

# SENATE JOURNAL

EIGHTY-FIRST LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**FIFTY-SEVENTH DAY**

(Wednesday, May 13, 2009)

The Senate met at 11:09 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.

The Reverend Keith Born, Immanuel Lutheran Church, Pflugerville, offered the invocation as follows:

Dear heavenly Father, bless these men and women of the Senate Chamber of Texas and all of our elected leaders so that in their debates and deliberations concerns are addressed and needs are met for all the people of our state. Strengthen them in their efforts and enable them as well as all of us to make ourselves available to opportunities for service to others. Today, I offer special prayers for Representative Edmund Kuempel, guide the medical personnel caring for him and bring him back to his family and his vocation healthy and whole. I offer this prayer in Your most holy name. 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 1317**

On motion of Senator Wentworth, Senator Lucio will be shown as Co-author of **SB 1317**.

## **CO-AUTHOR OF SENATE BILL 2469**

On motion of Senator Hinojosa, Senator Lucio will be shown as Co-author of **SB 2469**.

**CO-SPONSOR OF HOUSE BILL 3429**

On motion of Senator Van de Putte, Senator Uresti will be shown as Co-sponsor of **HB 3429**.

**CO-SPONSOR OF HOUSE BILL 3674**

On motion of Senator Nelson, Senator Shapleigh will be shown as Co-sponsor of **HB 3674**.

**MESSAGE FROM THE HOUSE**

## HOUSE CHAMBER

Austin, Texas

May 13, 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 119**, Relating to the terms of court for the 110th District Court.

**HB 121**, Relating to the fee for issuance of specialty license plates to certain wounded peace officers and to the families of certain peace officers killed in the line of duty.

**HB 150**, Relating to the application of the sales and use tax to the sale of certain food products sold at school events.

**HB 229**, Relating to the construction, installation, alteration, extension, servicing, maintenance, or repair of on-site sewage disposal systems.

**HB 230**, Relating to exempting certain schools, nonprofit athletic or sports associations, municipally owned facilities, summer camps, places of worship, and fairgrounds from certain demand charges by transmission and distribution utilities.

**HB 240**, Relating to the appointment of members to the governing body of a political subdivision.

**HB 258**, Relating to the date on which a declaration of write-in candidacy must be filed.

**HB 269**, Relating to course credit for certain students at a public institution of higher education.

**HB 315**, Relating to the instruction of American Sign Language in public high schools.

**HB 397**, Relating to rules regarding return of service.

**HB 544**, Relating to the filing of an application for a place on the general primary election ballot.

**HB 563**, Relating to the evaluation of applications for certain financial assistance administered by the Texas Department of Housing and Community Affairs.

**HB 585**, Relating to records related to an estate of a decedent or incapacitated person.

**HB 587**, Relating to the payment of attorney's fees to an attorney representing an applicant for the appointment of a guardian.

**HB 640**, Relating to personnel records of a deputy sheriff in certain counties.

**HB 746**, Relating to expanding the availability of classrooms and other facilities for use by public colleges and universities.

**HB 781**, Relating to the Electra Hospital District.

**HB 805**, Relating to the definitions of police vehicle and authorized emergency vehicle for the purposes of certain traffic laws.

**HB 1052**, Relating to the creation, powers, and duties of film districts.

**HB 1117**, Relating to ballot instructions.

**HB 1182**, Relating to the administration and purposes of the system benefit fund and the eligibility of customers for benefits under certain programs financed by the system benefit fund and other programs.

**HB 1193**, Relating to ballot certification of a political party presidential candidate.

**HB 1218**, Relating to a pilot project to exchange secure electronic health information between the Health and Human Services Commission and local or regional health information exchanges.

**HB 1259**, Relating to hiring outside legal counsel to provide legal services to the Teacher Retirement System of Texas.

**HB 1275**, Relating to the authority to impose a county hotel occupancy tax.

**HB 1375**, Relating to staff development training for certain public school personnel regarding student disciplinary procedures.

**HB 1448**, Relating to the requirements for voter registration.

**HB 1470**, Relating to notification regarding entitlement of school district employees to leave time in circumstances involving assault.

**HB 1472**, Relating to the offense of cruelty to nonlivestock animals.

**HB 1597**, Relating to the creation of the Fort Bend County Municipal Utility District No. 202; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

**HB 1600**, Relating to the creation of the Fort Bend County Municipal Utility District No. 201; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

**HB 1601**, Relating to the creation of the Waller County Municipal Utility District No. 13; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

**HB 1654**, Relating to the appointment of high school deputy registrars.

**HB 1691**, Relating to the creation of the Waller County Municipal Utility District No. 14; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

**HB 1779**, Relating to education and examination requirements for the issuance of a driver's license to certain persons.

**HB 1841**, Relating to the creation of the XS Ranch Municipal Utility District; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

**HB 1872**, Relating to the creation of additional judicial districts in Bexar County.

**HB 2057**, Relating to an optional county fee on registration of a vehicle in certain counties.

**HB 2153**, Relating to certain registration requirements imposed on sex offenders.

**HB 2181**, Relating to the computation of a person's age under the Election Code.

**HB 2248**, Relating to an emergency management plan for certain health care facilities.

**HB 2284**, Relating to the ad valorem taxation of property owned by certain organizations and used to provide affordable housing.

**HB 2346**, Relating to the removal of illegally parked vehicles from residential parking permit areas in certain municipalities.

**HB 2348**, Relating to a contract between a water district and a municipality for the provision of fire-fighting services in certain counties.

**HB 2368**, Relating to trusts.

**HB 2425**, Relating to engineering recruitment programs at public or private institutions of higher education and to certain degree programs at public junior colleges.

**HB 2524**, Relating to the accuracy, security, and reliability of certain electronic voting systems.

**HB 2585**, Relating to digital or electronic signatures and witness signatures on advance directives.

**HB 2654**, Relating to imposition of the motor vehicle sales tax on motor vehicles transferred as the result of a gift.

**HB 2703**, Relating to classification of a prekindergarten or kindergarten student who is retained at the request of the student's parent.

**HB 2732**, Relating to the regulation of barking dogs by certain counties as a nuisance.

**HB 2740**, Relating to the licensing and regulation of youth camps.

**HB 2767**, Relating to the issuance of specialty license plates for municipal judges and justices of the peace.

- HB 2941**, Relating to the disclosure of certain ad valorem tax appraisal information and other confidential information.
- HB 3044**, Relating to the registration of certain vehicles used to provide emergency incident rehabilitation services.
- HB 3075**, Relating to the designation of convenience signers on certain accounts established at financial institutions.
- HB 3085**, Relating to the independent administration of a decedent's estate.
- HB 3173**, Relating to the statewide plan for delivery of services to public school students with disabilities and resources for teachers of public school students with special health needs.
- HB 3180**, Relating to the licensing and regulation of commercial dog and cat breeders and the regulation of dog and cat dealers; providing penalties.
- HB 3215**, Relating to the establishment of a down payment assistance program for certain professional educators by the Texas State Affordable Housing Corporation.
- HB 3220**, Relating to the applicability of certain laws to open-enrollment charter schools.
- HB 3221**, Relating to required notification by an insurer before automatic premium payments may be increased.
- HB 3224**, Relating to the prosecution and punishment of the offense of arson.
- HB 3417**, Relating to the jurisdiction of criminal law hearing officers in Cameron County.
- HB 3425**, Relating to the use of municipal hotel occupancy taxes.
- HB 3485**, Relating to the administration of certain county services and duties, including the administration of county assistance districts.
- HB 3628**, Relating to the date by which the executive director of the Texas Department of Licensing and Regulation must require compliance with certain elevator safety standards.
- HB 3646**, Relating to public school finance.
- HB 3653**, Relating to the use of restraints to control the movement of pregnant women and female children confined in certain correctional facilities in this state.
- HB 3666**, Relating to the application for and issuance of a marriage license.
- HB 3691**, Relating to shipping coordination services for state agencies.
- HB 3708**, Relating to the appointment and qualifications of bailiffs for certain courts in Cameron County.
- HB 3768**, Relating to title insurance coverage of property transferred into an inter vivos trust.
- HB 3896**, Relating to the authority of the governing body of a municipality or the commissioners court of a county to enter into an ad valorem tax abatement agreement.

**HB 3907**, Relating to the court-ordered administration of psychoactive medication to certain criminal defendants and to the release of those defendants from certain facilities.

**HB 3989**, Relating to the waiver of state park entrance fees for certain persons.

**HB 4067**, Relating to the creation of the Bureau for Economic Development of the Border Region.

**HB 4106**, Relating to information and assistance provided by the chief appraiser to emergency management authorities.

**HB 4128**, Relating to the eligibility of certain Texas Rangers for burial in the state cemetery.

**HB 4186**, Relating to weight limits on a vehicle loaded with certain agricultural products.

**HB 4189**, Relating to the conduct of compliance programs by institutions of higher education.

**HB 4193**, Relating to a joint election for trustees of an independent school board.

**HB 4229**, Relating to the award of attorney's fees in a judicial appeal of certain ad valorem tax determinations.

**HB 4230**, Relating to the rescheduling of a hearing before an appraisal review board.

**HB 4295**, Relating to the right of certain municipalities to maintain local control over wages, hours, and other terms and conditions of employment.

**HB 4426**, Relating to authorizing a suit to declare that certain young people have been abused, neglected, or abandoned and extending the jurisdiction of certain courts making such a declaration.

**HB 4433**, Relating to an exemption from the severance tax for certain gas and oil produced.

**HB 4440**, Relating to a study by the attorney general of the effects on state law and authority of certain international and other agreements and bodies.

**HB 4456**, Relating to the definition of a switchblade knife for purposes of the offense of prohibited weapons.

**HB 4493**, Relating to contracts awarded through competitive bidding by certain port and harbor facilities.

**HB 4533**, Relating to the conduct of charitable poker runs by certain nonprofit organizations.

**HB 4542**, Relating to the exercise of urban renewal powers by certain counties.

**HB 4594**, Relating to permits for the movement of oversize and overweight vehicles in a certain county.

**HB 4722**, Relating to the creation of the Harris County Improvement District No. 11; providing authority to impose a tax and issue bonds.

**HB 4745**, Relating to the Lockney General Hospital District.

**HB 4757**, Relating to the creation of the Montgomery County Municipal Utility District No. 118; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

**HB 4772**, Relating to the creation of the Bastrop County Municipal Utility District No. 2; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

**HB 4773**, Relating to the creation of Chambers County Improvement District No. 2; providing authority to levy an assessment, impose a tax, and issue bonds; granting a limited power of eminent domain.

**HB 4774**, Relating to the creation of the Chambers County Improvement District No. 3; granting road powers; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

**HB 4781**, Relating to the imposition and rate of the county hotel occupancy tax in certain counties.

**HB 4784**, Relating to the creation of the Harris County Municipal Utility District No. 524; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

**HB 4790**, Relating to the creation of the Brown's Ranch Municipal Utility District No. 1 of Grayson County; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

**HB 4795**, Relating to territory included in, and the validation of acts of, the Harris County Improvement District No. 10 and the Harris County Improvement District No. 10B; changing the name of the Harris County Improvement District No. 10B.

**HB 4802**, Relating to the creation of the Liberty County Municipal Utility District No. 6; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

**HB 4810**, Relating to the creation of the Comal County Water Control and Improvement District No. 5; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

**HB 4811**, Relating to the creation of the Comal County Water Control and Improvement District No. 6; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

**HB 4825**, Relating to the creation of the Driftwood Economic Development Municipal Management District; providing authority to impose a tax.

**HCR 152**, Requesting the lieutenant governor and the speaker of the house of representatives to provide for a joint interim legislative study on the availability of medical treatment for patients with Lyme diseases in Texas.

**HCR 161**, Granting John Cook permission to sue the Benbrook Water Authority.

**SB 434**, Relating to the establishment and operation of a public transit motor-bus-only lane pilot program in certain counties.  
(Committee Substitute)

**SB 473**, Relating to an intercollegiate athletics fee at the University of North Texas.

**SB 481**, Relating to safety regulations for certain contract carriers.

**SB 526**, Relating to grants for federally qualified health centers.

**SB 547**, Relating to transition to competition in the Southwestern Electric Power Company service area.

**SB 727**, Relating to the creation of DNA records for the DNA database system.  
(Amended)

**SB 820**, Relating to the adoption and amendment of model building codes by certain municipalities.

**SB 858**, Relating to offering the classroom portion of a driver education course through an alternative method of instruction.

**SB 917**, Relating to the definition of charitable trust for purposes of court jurisdiction.

**SB 918**, Relating to attorney general participation in proceedings involving charitable trusts.

**SB 935**, Relating to authorizing a judge of a municipal court to conduct a marriage ceremony.

**SB 1047**, Relating to the procurement methods authorized for public projects by a combined municipally owned electric, water, and wastewater utility situated in an economically distressed area within 30 miles of the Lower Texas Gulf Coast.

**SB 1103**, Relating to the use of a perpetual trust fund for a cemetery by certain municipalities.

**SB 1105**, Relating to the authority of certain municipalities to extend the termination date for a reinvestment zone created under the Tax Increment Financing Act.

**SB 1121**, Relating to the retrieval and waste of game birds, game animals, and fish; providing a penalty.

**SB 1122**, Relating to the requirement to keep records of game bird or animal carcasses placed in a cold storage or processing facility.  
(Committee Substitute)

**SB 1163**, Relating to the penalties for theft of cattle, horses, exotic livestock, exotic fowl, sheep, swine, or goats.

**SB 1224**, Relating to a waiver of fees imposed for certain expunctions.

**SB 1237**, Relating to the authority of certain juvenile probation officers to carry firearms.  
(Amended)

**SB 1259**, Relating to the storage of records by the clerks of the supreme court and the courts of appeals.  
(Amended)

**SB 1274**, Relating to the summoning of jurors to justice of the peace courts in certain counties.



**SB 1295**, Relating to the creation of the Aliana Management District; providing authority to impose a tax and issue bonds.

**SB 1360**, Relating to the deadlines for commencement and completion of the Lake Columbia reservoir project.

**SB 1638**, Relating to the powers of a recreation district board in a county with frontage on the Guadalupe and Comal Rivers.

**SB 1832**, Relating to the eligibility for judge-ordered community supervision or for release on parole or to mandatory supervision of a defendant convicted of criminal solicitation of capital murder.

**SB 1919**, Relating to the requirements for recording a property owners' association management certificate.

**SB 2052**, Relating to projects that may be undertaken by development corporations for the development, retention, or expansion of certain transportation facilities.

**SB 2134**, Relating to the composition and voting procedures of the Comal County Juvenile Board.

**SB 2298**, Relating to compensation of certain state employees.  
(Amended)

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

### **BILLS AND RESOLUTIONS SIGNED**

The President announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

**SB 1966, HB 875, HB 1282, HB 1454, HB 1813, HB 1963, HCR 88, HCR 214.**

### **INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED**

The President 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.

### **CONCLUSION OF MORNING CALL**

The President at 11:15 a.m. announced the conclusion of morning call.

### **COMMITTEE SUBSTITUTE SENATE BILL 2563 ON SECOND READING**

On motion of Senator Deuell and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 2563** at this time on its second reading:

**CSSB 2563**, Relating to the creation of an additional county court at law in Kaufman County.

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 2563 ON THIRD READING**

Senator Deuell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 2563** 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.

**PHYSICIAN OF THE DAY**

Senator Ogden was recognized and presented Dr. Daniel Voss of Georgetown as the Physician of the Day.

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

**GUESTS PRESENTED**

Senator Huffman was recognized and introduced to the Senate students and their teachers from Helms Community Learning Center in Houston.

The Senate welcomed its guests.

**SENATE RESOLUTION 800**

Senator Carona offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Dallas music group The Nightcaps, who are celebrating their 50th year in show business with a performance at the Lakewood Theater on May 29, 2009; and

WHEREAS, This rhythm and blues group was formed in Dallas in 1959; current members of the group include original members Billy Joe Shine and Gene Haufler, Denny Mills, who joined The Nightcaps in 1962, Lenny Mills, who joined the group in 1968, and Mark Minton, who joined in 1997; and

WHEREAS, The Nightcaps' first big hit was "Wine, Wine, Wine," recorded in 1960; the song was listed in the April, 2002, edition of *Texas Monthly* magazine as one of the best 100 songs in Texas music history; and

WHEREAS, The group's second hit was "Thunderbird," a song for which Jimmie Vaughan would later name his group and which would be included in ZZ Top's *Fandango* album; and

WHEREAS, The Nightcaps became fixtures in the Dallas music scene and had an enormous influence on blues music and the rhythm and blues acts that would follow them; they do indeed deserve recognition for their enduring talent and for providing the public with half a century of first-rate musical entertainment; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby congratulate members of The Nightcaps on their 50th year as a top Dallas performing group and extend to all best wishes for continuing success; and, be it further

RESOLVED, That a copy of this Resolution be prepared for The Nightcaps as a token of esteem from the Texas Senate.

SHAPIRO  
CARONA

**SR 800** was read and was adopted without objection.

#### **GUESTS PRESENTED**

Senator Carona, joined by Senator Shapiro, was recognized and introduced to the Senate the members of the Dallas music group, The Nightcaps.

The Senate welcomed its guests.

#### **GUESTS PRESENTED**

Senator Ellis was recognized and introduced to the Senate his wife, Licia Green-Ellis, and the First Lady of Houston, Andrea White.

The Senate welcomed its guests.

#### **HOUSE BILL 1793 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1793** at this time on its second reading:

**HB 1793**, Relating to judicial instruction for judges who hear complaints against children alleging violations of certain misdemeanor offenses.

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 1793 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 **HB 1793** 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.

#### **HOUSE BILL 652 ON SECOND READING**

On motion of Senator Eltife and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 652** at this time on its second reading:

**HB 652**, Relating to licensing of escrow officers.

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 652 ON THIRD READING**

Senator Eltife moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 652** 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 1587 ON THIRD READING**

The President laid before the Senate **CSSB 1587** by Senator Van de Putte on its final passage. Senate Rule 7.18 and the Constitutional Rule were suspended and further consideration postponed:

**CSSB 1587**, Relating to a uniform and statewide 9-1-1 emergency services fee on the retail sale of prepaid wireless telecommunications services to consumers.

Question — Shall **CSSB 1587** be finally passed?

The bill was read third time and was finally passed by the following vote: Yeas 28, Nays 3.

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

Nays: Eltife, Hegar, Nichols.

**GUESTS PRESENTED**

Senator Seliger was recognized and introduced to the Senate Ronald McDonald and a delegation representing Salad Day 2009 at the Texas Capitol, sponsored by McDonald's.

The Senate welcomed its guests.

**HOUSE BILL 1990 ON SECOND READING**

On motion of Senator Duncan and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1990** at this time on its second reading:

**HB 1990**, Relating to a diabetes self-management training pilot program under the state Medicaid program.

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 1990 ON THIRD READING**

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1990** 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 2196 ON SECOND READING**

On motion of Senator Deuell and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2196** at this time on its second reading:

**CSHB 2196**, Relating to the establishment of a workgroup to study and make recommendations on the integration of health and behavioral health services.

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSHB 2196** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill appropriately:

SECTION \_\_\_\_ . Subtitle E, Title 2, Health and Safety Code, is amended by adding Chapter 115 to read as follows:

CHAPTER 115. TASK FORCE FOR CHILDREN WITH SPECIAL NEEDS

Sec. 115.001. DEFINITIONS. In this chapter:

(1) "Children with special needs" means children younger than 22 years of age diagnosed with a chronic illness, intellectual or other developmental disability, or serious mental illness.

(2) "Commission" means the Health and Human Services Commission.

(3) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

(4) "Task force" means the Interagency Task Force for Children with Special Needs established under this chapter.

Sec. 115.002. TASK FORCE FOR CHILDREN WITH SPECIAL NEEDS. The governor, or the governor's designee, shall oversee the task force created and administered by the commission to improve the coordination, quality, and efficiency of services for children with special needs.

Sec. 115.003. DUTIES. The task force shall:

(1) not later than September 1, 2010, coordinate with federal agencies to compile a list of opportunities to increase flexible funding for services for children with special needs, including alternative funding sources and service delivery options;

(2) conduct a review of state agency policies and procedures related to service delivery for children with special needs;

(3) perform a needs assessment, including public hearings to identify service delivery gaps, system entry points, and service obstacles; and

(4) develop a five-year plan to improve the coordination, quality, and efficiency of services for children with special needs under Section 115.004.

Sec. 115.004. TASK FORCE PLAN. (a) In developing the five-year plan under this chapter, the task force shall:

(1) identify the party responsible for each action set forth in the plan and set deadlines for implementation of each recommendation;

(2) create benchmarks to measure progress toward goals and objectives;

(3) consult with the Legislative Budget Board to coordinate relevant cost studies and account for long-term savings of short-term child investments;

(4) consult with personnel from other states to identify best practices;

(5) consult with the state demographer and relevant federal agencies to account for future demographic trends;

(6) consult with pediatric specialists and other health care providers to determine best medical practices;

(7) coordinate with mental health and developmental disability advocates;  
and

(8) develop a timeline for plan implementation.

(b) The plan created under this chapter must provide recommendations to:

(1) maximize the use of federal funds available to this state for the purposes described by Section 115.002;

(2) reduce the number of families who experience crisis due to insufficient and ineffective interventions or services or lack of coordination and planning of interventions or services;

(3) improve families' ability to navigate the system through improved coordination between service providers and increased outreach;

(4) remove barriers to local coordination of services and supports;

(5) evaluate the feasibility of creating an interagency legally authorized representative program to provide support services for children with special needs;

(6) improve early detection and intervention services;

(7) increase the number of community-based options for children with special needs;

(8) improve accountability for each agency represented on the task force and other service providers;

(9) reduce existing fragmentation of service delivery to reflect best practices and eliminate ineffective interventions;

(10) reduce service gaps and overlap;

(11) improve data management;

(12) prevent unnecessary parental relinquishment of custody;

(13) create a core set of quality measures to determine quality of care and improvements to quality of life; and

(14) improve availability of high-quality community-based acute and long-term care services and supports.

Sec. 115.005. MEMORANDUM OF UNDERSTANDING. The governor's office and each agency represented on the task force shall enter into a memorandum of understanding to implement the task force's duties under this chapter.

Sec. 115.006. REPORT. (a) The task force shall submit a biennial report on the progress of each agency represented on the task force in accomplishing the goals described by Section 115.002 to the governor, lieutenant governor, and speaker of the house of representatives.

(b) The report must include:

(1) stakeholder input, including testimony from parents in each health and human services district;

(2) progress toward meeting each goal outlined in the plan under Section 115.004;

(3) current barriers that prevent accomplishing each goal listed in Subdivision (2);

(4) additional resource needs;

(5) current resources that could be redirected for more efficient and effective use;

(6) amendments to the plan under this chapter;

(7) recommendations and proposed legislation to help fulfill the goals of this chapter; and

(8) feasibility statements on related recommendations.

(c) The task force shall publish the report on the commission's website.

Sec. 115.007. COMPOSITION. (a) The task force consists of:

(1) the commissioner, the executive director or director, or a deputy or assistant commissioner of:

(A) the commission, designated by the executive commissioner;

(B) the Department of Aging and Disability Services, designated by the commissioner of that agency;

(C) the Department of Assistive and Rehabilitative Services, designated by the commissioner of that agency;

(D) the division of early childhood intervention services, designated by the commissioner of the Department of Assistive and Rehabilitative Services;

(E) the Department of Family and Protective Services, designated by the commissioner of that agency;

(F) the Department of State Health Services, designated by the commissioner of that agency;

(G) the Texas Education Agency, designated by the commissioner of that agency;

(H) the Texas Youth Commission, designated by the executive commissioner of that agency;

(I) the Texas Juvenile Probation Commission, designated by the executive director of that agency; and

(J) the Texas Correctional Office on Offenders with Medical or Mental Impairments, designated by the director of that office; and

(2) eight nonvoting members who are:

(A) a representative of a local mental health authority or a local mental retardation authority, appointed by the governor;

(B) two members of the house of representatives, appointed by the speaker of the house of representatives;

(C) two senators, appointed by the lieutenant governor; and

(D) three parents or consumer advocates, one each appointed by the commission, the Texas Education Agency, and the Texas Youth Commission.

(b) The members of the task force appointed under Subsection (a)(2)(D) may serve a five-year term or may elect to serve for a shorter period.

Sec. 115.008. MEETINGS. (a) The task force shall meet at least once each quarter.

(b) The task force shall provide an opportunity for statewide public participation in at least two meetings in each calendar year.

(c) All meetings of the task force shall be conducted in accordance with Chapter 551, Government Code.

Sec. 115.009. INTERAGENCY COORDINATOR; STAFF. (a) The governor shall appoint an interagency coordinator from the commission as the presiding officer of the task force.

(b) The interagency coordinator shall hire a full-time director and administrative assistant to support the duties and functions of the task force.

Sec. 115.010. TASK FORCE DIRECTOR. The task force director hired by the interagency coordinator under Section 115.009 shall:

(1) prepare on behalf of the task force the plan and reports required under this chapter;

(2) work with each task force representative to schedule meetings and deadlines relevant to the representative's agency; and

(3) work with the interagency coordinator to assign subcommittee leadership positions under Section 115.011.

Sec. 115.011. SUBCOMMITTEES. (a) The interagency coordinator, assisted by the task force director, shall establish subcommittees to address:

(1) early childhood detection and intervention;

(2) education;

(3) health care;

(4) transitioning youth;

(5) crisis prevention and intervention;

(6) juvenile justice;

(7) long-term, community-based services and supports; and

(8) mental health.

(b) Each subcommittee shall include at least one task force member to serve as chair. Consistent with the purpose of each subcommittee, members shall consult with relevant subject matter experts, relevant advocacy organizations, staff from related agencies, and parents or consumers who have used related services.

(c) Each subcommittee shall report the subcommittee's findings and related recommendations at a task force meeting at least once each year. On a biennial basis, the subcommittee shall provide a written report with findings and recommendations not less than two months before the scheduled release of the task force report under this chapter.

SECTION \_\_\_\_ . (a) As soon as practicable after the effective date of this Act:

(1) the governor shall appoint the interagency coordinator of the Interagency Task Force for Children with Special Needs as required by Section 115.009, Health and Safety Code, as added by this Act; and



(2) the lieutenant governor, speaker of the house of representatives, and executive commissioner, commissioner, executive director, or director of each entity listed under Section 115.007, Health and Safety Code, as added by this Act, shall appoint the members of the Interagency Task Force for Children with Special Needs established by Chapter 115, Health and Safety Code, as added by this Act.

(b) The Interagency Task Force for Children with Special Needs shall hold an organizational meeting not later than September 30, 2009.

(c) The interagency coordinator shall appoint the subcommittees created under Section 115.011, Health and Safety Code, as added by this Act, not later than December 1, 2009.

(d) The plan required under Chapter 115, Health and Safety Code, as added by this Act, must be submitted to the 82nd Legislature not later than September 1, 2011.

The amendment to **CSHB 2196** 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 Deuell and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSHB 2196** 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 2196 ON THIRD READING**

Senator Deuell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2196** 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.

#### **GUESTS PRESENTED**

Senator Wentworth was recognized and introduced to the Senate the choirs of Harmony Hills Elementary School in San Antonio, accompanied by their director and principal.

The Senate welcomed its guests.

#### **HOUSE BILL 1203 ON SECOND READING**

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1203** at this time on its second reading:

**HB 1203**, Relating to the designation of a person to act as the agent of a property owner in a property tax matter.

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 1203 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 **HB 1203** 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 2317 ON SECOND READING**

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2317** at this time on its second reading:

**CSHB 2317**, Relating to appraisal review board members.

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.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 2317 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 **CSHB 2317** 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.

**HOUSE BILL 1731 ON SECOND READING**

On motion of Senator Ogden and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1731** at this time on its second reading:

**HB 1731**, Relating to money available for consumer incentive or rebate programs for alternatively fueled appliances or equipment.

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 1731 ON THIRD READING**

Senator Ogden moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1731** 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.

### HOUSE BILL 1805 ON SECOND READING

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1805** at this time on its second reading:

**HB 1805**, Relating to the use of laser sighting devices by hunters who have certain documented disabilities.

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 1805 ON THIRD READING

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1805** 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 3 ON SECOND READING

On motion of Senator Shapiro and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 3** at this time on its second reading:

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

The bill was read second time.

Senator Shapiro offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **CSHB 3** (Senate committee report) as follows:

(1) In SECTION 30 of the bill, in amended Section 28.025(b-1)(1)(C), Education Code (page 13, line 54), strike "eight" and substitute "six".

(2) In SECTION 30 of the bill, in amended Section 28.025(b-1)(1)(C), Education Code (page 13, line 54), strike "and" and substitute "~~and~~".

(3) In SECTION 30 of the bill, in amended Section 28.025(b-1)(2), Education Code (page 13, line 57), strike the period and substitute "; and".

(4) In SECTION 30 of the bill, immediately following amended Section 28.025(b-1)(2), Education Code (page 13, between lines 57 and 58), insert the following:

(3) the curriculum requirements for the minimum, recommended, and advanced high school programs under Subsection (a) include a requirement that students successfully complete:

(A) one credit in fine arts under Section 28.002(a)(2)(D); and

(B) one credit in physical education under Section 28.002(a)(2)(C).

The amendment to **CSHB 3** 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 Shapiro and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSHB 3** 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 3 ON THIRD READING**

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 3** 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 2558 ON SECOND READING**

Senator Gallegos moved to suspend the regular order of business to take up for consideration **CSSB 2558** at this time on its second reading:

**CSSB 2558**, Relating to the promotion and marketing of alcoholic beverages.

The motion prevailed.

Senators Harris 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: Harris, Williams.

### **COMMITTEE SUBSTITUTE SENATE BILL 2558 ON THIRD READING**

Senator Gallegos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 2558** 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, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Harris, Williams.

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

#### **HOUSE BILL 1923 ON SECOND READING**

On motion of Senator Duncan and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1923** at this time on its second reading:

**HB 1923**, Relating to the Irion County Water Conservation District.

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 1923 ON THIRD READING**

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1923** 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.

#### **HOUSE BILL 205 ON SECOND READING**

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 205** at this time on its second reading:

**HB 205**, Relating to the applicability of certain city requirements affecting the restraint of certain dogs on annexed or otherwise acquired property used for agricultural operations.

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 205 ON THIRD READING**

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 205** 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 2209 ON SECOND READING**

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 2209** at this time on its second reading:

**CSSB 2209**, Relating to applications regarding the issuance of private activity bonds by certain governmental entities for projects with multiple sites.

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 2209 ON THIRD READING**

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 2209** 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.

**HOUSE BILL 1466 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 1466** at this time on its second reading:

**HB 1466**, Relating to the theft of a military grave marker.

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 1466 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 1466** 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 375 ON SECOND READING**

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 375** at this time on its second reading:

**CSHB 375**, Relating to classifying elk and elk hybrids as livestock under the Agriculture Code.

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.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 375 ON THIRD READING**

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 375** 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 2469 ON SECOND READING**

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 2469** at this time on its second reading:

**CSSB 2469**, Relating to the creation of two additional county courts at law in Hidalgo County.

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 2469 ON THIRD READING**

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 2469** 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.

**HOUSE BILL 1079 ON SECOND READING**

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1079** at this time on its second reading:

**HB 1079**, Relating to the appellate process for the community development block grant program.

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 1079 ON THIRD READING**

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1079** 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.

**HOUSE BILL 1433 ON SECOND READING**

Senator Averitt moved to suspend the regular order of business to take up for consideration **HB 1433** at this time on its second reading:

**HB 1433**, Relating to the amount of the annual water quality fee imposed on holders of wastewater discharge permits and on users of water.

The motion prevailed.

Senators Huffman, Nelson, 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 third reading by a viva voce vote.

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

Nays: Huffman, Nelson, Shapiro.

**HOUSE BILL 1433 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 **HB 1433** 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, Nichols, Ogden, Patrick, Seliger, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Nelson, Shapiro.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3.

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

Nays: Huffman, Nelson, Shapiro.



**HOUSE BILL 2071 ON SECOND READING**

On motion of Senator Patrick and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2071** at this time on its second reading:

**HB 2071**, Relating to the reporting of certain inventories for ad valorem tax purposes; providing penalties.

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 2071 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 **HB 2071** 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.

**HOUSE BILL 3765 ON SECOND READING**

On motion of Senator Averitt and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3765** at this time on its second reading:

**HB 3765**, Relating to the use of hazardous and solid waste remediation fee funds for lead-acid battery recycling activities.

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 3765 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 **HB 3765** 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 1317 ON THIRD READING**

Senator Wentworth moved to suspend the regular order of business to take up for consideration **CSSB 1317** at this time on its third reading and final passage:

**CSSB 1317**, Relating to education and examination requirements for the issuance of a driver's license to certain persons.

The motion prevailed.

Senators Eltife, Fraser, Gallegos, Hinojosa, Jackson, Patrick, and Whitmire asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read third time and was passed by the following vote: Yeas 23, Nays 8.

Yeas: Averitt, Carona, Davis, Deuell, Duncan, Ellis, Estes, Harris, Huffman, Lucio, Nelson, Nichols, Ogden, Seliger, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Williams, Zaffirini.

Nays: Eltife, Fraser, Gallegos, Hegar, Hinojosa, Jackson, Patrick, Whitmire.

### **HOUSE BILL 2569 ON SECOND READING**

On motion of Senator Eltife and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2569** at this time on its second reading:

**HB 2569**, Relating to a specialty insurance agent license for certain vendors of portable electronic devices.

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 2569 ON THIRD READING**

Senator Eltife moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2569** 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.

### **HOUSE BILL 492 ON SECOND READING**

On motion of Senator Deuell and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 492** at this time on its second reading:

**HB 492**, Relating to the expansion of faith- and community-based health and human services and social services initiatives.

The bill was read second time.

Senator Deuell offered the following amendment to the bill:

#### **Floor Amendment No. 1**

Amend **HB 492** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill, at the end of added Section 535.104(a)(6), Government Code (page 4, line 8), insert "and".

(2) In SECTION 1 of the bill, in added Section 535.104(a)(7), Government Code (page 4, lines 14 through 15), strike "or to engage in any form of proselytization; and" and substitute ".\_".

(3) In SECTION 1 of the bill, strike added Section 535.104(a)(8), Government Code (page 4, lines 16 through 26).

The amendment to **HB 492** was read.

On motion of Senator Deuell, further consideration of **HB 492** was postponed to a time certain of 11:00 a.m. tomorrow.

Question — Shall Floor Amendment No. 1 be adopted?

**COMMITTEE SUBSTITUTE**  
**SENATE BILL 763 ON SECOND READING**

Senator Watson moved to suspend the regular order of business to take up for consideration **CSSB 763** at this time on its second reading:

**CSSB 763**, Relating to the requirement that state agencies purchase low-emissions vehicles as a minimum percentage of their purchased vehicles.

The motion prevailed.

Senators Harris, Hegar, Nichols, 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: Harris, Hegar, Nichols, Williams.

**COMMITTEE SUBSTITUTE**  
**SENATE BILL 763 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 763** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 4.

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

Nays: Harris, Hegar, Nichols, Williams.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 4. (Same as previous roll call)

**SENATE BILL 2567 ON SECOND READING**

On motion of Senator Duncan and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 2567** at this time on its second reading:

**SB 2567**, Relating to state fiscal matters.

The bill was read second time.

Senator Fraser offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 2567** as follows:

Add the following appropriately numbered SECTIONS to SB 2567 (Senate committee report) and renumber subsequent SECTIONS of the bill accordingly:

SECTION \_\_. Sec. 321.013, Government Code, is amended by adding subsection (k) to read as follows:

(k) The State Auditor may conduct audits of special water authorities, as specified in the audit plan.

SECTION \_\_. (a) The state auditor shall conduct comprehensive financially related audits, including audits of the operations and performance, of the Brazos River Authority and the Lower Colorado River Authority.

(b) A river authority audited under this section shall cooperate and provide assistance and access to all necessary records, confidential or nonconfidential, to the state auditor in conducting the audit under this section.

(c) Not later than January 1, 2011, the state auditor shall prepare a written report for each audit conducted under this section and file the report in accordance with Section 321.014, Government Code.

(d) A river authority audited under this section shall reimburse the state auditor for the cost of performing the audit.

The amendment to **SB 2567** 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: Averitt.

Senator Ogden offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **SB 2567** (Senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill:

SECTION \_\_\_\_\_. The heading to Chapter 801, Government Code, is amended to read as follows:

CHAPTER 801. STATE PENSION AND INVESTMENT REVIEW BOARD

SECTION \_\_\_\_\_. Subdivision (1), Section 801.001, Government Code, is amended to read as follows:

(1) "Board" means the State Pension and Investment Review Board.

SECTION \_\_\_\_\_. Section 801.101, Government Code, is amended to read as follows:

Sec. 801.101. PENSION AND INVESTMENT REVIEW BOARD. The State Pension and Investment Review Board is an agency of the state.

SECTION \_\_\_\_\_. Subsection (a), Section 801.102, Government Code, is amended to read as follows:

(a) The board is composed of seven ~~[nine]~~ members.

SECTION \_\_\_\_\_. Section 801.103, Government Code, is amended to read as follows:

Sec. 801.103. MEMBERS APPOINTED BY GOVERNOR. (a) The governor shall appoint, with the advice and consent of the senate, five ~~[seven]~~ members to the board.

(b) The governor shall appoint to the board:

(1) three persons who have experience in the fields of securities investment, pension administration, ~~[or]~~ pension law, institutional investment, investment risk management, or institutional audits but who are not members or retirees of a public retirement system;

(2) one person who is a fellow of the Society of Actuaries, a member of the American Academy of Actuaries, or an enrolled actuary under the federal Employee Retirement Income Security Act of 1974 (29 U.S.C. Sec. 1001 et seq.); and

(3) ~~[one person who has experience in the field of governmental finance;~~

~~[(4)]~~ one person who:

(A) is a contributing member of a public retirement system; or

(B) ~~[and~~

~~[(5) one person who]~~ is receiving retirement benefits from a public retirement system.

SECTION \_\_\_\_\_. Section 801.104, Government Code, is amended to read as follows:

Sec. 801.104. MEMBERS APPOINTED BY OTHERS. (a) The lieutenant governor shall appoint one member to the board ~~[one member of the senate]~~.

(b) The speaker of the house of representatives shall appoint one member to the board ~~[one member of the house]~~.

(c) Each person appointed to the board under this section must have experience in the field of securities investment, pension administration, pension law, institutional investment, investment risk management, or institutional audits.

SECTION \_\_\_\_\_. Section 801.106, Government Code, is amended to read as follows:

Sec. 801.106. TERMS OF OFFICE. Members of the board hold office for staggered terms of six years, with the terms of two or three members expiring on January 31 of each odd-numbered year.

SECTION \_\_\_\_\_. Section 801.107, Government Code, is amended to read as follows:

Sec. 801.107. SUNSET PROVISION. The State Pension and Investment Review Board is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished and this chapter expires September 1, 2013.

SECTION \_\_\_\_\_. The heading to Section 801.113, Government Code, is amended to read as follows:

Sec. 801.113. PROVISION OF CERTAIN SERVICES ~~[FUND]~~.

SECTION \_\_\_\_\_. Subsection (e), Section 801.113, Government Code, is amended to read as follows:

(e) The board is authorized to conduct training sessions, schools, or other educational activities for trustees and administrators of public retirement systems. The board may also furnish other appropriate services such as actuarial studies or other requirements of systems and may establish appropriate fees for these activities and services. ~~[The fees may be based on whether or not the trustees, administrators, or systems contribute to the State Pension Review Board fund under Subsection (e) of this section. The net proceeds of these fees shall be deposited in the fund.]~~

SECTION \_\_\_\_\_. Subsections (b) and (c), Section 801.201, Government Code, are amended to read as follows:

(b) For the purpose of performing its duties under Section 801.202(1) or (2), the board by rule may require clarification of information provided by a public retirement system or other entity subject to Subchapter D in a report that is required by law and is required to be filed with the board. ~~[A rule adopted under this subsection may not be enforced against a public retirement system if compliance with the rule would cause the system to incur a major expense.]~~

(c) The board by rule shall:

(1) adopt actuarial guidelines that may be used by public retirement systems;

(2) adopt a brief standard form that will assist the board in efficiently determining the actuarial soundness, if applicable, and current financial condition of a public retirement system or other entity subject to Subchapter D; and

(3) ~~(2)~~ require that a retirement system or other entity subject to Subchapter D submitting information required for the review or study described under Section 801.202(1) or (2) include the form with the submission.

SECTION \_\_\_\_\_. Section 801.202, Government Code, is amended to read as follows:

Sec. 801.202. GENERAL DUTIES. The board shall:

(1) conduct a continuing review of:

(A) public retirement systems, compiling and comparing information about benefits, creditable service, financing, and administration of systems; and

(B) the investment practices of public retirement systems and other entities subject to Subchapter D;

(2) conduct intensive studies of potential or existing problems that threaten ~~[the actuarial soundness of]~~ or inhibit:

(A) the financial condition or actuarial soundness of public funds managed or invested by an entity subject to Subchapter D; or

(B) an equitable distribution of benefits in one or more public retirement systems;

(3) provide information and technical assistance on pension planning to public retirement systems on request; ~~[and]~~

(4) review and document whether the board believes an entity subject to Subchapter D is investing funds in compliance with:

(A) the entity's investment strategy; and

(B) applicable law governing the entity's investments; and

(5) recommend policies, practices, and legislation to public retirement systems and other entities subject to Subchapter D and appropriate governmental entities.

SECTION \_\_\_\_\_. Subsection (a), Section 801.203, Government Code, is amended to read as follows:

(a) The board shall present to the legislature and the governor, in November of each even-numbered year, a public report explaining the work and findings of the board during the preceding two-year period and including drafts or recommendations of any legislation relating to public retirement systems or other entities subject to Subchapter D that the board finds advisable.

SECTION \_\_\_\_\_. Section 801.204, Government Code, is amended to read as follows:

Sec. 801.204. INSPECTION OF RECORDS. To the extent it is necessary to perform ~~[In performing]~~ its functions, the board may inspect the books, records, or accounts of a public retirement system or another entity subject to Subchapter D during business hours of the system.

SECTION \_\_\_\_\_. Chapter 801, Government Code, is amended by adding Subchapter D to read as follows:

#### SUBCHAPTER D. BOARD INVESTMENT OVERSIGHT

Sec. 801.301. APPLICABILITY. (a) This subchapter applies only to the investment of:

(1) public funds by:

(A) the comptroller;

(B) the Employees Retirement System of Texas, including a retirement system administered by that system;

(C) the Teacher Retirement System of Texas;

(D) the Texas Municipal Retirement System;

(E) the Texas County and District Retirement System; and

(F) the Texas Emergency Services Retirement System;

(2) the permanent university fund by the board of regents of The University of Texas System or any entity acting on behalf of the board of regents, including a nonprofit corporation acting under Section 66.08, Education Code; and

(3) the permanent school fund by the State Board of Education or any entity acting on behalf of the State Board of Education, including a nonprofit corporation acting under Section 43.006, Education Code.

(b) For purposes of this subchapter, a reference to "public retirement system" means a public retirement system subject to this subchapter.

Sec. 801.302. ANNUAL REPORT TO BOARD. An entity subject to this subchapter shall, not later than six months after the last day of the fiscal year under which the entity operates or, if a public retirement system, the plan year under which

the entity operates, file with the board and post on the entity's Internet website information that the board determines is necessary to perform the board's duties under Section 801.202 unless the information is confidential under law.

Sec. 801.303. REPORT ON INVESTMENT STRATEGY. (a) An entity subject to this subchapter shall:

(1) develop and adopt a written investment strategy;

(2) file a copy of the strategy with the board not later than the 90th day after the date the strategy is adopted; and

(3) file a copy of each change to the strategy with the board not later than the 90th day after the change is adopted.

(b) A report under this section may be combined with any other report required by this chapter or Chapter 802.

Sec. 801.304. TIMELY SUBMISSION OF CERTAIN REPORTS AND RESPONSES REQUIRED. (a) The presiding officer of an entity subject to this subchapter or the governing body of an entity subject to this subchapter is responsible for ensuring that a report or a response to a request for information made by the board for the purpose of performing the board's duties under Section 801.202 is filed timely with the board.

(b) It is grounds for removal by the appropriate appointing officer if the presiding officer of an entity subject to this subchapter or the governing body of an entity subject to this subchapter consistently fails to timely submit a report or respond to a request for information under Subsection (a).

(c) If the board determines that the presiding officer of an entity subject to this subchapter consistently fails to timely report or respond to a request for information under Subsection (a), the board shall notify the appropriate appointing officer, if any, the governor, if the governor is not the appropriate appointing officer, and the Legislative Budget Board of its determination.

Sec. 801.305. CONTRACTS WITH INVESTMENT MANAGERS AND CERTAIN OTHERS. A contract with an investment manager or other person to provide services to an entity subject to this subchapter relating to the management and investment of public funds for or on behalf of the entity is subject to review by the board regarding the fees charged and paid by the subject entity and the services rendered to the entity in consideration for the fees.

Sec. 801.306. DISCLOSURE OF CERTAIN POTENTIAL CONFLICTS OF INTEREST; ANNUAL FILING. (a) This section applies to:

(1) a member of the governing body of a public retirement system subject to this subchapter;

(2) an investment manager for a public retirement system appointed by contract;

(3) a member of the board of regents of The University of Texas System;

(4) the officers and directors of a nonprofit corporation under contract with the board of regents of The University of Texas System under Section 66.08, Education Code, to invest the funds of the permanent university fund on behalf of the board of regents;

(5) a member of the State Board of Education;



(6) the officers and directors of a nonprofit corporation acting under contract with the State Board of Education to invest the funds of the permanent school fund under Section 43.006, Education Code; and

(7) any private professional investment manager who has entered into a contract with the comptroller under Section 404.024(k) to assist the comptroller in investing public funds.

(b) A person to whom this section applies and who has a business, commercial, or other relationship that a reasonable person would find likely to materially diminish the person's independence of judgment in the performance of the person's responsibilities with respect to the management or investment of public funds for or on behalf of an entity subject to this subchapter shall immediately disclose the relationship in writing to the entity.

(c) If a person described by Subsection (a)(1) or (3) intentionally fails to disclose a relationship under Subsection (b), it is a ground for removal from the governing body of the entity on which the person serves.

(d) If a person described by Subsection (a)(2), (4), (6), (7), or (8) intentionally fails to disclose a relationship under Subsection (b):

(1) the contract is voidable by the entity; and

(2) the governing body of the entity may enter an order declaring the person ineligible to contract for business relating to the management or investment of public funds for or on behalf of the entity.

(e) At least annually and not later than a date specified by the entity, a person to whom this section applies shall file a statement with the entity stating that the person is aware that the person is required to disclose material conflicts of interest under this section and that the person is in compliance with this section.

Sec. 801.307. PROHIBITION AGAINST ACCEPTANCE OF CERTAIN GIFTS. In any 12-month period, the comptroller or a person who is a member of the governing body of a public retirement system, the board of regents of The University of Texas System, or the State Board of Education or an employee of an entity subject to this subchapter employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.), may not accept a gift or gifts, the total value of which is more than \$250, including food, entertainment, and a promised future benefit, from another person doing business with or seeking to do business with the entity.

Sec. 801.308. PROHIBITED CONTRACTS. A public retirement system, the board of regents of The University of Texas System, or the State Board of Education may not directly or indirectly enter into a contract with a former member of the governing body of a public retirement system, the board of regents of The University of Texas System, or the State Board of Education, respectively, to provide services relating to the management and investment of public funds before the second anniversary of the date the person ceases to be a member of the body or board, as applicable.

Sec. 801.309. CIVIL PENALTY. (a) A person who commits fraud, theft, embezzlement, fraudulent conversion, unlawful appropriation, or misapplication of property in relation to a service provided by the person to an entity subject to this subchapter is liable to this state for a civil penalty in an amount not to exceed \$250,000 for each offense.

(b) The attorney general may bring an action to recover the civil penalty imposed under this section.

(c) The penalty under this section is in addition to any other remedy provided by law.

Sec. 801.310. INVESTIGATION OF CERTAIN COMPLAINTS; ASSISTANCE OF ATTORNEY GENERAL. (a) The board shall adopt rules and procedures for receiving and investigating a complaint against a person who provides management or investment services to an entity subject to this subchapter alleging that the person:

(1) violated or may have violated Section 801.306 or another applicable conflict of interest provision; or

(2) has been or may have been involved in criminal conduct relating to the services provided by the person to the entity.

(b) The board or the attorney general may, without receiving a complaint, initiate an investigation under this section if the board or the attorney general, as applicable, determines an investigation is appropriate.

(c) The board may enter into a memorandum of understanding with the attorney general to assist in an investigation under this section. The memorandum must specify the type, scope, and format of the investigative assistance provided by the attorney general.

(d) If the board or the attorney general determines that a criminal offense may have been committed, the board or the attorney general, as applicable, shall refer the case to the appropriate law enforcement agency for prosecution.

SECTION \_\_\_\_\_. Subdivision (1), Section 802.001, Government Code, is amended to read as follows:

(1) "Board" means the State Pension and Investment Review Board.

SECTION \_\_\_\_\_. Subsection (d), Section 802.003, Government Code, is amended to read as follows:

(d) The State Pension and Investment Review Board may file an appropriate pleading, in the manner provided by this section for filing by an individual, for the purpose of enforcing a requirement of Subchapter B or C, other than a requirement of Section 802.101(a), 802.101(d), 802.102, 802.103(a), or 802.104.

SECTION \_\_\_\_\_. Subsection (c), Section 802.101, Government Code, is amended to read as follows:

(c) The governing body of a public retirement system shall file with the State Pension and Investment Review Board a copy of each actuarial study and each separate report made as required by law.

SECTION \_\_\_\_\_. Subsection (j), Section 802.1012, Government Code, is amended to read as follows:

(j) The governmental entity shall:

(1) maintain a copy of the final audit report at its main office for public inspection;

(2) submit a copy of the final audit report to the public retirement system and the State Pension and Investment Review Board not later than the 30th day after the date the final audit report is received by the governmental entity; and

(3) pay all costs associated with conducting the audit and preparing and distributing the report under this section.

SECTION \_\_\_\_\_. Subchapter B, Chapter 802, Government Code, is amended by adding Section 802.1013 to read as follows:

Sec. 802.1013. ACTUARIAL EXPERIENCE STUDIES. (a) In this section, "plan year" means the 12-month accounting period of the affected pension plan of a public retirement system subject to this section.

(b) Subject to Subsection (c), the board may require a public retirement system with total assets the book value of which, as of the last day of the preceding plan year, is at least \$100 million to conduct an actuarial experience study.

(c) The board may not require a public retirement system to conduct more than one actuarial experience study every five years.

(d) The board may adopt rules to implement this section.

SECTION \_\_\_\_\_. Subsections (b) and (c), Section 802.103, Government Code, are amended to read as follows:

(b) The governing body of a public retirement system shall, before the 211th day after the last day of the fiscal year under which the system operates, file with the State Pension and Investment Review Board a copy of each annual financial report it makes as required by law.

(c) A public retirement system that is subject to Chapter 125, Acts of the 45th Legislature, Regular Session, 1937 (Article 6243e, Vernon's Texas Civil Statutes), and that has total assets with a book value, as of the last day of the fiscal year, of less than \$50,000, may submit to the State Pension and Investment Review Board for that year, instead of the financial report otherwise required by this section to be published and submitted, a copy of the financial report it submits to the firemen's pension commissioner.

SECTION \_\_\_\_\_. Subsection (a), Section 802.105, Government Code, is amended to read as follows:

(a) Each public retirement system shall, before the 91st day after the date of its creation, register with the State Pension and Investment Review Board.

SECTION \_\_\_\_\_. Subsection (h), Section 802.106, Government Code, is amended to read as follows:

(h) A public retirement system shall submit to the State Pension and Investment Review Board copies of the summarized information required by Subsections (a) and (b). A system shall submit a copy of the information required by Subsection (a) before the 31st day after the date of publication and a copy of the information required by Subsection (b) before the 271st day after the date a change is adopted.

SECTION \_\_\_\_\_. Section 802.107, Government Code, is amended to read as follows:

Sec. 802.107. GENERAL PROVISIONS RELATING TO REPORTS. (a) A public retirement system shall maintain for public review at its main office and at such other locations as the retirement system considers appropriate copies of the most recent edition of each type of report or other information required by this chapter to be submitted to the State Pension and Investment Review Board unless the information is confidential under law. Public information required to be reported annually to the board may be posted on the retirement system's Internet website or on the website of the board.

(b) Information required by this chapter to be submitted to the State Pension and Investment Review Board may be contained in one or more documents but must be submitted within the period provided by the provision requiring the information.

SECTION \_\_\_\_\_. Subsection (d), Section 802.202, Government Code, is amended to read as follows:

(d) The governing body of a public retirement system shall:

(1) develop and adopt a written investment policy;

(2) maintain for public review at its main office a copy of the policy;

(3) file a copy of the policy with the State Pension and Investment Review Board not later than the 90th day after the date the policy is adopted; and

(4) file a copy of each change to the policy with the State Pension and Investment Review Board not later than the 90th day after the change is adopted.

SECTION \_\_\_\_\_. The heading to Section 802.3021, Government Code, is amended to read as follows:

Sec. 802.3021. STATE PENSION AND INVESTMENT REVIEW BOARD ACTUARY.

SECTION \_\_\_\_\_. Subsection (f), Section 810.001, Government Code, is amended to read as follows:

(f) Every political entity which establishes or maintains a public retirement system covered under this Act shall file all reports with the State Pension and Investment Review Board required by Chapter 802. If a political subdivision establishes a retirement program that would be a "public retirement system" within the meaning ascribed to that term by Section 801.001, but for the fact that the program is administered by a life insurance company, the subdivision shall notify the State Pension and Investment Review Board of the establishment of the program and the name of the administering company.

SECTION \_\_\_\_\_. Subsection (d), Section 815.110, Government Code, is amended to read as follows:

(d) No later than 30 days after the legislative audit committee receives an audit report, the committee shall file a copy of the report with the retirement system, the governor, the lieutenant governor, the speaker of the house of representatives, the State Pension and Investment Review Board, the state auditor, and the secretary of state for publication in the Texas Register.

SECTION \_\_\_\_\_. Subsection (a), Section 815.510, Government Code, is amended to read as follows:

(a) The Employees Retirement System of Texas shall submit a report not later than the 25th day of the month following the end of each fiscal year to the governor, the lieutenant governor, the speaker of the house of representatives, the executive

director of the State Pension and Investment Review Board, the appropriate oversight committees of the house and senate, and the Legislative Budget Board. The report shall include the following:

- (1) the current end-of-fiscal-year market value of the trust fund;
- (2) the asset allocations of the trust fund expressed in percentages of stocks, fixed income, cash, or other financial investments; and
- (3) the investment performance of the trust fund utilizing accepted industry measurement standards.

SECTION \_\_\_\_\_. Subsections (c) and (d), Section 825.108, Government Code, are amended to read as follows:

(c) A copy of the report required by Subsection (a) must be filed with the governor, the lieutenant governor, the speaker of the house of representatives, the State Pension and Investment Review Board, the legislative audit committee, and the state auditor no later than December 15 of each year.

(d) A copy of the report required by Subsection (b) must be filed with the governor, the lieutenant governor, the speaker of the house of representatives, the State Pension and Investment Review Board, the legislative audit committee, and the state auditor no later than March 1 of each year.

SECTION \_\_\_\_\_. Subsection (d), Section 825.111, Government Code, is amended to read as follows:

(d) No later than 30 days after the legislative audit committee receives an audit report, the committee shall file a copy of the report with the retirement system, the governor, the lieutenant governor, the speaker of the house of representatives, the State Pension and Investment Review Board, the state auditor, and the secretary of state for publication in the Texas Register.

SECTION \_\_\_\_\_. Subsection (e), Section 825.512, Government Code, is amended to read as follows:

(e) The retirement system shall submit an annual investment performance report not later than the 45th day after the end of each fiscal year to the governor, the lieutenant governor, the speaker of the house of representatives, the executive director of the State Pension and Investment Review Board, the legislative audit committee, the committees of the senate and the house of representatives having jurisdiction over appropriations, the committees of the senate and the house of representatives having principal jurisdiction over legislation governing the retirement system, and the Legislative Budget Board. The report shall include a listing of all commissions and fees paid by the system during the reporting period for the sale, purchase, or management of system assets.

SECTION \_\_\_\_\_. Section 825.513, Government Code, is amended to read as follows:

Sec. 825.513. INFORMATION FOR PUBLICATION. The retirement system shall verify with the State Pension and Investment Review Board the accuracy of information about the effects of proposed legislation on benefits and the trust fund before including the information in an official publication of the retirement system.

SECTION \_\_\_\_\_. Section 825.518, Government Code, is amended to read as follows:

Sec. 825.518. ANNUAL REPORT. The Teacher Retirement System of Texas shall submit a statistical analysis based on information compiled under Section 822.005(d) not later than the 25th day of the month following the end of each fiscal year to the governor, the lieutenant governor, the speaker of the house of representatives, the executive director of the State Pension and Investment Review Board, the appropriate oversight committees of the house and senate, and the Legislative Budget Board.

SECTION \_\_\_\_\_. Section 2, Chapter 817 (S.B. 127), Acts of the 73rd Legislature, Regular Session, 1993 (Article 4413(34e), Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 2. The manager of each state trust fund shall submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the executive director of the State Pension and Investment Review Board:

(1) not later than January 25 of each year, a report with the information required by Section 3 of this Act covering the last six months of the previous calendar year; and

(2) not later than June 25 of each year, a report with the information required by Section 3 of this Act covering the first six months of that calendar year.

SECTION \_\_\_\_\_. Subsection (d), Section 12.03, Chapter 183 (S.B. 598), Acts of the 64th Legislature, Regular Session, 1975 (Article 6243e.1, Vernon's Texas Civil Statutes), is amended to read as follows:

(d) The board of trustees shall file with the State Pension and Investment Review Board a copy of each actuarial study and each separate report made as required by law.

SECTION \_\_\_\_\_. Section 10, Article 6243e.2(1), Revised Statutes, is amended to read as follows:

Sec. 10. NONSTATUTORY BENEFIT INCREASES. The benefits provided by this article may be increased if:

(1) an actuary selected by the board who, if an individual, is a Fellow of the Society of Actuaries, a Fellow of the Conference of Actuaries in Public Practice, or a member of the American Academy of Actuaries determines that the increase cannot reasonably be viewed as posing a material risk of jeopardizing the fund's ability to pay any existing benefit;

(2) a majority of the participating members of the fund vote for the increase by a secret ballot;

(3) the increase does not deprive a member, without the member's written consent, of a right to receive benefits that have already become fully vested and matured in a member; and

(4) the State Pension and Investment Review Board approves the determination by the actuary selected by the board that the increase cannot reasonably be viewed as posing a material risk of jeopardizing the fund's ability to pay any existing benefit.

SECTION \_\_\_\_\_. Section 66.08, Education Code, is amended by amending Subsections (d) and (e) and adding Subsections (d-1) and (i-1) to read as follows:

(d) The board of directors of the corporation shall have nine members. The board shall appoint and remove all members of the board of directors of the corporation. Three [At least three] members of the board [and the chancellor] of The University of Texas System shall be appointed as directors. The board shall appoint four other directors with substantial background and expertise in investments who are not:

(1) members of the board of regents or employees of The University of Texas System or The Texas A&M University System;

(2) employees of a component institution in The University of Texas System or the Texas A&M University System; or

(3) employees or contractors of the corporation.

(e) The board shall appoint [select] two [one or more of the] members of the board of directors of the corporation [from a list of candidates with substantial background and expertise in investments that is] submitted to the board by the board of regents of The Texas A&M University System.

(i-1) The corporation shall provide to the Legislative Budget Board and the governor written notice of the terms of any payment to or agreement to pay a director, officer, or employee of the corporation a bonus, reward, or other incentive payment based on the performance of the director, officer, or employee, including the performance of an investment made or recommended by the director, officer, or employee. The notice must be provided to the Legislative Budget Board and the governor not later than 7 days after the earlier of the date the board makes the payment or enters into the agreement. If notice of an agreement is provided not later than 7 days after the board enters into the agreement, the board is not required to provide notice after payments are made under the agreement.

SECTION \_\_\_\_\_. Subsections (a), (b), (c), (d), and (f), Section 801.113, Government Code, are repealed.

SECTION \_\_\_\_\_. (a) The name of the State Pension Review Board is changed to the State Pension and Investment Review Board. A reference in law to the State Pension Review Board means the State Pension and Investment Review Board. A reference in law to the State Pension Review Board fund means the State Pension and Investment Review Board fund.

(b) An appropriation for the use and benefit of the State Pension Review Board is available for the use and benefit of the State Pension and Investment Review Board.

SECTION \_\_\_\_\_. (a) As soon as practicable on or after the effective date of this Act:

(1) the governor shall appoint five members to the State Pension and Investment Review Board as provided by Section 801.103, Government Code, as amended by this Act, as follows:

(A) two members for a term expiring January 31, 2011;

(B) two members for a term expiring January 31, 2013; and

(C) one member for a term expiring January 31, 2015;

(2) the lieutenant governor shall appoint one member to the State Pension and Investment Review Board as provided by Subsection (a), Section 801.104, Government Code, as amended by this Act, for a term expiring January 31, 2013; and

(3) the speaker of the house of representatives shall appoint one member to the State Pension and Investment Review Board as provided by Subsection (b), Section 801.104, Government Code, as amended by this Act, for a term expiring January 31, 2015.

(b) The term of a member of the State Pension Review Board serving immediately before the effective date of this Act expires at the time five or more of the members appointed to the State Pension and Investment Review Board under Subsection (a) of this section qualify for office. Until the expiration of a member's term occurs under this subsection, the member has the same powers and duties that the member had immediately before that date.

SECTION \_\_\_\_\_. Subchapter D, Chapter 801, Government Code, as added by this Act, applies to the oversight of funds by the State Pension and Investment Review Board, regardless of whether the investment of those funds was made before, on, or after the effective date of this Act.

SECTION \_\_\_\_\_. (a) Not later than January 1, 2010, the composition of the board of directors of a corporation established under Section 66.08, Education Code, must comply with the change in law made by this Act regarding the composition of the board of directors.

(b) Until January 1, 2010, the composition of the board of directors of a corporation established under Section 66.08, Education Code, is as provided by the law in effect immediately before the effective date of this Act.

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 **SB 2567** 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. 2.

Senator Ogden offered the following amendment to the bill:

### **Floor Amendment No. 3**

Amend **SB 2567** (Senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the other sections of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter B, Chapter 55, Education Code, is amended by adding Section 55.17721 to read as follows:

Sec. 55.17721. THE UNIVERSITY OF TEXAS MEDICAL BRANCH AT GALVESTON. (a) In addition to the other authority granted by this subchapter and subject to the other provisions of this section, the board of regents of The University of Texas System may acquire, purchase, construct, improve, renovate, enlarge, or equip property, buildings, structures, facilities, roads, or related infrastructure for The University of Texas Medical Branch at Galveston for any purpose reasonably necessary to assist the institution to recover from any damage or other impact caused by Hurricane Ike, to be financed by the issuance of bonds in accordance with this



subchapter, including bonds issued in accordance with a systemwide revenue financing program and secured as provided by that program, in an aggregate principal amount not to exceed \$150 million.

(b) The board may pledge irrevocably to the payment of the bonds authorized by this section all or any part of the revenue funds of an institution, branch, or entity of The University of Texas System, including student tuition charges. The amount of a pledge made under this subsection may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding.

(c) If sufficient funds are not available to the board to meet its obligations under this section, the board may transfer funds among institutions, branches, and entities of The University of Texas System to ensure the most equitable and efficient allocation of available resources for each institution, branch, or entity to carry out its duties and purposes.

(d) Any transfer of funds to the board pursuant to an appropriation of state funds to the board or the medical branch for the purpose of reimbursing the board for all or part of the debt service on bonds issued under this section is subject to the prior approval of the Legislative Budget Board. In determining whether to approve a transfer of state funds for that purpose, the Legislative Budget Board shall consider:

(1) whether the commissioners court of the county in which the medical branch is located has entered into an agreement with the board under which the county agrees to reimburse the board for all or part of any otherwise unreimbursed costs incurred by the medical branch to provide health care services to individuals who are residents of the county and whose net family income is not more than 100 percent of the federal poverty level; or

(2) whether the county in which the medical branch is located or a hospital district that includes that county imposes an ad valorem tax for health care purposes.

(e) For purposes of Subsection (d), the county of residence of an individual is determined in the same manner as provided by Chapter 61, Health and Safety Code.

SECTION \_\_\_\_\_. Section 61.0572(e), Education Code, is amended to read as follows:

(e) Approval of the board is not required to acquire real property that is financed by bonds issued under Section 55.17(e)(3) or (4), 55.1713-55.1718, 55.1721-55.1728, 55.1735(a)(1), 55.174, 55.1742, 55.1743, 55.1744, 55.1751-55.17592, ~~or~~ 55.1768, or 55.17721, except that the board shall review all real property to be financed by bonds issued under those sections to determine whether the property meets the standards adopted by the board for cost, efficiency, and space use. If the property does not meet those standards, the board shall notify the governor, the lieutenant governor, the speaker of the house of representatives, and the Legislative Budget Board.

SECTION \_\_\_\_\_. Section 61.058(b), Education Code, is amended to read as follows:

(b) This section does not apply to construction, repair, or rehabilitation financed by bonds issued under Section 55.17(e)(3) or (4), 55.1713-55.1718, 55.1721-55.1728, 55.174, 55.1742, 55.1743, 55.1744, 55.1751-55.17592, ~~or~~ 55.1768, or 55.17721, except that the board shall review all construction, repair, or rehabilitation to be financed by bonds issued under those sections to determine whether the construction, rehabilitation, or repair meets the standards adopted by board rule for cost, efficiency,

and space use. If the construction, rehabilitation, or repair does not meet those standards, the board shall notify the governor, the lieutenant governor, the speaker of the house of representatives, and the Legislative Budget Board.

The amendment to **SB 2567** 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. 3.

Senator Van de Putte offered the following amendment to the bill:

#### **Floor Amendment No. 4**

Amend **SB 2567** by inserting the following appropriately numbered SECTIONS and renumbering existing SECTIONS accordingly.

SECTION \_\_ Subsection (c), Section 495.025, Government Code, as added by Chapter 100 (S.B. 1580), Acts of the 80th Legislature, Regular Session, 2007, is reenacted to read as follows:

(c) The department shall transfer 50 percent of all commissions paid to the department by a vendor under this section to the compensation to victims of crime fund established by Subchapter B, Chapter 56, Code of Criminal Procedure, and the other 50 percent to the credit of the undedicated portion of the general revenue fund, except that the department shall transfer the first \$10 million of the commissions collected in any given year under a contract awarded under this section to the compensation to victims of crime fund established by Subchapter B, Chapter 56, Code of Criminal Procedure. This section does not reduce any appropriation to the department.

SECTION \_\_. Notwithstanding Chapter 1418 (H.B. 3107), Acts of the 80th Legislature, Regular Session, 2007, money dedicated by Subsection (c), Section 495.025, Government Code, as added by Chapter 100 (S.B. 1580), Acts of the 80th Legislature, Regular Session, 2007, to the compensation to victims of crime fund established by Subchapter B, Chapter 56, Code of Criminal Procedure, is rededicated by this Act.

The amendment to **SB 2567** 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. 4.

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

**SB 2567** as amended was passed to engrossment by a viva voce vote.

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

#### **SENATE BILL 2567 ON THIRD READING**

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 2567** 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.

**VOTE RECONSIDERED ON  
HOUSE BILL 982**

On motion of Senator Carona and by unanimous consent, the vote by which **HB 982** was finally passed was reconsidered:

**HB 982**, Relating to the imposition of a tax on the gross receipts from admissions fees charged by sexually oriented businesses.

Question — Shall **HB 982** be finally passed?

On motion of Senator Carona, further consideration of **HB 982** was postponed to a time certain of 10:00 a.m. Friday, May 15, 2009.

Question — Shall **HB 982** be finally passed?

**SENATE BILL 2442 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 2442** at this time on its second reading:

**SB 2442**, Relating to the exemption from ad valorem taxation of property owned by certain charitable organizations.

The bill was read second time.

Senator Williams offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 2442** (Senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 11.18, Tax Code, is amended by adding Subsection (p) to read as follows:

(p) Real property owned by a charitable organization and leased to an institution of higher education, as defined by Section 61.003, Education Code, is exempt from taxation to the same extent as the property would be exempt if the property were owned by the institution.

The amendment to **SB 2442** 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 Uresti and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**SB 2442** as amended was passed to engrossment by a viva voce vote.

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

**SENATE BILL 2442 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 2442** 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 BILL AND RESOLUTION**

On motion of Senator Averitt and by unanimous consent, Senate Rule 7.07(b) was suspended to permit the introduction of the following bill and resolution: **SB 2585, SCR 72**.

**SENATE BILL AND RESOLUTION ON FIRST READING**

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

**SB 2585** by Averitt

Relating to reauthorization of small business incentive program.  
To Committee on Business and Commerce.

**SCR 72** by Wentworth

Granting Gulf Energy Exploration Corp. permission to sue the Railroad Commission of Texas.  
To Committee on Jurisprudence.

**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 431** to Committee on Government Organization.

**HB 583** to Committee on Health and Human Services.

**HB 692** to Committee on Jurisprudence.

**HB 1083** to Committee on Jurisprudence.

**HB 1357** to Committee on Health and Human Services.

**HB 1472** to Committee on Criminal Justice.

**HB 1485** to Committee on State Affairs.

**HB 1617** to Committee on Agriculture and Rural Affairs.

**HB 2013** to Committee on Higher Education.

**HB 2093** to Committee on Criminal Justice.

**HB 2256** to Committee on State Affairs.

**HB 2438** to Committee on Business and Commerce.

**HB 2456** to Committee on Business and Commerce.

**HB 2536** to Committee on Intergovernmental Relations.

**HB 2656** to Committee on State Affairs.

**HB 2820** to Committee on Administration.

**HB 2859** to Committee on Intergovernmental Relations.

**HB 3180** to Committee on Criminal Justice.

**HB 3316** to Committee on Criminal Justice.  
**HB 3477** to Committee on Finance.  
**HB 3499** to Committee on Criminal Justice.  
**HB 3621** to Committee on Transportation and Homeland Security.  
**HB 3634** to Committee on State Affairs.  
**HB 3670** to Committee on Administration.  
**HB 3695** to Committee on Natural Resources.  
**HB 4037** to Committee on Criminal Justice.  
**HB 4360** to Committee on Economic Development.  
**HJR 14** to Committee on State Affairs.  
**HJR 83** to Committee on Finance.  
**HJR 85** to Committee on Intergovernmental Relations.  
**HJR 102** to Committee on Natural Resources.  
**HJR 127** to Committee on State Affairs.  
**HJR 132** to Subcommittee on Base Realignment and Closure.

### **SESSION TO CONSIDER EXECUTIVE APPOINTMENTS**

The President announced the time had arrived to consider executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given yesterday by Senator Jackson.

Senator Jackson moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The President asked if there were requests to sever nominees.

Senator Whitmire requested the following nominee be severed:

Member, Board of Pardons and Paroles: Shanda Gillaspie Perkins, Tarrant County.

The request was granted.

### **NOMINEES CONFIRMED**

The following nominees, not severed and reported yesterday by the Committee on Nominations, were confirmed by the following vote: Yeas 31, Nays 0.

Members, Automobile Burglary and Theft Prevention Authority: Linda W. Kinney, Hays County; Kenneth R. Ross, Harris County; Mark H. Wilson, Hill County; Margaret "Jerry" Wright, El Paso County.

Members, Board of Pardons and Paroles: Juanita M. Gonzalez, Williamson County; Thomas A. Leeper, Walker County; Rissie L. Owens, Walker County.

Members, Council on Cardiovascular Disease and Stroke: Pamela Ruth Wilson Akins, Travis County; Michael M. Hawkins, M.D., Travis County; Melbert Carl "Bob" Hillert, Jr., M.D., Dallas County; Sue Pope, Montgomery County; Thomas E. Tenner, Jr., Ph.D., Lubbock County; Ann Quinn Todd, Harris County; Louis West, Williamson County; Clyde W. Yancy, M.D., Dallas County.

Members, Council on Sex Offender Treatment: Frederick Liles Arnold, Collin County; Ronnie Ann Fanning, McLennan County; Joseph Richard Gutheinz, Jr., J.D., Harris County; Alida S. Hernandez, Hidalgo County; Holly A. Miller, Montgomery County; Dan Powers, Denton County.

Member, Crime Stoppers Advisory Council: William R. McDaniel, Montgomery County.

Member, Finance Commission of Texas: Lori B. McCool, Kendall County.

Members, Board, Office of Rural Community Affairs: Dora G. Alcalá, Val Verde County; David Richey Alders, Nacagdoches County; Woody Anderson, Mitchell County; Evelyn Maxine Plaster "Mackie" Bobo, Grimes County; Charles Norman Butts, Sr., Lampasas County; Nina Remelle Marlow Farrar, Foard County; Charles W. Graham, D.V.M., Bastrop County; Wallace G. Klussmann, Llano County; Patrick Lee Wallace, Henderson County.

Members, Private Sector Prison Industries Oversight Authority: Sarah Abraham, Fort Bend County; Elaine Anne Boatright, Bastrop County; Burnis Brazil, Fort Bend County; S. Roxanne Carter, Randall County; Randall R. Henderson, Travis County; Jeffrey R. LaBroski, Fort Bend County; Rigoberto Villarreal, Hidalgo County.

Members, Produce Recovery Fund Board: Doyle "Neal" Newsom III, Yoakum County; Ly H. Nguyen, Fort Bend County.

Members, Product Development and Small Business Incubator Board: Guy K. Diedrich, Travis County; Dan Hanson, Dallas County; Paul C. Maxwell, El Paso County; Harvey Rosenblum, Dallas County.

Members, State Board of Dental Examiners: Steven J. Austin, D.D.S., Potter County; Mary Lynn Baty, Harris County; William R. Birdwell, Brazos County; Maxwell D. Finn, Dallas County; Alicia Grant, Collin County; Whitney Hyde, Midland County; Rodolfo G. Ramos, Jr., D.D.S., Harris County; Jerry Romero, El Paso County; Arthur Troilo III, Travis County.

Member, State Commission on Judicial Conduct: Patti Hutton Johnson, Comal County.

Members, Texas Appraiser Licensing and Certification Board: Walker Rankin Beard, El Paso County; Robert Del "Rob" Davis, Jr., Tarrant County; Luis F. De La Garza, Jr., Webb County; Danny R. Perkins, Harris County; James B. Ratliff, Dallas County; Clinton P. Sayers, Travis County; Bill F. Schneider, Travis County; Donna Lee Walz, Lubbock County.

Members, Texas Board of Architectural Examiners: Charles H. "Chuck" Anastos, Nueces County; Corbett "Chase" Bearden, Travis County; H. L. Bert Mijares, Jr., El Paso County; Brandon Pinson, Midland County; Diane Steinbrueck, Hays County; Alfred Vidaurri, Jr., Parker County.

Members, Texas Board of Physical Therapy Examiners: Frank Wingfield Bryan, Jr., Travis County; Karen L. Gordon, Calhoun County; Kevin Lindsey, Hidalgo County; Rene Pena, El Paso County; Melinda A. Rodriguez, Bexar County; Shari C. Waldie, Gillespie County.

Members, Texas Commission on Fire Protection: Les Bunte, Brazos County; Rhea Cooper, Lubbock County; Yusuf Elias Farran, El Paso County; Carl Gene Giles, Panola County; Joseph Anthony "Jody" Gonzalez, Denton County; John W. Green, Galveston County; Micheal Leon Melton, Upshur County; Arthur L. Pertile III, Fort Bend County; Kimberly Shambley, Dallas County; Steve C. Tull, Bosque County.

Members, Texas Council on Purchasing from People with Disabilities: Les Butler, Tarrant County; Kevin M. Jackson, Travis County; Victor Kilman, Lubbock County; John W. Luna, Tarrant County; Wanda White Stovall, Tarrant County.

Commissioner of Insurance, Texas Department of Insurance: Michael S. Geeslin, Travis County.

Members, Texas Diabetes Council: Gene Fulton Bell, Lubbock County; Neil A. Burrell, D.P.M., Jefferson County; Timothy L. Cavitt, Harris County; Victor Hugo Gonzalez, Hidalgo County; John W. Griffin, Victoria County; Arthur E. Hernandez, Aransas County; Dora Rivas, Dallas County; Curtis Triplitt, Bexar County; Melissa Ann Wilson, Nueces County; Don E. Yarborough, Dallas County.

Members, Board of Directors, Texas School Safety Center: Eric J. Cederstrom, Palo Pinto County; Amy L. C. Clapper, Williamson County; Dawn DuBose, Harris County; Garry Edward Eoff, Brown County; Daniel Riley Griffith II, Travis County; Carl A. Montoya, Cameron County; James Richard Pendell, El Paso County; Ruben Gonzales Reyes, Lubbock County; Severita Sanchez, Webb County; Jane A. Wetzell, Dallas County.

Members, Board of Regents, Texas State Technical College System: Michael F. Northcutt, Sr., Harrison County; Eugene Seaman, Nueces County; Ellis Matthew Skinner II, Burnet County.

Members, Board of Directors, Upper Guadalupe River Authority: Michael L. "Mike" Allen, Kerr County; Lester C. Ferguson, Kerr County; Claudell Smith Kercheville, Kerr County; Stan R. Kubenka, Kerr County; Scott Schreiner Parker, Kerr County; Lucy Ortiz Wilke, Kerr County.

Criminal District Attorney, Tarrant County: Joe Shannon, Jr., Tarrant County.

### **NOMINEE RECOMMITTED**

Senator Jackson moved to confirm the appointment of Shanda Gillaspie Perkins to the Board of Pardons and Paroles.

Senator Whitmire offered a substitute motion to recommit the appointment of Shanda Gillaspie Perkins to the Committee on Nominations for further consideration.

The substitute motion prevailed by the following vote: Yeas 27, Nays 4.

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

Nays: Estes, Fraser, Jackson, Nelson.

**NOTICE GIVEN FOR  
LOCAL AND UNCONTESTED CALENDAR**

Senator Williams 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 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 is meeting tomorrow.

**SENATE BILL 2584 REREFERRED**

Senator Patrick submitted a Motion In Writing requesting that **SB 2584** be withdrawn from the Committee on Criminal Justice and rereferred to the Committee on Transportation and Homeland Security.

The Motion In Writing prevailed without objection.

**SENATE RULES SUSPENDED  
(Posting Rules)**

On motion of Senator Wentworth and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Jurisprudence might meet and consider the following bill and resolution today: **SB 2352, SCR 72**.

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

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

**SENATE RULES SUSPENDED  
(Posting Rules)**

On motion of Senator Fraser and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Business and Commerce might meet and consider **SB 2585** tomorrow.

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

On motion of Senator Lucio and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on International Relations and Trade might meet today.



**SENATE RULES SUSPENDED  
(Posting Rules)**

On motion of Senator Carona and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Transportation and Homeland Security might meet and consider the following bills today: **SB 1263, SB 2584.**

**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.

**MOTION TO ADJOURN**

On motion of Senator Whitmire and by unanimous consent, the Senate at 2:13 p.m. agreed to adjourn, in memory of Matthew Philip Houseal of Amarillo, upon conclusion of the Local and Uncontested Calendar Session, until 11:00 a.m. tomorrow.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**HCR 210** (Seliger), In memory of Dr. Steven W. Jones, president of Amarillo College.

**SR 906** by Van de Putte, In memory of Jesus G. Robledo of San Antonio.

**SR 907** by Zaffirini, In memory of Elmer Buckley of Laredo.

**Congratulatory Resolutions**

**SR 900** by Watson, Commending Keiko Harris and Paul Mannie III of Austin for their achievements at the regional and state conferences of Business Professionals of America.

**SR 901** by Zaffirini, Recognizing Doctors Hospital of Laredo on the occasion of its 35th anniversary.

**SR 903** by Ellis, Recognizing Jewell McGowen on the occasion of her 80th birthday.

**SR 904** by Van de Putte, Recognizing the A Su Salud program on the occasion of its 20th anniversary.

**SR 905** by Van de Putte, Recognizing the Avenida Guadalupe Association in San Antonio on the occasion of its 30th anniversary.

**HCR 162** (Seliger), Congratulating Eddie W. Klatt on his retirement from the Midland Fire Department.

**Official Designation Resolution**

**SR 902** by Hinojosa, Recognizing June 1 through June 7, 2009, as CPR-AED Awareness Week in Texas.

**RECESS**

On motion of Senator Whitmire, the Senate at 2:14 p.m. recessed until 7:00 a.m. tomorrow for the Local and Uncontested Calendar Session.

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**APPENDIX**

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**COMMITTEE REPORTS**

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

May 13, 2009

STATE AFFAIRS — **SB 2207, HB 1058**

HEALTH AND HUMAN SERVICES — **CSSB 73, CSSB 544, CSSB 553**

ECONOMIC DEVELOPMENT — **CSHB 4328, CSHB 1789**

FINANCE — **CSHB 2591**

AGRICULTURE AND RURAL AFFAIRS — **CSHB 4593**

TRANSPORTATION AND HOMELAND SECURITY — **CSHCR 174**

JURISPRUDENCE — **CSSCR 59**

NATURAL RESOURCES — **CSHB 2063, CSSB 2574, HB 2259** (Amended),  
**CSHB 715**

GOVERNMENT ORGANIZATION — **HB 1705, HB 2004, HB 2735, HB 3756,**  
**HCR 18**

ADMINISTRATION — **CSHB 4114, CSHB 3108**

BUSINESS AND COMMERCE — **HB 1476, HB 2877, HB 4291, HB 4339,**  
**HB 4358**

AGRICULTURE AND RURAL AFFAIRS — **CSHB 1965**

INTERGOVERNMENTAL RELATIONS — **SB 2583**

HEALTH AND HUMAN SERVICES — **HB 497, HB 643, HB 888, HB 1358,**  
**HB 1630, HB 1740, HB 1912, HB 2191, HB 2927, HB 3231, HB 3674, HB 4029,**  
**HB 4154, HB 4276, HB 1232**

HIGHER EDUCATION — **HB 2424, HB 3951, HB 1096**

**BILLS ENGROSSED**

May 12, 2009

**SB 8, SB 237, SB 541, SB 798, SB 880, SB 1013, SB 1112, SB 1304, SB 1471,**  
**SB 1630, SB 1663, SB 1803, SB 1984, SB 2141, SB 2223, SB 2240, SB 2405,**  
**SB 2485, SB 2511, SB 2512, SB 2524, SB 2526, SB 2532, SB 2536, SB 2543,**  
**SB 2566**

**BILL AND RESOLUTIONS ENROLLED**

May 12, 2009

**SB 1966, SR 881, SR 882, SR 891, SR 892, SR 893, SR 894, SR 896, SR 897,  
SR 898, SR 899**

**SENT TO GOVERNOR**

May 13, 2009

**SB 1966**

