

SENATE JOURNAL

EIGHTY-FIRST LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTY-SECOND DAY

(Wednesday, May 6, 2009)

The Senate met at 11:12 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Averitt, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

The President announced that a quorum of the Senate was present.

Monsignor Louis Pavlicek, Saint Helen Catholic Church, Georgetown, offered the invocation as follows:

Lord God, we acknowledge You as creator of all that exists. You give and sustain life. You have given us the privilege of being coworkers in the vineyard. Help us to be good stewards of the many gifts and responsibilities with which we have been entrusted. You invite us to respond freely to Your love. Your son, Jesus, shows us the way by word and example. We are to build up Your kingdom here on Earth. It is a kingdom of love, justice, truth, and peace. Help us to work together to create a culture of life where the natural law written in our hearts and civil law which flows from reason is in conformity with Your moral law, O Lord, which comes to us from sacred scripture. At the time of our accountability, may we hear Your words, Well done, good and faithful servant. Come, join me in the heavenly kingdom. We pray now and always, in the name of Your son, Jesus, in unity with the Holy Spirit, one God forever and ever. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of yesterday be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

CO-AUTHOR OF SENATE BILL 8

On motion of Senator Nelson, Senator Shapleigh will be shown as Co-author of **SB 8**.

CO-AUTHOR OF SENATE BILL 815

On motion of Senator Watson, Senator West will be shown as Co-author of **SB 815**.

CO-AUTHOR OF SENATE BILL 885

On motion of Senator Harris, Senator Nelson will be shown as Co-author of **SB 885**.

CO-AUTHOR OF SENATE BILL 1429

On motion of Senator Williams, Senator Watson will be shown as Co-author of **SB 1429**.

CO-AUTHOR OF SENATE BILL 1816

On motion of Senator Van de Putte, Senator Uresti will be shown as Co-author of **SB 1816**.

MESSAGES FROM THE GOVERNOR

The following Messages from the Governor were read and were referred to the Committee on Nominations:

Austin, Texas
May 5, 2009

TO THE SENATE OF THE EIGHTY-FIRST LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the Texas Board of Occupational Therapy Examiners for terms to expire as indicated:

To Expire February 1, 2013:

Todd Matthew Novosad

Austin, Texas

(replacing Clarissa Meyers of McAllen whose term expired)

To Expire February 1, 2015:

Catherine Benavidez

Carrollton, Texas

(replacing Cecilia Fierro of El Paso whose term expired)

Angela Sieffert

Dallas, Texas

(replacing Michael Carreon of El Paso whose term expired)

To be members of the Texas Physician Assistant Board for terms to expire February 1, 2015:

Ronald W. Bryce

Red Oak, Texas

(Dr. Bryce is being reappointed)

Edward W. Zwanziger

Eustace, Texas

(replacing Pamela Welch of Mount Vernon whose term expired)

To be a member of the Governing Board of the Texas School for the Deaf for a term to expire January 31, 2015:

Angie Wolf
Austin, Texas

(Ms. Wolf is being reappointed)

Respectfully submitted,

/s/Rick Perry
Governor

Austin, Texas
May 5, 2009

TO THE SENATE OF THE EIGHTY-FIRST LEGISLATURE, REGULAR SESSION:

On May 1, 2009, I submitted the name of Patty Huffines for appointment to the Texas Woman's University Board of Regents for a term to expire February 1, 2011.

I hereby withdraw her nomination and request that the Senate return the appointment to me.

Respectfully submitted,

/s/Rick Perry
Governor

PHYSICIAN OF THE DAY

Senator Watson was recognized and presented Dr. Ajay Gupta of Austin as the Physician of the Day.

The Senate welcomed Dr. Gupta and thanked him for his participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas
May 6, 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 101, Relating to the formula funding for public institutions of higher education for certain credit hours that do not count toward a degree.

HB 334, Relating to requiring an election authority to provide notice to certain county chairs regarding certain election activities.

- HB 434**, Relating to a requirement that program materials for the Energy Services Program for Low-Income Individuals be provided in certain languages.
- HB 461**, Relating to the detection and treatment of dyslexia, including the use of certain professional titles by dyslexia practitioners and therapists; providing a criminal penalty.
- HB 469**, 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.
- HB 739**, Relating to certain continuing education requirements for insurance agents who sell Medicare-related products.
- HB 756**, Relating to the making or acceptance of political contributions in a building owned by or leased to the state.
- HB 871**, Relating to the method of mailing notice a municipal management district may use to notify a property owner about a scheduled hearing.
- HB 878**, Relating to the Sweeny Hospital District.
- HB 1030**, Relating to the scheduling of hearings before appraisal review boards on property tax protests.
- HB 1111**, Relating to the powers and duties of the Fort Bend County Municipal Utility District No. 163; providing authority to impose a tax and issue bonds.
- HB 1112**, Relating to the powers and duties of the Fort Bend County Municipal Utility District No. 161; providing authority to impose a tax and issue bonds.
- HB 1113**, Relating to the powers and duties of the Fort Bend County Municipal Utility District No. 194; providing authority to impose a tax and issue bonds.
- HB 1138**, Relating to information required on pharmacy benefit cards.
- HB 1151**, Relating to temporary orders and orders for modification in suits affecting the parent-child relationship.
- HB 1187**, Relating to the membership of the board of managers for certain emergency communication districts.
- HB 1233**, Relating to the court-ordered administration of psychoactive medication to certain criminal defendants.
- HB 1256**, Relating to requiring the posting of notice of voter complaint information at a polling place.
- HB 1285**, Relating to persons authorized to administer an oath in this state.
- HB 1320**, Relating to creating an offense for engaging in certain conduct relating to cockfighting and to the criminal and civil consequences of committing that offense.
- HB 1384**, Relating to authorizing certain nature centers to charge admission fees.
- HB 1461**, Relating to the contents of an application for probate of a will as a muniment of title.

HB 1518, Relating to the addition of territory to and the amount of production fees imposed by the Trinity Glen Rose Groundwater Conservation District.

HB 1569, Relating to equal access to places of public accommodation.

HB 1730, Relating to authorizing the issuance of bonds for the reimbursement of the cost of public improvements located in public improvement districts in certain counties.

HB 1883, Relating to the authority of the Railroad Commission of Texas to determine whether certain transporters of natural or synthetic gas are gas utilities.

HB 1925, Relating to the compensation of certain court administrators.

HB 1997, Relating to the making of political contributions to and acceptance of political contributions by statewide officers and members of the legislature before and during a special session of the legislature; providing a criminal penalty.

HB 2022, Relating to the powers and duties of the Sedona Lakes Municipal Utility District No. 1 of Brazoria County; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

HB 2090, Relating to the execution docket of certain court clerks.

HB 2209, Relating to a voter educator program for high school seniors.

HB 2212, Relating to the division of certain emergency services districts.

HB 2214, Relating to requiring instruction on the use of traffic circles.

HB 2344, Relating to the urban land bank demonstration program in certain municipalities.

HB 2349, Relating to reporting certain information on the Internet relating to cases heard by administrative law judges employed by the State Office of Administrative Hearings.

HB 2424, Relating to exempting Lamar State College–Orange and Lamar State College–Port Arthur from certain requirements relating to student admissions.

HB 2467, Relating to the definition of a playground for purposes of certain places protected from certain criminal activities.

HB 2582, Relating to the production and taxation of renewable diesel fuel.

HB 2628, Relating to an exemption from ad valorem taxation of certain property owned by a charitable organization and used in providing housing and related services to certain individuals.

HB 2665, Relating to authorizing the commissioners court of a county to adopt and impose standards and specifications for the design and installation of address number signs to identify properties located in unincorporated areas of the county; providing a penalty.

HB 2685, Relating to the landowner's bill of rights.

HB 2692, Relating to certain municipal requirements regarding sales of residential properties in certain areas.

- HB 2737**, Relating to the sale of used, surplus, or salvage property and firefighting equipment by an emergency services district.
- HB 2772**, Relating to the authority of the Montgomery County Hospital District in relation to ambulance service providers.
- HB 2788**, Relating to the powers and duties of counties and emergency services districts.
- HB 2805**, Relating to the administration, powers, duties, operation, and financing of the East Williamson County Multi-Institution Teaching Center.
- HB 2845**, Relating to the certification of and disciplinary actions against emergency medical services personnel.
- HB 2854**, Relating to license plates created by the Texas Department of Transportation for professional firefighters.
- HB 2927**, Relating to the regulation of cemeteries by state and local government.
- HB 2961**, Relating to authorizing an increase in the student union fee at the University of Houston.
- HB 3001**, Relating to the consideration of longevity and cost of living in setting the salaries for certain municipal employees.
- HB 3003**, Relating to the creation of a bail bond board by the commissioners court of certain counties.
- HB 3009**, Relating to the authority of municipal management districts to consolidate.
- HB 3072**, Relating to the transfer of municipal property to economic development corporations by certain municipalities.
- HB 3098**, Relating to the use by certain municipalities of hotel occupancy tax revenue for the construction of a recreational venue near hotels.
- HB 3132**, Relating to the creation of the Presidio County Emergency Services District; providing authority to issue bonds and impose taxes.
- HB 3358**, Relating to allowing municipal or county housing authorities in certain counties to create housing communities for veterans.
- HB 3398**, Relating to the office of county treasurer.
- HB 3487**, Relating to the purchasing and contracting authority of counties; providing penalties.
- HB 3544**, Relating to electronic notices by the Texas Commission on Environmental Quality, electronically stored information provided by a governmental body, and confidentiality of e-mail addresses provided to a governmental body.
- HB 3552**, Relating to the evaluation of certain regional planning commissions.
- HB 3554**, Relating to the appointment of an associate judge to serve a district court in Brazoria County.
- HB 3635**, Relating to administration of a trust with cotrustees.

- HB 3668**, Relating to the injunction of municipal purchasing contracts.
- HB 3677**, Relating to the residency requirement for a candidate for an unelected office in certain municipalities.
- HB 3758**, Relating to the port authority advisory committee and funding of port security, facility projects, and studies.
- HB 3767**, Relating to homestead property transferred to a trustee of certain trusts.
- HB 3800**, Relating to the designation of a portion of U.S. Highway 59 as the Trooper Scott Burns Memorial Highway.
- HB 3802**, Relating to certain powers of the Red River Redevelopment Authority.
- HB 3881**, Relating to the right to an expunction of records and files relating to a person's arrest.
- HB 3988**, Relating to the issuance of disabled veteran license plates to surviving disabled spouses and of certain military license plates to the surviving spouses of military servicemembers who die while on active duty.
- HB 4029**, Relating to written authorization for the release of certain health care information.
- HB 4180**, Relating to the allocation of funds for public transportation by the Texas Department of Transportation.
- HB 4244**, Relating to resident tuition rates for certain competitive scholarship recipients at public institutions of higher education.
- HB 4257**, Relating to the Sutton County Hospital District.
- HB 4275**, Relating to the application process and scoring for the low income housing tax credit program.
- HB 4276**, Relating to a transportation plan for persons furloughed or discharged from certain mental health facilities.
- HB 4338**, Relating to title insurance agents and title insurance companies.
- HB 4376**, Relating to the authority of the Baytown Municipal Development District to use sales tax revenue to promote new or expanded business development.
- HB 4402**, Relating to a study regarding insurance coverage of prescription drugs provided under a health benefit plan.
- HB 4461**, Relating to confidentiality of certain information maintained by the Texas Department of Insurance.
- HB 4501**, Relating to an intercollegiate athletics fee at Texas Southern University.
- HB 4644**, Relating to communications with utility customers.
- HB 4661**, Relating to the rate of the municipal hotel occupancy tax in certain municipalities and to the use of certain revenue from the tax.
- HB 4713**, Relating to certain exemptions from ad valorem taxes imposed by the Cow Creek Groundwater Conservation District.

HB 4720, Relating to the creation of the Trinity River West Municipal Management District; providing the authority to impose an assessment, impose a tax, and issue bonds.

HB 4723, Relating to the powers and duties of the Bayview Municipal Utility District of Galveston County; providing authority to impose a tax and issue bonds.

HB 4727, Relating to the powers and duties of the Sienna Plantation Management District; providing authority to impose a fee or issue bonds.

HB 4728, Relating to the Parker County Utility District No. 1.

HB 4730, Relating to the Martin County Hospital District.

HB 4748, Relating to the authority of the Williamson County Municipal Utility District No. 21 to extend the time limit for holding a confirmation and initial directors' election and to divide into two districts.

HB 4760, Relating to the minimum salary that must be paid to county court at law judges in Hidalgo County.

HB 4762, Relating to the territory of and the validation of certain governmental acts and proceedings of the Edwards Aquifer Authority.

HB 4765, Relating to the total revenue exemption for the franchise tax.

HB 4779, Relating to the powers and duties of the 3 B&J Municipal Utility District; providing authority to impose a tax and issue bonds.

SB 95, Relating to prohibiting the use of unsafe children's products in certain nonresidential child-care facilities.

SB 293, Relating to the pledge of certain revenue of a regional transportation authority to the payment of bonds.

SB 658, Relating to the creation of an appellate judicial system for the Sixth Court of Appeals District.

SB 659, Relating to the creation of an appellate judicial system for the Twelfth Court of Appeals District.

SB 799, Relating to the powers and duties of the Plum Creek Fresh Water Supply District No. 1; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

SB 811, Relating to authorizing the board of regents of the Texas Tech University System to transfer the San Angelo Museum of Fine Arts to a nonprofit organization to operate the museum.

SB 836, Relating to the Port of Corpus Christi Authority of Nueces County, Texas.

SB 848, Relating to the election, and validation of acts, of members of the board of directors of Anderson County Underground Water Conservation District.

SB 872, Relating to continued health insurance coverage for eligible survivors of certain public servants killed in the line of duty.
(Amended)

SB 914, Relating to the powers and duties of the Liberty Lakes Fresh Water Supply District No. 1; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

SB 983, Relating to providing certain documents and training to children in the conservatorship of the Department of Family and Protective Services.

SB 1373, Relating to the operation and continuation of the law authorizing the issuance of oversize or overweight vehicle permits by certain port authorities.
(Committee Substitute)

SB 1658, Relating to an increase in the fee for natural gas pipeline safety inspections.

SB 2043, Relating to the closure or modification of certain man-made passes between the Gulf of Mexico and inland bays by the commissioner of the General Land Office.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

GUESTS PRESENTED

Senator Hegar was recognized and introduced to the Senate a delegation of the Republican Women of Yoakum and Sheriff Jode Zaveskey of DeWitt County and his wife, Gina, and their son, Travis, who is serving today as an Honorary Senate Page.

The Senate welcomed its guests.

SENATE RESOLUTION 824

Senator Hinojosa offered the following resolution:

WHEREAS, The Senate of the State of Texas takes great pleasure in recognizing the fifth class of the Senator Gregory Luna Legislative Scholars and Fellows Program, offered through the Senate Hispanic Research Council and named in memory of Senator Gregory Luna of San Antonio; and

WHEREAS, A true champion for the underrepresented and underserved in Texas, Senator Luna dedicated his life to public service and fought for educational equity; and

WHEREAS, As a tribute to Senator Luna's admirable work in the Senate, this prestigious program was created to provide opportunities for undergraduate and graduate students from across the state to serve as full-time legislative assistants in the Texas Senate and acquire the training necessary to become successful leaders for our great state; and

WHEREAS, These Scholars and Fellows perform a variety of legislative tasks and are learning firsthand how public policy is shaped; they also coordinated the Third Biennial Senator Gregory Luna Scholars Youth Leadership Institute, which assisted high school students from the historic Edgewood Independent School District with successful completion of their college admission process and gave them an inside look at the legislative process; and

WHEREAS, The following Scholars and Fellows have demonstrated outstanding dedication and achievement in Senate offices: Angélica Aguilar from El Paso, serving in the office of State Senator Judith Zaffirini; Adán Arriaga from Jasper, serving in the

office of State Senator John Whitmire; Natalie Fontenot from Orange, serving in the office of State Senator Eddie Lucio at the International Relations and Trade Committee; Martha Perez Montalvo from Denton, serving in the office of State Senator Kip Averitt at the Natural Resources Committee; Rodolfo Morales III from Laredo, serving in the office of State Senator Mario Gallegos, Jr.; Roque Planas from Virginia Beach, serving in the office of State Senator Kirk Watson; Claudia Ordaz from El Paso, serving in the office of State Senator Eliot Shapleigh; Cristal Retana from Farmers Branch, serving in the office of State Senator Jeff Wentworth; Kristilyn Rehmann from Spring, serving in the office of State Senator Kel Seliger; Adrian Reyna from San Antonio, serving in the office of State Senator Leticia Van de Putte; Daniel Joshua Reyna from McAllen, serving in the office of State Senator Juan "Chuy" Hinojosa; James Riley from Anthem, serving in the office of Lieutenant Governor David Dewhurst; Ana Luz Villalobos from Austin, serving in the office of State Senator Carlos Uresti; Sergio Villarreal from the Paso del Norte region, serving in the office of State Senator Robert Duncan at the State Affairs Committee; and Bianca Villescás from Edinburg, serving in the office of State Senator Royce West; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby commend these promising students for their remarkable service this session and wish them continued success as they prepare to become the future leaders of our great state; and, be it further

RESOLVED, That copies of this Resolution be presented to them as an expression of esteem from the Texas Senate.

HINOJOSA	SELIGER	WENTWORTH
AVERITT	SHAPLEIGH	WEST
DUNCAN	URESTI	WHITMIRE
GALLEGOS	VAN DE PUTTE	ZAFFIRINI
LUCIO	WATSON	

SR 824 was read and was adopted without objection.

GUESTS PRESENTED

Senator Hinojosa was recognized and introduced to the Senate Sarah Saenz, Director, Senator Gregory Luna Legislative Scholars and Fellows Program, accompanied by participants in the fifth class of the program who are serving in the offices of Members of the Senate.

The Senate welcomed its guests.

(Senator Eltife in Chair)

GUESTS PRESENTED

Senator Duncan was recognized and introduced to the Senate the University Interscholastic League Class 1A state champion basketball team, the Roscoe Plowboys from Roscoe High School.

The Senate welcomed its guests.

SENATE RESOLUTION 837

Senator Carona offered the following resolution:

WHEREAS, The acclaimed beagle Uno has become a popular goodwill ambassador for the Lone Star State since winning the best in show title at the 2008 Westminster Kennel Club Dog Show; and

WHEREAS, This charismatic hound electrified canine enthusiasts on February 12, 2008, with his monumental Westminster victory at Madison Square Garden in New York City, becoming the first beagle ever to win best in show; it was the 33rd such title in his stellar career, and also his last, as he retired from competition after reaching the pinnacle of success; and

WHEREAS, In addition to wowing judges, Uno has also proven to be a fan favorite, endearing himself to many with his cheerful barking and enthusiastic disposition and becoming one of the most beloved Westminster best-in-show champions in the century since the title was first awarded; and

WHEREAS, A resident of Central Texas, Uno lives outside of Austin with his owner, Caroline Dowell, though he has spent little time at home since winning one of the most famous dog shows in the world; this four-legged jet-setter has traveled the country, meeting with President George W. Bush, riding in the Macy's Thanksgiving Day Parade, and fetching the first pitch at a major league baseball game, among numerous other appearances; and

WHEREAS, Now that his yearlong reign as Westminster champion has drawn to a close, Uno will be able to enjoy a more relaxed pace, and he's said to be thinking about getting back to such favorite pastimes as chasing squirrels, kicking back with a few good bones, and generally living the good life; whatever the future holds, he has had an outstanding career as a show dog and has surely enjoyed the widespread admiration of dog lovers everywhere; now, therefore, be it

RESOLVED, That the Senate of the 81st Texas Legislature hereby honor Uno for winning the best in show title at the 2008 Westminster Kennel Club Dog Show and congratulate Caroline Dowell on her howling success; and, be it further

RESOLVED, That an official copy of this resolution be prepared for this title-winning beagle and his owner as an expression of high regard by the Texas Senate.

CARONA
WATSON
WENTWORTH

SR 837 was read and was adopted without objection.

GUESTS PRESENTED

Senator Carona was recognized and introduced to the Senate Caroline Dowell, owner of Uno, the 2008 Westminster Kennel Club Dog Show winner, accompanied by Diane Marcell.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Uresti was recognized and introduced to the Senate seventh- and eighth-grade students and their sponsors from the San Jacinto Independent School District.

The Senate welcomed its guests.

SENATE RESOLUTION 445

Senator Van de Putte offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the North American Safe Boating Campaign on the occasion of National Safe Boating Week, May 16 through 22, 2009; and

WHEREAS, Recreational boating is fun and enjoyable, and the citizens of Texas are fortunate that this state has sufficient resources to accommodate a wide variety of pleasure boating demands; and

WHEREAS, Boating is a marvelous source of recreation, but, for the unprepared, it can be a risky sport; not knowing or obeying the Navigation Rules or the nautical "Rules of the Road," drinking alcohol or taking drugs while operating a boat, or choosing not to wear a life jacket when it is clearly the safe thing to do are all examples of human error or a lack of proper judgment that can lead to accidents and the loss of life; and

WHEREAS, Knowledge and skills are important in reducing human error and improving judgment; with knowledge of the risks, people will take steps to protect themselves; the goal of the safe boating campaign is to increase public awareness of the risks inherent in unsafe boating practices not only during safe boating week but throughout the year; and

WHEREAS, On average, 700 people die each year in boating-related accidents in the United States; nearly 70 percent of these fatalities are caused by drowning; the vast majority of these accidents are caused by human error or poor judgment and not by the boat, equipment, or environmental factors; and

WHEREAS, One particular behavior that can reduce by approximately 80 percent the number of boaters who lose their lives by drowning each year is the wearing of a life jacket; it is a simple habit that has the potential to reduce terrible loss in lives; and

WHEREAS, Modern life jackets are more comfortable, more attractive, and more wearable than styles of years past and deserve a fresh look by today's boating public; a significant number of the boaters who have lost their lives by drowning each year would be alive today had they worn their life jackets; and

WHEREAS, A life jacket is without doubt a vital part of the safe practice of recreational boating; the slogan of the safe boating campaign urges the public to "Boat Smart. Boat Safe. Wear It."; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby commend the goals of the North American Safe Boating Campaign and recognize May 16 through 22, 2009, as Safe Boating Week in Texas and the start of the year-round effort to promote safe boating; and, be it further

RESOLVED, That a copy of this Resolution be prepared in commemoration of Safe Boating Week in Texas.

SR 445 was again read.

The resolution was previously adopted on Thursday, March 19, 2009.

GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate representatives of the United States Coast Guard Auxiliary: Commander Mike Vandermate, Captain James R. Montgomery, Commodore Larry Richmond, Vice Commander Lawrence Ellershaw, and member Daniel Joyce, accompanied by other members of the Coast Guard Auxiliary.

The Senate welcomed its guests.

SENATE RESOLUTION 841

Senator West offered the following resolution:

WHEREAS, The Senate of the State of Texas takes great pride in joining the Texas Association of Counties in recognizing May 6, 2009, as County Government Day at the Capitol; and

WHEREAS, The week of May 3 through 8, 2009, is being observed by the National Association of Counties as National County Government Week to provide the nation's citizens with an opportunity to honor the many contributions made by county governments; and

WHEREAS, The oldest form of local government in the United States, county government addresses many critical issues, including environmental protection, indigent health care, special assistance for the elderly, job training, and public safety; and

WHEREAS, There are 254 counties in Texas, and those dedicated individuals who serve our counties as elected or appointed officials not only work diligently to meet the needs of citizens without placing an undue burden on taxpayers but also commit themselves to finding solutions to problems that will benefit all Texans; and

WHEREAS, The Texas Association of Counties encourages citizens across the state to observe National County Government Week by learning more about this vital form of local government and the many ways in which it serves the public; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby commend the county officials of this state for their countless contributions to Texas and welcome members of the Texas Association of Counties to the State Capitol; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the Texas Association of Counties in honor of County Government Day at the Capitol and as an expression of esteem from the Texas Senate.

SR 841 was read and was adopted without objection.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate J. D. Johnson, Tarrant County Commissioner; Vernon Cook, Roberts County Judge; and Bruce Elfant, Travis County Constable; representing County Government Day.

The Senate welcomed its guests.

INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

The Presiding Officer announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

There was no objection.

BILLS SIGNED

The Presiding Officer announced the signing of the following enrolled bills in the presence of the Senate after the captions had been read:

SB 347, SB 778, HB 401, HB 609, HB 1974, HB 2058.

CONCLUSION OF MORNING CALL

The Presiding Officer, Senator Eltife in Chair, at 12:17 p.m. announced the conclusion of morning call.

STATEMENT OF LEGISLATIVE INTENT ON COMMITTEE SUBSTITUTE SENATE BILL 1202

It is the understanding I have with Senator Deuell that this bill is intended to ensure that when an individual customer walks into a brick and mortar retail store, chooses an item, and completes the purchase in person, that the local sales tax will be directed to that location, regardless of from where the purchased item is shipped. It does not impact other types of transactions including catalog, Internet, 1-800 call centers, business to business invoicing, purchase orders, etc., retain the same sourcing treatment that exists under current law.

HARRIS

SENATE BILL 43 WITH HOUSE AMENDMENT

Senator Zaffirini called **SB 43** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 43** (House committee printing) as follows:

(1) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. The heading to Section 54.211, Education Code, is amended to read as follows:

Sec. 54.211. EXEMPTIONS FOR STUDENTS UNDER CONSERVATORSHIP OF DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES [~~IN FOSTER OR OTHER RESIDENTIAL CARE~~].

(2) In amended Section 54.211(a)(1), Education Code (page 1, line 13), strike "in foster care or other residential care" and substitute "[~~in foster care or other residential care~~]".

(3) Immediately following the semicolon at the end of amended Section 54.211(a)(1)(B) (page 1, line 20), strike "or" and substitute "[~~or~~]".

(4) At the end of amended Section 54.211(a)(1)(C), between the semicolon and "and" (page 1, line 22), insert the following:

or

(D) during an academic term in which the student was enrolled in a dual credit course or other course for which a high school student may earn joint high school and college credit;

The amendment was read.

Senator Zaffirini moved to concur in the House amendment to **SB 43**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 2556 ON SECOND READING**

On motion of Senator Huffman and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 2556** at this time on its second reading:

CSSB 2556, Relating to the confidentiality of information pertaining to certain biological agents and toxins.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 2556 ON THIRD READING**

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 2556** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1088 ON SECOND READING

On motion of Senator Shapleigh and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1088** at this time on its second reading:

SB 1088, Relating to the use of food stamp benefits at farmers markets.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1088 ON THIRD READING

Senator Shapleigh moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1088** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1176 ON SECOND READING**

On motion of Senator Patrick and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1176** at this time on its second reading:

CSSB 1176, Relating to the punishment prescribed for the offense of evading arrest or detention.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1176 ON THIRD READING**

Senator Patrick moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1176** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 646 ON SECOND READING**

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 646** at this time on its second reading:

CSSB 646, Relating to a study regarding the confidentiality of prescription information; providing a civil penalty.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 646 ON THIRD READING**

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 646** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1858 ON SECOND READING**

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1858** at this time on its second reading:

CSSB 1858, Relating to the disclosure of criminal history record information regarding public school employees.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1858 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1858** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 63 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 63** at this time on its second reading:

CSSB 63, Relating to a career ladder for interveners who provide services under the deaf-blind with multiple disabilities waiver program.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 63 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 63** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 2182 ON SECOND READING**

Senator Shapleigh moved to suspend the regular order of business to take up for consideration **CSSB 2182** at this time on its second reading:

CSSB 2182, Relating to an environmental service fee at public institutions of higher education.

The motion prevailed.

Senators Hegar, Nelson, Nichols, Patrick, Shapiro, and Williams asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Hegar, Nelson, Nichols, Patrick, Shapiro, Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 2182 ON THIRD READING**

Senator Shapleigh moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 2182** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Averitt, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hinojosa, Huffman, Jackson, Lucio, Ogden, Seliger, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Hegar, Nelson, Nichols, Patrick, Shapiro, Williams.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 6. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1646 ON SECOND READING**

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1646** at this time on its second reading:

CSSB 1646, Relating to the creation of the Council on Children and Families and the Children's Behavioral Health Council.

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1646** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill appropriately:

SECTION _____. This Act does not make an appropriation. A provision in this Act that creates a new governmental program, creates a new entitlement, or imposes a new duty on a governmental entity is not mandatory during a fiscal period for which the legislature has not made a specific appropriation to implement the provision.

The amendment to **CSSB 1646** was read and was adopted by a viva voce vote.

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

Absent: Williams.

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

CSSB 1646 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent: Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 1646 ON THIRD READING**

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1646** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent: Williams.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1871 ON SECOND READING**

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1871** at this time on its second reading:

CSSB 1871, Relating to the management of volunteer and other noncommercial cotton in pest management zones.

The bill was read second time.

Senator Hegar offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1871** (committee printing) as follows:

On page 1, line 53, between "establish" and "a" insert "and collect".

The amendment to **CSSB 1871** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

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

CSSB 1871 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1871 ON THIRD READING**

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1871** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1429 ON SECOND READING**

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1429** at this time on its second reading:

CSSB 1429, Relating to tax credits for business development in low-income communities.

The bill was read second time.

Senator Williams offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1429** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 171.529(a)(5), Tax Code (page 3, line 54), strike "; and" and substitute "½".

(2) In SECTION 1 of the bill, in added Section 171.529(a)(6), Tax Code (page 3, line 56), strike the underlined period and substitute the following:
; and

(7) an economic impact analysis from an economic expert of the potential qualified equity investment and the proposed use of the proceeds, which must include:

(A) an estimate of the amount of revenue to be generated to the state as a result of the qualified equity investment and the proposed use of the proceeds;

(B) an estimate of any secondary economic benefits to be generated as a result of the qualified equity investment and the proposed use of the proceeds; and

(C) any other information required by the comptroller to make the certification required by Subsection (c).

(3) In SECTION 1 of the bill, in added Section 171.529(c), Tax Code (page 3, line 64), between "or in part." and "If the comptroller", insert "The comptroller may not grant an application in full or in part until the comptroller, based on an evaluation of the economic impact analysis under Subsection (a)(7), certifies that the potential qualified equity investment and the proposed use of the proceeds will have a positive impact on state revenue.".

(4) In SECTION 2 of the bill, in added Section 231.009(a)(5), Insurance Code (page 8, line 48), strike "; and" and substitute ";".

(5) In SECTION 2 of the bill, in added Section 231.009(a)(6), Insurance Code (page 8, line 50), strike the underlined period and substitute the following:
; and

(7) an economic impact analysis from an economic expert of the potential qualified equity investment and the proposed use of the proceeds, which must include:

(A) an estimate of the amount of revenue to be generated to the state as a result of the qualified equity investment and the proposed use of the proceeds;

(B) an estimate of any secondary economic benefits to be generated as a result of the qualified equity investment and the proposed use of the proceeds; and

(C) any other information required by the comptroller to make the certification required by Subsection (c).

(6) In SECTION 2 of the bill, in added Section 231.009(c), Insurance Code (page 8, line 58), between "or in part." and "If the comptroller", insert "The comptroller may not grant an application in full or in part until the comptroller, based on an evaluation of the economic impact analysis under Subsection (a)(7), certifies that the potential qualified equity investment and the proposed use of the proceeds will have a positive impact on state revenue.".

The amendment to **CSSB 1429** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

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

CSSB 1429 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1429 ON THIRD READING

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1429** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 841 ON SECOND READING**

Senator Averitt moved to suspend the regular order of business to take up for consideration **CSSB 841** at this time on its second reading:

CSSB 841, Relating to the child health plan program.

The motion prevailed.

Senators Nelson and Nichols asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Nelson, Nichols.

**COMMITTEE SUBSTITUTE
SENATE BILL 841 ON THIRD READING**

Senator Averitt moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 841** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Averitt, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Ogden, Patrick, Seliger, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Nelson, Nichols.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

HOUSE BILL 328 ON SECOND READING

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 328** at this time on its second reading:

HB 328, Relating to abolishing the office of inspector of hides and animals.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 328 ON THIRD READING

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 328** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1497 ON SECOND READING**

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1497** at this time on its second reading:

CSSB 1497, Relating to binding arbitration of certain appraisal review board orders.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1497 ON THIRD READING**

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1497** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1318 ON SECOND READING**

Senator Wentworth moved to suspend the regular order of business to take up for consideration **CSSB 1318** at this time on its second reading:

CSSB 1318, Relating to erecting an off-premise sign adjacent to and visible from State Highway 46 or from Farm-to-Market Road 306, 2722, 2673, 3009, 3159, or 1863 in Comal County.

The motion prevailed.

Senators Estes, Harris, Huffman, Jackson, Nichols, Seliger, and Shapiro asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Estes, Harris, Huffman, Jackson, Nichols, Seliger, Shapiro.

Absent: Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 1318 ON THIRD READING**

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1318** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 6.

Yeas: Averitt, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Hegar, Hinojosa, Lucio, Nelson, Ogden, Patrick, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Harris, Huffman, Jackson, Nichols, Seliger, Shapiro.

Absent: Williams.

The bill was read third time and was passed by the following vote: Yeas 23, Nays 7.

Yeas: Averitt, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Fraser, Gallegos, Hegar, Hinojosa, Lucio, Nelson, Ogden, Patrick, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Estes, Harris, Huffman, Jackson, Nichols, Seliger, Shapiro.

Absent: Williams.

COMMITTEE SUBSTITUTE SENATE BILL 2473 ON SECOND READING

On motion of Senator Patrick and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 2473** at this time on its second reading:

CSSB 2473, Relating to the creation of the Harris County Improvement District No. 13; providing authority to impose an assessment, impose a tax, and issue bonds.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 2473 ON THIRD READING

Senator Patrick moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 2473** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 2438 ON SECOND READING

On motion of Senator Uresti and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 2438** at this time on its second reading:

SB 2438, Relating to imposing a duty on a sheriff to report certain warrant or capias information to a national database.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 2438 ON THIRD READING

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 2438** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1266 ON SECOND READING**

Senator Watson moved to suspend the regular order of business to take up for consideration **CSSB 1266** at this time on its second reading:

CSSB 1266, Relating to erecting an off-premise sign adjacent to and visible from State Highway 71 between the western city limits of the city of Austin and State Highway 16.

The motion prevailed.

Senators Estes, Harris, Huffman, Nichols, Ogden, and Shapiro asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Estes, Harris, Huffman, Nichols, Ogden, Shapiro.

**COMMITTEE SUBSTITUTE
SENATE BILL 1266 ON THIRD READING**

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1266** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Averitt, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Fraser, Gallegos, Hegar, Hinojosa, Jackson, Lucio, Nelson, Patrick, Seliger, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Estes, Harris, Huffman, Nichols, Ogden, Shapiro.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 6. (Same as previous roll call)

SENATE BILL 1668 ON SECOND READING

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1668** at this time on its second reading:

SB 1668, Relating to application requirements and performance standards for agricultural biomass and landfill diversion incentive grants.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1668 ON THIRD READING

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1668** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE HOUSE BILL 2310 ON SECOND READING

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2310** at this time on its second reading:

CSHB 2310, Relating to the powers and duties of the Texas Department of Licensing and Regulation, including the power to issue emergency orders and temporary and emergency licenses.

The bill was read second time.

Senator Whitmire offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 2310** (Senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering remaining SECTIONS of the bill accordingly:

SECTION ____. The heading to Title 4, Occupations Code, is amended to read as follows:

TITLE 4. PROFESSIONS RELATED TO ANIMALS [~~ANIMAL HEALTH~~]

SECTION ____. Title 4, Occupations Code, is amended by adding Chapter 802 to read as follows:

CHAPTER 802. COMMERCIAL DOG AND CAT BREEDERS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 802.001. SHORT TITLE. This chapter may be cited as the Commercial Dog and Cat Breeders Act.

Sec. 802.002. DEFINITIONS. In this chapter:

(1) "Adult animal" means an animal six months of age or older.

(2) "Advisory committee" means the Dog and Cat Breeders Advisory Committee.

(3) "Animal" means a dog or a cat.

(4) "Cat" means a mammal that is wholly or partly of the species Felis domesticus.

(5) "Commercial breeder" means a person who possesses 11 or more adult intact female animals and is engaged in the business of breeding animals for direct or indirect sale or for exchange in return for consideration.

(6) "Commission" means the Texas Commission of Licensing and Regulation.

(7) "Controlling person" means an individual who:

(A) is a partner, manager, director, officer, or member of a commercial breeder;

(B) possesses the authority to set policy or direct management of a commercial breeder; or

(C) possesses a direct or indirect control of 25 percent or more of a commercial breeder.

(8) "Department" means the Texas Department of Licensing and Regulation.

(9) "Dog" means a mammal that is wholly or partly of the species *Canis familiaris*.

(10) "Executive director" means the executive director of the department.

(11) "Facility" means the premises used by a commercial breeder for keeping or breeding animals. The term includes all buildings, property, and confinement areas used to conduct the commercial breeding business.

(12) "Family member" means a person's parent, spouse, child, or sibling.

(13) "Humane society" means a nonprofit organization exempt from federal taxation under Section 501(c)(3), Internal Revenue Code of 1986, that has as the organization's purpose the prevention of animal cruelty or the sheltering of, caring for, and providing of homes for lost, stray, and abandoned animals.

(14) "Intact female animal" means a female animal that has not been spayed and is capable of sexual reproduction.

(15) "Kitten" means a cat less than six months old.

(16) "Local animal control authority" means a municipal or county animal control office with authority over the premises in which an animal is kept or, in an area that does not have an animal control office, the county sheriff.

(17) "Possess" means to have custody of or control over.

(18) "Puppy" means a dog less than six months old.

(19) "Registered breeder inspector" means an individual certified by the department to conduct investigations and inspections under this chapter.

(20) "Veterinarian" means a veterinarian in good standing and licensed to practice veterinary medicine in this state or another state.

Sec. 802.003. APPLICABILITY OF CHAPTER. (a) This chapter does not affect the applicability of any other law, rule, order, ordinance, or other legal requirement of the federal government, this state, or a political subdivision of this state.

(b) This chapter does not prevent a municipality or county from prohibiting or further regulating by order or ordinance the possession, breeding, or selling of dogs or cats.

(c) This chapter does not apply to an animal regulated under the Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes).

[Sections 802.004-802.050 reserved for expansion]

SUBCHAPTER B. POWERS AND DUTIES OF COMMISSION AND DEPARTMENT

Sec. 802.051. GENERAL POWERS AND DUTIES; RULES. (a) The department shall administer this chapter.

(b) The commission shall adopt the rules necessary to enforce and administer this chapter, including rules to:

(1) establish qualifications required for licensing under this chapter; and

(2) establish qualifications and training for registered breeder inspectors.

Sec. 802.052. FEES. The commission shall establish reasonable and necessary fees in amounts sufficient to cover the costs of administering this chapter.

Sec. 802.053. PERSONNEL. The department may employ personnel necessary to carry out the functions and duties of the department under this chapter.

Sec. 802.054. EXPENSES. The department may authorize disbursements necessary to implement this chapter, including disbursements for office expenses, equipment costs, and other necessary facilities.

Sec. 802.055. CRIMINAL BACKGROUND CHECKS. (a) The department shall conduct a criminal background check on each applicant who submits an application for a license under this chapter and on any controlling person of the applicant. The department may examine any criminal conviction, guilty plea, or deferred adjudication of an applicant for issuance or renewal of a license, including by obtaining any criminal history or record permitted by law.

(b) An applicant is not eligible for a license under this chapter if the applicant or any controlling person of the applicant has been convicted or received deferred adjudication for animal cruelty.

Sec. 802.056. INSURANCE REQUIREMENTS. The department may set insurance requirements for a license holder under this chapter.

Sec. 802.057. DIRECTORY. The department shall maintain a directory of commercial breeders licensed under this chapter.

Sec. 802.058. CONTRACTS FOR ENFORCEMENT. The department may contract with another state agency, a political subdivision of this state, a local animal control authority, or a registered breeder inspector to enforce this chapter and rules adopted under this chapter.

Sec. 802.059. INSPECTIONS AND INVESTIGATIONS. (a) The department at least annually shall inspect each facility of a licensed commercial breeder. The inspection must be conducted during the facility's normal business hours and the commercial breeder or a representative of the commercial breeder may be present during the inspection. The department is not required to provide advance notice to the commercial breeder before arriving at the facility, but must contact the commercial breeder or representative on arrival at the facility and before proceeding with the inspection.

(b) The inspector shall submit an inspection report to the department not later than the 10th day after the date of the inspection on a form prescribed by the department and provide a copy of the report to the commercial breeder or the representative.

(c) The department may contract with another state agency, a local animal control authority, or a registered breeder inspector to conduct or assist in an inspection or investigation. The commission may adopt rules to establish methods by which another state agency, a local animal control authority, or a registered breeder inspector may conduct or assist in an inspection or investigation on behalf of the department.

(d) The department, a local animal control authority, or a registered breeder inspector may access the facility of a commercial breeder whose license has been suspended, revoked, or denied to verify that the facility is not operating as a commercial breeding facility.

(e) On receipt of a written complaint alleging a violation of this chapter, the department, a local animal control authority, a trained peace officer, or a registered breeder inspector designated by the department shall investigate the alleged violation.

Sec. 802.060. CONSUMER INTEREST INFORMATION. (a) The department shall prepare information of consumer interest describing:

- (1) the functions performed by the department under this chapter; and
- (2) the rights of a consumer affected by this chapter.

(b) The information must describe the procedure by which a consumer complaint is filed with and resolved by the department.

(c) The department shall make the information available to the public.

[Sections 802.061-802.100 reserved for expansion]

SUBCHAPTER C. DOG AND CAT BREEDERS ADVISORY COMMITTEE

Sec. 802.101. ADVISORY COMMITTEE MEMBERSHIP. The Dog and Cat Breeders Advisory Committee consists of seven members appointed by the presiding officer of the commission with the approval of the commission as follows:

(1) two members who represent the public;
(2) one member who represents the interests of commercial breeders;
(3) one member who is a licensed veterinarian whose primary practice consists of the treatment of dogs and cats;

(4) one member who represents the American Kennel Club;
(5) one member who represents a humane society or an association of humane societies; and

(6) one member who represents the interests of animal control authorities in this state.

Sec. 802.102. TERMS; VACANCY. (a) Appointed advisory committee members serve staggered four-year terms. The terms of three or four appointed members expire on February 1 of each odd-numbered year.

(b) If a vacancy occurs during an appointed member's term, the vacancy shall be filled for the remainder of the unexpired term in the manner provided by Section 802.101.

Sec. 802.103. PRESIDING OFFICER. The presiding officer of the commission shall designate one member of the advisory committee to serve as presiding officer of the advisory committee for a two-year term.

Sec. 802.104. COMPENSATION; REIMBURSEMENT. An advisory committee member serves without compensation but is entitled to reimbursement for actual and necessary expenses incurred in performing functions as an advisory committee member, subject to any applicable limitation on reimbursement provided by the General Appropriations Act and the department's budget.

Sec. 802.105. MEETINGS. The advisory committee shall meet at least once annually and may meet at other times at the call of the presiding officer of the commission or the executive director.

Sec. 802.106. ADVISORY COMMITTEE DUTIES. (a) The advisory committee shall advise the commission in adopting rules and in administering and enforcing this chapter.

(b) The advisory committee shall advise the commission in setting fees under this chapter.

Sec. 802.107. VOTE REQUIRED FOR ACTION. A decision of the advisory committee is not effective unless it receives the affirmative vote of at least a majority of the members present.

Sec. 802.108. APPLICABILITY OF OTHER LAW. Chapter 2110, Government Code, does not apply to the advisory committee.

[Sections 802.109-802.150 reserved for expansion]

SUBCHAPTER D. LICENSING OF COMMERCIAL BREEDERS

Sec. 802.151. LICENSE REQUIRED; QUALIFICATIONS. (a) A person may not act, offer to act, or hold the person out as a commercial breeder in this state unless the person holds a commercial breeder license under this subchapter for each facility that the person owns or operates in this state.

(b) A commercial breeder license for a single facility may cover more than one building on the same premises.

(c) The commission may adopt educational or training qualifications required for issuance or renewal of a license under this subchapter as necessary to protect the public health and safety.

Sec. 802.152. APPLICATION. An applicant for a license under this subchapter must:

(1) submit to the department a completed application on a form prescribed by the department;

(2) submit to the department any other information regarding the applicant's facilities and operations as required by rule;

(3) demonstrate to the satisfaction of the department the qualifications required by this chapter and rules adopted under this chapter; and

(4) pay the application fee.

Sec. 802.153. INITIAL PRELICENSE INSPECTION. (a) The department shall inspect a facility before an initial commercial breeder license is issued for that facility.

(b) The department may contract with a local animal control authority or a registered breeder inspector to conduct or assist in an initial prelicense inspection.

(c) The department may not issue a commercial breeder license until the department receives an initial prelicense inspection report from the inspector in a format approved by the department certifying that the facility meets the requirements of this chapter and rules adopted under this chapter.

(d) Before the initial prelicense inspection may be conducted, each applicant shall pay to the department a nonrefundable inspection fee.

Sec. 802.154. ISSUANCE. The department shall issue a commercial breeder license to each commercial breeder who:

(1) meets the requirements of this chapter and rules adopted under this chapter;

(2) applies to the department on the form prescribed by the department; and

(3) pays the required fee.

Sec. 802.155. TERM. A license issued under this subchapter is valid until the first anniversary of the date of issuance and is nontransferable. The department shall include the expiration date on each license issued under this subchapter.

Sec. 802.156. LICENSE DENIAL. The department may deny a license to an applicant who:

(1) fails to meet the standards of care adopted by the commission under Subchapter F;

(2) has been convicted of or received deferred adjudication for cruelty to animals under the laws of this state or any other jurisdiction or, for an applicant that is a partnership, corporation, or limited liability company, has a controlling person who has been convicted of or received deferred adjudication for cruelty to animals under the laws of this state or any other jurisdiction;

(3) has had a similar license by a federal, state, or local authority denied, revoked, or suspended;

(4) has falsified any material information requested by the department; or

(5) was an owner or controlling person of a commercial breeder whose license was revoked or suspended and was responsible for or participated in the violation that resulted in a revocation or suspension that is still in effect.

Sec. 802.157. LICENSE RENEWAL. (a) A license holder may renew the person's license by:

(1) submitting a renewal application to the department on the form prescribed by the department;

(2) complying with any other renewal requirements adopted by the department; and

(3) paying the required fee.

(b) A person whose license has expired may not engage in activities that require a license until the license has been renewed.

(c) Not later than the 60th day before the expiration of the person's license, the department shall send written notice of the impending license expiration to the person at the person's last known address according to the records of the department.

[Sections 802.158-802.200 reserved for expansion]

SUBCHAPTER E. PRACTICE BY LICENSE HOLDER

Sec. 802.201. DISPLAY OF LICENSE; INCLUSION OF LICENSE NUMBER AND DEPARTMENT INFORMATION. A commercial breeder shall:

(1) prominently display a copy of the commercial breeder license at the breeder's facility;

(2) include the commercial breeder's license number in each advertisement for the sale or transfer of an animal by the commercial breeder; and

(3) include in each contract for the sale or transfer of an animal by the commercial breeder:

(A) the commercial breeder's license number; and

(B) the following statement: "Commercial breeders are regulated by the Texas Department of Licensing and Regulation, P.O. Box 12157, Austin, Texas 78711, 1-800-803-9202, 512-463-6599" or a similar statement adopted by commission rule that includes the department's name, address, and phone numbers.

Sec. 802.202. CHANGE IN LICENSE INFORMATION. A commercial breeder shall notify the department in a manner prescribed by the commission not later than the 10th day after the date any change occurs in the address, name, management, substantial control, or ownership of the business or operation.

Sec. 802.203. ANNUAL REPORT. (a) Not later than February 1 of each year, a commercial breeder shall submit to the department an annual report on a form and in the manner prescribed by the department.

(b) The commercial breeder shall keep a copy of the annual report at the commercial breeder's facility and, on request, make the report available to the department, a local animal control authority, or a registered breeder inspector designated by the department.

(c) A license holder that has more than one facility must keep separate records and file a separate report for each facility.

Sec. 802.204. LIMIT ON NUMBER OF INTACT ANIMALS. A commercial breeder may not possess more than 50 adult intact female animals in a facility at any time.

[Sections 802.205-802.250 reserved for expansion]

SUBCHAPTER F. STANDARDS OF CARE AND CONFINEMENT

Sec. 802.251. ADOPTION OF STANDARDS. The commission, in accordance with this subchapter and with the advice of the advisory committee, shall adopt rules for the proper feeding, watering, housing, care, including veterinary care, grooming, treatment, transportation, and disposition of dogs and cats by a commercial breeder to ensure the overall health and welfare of each animal in the commercial breeder's facility.

Sec. 802.252. ADDITIONAL STANDARDS. The commission may establish any additional standards considered necessary to protect the public health and the welfare of animals covered under this chapter.

Sec. 802.253. CONSIDERATION OF ANIMAL HEALTH AND WELFARE STANDARDS. In adopting standards under this subchapter, the commission shall consider relevant state, federal, and nationally recognized standards for animal health and welfare.

[Sections 802.254-802.300 reserved for expansion]

SUBCHAPTER G. ENFORCEMENT

Sec. 802.301. DISCIPLINARY ACTION. A person is subject to disciplinary action under Subchapter G, Chapter 51, if the person violates this chapter or a rule adopted under this chapter.

Sec. 802.302. SUSPENSION AND REVOCATION OF LICENSE; REFUSAL TO RENEW LICENSE. (a) The department may suspend, revoke, or refuse to renew a license for:

(1) a violation of this chapter or a rule adopted under this chapter;
(2) failure to comply with an order of the commission or the executive director;

(3) failure to pay a civil penalty under this chapter;
(4) failure to meet a standard of care adopted by the commission under Subchapter F;

(5) failure to comply with any corrective action required under an inspection report in the time provided by the report;

(6) falsification of information requested by the department;
(7) the denial, revocation, or suspension of a similar license by another federal, state, or local authority; or

(8) conviction or deferred adjudication for animal cruelty under the laws of this state or any other jurisdiction by a commercial breeder or any controlling person.

(b) A person whose commercial breeder license is revoked may not reapply for a commercial breeder license before the first anniversary of the date of revocation. The department shall permanently revoke a commercial breeder license if the basis for the revocation was a conviction or deferred adjudication for animal cruelty.

Sec. 802.303. ADMINISTRATIVE SANCTIONS; ADMINISTRATIVE PROCEDURE. (a) The commission shall revoke, suspend, or refuse to renew a license or shall reprimand a license holder for a violation of this chapter or a rule or order of the commission under this chapter.

(b) The commission may place on probation a person whose license is suspended. If a license suspension is probated, the commission may require the person to report regularly to the department on matters that are the basis of the probation.

(c) A respondent is entitled to a hearing conducted by the State Office of Administrative Hearings if the department proposes to deny, suspend, or revoke a license.

(d) A proceeding under this chapter to deny, suspend, or revoke a license is a contested case under Chapter 2001, Government Code.

Sec. 802.304. INJUNCTIVE RELIEF; CIVIL PENALTY. (a) The attorney general or the executive director may institute an action for injunctive relief to restrain a violation by and to collect a civil penalty from a person that appears to be in violation of or threatening to violate this chapter or a rule or order of the commission or executive director under this chapter.

(b) An action filed under this section must be filed in a district court in Travis County.

(c) The attorney general and the department may recover reasonable expenses incurred in obtaining injunctive relief under this section including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition expenses.

Sec. 802.305. CEASE AND DESIST; EMERGENCY ORDER. (a) The executive director may issue a cease and desist order as necessary to enforce this chapter if the executive director determines that the action is necessary to prevent a violation of this chapter and to protect public health and safety.

(b) The executive director may issue an emergency order as necessary to enforce this chapter if the executive director determines that an emergency exists requiring immediate action to protect the public health and safety. The executive director may

issue the emergency order without notice and hearing or with any notice and hearing the executive director considers practicable under the circumstances. The executive director shall set the time and place for a hearing to affirm, modify, or set aside an emergency order that was issued without a hearing.

Sec. 802.306. CRIMINAL OFFENSES AND PENALTIES. (a) A person commits an offense if the person violates this chapter or any rule adopted under this chapter. Each animal to which a violation applies and each day that violation continues constitutes a separate offense. An offense under this subsection is a Class C misdemeanor.

(b) A person commits an offense if the person knowingly falsifies information in a license application, annual report, or record required under this chapter. An offense under this subsection is a Class C misdemeanor.

(c) An unlicensed commercial breeder commits an offense if the breeder advertises animals for sale. An offense under this subsection is a Class C misdemeanor.

(d) A commercial breeder commits an offense if the commercial breeder interferes with, hinders, or thwarts any inspection or investigation under this chapter or refuses to allow an inspector full access to all areas of the facility where animals are kept or cared for and all records required to be kept under this chapter or any rule adopted under this chapter. An offense under this subsection is a Class C misdemeanor.

SECTION ____. Not later than December 31, 2009, the Texas Commission of Licensing and Regulation shall appoint the members of the Dog and Cat Breeders Advisory Committee in accordance with Chapter 802, Occupations Code, as added by this Act. In making the initial appointments, the commission shall designate:

- (1) three members for terms expiring February 1, 2011; and
- (2) four members for terms expiring February 1, 2013.

SECTION ____. (a) Not later than June 1, 2010, the Texas Commission of Licensing and Regulation shall adopt the rules, standards, procedures, and fees necessary to implement Chapter 802, Occupations Code, as added by this Act, and Subsection (b) of this section.

(b) Notwithstanding Chapter 802, Occupations Code, as added by this Act, a commercial breeder is not required to:

- (1) hold a license under that chapter to act as a commercial breeder before September 1, 2010; or
- (2) comply with the standards adopted under Subchapter F, Chapter 802, Occupations Code, as added by this Act, before September 1, 2010.

SECTION ____. (a) The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before that date.

(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

The amendment to **CSHB 2310** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

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

CSHB 2310 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2310 ON THIRD READING**

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2310** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 815 ON SECOND READING**

Senator Watson moved to suspend the regular order of business to take up for consideration **CSSB 815** at this time on its second reading:

CSSB 815, Relating to consumer labeling requirements for certain health benefit plans; providing penalties.

The motion prevailed.

Senator Williams asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 815** (Senate committee printing) by adding the following SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Section 32.101, Insurance Code, is amended to read as follows:

Sec. 32.101. APPLICABILITY OF SUBCHAPTER. (a) This subchapter applies to insurers who comprise the top 25 insurance groups in the national market and who issue residential property insurance or personal automobile insurance policies in this state, including a Lloyd's plan, a reciprocal or interinsurance exchange, a county mutual insurance company, a farm mutual insurance company, the Texas Windstorm Insurance Association, the FAIR Plan Association, and the Texas Automobile Insurance Plan Association.

(b) This subchapter applies to an issuer of a health benefit plan described by Section 544.301, as added by Chapter 748 (H.B. 2810), Acts of the 79th Legislature, Regular Session, 2005.

(b) This section takes effect only if the Act of the 81st Legislature, Regular Session, 2009, relating to nonsubstantive additions to and corrections in enacted codes does not become law.

SECTION _____. (a) Section 32.101, Insurance Code, is amended to read as follows:

Sec. 32.101. APPLICABILITY OF SUBCHAPTER. (a) This subchapter applies to insurers who comprise the top 25 insurance groups in the national market and who issue residential property insurance or personal automobile insurance policies in this state, including a Lloyd's plan, a reciprocal or interinsurance exchange, a county mutual insurance company, a farm mutual insurance company, the Texas Windstorm Insurance Association, the FAIR Plan Association, and the Texas Automobile Insurance Plan Association.

(b) This subchapter applies to an issuer of a health benefit plan described by Section 544.501.

(b) This section takes effect only if the Act of the 81st Legislature, Regular Session, 2009, relating to nonsubstantive additions to and corrections in enacted codes becomes law.

SECTION _____. Section 32.102(a), Insurance Code, is amended to read as follows:

(a) The department, in conjunction with the office of public insurance counsel, shall establish and maintain a single Internet website that provides information to enable consumers to make informed decisions relating to the purchase of health insurance, residential property insurance, and personal automobile insurance. The website must include:

(1) a description of each type of residential property insurance policy and personal automobile insurance policy issued in this state, including a comparison of the coverage, exclusions, and restrictions of each policy that allows a side-by-side comparison of the features of the policy forms;

(2) a listing of each insurer writing residential property insurance or personal automobile insurance in this state, indexed by each county or zip code in which the insurer is actively writing that insurance, and a profile of the insurer that includes:

(A) contact information for the insurer, including the insurer's full name, address, and telephone number and the insurer's fax number and e-mail address, if available;

(B) information on rates charged by the insurer, including:

(i) sample rates for different policyholder profiles in each county or zip code; and

(ii) the percentage by which the sample rate has fallen or risen due to filings in the previous 12, 24, and 36 months;

(C) a list of policy forms, exclusions, endorsements, and discounts offered by the insurer;

(D) an indication of whether the insurer uses credit scoring in underwriting, rating, or tiering, and a link to the insurer's credit model or a link explaining how to request the insurer's credit model;

(E) the insurer's financial rating determined by A. M. Best or similar rating organization and an explanation of the meaning and importance of the rating;

(F) a complaint ratio or similar complaint rating system for the insurer for each of the previous three years and an explanation of the meaning of the rating system; and

(G) information, other than information made confidential by law, on the insurer's regulatory and administrative experience with the department, the office of public insurance counsel, and insurance regulatory authorities in other states; ~~and~~

(3) if feasible, as determined by the commissioner and the public insurance counsel:

(A) a side-by-side comparison of credit scoring models, including factors, key variables, and weights, of residential property insurers in this state; and

(B) a side-by-side comparison of credit scoring models, including factors, key variables, and weights, of private passenger automobile insurers in this state; and

(4) in the manner prescribed by the commissioner by rule, contact information for individual health benefit plans as necessary for consumers to obtain additional rate information regarding a plan and a comparison of information about health benefit plans, including information regarding a plan's:

(A) annual deductibles;

(B) out-of-pocket maximums;

(C) office visit copayments, listed separately for primary care providers and specialists;

(D) prescription copayments, listed by generic and brand name medications;

(E) prescription deductibles;

(F) lifetime maximum coverage;

(G) maternity coverage included;

(H) emergency room visit copayments;

(I) covered days for inpatient mental health;

(J) outpatient surgery copayments; and

(K) inpatient cost sharing.

The amendment to **CSSB 815** was read and was adopted by a viva voce vote.

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

Nays: Hegar, Williams.

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

CSSB 815 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Hegar, Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 815 ON THIRD READING**

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 815** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Williams.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2.

Yeas: Averitt, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Hegar, Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 1804 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1804** at this time on its second reading:

CSSB 1804, Relating to medical assistance reimbursement for wheeled mobility systems for recipients of medical assistance.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1804 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1804** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1844 ON SECOND READING

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1844** at this time on its second reading:

SB 1844, Relating to revenue received from the provision of pay telephone service to inmates confined in facilities operated by the Texas Department of Criminal Justice.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1844 ON THIRD READING

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1844** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 1853 ON SECOND READING

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1853** at this time on its second reading:

CSSB 1853, Relating to disciplinary actions regarding a pharmacy technician or pharmacy technician trainee.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1853 ON THIRD READING

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1853** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

PERMISSION TO INTRODUCE BILLS

On motion of Senator Uresti and by unanimous consent, Senate Rule 7.07(b) was suspended to permit the introduction of the following bills:

SB 2574, SB 2577, SB 2578.

SENATE BILLS ON FIRST READING

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

SB 2574 by Uresti

Relating to the regulation of tire businesses and authorizing a fee for tire purchases for regulatory compliance in certain counties; creating an offense.

To Committee on Natural Resources.

SB 2577 by Jackson

Relating to bariatric surgery coverage for state employees.
To Committee on State Affairs.

SB 2578 by Averitt

Relating to insurance agent licenses issued to certain foreign corporations and partnerships.
To Committee on Business and Commerce.

SENATE RULE 11.13 SUSPENDED
(Consideration of Bills in Committees)

On motion of Senator Uresti and by unanimous consent, Senate Rule 11.13 was suspended to grant all committees permission to meet while the Senate is meeting tomorrow.

NOTICE GIVEN FOR
LOCAL AND UNCONTESTED CALENDAR

Senator Uresti announced that a Local and Uncontested Calendar had been furnished to each Member of the Senate. He then gave notice that the Local and Uncontested Calendar Session would be held at 7:00 a.m. tomorrow and that all bills and resolutions would be considered on second and third reading in the order in which they were listed.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Shapleigh and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Subcommittee on Base Realignment and Closure might meet and consider **SB 2100** today.

HOUSE BILL 1310 REREFERRED

Senator Nelson submitted a Motion In Writing requesting that **HB 1310** be withdrawn from the Committee on Business and Commerce and rereferred to the Committee on Health and Human Services.

The Motion In Writing prevailed without objection.

SENATE RULE 11.13 SUSPENDED
(Consideration of Bills in Committees)

On motion of Senator Williams and by unanimous consent, Senate Rule 11.13 was suspended to grant all committees permission to meet while the Senate was meeting today.

SENATE RULE 11.10(a) SUSPENDED
(Public Notice of Committee Meetings)

On motion of Senator Whitmire and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Criminal Justice might meet today.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Nelson and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Health and Human Services might meet and consider the following bills tomorrow:

HB 1093, HB 1310.

MOTION TO RECESS AND ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 1:41 p.m. agreed to recess, upon completion of the introduction of bills and resolutions on first reading, until 7:00 a.m. tomorrow for the Local and Uncontested Calendar Session.

The Senate further agreed to adjourn, upon conclusion of the Local and Uncontested Calendar Session, until 11:00 a.m. tomorrow.

HOUSE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions received from the House were read first time and referred to the committees indicated:

- HB 90** to Committee on State Affairs.
- HB 92** to Committee on Transportation and Homeland Security.
- HB 93** to Committee on Criminal Justice.
- HB 94** to Committee on Criminal Justice.
- HB 140** to Committee on Criminal Justice.
- HB 216** to Committee on Health and Human Services.
- HB 243** to Committee on Criminal Justice.
- HB 284** to Committee on Natural Resources.
- HB 422** to Committee on Finance.
- HB 428** to Committee on Jurisprudence.
- HB 453** to Committee on Criminal Justice.
- HB 488** to Committee on State Affairs.
- HB 497** to Committee on Health and Human Services.
- HB 548** to Committee on Transportation and Homeland Security.
- HB 567** to Committee on State Affairs.
- HB 576** to Committee on State Affairs.
- HB 617** to Committee on Business and Commerce.
- HB 623** to Committee on Criminal Justice.
- HB 646** to Committee on Transportation and Homeland Security.
- HB 775** to Committee on Criminal Justice.
- HB 784** to Committee on Transportation and Homeland Security.
- HB 796** to Committee on Criminal Justice.
- HB 802** to Committee on Health and Human Services.
- HB 829** to Committee on Education.
- HB 882** to Committee on Business and Commerce.
- HB 923** to Committee on Jurisprudence.
- HB 1003** to Committee on Criminal Justice.

HB 1007 to Committee on Business and Commerce.
HB 1012 to Committee on Jurisprudence.
HB 1020 to Committee on Education.
HB 1054 to Committee on Transportation and Homeland Security.
HB 1063 to Committee on Intergovernmental Relations.
HB 1089 to Committee on Intergovernmental Relations.
HB 1118 to Committee on Criminal Justice.
HB 1139 to Committee on Finance.
HB 1230 to Committee on Intergovernmental Relations.
HB 1321 to Committee on Criminal Justice.
HB 1360 to Committee on Criminal Justice.
HB 1362 to Committee on Health and Human Services.
HB 1397 to Committee on Intergovernmental Relations.
HB 1423 to Committee on Education.
HB 1460 to Committee on Jurisprudence.
HB 1467 to Committee on Natural Resources.
HB 1471 to Committee on Business and Commerce.
HB 1474 to Committee on State Affairs.
HB 1493 to Committee on State Affairs.
HB 1498 to Committee on Criminal Justice.
HB 1531 to Committee on Criminal Justice.
HB 1544 to Committee on Criminal Justice.
HB 1614 to Committee on Criminal Justice.
HB 1630 to Committee on Health and Human Services.
HB 1634 to Committee on Transportation and Homeland Security.
HB 1727 to Committee on Intergovernmental Relations.
HB 1739 to Committee on Government Organization.
HB 1741 to Committee on Natural Resources.
HB 1771 to Committee on Business and Commerce.
HB 1912 to Committee on Health and Human Services.
HB 1985 to Committee on Criminal Justice.
HB 1995 to Committee on State Affairs.
HB 2086 to Committee on Criminal Justice.
HB 2115 to Committee on Criminal Justice.
HB 2127 to Committee on Business and Commerce.
HB 2130 to Committee on Criminal Justice.
HB 2161 to Committee on Criminal Justice.
HB 2165 to Committee on Finance.
HB 2187 to Committee on Transportation and Homeland Security.
HB 2191 to Committee on Health and Human Services.
HB 2229 to Committee on Government Organization.
HB 2230 to Committee on Finance.
HB 2283 to Committee on State Affairs.
HB 2321 to Committee on Agriculture and Rural Affairs.
HB 2328 to Committee on Criminal Justice.
HB 2435 to Committee on Jurisprudence.

HB 2488 to Committee on Education.
HB 2500 to Committee on Government Organization.
HB 2521 to Committee on Economic Development.
HB 2529 to Committee on Intergovernmental Relations.
HB 2531 to Committee on Economic Development.
HB 2552 to Committee on Business and Commerce.
HB 2556 to Committee on Transportation and Homeland Security.
HB 2647 to Committee on Intergovernmental Relations.
HB 2706 to Committee on Health and Human Services.
HB 2710 to Committee on Health and Human Services.
HB 2728 to Committee on Veteran Affairs and Military Installations.
HB 2735 to Committee on Government Organization.
HB 2748 to Committee on Natural Resources.
HB 2757 to Committee on Business and Commerce.
HB 2822 to Committee on Transportation and Homeland Security.
HB 2827 to Committee on Intergovernmental Relations.
HB 2833 to Committee on Intergovernmental Relations.
HB 2840 to Committee on Business and Commerce.
HB 2876 to Committee on Jurisprudence.
HB 2877 to Committee on Business and Commerce.
HB 2893 to Committee on Education.
HB 2952 to Committee on Criminal Justice.
HB 2972 to Committee on Health and Human Services.
HB 2985 to Committee on Transportation and Homeland Security.
HB 3006 to Committee on Intergovernmental Relations.
HB 3012 to Committee on Health and Human Services.
HB 3031 to Committee on Agriculture and Rural Affairs.
HB 3032 to Committee on Agriculture and Rural Affairs.
HB 3068 to Committee on Criminal Justice.
HB 3070 to Committee on Transportation and Homeland Security.
HB 3082 to Committee on Transportation and Homeland Security.
HB 3089 to Committee on Intergovernmental Relations.
HB 3136 to Committee on Intergovernmental Relations.
HB 3216 to Committee on State Affairs.
HB 3218 to Committee on State Affairs.
HB 3228 to Committee on Criminal Justice.
HB 3246 to Committee on Jurisprudence.
HB 3253 to Committee on Intergovernmental Relations.
HB 3306 to Committee on Natural Resources.
HB 3309 to Committee on Business and Commerce.
HB 3340 to Committee on Higher Education.
HB 3385 to Committee on Criminal Justice.
HB 3391 to Committee on Government Organization.
HB 3408 to Committee on Health and Human Services.
HB 3454 to Committee on Finance.
HB 3461 to Committee on Natural Resources.

HB 3464 to Committee on Natural Resources.
HB 3468 to Committee on Jurisprudence.
HB 3479 to Committee on Intergovernmental Relations.
HB 3496 to Committee on Agriculture and Rural Affairs.
HB 3543 to Committee on Natural Resources.
HB 3595 to Committee on Criminal Justice.
HB 3597 to Committee on Government Organization.
HB 3602 to Committee on State Affairs.
HB 3611 to Committee on Finance.
HB 3612 to Committee on Intergovernmental Relations.
HB 3613 to Committee on Finance.
HB 3626 to Committee on Intergovernmental Relations.
HB 3689 to Committee on Government Organization.
HB 3723 to Committee on Jurisprudence.
HB 3751 to Committee on Criminal Justice.
HB 3785 to Committee on Transportation and Homeland Security.
HB 3827 to Committee on Natural Resources.
HB 3838 to Committee on Natural Resources.
HB 3841 to Committee on Education.
HB 3844 to Committee on Veteran Affairs and Military Installations.
HB 3851 to Committee on Intergovernmental Relations.
HB 3866 to Committee on Business and Commerce.
HB 3872 to Committee on Veteran Affairs and Military Installations.
HB 3918 to Committee on Education.
HB 3921 to Committee on State Affairs.
HB 3922 to Committee on State Affairs.
HB 3923 to Committee on State Affairs.
HB 3945 to Committee on Business and Commerce.
HB 4002 to Committee on Agriculture and Rural Affairs.
HB 4043 to Committee on Natural Resources.
HB 4054 to Committee on State Affairs.
HB 4060 to Committee on State Affairs.
HB 4064 to Committee on Transportation and Homeland Security.
HB 4102 to Committee on Transportation and Homeland Security.
HB 4110 to Committee on Natural Resources.
HB 4127 to Committee on Health and Human Services.
HB 4136 to Committee on Criminal Justice.
HB 4149 to Committee on Higher Education.
HB 4247 to Committee on Natural Resources.
HB 4257 to Committee on Intergovernmental Relations.
HB 4302 to Committee on Education.
HB 4311 to Committee on Transportation and Homeland Security.
HB 4316 to Committee on Intergovernmental Relations.
HB 4353 to Committee on International Relations and Trade.
HB 4358 to Committee on Business and Commerce.
HB 4397 to Committee on Business and Commerce.

HB 4435 to Committee on Education.
HB 4451 to Committee on Criminal Justice.
HB 4464 to Committee on Criminal Justice.
HB 4465 to Committee on Transportation and Homeland Security.
HB 4471 to Committee on Higher Education.
HB 4529 to Committee on Jurisprudence.
HB 4541 to Committee on Criminal Justice.
HB 4590 to Committee on Finance.
HB 4611 to Committee on Finance.
HB 4642 to Committee on Health and Human Services.
HB 4657 to Committee on Intergovernmental Relations.
HB 4700 to Committee on Jurisprudence.
HB 4712 to Committee on Intergovernmental Relations.
HB 4718 to Committee on Jurisprudence.
HB 4720 to Committee on Intergovernmental Relations.
HB 4721 to Committee on Natural Resources.
HB 4727 to Committee on Intergovernmental Relations.
HB 4730 to Committee on Intergovernmental Relations.
HB 4767 to Committee on Government Organization.
HJR 39 to Committee on State Affairs.
HCR 18 to Committee on Government Organization.
HCR 53 to Committee on Government Organization.
HCR 71 to Committee on Government Organization.
HCR 79 to Committee on International Relations and Trade.
HCR 174 to Committee on Transportation and Homeland Security.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 854 by Ellis, In memory of Louise Scarborough-Williams.
SR 855 by Hinojosa, In memory of Marika Govatos of Corpus Christi.
SR 858 by Shapleigh, In memory of J. R. Grijalva of El Paso.

Congratulatory Resolutions

SR 851 by Ellis, Recognizing Courtney J. White on the occasion of her graduation from the Texas Southern University Thurgood Marshall School of Law.
SR 852 by Harris and Shapiro, Commending Douglas N. Stover for his service as Mayor of the City of Coppell.
SR 853 by Nelson, Recognizing Johnnie and Ida Reagan of Watauga on the occasion of their 70th wedding anniversary.
SR 856 by Lucio, Recognizing John Shinsky for his contributions to The City of the Children orphanage in Matamoros.

SR 857 by Seliger, Congratulating Teresa Lyons for receiving the 2009 General Aviation Airport Manager of the Year Award.

HCR 205 (Hinojosa), Congratulating Dr. Larry N. Balli on the 24th anniversary of his Edinburg dental practice.

RECESS

On motion of Senator Uresti, the Senate at 2:05 p.m. recessed until 7:00 a.m. tomorrow for the Local and Uncontested Calendar Session.

APPENDIX

COMMITTEE REPORTS

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

May 6, 2009

STATE AFFAIRS — **HB 360, HB 536, HB 559, HB 582, CSHB 1736, HB 1963, HB 2064, HB 2101, HB 2509, HB 3061, HB 3062**

CRIMINAL JUSTICE — **HB 590, HB 867, HB 982, HB 1148, HB 1492, HB 1629, HB 1813, HB 2062, HB 2386, HJR 58, SB 1338, SB 1744**

TRANSPORTATION AND HOMELAND SECURITY — **HB 875**

ECONOMIC DEVELOPMENT — **CSHB 271**

INTERNATIONAL RELATIONS AND TRADE — **SB 2569, SB 2570**

BUSINESS AND COMMERCE — **HB 523, HB 1411, HB 1758, HB 2560, CSSB 2493**

FINANCE — **CSSB 763, CSSB 1782, CSSB 2350**

BUSINESS AND COMMERCE — **HB 652, HB 1505, HB 2249, HB 2569, HB 3413, SB 2565**

BILLS ENGROSSED

May 5, 2009

SB 97, SB 206, SB 207, SB 485, SB 795, SB 883, SB 994, SB 1050, SB 1068, SB 1120, SB 1204, SB 1244, SB 1245, SB 1375, SB 1383, SB 1391, SB 1506, SB 1566, SB 1570, SB 1598, SB 1600, SB 1641, SB 1672, SB 1675, SB 1730, SB 1764, SB 1766, SB 1789, SB 1932, SB 2006, SB 2008, SB 2148, SB 2170, SB 2178, SB 2221, SB 2231, SB 2304, SB 2344, SB 2351, SB 2381, SB 2435, SB 2440, SB 2463, SB 2464, SB 2468, SB 2501, SB 2507, SB 2521, SB 2554

BILLS AND RESOLUTIONS ENROLLED

May 5, 2009

SB 347, SB 778, SR 822, SR 836, SR 838, SR 839, SR 840, SR 843, SR 844, SR 845, SR 846, SR 847, SR 848, SR 849

SENT TO GOVERNOR

May 6, 2009

SB 347, SB 778

SIGNED BY GOVERNOR

May 6, 2009

SCR 41, SCR 62

