

# SENATE JOURNAL

EIGHTY-FIRST LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**FIFTY-NINTH DAY**

(Friday, May 15, 2009)

The Senate met at 9:49 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.

Deacon Victoria Anne Mason, El Buen Samaritano Episcopal Mission, Austin, offered the invocation as follows:

Gracious God, the fountain of wisdom, we give You thanks for all public servants who dedicate their lives to serving the people of this state so that their needs for safety, shelter, health, knowledge, and justice may be satisfied. We beseech You to guide and bless our Senators in this Legislature with courage, wisdom, charity, justice, and foresight, that they may enact such laws as shall please You and shall faithfully serve the people of Texas. Be with them, O Lord, as they do the work You have given them to do, to love and serve You as faithful witnesses of Your glory and love. 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 1854**

On motion of Senator West, Senator Lucio will be shown as Co-author of **SB 1854**.

## **MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

May 15, 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 313**, Relating to certain personal information contained in a decree of dissolution of a marriage or an order in a suit affecting the parent-child relationship.

**HB 821**, Relating to the sale, recovery, and recycling of certain television equipment; providing administrative penalties.

**HB 972**, Relating to inclusion on certain advertising documents of the license or certificate of registration number of certain individuals regulated by this state who solicit business in consumers' homes; providing a civil penalty.

**HB 1657**, Relating to workers' compensation insurance coverage regarding certain contractors.

**HB 1669**, Relating to certificates of public convenience and necessity for water or sewer services.

**HB 1795**, Relating to newborn screening and the creation of the Newborn Screening Advisory Committee.

**HB 1993**, Relating to certain energy security technologies for critical governmental facilities.

**HB 2000**, Relating to health benefit plan coverage for certain amino acid-based elemental formulas.

**HB 2154**, Relating to the physician education loan repayment program.

**HB 2224**, Relating to the minimum standards for licensed child-care facilities and registered family homes.

**HB 2730**, Relating to the continuation and functions of the Department of Public Safety of the State of Texas and the Texas Private Security Board; providing a penalty.

**HB 2783**, Relating to the adoption of energy efficient building standards and energy efficiency and conservation standards for instructional facilities.

**HB 2919**, Relating to the regulation of land use to ensure compatible development with military facilities in certain counties.

**HB 2989**, Relating to the reactivation of a peace officer license for certain peace officers.

**HB 3232**, Relating to the establishment of a service conversion opportunity grant program.

**HB 3255**, Relating to the impoundment of a motor vehicle if operated without financial responsibility.

**HB 3480**, Relating to certain investment products made available to certain public school employees and the companies authorized to provide those products; providing civil penalties.

**HB 3594**, Relating to the preservation of evidence that contains biological material.

**HB 3601**, Relating to the authority of a county clerk to post official and legal notices by electronic display.

**HB 3672**, Relating to the disclosure of personal information under the Motor Vehicle Records Disclosure Act; providing a penalty.

**HB 3790**, Relating to performance incentive funding for public institutions of higher education and to recognition of certain student achievement on degree completion.

**HB 3857**, Relating to foreclosure of liens on real property and certain personal property owned by members or dependents of the military; providing a criminal penalty.

**HB 3864**, Relating to the acceptance of certain donated building projects by the Parks and Wildlife Department.

**HB 4009**, Relating to the establishment of a victim assistance program to provide services to domestic victims of trafficking.

**HB 4299**, Relating to rainwater harvesting and other water conservation initiatives.

**HB 4833**, Relating to the creation of district courts and statutory county courts and to the composition of the juvenile boards in certain counties.

**HCR 213**, In memory of Texas game warden George Harold Whatley, Jr.

**HCR 215**, In memory of Alvis Leo Caldwell of Paris, Texas.

**HCR 221**, Honoring Church of the Hills for its spiritual support during the 81st Legislative Session.

**HJR 128**, Proposing a constitutional amendment providing for the issuance of additional general obligation bonds by the Texas Water Development Board.

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

**SB 254**, Relating to the exemption of volunteer fire departments from certain motor fuel taxes.

**SB 956**, Relating to the establishment of a law school in the city of Dallas by the University of North Texas System.  
(Amended)

**SB 1415**, Relating to certain corrective actions by the Texas Board of Nursing, including a pilot program on deferred disciplinary action; providing corrective actions.

**SB 1506**, Relating to the payment of the costs associated with certain conditions of bond.

**SB 1661**, Relating to child support liens on real property.

**SB 2038**, Relating to the construction of nonsubstantive codifications and revisions of statutes.

**SCR 58**, Recognizing April 12 through 18, 2009, as Texas Fraternal Week.

**SCR 68**, Recognizing the Twentieth Century Club in Lubbock on the occasion of its 100th anniversary.

**SCR 69**, Recognizing Ballet Lubbock on the occasion of its 40th anniversary.

**SCR 71**, In memory of George Harold Whatley, Jr.

THE HOUSE HAS CONCURRED IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

**HB 865** (143 Yeas, 0 Nays, 1 Present, not voting)

**HB 968** (139 Yeas, 1 Nays, 1 Present, not voting)

**HB 1580** (143 Yeas, 0 Nays, 1 Present, not voting)

**HB 1684** (139 Yeas, 0 Nays, 1 Present, not voting)

**HB 1736** (132 Yeas, 13 Nays, 1 Present, not voting)

**HB 1830** (142 Yeas, 0 Nays, 1 Present, not voting)

**HB 1908** (144 Yeas, 0 Nays, 1 Present, not voting)

**HB 4476** (142 Yeas, 0 Nays, 1 Present, not voting)

THE HOUSE HAS REFUSED TO CONCUR IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

**HB 2310** (non-record vote)

House Conferees: Geren - Chair/Gutierrez/Hamilton/Jones/Menendez

**HB 2626** (non-record vote)

House Conferees: Naishtat - Chair/Bolton/Driver/Kent/Merritt

THE HOUSE HAS GRANTED THE REQUEST OF THE SENATE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

**SB 482** (non-record vote)

House Conferees: Chisum - Chair/Branch/Cohen/Naishtat/Thompson

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

### BILLS SIGNED

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

**SB 629, SB 1918, SB 2126, SB 2225.**

**SENATE RESOLUTION 926**

Senator Lucio offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to join the residents of Hidalgo County in commemorating the Day of the Migrants on October 23, 2009; and

WHEREAS, The Reverend Jose Azpiazu, a Spanish missionary of the Missionary Oblates of Mary Immaculate, sought to strengthen the parish life of migrants by bringing an image of Our Lady of San Juan to San Juan, Texas, from San Juan de los Lagos, Jalisco, Mexico; and

WHEREAS, Migrants were touched by the miracles of Our Lady of San Juan del Valle and continued to visit the shrine after safely returning from their long journeys; and

WHEREAS, On October 23, 1970, at 11:50 a.m., a catastrophe struck Our Lady of San Juan del Valle when a plane crash and subsequent fire destroyed the church that Father Azpiazu had built; however, the image of Our Lady, as well as the lives of those who were present in the shrine, were spared, further inspiring her many followers; and

WHEREAS, Through the years, pilgrims and migrants expressed increasing devotion to Our Lady of San Juan del Valle, and their donations made possible a much larger shrine, which was unveiled on April 19, 1980; and

WHEREAS, Our Lady of San Juan del Valle has become an icon for the migrant families who come to pray and ask for her intercession; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby recognize October 23, 2009, as the Day of the Migrants in Hidalgo County and encourage area residents to welcome migrants back from their journeys on this meaningful day; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of this special day.

LUCIO  
HINOJOSA

**SR 926** was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Lucio, joined by Senator Hinojosa, was recognized and introduced to the Senate Esteban Martinez, Miki McCarthy, Alma Prado, and Juan Elizondo, representing Day of the Migrants, accompanied by a delegation of workers from the City of San Juan.

The Senate welcomed its guests.

**PHYSICIAN OF THE DAY**

Senator Huffman was recognized and presented Dr. Gary Mennie of Port Arthur as the Physician of the Day.

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

**SENATE RESOLUTION 883**

Senator Deuell offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Dick Bramblitt for his many contributions to the Mabank community; and

WHEREAS, A graduate of Mabank High School, Mr. Bramblitt retired from the Dallas Fire Department with the rank of captain after 30 years of outstanding service; and

WHEREAS, Mr. Bramblitt has parlayed his love of history into a series of projects that have greatly benefited the citizens of his community; he produced more than 30 hours of historical footage for the Heritage Committee for the Mabank Centennial, and he directed the enumeration of more than 2,500 grave sites at Oaklawn Cemetery in Mabank; and

WHEREAS, Commissioned by Governor Rick Perry as an admiral in the Texas Navy, Mr. Bramblitt chaired the Names Committee for the Kaufman County Veterans Memorial Park in Kaufman; he further serves as a member of the Henderson County Historical Commission; and

WHEREAS, In memory of his parents, who owned Boe's Café for many years, Mr. Bramblitt organized the Boe's Café Fund at Mabank Middle School to furnish lunches for low-income students; he has also donated his time and skills toward heating and air conditioner repairs for those unable to afford those services; and

WHEREAS, Mr. Bramblitt has received many awards through the years, including the Mary Helen Myrick Community Service Award from the Mabank Chamber of Commerce, the Community Service Award from the Daughters of the American Revolution, and Citizen of the Year from the Kaufman Veterans of Foreign Wars post; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby commend Dick Bramblitt on his many contributions to the Mabank community and extend to him best wishes for continued success in all his future endeavors; and, be it further

RESOLVED, That a copy of this Resolution be prepared for him as an expression of esteem from the Texas Senate.

**SR 883** was read and was adopted without objection.

**GUEST PRESENTED**

Senator Deuell was recognized and introduced to the Senate Dick Bramblitt of Mabank.

The Senate welcomed its guest.

**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.

### LEAVE OF ABSENCE

On motion of Senator Whitmire, Senator Lucio was granted leave of absence for the remainder of the day on account of important business.

### CONCLUSION OF MORNING CALL

The President at 10:04 a.m. announced the conclusion of morning call.

### SENATE BILL 2553 ON SECOND READING

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 2553** at this time on its second reading:

**SB 2553**, Relating to granting certain counties authority to regulate the cutting of certain trees; providing a penalty.

The bill was read second time.

Senator Hegar offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **SB 2553** (committee printing), page 1, line 23, between the period and "An" insert "An offense under this section is a Class C Misdemeanor punishable by a fine not to exceed \$500.".

The amendment to **SB 2553** was read and was adopted by a viva voce vote.

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

Absent-excused: Lucio.

Senator Hegar offered the following amendment to the bill:

#### Floor Amendment No. 2

Amend **SB 2553**, in SECTION 1 of the bill, in added Section 240.909, Local Government Code (committee printing page 1, between lines 28 and 29), by adding Subsection (e) to read as follows:

(e) This subchapter, or an order or zoning regulation adopted under this subchapter, does not apply to the facilities or operations of an electric utility as defined by Section 31.002, Utilities Code, or a gas utility as defined by Section 101.003 or 121.001, Utilities Code.

The amendment to **SB 2553** 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 except as follows:

Absent-excused: Lucio.

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

**SB 2553** as amended was passed to engrossment by a viva voce vote.

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

Absent-excused: Lucio.

#### **SENATE BILL 2553 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 **SB 2553** be placed on its third reading and final passage.

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

Absent-excused: Lucio.

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

#### **SENATE BILL 2576 ON SECOND READING**

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 2576** at this time on its second reading:

**SB 2576**, Relating to the authority of a commissioner of the Texas Workforce Commission.

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:

Absent-excused: Lucio.

#### **SENATE BILL 2576 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 **SB 2576** be placed on its third reading and final passage.

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

Absent-excused: Lucio.

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

#### **HOUSE BILL 4006 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 4006** at this time on its second reading:

**HB 4006**, Relating to veterinarian reports of diseased animals.

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

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

Absent-excused: Lucio.

### **HOUSE BILL 4006 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 4006** be placed on its third reading and final passage.

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

Absent-excused: Lucio.

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

### **SENATE BILL 2555 ON SECOND READING**

Senator Hegar moved to suspend the regular order of business to take up for consideration **SB 2555** at this time on its second reading:

**SB 2555**, Relating to granting county zoning authority in Aransas County; providing a criminal penalty.

The motion prevailed.

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

The bill was read second time.

Senator Hegar offered the following amendment to the bill:

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

Amend **SB 2555**, in SECTION 1 of the bill, in added Section 231.315, Local Government Code (committee printing page 5, between lines 49 and 50), by adding Subsection (d) to read as follows:

(d) This subchapter, or an order or zoning regulation adopted under this subchapter, does not apply to the facilities or operations of an electric utility as defined by Section 31.002, Utilities Code, or a gas utility as defined by Section 101.003 or 121.001, Utilities Code.

The amendment to **SB 2555** 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: Fraser, Harris, Shapiro.

Absent-excused: Lucio.

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

**SB 2555** as amended was passed to engrossment by a viva voce vote.

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

Nays: Fraser, Harris, Shapiro.

Absent-excused: Lucio.

#### **SENATE BILL 2555 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 **SB 2555** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 3.

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

Nays: Fraser, Harris, Shapiro.

Absent-excused: Lucio.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 3. (Same as previous roll call)

#### **COMMITTEE SUBSTITUTE HOUSE BILL 2027 ON SECOND READING**

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2027** at this time on its second reading:

**CSHB 2027**, Relating to adoption of the Revised Uniform Anatomical Gift Act; providing criminal 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 except as follows:

Absent-excused: Lucio.

#### **COMMITTEE SUBSTITUTE HOUSE BILL 2027 ON THIRD READING**

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2027** be placed on its third reading and final passage.

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

Absent-excused: Lucio.

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

**HOUSE BILL 772 ON SECOND READING**

On motion of Senator Davis and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 772** at this time on its second reading:

**HB 772**, Relating to Internet broadcasts of open meetings held by the State Board of Education.

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:

Absent-excused: Lucio.

**HOUSE BILL 772 ON THIRD READING**

Senator Davis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 772** be placed on its third reading and final passage.

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

Absent-excused: Lucio.

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

**HOUSE BILL 3031 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 3031** at this time on its second reading:

**HB 3031**, Relating to the sale by the Brazos River Authority of certain residential and commercial leased lots and other real property in the immediate vicinity of Possum Kingdom Lake.

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:

Absent-excused: Lucio.

**HOUSE BILL 3031 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 3031** be placed on its third reading and final passage.

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

Absent-excused: Lucio.

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

**HOUSE BILL 472 ON SECOND READING**

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 472** at this time on its second reading:

**HB 472**, Relating to the effect and implementation of the law regarding reporting by a common carrier or pipeline owner or operator of contamination.

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:

Absent-excused: Lucio.

**HOUSE BILL 472 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 **HB 472** be placed on its third reading and final passage.

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

Absent-excused: Lucio.

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

**COMMITTEE SUBSTITUTE  
HOUSE BILL 1672 ON SECOND READING**

Senator Deuell moved to suspend the regular order of business to take up for consideration **CSHB 1672** at this time on its second reading:

**CSHB 1672**, Relating to newborn screening.

The motion prevailed.

Senator Estes 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: Estes.

Absent-excused: Lucio.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 1672 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 1672** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Estes.

Absent-excused: Lucio.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

### REMARKS ORDERED PRINTED

On motion of Senator Estes and by unanimous consent, the exchange between Senators Deuell and Estes regarding **CSHB 1672** was ordered reduced to writing and printed in the *Senate Journal* as follows:

**Senator Estes:** Senator, I had thought about offering an amendment, but as you and I talked, I decided not to do that, but if you would, let me ask you just a few questions about this for legislative intent, if I may.

**Senator Deuell:** Sure, happy to.

**Senator Estes:** First of all, this bill requires a parent to sign a form to request that the blood sample containing genetic material on their newborn child, if the parent does not take this proactive step to sign this form and the genetic material will be maintained on file, even after it's been used for this purpose specified in this bill. Please explain to me why we would want to keep this genetic material on file.

**Senator Deuell:** Well, beyond the newborn test, if the test is normal, then that's pretty much the end of the story. The physician is notified. If the test is abnormal, and I'm just giving you a little background here—

**Senator Estes:** Yeah, please do.

**Senator Deuell:** The physician is also notified, but there's a case manager to make sure it's followed up. For example, Senator Estes, hypo, congenital hypothyroidism is a very treatable disease if caught early. If it's not detected, the child can have permanent physical and mental disabilities throughout his or her entire life. So, but what they use the samples for, and there are people that are afraid that these samples are going to somehow be scanned and the genetic information is going to be spread out there and used against them in future date. None of that happens. The state health department labs need samples to test quality control. Whenever you do any kind of lab, you have to do quality controls. You have to make sure that you're getting the right results, because, as I mentioned, if, for example, a child had congenital hypothyroidism and the lab had what we call a false negative, meaning that it says negative, but in reality the patient has it, then irreparable damage could be done to that patient. So, they need, they will get, for example, from the Centers for Disease Control will send lab blood samples that are low in thyroid that they know that are, and then our labs can test that to see if they're getting the right results. Manufacturers of the lab equipment and the reagents, the chemicals that are used for this, they frequently want to do newer, better machines, newer and better reagents to test it, and they need data to compare and see if this works. And again, the fear with some is that somehow a child's genetic data is going to be made available to other people, and as I

outlined earlier, my pre-motion remarks is that this just does not happen, cannot happen. There's never been an instance that we can find where this trust has been broken.

**Senator Estes:** Okay, a few more questions. If the genetic material then is maintained, how long would it be kept and how long would it contain the valid genetic information?

**Senator Deuell:** Well, the genetic information are blood spots. I have, I think, all the Members were given a card, but these are the cards that are used and there are four little circles on this card and they do the heel stick, which everybody's pretty familiar with.

**Senator Estes:** They can cry pretty good.

**Senator Deuell:** And the samples are there. There's a serial number, there's a lab ID. When the blood is stored, the only thing that is sent to the A&M lab is this card right here with no barcode, just a serial number to identify the sample, and then they have a lab ID. And this is what's stored at Texas A&M. Before this can be accessed, it has to go through institutional review, it is protected as medical records, or—

**Senator Estes:** How long is it maintained? Do you know in number of years?

**Senator Deuell:** Well, now they've been collecting samples since 2002 and that's the reason for this bill is that if we're going to keep this, we need to let parents know the process and let them opt out if they want. This information may be useful for a hundred years as we study diseases. The reason it's moved from state health services over to Texas A&M is just a storage issue, and they're happy to do it.

**Senator Estes:** Okay. Do you believe that it's possible, just possible that this genetic material could be used against the best interest of the child or could pose a risk to the child's right of privacy?

**Senator Deuell:** I do not.

**Senator Estes:** Okay, thank you. One final question. The bill places the burden on the parent to take the proactive step in asking for the genetic material to be destroyed.

**Senator Deuell:** Well, the parents have, actually have to be informed about this either way, Senator Estes. And what you're, you and I talked, and I have vetted this multiple times with multiple people, the parents have to, they have to be, if we're, whether, whichever way we do it, there has to be a conversation with the parents, and I can't believe any reasonable parent would not want to have their child tested, and I think most people, this is a wonderful program. It's saved lives, it's saved disability, not only for the state but it saved money for private insurance companies, for individuals, and the state. And you have to have this conversation with people anyway. There will be much, much more paperwork if you do opt in because right now very few people, I've been in practice just about 25 years, and I have delivered, I don't deliver anymore, but delivered almost a thousand babies, and I've taken care of thousands of babies in 25 years, I can't remember anybody that's ever not consented to getting the newborn screening, and I would be informed, I would know. But there's never been an instance where security's been breached with any of this. It's very important to protect the patient's privacy and to protect medical records. The results of

the test go to the office, and I would, you know, you've got some grandchildren, and the results of those tests are in their family physician or pediatrician's office, and we go to great lengths today, great expense to protect medical records. And again, when I sat down with Dr. Tanksley for over an hour, and we went through every possible ramification of this data and how it's used, and their, first of all, their system is secure. It's as secure of a health records system as I've seen. There are, again, ethics committees, institutional review committees that look at all this data and anything that's used, it's used anonymously, and the patient's ID is protected. Parents have nothing to fear from this program.

**Senator Estes:** Senator Deuell, I appreciate your work on this.

### **HOUSE BILL 4314 ON SECOND READING**

On motion of Senator Shapleigh and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 4314** at this time on its second reading:

**HB 4314**, Relating to the electronic filing of documents for capital cases in the court of criminal appeals.

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:

Absent-excused: Lucio.

### **HOUSE BILL 4314 ON THIRD READING**

Senator Shapleigh moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 4314** be placed on its third reading and final passage.

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

Absent-excused: Lucio.

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

### **BILLS AND RESOLUTION SIGNED**

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

**HB 415, HB 703, HB 704, HB 1510, HB 1622, HB 1923, HB 1990, HB 2020, HB 2071, HB 2569, HB 3661, HB 3765, HCR 204.**

### **HOUSE BILL 567 ON SECOND READING**

Senator Fraser moved to suspend the regular order of business to take up for consideration **HB 567** at this time on its second reading:

**HB 567**, Relating to the eligibility of candidates for certain offices to serve as election judges.

The motion prevailed.

Senator Van de Putte 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: Van de Putte.

Absent-excused: Lucio.

### **HOUSE BILL 567 ON THIRD READING**

Senator Fraser moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 567** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Van de Putte.

Absent-excused: Lucio.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

### **COMMITTEE SUBSTITUTE HOUSE CONCURRENT RESOLUTION 174 ON SECOND READING**

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHCR 174** at this time on its second reading:

**CSHCR 174**, Requesting the Texas Department of Transportation to designate the overpass at the intersection of Highway 20 and Highway 338 in Odessa as the Buddy West Memorial Overpass.

The resolution was read second time.

On motion of Senator Seliger and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

**CSHCR 174** was adopted by the following vote: Yeas 30, Nays 0.

Absent-excused: Lucio.

### **HOUSE BILL 3032 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 3032** at this time on its second reading:

**HB 3032**, Relating to the sale of certain property at Possum Kingdom Lake by the Brazos River Authority.

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:

Absent-excused: Lucio.

### HOUSE BILL 3032 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 3032** be placed on its third reading and final passage.

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

Absent-excused: Lucio.

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

### COMMITTEE SUBSTITUTE SENATE BILL 666 ON SECOND READING

Senator Shapleigh moved to suspend the regular order of business to take up for consideration **CSSB 666** at this time on its second reading:

**CSSB 666**, Relating to the administration of charitable trusts.

The motion prevailed by the following vote: Yeas 21, Nays 9.

Yeas: Averitt, Carona, Davis, Deuell, Duncan, Ellis, Gallegos, Harris, Hegar, Hinojosa, Nelson, Ogden, Seliger, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffrini.

Nays: Eltife, Estes, Fraser, Huffman, Jackson, Nichols, Patrick, Shapiro, Williams.

Absent-excused: Lucio.

The bill was read second time.

Senator Shapleigh offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **CSSB 666** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 113.029(a), Property Code (page 1, between lines 21 and 22), insert the following subdivision:

(3) "Trust administration" means the grant-making function of the trust.

(2) In SECTION 1 of the bill, in added Section 113.029(b), Property Code (page 1, line 24), strike "municipality or county" and substitute "location".

(3) In SECTION 1 of the bill, in added Section 113.029(b), Property Code (page 1, lines 24 through 26), strike the colon and Subdivisions (1) and (2) and substitute the following:

the trust administration takes place from a location in this state to a location outside this state.

(4) In SECTION 1 of the bill, in added Section 113.029(c), Property Code (page 1, lines 27 and 28), strike "determines that the municipality or county" and substitute "decides to change the location".

(5) In SECTION 1 of the bill, in added Section 113.029(c), Property Code (page 1, lines 28 through 30), strike "or the trust property is situated must be changed to prevent the charitable purposes of the trust from being frustrated" and substitute "from a location in this state to a location outside this state".

(6) In SECTION 1 of the bill, in added Section 113.029(c)(1)(A), Property Code (page 1, lines 33 and 34), strike "or the trust property".

(7) In SECTION 1 of the bill, in added Section 113.029(c)(1)(B), Property Code (page 1, lines 35 and 36), strike "if the settlor approves a new location in writing".

(8) In SECTION 1 of the bill, in added Section 113.029(c)(1)(B), Property Code (page 1, lines 36 and 37), strike "under Subsection (d)".

(9) In SECTION 1 of the bill, in added Section 113.029(c)(2)(B), Property Code (page 1, line 41), strike "under Subsection (d)".

(10) In SECTION 1 of the bill, in added Section 113.029, Property Code, strike Subsections (d), (e), and (f) (page 1, line 42, through page 2, line 15) and substitute the following:

(d) The trustee may file an action in the district court or statutory probate court in which the trust was created seeking a court order authorizing the trustee to change the location in which the trust is administered to a location outside this state. The court may exercise its equitable powers to effectuate the original purpose of the trust.

(e) Except as provided by Subsection (b), the location in which the administration of the trust takes place may not be changed to a location outside this state unless:

(1) the charitable purposes of the trust cannot be adequately fulfilled unless the trust administration is moved; and

(2) a district court or statutory probate court authorizes the relocation.

(f) The attorney general may bring an action to enforce the provisions of this section. If a trustee of a charitable trust fails to comply with the provisions of this section, the district court or statutory probate court in the county in which the trust administration was originally located may remove the trustee and appoint a new trustee. Costs of a proceeding to remove a trustee, including reasonable attorney's fees, may be assessed against the removed trustee. This provision is in addition to and does not supersede the provisions of Chapter 123.

(11) In SECTION 1 of the bill, in added Section 113.029(g), Property Code (page 2, lines 17 through 19), strike "The proceeds of real estate sold by a charitable trust must be situated at the same location as other money owned by the trust."

(12) In SECTIONS 2 and 3 of the bill (page 2, lines 23 and 24, lines 25 and 26, line 27, line 29, and line 30), strike "January 1, 2010" wherever it appears and substitute "September 1, 2009".

The amendment to **CSSB 666** 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: Eltife, Estes, Fraser, Huffman, Jackson, Nichols, Patrick, Shapiro, Williams.

Absent-excused: Lucio.

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

**CSSB 666** as amended was passed to engrossment by a viva voce vote.

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

Nays: Eltife, Estes, Fraser, Huffman, Jackson, Nichols, Patrick, Shapiro, Williams.

Absent-excused: Lucio.

**COMMITTEE SUBSTITUTE  
SENATE BILL 666 ON THIRD READING**

Senator Shapleigh moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 666** be placed on its third reading and final passage.

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

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

Nays: Estes, Fraser, Jackson, Nichols, Shapiro, Williams.

Absent-excused: Lucio.

The bill was read third time and was passed by the following vote: Yeas 21, Nays 9.

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

Nays: Eltife, Estes, Fraser, Huffman, Jackson, Nichols, Patrick, Shapiro, Williams.

Absent-excused: Lucio.

**(Senator Eltife in Chair)**

**MOTION TO PLACE  
COMMITTEE SUBSTITUTE  
SENATE BILL 2432 ON SECOND READING**

Senator Davis moved to suspend the regular order of business to take up for consideration **CSSB 2432** at this time on its second reading:

**CSSB 2432**, Relating to the application to political subdivisions of this state of the law governing pooling of mineral interests.

The motion was lost by the following vote: Yeas 17, Nays 11. (Not receiving two-thirds vote of Members present)

Yeas: Averitt, Carona, Davis, Ellis, Eltife, Gallegos, Hinojosa, Nelson, Seliger, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Deuell, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nichols, Patrick, Shapiro, Williams.

Absent: Duncan, Ogden.

Absent-excused: Lucio.

### **HOUSE BILL 2509 ON SECOND READING**

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2509** at this time on its second reading:

**HB 2509**, Relating to the payment of a lottery prize awarded to a minor.

The bill was read second time.

Senator West offered the following amendment to the bill:

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

Amend **HB 2509** (Senate committee printing) by adding the following SECTIONS, appropriately numbered, and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter I, Chapter 466, Government Code, is amended by adding Section 466.4055 to read as follows:

Sec. 466.4055. PRIZE FEE. (a) The director shall collect from a person who is paid a prize of \$600 or more a fee in the amount of three percent of the amount of the prize.

(b) Fees collected under this section shall be deposited to the credit of the general revenue fund and may be appropriated only to fund the TEXAS grant program administered under Subchapter M, Chapter 56, Education Code.

SECTION \_\_\_\_\_. Section 466.4055, Government Code, as added by this Act, applies only to a lottery prize paid by the director of the lottery division of the Texas Lottery Commission on or after the effective date of this Act.

The amendment to **HB 2509** was read.

### **POINT OF ORDER**

Senator Nelson raised a point of order that Floor Amendment No. 1 was not germane to the body of the bill.

### **POINT OF ORDER WITHDRAWN**

Senator Nelson withdrew the point of order.

Senator West withdrew Floor Amendment No. 1.

**HB 2509** 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:

Absent: Ogden.

Absent-excused: Lucio.

**HOUSE BILL 2509 ON THIRD READING**

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2509** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent: Ogden.

Absent-excused: Lucio.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

**SENATE BILL 2577 ON SECOND READING**

Senator Jackson moved to suspend the regular order of business to take up for consideration **SB 2577** at this time on its second reading:

**SB 2577**, Relating to bariatric surgery coverage for state employees.

The motion prevailed.

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

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

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

Nays: Deuell, Shapiro.

Absent: Ogden.

Absent-excused: Lucio.

**SENATE BILL 2577 ON THIRD READING**

Senator Jackson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 2577** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 2.

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

Nays: Deuell, Fraser.

Absent: Ogden.

Absent-excused: Lucio.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 2. (Same as previous roll call)

**HOUSE BILL 1493 ON SECOND READING**

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **HB 1493** at this time on its second reading:

**HB 1493**, Relating to the use of certain devices in a polling place.

The motion prevailed.

Senator Estes 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: Estes.

Absent: Ogden.

Absent-excused: Lucio.

**HOUSE BILL 1493 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 1493** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Estes.

Absent: Ogden.

Absent-excused: Lucio.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 1. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
HOUSE BILL 2032 ON SECOND READING**

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2032** at this time on its second reading:

**CSHB 2032**, Relating to the authority of certain municipalities to use tax revenue for certain venue projects.

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSHB 2032** (Senate committee printing) in SECTION 1 of the bill by striking proposed Subsection (a) of Section 334.0082, Local Government Code (page 1, line 16-19), and substituting the following:

Sec. 334.0082. VENUE PROJECTS IN CERTAIN MUNICIPALITIES.

(a) This section applies only to a municipality that:

(1) has a population of at least 176,000 that borders the Rio Grande, and that approved a sports and community venue project before January 1, 2009; or

(2) is located in a county adjacent to the Texas-Mexico border if:

(A) the county has a population of at least 500,000;

(B) the county does not have a city located within it that has a population of at least 500,000; and

(C) the municipality is the largest municipality in the county described by this subdivision.

The amendment to **CSHB 2032** was read and was adopted by a viva voce vote.

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

Absent-excused: Lucio.

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

**CSHB 2032** 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 except as follows:

Absent: Ogden.

Absent-excused: Lucio.

### **COMMITTEE SUBSTITUTE HOUSE BILL 2032 ON THIRD READING**

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2032** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent: Ogden.

Absent-excused: Lucio.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

**(President in Chair)**

### **SENATE BILL 2491 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 2491** at this time on its second reading:

**SB 2491**, Relating to the powers and duties of certain public improvement districts.

The bill was read second time.

Senator Uresti offered the following amendment to the bill:

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

Amend **SB 2491** (Senate committee printing) as follows:

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

SECTION \_\_\_\_\_. (a) Section 372.1011, Local Government Code, is amended to read as follows:

Sec. 372.1011. APPLICABILITY. This subchapter applies only to:

(1) a county with a population of 1.2 million [~~825,000~~] or more, other than a county that:

(A) borders on the Gulf of Mexico or a bay or inlet of the gulf; or

(B) has two municipalities located wholly or partly in its boundaries each having a population of 300,000 or more; or

(2) a county with a population of 70,000 or more that is adjacent to a county described by Subdivision (1) in which a municipality with a population of 35,000 or more is primarily situated and includes all or a part of the extraterritorial jurisdiction of a municipality with a population of 1.1 million or more.

(b) This section takes effect only if the Act of the 81st Legislature, Regular Session, 2009, relating to nonsubstantive additions to and corrections in enacted codes does not become law. If the Act of the 81st Legislature, Regular Session, 2009, relating to nonsubstantive additions to and corrections in enacted codes becomes law, this section has no effect.

SECTION \_\_\_\_\_. (a) Section 382.002, Local Government Code, is amended to read as follows:

Sec. 382.002. APPLICABILITY. This chapter applies only to:

(1) a county with a population of 1.2 million [~~825,000~~] or more, other than a county that:

(A) borders on the Gulf of Mexico or a bay or inlet of the gulf; or

(B) has two municipalities located wholly or partly in its boundaries each having a population of 300,000 or more; or

(2) a county with a population of 70,000 or more that is adjacent to a county described by Subdivision (1) in which a municipality with a population of 35,000 or more is primarily situated and includes all or a part of the extraterritorial jurisdiction of a municipality with a population of 1.1 million or more.

(b) This section takes effect only if the Act of the 81st Legislature, Regular Session, 2009, relating to nonsubstantive additions to and corrections in enacted codes does not become law. If the Act of the 81st Legislature, Regular Session, 2009, relating to nonsubstantive additions to and corrections in enacted codes does not become law, this section has no effect.

(2) Make any other necessary conforming cross-reference changes.

The amendment to **SB 2491** was read and was adopted by a viva voce vote.

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

Absent-excused: Lucio.

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

**SB 2491** as amended was passed to engrossment by a viva voce vote.

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

Absent: Ogden.

Absent-excused: Lucio.

**SENATE BILL 2491 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 2491** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent: Ogden.

Absent-excused: Lucio.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

**SENATE BILL 727 WITH HOUSE AMENDMENTS**

Senator Patrick called **SB 727** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

**Floor Amendment No. 2**

Amend **SB 727** in SECTION 10 of the bill, in amended Section 411.148(k), Government Code (page 14, line 5), by striking "acceptance is conditional on the individual providing" and substituting "criminal justice agency that agrees to accept custody or supervision of the individual shall collect [~~acceptance is conditional on the individual providing~~]".

**Floor Amendment No. 3**

Amend **SB 727** (House committee printing) in SECTION 2 of the bill as follows:

(1) In the introductory language to SECTION 2 of the bill (page 1, lines 9-10), strike "Subsection (h-1)" and substitute "Subsections (h-1) and (j)".

(2) Immediately following added Article 102.020(h-1), Code of Criminal Procedure (page 2, between lines 6-7), insert the following new subsection:

(j) The court may waive the imposition of a court cost under this article if the court determines that the defendant is indigent and unable to pay the cost.

**Floor Amendment No. 4**

Amend **SB 727** (House committee printing) by adding the following appropriately numbered SECTION to the bill and by renumbering existing SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 411.146, Government Code, is amended by adding Subsection (g) to read as follows:

(g) The director shall, immediately after the creation of a DNA record based on the sample, destroy a DNA sample collected under Section 11(j), Article 42.12, Code of Criminal Procedure, Section 54.0409, Family Code, or Section 411.148, 411.1471, or 411.1473 of this code.

**Floor Amendment No. 1 on Third Reading**

Amend **SB 727**, on third reading, as follows:

(1) In SECTION 2 of the bill, strike added Article 102.020(h-1), Code of Criminal Procedure, and substitute the following:

(h-1) The clerk of the court shall transfer to the comptroller any funds received under Subsection (a)(3). The comptroller shall credit the funds to the Department of Public Safety to help defray the cost of any analyses performed on DNA samples provided by defendants who are required to pay a court cost under this article.

(2) In SECTION 4 of the bill, strike added Section 54.0462(b), Family Code, and substitute the following:

(b) The clerk of the court shall transfer to the comptroller any funds received under this section. The comptroller shall credit the funds to the Department of Public Safety to help defray the cost of any analyses performed on DNA samples provided by children with respect to whom a court cost is collected under this section.

The amendments were read.

Senator Patrick moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The President asked if there were any motions to instruct the conference committee on **SB 727** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate: Senators Patrick, Chair; Carona, Hegar, Whitmire, and Seliger.

#### **SENATE BILL 2177 ON SECOND READING**

On motion of Senator Shapleigh and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 2177** at this time on its second reading:

**SB 2177**, Relating to the establishment of a nonprofit organization for the acquisition of historic art pieces for the Capitol.

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:

Absent: Ogden.

Absent-excused: Lucio.

#### **SENATE BILL 2177 ON THIRD READING**

Senator Shapleigh moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 2177** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent: Ogden.

Absent-excused: Lucio.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
HOUSE BILL 2512 ON SECOND READING**

On motion of Senator Davis and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2512** at this time on its second reading:

**CSHB 2512**, Relating to audio recordings of certain grievance proceedings or meetings by school district employees.

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:

Absent: Ogden.

Absent-excused: Lucio.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 2512 ON THIRD READING**

Senator Davis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2512** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent: Ogden.

Absent-excused: Lucio.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

**SENATE BILL 1495 WITH HOUSE AMENDMENTS**

Senator Williams called **SB 1495** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

**Floor Amendment No. 1**

Amend **SB 1495** (House committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 162.104, Tax Code, is amended by adding Subsection (g) to read as follows:

(g) The tax imposed by this subchapter does not apply to the volume of fuel ethanol derived from cellulosic biomass that is blended together with taxable gasoline when the finished product sold or used is clearly identified on the sales invoice as a combination of gasoline and fuel ethanol derived from cellulosic biomass.

**Floor Amendment No. 2**

Amend **SB 1495** by adding the following appropriately numbered SECTIONS to read as follows and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Section 162.204(a), Tax Code, is amended to read as follows:

(a) The tax imposed by this subchapter does not apply to:

(1) diesel fuel sold to the United States for its exclusive use, provided that the exemption does not apply to diesel fuel sold or delivered to a person operating under a contract with the United States;

(2) diesel fuel sold to a public school district in this state for the district's exclusive use;

(3) diesel fuel sold to a commercial transportation company or a metropolitan rapid transit authority operating under Chapter 451, Transportation Code, that provides public school transportation services to a school district under Section 34.008, Education Code, and that uses the diesel fuel only to provide those services;

(4) diesel fuel exported by either a licensed supplier or a licensed exporter from this state to any other state, provided that:

(A) for diesel fuel in a situation described by Subsection (d), the bill of lading indicates the destination state and the supplier collects the destination state tax; or

(B) for diesel fuel in a situation described by Subsection (e), the bill of lading indicates the destination state, the diesel fuel is subsequently exported, and the exporter is licensed in the destination state to pay that state's tax and has an exporter's license issued under this subchapter;

(5) diesel fuel moved by truck or railcar between licensed suppliers or licensed permissive suppliers and in which the diesel fuel removed from the first terminal comes to rest in the second terminal, provided that the removal from the second terminal rack is subject to the tax imposed by this subchapter;

(6) diesel fuel delivered or sold into a storage facility of a licensed aviation fuel dealer from which the diesel fuel will be delivered solely into the fuel supply tanks of aircraft or aircraft servicing equipment, or sold from one licensed aviation fuel dealer to another licensed aviation fuel dealer who will deliver the diesel fuel exclusively into the fuel supply tanks of aircraft or aircraft servicing equipment;

(7) diesel fuel exported to a foreign country if the bill of lading indicates the foreign destination and the fuel is actually exported to the foreign country;

(8) dyed diesel fuel sold or delivered by a supplier to another supplier and dyed diesel fuel sold or delivered by a supplier or distributor into the bulk storage facility of a dyed diesel fuel bonded user or to a purchaser who provides a signed statement as provided by Section 162.206;

(9) the volume of water, fuel ethanol, biodiesel, or mixtures thereof that are blended together with taxable diesel fuel when the finished product sold or used is clearly identified on the retail pump, storage tank, and sales invoice as a combination of diesel fuel and water, fuel ethanol, biodiesel, or mixtures thereof;

(10) dyed diesel fuel sold by a supplier or permissive supplier to a distributor, or by a distributor to another distributor;

(11) dyed diesel fuel delivered by a license holder into the fuel supply tanks of railway engines, motorboats, or refrigeration units or other stationary equipment powered by a separate motor from a separate fuel supply tank;

(12) dyed kerosene when delivered by a supplier, distributor, or importer into a storage facility at a retail business from which all deliveries are exclusively for heating, cooking, lighting, or similar nonhighway use; ~~[or]~~

(13) diesel fuel used by a person, other than a political subdivision, who owns, controls, operates, or manages a commercial motor vehicle as defined by Section 548.001, Transportation Code, if the fuel:

(A) is delivered exclusively into the fuel supply tank of the commercial motor vehicle; and

(B) is used exclusively to transport passengers for compensation or hire between points in this state on a fixed route or schedule; or

(14) diesel fuel sold to a county in this state for the county's exclusive use.

SECTION \_\_\_\_\_. Sections 162.227(a) and (c), Tax Code, are amended to read as follows:

(a) A license holder may take a credit on a return for the period in which the sale occurred if the license holder paid tax on the purchase of diesel fuel and subsequently resells the diesel fuel without collecting the tax to:

(1) the United States government for its exclusive use, provided that a credit is not allowed for gasoline used by a person operating under a contract with the United States;

(2) a public school district in this state for the district's exclusive use;

(3) an exporter licensed under this subchapter if the seller is a licensed supplier or distributor and the exporter subsequently exports the diesel fuel to another state;

(4) a licensed aviation fuel dealer if the seller is a licensed distributor; ~~[or]~~

(5) a commercial transportation company or a metropolitan rapid transit authority operating under Chapter 451, Transportation Code, that provides public school transportation services to a school district under Section 34.008, Education Code, and that uses the diesel fuel exclusively to provide those services; or

(6) a county in this state for the county's exclusive use.

(c) A license holder may take a credit on a return for the period in which the purchase occurred, and a person who does not hold a license under this subchapter, other than a license as an aviation fuel dealer, may file a refund claim with the comptroller if the license holder or person paid tax on diesel fuel and the license holder or person:

(1) is the United States government and the diesel fuel is for its exclusive use, provided that a credit or refund is not allowed for diesel fuel used by a license holder or person operating under a contract with the United States;

(2) is a public school district in this state and the diesel fuel is for the district's exclusive use;

(3) is a commercial transportation company that provides public school transportation services to a school district under Section 34.008, Education Code, and the diesel fuel is used exclusively to provide those services; ~~[or]~~

(4) is a licensed aviation fuel dealer who delivers the diesel fuel into the fuel supply tanks of aircraft or aircraft servicing equipment; or  
(5) is a county in this state and the diesel fuel is for the county's exclusive use.

### Floor Amendment No. 1 on Third Reading

Amend **SB 1495** on third reading as follows:

(1) Strike SECTION 7 of the bill, substitute the following appropriately numbered SECTION, and renumber subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Section 162.001, Tax Code, is amended by amending Subdivisions (7), (9), (11), (19), (20), (29), (31), (42), (43), and (55) and adding Subdivision (10-a) to read as follows:

(7) "Biodiesel fuel" means any motor fuel or mixture of motor fuels, other than gasoline blended fuel, that is:

(A) derived wholly or partly from agricultural products, vegetable oils, recycled greases, or animal fats, or the wastes of those products or fats; and

(B) advertised, offered for sale, sold, used, or capable of ~~[suitable for]~~ use, ~~[or used]~~ as ~~[a motor]~~ fuel for a diesel-powered ~~[in an internal combustion]~~ engine.

(9) "Blending" means the mixing together of liquids that produces a product that is offered for sale, sold, used, or ~~[one or more petroleum products with another product, regardless of the original character of the product blended, if the product obtained by the blending is]~~ capable of use as fuel for a gasoline-powered engine or diesel-powered engine ~~[in the generation of power for the propulsion of a motor vehicle]~~. The term does not include mixing that occurs in the process of refining by the original refiner of crude petroleum, ~~[or]~~ the commingling of products during transportation in a pipeline.

(10-a) "Bulk storage" means a container of more than 10 gallons.

(11) "Bulk transfer" means a transfer of motor fuel from one location to another by pipeline ~~[tender]~~ or marine movement ~~[delivery]~~ within a bulk transfer/terminal system, including:

(A) a marine vessel movement of motor fuel from a refinery or terminal to a terminal;

(B) a pipeline movement of motor fuel from a refinery or terminal to a terminal;

(C) a book transfer or in-tank transfer of motor fuel within a terminal between licensed suppliers before completion of removal across the rack; and

(D) a two-party exchange between licensed suppliers or between licensed suppliers and permissive suppliers.

(19) "Diesel fuel" means kerosene or another liquid, or a combination of liquids blended together, offered for sale, sold, ~~[that is suitable for or]~~ used, or capable of use as fuel for the propulsion of diesel-powered motor vehicles. The term includes products commonly referred to as kerosene, light cycle oil, #1 diesel fuel, #2 diesel fuel, dyed or undyed diesel fuel, aviation jet fuel, biodiesel, distillate fuel, cutter stock, or heating oil, but does not include gasoline, aviation gasoline, or liquefied gas.

(20) "Distributor" means a person who ~~[acquires motor fuel from a licensed supplier, permissive supplier, or another licensed distributor and who]~~ makes sales of motor fuel at wholesale. A distributor's [and whose] activities may also include sales of motor fuel at retail.

(29) "Gasoline" means any liquid or combination of liquids blended together, offered for sale, sold, ~~[or]~~ used, or capable of use as [the] fuel for a gasoline-powered engine. The term includes gasohol, aviation gasoline, and blending agents, but does not include racing gasoline, diesel fuel, aviation jet fuel, or liquefied gas.

(31) "Gasoline blended fuel" means a mixture composed of gasoline and other liquids, including gasoline blend stocks, gasohol, ethanol, methanol, fuel grade alcohol, and resulting blends, other than a de minimus amount of a product such as carburetor detergent or oxidation inhibitor, that is offered for sale, sold, [can be] used, or is capable of use as fuel for a gasoline-powered engine [gasoline in a motor vehicle].

(42) "Motor fuel" means gasoline, diesel fuel, liquefied gas, gasoline blended fuel, and other products that are offered for sale, sold, ~~[can be]~~ used, or are capable of use as fuel for a gasoline-powered engine or a diesel-powered engine [to propel a motor vehicle].

(43) "Motor fuel transporter" means a person who transports gasoline, diesel fuel, ~~[or]~~ gasoline blended fuel, aviation fuel, or any other motor fuel, except liquefied gas, outside the bulk transfer/terminal system by means of a transport vehicle, a railroad tank car, or a marine vessel. The term does not include a person who:

(A) is licensed under this chapter as a supplier, permissive supplier, or distributor; and

(B) exclusively transports gasoline, diesel fuel, gasoline blended fuel, aviation fuel, or any other motor fuel to which the person retains ownership while the fuel is being transported by the person.

(55) "Shipping document" means a delivery document issued ~~[by a terminal or bulk plant operator]~~ in conjunction with the sale, transfer, or transport ~~[removal]~~ of motor fuel ~~[from the terminal or bulk plant]~~. A shipping document issued by a terminal operator shall be machine printed. All other shipping documents [A shipping document issued by a bulk plant] shall be typed or handwritten on a preprinted form or machine printed.

(2) On page 6, line 27, between "the" and "bulk", insert "terminal or".

(3) Strike SECTION 11 of the bill, substitute the following appropriately numbered SECTIONS, and renumber subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Subchapter B, Chapter 162, Tax Code, is amended by adding Section 162.1025 to read as follows:

Sec. 162.1025. SEPARATE STATEMENT OF TAX COLLECTED FROM PURCHASER. (a) In each subsequent sale of gasoline on which the tax has been paid, the tax imposed by this subchapter shall be collected from the purchaser so that the tax is paid ultimately by the person who uses the gasoline. Gasoline is considered to be used when it is delivered into a fuel supply tank.

(b) The tax imposed by this subchapter must be stated separately from the sales price of gasoline and identified as gasoline tax on the invoice or receipt issued to a purchaser. Backup gasoline tax may be identified as gasoline tax. The tax must be separately stated and identified in the same manner on a shipping document, if the shipping document includes the sales price of the gasoline.

(c) Except as provided by Subsection (d), the sales price of gasoline stated on an invoice, receipt, or shipping document is presumed to be exclusive of the taxes imposed by this subchapter. The seller or purchaser may overcome the presumption by using the seller's records to show that the tax imposed by this subchapter was included in the sales price.

(d) Subsection (b) does not apply to a sale of gasoline by a licensed dealer to a person who delivers the gasoline at the dealer's place of business into a fuel supply tank or into a container having a capacity of no more than 10 gallons.

SECTION \_\_\_\_\_. Sections 162.103(a) and (d), Tax Code, are amended to read as follows:

(a) A backup tax is imposed at the rate prescribed by Section 162.102 on:

(1) a person who obtains a refund of tax on gasoline by claiming the gasoline was used for an off-highway purpose, but actually uses the gasoline to operate a motor vehicle on a public highway;

(2) a person who operates a motor vehicle on a public highway using gasoline on which tax has not been paid; ~~and~~

(3) a person who sells to the ultimate consumer gasoline on which tax has not been paid and who knew or had reason to know that the gasoline would be used for a taxable purpose; and

(4) a person, other than a person exempted under Section 162.104, who acquires gasoline on which tax has not been paid from any source in this state.

(d) A person who sells gasoline in this state, other than by a bulk transfer, on which tax has not been paid for any purpose other than a purpose exempt under Section 162.104 shall at the time of sale collect the tax from the purchaser or recipient of gasoline in addition to the selling price and is liable to this state for the taxes imposed ~~collected at the time and~~ in the manner provided by this chapter.

(4) Strike SECTION 13 of the bill, substitute the following, and renumber subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Section 162.115, Tax Code, is amended by adding Subsection (n) to read as follows:

(n) In addition to the records specifically required by this chapter, a license holder, a dealer, or a person required to hold a license shall keep any other record required by the comptroller.

SECTION \_\_\_\_\_. Section 162.117, Tax Code, is amended to read as follows:

Sec. 162.117. DUTIES OF SELLER OF GASOLINE ~~[SUPPLIER OR PERMISSIVE SUPPLIER]~~. (a) A seller ~~[supplier or permissive supplier]~~ who receives or collects tax holds the amount received or collected in trust for the benefit of this state and has a fiduciary duty to remit to the comptroller the amount of tax received or collected.

(b) A seller [~~supplier or permissive supplier~~] shall furnish the purchaser with an invoice, bill of lading, or other documentation as evidence of the number of gallons received by the purchaser.

(c) A seller [~~supplier or permissive supplier~~] who receives a payment of tax may not apply the payment of tax to a debt that the person making the payment owes for gasoline purchased from the supplier or permissive supplier.

(d) A person required to receive or collect a tax under this chapter is liable for and shall pay the tax in the manner provided by this chapter.

SECTION \_\_\_\_\_. Section 162.122, Tax Code, is amended to read as follows:

Sec. 162.122. INFORMATION REQUIRED ON EXPORTER'S RETURN AND PAYMENT OF TAX ON EXPORTS. The monthly return and supplements of an exporter shall contain for the period covered by the return:

(1) the number of net gallons of gasoline acquired from a supplier and exported during the month, including supplier name, terminal control number, and product code;

(2) the number of net gallons of gasoline acquired from a bulk plant and exported during the month, including bulk plant name and product code;

(3) the number of net gallons of gasoline acquired from a source other than a supplier or bulk plant and exported during the month, including the name of the source from which the gasoline was acquired and the name and address of the person receiving the gasoline;

(4) the destination state of the gasoline exported during the month; and

(5) [~~(4)~~] any other information required by the comptroller.

SECTION \_\_\_\_\_. Section 162.125, Tax Code, is amended by adding Subsection (j) to read as follows:

(j) A license holder may take a credit on a return for the tax included in the retail purchase price of gasoline for the period in which the purchase occurred when made by one of the following purchasers, if the purchase was made by acceptance of a credit card not issued by the license holder, the credit card issuer did not collect the tax from the purchaser, and the license holder reimbursed the credit card issuer for the amount of tax included in the retail purchase price:

(1) the United States government for its exclusive use;

(2) a public school district in this state for the district's exclusive use;

(3) a commercial transportation company that provides public school transportation services to a public school district under Section 34.008, Education Code, for its exclusive use to provide those services;

(4) a nonprofit electric cooperative corporation organized under Chapter 161, Utilities Code; and

(5) a nonprofit telephone cooperative corporation organized under Chapter 162, Utilities Code.

(5) Strike SECTION 16 of the bill, substitute the following appropriately numbered SECTIONS, and renumber subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Subchapter C, Chapter 162, Tax Code, is amended by adding Section 162.2025 to read as follows:

Sec. 162.2025. SEPARATE STATEMENT OF TAX COLLECTED FROM PURCHASER. (a) In each subsequent sale of diesel fuel on which the tax has been paid, the tax imposed by this subchapter shall be collected from the purchaser so that the tax is paid ultimately by the person who uses the diesel fuel. Diesel fuel is considered to be used when it is delivered into a fuel supply tank.

(b) The tax imposed by this subchapter must be stated separately from the sales price of diesel fuel and identified as diesel fuel tax on the invoice or receipt issued to a purchaser. Backup state diesel fuel tax may be identified as diesel fuel tax. The tax must be separately stated and identified in the same manner on a shipping document, if the shipping document includes the sales price of the diesel fuel.

(c) Except as provided by Subsection (d), the sales price of diesel fuel stated on an invoice, receipt, or shipping document is presumed to be exclusive of the tax imposed by this subchapter. The seller or purchaser may overcome the presumption by using the seller's records to show that the tax imposed by this subchapter was included in the sales price.

(d) Subsection (b) does not apply to a sale of diesel fuel by a licensed dealer to a person who delivers the diesel fuel at the dealer's place of business into a fuel supply tank or into a container having a capacity of no more than 10 gallons.

SECTION \_\_\_\_\_. Sections 162.203(a) and (d), Tax Code, are amended to read as follows:

(a) A backup tax is imposed at the rate prescribed by Section 162.202 on:

(1) a person who obtains a refund of tax on diesel fuel by claiming the diesel fuel was used for an off-highway purpose, but actually uses the diesel fuel to operate a motor vehicle on a public highway;

(2) a person who operates a motor vehicle on a public highway using diesel fuel on which tax has not been paid; ~~and~~

(3) a person who sells to the ultimate consumer diesel fuel on which a tax has not been paid and who knew or had reason to know that the diesel fuel would be used for a taxable purpose; and

(4) a person, other than a person exempted under Section 162.204, who acquires diesel fuel on which tax has not been paid from any source in this state.

(d) A person who sells diesel fuel in this state, other than by a bulk transfer, on which tax has not been paid for any purpose other than a purpose exempt under Section 162.204 shall at the time of sale collect the tax from the purchaser or recipient of diesel fuel in addition to the selling price and is liable to this state for the taxes imposed ~~collected at the time and~~ in the manner provided by this chapter.

(6) Strike SECTION 20, substitute the following appropriately numbered SECTIONS, and renumber subsequent SECTIONS appropriately:

SECTION \_\_\_\_\_. Section 162.216, Tax Code, is amended by adding Subsection (o) to read as follows:

(o) In addition to the records specifically required by this section, a license holder, a dealer, or a person required to hold a license shall keep any other record required by the comptroller.

SECTION \_\_\_\_\_. Section 162.218, Tax Code, is amended to read as follows:

Sec. 162.218. DUTIES OF SELLER OF DIESEL FUEL [~~SUPPLIER OR PERMISSIVE SUPPLIER~~]. (a) A seller [~~supplier or permissive supplier~~] who receives or collects tax holds the amount received or collected in trust for the benefit of this state and has a fiduciary duty to remit to the comptroller the amount of tax received or collected.

(b) A seller [~~supplier or permissive supplier~~] shall furnish the purchaser with an invoice, bill of lading, or other documentation as evidence of the number of gallons received by the purchaser.

(c) A seller [~~supplier or permissive supplier~~] who receives a payment of tax may not apply the payment of tax to a debt that the person making the payment owes for diesel fuel purchased from the supplier or permissive supplier.

(d) A person required to receive or collect a tax under this chapter is liable for and shall pay the tax in the manner provided by this chapter.

SECTION \_\_\_\_\_. Section 162.223, Tax Code, is amended to read as follows:

Sec. 162.223. INFORMATION REQUIRED ON EXPORTER'S RETURN AND PAYMENT OF TAX ON IMPORTS. The monthly return and supplements of an exporter shall contain for the period covered by the return:

(1) the number of net gallons of diesel fuel acquired from a supplier and exported during the month, including supplier name, terminal control number, and product code;

(2) the number of net gallons of diesel fuel acquired from a bulk plant and exported during the month, including bulk plant name and product code;

(3) the number of net gallons of diesel fuel acquired from a source other than a supplier or bulk plant and exported during the month, including the name of the source from which the diesel fuel was acquired and the name and address of the person receiving the diesel fuel;

(4) the destination state of the diesel fuel exported during the month; and

(5) [(4)] any other information the comptroller requires.

SECTION \_\_\_\_\_. Section 162.227, Tax Code, is amended by adding Subsection (j) to read as follows:

(j) A license holder may take a credit on a return for the tax included in the retail purchase price of diesel fuel for the period in which the purchase occurred when made by one of the following purchasers, if the purchase was made by acceptance of a credit card not issued by the license holder, the credit card issuer did not collect the tax from the purchaser, and the license holder reimbursed the credit card issuer for the amount of tax included in the retail purchase price:

(1) the United States government for its exclusive use;

(2) a public school district in this state for the district's exclusive use;

(3) a commercial transportation company that provides public school transportation services to a public school district under Section 34.008, Education Code, for its exclusive use to provide those services;

(4) a nonprofit electric cooperative corporation organized under Chapter 161, Utilities Code; or

(5) a nonprofit telephone cooperative corporation organized under Chapter 162, Utilities Code.

(7) On page 17, between lines 18 and 19, insert the following appropriately numbered SECTIONS and renumber subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Section 162.308(a), Tax Code, is amended to read as follows:

(a) A licensed dealer or a person required to hold a dealer's license who makes a sale or delivery of liquefied gas into a fuel supply tank of a motor vehicle on which the tax is required to be collected is liable to this state for the tax imposed and shall report and pay the tax in the manner required by this subchapter.

SECTION \_\_\_\_\_. Sections 162.309(a) and (c), Tax Code, are amended to read as follows:

(a) A dealer or a person required to hold a dealer's license shall keep for four years, open to inspection at all times by the comptroller and the attorney general, a complete record of all liquefied gas sold or delivered for taxable purposes.

(c) Each taxable sale or delivery by a dealer or a person required to hold a dealer's license of liquefied gas into the fuel supply tanks of a motor vehicle, including deliveries by interstate truckers from bulk storage, shall be covered by an invoice. The invoice must be printed and contain:

(1) the preprinted or stamped name and address of the licensed dealer or interstate trucker;

(2) the date of the sale or delivery;

(3) the number of gallons sold or delivered;

(4) the mileage recorded on the odometer;

(5) the state and state highway license number;

(6) the signature of the driver of the motor vehicle; and

(7) the amount of tax paid or accounted for stated separately from the selling price.

(8) On page 23, on line 18, after "invoice", insert "or shipping document".

(9) On page 24, line 1, between "collected" and "by", insert "or required to be collected".

(10) On page 24, line 12, strike "is a dealer who" and substitute "[is a dealer who]".

(11) On page 24, line 14, strike "is a dealer who" and substitute "[is a dealer who]".

(12) On page 25, between lines 6 and 7, insert the following appropriately numbered SECTION and renumber subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Section 162.405(f), Tax Code, is amended to read as follows:

(f) Violations of three or more separate offenses under of the following sections [~~Sections 162.403(22) through (29)~~] committed pursuant to one scheme or continuous course of conduct may be considered as one offense and punished as a felony of the second degree:

(1) ~~Section 162.403(7);~~

(2) ~~Sections 162.403(13) through (16); or~~

(3) ~~Sections 162.403(23) through (29).~~

(13) On page 26, between lines 8 and 9, insert the following appropriately numbered SECTION and renumber subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Article 12.01, Code of Criminal Procedure, is amended to read as follows:

Art. 12.01. FELONIES. Except as provided in Article 12.03, felony indictments may be presented within these limits, and not afterward:

- (1) no limitation:
  - (A) murder and manslaughter;
  - (B) sexual assault under Section 22.011(a)(2), Penal Code, or aggravated sexual assault under Section 22.021(a)(1)(B), Penal Code;
  - (C) sexual assault, if during the investigation of the offense biological matter is collected and subjected to forensic DNA testing and the testing results show that the matter does not match the victim or any other person whose identity is readily ascertained;
  - (D) continuous sexual abuse of young child or children under Section 21.02, Penal Code;
  - (E) indecency with a child under Section 21.11, Penal Code; or
  - (F) an offense involving leaving the scene of an accident under Section 550.021, Transportation Code, if the accident resulted in the death of a person;
- (2) ten years from the date of the commission of the offense:
  - (A) theft of any estate, real, personal or mixed, by an executor, administrator, guardian or trustee, with intent to defraud any creditor, heir, legatee, ward, distributee, beneficiary or settlor of a trust interested in such estate;
  - (B) theft by a public servant of government property over which he exercises control in his official capacity;
  - (C) forgery or the uttering, using or passing of forged instruments;
  - (D) injury to a child, elderly individual, or disabled individual punishable as a felony of the first degree under Section 22.04, Penal Code;
  - (E) sexual assault, except as provided by Subdivision (1) or (5); or
  - (F) arson;
- (3) seven years from the date of the commission of the offense:
  - (A) misapplication of fiduciary property or property of a financial institution;
  - (B) securing execution of document by deception; or
  - (C) a felony violation under Chapter 162 [~~Sections 162.403(22)-(39)~~], Tax Code;
- (4) five years from the date of the commission of the offense:
  - (A) theft or robbery;
  - (B) except as provided by Subdivision (5), kidnapping or burglary;
  - (C) injury to a child, elderly individual, or disabled individual that is not punishable as a felony of the first degree under Section 22.04, Penal Code;
  - (D) abandoning or endangering a child; or
  - (E) insurance fraud;
- (5) if the investigation of the offense shows that the victim is younger than 17 years of age at the time the offense is committed, 20 years from the 18th birthday of the victim of one of the following offenses:
  - (A) sexual performance by a child under Section 43.25, Penal Code;
  - (B) aggravated kidnapping under Section 20.04(a)(4), Penal Code, if the defendant committed the offense with the intent to violate or abuse the victim sexually; or

(C) burglary under Section 30.02, Penal Code, if the offense is punishable under Subsection (d) of that section and the defendant committed the offense with the intent to commit an offense described by Subdivision (1)(B) or (D) of this article or Paragraph (B) of this subdivision; or

(6) three years from the date of the commission of the offense: all other felonies.

(14) At the top of page 27, between SECTIONS 28 and 29 of the bill, insert the following appropriately numbered SECTION and renumber subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Section 162.017, Tax Code, is repealed.

### **Floor Amendment No. 2 on Third Reading**

Amend **SB 1495** by adding the following appropriately numbered SECTION to read as follows and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Section 162.227, Tax Code, is amended by adding Subsection (d-1) to read as follows:

(d-1) A license holder may take a credit on a return for the period in which the purchase occurred, and a person who does not hold a license may file a refund claim with the comptroller, if the license holder or person paid tax on diesel fuel and the diesel fuel is used in this state by auxiliary power units or power take-off equipment on any motor vehicle. If the quantity of that diesel fuel can be accurately measured while the motor vehicle is stationary by any metering or other measuring device or method designed to measure the fuel separately from fuel used to propel the motor vehicle, the comptroller may approve and adopt the use of the device as a basis for determining the quantity of diesel fuel consumed in those operations for a tax credit or tax refund. If there is no separate metering device or other approved measuring method, the license holder may take the credit and the person who does not hold a license may claim the refund on a percentage of the diesel fuel consumed by each motor vehicle equipped with an auxiliary power unit or power take-off equipment. The comptroller shall determine the percentage of the credit or refund. The climate-control air conditioning or heating system of a motor vehicle that has a primary purpose of providing for the convenience or comfort of the operator or passengers is not a power take-off system, and a credit or refund may not be allowed for the tax paid on any portion of the diesel fuel that is used for that purpose. A credit or refund may not be allowed for the diesel fuel tax paid on that portion of the diesel fuel that is used for idling.

The amendments were read.

Senator Williams moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The President asked if there were any motions to instruct the conference committee on **SB 1495** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate: Senators Williams, Chair; Carona, Hinojosa, Averitt, and West.

### **SENATE BILL 2298 WITH HOUSE AMENDMENTS**

Senator Watson called **SB 2298** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

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

Amend **SB 2298** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill as appropriate:

SECTION \_\_\_\_\_. Section 51.962, Education Code, is amended by adding Subsection (f) to read as follows:

(f) This subsection applies to an employee employed by the institution of higher education for more than six months. The requirement that six months elapse between merit salary increases prescribed by Subsection (e) does not apply to a one-time merit payment if the chief administrative officer of the institution of higher education determines in writing that the one-time merit payment is made in relation to the employee's performance during a natural disaster or other extraordinary circumstance.

#### **Floor Amendment No. 2**

Amend **SB 2298** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. The heading to Section 659.0125, Government Code, is amended to read as follows:

Sec. 659.0125. SALARY FOR DISTRICT JUDGE OR RETIRED JUDGE PRESIDING OVER MULTIDISTRICT LITIGATION.

SECTION \_\_\_\_\_. Section 659.0125, Government Code, is amended by adding Subsection (c) to read as follows:

(c) A retired judge appointed to an MDL pretrial court, as defined by Section 90.001, Civil Practice and Remedies Code, is entitled to receive the same compensation and benefits to which a district judge is entitled.

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

Amend **SB 2298** (House committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Chapter 61, Education Code, is amended by adding Subchapter FF to read as follows:

#### SUBCHAPTER FF. LEGISLATIVE EMPLOYEE LOAN REPAYMENT ASSISTANCE PROGRAM

Sec. 61.9781. DEFINITION. In this subchapter, "legislative employee" means an employee of the senate, the house of representatives, or any department, commission, board, office, or other agency in the legislative branch of state government. The term:

(1) includes an employee of an individual senator or representative or of a legislative committee; and

(2) does not include a senator or a representative.

Sec. 61.9782. REPAYMENT AUTHORIZED. The board shall establish a program to provide, using funds appropriated for that purpose and in accordance with this subchapter and rules of the board, assistance in the repayment of student loans for full-time legislative employees who apply and qualify for the assistance.

Sec. 61.9783. ELIGIBILITY. To be eligible to receive repayment assistance, a person:

- (1) must apply for the assistance in the manner prescribed by the board;
- (2) must be currently employed full time as a legislative employee;
- (3) must enter into a written agreement with the board under which the

person:

(A) agrees to a continuous five-year employment obligation in the legislative branch; and

(B) acknowledges the conditional nature of the repayment assistance;

- (4) may not be receiving loan repayment assistance from any other source;

and

(5) must comply with any other requirements adopted by board rule under this subchapter.

Sec. 61.9784. EXCEPTION TO CONSECUTIVE YEARS OF EMPLOYMENT REQUIREMENT. The board shall excuse an otherwise eligible person from the requirement imposed by Section 61.9783(3)(A) that the employment be performed in consecutive years if the break in employment is a result of the person's:

(1) service on active duty as a member of the armed forces of the United States;

(2) temporary total disability for a period of not more than 36 months as established by the affidavit of a qualified physician;

(3) inability to maintain the person's full-time employment for a period not to exceed 12 months because the person is caring for the person's disabled spouse or child; or

(4) satisfaction of the provisions of any other exception adopted by the board for purposes of this section.

Sec. 61.9785. ELIGIBLE LOANS. (a) The board may provide repayment assistance for the repayment of any student loan for education at an institution of higher education or a private or independent institution of higher education in this state, including loans for undergraduate education, received by an eligible person through any lender.

(b) The board may not provide repayment assistance for a student loan that is in default at the time of the person's application.

(c) In each state fiscal biennium, the board shall attempt to use for loan repayment assistance under this subchapter all funds appropriated to the board for that purpose.

Sec. 61.9786. REPAYMENT. (a) For the first year of legislative employment for which a person is eligible to receive repayment assistance under this subchapter and each following consecutive year of legislative employment, as described by Section 61.9783(3)(A), not to exceed a total of five years, the board shall provide

assistance for the repayment of a portion of an eligible person's eligible loans. The board shall reduce the amount of a single assistance payment or refrain from making an assistance payment to an eligible person as necessary to avoid making total payments under this section to the person in an amount greater than the total amount of principal and interest due on the person's eligible loans.

(b) The board shall deliver any repayment under this subchapter in a lump sum:

(1) payable to both the legislative employee and the lender or other holder of the affected loan; or

(2) delivered on the legislative employee's behalf directly to the lender or other holder of the loan.

(c) A repayment under this subchapter may be applied to any amount due in connection with the loan.

Sec. 61.9787. AMOUNT OF REPAYMENT ASSISTANCE. The total amount of repayment assistance distributed by the board under this subchapter may not exceed the total amount of gifts and grants accepted by the board for repayment assistance, legislative appropriations for repayment assistance, and other funds available to the board for purposes of this subchapter.

Sec. 61.9788. RULES. (a) The board shall adopt rules necessary to administer this subchapter.

(b) The board shall distribute to the senate, the house of representatives, and any department, commission, board, office, or other agency in the legislative branch of state government copies of the rules adopted under this section and other pertinent information relating to this subchapter.

Sec. 61.9789. SOLICITATION AND ACCEPTANCE OF FUNDS. The board may solicit and accept gifts and grants from any public or private source for the purposes of this subchapter.

SECTION \_\_\_\_. The Texas Higher Education Coordinating Board shall adopt the rules for repayment assistance under Subchapter FF, Chapter 61, Education Code, as added by this Act, not later than December 1, 2009.

### **Floor Amendment No. 1 on Third Reading**

Amend **SB 2298** on third reading as follows:

(1) Strike the recital to SECTION 1 of the bill (page 1, lines 4 and 5, House committee printing) and substitute the following:

SECTION 1. Section 659.016, Government Code, is amended by amending Subsection (i) and adding Subsection (j) to read as follows:

(2) In SECTION 1 of the bill, strike amended Section 659.016(i), Government Code (page 1, lines 6-12, House committee printing), and substitute the following:

(i) Except as provided by this subsection and Subsection (j), an [An] employee covered by this section may not be paid for any unused compensatory time. An employee may be paid for the hours of compensatory time the employee earns for work directly related to a disaster or emergency declared by the appropriate officer of the state or federal government.

(3) In SECTION 1 of the bill, in amended Section 659.016, Government Code (page 1, between lines 12 and 13, House committee printing), insert the following:

(j) An employee employed by a state mental health or mental retardation facility may be paid for any unused compensatory time if the employing agency determines that taking the compensatory time off would disrupt the normal business functions of the agency.

(4) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill as appropriate:

SECTION \_\_\_\_\_. Section 659.015, Government Code, is amended by amending Subsection (g) and adding Subsections (i) and (j) to read as follows:

(g) Compensatory time off to which an employee is entitled under Subsection (f) must be taken during the 12-month period following the end of the workweek in which the compensatory time was accrued or it lapses. An employee may not be paid for that compensatory time, except as provided by this subsection and Subsections (i) and (j). An [However, an] employee of an institution of higher education as defined by Section 61.003, Education Code, or an employee engaged in a public safety activity, including highway construction and maintenance or an emergency response activity, may be paid at the employee's regular rate of pay for that compensatory time if the employer determines that taking the compensatory time off would disrupt normal teaching, research, or other critical functions.

(i) A state employee may be paid for the hours of compensatory time the employee earns for work directly related to a disaster or emergency declared by the appropriate officer of the state or federal government.

(j) An employee employed by a state mental health or mental retardation facility may be paid for any unused compensatory time if the employing agency determines that taking the compensatory time off would disrupt the normal business functions of the agency.

The amendments were read.

Senator Watson moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The President asked if there were any motions to instruct the conference committee on **SB 2298** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate: Senators Watson, Chair; Ellis, Whitmire, Eltife, and Carona.

### PERMISSION TO INTRODUCE BILL

On motion of Senator Davis and by unanimous consent, Senate Rule 7.07(b) was suspended to permit the introduction of the following bill: **SB 2588**.

### SENATE BILL 61 WITH HOUSE AMENDMENT

Senator Zaffirini called **SB 61** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

**Floor Amendment No. 1**

Amend **SB 61** (House committee printing) as follows:

(1) On page 1, strike lines 5 and 6 and substitute:

SECTION 1. Section 545.412, Transportation Code, is amended by amending Subsections (a) and (b) and adding Subsection (b-1) to read as follows:

(2) On page 1, strike lines 14 through 23 and substitute:

(b) An offense under this section is a misdemeanor punishable by a fine of not ~~less than \$100 or~~ more than \$25 for the first offense and not more than \$250 for a second or subsequent offense ~~[\$200]~~.

(b-1) In addition to all other fees and court costs, a person shall pay 15 cents as a court cost on conviction of an offense under this section. Court costs due under this section shall be collected in the same manner as other fees, fines, or costs are collected in the case. The clerk at least monthly shall send the court costs collected under this section to the comptroller for deposit in a separate account in the general revenue fund that may be appropriated only to the Texas Department of Transportation and used to purchase child passenger safety seat systems and distribute them to low-income families.

(3) Strike SECTION 2 of the bill (page 1, line 24, through page 3, line 1).

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

SECTION \_\_\_\_\_. Subchapter F, Chapter 102, Government Code, is amended by adding Section 102.104 to read as follows:

Sec. 102.104. ADDITIONAL COURT COSTS ON CONVICTION IN JUSTICE COURTS: TRANSPORTATION CODE. The clerk of a justice court shall collect 15 cents as a court cost under Section 545.412, Transportation Code, on conviction of an offense under that section.

SECTION \_\_\_\_\_. Subchapter G, Chapter 102, Government Code, is amended by adding Section 102.122 to read as follows:

Sec. 102.122. ADDITIONAL COURT COSTS ON CONVICTION IN MUNICIPAL COURT: TRANSPORTATION CODE. The clerk of a municipal court shall collect 15 cents as a court cost under Section 545.412, Transportation Code, on conviction of an offense under that section.

The amendment was read.

Senator Zaffirini moved to concur in the House amendment to **SB 61**.

The motion prevailed by the following vote: Yeas 19, Nays 9.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Gallegos, Hinojosa, Huffman, Nichols, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Estes, Fraser, Harris, Hegar, Jackson, Nelson, Patrick, Seliger, Williams.

Absent: Averitt, Ogden.

Absent-excused: Lucio.

**SENATE BILL ON FIRST READING**

The following bill was introduced, read first time, and referred to the committee indicated:

**SB 2588** by Davis

Relating to certain protections for customers in the restructured electric services market.

To Committee on Business and Commerce.

**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 103** to Committee on Health and Human Services.

**HB 176** to Committee on Criminal Justice.

**HB 184** to Committee on Higher Education.

**HB 1146** to Committee on Administration.

**HB 1277** to Committee on Economic Development.

**HB 1319** to Committee on Jurisprudence.

**HB 1691** to Committee on Intergovernmental Relations.

**HB 1801** to Committee on Finance.

**HB 1841** to Committee on Intergovernmental Relations.

**HB 1943** to Committee on Jurisprudence.

**HB 2002** to Committee on Criminal Justice.

**HB 2003** to Committee on Criminal Justice.

**HB 2014** to Committee on Business and Commerce.

**HB 2118** to Committee on Administration.

**HB 2295** to Committee on Business and Commerce.

**HB 2609** to Committee on Administration.

**HB 2705** to Committee on Intergovernmental Relations.

**HB 2846** to Committee on Criminal Justice.

**HB 3389** to Committee on Government Organization.

**HB 3452** to Committee on Veteran Affairs and Military Installations.

**HB 3551** to Committee on Business and Commerce.

**HB 3623** to Committee on Administration.

**HB 3680** to Committee on Criminal Justice.

**HB 3846** to Committee on Transportation and Homeland Security.

**HB 3859** to Committee on Health and Human Services.

**HJR 7** to Committee on Veteran Affairs and Military Installations.

**HJR 37** to Committee on Finance.

**SENATE RULES SUSPENDED****(Posting Rules)**

On motion of Senator Estes and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Agriculture and Rural Affairs might meet and consider **SB 2587** today.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**SR 922** by Van de Putte, In memory of Frank E. Ramirez, Sr.

**SR 924** by Van de Putte, In memory of Robert O. Sutton of San Antonio.

**SR 928** by Wentworth, Uresti, Van de Putte, and Zaffirini, In memory of Veva Ball Hasslocher of San Antonio.

**SR 930** by Gallegos, In memory of Roman Martinez of Houston.

**SR 933** by Hinojosa, In memory of Harold Ray "Rocky" Benton of Corpus Christi.

**HCR 118** (Lucio), Honoring the legacy of Caesar Kleberg.

**Congratulatory Resolutions**

**SR 921** by Watson and Wentworth, Recognizing Texas Disposal Systems for receiving the top Landfill Management Award for 2008 by the Solid Waste Association of North America.

**SR 923** by Van de Putte, Recognizing Amy Jo Baker on the occasion of her retirement from the San Antonio Independent School District.

**SR 925** by Hinojosa, Congratulating the members of the Aransas Pass Navy Junior Reserve Officers' Training Corps drill teams for winning national championship titles.

**SR 931** by Gallegos, Recognizing Daniel Rocha on the occasion of his graduation from the United States Naval Academy.

**SR 932** by Gallegos, Recognizing Max Castillo for his contributions to the University of Houston-Downtown.

**SR 935** by Whitmire, Recognizing Jasmine Sinclaire Moss for her achievements.

**Official Designation Resolutions**

**SR 927** by Shapleigh, Recognizing September 8, 2009, as Major Jefferson Van Home Remembrance Day in the State of Texas.

**SR 934** by Shapiro, Recognizing May 2009 as Fight Oral Cancer Month in Texas.

**ADJOURNMENT**

On motion of Senator Whitmire, the Senate at 12:20 p.m. adjourned until 11:00 a.m. Monday, May 18, 2009.

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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 15, 2009

JURISPRUDENCE — **HB 2876**

CRIMINAL JUSTICE — **CSHB 93, CSHB 348, CSHB 2991, CSHB 2467**

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — **HB 2728, HB 3844, HB 3872, HJR 116**

HEALTH AND HUMAN SERVICES — **CSHB 802, CSHB 4341**

JURISPRUDENCE — **CSHB 72, CSHB 1861, CSHB 2724**

TRANSPORTATION AND HOMELAND SECURITY — **CSHB 3097**

EDUCATION — **HB 635, HB 829, HB 1020, HB 1423, HB 2480, HB 2893**

CRIMINAL JUSTICE — **CSHB 3352**

HEALTH AND HUMAN SERVICES — **CSHB 216**

FINANCE — **HB 77, HB 1257, HB 2628, HB 2729, HB 4661**

STATE AFFAIRS — **HB 389, HB 551, HB 1145, HB 1256, HB 1265, HB 1457, HB 1995**

BUSINESS AND COMMERCE — **CSHB 963, HB 4343, HB 2237**

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — **CSHB 3358**

BUSINESS AND COMMERCE — **SB 2585**

NATURAL RESOURCES — **HB 3461, HB 3140, HB 1518, HB 2925**

STATE AFFAIRS — **HB 108, HB 3602, SCR 70, HB 1945, HB 1474, CSHB 2570**

GOVERNMENT ORGANIZATION — **CSHB 3391**

STATE AFFAIRS — **SB 317**

#### **BILLS ENGROSSED**

May 14, 2009

**SB 1028, SB 1193, SB 1210, SB 1720, SB 1744, SB 1782, SB 1824, SB 1886, SB 2136, SB 2253, SB 2406, SB 2550, SB 2552, SB 2573, SB 2580**

#### **BILLS AND RESOLUTIONS ENROLLED**

May 14, 2009

**SB 629, SB 1918, SB 2126, SB 2225, SR 801, SR 911, SR 912, SR 913, SR 914, SR 915, SR 916, SR 917, SR 918, SR 919, SR 920**

#### **SENT TO GOVERNOR**

May 15, 2009

**SB 629, SB 1918, SB 2126, SB 2225**