

SENATE JOURNAL

EIGHTY-FIRST LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

THIRTY-SEVENTH DAY

(Continued)

(Thursday, April 16, 2009)

AFTER RECESS

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

SENATOR ANNOUNCED PRESENT

Senator Harris, who had previously been recorded as "Absent-excused," was announced "Present."

**SESSION HELD FOR
LOCAL AND UNCONTESTED CALENDAR**

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

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

SB 53 (Zaffirini)

Relating to minimum standards for juvenile case managers.

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

CSSB 117 (Ellis)

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

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

CSSB 203 (Shapleigh)

Relating to the reporting of health care-associated infections in certain health care facilities.

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

SB 232 (West)

Relating to procedures for rescinding or challenging an acknowledgment or denial of paternity.

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

CSSB 233 (West)

Relating to the time limitation for certain proceedings to adjudicate paternity.
(viva voce vote) (31-0) (31-0)

CSSB 378 (Van de Putte)

Relating to the designated doctor's examination under the workers' compensation system.
(viva voce vote) (31-0) (31-0)

CSSB 586 (Carona)

Relating to the operation of certain managed care plans regarding out-of-network health care providers.
(viva voce vote) (31-0) (31-0)

SB 595 (Hegar)

Relating to the sealing of and discovery procedures relating to evidence that constitutes child pornography in a criminal hearing or proceeding.
(viva voce vote) (31-0) (31-0)

CSSB 616 (Shapleigh)

Relating to examination requirements for certain applicants for a license to practice medicine.
(viva voce vote) (31-0) (31-0)

SB 654 (Zaffirini)

Relating to continued health coverage for employees of certain political subdivisions.
(viva voce vote) (31-0) (31-0)

CSSB 755 (Van de Putte)

Relating to the requirements for a funeral establishment license.
(viva voce vote) (31-0) (31-0)

CSSB 836 (Hinojosa)

Relating to the Port of Corpus Christi Authority of Nueces County, Texas.
(viva voce vote) (31-0) (31-0)

CSSB 842 (Averitt)

Relating to the operation of health care sharing organizations.
(viva voce vote) (31-0) (31-0)

CSSB 876 (Averitt)

Relating to the performance of annual soil tests for certain concentrated animal feeding operations by the Texas Commission on Environmental Quality.
(viva voce vote) (31-0) (31-0)

SB 917 (Harris)

Relating to the definition of charitable trust for purposes of court jurisdiction.
(viva voce vote) (31-0) (31-0)

SB 918 (Harris)

Relating to attorney general participation in proceedings involving charitable trusts.
(viva voce vote) (31-0) (31-0)

SB 1009 (Deuell)

Relating to the continuation and functions of the Commission on Jail Standards.
(viva voce vote) (31-0) (31-0)

CSSB 1027 (Watson)

Relating to the establishment of an interagency farm-to-school coordination task force.
(viva voce vote) (31-0) (31-0)

SB 1035 (Hinojosa)

Relating to the cities or counties that may create a cultural education facilities finance corporation.
(viva voce vote) (31-0) (31-0)

SB 1053 (Uresti)

Relating to the appointment or removal of guardians of incapacitated persons.
(viva voce vote) (31-0) (31-0)

CSSB 1057 (Uresti)

Relating to criminal history record information relating to persons who are certified to provide guardianship services.
(viva voce vote) (31-0) (31-0)

SB 1058 (Uresti)

Relating to reporting requirements for health occupation regulatory agencies.
(viva voce vote) (31-0) (31-0)

SB 1103 (Duncan)

Relating to the use of a perpetual trust fund for a cemetery by certain municipalities.
(viva voce vote) (31-0) (31-0)

SB 1105 (Duncan)

Relating to the authority of certain municipalities to extend the termination date for a reinvestment zone created under the Tax Increment Financing Act.
(viva voce vote) (31-0) (31-0)

CSSB 1110 (Jackson)

Relating to contracts by governmental entities and related professional services and to public works performance and payment bonds.
(viva voce vote) (31-0) (31-0)

SB 1152 (Hinojosa)

Relating to the making or acceptance of political contributions in a courthouse; providing penalties.
(viva voce vote) (31-0) (31-0)

CSSB 1205 (West)

Relating to community land trusts.
(viva voce vote) (31-0) (31-0)

SB 1223 (Eltife)

Relating to the creation, administration, powers, duties, and operation of the Riverbend Water Resources District; providing authority to issue bonds and exercise the power of eminent domain.

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

CSSB 1225 (Huffman)

Relating to faculty temporary licenses to practice medicine.

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

SB 1228 (Hinojosa)

Relating to the jurisdiction of the State Office of Administrative Hearings in contested case hearings involving certain contract claims against the state.

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

CSSB 1264 (Watson)

Relating to the participation of certain transportation entities and hospital districts in the comptroller of public accounts' travel services contracts.

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

SB 1274 (Gallegos)

Relating to the summoning of jurors to justice of the peace courts in certain counties.

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

CSSB 1295 (Hegar)

Relating to the creation of the Aliana Management District; providing authority to impose a tax and issue bonds.

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

CSSB 1305 (Patrick)

Relating to insurance premium payment assistance for certain persons who have hemophilia and are unable to pay the entire cost of treatment.

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

SB 1311 (Duncan)

Relating to the authority of the commissioners court of a county to enter into an ad valorem tax abatement agreement with certain property owners.

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

CSSB 1314 (Harris)

Relating to the regulation of the practice of acupuncture.

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

CSSB 1328 (Nelson)

Relating to a study on the feasibility of providing vaccines to first responders deployed to a disaster area.

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

CSSB 1436 (Watson)

Relating to the appeal of a censure issued by the State Commission on Judicial Conduct.

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

SB 1437 (Watson)

Relating to the powers of an associate judge in a Title IV-D case.

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

SB 1439 (Watson)

Relating to the travel, board, and lodging expenses of a person appointed to assist the State Commission on Judicial Conduct.

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

SB 1440 (Watson)

Relating to orders and judgments rendered by associate judges in child support and child protection cases.

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

SB 1441 (Watson)

Relating to the terms of the members of the Court Reporters Certification Board.

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

SB 1447 (West)

Relating to civil remedy of violations of certain municipal health and safety ordinances.

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

CSSB 1449 (West)

Relating to the appointment of a receiver to remedy hazardous properties.

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

SB 1458 (Seliger)

Relating to the authority of the commissioners court of a county to enter into an ad valorem tax abatement agreement.

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

CSSB 1463 (Lucio)

Relating to the provision of information regarding health care and other benefits for veterans and their family members.

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

(Senator Uresti in Chair)**CSSB 1472** (Gallegos)

Relating to public meetings for permit applications under the Texas Clean Air Act.

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

CSSB 1477 (Van de Putte on behalf of Uresti)

Relating to a court's authority to order a proposed patient to receive extended outpatient mental health services.

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

CSSB 1478 (Carona)

Relating to the authority of hospital districts to lease undeveloped real property.
(viva voce vote) (31-0) (31-0)

CSSB 1485 (Watson)

Relating to the sale of surplus or salvage property and firefighting equipment by an emergency services district.
(viva voce vote) (31-0) (31-0)

CSSB 1514 (Watson)

Relating to child support arrearages and a credit based on certain disability payments.
(viva voce vote) (31-0) (31-0)

CSSB 1516 (Watson)

Relating to certain costs and fees in a Title IV-D case.
(viva voce vote) (31-0) (31-0)

CSSB 1544 (Averitt)

Relating to the creation of the Prairielands Groundwater Conservation District; providing authority to issue bonds; granting a limited power of eminent domain.
(viva voce vote) (31-0) (31-0)

SB 1549 (Van de Putte)

Relating to the calculation by a school district of a high school student's grade point average.
(viva voce vote) (31-0) (31-0)

CSSB 1572 (Hinojosa)

Relating to land reclamation projects using tires.
(viva voce vote) (31-0) (31-0)

CSSB 1592 (Fraser)

Relating to the assignment of security interests in certain collateral.
(viva voce vote) (31-0) (31-0)

SB 1619 (Wentworth)

Relating to the applicability of certain municipal home-rule charter provisions on actions relating to the issuance of public securities by a home-rule municipality.
(viva voce vote) (31-0) (31-0)

SB 1633 (Nichols)

Relating to certain restrictions on the composition of a tax increment financing reinvestment zone.
(viva voce vote) (31-0) (31-0)

CSSB 1655 (Van de Putte)

Relating to the organization, duties, and functions of the Texas Veterans Commission.
(viva voce vote) (31-0) (31-0)

CSSB 1681 (Hinojosa)

Relating to requiring the corroboration of certain testimony to support a criminal conviction.

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

SB 1684 (Hinojosa)

Relating to the use of state hotel occupancy tax revenue to clean and maintain beaches in certain municipalities.

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

SB 1712 (Hegar)

Relating to the authority of the Matagorda County Hospital District of Matagorda County, Texas, to lease property.

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

SB 1732 (West)

Relating to safety requirements for public swimming pools and other artificial bodies of water.

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

CSSB 1742 (Shapiro)

Relating to municipal regulation of the discharge of firearms and certain other weapons; providing a criminal penalty.

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

SB 1814 (Van de Putte)

Relating to return-to-work coordination services and a return-to-work reimbursement program for employers participating in the workers' compensation system.

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

SB 1815 (Van de Putte)

Relating to immunity from liability for doctors performing certain services at the request of the division of workers' compensation of the Texas Department of Insurance.

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

SB 1818 (Van de Putte)

Relating to providing an exemption from the administration of certain assessment instruments for certain public school students who are asylees or refugees.

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

CSSB 1916 (West)

Relating to the automatic expunction of arrest records and files after an individual receives a pardon or a grant of certain other relief with respect to the offense for which the individual was arrested.

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

CSSB 1920 (Jackson)

Relating to the membership of the Advisory Board on Cosmetology.

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

CSSB 1940 (Van de Putte)

Relating to the fund for veterans' assistance.

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

SB 1959 (Wentworth)

Relating to the allocation of revenue from the state hotel tax for certain purposes in certain municipalities.

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

CSSB 1965 (Harris)

Relating to the regulation of retail installment contracts for commercial vehicles.

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

CSSB 1966 (Harris)

Relating to debt cancellation agreements offered in connection with motor vehicle retail installment contracts.

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

CSSB 1973 (Ellis)

Relating to the creation and duties of the state energy savings performance contract advisory council.

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

SB 2163 (Ellis)

Relating to access to criminal history record information by the Texas Veterans Commission.

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

SB 2169 (Ellis)

Relating to the establishment of a smart growth policy work group and the development of a smart growth policy for this state.

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

SCR 10 (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.

(viva voce vote)

**BILLS REMOVED FROM
LOCAL AND UNCONTESTED CALENDAR**

Senator Hinojosa and Senator Williams requested in writing that **SB 835** be removed from the Local and Uncontested Calendar.

Senator Wentworth and Senator Williams requested in writing that **SB 1637** be removed from the Local and Uncontested Calendar.

Senator West and Senator Williams requested in writing that **SB 1958** be removed from the Local and Uncontested Calendar.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

April 16, 2009

The Honorable President of the Senate

Senate Chamber

Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 118, Relating to the grounds for removal of a member of the board of directors of the Lynn County Hospital District.

HB 348, Relating to the punishment for theft of certain aluminum, bronze, or copper materials.

HB 389, Relating to requirements for expedited credentialing of certain physicians by managed care plans.

HB 407, Relating to participation and credit in, contributions to, benefits from, and administration of the Texas County and District Retirement System.

HB 523, Relating to the contents of a receipt issued for payment of a good or service; providing a civil penalty.

HB 558, Relating to law enforcement and judicial procedures for, and the prosecution of, children who engage in conduct constituting public intoxication.

HB 582, Relating to informing the parents and guardians of certain children about the availability of the child health plan and medical assistance programs.

HB 590, Relating to the name of the Crime Stoppers Advisory Council.

HB 609, Relating to the composition of the jury in certain adjudication hearings in juvenile court.

HB 709, Relating to the award of stipends to nationally certified classroom teachers under the educator excellence awards program.

HB 719, Relating to certain content requirements for signs used to identify the location of a polling place during a primary election.

HB 750, Relating to certain offenses that involve impersonating a peace officer or other public servant and misrepresenting the nature of certain property.

HB 765, Relating to supplemental payments made to certain statutory probate court judges.

HB 780, Relating to eligibility requirements for a beginning police department position in certain municipalities under municipal civil service.

HB 817, Relating to the time for dissolution of crime control prevention districts.

- HB 890**, Relating to the terminology used to describe certain judicial officers.
- HB 987**, Relating to competitive procurement and change order requirements for local governments.
- HB 1060**, Relating to certain procedures for forwarding a warrant of arrest or a complaint in a criminal case.
- HB 1454**, 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.
- HB 1476**, Relating to capital stock and surplus requirements for certain insurance companies.
- HB 1615**, Relating to the practice of veterinarians in certain mercantile establishments.
- HB 1722**, Relating to the proceedings that may be referred to and the powers of a criminal law magistrate in Bexar County.
- HB 1757**, Relating to review of certain license examinations for insurance agents.
- HB 1802**, Relating to mobile food units in certain municipalities.
- HB 1919**, Relating to the maturity dates of certain annuities.
- HB 1947**, Relating to the election and terms of office of directors of the Guadalupe County Groundwater Conservation District.
- HB 2062**, Relating to the distribution of proceeds from the sale of forfeited property in a criminal case.
- HB 2074**, 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.
- HB 2113**, Relating to the holidays for members of fire and police departments in certain municipalities.
- HB 2172**, Relating to the exemptions from fees imposed by a municipal storm water utility on certain property in certain counties.
- HB 2173**, Relating to the exemption of certain counties and school districts from the drainage charge imposed by a municipal drainage utility system.
- HB 2324**, Relating to authorizing the Texas Board of Criminal Justice to sell certain real property for municipal airport expansion.
- HB 2353**, Relating to the limitations period for certain disciplinary actions against title insurance companies.
- HB 2387**, Relating to the authority of the General Land Office to undertake coastal erosion studies and projects in conjunction with qualified project partners.
- HB 2542**, Relating to excused absences in public schools for students visiting institutions of higher education.
- HB 2569**, Relating to a specialty insurance agent license for certain vendors of portable electronic devices.

- HB 2570**, Relating to the regulation of stipulated premium insurance companies.
- HB 2814**, Relating to the procedure for claiming an exemption from ad valorem taxation for a motor vehicle used for the production of income and for personal activities.
- HB 2906**, Relating to the expansion of the boundaries of the Cibolo Creek Municipal Authority.
- HB 2914**, Relating to the establishment of a fuel mitigation pilot grant program for fire departments.
- HB 3073**, Relating to charges at closing of certain real property transactions.
- HB 3113**, Relating to the eligibility of certain nonprofit wildlife conservation associations to conduct charitable raffles.
- HB 3456**, Relating to the education and preparation of resident physicians.
- HB 3519**, Relating to the coordination and administration of the Texas Career Opportunity Grant Program.
- HB 4004**, Relating to the management and control of certain utility systems.
- HB 4291**, Relating to insurance charters and certificates of authority.
- HB 4339**, Relating to the establishment and operation of the unauthorized insurance guaranty fund.
- HB 4344**, Relating to the regulation of premium rates for long-term care insurance.
- HB 4359**, Relating to the registration with the Texas Department of Insurance of certain contract examiners.
- HB 4540**, Relating to disposition of proceeds from the development or sale of the rights to natural resources or minerals in land held by Webb County for the county permanent school fund.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 8:46 a.m. adjourned, in memory of firefighter Damion Jon Hobbs and Captain James Arthur Harlow, Sr., of Pasadena, until 11:00 a.m. today.

