

# SENATE JOURNAL

EIGHTY-FIRST LEGISLATURE — REGULAR SESSION

---

---

AUSTIN, TEXAS

---

---

PROCEEDINGS

---

**FORTY-SEVENTH DAY**

(Continued)

(Thursday, April 30, 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.

**HB 602** (Estes)

Relating to designation of Midwestern State University as a public liberal arts university.

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

**HB 753** (Hegar)

Relating to the date for electing directors of the Goliad County Groundwater Conservation District.

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

**CSHB 806** (Zaffirini)

Relating to health benefit plan coverage for certain prosthetic devices, orthotic devices, and related services.

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

**HB 2073** (Hegar)

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

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

**HB 2074** (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.  
(viva voce vote) (31-0) (31-0)

**CSHB 2433** (Jackson on behalf of Williams)

Relating to the powers of certain freight rail districts.  
(viva voce vote) (31-0) (31-0)

**HB 2434** (Jackson on behalf of Williams)

Relating to the supervision by the Texas Department of Transportation of money appropriated by the federal government for the construction and maintenance of rail facilities.  
(viva voce vote) (31-0) (31-0)

**HB 2666** (Jackson on behalf of Williams)

Relating to the authority of the Lower Neches Valley Authority to acquire, own, operate, maintain, and improve the Devers Canal System, its water rights, and associated property.  
(viva voce vote) (31-0) (31-0)

**CSSB 46** (Zaffirini)

Relating to tuition exemptions at public institutions of higher education for certain students who volunteer for outreach programs.  
(viva voce vote) (31-0) (31-0)

**CSSB 59** (Zaffirini)

Relating to training for employees and operators of certain child-care facilities.  
(viva voce vote) (31-0) (31-0)

**SB 64** (Zaffirini)

Relating to insurance coverage for certain devices that facilitate insulin therapy and enhance glucose control in the treatment of diabetes.  
(viva voce vote) (31-0) (31-0)

**CSSB 201** (Shapleigh)

Relating to the participation of the medical school at Texas Tech University Health Sciences Center at El Paso in the Joint Admission Medical Program.  
(viva voce vote) (31-0) (31-0)

**CSSB 212** (Shapleigh)

Relating to the sale or transportation of certain desert plants; providing a penalty.  
(viva voce vote) (31-0) (31-0)

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

April 30, 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 3**, Relating to public school accountability, curriculum, and promotion requirements.

**HB 3076**, Relating to a parenting and paternity awareness program used in the health curriculum for public schools.

**HB 4231**, Relating to the conveyancing or transfer in this state of water imported into this state from a source located outside this state.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**SB 213** (Shapleigh)

Relating to a manifest system to record the transportation of certain liquid wastes.

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

**CSSB 215** (Van de Putte)

Relating to the sale of instructional materials to students of public institutions of higher education.

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

**SB 385** (Carona)

Relating to the interception of wire, oral, or electronic communications.

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

**SB 409** (Carona)

Relating to fees charged by a justice of the peace for certain documents in a criminal case.

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

**CSSB 410** (Carona)

Relating to the statute of limitations for a misdemeanor.

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

**CSSB 418** (Carona)

Relating to the compilation, maintenance, and release of information in a criminal street gang intelligence database by law enforcement agencies and criminal justice agencies.

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

**CSSB 499** (Lucio)

Relating to birth records of adopted children.

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

**SB 501** (Carona)

Relating to the civil consequences of certain convictions on a person who holds a commercial driver's license and of certain adjudications on the driver's license or permit of a child.

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

**CSSB 568** (Lucio)

Relating to a notification requirement if a counselor is not assigned to a public school campus.

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

**SB 588** (Hegar)

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

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

**SB 660** (Hegar)

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

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

**CSSB 771** (Jackson on behalf of Williams)

Relating to the determination of the value of property for ad valorem tax purposes.

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

**CSSB 1024** (Ogden)

Relating to authority of a school district to mail a tax bill with an adopted rate that is higher than the district's rollback tax rate before the date of a rollback election.

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

**(Senator Uresti in Chair)****CSSB 1038** (Patrick)

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

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

**SB 1039** (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.

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

**SB 1092** (West)

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

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

**SB 1145** (Zaffirini)

Relating to protocol for folding the state flag.

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

**CSSB 1153** (Hinojosa)

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

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

**CSSB 1224** (Huffman)

Relating to a waiver of fees imposed for certain expunctions.

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

**CSSB 1236** (Seliger)

Relating to admonishments given to a person charged with a misdemeanor.

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

**CSSB 1243** (Wentworth)

Relating to the regulation of heir finders by the Texas Private Security Board; providing penalties.

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

**SB 1326** (Nelson)

Relating to the functions of the statewide health coordinating council; providing civil penalties.

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

**SB 1327** (Nelson)

Relating to the disposition of surplus data processing equipment of a university system or an institution or agency of higher education.

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

**CSSB 1335** (Hegar)

Relating to notice of acceptance or rejection of an insurance claim.

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

**CSSB 1337** (Estes)

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

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

**CSSB 1344** (Watson)

Relating to an alcohol awareness component of the health curriculum used in public schools.

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

**SB 1359** (Seliger)

Relating to forfeiture of remedy for nonpayment of ad valorem taxes.

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

**SB 1360** (Nichols)

Relating to the deadlines for commencement and completion of the Lake Columbia reservoir project.

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

**SB 1377** (Harris)

Relating to the administration of the compensation to victims of crime fund and the compensation to victims of crime auxiliary fund.

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

**SB 1462** (Carona)

Relating to the use of public facilities as emergency shelters during disasters.  
(viva voce vote) (31-0) (31-0)

**CSSB 1479** (Carona)

Relating to benefits payable under certain health coverages.  
(viva voce vote) (31-0) (31-0)

**SB 1484** (Watson)

Relating to delivery of certain services through consumer direction to elderly persons and persons with disabilities.  
(viva voce vote) (31-0) (31-0)

**CSSB 1498** (Van de Putte)

Relating to veteran's employment preferences.  
(viva voce vote) (31-0) (31-0)

**SB 1501** (West)

Relating to the eligibility of nonprofit organizations that partner with certain schools to receive grants for agricultural projects.  
(viva voce vote) (31-0) (31-0)

**SB 1542** (Van de Putte on behalf of Uresti)

Relating to the conduct of investigations, prepayment reviews, and payment holds in cases of suspected fraud, waste, or abuse in the provision of health and human services.  
(viva voce vote) (31-0) (31-0)

**CSSB 1563** (Shapleigh)

Relating to the liability of an electric utility that allows recreational use of land that the utility owns, occupies, or leases.  
(viva voce vote) (31-0) (31-0)

**CSSB 1571** (Hinojosa)

Relating to the issuance of certain permits for overweight vehicles.  
(viva voce vote) (31-0) (31-0)

**CSSB 1583** (Harris)

Relating to the trapping and transport of surplus white-tailed deer.  
(viva voce vote) (31-0) (31-0)

**SB 1617** (Wentworth)

Relating to the titling and registration of certain motor vehicles.  
(viva voce vote) (31-0) (31-0)

**CSSB 1625** (Wentworth)

Relating to the acceptance of durable powers of attorney by third parties.  
(viva voce vote) (31-0) (31-0)

**SB 1626** (Wentworth)

Relating to the reporting of certain confidential statements made to a mental health professional.  
(viva voce vote) (31-0) (31-0)

**CSSB 1636** (Carona)

Relating to motor vehicle registration fees.

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

**CSSB 1638** (Wentworth)

Relating to the powers of a recreation district board in a county with frontage on the Guadalupe and Comal Rivers.

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

**SB 1652** (Duncan)

Relating to the transfer of certain state property from the Texas Department of Criminal Justice to Mitchell County.

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

**CSSB 1685** (Hinojosa)

Relating to the creation of a district court records technology fund.

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

**CSSB 1705** (West)

Relating to the authority and policies and procedures of the Dallas County Hospital District with regard to appointing, contracting for, or employing physicians, dentists, and other health care providers.

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

**(Senator Van de Putte in Chair)****CSSB 1727** (West)

Relating to rules adopted and reporting required under the school district college credit program.

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

**SB 1729** (West)

Relating to the terms of student members of certain Texas Higher Education Coordinating Board advisory committees.

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

**CSSB 1735** (West)

Relating to the employment and commissioning of law enforcement personnel to provide security services to certain educational institutions.

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

**CSSB 1757** (Watson)

Relating to a study by the Texas Commission on Environmental Quality of methods for disposing of unused pharmaceuticals so that they do not enter a wastewater system.

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

**SB 1774** (Whitmire)

Relating to the disposal of certain exhibits used in criminal proceedings in certain counties.

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

**CSSB 1783** (Carona)

Relating to the use of an offender identification card or similar form of identification as proof of identity for an applicant for a driver's license or commercial driver's license.

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

**CSSB 1785** (Carona)

Relating to the regulation of driver's licenses and personal identification certificates by the Department of Public Safety of the State of Texas, including enforcement measures against fictitious or fraudulently obtained licenses or certificates; providing a criminal penalty.

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

**SB 1795** (Zaffirini)

Relating to the filing by political committees of reports of political contributions and expenditures in connection with a runoff election.

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

**CSSB 1800** (Zaffirini)

Relating to methods for increasing student success and degree completion at institutions of higher education.

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

**CSSB 1801** (Zaffirini)

Relating to orientation programs for new students at public institutions of higher education.

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

**CSSB 1806** (Zaffirini)

Relating to liens for certain veterinary care charges for large animals.

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

**SB 1807** (Zaffirini)

Relating to the method of delivery of notices relating to sworn complaints filed with the Texas Ethics Commission.

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

**SB 1808** (Zaffirini)

Relating to notification sent by the Texas Ethics Commission to certain persons regarding deadlines to file reports.

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

**CSSB 1812** (Duncan)

Relating to notice to a life insurer of an adverse claim to policy proceeds by a person with a bona fide legal claim.

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

**CSSB 1813** (Duncan)

Relating to the exception from required public disclosure of certain appraisal district records.

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



**CSSB 1828** (Averitt)

Relating to the idling of motor vehicles.

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

**SB 1876** (Nelson)

Relating to the administration and powers of a coordinated county transportation authority.

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

**CSSB 1890** (Gallegos)

Relating to the temporary suspension of certain signage restrictions during a state of disaster.

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

**SB 1903** (Hinojosa)

Relating to creating a recognition day in honor of Vietnam veterans.

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

**CSSB 1918** (West)

Relating to disclosure of certain information by a property owners' association.

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

**CSSB 1919** (West)

Relating to the requirements for recording a property owners' association management certificate.

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

**CSSB 1946** (West)

Relating to business leave time accounts for firefighter employee organizations in certain municipalities.

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

**SB 2073** (Duncan)

Relating to eligibility to hold the office of notary public.

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

**SB 2093** (Duncan)

Relating to the North Wheeler County Hospital District.

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

**CSSB 2121** (West)

Relating to the persons entitled to redeem property after the foreclosure of a property owners' association's assessment lien.

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

**SB 2134** (Wentworth)

Relating to the composition and voting procedures of the Comal County Juvenile Board.

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

**SB 2135** (Lucio)

Relating to a monument dedicated to members of the armed forces from this state who died in combat.

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

**CSSB 2145** (West)

Relating to publication of notice for certain transactions involving local governmental entities.

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

**CSSB 2217** (Ellis)

Relating to the designation of a judicial district in Harris County as the district court for domestic violence cases in that county.

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

**CSSB 2248** (Zaffirini)

Relating to public school students placed in substitute care.

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

**(Senator Williams in Chair)****SB 2262** (Zaffirini)

Relating to the administration of mathematics, science, and technology teacher preparation academies at institutions of higher education.

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

**CSSB 2279** (Ellis)

Relating to the dedication of certain civil penalties for violations of the Deceptive Trade Practices-Consumer Protection Act to provide civil legal services to the indigent.

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

**CSSB 2296** (Duncan)

Relating to the submission of groundwater management plans to the executive administrator of the Texas Water Development Board.

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

**CSSB 2307** (Jackson on behalf of Williams)

Relating to the preservation and maintenance of the Governor's Mansion.

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

**SB 2324** (Duncan)

Relating to the classification of certain types of marital property in regards to claims for payment of a criminal restitution judgment.

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

**CSSB 2341** (Averitt)

Relating to authorizing individuals to leave certain permitted premises and other areas with alcoholic beverages.

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

**CSSB 2380** (Jackson)

Relating to contracts for the disposal of dredged material from a portion of the Gulf Coast Intracoastal Waterway.

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

**CSSB 2385** (Shapleigh)

Relating to information regarding the relative or designated caregivers for a child in the managing conservatorship of the state.

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

**CSSB 2396** (Nelson)

Relating to obsolete or redundant reporting requirements applicable to health and human services agencies.

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

**SB 2410** (Deuell)

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

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

**CSSB 2412** (Deuell)

Relating to the authority of Las Lomas Municipal Utility Districts Nos. 3 and 4 of Kaufman County to undertake road projects.

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

**CSSB 2413** (Deuell)

Relating to the authority of the Kaufman County Water Control and Improvement District No. 1 to undertake road projects.

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

**SB 2420** (Deuell)

Relating to the location at which a certification examination for interpreters for the deaf or hard of hearing may be conducted.

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

**SB 2454** (Harris)

Relating to preferences of certain district courts in Tarrant County.

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

**SB 2455** (Patrick)

Relating to the creation of the Harris County Municipal Utility District No. 495; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

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

**CSSB 2456** (Hinojosa)

Relating to the creation of the Brush Country Groundwater Conservation District; providing authority to impose a tax and issue bonds.

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

**SB 2460** (Jackson)

Relating to the creation of the Brazoria County Municipal Utility District No. 65; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

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

**SB 2466** (Harris)

Relating to the creation of the Cypress Waters Municipal Management District; providing the authority to impose an assessment, impose a tax, and issue bonds.

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

**CSSB 2478** (Wentworth)

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

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

**SB 2483** (Jackson on behalf of Williams)

Relating to the authority of the Harris-Montgomery Counties Municipal Utility District No. 386, formerly known as Harris County Municipal Utility District No. 386, to issue bonds supported by ad valorem taxes to finance recreational facilities.

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

**SB 2495** (Zaffirini)

Relating to eligibility requirements to serve as a member of the board of directors of the Bee Groundwater Conservation District.

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

**SB 2497** (Estes)

Relating to the creation of the North Texas Groundwater Conservation District; providing authority to issue bonds.

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

**SB 2513** (Averitt)

Relating to the name and confirmation of, and to certain fees imposed by, the McLennan County Groundwater Conservation District.

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

**SB 2519** (Estes)

Relating to the Clear Creek Watershed Authority.

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

**SB 2523** (Jackson on behalf of Williams)

Relating to the possession and consumption of wine on the premises of a mixed beverage or private club permittee; providing for separate statement of the mixed beverage tax.

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

**SR 416** (Shapleigh)

Supporting the establishment of a veterans' hospital in the city of El Paso.

(viva voce vote)

**BILLS REMOVED FROM  
LOCAL AND UNCONTESTED CALENDAR**

Senator Estes and Senator Williams requested in writing that **HB 2387** be removed from the Local and Uncontested Calendar.

Senator Zaffirini and Senator Williams requested in writing that **CSSB 24** be removed from the Local and Uncontested Calendar.

Senator West and Senator Williams requested in writing that **SB 224** be removed from the Local and Uncontested Calendar.

Senator Wentworth and Senator Williams requested in writing that **SB 1066** be removed from the Local and Uncontested Calendar.

Senator Wentworth and Senator Williams requested in writing that **SB 1067** be removed from the Local and Uncontested Calendar.

Senator Hinojosa and Senator Williams requested in writing that **SB 1131** be removed from the Local and Uncontested Calendar.

Senator Hinojosa and Senator Williams requested in writing that **SB 1132** be removed from the Local and Uncontested Calendar.

Senator Averitt and Senator Williams requested in writing that **SB 1659** be removed from the Local and Uncontested Calendar.

Senator Nelson and Senator Williams requested in writing that **CSSB 1880** be removed from the Local and Uncontested Calendar.

Senator Averitt and Senator Williams requested in writing that **SB 2049** be removed from the Local and Uncontested Calendar.

Senator Williams and Senator Uresti requested in writing that **CSSB 2053** be removed from the Local and Uncontested Calendar.

Senator Lucio and Senator Williams requested in writing that **SB 2189** be removed from the Local and Uncontested Calendar.

Senator Averitt and Senator Williams requested in writing that **SB 2232** be removed from the Local and Uncontested Calendar.

Senator Zaffirini and Senator Williams requested in writing that **SB 2246** be removed from the Local and Uncontested Calendar.

Senator Zaffirini and Senator Williams requested in writing that **CSSB 2251** be removed from the Local and Uncontested Calendar.

Senator Gallegos and Senator Williams requested in writing that **SB 2266** be removed from the Local and Uncontested Calendar.

Senator Shapleigh and Senator Williams requested in writing that **CSSB 2391** be removed from the Local and Uncontested Calendar.

Senator Uresti and Senator Williams requested in writing that **SB 2437** be removed from the Local and Uncontested Calendar.

**ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 8:59 a.m. adjourned, in memory of Corporal D. Robert Harvey of Tarrant County and Tim Curry, Tarrant County District Attorney, until 11:00 a.m. today.