

SENATE JOURNAL

EIGHTY-FIRST LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FORTY-SECOND DAY

(Continued)

(Thursday, April 23, 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 62 (Zaffirini)

Relating to permitting certain military attorneys to represent military personnel and their dependents in civil proceedings before the courts of this state.

(viva voce vote) (30-0) (30-0)

CSSB 96 (Van de Putte)

Relating to swimming pool and spa safety.

(viva voce vote) (30-0) (30-0)

CSSB 174 (Shapiro)

Relating to online institution resumes for public institutions of higher education.

(viva voce vote) (30-0) (30-0)

CSSB 181 (Gallegos)

Relating to the creation of a task force to study and develop uniform reentry procedures for essential personnel entering an area evacuated during a disaster or other emergency.

(viva voce vote) (30-0) (30-0)

CSSB 329 (Carona)

Relating to the automatic suspension of the driver's license of a person convicted of certain organized crime offenses; providing penalties.

(viva voce vote) (30-0) (30-0)

CSSB 332 (Carona)

Relating to the adjudication of certain gang-related delinquent conduct.

(viva voce vote) (30-0) (30-0)

CSSB 366 (Carona)

Relating to authorizing consecutive sentencing for certain offenses committed by a member of a criminal street gang.

(viva voce vote) (30-0) (30-0)

CSSB 367 (Carona)

Relating to the prosecution of and punishment for certain criminal offenses involving the use of a false or fictitious identity or identifying documents.

(viva voce vote) (30-0) (30-0)

CSSB 369 (Carona)

Relating to information contained in an intelligence database used to investigate and prosecute offenses committed by criminal street gangs.

(viva voce vote) (30-0) (30-0)

SB 371 (Carona)

Relating to certain civil consequences of engaging in organized crime.

(viva voce vote) (30-0) (30-0)

CSSB 379 (Carona)

Relating to an annual report by the Texas Fusion Center regarding criminal street gangs and gang-related crime.

(viva voce vote) (30-0) (30-0)

CSSB 419 (Carona)

Relating to the evidence required for the release of a motor vehicle after impoundment of the vehicle for failure to maintain evidence of financial responsibility.

(viva voce vote) (30-0) (30-0)

CSSB 423 (Carona)

Relating to the conditions of community supervision that may be imposed on a defendant with regard to association with a member of a criminal street gang.

(viva voce vote) (30-0) (30-0)

SB 495 (Hinojosa)

Relating to creating a recognition day in honor of Dr. Hector P. Garcia.

(viva voce vote) (30-0) (30-0)

SB 537 (Carona)

Relating to the emergency installation and use of a device to intercept wire, oral, or electronic communications.

(viva voce vote) (30-0) (30-0)

CSSB 551 (Carona)

Relating to civil liability for criminal street gang activity that violates a court-ordered injunction.

(viva voce vote) (30-0) (30-0)

CSSB 585 (Carona)

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

(viva voce vote) (30-0) (30-0)

SB 719 (Nichols)

Relating to the rates charged by a water and sewer utility.

(viva voce vote) (30-0) (30-0)

CSSB 743 (Wentworth)

Relating to the time allowed for execution of a search warrant issued to obtain a specimen for DNA analysis.

(viva voce vote) (30-0) (30-0)

CSSB 787 (Nelson)

Relating to the statute of limitations on prosecution of the offense of bigamy.

(viva voce vote) (30-0) (30-0)

CSSB 865 (Harris)

Relating to child support enforcement.

(viva voce vote) (30-0) (30-0)

CSSB 873 (Harris)

Relating to a requirement that certain appraisal districts provide for electronic filing of and electronic communications regarding a protest of appraised value by the owner of a residence homestead.

(viva voce vote) (30-0) (30-0)

CSSB 882 (Carona)

Relating to the powers and duties of a regional tollway authority, including the establishment of an administrative adjudication hearing procedure; creating an offense.

(viva voce vote) (30-0) (30-0)

CSSB 892 (Nelson)

Relating to inclusion in a public school campus improvement plan of goals and objectives for the campus coordinated health program.

(viva voce vote) (30-0) (30-0)

CSSB 893 (Nelson)

Relating to the authority of a county to inspect day-care centers and group day-care homes.

(viva voce vote) (30-0) (30-0)

(Senator Uresti in Chair)**SB 897** (Shapleigh)

Relating to certain reporting requirements in connection with the transportation of hazardous materials by a railroad company.

(viva voce vote) (30-0) (30-0)

SB 909 (Williams)

Relating to designating the first week of October as Monarch Butterfly Week.

(viva voce vote) (30-0) (30-0)

CSSB 929 (Huffman)

Relating to the powers and duties of the Sienna Plantation Municipal Utility District No. 4; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

(viva voce vote) (30-0) (30-0)

CSSB 930 (Huffman)

Relating to the powers and duties of the Sienna Plantation Municipal Utility District No. 5; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

(viva voce vote) (30-0) (30-0)

CSSB 931 (Huffman)

Relating to the powers and duties of the Sienna Plantation Municipal Utility District No. 6; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

(viva voce vote) (30-0) (30-0)

CSSB 932 (Huffman)

Relating to the powers and duties of the Sienna Plantation Municipal Utility District No. 7; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

(viva voce vote) (30-0) (30-0)

CSSB 936 (Carona)

Relating to the appointment of a communications coordination group.

(viva voce vote) (30-0) (30-0)

CSSB 937 (Carona)

Relating to the prosecution of and punishment for certain criminal offenses involving a criminal street gang.

(viva voce vote) (30-0) (30-0)

CSSB 1077 (Carona)

Relating to driver education and driver's licensing requirements for minors.

(viva voce vote) (30-0) (30-0)

SB 1093 (Carona)

Relating to the operation of a commercial motor vehicle.

(viva voce vote) (30-0) (30-0)

SB 1094 (Carona)

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

(viva voce vote) (30-0) (30-0)

CSSB 1095 (Carona)

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

(viva voce vote) (30-0) (30-0)

CSSB 1097 (Carona)

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

(viva voce vote) (30-0) (30-0)

CSSB 1109 (Jackson)

Relating to the regulation of stipulated premium insurance companies.

(viva voce vote) (30-0) (30-0)

CSSB 1124 (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.

(viva voce vote) (30-0) (30-0)

CSSB 1165 (Carona)

Relating to the use of certain vehicles for law enforcement purposes.

(viva voce vote) (30-0) (30-0)

SB 1171 (Nichols)

Relating to certain health-related reports, records, and information.

(viva voce vote) (30-0) (30-0)

CSSB 1182 (Wentworth)

Relating to the open records steering committee, reports by the attorney general on costs of copies, and certain deadlines, costs, and suits filed under the public information law.

(viva voce vote) (30-0) (30-0)

CSSB 1201 (Carona)

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

(viva voce vote) (30-0) (30-0)

CSSB 1241 (Hegar)

Relating to the creation of the Fort Bend County Water Control and Improvement District No. 10; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

(viva voce vote) (30-0) (30-0)

SB 1273 (Carona)

Relating to the prosecution of and punishment for the theft of certain electronic equipment and interference with certain radio frequencies.

(viva voce vote) (30-0) (30-0)

CSSB 1291 (Van de Putte)

Relating to access to certain counselors and therapists.

(viva voce vote) (30-0) (30-0)

CSSB 1320 (Wentworth)

Relating to notice by a governmental entity regarding certain geospatial data products.

(viva voce vote) (30-0) (30-0)

SB 1331 (Nelson)

Relating to the creation of the Texas Physician Health Program.

(viva voce vote) (30-0) (30-0)

CSSB 1367 (Carona)

Relating to parking placard or specialty license plate applications by persons with a mobility problem caused by an impairment of vision.

(viva voce vote) (30-0) (30-0)

(Senator Van de Putte in Chair)**SB 1464** (Williams)

Relating to the creation of the Harris County Municipal Utility District No. 525; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

(viva voce vote) (30-0) (30-0)

SB 1474 (Nichols)

Relating to compensation for certain emergency services personnel.

(viva voce vote) (30-0) (30-0)

SB 1504 (Whitmire)

Relating to the concurrent jurisdiction of certain municipal courts in certain criminal cases punishable by fine only.

(viva voce vote) (30-0) (30-0)

CSSB 1505 (Whitmire)

Relating to the arrest and release on bail or other form of bond of certain criminal defendants with a mental illness or with mental retardation.

(viva voce vote) (30-0) (30-0)

CSSB 1529 (Whitmire)

Relating to criminal asset forfeiture, the disposition of proceeds and property from criminal asset forfeiture, and accountability for that disposition; providing civil penalties.

(viva voce vote) (30-0) (30-0)

SB 1540 (Carona)

Relating to a nonsubstantive revision of statutes relating to railroads; including conforming amendments.

(viva voce vote) (30-0) (30-0)

SB 1557 (Duncan)

Relating to the early identification of criminal defendants who are or may be persons with mental illness or mental retardation.

(viva voce vote) (30-0) (30-0)

SB 1599 (Watson)

Relating to the disclosure of criminal history record information to the Court Reporters Certification Board.

(viva voce vote) (30-0) (30-0)

SB 1620 (Wentworth)

Relating to the regulation of property tax lenders.

(viva voce vote) (30-0) (30-0)

SB 1628 (Wentworth)

Relating to the pension retirement system in certain municipalities for firefighters and police.

(viva voce vote) (30-0) (30-0)

CSSB 1692 (Wentworth)

Relating to the confidentiality of certain personal information concerning current and former employees of certain divisions of the office of the attorney general.

(viva voce vote) (30-0) (30-0)

CSSB 1694 (Ogden)

Relating to the designation of a courthouse square or a courthouse or other real property in a courthouse square as a state archeological landmark.

(viva voce vote) (30-0) (30-0)

SB 1699 (Fraser)

Relating to consistency among certain secretary of state filings.

(viva voce vote) (30-0) (30-0)

SB 1701 (Fraser)

Relating to the franchise arrangements excluded from the Business Opportunity Act.

(viva voce vote) (30-0) (30-0)

CSSB 1702 (Fraser)

Relating to the regulation of health spas.

(viva voce vote) (30-0) (30-0)

SB 1703 (Fraser)

Relating to methods of delivery used by the secretary of state.

(viva voce vote) (30-0) (30-0)

CSSB 1710 (Duncan)

Relating to the creation of independent assigned counsel programs.

(viva voce vote) (30-0) (30-0)

CSSB 1741 (Carona)

Relating to emergency management.

(viva voce vote) (30-0) (30-0)

SB 1745 (Harris)

Relating to offenses involving boating safety and the disposition of fines for certain water safety offenses.

(viva voce vote) (30-0) (30-0)

SB 1775 (Whitmire)

Relating to the Texas Rangers' unsolved crimes investigation team.

(viva voce vote) (30-0) (30-0)

(Senator Williams in Chair)**CSSB 1777** (Harris)

Relating to disbursement of child support payments in Title IV-D cases.

(viva voce vote) (30-0) (30-0)

SB 1796 (Zaffirini)

Relating to the approval of certain construction, repair, or rehabilitation projects at public institutions of higher education in this state.

(viva voce vote) (30-0) (30-0)

SB 1798 (Zaffirini)

Relating to certifying the eligibility of certain educational aides to receive an exemption from tuition and fees charged by public institutions of higher education.

(viva voce vote) (30-0) (30-0)

SB 1811 (Duncan)

Relating to the 39th Judicial District Juvenile Board.

(viva voce vote) (30-0) (30-0)

CSSB 1820 (Fraser)

Relating to the calculation of a person's net resources for purposes of determining child support liability.

(viva voce vote) (30-0) (30-0)

CSSB 1826 (Huffman)

Relating to the status of liquefied natural gas marine terminals.

(viva voce vote) (30-0) (30-0)

CSSB 1896 (Gallegos)

Relating to the grievance procedure for firefighters and police officers in certain municipalities.

(viva voce vote) (30-0) (30-0)

SB 1930 (Watson)

Relating to the use of a confidential identity for the plaintiff in a civil action involving sexual abuse of a minor.

(viva voce vote) (30-0) (30-0)

CSSB 1941 (Shapiro)

Relating to the administration and operation of the state's programs for prepaying or saving toward the costs of attending an institution of higher education.

(viva voce vote) (30-0) (30-0)

SB 1947 (West)

Relating to the authority of two or more municipalities to designate a joint tax increment financing reinvestment zone.

(viva voce vote) (30-0) (30-0)

CSSB 1967 (Carona)

Relating to the safe operation of motorcycles and other vehicles in this state; providing penalties.

(viva voce vote) (30-0) (30-0)

SB 1969 (West)

Relating to nonsubstantive additions to and corrections in enacted codes, to the nonsubstantive codification or disposition of various laws omitted from enacted codes, to conforming codifications enacted by the 80th Legislature to other Acts of that legislature, and to the repeal of certain unconstitutional laws.

(viva voce vote) (30-0) (30-0)

Senator West offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **SB 1969** (introduced version) as follows:

(1) In SECTION 14.018 of the bill, in amended Section 6002.054(a), Insurance Code, on page 189, strike lines 7-8 and substitute the following:

(10) an initial license fee, in an amount not to exceed \$50, and an annual renewal fee, in an amount not to exceed \$50, for a residential fire alarm technician license.

(2) In SECTION 22.009 of the bill:

(A) On page 319, strike lines 19-22 and substitute the following:

SECTION 22.009. Section 352.002(d), Tax Code, as amended by Chapters 418 (H.B. 3043) and 469 (H.B. 2064), Acts of the 75th Legislature, Regular Session, 1997, and by Chapters 24 (S.B. 213) and 1359 (H.B. 1820), Acts of the 80th Legislature, Regular Session, 2007, is reenacted and amended to consolidate different versions of Section 352.002(d) and to correct cross-references to read as follows:

(B) On page 319, line 24, strike "(12)," and substitute "(14), (15) [(+2)],".

(3) On page 320, between lines 11 and 12, insert the following:

SECTION 22.010A. Section 352.003(d), Tax Code, is amended to correct a cross-reference to read as follows:

(d) The tax rate in a county authorized to impose the tax under Section 352.002(a)(14) [~~352.002(a)(12)~~] may not exceed three percent of the price paid for a room in a hotel.

(4) On page 321, between lines 7 and 8, insert the following:

SECTION 22.013A. Section 352.102(c), Tax Code, is amended to correct a cross-reference to read as follows:

(c) A county that borders the Republic of Mexico and that is further described by Section 352.002(a)(14) [~~352.002(a)(12)~~] shall use at least one-third of the revenue collected each fiscal year from the tax imposed under this chapter for the purposes authorized by this chapter in unincorporated areas of the county.

(5) On page 321, between lines 22 and 23, insert the following:

SECTION 22.016. Section 352.108, Tax Code, is amended to correct a cross-reference to read as follows:

Sec. 352.108. USE OF REVENUE; CERTAIN COUNTIES THAT BORDER MEXICO AND CONTAIN A NATIONAL RECREATION AREA. A county authorized to impose a tax under this chapter by Section 352.002(a)(13) [~~352.002(a)(12)~~] may use the revenue from the tax only as follows:

(1) 75 percent of the revenue for the promotion of tourism; and

(2) notwithstanding Section 352.1015, 25 percent of the revenue for the general revenue purposes or general governmental operations of the county.

The amendment to **SB 1969** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Committee Amendment No. 1 except as follows:

Absent-excused: Harris.

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

CSSB 1970 (Duncan)

Relating to certain election practices and procedures; providing penalties.
(viva voce vote) Patrick "Nay" (29-1) Patrick "Nay" (29-1) Patrick "Nay"

SB 1979 (Nichols)

Relating to the creation of the Blaketree Municipal Utility District No. 1 of Montgomery County; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.
(viva voce vote) (30-0) (30-0)

SB 2019 (Watson)

Relating to the use of certain refrigerants in motor vehicle air conditioning units.
(viva voce vote) (30-0) (30-0)

CSSB 2027 (Watson)

Relating to gestational agreements.
(viva voce vote) (30-0) (30-0)

SB 2028 (Watson)

Relating to privately funded memorials honoring certain peace officers killed in the line of duty.
(viva voce vote) (30-0) (30-0)

SB 2041 (Ellis)

Relating to requiring an applicant for a driver's license to demonstrate knowledge of motorists' rights and responsibilities in relation to bicyclists.
(viva voce vote) Fraser "Nay" (29-1) Fraser "Nay" (29-1) Fraser "Nay"

(Senator Van de Putte in Chair)**CSSB 2044** (Williams)

Relating to the inclusion of professional staff who educate students with disabilities on district-level and campus-level planning and decision-making committees.

(viva voce vote) (30-0) (30-0)

SB 2052 (Estes)

Relating to projects that may be undertaken by development corporations for the development, retention, or expansion of certain transportation facilities.

(viva voce vote) (30-0) (30-0)

CSSB 2058 (Williams)

Relating to the Harris County Road Law.

(viva voce vote) (30-0) (30-0)

SB 2072 (Duncan)

Relating to contracting with the secretary of state for the filing of personal financial statements by officers and employees of certain counties.

(viva voce vote) (30-0) (30-0)

SB 2074 (Duncan)

Relating to the delivery of proposed state agency rules to the lieutenant governor, a member of the legislature, or a legislative agency.

(viva voce vote) (30-0) (30-0)

CSSB 2292 (Lucio)

Relating to the establishment of a natural disaster housing reconstruction initiative.

(viva voce vote) (30-0) (30-0)

CSSB 2306 (Williams)

Relating to rates and methods of depreciation applied to a retired class of property for regulated water utilities.

(viva voce vote) (30-0) (30-0)

SB 2311 (Averitt)

Relating to Texas Water Development Board surveys for water infrastructure financing.

(viva voce vote) (30-0) (30-0)

SB 2312 (Averitt)

Relating to eligibility for funds from the water infrastructure fund from the Texas Water Development Board.

(viva voce vote) (30-0) (30-0)

SB 2314 (Averitt)

Relating to the administration of the Clean Water State Revolving Fund and the Drinking Water State Revolving Fund.

(viva voce vote) (30-0) (30-0)

SB 2315 (Averitt)

Relating to water audits by retail public utilities.

(viva voce vote) (30-0) (30-0)

SB 2319 (Averitt)

Relating to the creation of a groundwater conservation district in a priority groundwater management area.

(viva voce vote) (30-0) (30-0)

SB 2371 (Carona)

Relating to the naming of the Texas Department of Public Safety Garland Laboratory in Garland as the Representative Fred Hill Center for Forensic Analysis.

(viva voce vote) Patrick "Nay" (29-1) Patrick "Nay" (29-1) Patrick "Nay"

SB 2397 (Nelson)

Relating to the licensing and regulation of physicians, physician assistants, acupuncturists, and surgical assistants.

(viva voce vote) (30-0) (30-0)

(Senator Williams in Chair)**SB 2453** (Jackson on behalf of Williams)

Relating to the East Montgomery County Improvement District.

(viva voce vote) (30-0) (30-0)

SB 2462 (Carona)

Relating to the powers and duties of the Falcon's Lair Utility and Reclamation District relating to the issuance of bonds.

(viva voce vote) (30-0) (30-0)

SB 2474 (Watson)

Relating to changes in the territory, board of directors, and water use fees of the Barton Springs-Edwards Aquifer Conservation District.

(viva voce vote) (30-0) (30-0)

SB 2480 (Hegar)

Relating to the board of navigation and canal commissioners of the Matagorda County Navigation District No. 1.

(viva voce vote) (30-0) (30-0)

SCR 11 (Estes)

Designating Bridgeport as the official Stagecoach Capital of Texas.

(viva voce vote)

SCR 40 (Nelson)

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

(viva voce vote)

SCR 42 (Van de Putte)

Renaming Building G at the Department of State Health Services Central Complex as the Dr. Robert Bernstein Building.

(viva voce vote)

**BILLS AND RESOLUTION REMOVED FROM
LOCAL AND UNCONTESTED CALENDAR**

Senator Uresti and Senator Williams requested in writing that **SB 552** be removed from the Local and Uncontested Calendar.

Senator Eltife and Senator Williams requested in writing that **CSSB 881** be removed from the Local and Uncontested Calendar.

Senator Williams and Senator Patrick requested in writing that **SB 908** be removed from the Local and Uncontested Calendar.

Senator Williams and Senator Patrick requested in writing that **CSSB 913** be removed from the Local and Uncontested Calendar.

Senator Carona and Senator Williams requested in writing that **SB 974** be removed from the Local and Uncontested Calendar.

Senator Williams and Senator Huffman requested in writing that **CSSB 1427** be removed from the Local and Uncontested Calendar.

Senator Jackson and Senator Williams requested in writing that **CSSB 1508** be removed from the Local and Uncontested Calendar.

Senator Ogden and Senator Williams requested in writing that **SB 1591** be removed from the Local and Uncontested Calendar.

Senator Duncan and Senator Williams requested in writing that **SB 2071** be removed from the Local and Uncontested Calendar.

Senator Duncan and Senator Williams requested in writing that **SB 2092** be removed from the Local and Uncontested Calendar.

Senator Uresti and Senator Williams requested in writing that **SB 2108** be removed from the Local and Uncontested Calendar.

Senator Wentworth and Senator Williams requested in writing that **SB 2201** be removed from the Local and Uncontested Calendar.

Senator Jackson and Senator Williams requested in writing that **SCR 7** be removed from the Local and Uncontested Calendar.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 8:58 a.m. adjourned until 11:00 a.m. today.

