

SENATE JOURNAL

EIGHTY-FIRST LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

THIRTY-FIFTH DAY

(Continued)

(Thursday, April 9, 2009)

AFTER RECESS

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

**SESSION HELD FOR
LOCAL AND UNCONTESTED CALENDAR**

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

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

CSSB 76 (Nelson)

Relating to authorizing a children's health benefit plan for certain small employers.
(viva voce vote) (31-0) (31-0)

CSSB 78 (Nelson)

Relating to promoting awareness and education about the purchase and availability of health coverage.
(viva voce vote) (31-0) (31-0)

CSSB 79 (Nelson)

Relating to specialty certification for insurance agents serving certain employer groups.
(viva voce vote) (31-0) (31-0)

CSSB 95 (Van de Putte)

Relating to prohibiting the use of unsafe children's products in certain nonresidential child-care facilities.
(viva voce vote) (31-0) (31-0)

CSSB 129 (Ellis)

Relating to the maximum speed limit for a neighborhood electric vehicle being operated on a street or highway.

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

SB 161 (Ellis)

Relating to specialty license plates supporting the Safe Routes to School Program.

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

SB 205 (Shapleigh)

Relating to the Texas Partnership for Children in Nature.

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

CSSB 283 (Nelson)

Relating to the membership and activities of local school health advisory councils.

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

CSSB 338 (Van de Putte)

Relating to requirements for businesses that offer plastic checkout bags to customers; providing civil and administrative penalties.

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

CSSB 344 (Nelson)

Relating to the establishment of an advisory committee to study the acceptance at farmers markets of food stamps and benefits under the women, infants, and children supplemental food program.

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

CSSB 359 (Patrick)

Relating to punishment for certain offenses committed in a disaster area or an evacuated area.

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

CSSB 493 (Nelson)

Relating to benefits and services for children in the conservatorship of the Department of Family and Protective Services.

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

CSSB 521 (Averitt)

Relating to the Texas Department of Transportation's memorial sign program.

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

SB 522 (Averitt)

Relating to the use of personal leave by a public school employee.

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

CSSB 534 (Shapleigh)

Relating to the El Paso County Hospital District.

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

SB 562 (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.

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

SB 571 (Hinojosa)

Relating to a crematory establishment's authority to accept for cremation unidentified human remains.

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

SB 575 (Davis)

Relating to the time for dissolution of crime control and prevention districts.

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

CSSB 707 (Nelson)

Relating to requiring a sexually oriented business to maintain certain photographic identification records; providing a criminal penalty.

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

SB 709 (Nelson)

Relating to activity that constitutes maintaining a common nuisance.

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

SB 724 (Hegar)

Relating to the qualification of supervisors of a fresh water supply district.

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

SB 729 (Hegar)

Relating to creating a defense to prosecution for the offense of unlawful carrying of a handgun by a license holder on the premises of certain businesses.

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

CSSB 762 (Watson)

Relating to a study concerning the minimum participation requirement for small employer health benefit plans.

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

CSSB 768 (Hegar)

Relating to exemptions from the Texas Structural Pest Control Act; providing penalties.

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

CSSB 778 (Watson)

Relating to the licensing and regulation of identity recovery service contract providers and the inclusion of identity recovery service agreements in certain service contracts and vehicle protection products; providing penalties.

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

CSSB 779 (Watson)

Relating to expedited credentialing for certain individual health care providers providing services under a managed care plan.

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

CSSB 790 (Nelson)

Relating to clinical practice hours available for professional nursing educational programs at certain hospitals.

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

CSSB 791 (Nelson)

Relating to the certified nurse aide registry and the regulation of certified nurse aides by the Texas Board of Nursing.

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

(Senator Uresti in Chair)**CSSB 792** (Nelson)

Relating to the imposition of the sales and use tax by certain crime control and prevention districts and fire control, prevention, and emergency medical services districts.

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

SB 808 (Whitmire)

Relating to allowing certain claimants to file an application under the Crime Victims' Compensation Act.

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

CSSB 821 (Shapiro)

Relating to the regulation of medical radiologic technology.

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

SB 862 (Eltife)

Relating to practices and professions regulated by the Texas Real Estate Commission.

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

CSSB 866 (Harris)

Relating to the rights and liabilities of the parties in a suit for dissolution of a marriage and certain post-dissolution proceedings.

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

SB 874 (Shapleigh)

Relating to the exemption of certain counties from the drainage charge imposed by a municipal drainage utility system.

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

CSSB 887 (Nelson)

Relating to the licensing and regulation of dentists, dental hygienists, dental assistants, and dental laboratories; providing penalties.

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

CSSB 888 (Nelson)

Relating to establishing a pill splitting program to reduce health plan costs for certain public employees.

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

CSSB 891 (Nelson)

Relating to the public school physical education curriculum.

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

SB 898 (Shapleigh)

Relating to the purposes and designation of a municipal transportation reinvestment zone.

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

SB 904 (Williams)

Relating to prescriptions issued for certain controlled substances.

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

CSSB 926 (Huffman)

Relating to the imposition of a civil penalty against the owner of an authorized emergency vehicle for a violation recorded by a photographic traffic signal enforcement system.

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

CSSB 939 (Watson)

Relating to a memorandum of understanding between the Texas Education Agency and the Department of Family and Protective Services addressing exchange of information regarding students in foster care.

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

SB 940 (Wentworth)

Relating to the regulation of the public practice of geoscience.

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

SB 957 (Watson)

Relating to the ability of a county, public hospital, or hospital district to purchase or arrange for the purchase of certain health coverage or benefits for eligible residents.

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

CSSB 963 (Ellis)

Relating to regulation of premium rates for long-term care insurance.

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

CSSB 964 (Ellis)

Relating to requirements for insurers and insurance agents that sell Medicare-related products.

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

CSSB 965 (Ellis)

Relating to certain education requirements for insurance agents who sell annuities.

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

CSSB 968 (West)

Relating to interactive water features and fountains.

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

SB 969 (Seliger)

Relating to a length exemption for a vehicle or combination of vehicles used to transport a combine used in farm custom harvesting operations.

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

SB 971 (Seliger)

Relating to an interlocal contract for a relief highway route around certain municipalities; providing authority to issue bonds.

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

CSSB 972 (Averitt)

Relating to small and large employer health group cooperatives.

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

(Senator Van de Putte in Chair)**SB 997** (Duncan)

Relating to the administration of and exemptions from the gas production tax.

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

CSSB 1034 (Fraser)

Relating to allowing the governing bodies of certain municipalities to order a local option election relating to the sale of alcoholic beverages.

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

SB 1036 (Harris)

Relating to amendments to the Texas Timeshare Act.

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

SB 1040 (Duncan)

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

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

SB 1051 (Uresti)

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

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

SB 1055 (Uresti)

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

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

SB 1056 (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.

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

CSSB 1059 (Hegar)

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

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

CSSB 1080 (Jackson)

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

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

SB 1082 (Huffman)

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

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

CSSB 1083 (Huffman)

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

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

CSSB 1085 (Shapleigh)

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

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

CSSB 1091 (Ellis)

Relating to the establishment of the capital writs committee and the office of capital writs and to the appointment and compensation of certain counsel for indigent defendants in a capital case.

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

SB 1107 (Shapiro)

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

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

CSSB 1111 (Duncan)

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

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

CSSB 1121 (Hegar)

Relating to the retrieval and waste of game birds, game animals, and fish; providing a penalty.

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

CSSB 1122 (Hegar)

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

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

SB 1129 (Nichols)

Relating to membership on and reporting requirements of the child fatality review team committee.

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

SB 1138 (Duncan)

Relating to regional poison control centers.

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

SB 1199 (Ogden)

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

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

SB 1206 (Hinojosa)

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

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

CSSB 1209 (Fraser)

Relating to the Middle Trinity Groundwater Conservation District.

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

SB 1218 (Averitt)

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

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

CSSB 1219 (Averitt)

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

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

CSSB 1235 (Davis)

Relating to the sale and use of unregistered vehicles, including the issuance and use of temporary tags on vehicles and the collection of sales taxes.

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

SB 1253 (Seliger)

Relating to the repeal of the power of certain districts and water supply corporations to allow the use of right-of-way easements for certain energy-related purposes.

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

(Senator Williams in Chair)**CSSB 1259** (Hegar)

Relating to the storage of records by the clerks of the supreme court and the courts of appeals.

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

SB 1260 (Duncan)

Relating to the abolishment of the Lower Concho River Water and Soil Conservation Authority.

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

SB 1270 (Shapleigh)

Relating to the online availability of state agency reports required by law.

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

CSSB 1310 (Duncan)

Relating to a program allowing for countywide voting locations in certain elections.
(viva voce vote) (31-0) (31-0)

SB 1357 (Lucio)

Relating to a joint statement relating to the transfer of a motor vehicle as the result of a gift.
(viva voce vote) (31-0) (31-0)

CSSB 1368 (Shapleigh)

Relating to the creation of a county ethics commission in certain counties; providing civil and criminal penalties.
(viva voce vote) (31-0) (31-0)

SB 1369 (Lucio)

Relating to the appointment of attorneys ad litem.
(viva voce vote) (31-0) (31-0)

SB 1373 (Lucio)

Relating to the operation and continuation of the law authorizing the issuance of oversize or overweight vehicle permits by certain port authorities.
(viva voce vote) (31-0) (31-0)

CSSB 1398 (West)

Relating to the requirement by a municipality of a license or permit to occupy or lease a dwelling unit.
(viva voce vote) (31-0) (31-0)

CSSB 1403 (Averitt)

Relating to changing the Texas Health Insurance Risk Pool to the Texas Health Insurance Pool, and to the operation of that pool.
(viva voce vote) (31-0) (31-0)

SB 1408 (Shapleigh)

Relating to compensation and employment benefits for members of the Texas State Guard called to state active duty.
(viva voce vote) (31-0) (31-0)

SB 1409 (Shapleigh)

Relating to the definition of first responder for purposes of the immunization registry.
(viva voce vote) (31-0) (31-0)

SB 1426 (Jackson on behalf of Williams)

Relating to the installation, operation, and maintenance of automatic license plate identification cameras on a highway.
(viva voce vote) (31-0) (31-0)

SB 1442 (Fraser)

Relating to business entities and associations.
(viva voce vote) (31-0) (31-0)

SB 1473 (Nichols)

Relating to employment services programs for certain residents receiving services from public hospitals or hospital districts.

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

SB 1495 (Jackson on behalf of Williams)

Relating to the taxation of motor fuels; providing penalties.

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

CSSB 1522 (Shapleigh)

Relating to the exemption of certain school districts from the drainage charge imposed by a municipal drainage utility system.

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

CSSB 1537 (Van de Putte)

Relating to tuition and fee exemptions at public institutions of higher education for certain military personnel and their dependents and for the spouses and children of certain deceased and missing military personnel.

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

SB 1539 (Carona)

Relating to in-casket identification of a deceased person.

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

SB 1541 (Gallegos)

Relating to measuring, monitoring, and reporting emissions.

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

SB 1575 (Hinojosa)

Relating to the random assignment of criminal and civil cases in district courts in Hidalgo County.

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

SB 1614 (Wentworth)

Relating to the requirement that certain orders closing, abandoning, or vacating a county road be filed and indexed in the deed records of the county where the road is located.

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

SB 1650 (Duncan)

Relating to appeals in cases arising under the Federal Arbitration Act.

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

SB 1651 (Duncan)

Relating to state indemnification and defense of certain judges and certain judicial appointees.

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

SB 1658 (Averitt)

Relating to an increase in the fee for natural gas pipeline safety inspections.

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

SB 1670 (Nichols)

Relating to the transfer of certain state property from the Texas Department of Transportation to Polk County.

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

SB 1755 (Fraser)

Relating to the election of directors of the Clearwater Underground Water Conservation District.

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

SB 1773 (Fraser)

Relating to the applicability of certain laws governing corporations to limited liability companies.

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

SB 1827 (Huffman)

Relating to the private disposition of used motor vehicles at certain auto auctions conducted by independent motor vehicle dealers.

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

SB 1847 (Hegar)

Relating to the provision of services to a wrongfully imprisoned person who is discharged from a correctional facility.

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

SB 1850 (Shapleigh)

Relating to the establishment of a home- and community-based services workforce council.

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

SB 1864 (Ellis)

Relating to postconviction forensic DNA analysis.

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

SB 1948 (Hinojosa)

Relating to the supervised reentry into the community of certain inmates nearing their date of discharge from the Texas Department of Criminal Justice.

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

CSSCR 5 (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.

(viva voce vote)

CSSCR 22 (Lucio)

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

(viva voce vote)

SCR 38 (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.

(viva voce vote)

**BILLS REMOVED FROM
LOCAL AND UNCONTESTED CALENDAR**

Senator Seliger and Senator Williams requested in writing that **SB 399** be removed from the Local and Uncontested Calendar.

Senator Jackson and Senator Williams requested in writing that **SB 1317** be removed from the Local and Uncontested Calendar.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 9:01 a.m. adjourned until 11:00 a.m. Tuesday, April 14, 2009.

APPENDIX

COMMITTEE REPORTS

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

April 9, 2009

ECONOMIC DEVELOPMENT — **CSSB 636, HB 873**

BUSINESS AND COMMERCE — **SB 1699, SB 1701, SB 1703, SB 1821, SB 1843**

STATE AFFAIRS — **CSSB 1291, CSSB 2014**