1176** by Patrick

Relating to the punishment prescribed for the offense of evading arrest or detention and to creating the offense of evading felony arrest or detention.  
To Committee on Criminal Justice.

**SB 1177** by Patrick

Relating to the suspension of the driver's license of a person arrested for an offense involving the operation of a motor vehicle while intoxicated or under the influence of alcohol.  
To Committee on Criminal Justice.

**SB 1178** by Patrick

Relating to the penalty for driving while intoxicated.  
To Committee on Criminal Justice.

**SB 1179** by Patrick

Relating to requiring general academic teaching institutions to offer health benefit plans to students.  
To Committee on Higher Education.

**SB 1180** by Patrick

Relating to regulatory takings.  
To Committee on State Affairs.

**SB 1181** by Patrick

Relating to the employment of certain persons by amusement parks.  
To Committee on Business and Commerce.

**SB 1182** by Wentworth

Relating to the public information law.  
To Committee on State Affairs.

**SB 1183** by Wentworth

Relating to the waiver of sovereign immunity for certain claims arising under written contracts with state agencies.

To Committee on State Affairs.

**SB 1184** by Patrick

Relating to online and correspondence real estate and real estate inspection courses.

To Committee on Business and Commerce.

**SB 1185** by Hegar

Relating to achievement awards presented by the Commission on Law Enforcement Officer Standards and Education.

To Committee on Criminal Justice.

**SB 1186** by Hegar

Relating to the responsibilities of a person who qualifies for a peace officer license but has not yet been appointed as a peace officer.

To Committee on Criminal Justice.

**SB 1187** by Watson

Relating to the registration and protection of trademarks.

To Committee on Business and Commerce.

**SB 1188** by Estes

Relating to the interstate purchase of certain firearms.

To Committee on Criminal Justice.

**SB 1189** by West

Relating to a strategic plan for the child health plan and medical assistance programs.

To Committee on Health and Human Services.

**SB 1190** by Duncan, Averitt, Seliger

Relating to the enforcement of rules by a groundwater conservation district.

To Committee on Natural Resources.

**SB 1191** by Ellis

Relating to this state's goal for reducing statewide peak electric demand through demand response and load management programs.

To Committee on Business and Commerce.

**SB 1192** by Ellis

Relating to biodiesel and cellulosic ethanol content requirements for certain fuels.

To Committee on Natural Resources.

**SB 1193** by Wentworth

Relating to the maintenance and service of certain medical devices in health care facilities; providing a criminal penalty.

To Committee on Health and Human Services.

**SB 1194** by Wentworth

Relating to the licensing and regulation of hearing instrument fitters and dispensers.

To Committee on Health and Human Services.

**SB 1195** by Hinojosa

Relating to the use of corporal punishment in public schools.

To Committee on Education.

**SB 1196** by Gallegos

Relating to administrative and contract provisions applicable to certain nonprofit corporations located in large counties.

To Committee on Business and Commerce.

**SB 1197** by Van de Putte

Relating to establishing a local behavioral health intervention pilot project.

To Committee on Health and Human Services.

**SB 1198** by Van de Putte

Relating to the court-ordered administration of psychoactive medication to certain criminal defendants.

To Committee on Criminal Justice.

**SB 1199** by Ogden

Relating to refunds of and credits for certain sales and use taxes paid by certain exempt organizations.

To Committee on Finance.

**SB 1200** by Ogden

Relating to disclosure of contracts between a member of the legislature or a business entity in which the member has a substantial interest and a state agency.

To Committee on State Affairs.

**SB 1201** by Carona

Relating to an affidavit required to be filed in a cause of action against certain licensed or registered professionals.

To Committee on State Affairs.

**SB 1202** by Deuell

Relating to the collection and allocation of local sales and use taxes.

To Committee on Finance.

**SB 1203** by West

Relating to the regulation of metal recycling entities; providing penalties.

To Committee on Natural Resources.

**SB 1204** by Hegar

Relating to the powers and duties of the Bastrop County Water Control and Improvement District No. 2; providing authority to impose a tax and issue bonds.

To Committee on Natural Resources.

**SB 1205** by West

Relating to community land trusts.

To Committee on Intergovernmental Relations.

**SB 1206** by Hinojosa

Relating to the release from the Texas Department of Criminal Justice of certain inmates who complete a rehabilitation program.

To Committee on Criminal Justice.

**SB 1207** by Seliger

Relating to the use of municipal hotel occupancy tax revenue to finance a convention center hotel in certain municipalities.

To Committee on Economic Development.

**SB 1208** by Seliger

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

To Committee on Jurisprudence.

**SB 1209** by Fraser

Relating to the Middle Trinity Groundwater Conservation District.

To Committee on Natural Resources.

**SB 1210** by Fraser

Relating to a water rights permit issued to the Upper Guadalupe River Authority.

To Committee on Natural Resources.

**SB 1211** by Fraser

Relating to the liability of a volunteer audiologist, assistant in audiology, speech-language pathologist, or assistant in speech-language pathology.

To Committee on State Affairs.

**SB 1212** by West

Relating to granting limited state law enforcement authority to special agents of the Office of Inspector General of the United States Department of Veterans Affairs.

To Committee on Transportation and Homeland Security.

**SB 1213** by Gallegos, Deuell

Relating to certain diseases or illnesses suffered by certain emergency first responders.

To Committee on State Affairs.

**SB 1214** by Deuell

Relating to consumption advisories for mercury contamination in fish, crustaceans, molluscan shellfish, and other aquatic and terrestrial animals.

To Committee on Health and Human Services.

**SB 1215** by Patrick

Relating to lobbying by former members of the legislature; creating an offense.

To Committee on State Affairs.

**SB 1216** by Ellis

Relating to restrictions on holders of package store permits.

To Committee on Business and Commerce.

**SB 1217** by Shapiro

Relating to the creation of an autism program to provide services to children with autism spectrum disorder.

To Committee on Health and Human Services.

**SB 1218** by Averitt

Relating to the collection of data by the Texas Department of Transportation regarding bridge collapses.

To Committee on Transportation and Homeland Security.

**SB 1219** by Averitt

Relating to a parenting and paternity awareness component of the health curriculum used in public high schools.

To Committee on Education.

**SB 1220** by Shapiro

Relating to the purchase and transport of alcoholic beverages by the holder of a mixed beverage permit.

To Committee on Business and Commerce.

**SCR 1** by Ellis

Granting certain persons permission to sue the State of Texas and the Texas Youth Commission.

To Committee on Jurisprudence.

**SCR 5** by Averitt

Designating the Texas Medal of Honor Memorial on the campus of Hill College in Hillsboro as the official State Memorial to Texas-Born Medal of Honor Recipients.

To Committee on Veteran Affairs and Military Installations.

**SCR 7** by Jackson

Designating the Texas toad as the official State Amphibian of Texas.

To Committee on Government Organization.

**SCR 10** by Shapleigh

Urging Congress to provide emergency funding and resources to begin immediately addressing increasing delays at United States ports of entry on the Texas-Mexico border.

To Committee on International Relations and Trade.

**SCR 11** by Estes

Designating Bridgeport as the official Stagecoach Capital of Texas.

To Committee on Government Organization.

**SCR 12** by Shapleigh

Designating the year 2010 as the Texas First Lieutenant Governor and Senators Remembrance Year.

To Committee on Administration.

**SCR 15** by Shapleigh

Expressing the intent of the Texas Legislature that the state accept federal economic stimulus funds appropriated under the American Recovery and Reinvestment Act of 2009 or any similar legislation.

To Committee on Finance.

**SCR 21** by Estes

Urging the Texas congressional delegation to take action to prohibit the use of federal funds to transfer enemy combatants detained at Guantanamo Bay to any facility in Texas or to build or modify facilities for any such enemy combatants in the state.

To Committee on Veteran Affairs and Military Installations.

**SCR 22** by Lucio, Shapleigh, Van de Putte

Urging the Congress to reopen consideration of this case to posthumously award the Medal of Honor to World War I Hero Marcelino Serna.

To Committee on Veteran Affairs and Military Installations.

**SCR 33** by Jackson

Granting Betty Bardwell permission to sue the State of Texas, The University of Texas Medical Branch at Galveston, and the Office of the Attorney General.

To Committee on Jurisprudence.

**SCR 35** by Nichols, Patrick

Affirming that the State of Texas claims sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the United States Constitution, serving notice to the federal government to cease and desist certain mandates, and providing that certain federal legislation be prohibited or repealed.

To Committee on State Affairs.

**SCR 38** by Hinojosa

Memorializing Congress to restore the presumption of a service connection for Agent Orange exposure to veterans who served on the inland waterways, territorial waters, and in the airspace of the Republic of Vietnam.

To Committee on Veteran Affairs and Military Installations.

**SCR 39** by Hegar

Affirming that the State of Texas claims sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the United States Constitution, serving notice to the federal government to cease and desist certain mandates, and providing that certain federal legislation be prohibited or repealed.

To Committee on State Affairs.

**SCR 40** by Nelson

Recognizing the City of Grapevine as the Christmas Capital of Texas.

To Committee on Government Organization.

**SJR 6** by Ellis

Proposing a constitutional amendment relating to the dedication of the revenue received from the sporting goods sales tax.

To Committee on Finance.

**SJR 7** by Ellis

Proposing a constitutional amendment authorizing the governor to grant one or more reprieves in a capital case.

To Committee on Criminal Justice.

**SJR 8** by Carona

Proposing a constitutional amendment authorizing the legislature to provide for automatic adjustments of the rates of motor fuels taxes.

To Committee on Transportation and Homeland Security.

**SJR 9** by Carona

Proposing a constitutional amendment limiting the purposes for which revenue from taxes on motor fuels and lubricants may be used and authorizing the legislature to provide for automatic adjustments of the rates of motor fuels taxes.

To Committee on Transportation and Homeland Security.

**SJR 10** by Nichols

Proposing a constitutional amendment to authorize the legislature to limit the maximum appraised value of a residence homestead for ad valorem tax purposes to 105 percent or less of the appraised value of the property for the preceding tax year and to permit the voters of a county to establish a higher limitation not to exceed 110 percent on the maximum appraised value of a residence homestead in the county.

To Committee on Finance.

**SJR 11** by West

Proposing a constitutional amendment authorizing the governor to grant a pardon to a person who successfully completes a term of deferred adjudication community supervision.

To Committee on Criminal Justice.

**SJR 12** by West

Proposing a constitutional amendment authorizing a student member of the board of regents of a state institution of higher education or state university system to serve a term that differs from the terms served by the other members of the board.

To Committee on Higher Education.

**SJR 13** by Patrick

Proposing a constitutional amendment to authorize the legislature to set a lower limit on the maximum appraised value of a residence homestead for ad valorem taxation.

To Committee on Finance.

**SJR 14** by Wentworth

Proposing a constitutional amendment to allow the legislature to override a veto of the governor following a legislative session.

To Committee on State Affairs.



**SJR 15** by Shapleigh

Proposing a constitutional amendment providing that Section 24, Article VIII, Texas Constitution, does not apply to a tax imposed on certain business entities.

To Committee on Finance.

**SJR 16** by Carona

Proposing a constitutional amendment authorizing the legislature to exempt from ad valorem taxation a high-speed passenger rail facility.

To Committee on Finance.

**SJR 17** by Van de Putte

Proposing a constitutional amendment authorizing the issuance of general obligation bonds to provide and guarantee loans to encourage the use of hydrogen as a cleaner fuel source.

To Committee on Finance.

**SJR 18** by Ogden

Proposing a constitutional amendment authorizing the legislature to permit the Texas Transportation Commission, subject to legislative review and approval, to designate the area adjacent to a state highway project as a transportation finance zone and dedicating the proceeds of the state sales and use taxes imposed in a transportation finance zone to the Texas Mobility Fund for certain purposes.

To Committee on Finance.

**SJR 20** by Jackson

Proposing a constitutional amendment requiring any increase in a franchise tax rate to be approved by two-thirds of all the members elected to each house of the legislature.

To Committee on Finance.

**SJR 21** by Watson

Proposing a constitutional amendment to ensure that this state receives the maximum federal funding available under the child health plan program.

To Committee on Finance.

**SJR 22** by Wentworth

Proposing a constitutional amendment to limit the purposes for which revenues from motor vehicle registration fees, taxes on motor fuels and lubricants, and certain revenues received from the federal government may be used.

To Committee on Finance.

**SJR 23** by Duncan

Proposing a constitutional amendment for filling vacancies in appellate judicial offices by appointment and for nonpartisan retention elections for those offices.

To Committee on Jurisprudence.

**SJR 24** by Carona

Proposing a constitutional amendment allowing the expenditure of motor vehicle fuel taxes and registration fees for passenger rail, transit, and freight rail.

To Committee on Finance.

**SJR 25** by Harris, Shapiro

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

To Committee on Transportation and Homeland Security.

**SJR 26** by Wentworth

Proposing a constitutional amendment authorizing the legislature by general law to permit counties to impose a local motor fuels tax and an additional vehicle registration fee to be used for transportation purposes.

To Committee on Finance.

**SJR 27** by Ellis

Post-ratifying Amendment XXIV to the Constitution of the United States prohibiting the denial or abridgment of the right to vote for failure to pay any poll tax or other tax.

To Committee on State Affairs.

**SJR 28** by Ellis

Proposing a constitutional amendment authorizing the issuance of general obligation bonds to provide and guarantee loans to promote the use of renewable energy technology and the making of energy efficiency improvements.

To Committee on Finance.

**SJR 29** by Ogden

Proposing a constitutional amendment requiring a candidate for public office to win by a margin of one percent of the votes cast at the election before the candidate is elected to that office.

To Committee on State Affairs.

**SJR 30** by Carona

Proposing a constitutional amendment to provide that the governor's absence from the state, and the lieutenant governor's absence from the state when acting as governor, do not affect the person's ability to serve as governor if the person maintains effective communication links with this state.

To Committee on State Affairs.

**SJR 31** by Ellis, Carona

Proposing a constitutional amendment authorizing and regulating slot machines and casino games by licensed operators and certain Indian tribes to provide additional money to fund transportation in this state and to provide additional financial aid for higher education students.

To Committee on State Affairs.

**SJR 32** by Hinojosa

Proposing a constitutional amendment to increase the maximum amount of the local option residence homestead exemption from ad valorem taxation by a political subdivision from 20 percent to 30 percent.

To Committee on Finance.

**SJR 33** by Carona

Proposing a constitutional amendment authorizing the legislature to exempt from ad valorem taxation the residence homestead of the surviving spouse of a 100 percent or totally disabled veteran or the principal place of residence of the surviving minor children of such a disabled veteran in an amount equal to the amount of the residence homestead exemption to which the disabled veteran was entitled on the same property. To Committee on Finance.

**SJR 34** by Shapleigh

Proposing a constitutional amendment authorizing the legislature to exempt from ad valorem taxation the residence homestead of the surviving spouse of a 100 percent or totally disabled veteran in an amount equal to the amount of the residence homestead exemption to which the disabled veteran was entitled on the same property. To Committee on Finance.

**SJR 35** by Duncan, Shapiro

Proposing a constitutional amendment establishing the national research university fund to enable emerging research universities in this state to achieve national prominence as major research universities and transferring the balance of the higher education fund to the national research university fund. To Committee on Finance.

**RECESS**

On motion of Senator Watson, the Senate at 2:40 p.m. recessed until 11:00 a.m. Monday, March 16, 2009.

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**APPENDIX**

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**COMMITTEE REPORTS**

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

March 13, 2009

STATE AFFAIRS — **SB 39, SB 315, CSSB 555, CSSB 627, SB 687, CSSB 309**

HEALTH AND HUMAN SERVICES — **SB 492, SB 527, SB 703**

EDUCATION — **SB 503, SB 522, SB 759, SB 987**

**RESOLUTIONS ENROLLED**March 10, 2009

**SCR 30, SR 205, SR 284, SR 307, SR 398, SR 399, SR 400, SR 401, SR 402, SR 403, SR 404, SR 405, SR 407, SR 408, SR 413, SR 414, SR 415**

March 11, 2009

**SR 409, SR 410, SR 411, SR 412**

**SIGNED BY GOVERNOR**

March 12, 2009

**SCR 18, SCR 30, SCR 31**