

# SENATE JOURNAL

EIGHTY-FIRST LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**SIXTY-FIRST DAY**

(Tuesday, May 19, 2009)

The Senate met at 11:14 a.m. pursuant to adjournment and was called to order by Senator Eltife.

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 Presiding Officer announced that a quorum of the Senate was present.

The Right Reverend Monsignor John McCaffrey, Saint Joseph Catholic Church, Bryan, offered the invocation as follows:

Lord, our God, we have gathered together in Your name to work for the good of this great State of Texas. Stay with Senator Steve Ogden and all the State Senators with Your invisible presence and pour out Your blessings on them. Make them work in a spirit of trust and unity, as well as a spirit of prudence and understanding, so that they may experience an abundance of light, compassion, and peace. Let harmony reign ever among them and let them keep their eyes fixed upon You. Enable them to implement Your known will for the State of Texas, no matter what difficulty it may entail, and reward them for the good they do. Blessed are You, Lord, our God, for ever and ever. Amen.

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

The motion prevailed without objection.

## **CO-AUTHOR OF SENATE BILL 1397**

On motion of Senator Deuell, Senator Zaffirini will be shown as Co-author of **SB 1397**.

## **CO-AUTHORS OF SENATE BILL 2588**

On motion of Senator Davis, Senators Hinojosa, Lucio, and Shapleigh will be shown as Co-authors of **SB 2588**.

**CO-SPONSOR OF HOUSE BILL 130**

On motion of Senator Zaffirini, Senator Hinojosa will be shown as Co-sponsor of **HB 130**.

**CO-SPONSOR OF HOUSE BILL 431**

On motion of Senator Hinojosa, Senator Huffman will be shown as Co-sponsor of **HB 431**.

**CO-SPONSOR OF HOUSE BILL 1257**

On motion of Senator Williams, Senator Patrick will be shown as Co-sponsor of **HB 1257**.

**CO-SPONSOR OF HOUSE BILL 1404**

On motion of Senator Deuell, Senator Zaffirini will be shown as Co-sponsor of **HB 1404**.

**CO-SPONSOR OF HOUSE BILL 1861**

On motion of Senator Carona, Senator Zaffirini will be shown as Co-sponsor of **HB 1861**.

**CO-SPONSOR OF HOUSE BILL 1912**

On motion of Senator Van de Putte, Senator Zaffirini will be shown as Co-sponsor of **HB 1912**.

**CO-SPONSOR OF HOUSE BILL 2876**

On motion of Senator Carona, Senator Zaffirini will be shown as Co-sponsor of **HB 2876**.

**CO-SPONSOR OF HOUSE BILL 4067**

On motion of Senator Lucio, Senator Uresti will be shown as Co-sponsor of **HB 4067**.

**CO-SPONSOR OF HOUSE BILL 4328**

On motion of Senator Uresti, Senator Zaffirini will be shown as Co-sponsor of **HB 4328**.

**CO-SPONSOR OF HOUSE CONCURRENT RESOLUTION 86**

On motion of Senator Lucio, Senator Zaffirini will be shown as Co-sponsor of **HCR 86**.

**PHYSICIAN OF THE DAY**

Senator Watson was recognized and presented Dr. C. Mark Chassay of Austin as the Physician of the Day.

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

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

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

There was no objection.

### **SENATE RESOLUTION 952**

Senator Lucio offered the following resolution:

WHEREAS, Twenty-one Texas A&M University students are providing valuable support to the 81st Texas Legislature while gaining experience in public service as members of the Agricultural and Natural Resources Policy Internship Program and the Public Policy Internship Program; and

WHEREAS, For almost two decades, the ANRP Internship Program has sent student interns to Austin and Washington, D.C., where they work on a wide array of issues; their strong background and interest in agriculture and natural resources allow them to offer specialized knowledge to legislators; the program was founded in response to a request by a member of the United States Congress for an intern who could assist his office with these matters, and it has since grown to include numerous congressional offices, as well as the U.S. House of Representatives Committee on Agriculture, the U.S. Department of Agriculture, and offices on the state level during legislative years; more than 325 students have participated in semester-long internships; and

WHEREAS, The Public Policy Internship Program, established in 1999, works with various colleges and departments to create an interdisciplinary environment for comprehensive academic training, research, and policy programming; interns in the nation's capital and in Austin serve in a variety of settings that align with their academic and professional goals; and

WHEREAS, Led by TAMU Policy Internship Programs Director Breanne Svehla, both programs select their highly qualified and dedicated members through a rigorous application process; in addition to academic achievement, students must demonstrate their potential to take full advantage of the opportunities for scholarly and professional development, as well as the desire to serve our state and nation; and

WHEREAS, The 2009 Texas A&M University policy interns serving in Austin are: Jillian Arizpe, Jason Driver, Cameron Eckel, Jacob Fowler, Nichole Gillen, Billy Hall, Spencer Harris, Melissa Jones, Dayna Kaspar, Isaiah Logan, Chris McGhee, Nick Mikula, Sarah Novak, Rusty Smith, Patrick Steck, Kelli Stoffels, Gavin Uttecht, Lauren Wied, Bryan Wilganoski, Kelsey Wyble, and Shauna Yow; and

WHEREAS, Through the years, the ANRP and Public Policy Internship Programs have helped exceptional students deepen their understanding of governmental operations while developing professional skills and networks, and alumni have gone on to make vital contributions and assume leadership roles in a

variety of arenas; the outstanding young people who are giving of their time and talents throughout this legislative session can indeed take pride in their achievements and service to the Lone Star State; now, therefore, be it

RESOLVED, That the Senate of the 81st Texas Legislature hereby recognize the Texas A&M University Agricultural and Natural Resources Policy Internship Program and Public Policy Internship Program and commend the current participants for their diligence and commitment; and, be it further

RESOLVED, That an official copy of this resolution be prepared for the ANRP and PPIP interns as an expression of high regard by the Texas Senate.

LUCIO  
DEUELL  
FRASER

HARRIS  
HEGAR

**SR 952** was read and was adopted without objection.

### **GUESTS PRESENTED**

Senator Lucio, joined by Senators Deuell, Hegar, and Harris, was recognized and introduced to the Senate Nick Mikula, Bryan Wilganoski, Jason Driver, and Lauren Wied, participants in the Texas A&M University Agricultural and Natural Resources Policy Internship Program and the Public Policy Internship Program, accompanied by a delegation of other participants.

The Senate welcomed its guests.

### **GUESTS PRESENTED**

Senator Deuell was recognized and introduced to the Senate members of the Sulphur Springs Adult Leadership Class of 2009.

The Senate welcomed its guests.

### **SENATE RESOLUTION 895**

Senator Shapiro offered the following resolution:

WHEREAS, The Senate of the State of Texas takes special pride in recognizing the family of Hunter Mason Browning on their generous spirit and on their gift of life to others; and

WHEREAS, Hunter Mason Browning was an energetic and active blond and blue-eyed eight-year-old boy, whose love of life and open affection for people and animals were a source of great joy to family and friends and whose engaging personality endeared him to all who were privileged to know him; although his life was cut short, Hunter and his family were fortunate to have shared many treasured experiences; Hunter loved the outdoors, excelled at baseball, had an exceptionally close relationship with his brothers, Austin and Matt, and brought happiness to others with his ever-present smile; and

WHEREAS, When Hunter was in an all-terrain vehicle accident at the family ranch on July 18, 2007, Hunter's brother Austin reacted with quick thinking and with the decisiveness of a professional first responder, running barefoot for a mile to seek immediate help; though Hunter's life was not spared, Austin's heroic actions resulted in saving the lives of four people who became the transplant recipients of his brother's organs; and

WHEREAS, Austin's speed in procuring emergency assistance enabled Hunter to give the gift of life to others and enabled his parents, Cheryl and Art Browning, to participate in saving those lives by choosing the path of organ donation; due to their courageous decision, Hunter lives on in the renewed lives of the recipients and their families; and

WHEREAS, The donor and recipient families now share a deep bond and members of both are aware of the unique union and the feelings of joy that organ donation can bring to participating families; Hunter's family and the families of donors across our state are to be commended for their brave spirit and their gift of life to others; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby celebrate the life of Hunter Mason Browning and commend his family on their courage in taking the life-saving steps they felt Hunter would have wanted and on their subsequent advocacy of organ donor programs in Texas; and, be it further

RESOLVED, That a copy of this Resolution be prepared for them as an expression of highest regard from the Texas Senate.

**SR 895** was read and was adopted without objection.

### GUESTS PRESENTED

Senator Shapiro, joined by Senator Gallegos, was recognized and introduced to the Senate family members of Hunter Mason Browning, an organ donor: his parents, Art and Cheryl Browning, and his brothers, Matt and Austin Browning, accompanied by an organ recipient, Ron Austin.

The Senate welcomed its guests.

### MESSAGE FROM THE HOUSE

#### HOUSE CHAMBER

Austin, Texas

May 19, 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:

**HCR 219**, Commending the Governor William P. Clements, Jr., Scholars on their service to their state and nation.

**SB 37**, Relating to providing home-based and community-based support services under the Medicaid program to persons who are deaf-blind with multiple disabilities.

**SB 495**, Relating to creating a recognition day in honor of Dr. Hector P. Garcia.

**SB 546**, Relating to energy efficiency goals and programs and demand reduction targets; creating an office of energy efficiency deployment in the state energy conservation office.

(Committee Substitute/Amended)

**SB 595**, Relating to the sealing of and discovery procedures relating to evidence that constitutes child pornography in a criminal hearing or proceeding.

**SB 1188**, Relating to the interstate purchase of certain firearms.

**SB 1387**, Relating to the implementation of projects involving the capture, injection, sequestration, or geologic storage of carbon dioxide.

**SB 1672**, Relating to extension or modification of restrictive covenants in certain residential real estate subdivisions.

(Amended)

**SB 1717**, Relating to prohibition of certain practices by owners of developments supported with low income housing tax credit allocations.

(Amended)

**SB 1878**, Relating to the creation and operation of a council to increase state efforts to offer service-enriched housing through increased coordination of housing and health services.

(Amended)

**SCR 63**, Commending the Governor William P. Clements, Jr., Scholars on their service to their state.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

#### LEAVE OF ABSENCE

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

#### CONCLUSION OF MORNING CALL

The Presiding Officer, Senator Eltife in Chair, at 11:48 a.m. announced the conclusion of morning call.

#### COMMITTEE SUBSTITUTE SENATE BILL 1704 ON SECOND READING

Senator Estes moved to suspend the regular order of business to take up for consideration **CSSB 1704** at this time on its second reading:

**CSSB 1704**, Relating to the composition of the Finance Commission of Texas.

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

Nays: Shapleigh.

Absent-excused: Ogden.

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: Shapleigh.

Absent-excused: Ogden.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1704 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 **CSSB 1704** be placed on its third reading and final passage.

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

Nays: Shapleigh.

Absent-excused: Ogden.

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

**SENATE BILL 2207 ON SECOND READING**

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 2207** at this time on its second reading:

**SB 2207**, Relating to retirement qualifications for appellate judges.

The bill was read second time.

Senator Hinojosa, on behalf of Senator Ogden, offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 2207** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill appropriately:

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

The amendment to **SB 2207** 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: Ogden.

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

**SB 2207** 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: Ogden.

#### **SENATE BILL 2207 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 **SB 2207** be placed on its third reading and final passage.

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

Absent-excused: Ogden.

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

#### **GUESTS PRESENTED**

Senator Estes was recognized and introduced to the Senate a group of students from Graham High School in Graham.

The Senate welcomed its guests.

#### **GUESTS PRESENTED**

Senator Patrick, on behalf of Senator Ogden, was recognized and introduced to the Senate fourth-grade students and their teachers from the Round Rock Christian Academy in Round Rock.

The Senate welcomed its guests.

#### **COMMITTEE SUBSTITUTE SENATE BILL 2578 ON SECOND READING**

On motion of Senator Averitt and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 2578** at this time on its second reading:

**CSSB 2578**, Relating to insurance agent licenses issued to certain foreign corporations and partnerships.

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: Ogden.

#### **COMMITTEE SUBSTITUTE SENATE BILL 2578 ON THIRD READING**

Senator Averitt moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 2578** be placed on its third reading and final passage.

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

Absent-excused: Ogden.

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 1164 ON SECOND READING**

Senator Wentworth moved to suspend the regular order of business to take up for consideration **CSSB 1164** at this time on its second reading:

**CSSB 1164**, Relating to the carrying of concealed handguns on the campuses of institutions of higher education.

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

Yeas: Carona, Deuell, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Patrick, Seliger, Shapiro, Uresti, Wentworth, Whitmire, Williams.

Nays: Averitt, Davis, Duncan, Ellis, Shapleigh, Van de Putte, Watson, West, Zaffirini.

Absent-excused: Ogden.

The bill was read second time.

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

**Floor Amendment No. 1**

Amend **CSSB 1164** (Senate committee printing) in SECTION 1 of the bill as follows:

(1) In added Section 411.2031(b), Government Code (page 1, line 20), strike "A license holder" and substitute "Subject to any applicable rules, regulations, or other provisions established under Subsection (e), a license holder".

(2) In added Section 411.2031(e), Government Code (page 1, line 35), strike "A" and substitute "An institution of higher education or".

The amendment to **CSSB 1164** was read.

On motion of Senator Wentworth, Floor Amendment No. 1 was tabled by the following vote: Yeas 18, Nays 12.

Yeas: Carona, Deuell, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Patrick, Seliger, Shapiro, Uresti, Wentworth, Whitmire, Williams.

Nays: Averitt, Davis, Duncan, Ellis, Gallegos, Hinojosa, Lucio, Shapleigh, Van de Putte, Watson, West, Zaffirini.

Absent-excused: Ogden.

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

**Floor Amendment No. 2**

Amend **CSSB 1164** (Senate committee printing) as follows:

In section 1 of the bill, at the end of added section 411.2031, Government Code (page 1, between lines 42 and 43), insert:

(f) A parent or legal guardian of a student or a student who resides in a dormitory or other residential buildings that are owned or operated by the institution and located on the campus of the institution may request assignment to a dormitory or residential building where a license holder is prohibited from possessing or carrying a concealed handgun.

The amendment to **CSSB 1164** was read.

**(President in Chair)**

Senator Van de Putte withdrew Floor Amendment No. 2.

**(Senator Huffman in Chair)**

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

**Floor Amendment No. 3**

Amend **CSSB 1164** (Senate committee printing) as follows:

In section 1 of the bill, at the end of added section 411.2031, Government Code (page 1, between lines 42 and 43), insert:

(f) A parent or legal guardian of a student or a student who resides in a dormitory or other residential buildings that are owned or operated by the institution and located on the campus of the institution may request assignment to a dormitory room or suite where a license holder is prohibited from possessing or carrying a concealed handgun.

The amendment to **CSSB 1164** was read.

**(Senator Carona in Chair)**

On motion of Senator Wentworth, Floor Amendment No. 3 was tabled by the following vote: Yeas 19, Nays 11.

Yeas: Carona, Deuell, Eltife, Estes, Fraser, Harris, Hegar, Hinojosa, Huffman, Jackson, Nelson, Nichols, Patrick, Seliger, Shapiro, Uresti, Wentworth, Whitmire, Williams.

Nays: Averitt, Davis, Duncan, Ellis, Gallegos, Lucio, Shapleigh, Van de Putte, Watson, West, Zaffirini.

Absent-excused: Ogden.

Senator Lucio offered the following amendment to the bill:

**Floor Amendment No. 4**

Amend **CSSB 1164** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 411.2031(b), Government Code (page 1, line 20), strike "A license holder" and substitute "Subject to rules, regulations, or other provisions adopted under Subsection (e) or (f), a license holder".

(2) In SECTION 1 of the bill, in added Section 411.2031(c), Government Code (page 1, line 24), strike "Subsection (e)" and substitute "Subsections (e) and (f)".

(3) In SECTION 1 of the bill, at the end of added Section 411.2031, Government Code (page 1, between lines 42 and 43), insert:

(f) An institution of higher education or private or independent institution of higher education may establish rules, regulations, or other provisions prohibiting license holders from carrying handguns on the campus of the institution if the institution receives notice from the Texas Higher Education Coordinating Board under Section 61.0904(b), Education Code, concerning an increase in gun-related violence on higher education campuses.

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

SECTION \_\_\_ Subchapter C, Chapter 61, Education Code, is amended by adding Section 61.0904 to read as follows:

Sec. 61.0904. STUDY OF GUN-RELATED VIOLENCE ON HIGHER EDUCATION CAMPUSES. (a) The board shall conduct an ongoing study of whether gun-related violence has increased on the campuses of institutions of higher education or private or independent institutions of higher education as a result of the enactment of Section 411.2031, Government Code.

(b) If the board determines during or as a result of the study that gun-related violence has increased on the campuses of institutions of higher education or private or independent institutions of higher education as a result of the enactment of Section 411.2031, Government Code, the board shall notify each institution of higher education and each private or independent institution of higher education in writing of that determination.

The amendment to **CSSB 1164** was read.

On motion of Senator Wentworth, Floor Amendment No. 4 was tabled by the following vote: Yeas 18, Nays 12.

Yeas: Carona, Deuell, Eltife, Estes, Fraser, Harris, Hegar, Hinojosa, Huffman, Jackson, Nelson, Nichols, Patrick, Seliger, Shapiro, Wentworth, Whitmire, Williams.

Nays: Averitt, Davis, Duncan, Ellis, Gallegos, Lucio, Shapleigh, Uresti, Van de Putte, Watson, West, Zaffirini.

Absent-excused: Ogden.

Senator Uresti offered the following amendment to the bill:

### **Floor Amendment No. 5**

Amend **CSSB 1164** as follows:

(1) In Subsection (c) of Section 411.2031, as added by SECTION 1 of the bill (On page 1, line 24, Senate committee printing), strike "Except as provided by Subsection (e)" and substitute "Except as otherwise provided by this section".

(2) Insert a new Subsection (f) to Section 411.2031, Government Code, as added by SECTION 1 of the bill (page 1, between the lines 42 and 43, Senate committee printing), to read as follows:

"(f) The governing board of an institution of higher education may establish rules, regulations, or other provisions prohibiting license holders from carrying handguns:

(1) on premises on which the alcoholic beverages are sold or served for on-premises consumption;

(2) on the premises of a hospital that is maintained or operated by the institution as an agency of this state;

(3) at any meeting of the governing board."

The amendment to **CSSB 1164** was read.

On motion of Senator Wentworth, Floor Amendment No. 5 was tabled by the following vote: Yeas 17, Nays 13.

Yeas: Carona, Deuell, Eltife, Estes, Fraser, Harris, Hegar, Hinojosa, Huffman, Jackson, Nelson, Nichols, Seliger, Shapiro, Wentworth, Whitmire, Williams.

Nays: Averitt, Davis, Duncan, Ellis, Gallegos, Lucio, Patrick, Shapleigh, Uresti, Van de Putte, Watson, West, Zaffirini.

Absent-excused: Ogden.

Senator Uresti offered the following amendment to the bill:

### **Floor Amendment No. 6**

Amend **CSSB 1164** as follows:

Insert a new Subsection (f) to added Section 411.2031, Government Code (page 1, between lines 42 and 43, Senate committee printing), to read as follows:

"(f) This section does not provide an exception to the application of or a defense to prosecution under Section 46.03(a)(2), 46.035(b)(1), or 46.035(c), Penal Code."

The amendment to **CSSB 1164** 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. 6 except as follows:

Absent-excused: Ogden.

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

**CSSB 1164** as amended was passed to engrossment by the following vote: Yeas 20, Nays 10.

Yeas: Carona, Deuell, Eltife, Estes, Fraser, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Patrick, Seliger, Shapiro, Uresti, Wentworth, Whitmire, Williams.

Nays: Averitt, Davis, Duncan, Ellis, Gallegos, Shapleigh, Van de Putte, Watson, West, Zaffirini.

Absent-excused: Ogden.

### **GUESTS PRESENTED**

Senator West was recognized and introduced to the Senate students from the Dallas area representing Dallas Deputy Mayor Pro Tempore Dwaine Caraway's Teen Summit, accompanied by their teachers and sponsors.

The Senate welcomed its guests.

## GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate a group of students and faculty from Cigarroa High School in Laredo.

The Senate welcomed its guests.

(Senator Eltife in Chair)

## COMMITTEE SUBSTITUTE HOUSE BILL 3097 ON SECOND READING

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 3097** at this time on its second reading:

**CSHB 3097**, Relating to the creation, organization, governance, duties, and functions of the Texas Department of Motor Vehicles, including the transfer of certain duties to the Texas Department of Motor Vehicles and the Texas Department of Licensing and Regulation; providing a penalty.

The bill was read second time.

Senator Carona offered the following amendment to the bill:

### Floor Amendment No. 1

Amend **CSHB 3097** (Senate committee printing) as follows:

(1) In SECTION 1.01 of the bill, added Section 1001.002(b)(2), Transportation Code (page 1, line 32), strike "623,".

(2) In SECTION 1.01 of the bill, added Section 1001.005, Transportation Code (page 1, line 51), strike "2021" and substitute "2015".

(3) In SECTION 1.01 of the bill, added Section 1001.024, Transportation Code (page 2, line 69), strike "once a month" and substitute "quarterly".

(4) In SECTION 2A.02 of the bill, amended Section 201.931(2), Transportation Code (page 7), strike lines 6 through 11 and substitute the following:  
of vehicles and load exceeding size or weight limitations; and

(B) [~~a motor carrier registration issued under Chapter 643;~~

~~[(C) a vehicle storage facility license issued under Chapter 2303,~~  
Occupations Code;

[(D)] a license or permit for outdoor advertising

(5) Strike SECTION 2E.01 of the bill (page 8, lines 33 through 36), and substitute the following:

SECTION 2E.01. Section 502.001, Transportation Code, is amended by adding Subdivision (1-a) and amending Subdivision (3) to read as follows:

(1-a) "Board" means the board of the Texas Department of Motor Vehicles.

(3) "Department" means the Texas Department of Motor Vehicles  
[Transportation].

SECTION 2E.02. Section 502.051, Transportation Code, is amended to read as follows:

Sec. 502.051. DEPOSIT OF REGISTRATION FEES IN STATE HIGHWAY FUND. Except as otherwise provided by this chapter, the board [~~Texas Transportation Commission~~] and the department shall deposit all money received from registration fees in the state treasury to the credit of the state highway fund.

SECTION 2E.03. Section 502.052(a), Transportation Code, is amended to read as follows:

(a) The department shall prepare the designs and specifications of license plates and devices selected by the board [~~Texas Transportation Commission~~] to be used as the registration insignia.

(6) Renumber SECTION 2E.02 of the bill (page 8, line 37) as SECTION 2E.04.

(7) Immediately after SECTION 2E.02 of the bill (page 8, between lines 56 and 57), insert the following:

SECTION 2E.05. Section 502.1515, Transportation Code, is amended to read as follows:

Sec. 502.1515. OUTSOURCING PRODUCTION OF RENEWAL NOTICES; PAID ADVERTISING. The board [~~commission~~] may authorize the department to enter into a contract with a private vendor to produce and distribute motor vehicle registration renewal notices. The contract may provide for the inclusion of paid advertising in the registration renewal notice packet.

SECTION 2E.06. Section 502.352(c), Transportation Code, is amended to read as follows:

(c) A person may obtain a permit under this section by:

(1) applying to the county assessor-collector, the department, or the department's wire service agent, if the department has a wire service agent;

(2) paying a fee of \$25 for a 72-hour permit or \$50 for a 144-hour permit:

(A) in cash;

(B) by postal money order;

(C) by certified check;

(D) by wire transfer through the department's wire service agent, if any;

(E) by an escrow account; or

(F) where the service is provided, by a credit card issued by:

(i) a financial institution chartered by a state or the United States; or

(ii) a nationally recognized credit organization approved by the board [~~Texas Transportation Commission~~];

(3) paying a discount or service charge for a credit card payment or escrow account, in addition to the fee; and

(4) furnishing to the county assessor-collector, the department, or the department's wire service agent, evidence of financial responsibility for the vehicle that complies with Sections 502.153(c) and 601.168(a) and is written by an insurance company or surety company authorized to write motor vehicle liability insurance in this state.

SECTION 2E.07. Section 502.355(h), Transportation Code, is amended to read as follows:

(h) A person operating a vehicle under a permit issued under this section commits an offense if the person:

(1) transports farm products to a place of market, storage, or processing or a railhead or seaport that is farther from the place of production or point of entry, as appropriate, than the distance provided for in the permit; or

(2) follows a route other than that prescribed by the board [~~Texas Transportation Commission~~].

(8) Between PARTS F and G, ARTICLE 2 (page 8, between lines 63 and 64), insert the following PART, appropriately lettered, and reletter and renumber subsequent PARTS and SECTIONS of that article accordingly:

PART \_\_. SPECIALTY LICENSE PLATES

SECTION 2\_\_ .01. Section 504.001(a), Transportation Code, is amended to read as follows:

(a) In this chapter:

(1) "Board" means the board of the Texas Department of Motor Vehicles [~~commission~~ and "~~director~~" have the meanings assigned by Section 201.001].

(2) "Department" means the Texas Department of Motor Vehicles.

SECTION 2\_\_ .02. Section 504.004, Transportation Code, is amended to read as follows:

Sec. 504.004. RULES AND FORMS. The board [~~commission~~] may adopt rules and the department may issue forms to implement and administer this chapter.

SECTION 2\_\_ .03. Sections 504.851(b), (c), and (d), Transportation Code, are amended to read as follows:

(b) Instead of the fees established by Section 504.101(c), the board [~~commission~~] by rule shall establish fees for the issuance or renewal of personalized license plates that are marketed and sold by the private vendor. Fees must be reasonable and not less than the greater of:

(1) the amounts necessary to allow the department to recover all reasonable costs to the department associated with the evaluation of the competitive sealed proposals received by the department and with the implementation and enforcement of the contract, including direct, indirect, and administrative costs; or

(2) the amount established by Section 504.101(c).

(c) The board [~~commission~~] by rule shall establish the fees for the issuance or renewal of souvenir license plates, specialty license plates, or souvenir or specialty license plates that are personalized that are marketed and sold by the private vendor. Fees must be reasonable and not less than the amounts necessary to allow the department to recover all reasonable costs to the department associated with the evaluation of the competitive sealed proposals received by the department and with the implementation and enforcement of the contract, including direct, indirect, and administrative costs. A fee established under this subsection is in addition to:

(1) the registration fee and any optional registration fee prescribed by this chapter for the vehicle for which specialty license plates are issued;

(2) any additional fee prescribed by this subchapter for the issuance of specialty license plates for that vehicle; and

(3) any additional fee prescribed by this subchapter for the issuance of personalized license plates for that vehicle.

(d) At any time as necessary to comply with Subsection (b) or (c), the board [~~commission~~] may increase or decrease the amount of a fee established under the applicable subsection.

(9) Between PARTS N and O, ARTICLE 2 (page 9, between lines 64 and 65), insert the following PARTS, appropriately lettered, and reletter and renumber subsequent PARTS and SECTIONS accordingly:

PART \_\_. PRIVILEGED PARKING

SECTION 2 \_\_.01. Section 681.001(1), Transportation Code, is amended to read as follows:

(1) "Department" means the Texas Department of Motor Vehicles [~~Transportation~~].

PART \_\_. ADMINISTRATIVE ADJUDICATION OF VEHICLE PARKING AND STOPPING OFFENSES

SECTION 2 \_\_.01. Section 682.008, Transportation Code, is amended to read as follows:

Sec. 682.008. PRESUMPTIONS. In an administrative adjudication hearing under this chapter:

(1) it is presumed that the registered owner of the motor vehicle is the person who parked or stopped the vehicle at the time and place of the offense charged; and

(2) the Texas Department of Motor Vehicles' [~~Transportation's~~] computer-generated record of the registered vehicle owner is prima facie evidence of the contents of the record.

(10) At the end of SECTION 7.01(b) of the bill (page 33, line 5), add "Neither the Texas Department of Motor Vehicles nor the Texas Department of Transportation may impose or collect a fee or charge in connection with the sharing of information under a joint memorandum of understanding entered into or revised under this section."

(11) In SECTION 7.02(a) of the bill (page 33, lines 25 and 26), strike "as considered necessary or appropriate" and substitute "necessary".

(12) In SECTION 8.01(b) of the bill (page 33, lines 54 and 55), strike "and the Transportation Legislative Oversight Committee" and substitute ", the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officers of the senate and house committees with jurisdiction over transportation".

The amendment to **CSHB 3097** 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: Ogden.

Senator Carona offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **CSHB 3097** (Senate committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE \_\_\_\_ . MANUFACTURER OR DISTRIBUTOR OWNERSHIP,  
OPERATION, OR CONTROL OF DEALERSHIP

SECTION \_\_\_\_ .01. Section 2301.476, Occupations Code, is amended by adding Subsection (h-1) to read as follows:

(h-1) A person who on January 18, 2002, held both a converter's license to convert buses with a gross vehicle weight rating of 40,000 pounds or more and a franchised dealer's license to sell buses issued under this chapter may:

- (1) regain and hold both licenses; and
- (2) operate as both a converter and franchised dealer of bus conversions with a gross vehicle weight rating of 40,000 pounds or more but of no other type of vehicle.

The amendment to **CSHB 3097** 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: Ogden.

Senator Carona, on behalf of Senator Ogden, offered the following amendment to the bill:

**Floor Amendment No. 3**

Amend **CSHB 3097** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill appropriately:

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

The amendment to **CSHB 3097** was read.

On motion of Senator Carona, Floor Amendment No. 3 was tabled by a viva voce vote.

All Members are deemed to have voted "Yea" on the motion to table Floor Amendment No. 3 except as follows:

Absent-excused: Ogden.

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

**CSHB 3097** 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-excused: Ogden.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 3097 ON THIRD READING**

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 3097** be placed on its third reading and final passage.

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

Absent-excused: Ogden.

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

**SENATE RESOLUTION 843**

Senator Watson offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Sergeant Joshua Allen Ingersoll, who has rendered outstanding service to this country as a member of the United States Army Reserve and Texas National Guard; and

WHEREAS, Born in El Paso, Texas, on June 1, 1980, Sergeant Ingersoll has called Austin home since 1984; he graduated in 1999 from San Marcos Baptist Academy, where he served as cocaptain of the football team, was selected to the all-district baseball team, and was in the top quarter of his graduating class; he attended Concordia University, Texas Tech University, and Texas State University, with many interruptions for military duties; and

WHEREAS, After joining the Army Reserve M Company, 158th Aviation Regiment, based out of Fort Hood, Texas, Sergeant Ingersoll served in the National Guard with a unit based out of Ellington Field in Houston; and

WHEREAS, Deployed to Iraq in January of 2007, Sergeant Ingersoll provided aviation intermediate maintenance support for the forward companies' missions and helped to keep major maintenance intact in order to allow cover for the other troops on the ground; over the course of that deployment, he and his unit worked with both British and Australian troops on forward operations in support of foreign troop movements; and

WHEREAS, Sergeant Joshua Ingersoll is the son of Deborah Ingersoll and the brother of Michael and Jodi Ingersoll and uncle to Mikey, Matthew, and Conner Ingersoll, who take great pride in all his accomplishments; and

WHEREAS, Through his bravery, professionalism, and devotion to duty, Sergeant Ingersoll embodies the highest values of the United States National Guard and United States Army Reserve, and he is indeed deserving of his fellow citizens' deep respect and appreciation; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby commend Sergeant Joshua A. Ingersoll for his exemplary service in this country's behalf and extend to him sincere best wishes for continued success in all his endeavors; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Sergeant Ingersoll as an expression of high regard from the Texas Senate.

**SR 843** was again read.

The resolution was previously adopted on Tuesday, May 5, 2009.

**GUESTS PRESENTED**

Senator Watson, joined by Senator Jackson, was recognized and introduced to the Senate Sergeant Josh Ingersoll, his fiancée, Ashley Dunn, and his mother, Debbie Ingersoll.

The Senate welcomed its guests.

**COMMITTEE SUBSTITUTE  
SENATE CONCURRENT RESOLUTION 59  
ON SECOND READING**

Senator Jackson moved to suspend the regular order of business to take up for consideration **CSSCR 59** at this time on its second reading:

**CSSCR 59**, Granting MBP Corporation permission to sue the Board of Trustees of the Galveston Wharves.

The motion prevailed.

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

The resolution was read second time and was adopted by the following vote: Yeas 24, Nays 6.

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

Nays: Huffman, Nichols, Patrick, Seliger, Shapiro, Williams.

Absent-excused: Ogden.

**HOUSE BILL 1257 ON SECOND READING**

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1257** at this time on its second reading:

**HB 1257**, Relating to the payment in installments of ad valorem taxes on certain property owned by a business entity and located in a disaster area.

The bill was read second time.

Senator Jackson offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **HB 1257** (Senate committee printing) by adding the following SECTION to the bill, appropriately numbered, and renumbering existing SECTIONS accordingly:

SECTION \_\_\_\_. (a) Subchapter B, Chapter 11, Tax Code, is amended by adding Section 11.135 to read as follows:

Sec. 11.135. CONTINUATION OF RESIDENCE HOMESTEAD EXEMPTION WHILE REPLACEMENT STRUCTURE IS CONSTRUCTED; SALE OF PROPERTY. (a) If a qualified residential structure for which the owner receives an exemption under Section 11.13 is rendered uninhabitable or unusable by a

casualty or by wind or water damage, the owner may continue to receive the exemption for the structure and the land and improvements used in the residential occupancy of the structure while the owner constructs a replacement qualified residential structure on the land if the owner does not establish a different principal residence for which the owner receives an exemption under Section 11.13 during that period and intends to return and occupy the structure as the owner's principal residence. To continue to receive the exemption, the owner must begin active construction of the replacement qualified residential structure or other physical preparation of the site on which the structure is to be located not later than the first anniversary of the date the owner ceases to occupy the former qualified residential structure as the owner's principal residence. The owner may not receive the exemption for that property under the circumstances described by this subsection for more than two years.

(b) For purposes of Subsection (a), the site of a replacement qualified residential structure is under physical preparation if the owner has engaged in architectural or engineering work, soil testing, land clearing activities, or site improvement work necessary for the construction of the structure or has conducted an environmental or land use study relating to the construction of the structure.

(c) If an owner receives an exemption for property under Section 11.13 under the circumstances described by Subsection (a) and sells the property before the owner completes construction of a replacement qualified residential structure on the property, an additional tax is imposed on the property equal to the difference between the taxes imposed on the property for each of the years in which the owner received the exemption and the tax that would have been imposed had the owner not received the exemption in each of those years, plus interest at an annual rate of seven percent calculated from the dates on which the differences would have become due.

(d) A tax lien attaches to property on the date a sale under the circumstances described by Subsection (c) occurs to secure payment of the additional tax and interest imposed by that subsection and any penalties incurred. The lien exists in favor of all taxing units for which the additional tax is imposed.

(e) A determination that a sale of property under the circumstances described by Subsection (c) has occurred is made by the chief appraiser. The chief appraiser shall deliver a notice of the determination to the owner of the property as soon as possible after making the determination and shall include in the notice an explanation of the owner's right to protest the determination. If the owner does not file a timely protest or if the final determination of the protest is that the additional taxes are due, the assessor for each taxing unit shall prepare and deliver a bill for the additional taxes plus interest as soon as practicable. The taxes and interest are due and become delinquent and incur penalties and interest as provided by law for ad valorem taxes imposed by the taxing unit if not paid before the next February 1 that is at least 20 days after the date the bill is delivered to the owner of the property.

(f) The sanctions provided by Subsection (c) do not apply if the sale is:

(1) for right-of-way; or

(2) to this state or a political subdivision of this state to be used for a public

purpose.

(g) The comptroller shall adopt rules and forms to implement this section.

(b) Section 11.26, Tax Code, is amended by adding Subsections (n) and (o) to read as follows:

(n) Notwithstanding Subsection (c), the limitation on tax increases required by this section does not expire if the owner of the structure qualifies for an exemption under Section 11.13 under the circumstances described by Section 11.135(a).

(o) Notwithstanding Subsections (a), (a-3), and (b), an improvement to property that would otherwise constitute an improvement under Subsection (b) is not treated as an improvement under that subsection if the improvement is a replacement structure for a structure that was rendered uninhabitable or unusable by a casualty or by wind or water damage. For purposes of appraising the property in the tax year in which the structure would have constituted an improvement under Subsection (b), the replacement structure is considered to be an improvement under that subsection only if:

(1) the square footage of the replacement structure exceeds that of the replaced structure as that structure existed before the casualty or damage occurred; or

(2) the exterior of the replacement structure is of higher quality construction and composition than that of the replaced structure.

(c) Section 11.261, Tax Code, is amended by adding Subsections (l) and (m) to read as follows:

(l) Notwithstanding Subsection (d), a limitation on county, municipal, or junior college district tax increases provided by this section does not expire if the owner of the structure qualifies for an exemption under Section 11.13 under the circumstances described by Section 11.135(a).

(m) Notwithstanding Subsections (b) and (c), an improvement to property that would otherwise constitute an improvement under Subsection (c) is not treated as an improvement under that subsection if the improvement is a replacement structure for a structure that was rendered uninhabitable or unusable by a casualty or by wind or water damage. For purposes of appraising the property in the tax year in which the structure would have constituted an improvement under Subsection (c), the replacement structure is considered to be an improvement under that subsection only if:

(1) the square footage of the replacement structure exceeds that of the replaced structure as that structure existed before the casualty or damage occurred; or

(2) the exterior of the replacement structure is of higher quality construction and composition than that of the replaced structure.

(d) Section 23.23(f), Tax Code, is amended to read as follows:

(f) Notwithstanding Subsections (a) and (e) and except as provided by Subdivision (2), an improvement to property that would otherwise constitute a new improvement is not treated as a new improvement if the improvement is a replacement structure for a structure that was rendered uninhabitable or unusable by a casualty or by wind ~~and~~ or water damage. For purposes of appraising the property under Subsection (a) in the tax year in which the structure would have constituted a new improvement:

(1) the appraised value the property would have had in the preceding tax ~~last~~ year if the casualty or damage had not occurred ~~[in which the property was appraised for taxation before the casualty or damage occurred]~~ is considered to be the

appraised value of the property for that year, regardless of whether that appraised value exceeds the actual appraised value of the property for that year as limited by Subsection (a) [last year in which the property was appraised for taxation for purposes of Subsection (a)(2)(A)]; and

(2) the replacement structure is considered to be a new improvement only if:

(A) the square footage of the replacement structure exceeds that of [to the extent it is a significant improvement over] the replaced structure as that structure existed before the casualty or damage occurred; or

(B) the exterior of the replacement structure is of higher quality construction and composition than that of the replaced structure.

(e) This section applies only to ad valorem taxes imposed for a tax year beginning on or after the effective date of this Act.

The amendment to **HB 1257** was read.

Senator Jackson withdrew Floor Amendment No. 1.

**(President in Chair)**

On motion of Senator Williams, further consideration of **HB 1257** was temporarily postponed to a time certain of 2:15 p.m. today.

Question — Shall **HB 1257** be passed to third reading?

**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 256, SB 316, SB 337, SB 409, SB 446, SB 534, SB 899, SB 929, SB 930, SB 931, SB 932, SB 969, SB 1005, SB 1035, SB 1038, SB 1059, SB 1063, SB 1122, SB 1241, SB 1271, SB 1303, SB 1356, SB 1464, SB 1476, SB 1479, SB 1484, SB 1504, SB 1554, SB 1589, SB 1614, SB 1628, SB 1675, SB 1920, SB 1952, SB 1965, SB 2229, SB 2307, SB 2379, SB 2380, SB 2413, SB 2455, SB 2470, SB 2472, SB 2473, SB 2503, HB 375, HB 472, HB 567, HB 590, HB 772, HB 867, HB 1240, HB 1300, HB 1411, HB 1492, HB 1493, HB 1505, HB 1574, HB 1580, HB 1672, HB 1736, HB 1758, HB 1804, HB 1830, HB 1908, HB 1998, HB 2027, HB 2062, HB 2249, HB 2386, HB 2509, HB 2512, HB 3031, HB 3032, HB 3061, HB 3062, HB 3413, HB 3519, HB 4006, HB 4314, HB 4476.**

**HOUSE BILL 2628 ON SECOND READING**

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2628** at this time on its second reading:

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

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: Ogden.

**HOUSE BILL 2628 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 **HB 2628** be placed on its third reading and final passage.

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

Absent-excused: Ogden.

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 2991 ON SECOND READING**

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2991** at this time on its second reading:

**CSHB 2991**, Relating to the exemption of certain honorably retired special rangers and special Texas Rangers from certain required law enforcement education and training programs regarding persons with mental impairments.

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: Ogden.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 2991 ON THIRD READING**

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2991** be placed on its third reading and final passage.

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

Absent-excused: Ogden.

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

**HOUSE BILL 2387 ON SECOND READING**

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2387** at this time on its second reading:

**HB 2387**, Relating to the authority of the General Land Office to undertake coastal erosion studies and projects in conjunction with qualified project partners.

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: Ogden.

### **HOUSE BILL 2387 ON THIRD READING**

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2387** be placed on its third reading and final passage.

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

Absent-excused: Ogden.

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

### **MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

May 19, 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:

**HCR 216**, In memory of Leo Edward Polowy, Jr., of Paris, Texas.

**HCR 217**, In memory of Meredith G. Harper of Pattonville.

**HCR 218**, In memory of Hazel Keith Schmitter of Cooper.

**HCR 223**, In memory of Frank Weaver of Paris, Texas.

**SB 97**, Relating to the authority of a dental hygienist to provide services in certain facilities.

**SB 161**, Relating to specialty license plates supporting the Safe Routes to School Program.

**SB 381**, Relating to the authority of physicians to delegate to certain pharmacists the implementation and modification of a patient's drug therapy.

**SB 407**, Relating to the appointment of magistrates to hear truancy cases in certain counties.

**SB 461**, Relating to eligibility to take the entrance examination for a beginning position in the fire department.

**SB 470**, Relating to training and continuing education for licensed electrical apprentices.

(Committee Substitute)

**SB 488**, Relating to the operation of a motor vehicle in the vicinity of a vulnerable road user; providing penalties.

(Committee Substitute)

**SB 529**, Relating to the sale and use of certain alcoholic beverages manufactured by holders of a winery permit.

**SB 663**, Relating to the dissolution of the Tablerock Groundwater Conservation District.

**SB 702**, Relating to the regulation of the towing and storage of vehicles.

(Committee Substitute/Amended)

**SB 866**, Relating to the rights and liabilities of the parties in a suit for dissolution of a marriage and certain post-dissolution proceedings.

(Committee Substitute)

**SB 874**, Relating to the exemption of certain counties from the drainage charge imposed by a municipal drainage utility system.

**SB 1036**, Relating to amendments to the Texas Timeshare Act.

**SB 1225**, Relating to faculty temporary licenses to practice medicine.

(Amended)

**SB 1246**, Relating to fees for certain licenses issued by the Parks and Wildlife Department.

**SB 1291**, Relating to access to certain counselors and therapists.

**SB 1334**, Relating to continuation of the intercollegiate athletics fee for students at Prairie View A&M University.

(Committee Substitute)

**SB 1448**, Relating to actions in a justice court regarding the repair of residential rental property.

**SB 1796**, Relating to the approval of certain construction, repair, or rehabilitation projects at public institutions of higher education in this state.

**SB 2019**, Relating to the use of certain refrigerants in motor vehicle air conditioning units.

**SB 2497**, Relating to the creation of the North Texas Groundwater Conservation District; providing authority to issue bonds.

**SB 2513**, Relating to the name and confirmation of, and to certain fees imposed by, the McLennan County Groundwater Conservation District.

(Amended)

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**COMMITTEE SUBSTITUTE  
HOUSE BILL 4593 ON SECOND READING**

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 4593** at this time on its second reading:

**CSHB 4593**, Relating to the marketing of shrimp and aquaculture products.

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: Ogden.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 4593 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 4593** be placed on its third reading and final passage.

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

Absent-excused: Ogden.

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 2467 ON SECOND READING**

On motion of Senator Whitmire and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2467** at this time on its second reading:

**CSHB 2467**, Relating to the definition of playgrounds and to including those playgrounds in the designation of certain places as drug-free zones for purposes of 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: Ogden.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 2467 ON THIRD READING**

Senator Whitmire moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2467** be placed on its third reading and final passage.

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

Absent-excused: Ogden.

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

### **HOUSE BILL 3306 ON SECOND READING**

On motion of Senator Jackson and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3306** at this time on its second reading:

**HB 3306**, Relating to the removal and disposal of certain vessels and structures in or on coastal waters.

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: Ogden.

### **HOUSE BILL 3306 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 **HB 3306** be placed on its third reading and final passage.

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

Absent-excused: Ogden.

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 407 ON SECOND READING**

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 407** at this time on its second reading:

**CSHB 407**, Relating to participation and credit in, contributions to, benefits from, and administration of the Texas County and District Retirement System.

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: Ogden.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 407 ON THIRD READING**

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 407** be placed on its third reading and final passage.

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

Absent-excused: Ogden.

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 2077 ON SECOND READING**

On motion of Senator Uresti and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 2077** at this time on its second reading:

**CSSB 2077**, Relating to physician shortage residency programs.

The bill was read second time.

Senator Uresti offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 2077** (Senate committee printing) in SECTION 1 of the bill, immediately following added Subchapter I-1, Chapter 61, Education Code (page 2, between lines 39 and 40), by inserting the following:

Sec. 61.517. CONTRACTS SUBJECT TO AVAILABLE FUNDS. Notwithstanding any other provision of this subchapter, the board may not enter into a contract under this subchapter with respect to an approved physician shortage residency training program unless the board requests certification and the comptroller certifies that the amount of appropriations or other money available for that purpose equals or exceeds \$3 million. The comptroller shall publish the certification in the Texas Register.

The amendment to **CSSB 2077** 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: Ogden.

Senator Watson offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **CSSB 2077** by adding an appropriately numbered section to read as follows:

SECTION \_\_\_\_ . Section 51.918(b), Education Code is amended to read as follows:

(b) The Texas Higher Education Coordinating Board shall:

(1) encourage and coordinate the creation or expansion of a rural preceptor program among medical schools, teaching hospitals, nursing schools, and schools of allied health sciences; and

(2) require family practice residency programs to provide an opportunity for residents to have a one-month rotation through:

(A) a rural setting; ~~and~~

(B) a public health setting; and

(C) an oncology setting.

The amendment to **CSSB 2077** 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: Ogden.

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

**CSSB 2077** 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: Ogden.

#### **COMMITTEE SUBSTITUTE SENATE BILL 2077 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 **CSSB 2077** be placed on its third reading and final passage.

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

Absent-excused: Ogden.

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

#### **HOUSE BILL 1084 ON SECOND READING**

On motion of Senator Gallegos and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1084** at this time on its second reading:

**HB 1084**, Relating to shipment of wine to ultimate consumers.

The bill was read second time.

Senator Gallegos offered the following amendment to the bill:

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

Amend **HB 1084** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill, strike amended Section 16.09(e)(3), Alcoholic Beverage Code (page 1, lines 16-19), and substitute the following:

(3) deliver to the same consumer in this state more than nine ~~[three]~~ gallons of wine within any calendar month or more than 36 gallons of wine within any 12-month period ~~[30-day period to the same consumer in this state]~~.

(2) In SECTION 2 of the bill, strike amended Section 54.02(3), Alcoholic Beverage Code (page 1, lines 27-30), and substitute the following:

(3) deliver to the same consumer in this state more than nine ~~[three]~~ gallons of wine within any calendar month or more than 36 gallons of wine within any 12-month period ~~[30-day period to the same consumer in this state]~~; or

The amendment to **HB 1084** 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: Ogden.

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

**HB 1084** 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-excused: Ogden.

#### **HOUSE BILL 1084 ON THIRD READING**

Senator Gallegos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1084** be placed on its third reading and final passage.

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

Absent-excused: Ogden.

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

#### **HOUSE BILL 4718 ON SECOND READING**

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 4718** at this time on its second reading:

**HB 4718**, Relating to the fees assessed in certain cases filed in the Ector County courts at law.

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: Ogden.

**HOUSE BILL 4718 ON THIRD READING**

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 4718** be placed on its third reading and final passage.

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

Absent-excused: Ogden.

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

**HOUSE BILL 2572 ON SECOND READING**

On motion of Senator Jackson and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2572** at this time on its second reading:

**HB 2572**, Relating to the authority of a gas corporation to use a public right-of-way.

The bill was read second time.

Senator Jackson offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **HB 2572** (Senate committee printing) as follows:

(1) In SECTION 2 of the bill, in amended Section 181.005(a), Utilities Code (page 1, line 25), between "alley" and the period, insert the following:  
only if:

(1) the pipeline complies with:

(A) all safety regulations adopted by the Railroad Commission of Texas and all federal regulations relating to pipeline facilities and pipelines; and

(B) all rules adopted by the Texas Department of Transportation or the Railroad Commission of Texas and all federal regulations regarding the accommodation of utility facilities on a right-of-way, including regulations relating to the horizontal or vertical placement of the pipeline; and

(2) the owner or operator of the pipeline ensures that the public right-of-way and any associated facility is promptly restored to its former condition of usefulness after the installation or maintenance of the pipeline.

(2) In SECTION 2 of the bill, in amended Section 181.005, Utilities Code (page 1, lines 30-36), strike proposed Subsection (c) and substitute the following:

(c) In determining the route of a pipeline within a municipality, a gas corporation shall consider using existing easements and public rights-of-way, including streets, roads, highways, and utility rights-of-way. In deciding whether to use a public easement or right-of-way, the gas corporation shall consider whether:

(1) the use is economically practicable;

(2) adequate space exists; and

(3) the use will violate, or cause the violation of any pipeline safety regulations.

(d) The Texas Department of Transportation may require the owner or operator of a pipeline to relocate the pipeline:

(1) at the expense of the owner or operator of the pipeline, if the pipeline is located on a right-of-way of the state highway system;

(2) at the expense of this state, if the pipeline is located on property in which the owner or operator of the pipeline has a private interest; or

(3) in accordance with Section 203.092, Transportation Code, at the expense of this state, if the pipeline is owned or operated by a utility as defined by Section 203.091, Transportation Code.

(e) Rules adopted by the Texas Department of Transportation regarding horizontal and vertical placement of pipelines must be reasonable and, for rights-of-way of the state highway system, must provide an appeals process through the Texas Department of Transportation.

The amendment to **HB 2572** 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: Ogden.

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

**HB 2572** 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-excused: Ogden.

### **HOUSE BILL 2572 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 **HB 2572** be placed on its third reading and final passage.

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

Absent-excused: Ogden.

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

### **HOUSE JOINT RESOLUTION 116 ON SECOND READING**

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **HJR 116** at this time on its second reading:

**HJR 116**, Proposing a constitutional amendment authorizing the Veterans' Land Board to issue general obligation bonds in amounts equal to or less than amounts previously authorized.

The resolution 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: Ogden.

### **HOUSE JOINT RESOLUTION 116 ON THIRD READING**

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HJR 116** be placed on its third reading and final passage.

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

Absent-excused: Ogden.

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

### **COMMITTEE SUBSTITUTE HOUSE BILL 72 ON SECOND READING**

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **CSHB 72** at this time on its second reading:

**CSHB 72**, Relating to the waiting period for issuing a decree in certain suits for divorce.

The motion prevailed.

Senator Harris 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: Harris.

Absent-excused: Ogden.

### **COMMITTEE SUBSTITUTE HOUSE BILL 72 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 **CSHB 72** be placed on its third reading and final passage.

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

Nays: Harris.

Absent-excused: Ogden.

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

(Senator Averitt in Chair)

**HOUSE BILL 559 ON SECOND READING**

On motion of Senator Gallegos and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 559** at this time on its second reading:

**HB 559**, Relating to the nondisclosure of certain personal information in voter registration records, concealed handgun license records, and tax appraisal records that relates to a justice of the peace.

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: Ogden.

**HOUSE BILL 559 ON THIRD READING**

Senator Gallegos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 559** be placed on its third reading and final passage.

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

Absent-excused: Ogden.

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

**HOUSE BILL 4498 ON SECOND READING**

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 4498** at this time on its second reading:

**HB 4498**, Relating to ballot issues for a local option election to prohibit the sale of alcoholic beverages.

The bill was read second time.

Senator Fraser offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **HB 4498** (Senate committee printing) by inserting a new SECTION 1 as follows and renumbering existing SECTIONS accordingly:

SECTION 1. Subchapter B, Chapter 501, Election Code, is amended by adding Section 501.0211 to read as follows:

Sec. 501.0211. ELECTION CALLED BY GOVERNING BODY OF MUNICIPALITY. (a) This section applies only to a municipality:

(1) with a population of at least 112,000 located in a county with a population of not more than 135,000;

(2) in which the sale of one or more types or classifications of alcoholic beverage is legal in the municipality as a result of a local option election held in the municipality; and

(3) that, after the election is held, annexes territory in which the sale of one or more of those types or classifications of alcoholic beverage is not legal.

(b) After holding a public hearing, the governing body of a municipality described by Subsection (a) may, by resolution, order a local option election to be held in the municipality on the ballot issue the passage of which would legalize the sale of the same types and classifications of alcoholic beverages the sale of which was legalized by the results of the local option election described by Subsection (a).

(c) The resolution ordering the election must state in its heading and text that the local option election to be held is for the purpose of legalizing the sale of the alcoholic beverages and set out the ballot issue to be voted on in the election.

(d) An election ordered by the governing body of a municipality under this section shall be conducted by the municipality instead of the county. For the purposes of an election conducted under this section, a reference in this code:

(1) to the county is considered to refer to the municipality;

(2) to the commissioners court is considered to refer to the governing body of the municipality;

(3) to the county clerk or registrar of voters is considered to refer to the secretary of the municipality or, if the municipality does not have a secretary, to the person performing the functions of a secretary of the municipality; and

(4) to the county judge is considered to refer to the mayor of the municipality or, if the municipality does not have a mayor, to the presiding officer of the governing body of the municipality.

(e) The municipality shall pay the expense of the election.

(f) This section expires September 1, 2015.

The amendment to **HB 4498** 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: Ogden.

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

**HB 4498** 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-excused: Ogden.

### **HOUSE BILL 4498 ON THIRD READING**

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 4498** be placed on its third reading and final passage.

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

Absent-excused: Ogden.

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 2283 ON SECOND READING**

On motion of Senator Deuell and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2283** at this time on its second reading:

**CSHB 2283**, Relating to increasing state employee participation in the TexaSaver program.

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

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

Absent-excused: Ogden.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 2283 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 2283** be placed on its third reading and final passage.

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

Absent-excused: Ogden.

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 4341 ON SECOND READING**

On motion of Senator Shapiro and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 4341** at this time on its second reading:

**CSHB 4341**, Relating to the regulation of discount health care programs by the Texas Department of Insurance; providing penalties.

The bill was read second time.

Senator Shapiro offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSHB 4341** (Senate committee printing) as follows:

(1) In SECTION 2 of the bill, immediately following proposed Section 7001.006, Insurance Code (page 9, between lines 57 and 58), insert the following:

Sec. 7001.007. DEPOSIT IN OPERATING ACCOUNT. All fees collected by the department under this chapter shall be deposited to the credit of the Texas Department of Insurance operating account.

(2) In SECTION 2 of the bill (page 9, line 58 through page 10, line 18), renumber the sections of proposed Chapter 7001, Insurance Code, accordingly.

The amendment to **CSHB 4341** 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: Ogden.

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

**CSHB 4341** 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-excused: Ogden.

#### **COMMITTEE SUBSTITUTE HOUSE BILL 4341 ON THIRD READING**

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 4341** be placed on its third reading and final passage.

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

Absent-excused: Ogden.

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

#### **HOUSE BILL 1979 ON SECOND READING**

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1979** at this time on its second reading:

**HB 1979**, Relating to retirement under public retirement systems for employees of certain municipalities.

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: Ogden.

#### **HOUSE BILL 1979 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 **HB 1979** be placed on its third reading and final passage.

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

Absent-excused: Ogden.

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

### SENATE BILL 1397 ON SECOND READING

On motion of Senator Deuell and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1397** at this time on its second reading:

**SB 1397**, Relating to establishing the equivalency of competency-based nursing education programs in other states that meet standards of quality equivalent to nursing education programs approved by the Texas Board of Nursing.

The bill was read second time.

Senator Deuell offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **SB 1397** (Senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Section 301.155(c), Occupations Code, is amended to read as follows:

(c) The board shall assess a [~~\$3~~] surcharge of not less than \$3 or more than \$5 for a registered nurse and a [~~\$2~~] surcharge of not less than \$2 or more than \$3 for a vocational nurse to the fee established by the board under Subsection (a) for a license holder to renew a license under this chapter. The board may use nine cents of the registered nurse surcharge and six cents of the vocational nurse surcharge to cover the administrative costs of collecting and depositing the surcharge. The board quarterly shall transmit the remainder of each surcharge to the Department of State Health Services to be used only to implement the nursing resource section under Section 105.002, Health and Safety Code. The board is not required to collect the surcharge if the board determines the funds collected are not appropriated for the purpose of funding the nursing resource section.

SECTION 2. Section 301.157, Occupations Code, is amended by amending Subsection (d-4) and adding Subsections (d-8), (d-9), (d-10), and (d-11) to read as follows:

(d-4) The board may recognize and accept as approved under this section a school of nursing or educational program operated in another state and approved by a state board of nursing or other regulatory body of that [~~another~~] state. The board shall develop policies to ensure that the other state's [~~state board's~~] standards are substantially equivalent to the board's standards.

(d-8) For purposes of Subsection (d-4), a nursing program is considered to meet standards substantially equivalent to the board's standards if the program:

(1) is part of an institution of higher education located outside this state that is approved by the appropriate regulatory authorities of that state;

(2) holds regional accreditation by an accrediting body recognized by the United States secretary of education and the Council for Higher Education Accreditation;

(3) holds specialty accreditation by an accrediting body recognized by the United States secretary of education and the Council for Higher Education Accreditation, including the National League for Nursing Accrediting Commission;

(4) requires program applicants to be a licensed practical or vocational nurse, a military service corpsman, or a paramedic, or to hold a college degree in a clinically oriented health care field with demonstrated experience providing direct patient care; and

(5) graduates students who:

(A) achieve faculty-determined program outcomes, including passing criterion-referenced examinations of nursing knowledge essential to beginning a registered nursing practice and transitioning to the role of registered nurse;

(B) pass a criterion-referenced summative performance examination developed by faculty subject matter experts that measures clinical competencies essential to beginning a registered nursing practice and that meets nationally recognized standards for educational testing, including the educational testing standards of the American Educational Research Association, the American Psychological Association, and the National Council on Measurement in Education; and

(C) pass the National Council Licensure Examination for Registered Nurses at a rate equivalent to the passage rate for students of approved in-state programs.

(d-9) A graduate of a clinical competency assessment program operated in another state and approved by a state board of nursing or other regulatory body of another state is eligible to apply for an initial license under this chapter if:

(1) the board allowed graduates of the program to apply for an initial license under this chapter continuously during the 10-year period preceding January 1, 2007;

(2) the program does not make any substantial changes in the length or content of its clinical competency assessment without the board's approval;

(3) the program remains in good standing with the state board of nursing or other regulatory body in the other state; and

(4) the program participates in the research study under Section 105.008, Health and Safety Code.

(d-10) In this section, the terms "clinical competency assessment program" and "supervised clinical learning experiences program" have the meanings assigned by Section 105.008, Health and Safety Code.

(d-11) This subsection and Subsections (d-8), (d-9), and (d-10) expire December 31, 2017. As part of the first review conducted under Section 301.003 after September 1, 2009, the Sunset Advisory Commission shall:

(1) recommend whether Subsections (d-8) and (d-9) should be extended; and

(2) recommend any changes to Subsections (d-8) and (d-9) relating to the eligibility for a license of graduates of a clinical competency assessment program operated in another state.

SECTION 3. Section 63.202(f), Education Code, is amended to read as follows:

(f) Notwithstanding the limitation provided by Subsection (b), grants awarded under Subsection (c) for the state fiscal biennium ending on August 31, 2009, and the fiscal biennium ending on August 31, 2011, by the Texas Higher Education Coordinating Board shall be awarded to programs preparing students for initial licensure as registered nurses or programs preparing qualified faculty members with a master's or doctoral degree for the program, including programs at two-year institutions of higher education, four-year general academic teaching institutions, health science centers, and independent or private institutions of higher education, or to the nursing resource section established under Section 105.002(b), Health and Safety Code. In awarding grants under this subsection, the coordinating board may:

(1) give priority to institutions proposing to address the shortage of registered nurses by promoting innovation in education, recruitment, and retention of nursing students and qualified faculty;

(2) award grants on a competitive basis; ~~and~~

(3) consider the availability of matching funds; and

(4) fund a study by the nursing resource section to evaluate the competencies of clinical judgment and behaviors that professional nursing students should possess at the time of graduation.

SECTION 4. Chapter 105, Health and Safety Code, is amended by adding Section 105.008 to read as follows:

Sec. 105.008. STUDY OF ALTERNATE WAYS TO ASSURE CLINICAL COMPETENCY OF GRADUATES OF NURSING EDUCATIONAL PROGRAMS.

(a) In this section:

(1) "Clinical competency assessment program" means a professional nursing prelicensure program that employs a criterion-referenced summative performance examination, developed by subject matter experts, to verify its graduates' attainment of the clinical competency necessary for initial licensure as a registered nurse.

(2) "Professional nursing prelicensure program" means a professional nursing educational program that prepares students to obtain an initial license as a registered nurse.

(3) "Research study" means the study described by Subsection (b).

(4) "Supervised clinical learning experiences program" means a professional nursing prelicensure program that requires students to complete a required number of supervised clinical learning experiences provided by qualified clinical faculty involving multiple, ongoing assessments and feedback.

(b) To the extent funding is available, the nursing resource section established under Section 105.002(b) shall conduct a research study to identify:

(1) a set of expected student outcomes in terms of clinical judgment and behaviors that professional nursing students should possess at the time of graduation from a professional nursing prelicensure program;

(2) standardized, reliable, and valid clinical exit evaluation tools that could be used to evaluate the competencies in clinical judgment and behaviors that professional nursing students possess at the time of graduation from a professional nursing prelicensure program;

(3) any correlation between the success rate of graduates of professional nursing prelicensure programs on standardized clinical exit evaluation tools and their educational and experiential background, including:

(A) length and type of health care work experience before entering the professional nursing prelicensure programs;

(B) health care work experience during the professional nursing prelicensure programs; and

(C) alternative methods of teaching clinical judgment and behaviors, including supervised clinicals and simulation laboratories; and

(4) any correlation between the required number of hours in supervised clinical learning experiences and expected student outcomes in terms of clinical judgment and behaviors.

(c) In addition to any other objective, the research study must be designed to determine if the graduates of a clinical competency assessment program are substantially equivalent to the graduates of supervised clinical learning experiences programs in terms of clinical judgments and behaviors. For purposes of this subsection, the clinical competency assessment program must be one that:

(1) has been requiring a clinical competency assessment for at least 10 years;

(2) has students who reside in this state;

(3) has graduates who have been considered by the Texas Board of Nursing to be eligible to apply for a registered nurse license as a result of graduating from the program on or before January 1, 2007; and

(4) conducts the clinical competency assessment at a facility or facilities located in this state under the supervision of a qualified clinical faculty member who is a registered nurse and who holds a master's or doctoral degree in nursing.

(d) Considerations to be used in determining substantial equivalence under Subsection (c) must include the differences between the clinical competency assessment program and the supervised clinical learning experiences program in:

(1) the methods of evaluating students' clinical judgment and behaviors;

(2) performance on standardized clinical exit evaluation tools;

(3) the ability of graduates to transition to and assimilate in the registered nurse's role; and

(4) passage rates on the National Council Licensure Examination.

(e) The nursing resource section shall contract with an independent researcher to develop the research design and conduct the research. The independent researcher must be selected by a selection committee composed of:

(1) one representative elected by a majority of the nursing advisory committee under Section 104.0155, who is the chair of the selection committee;

(2) one representative designated by the Texas Health Care Policy Council;

(3) the presiding officer of the Texas Board of Nursing;

(4) one representative of the Texas Higher Education Coordinating Board, designated by the governor;

(5) one representative designated by the Texas Hospital Association;

(6) one representative designated by the Texas Association of Business;

(7) one representative designated by a clinical competency assessment program that meets the requirements of Section 301.157(d-8), Occupations Code; and

(8) the nurse researcher member of the nursing advisory committee under Section 104.0155.

(f) The nursing resource section shall complete the study not later than June 30, 2014, and shall submit a report to the office of the governor, the Senate Committee on Health and Human Services, and the House Committee on Public Health. The report must include a research abstract prepared by the independent researcher.

(g) The nursing resource section may cooperate with the Texas Board of Nursing and the Texas Higher Education Coordinating Board in conducting the study.

(h) The nursing advisory committee formed under Section 104.0155 shall serve as the oversight committee for the study.

(i) Any data collected as part of the study that contains information identifying specific students, patients, or health care facilities is confidential, is not subject to disclosure under Chapter 552, Government Code, and may not be released unless all identifying information is removed.

(j) In addition to funds appropriated by the legislature, the nursing resource section may solicit, receive, and spend grants, gifts, and donations from public or private sources for the purpose of conducting the study.

(k) If grants or other funds are available through the National Council of State Boards of Nursing that could be used to fund the study, the nursing resource section shall apply for the funds to the maximum amount available up to the estimated cost of the study. In making the application or accepting the funding, the nursing resource section may not relinquish any oversight responsibility for the study, including responsibility for designing and conducting the research or developing the findings.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

The amendment to **SB 1397** 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: Ogden.

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

**SB 1397** 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: Ogden.

### SENATE BILL 1397 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 **SB 1397** be placed on its third reading and final passage.

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

Absent-excused: Ogden.

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

#### **HOUSE BILL 1324 ON SECOND READING**

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1324** at this time on its second reading:

**HB 1324**, Relating to the municipal hotel occupancy tax imposed in certain municipalities.

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: Ogden.

#### **HOUSE BILL 1324 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1324** be placed on its third reading and final passage.

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

Absent-excused: Ogden.

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

#### **HOUSE BILL 1257 ON SECOND READING**

The Presiding Officer, Senator Averitt in Chair, laid before the Senate **HB 1257** by Senator Williams on its second reading. The bill had been read second time, an amendment offered, amendment withdrawn, and further consideration postponed to a time certain of 2:15 p.m. today:

**HB 1257**, Relating to the payment in installments of ad valorem taxes on certain property owned by a business entity and located in a disaster area.

Question — Shall **HB 1257** be passed to third reading?

Senator Jackson again offered the following amendment to the bill:

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

Amend **HB 1257** (Senate committee printing) by adding the following SECTION to the bill, appropriately numbered, and renumbering existing SECTIONS accordingly:

SECTION \_\_\_\_. (a) Subchapter B, Chapter 11, Tax Code, is amended by adding Section 11.135 to read as follows:

Sec. 11.135. CONTINUATION OF RESIDENCE HOMESTEAD EXEMPTION WHILE REPLACEMENT STRUCTURE IS CONSTRUCTED; SALE OF PROPERTY. (a) If a qualified residential structure for which the owner receives an exemption under Section 11.13 is rendered uninhabitable or unusable by a casualty or by wind or water damage, the owner may continue to receive the exemption for the structure and the land and improvements used in the residential occupancy of the structure while the owner constructs a replacement qualified residential structure on the land if the owner does not establish a different principal residence for which the owner receives an exemption under Section 11.13 during that period and intends to return and occupy the structure as the owner's principal residence. To continue to receive the exemption, the owner must begin active construction of the replacement qualified residential structure or other physical preparation of the site on which the structure is to be located not later than the first anniversary of the date the owner ceases to occupy the former qualified residential structure as the owner's principal residence. The owner may not receive the exemption for that property under the circumstances described by this subsection for more than two years.

(b) For purposes of Subsection (a), the site of a replacement qualified residential structure is under physical preparation if the owner has engaged in architectural or engineering work, soil testing, land clearing activities, or site improvement work necessary for the construction of the structure or has conducted an environmental or land use study relating to the construction of the structure.

(c) If an owner receives an exemption for property under Section 11.13 under the circumstances described by Subsection (a) and sells the property before the owner completes construction of a replacement qualified residential structure on the property, an additional tax is imposed on the property equal to the difference between the taxes imposed on the property for each of the years in which the owner received the exemption and the tax that would have been imposed had the owner not received the exemption in each of those years, plus interest at an annual rate of seven percent calculated from the dates on which the differences would have become due.

(d) A tax lien attaches to property on the date a sale under the circumstances described by Subsection (c) occurs to secure payment of the additional tax and interest imposed by that subsection and any penalties incurred. The lien exists in favor of all taxing units for which the additional tax is imposed.

(e) A determination that a sale of property under the circumstances described by Subsection (c) has occurred is made by the chief appraiser. The chief appraiser shall deliver a notice of the determination to the owner of the property as soon as possible after making the determination and shall include in the notice an explanation of the owner's right to protest the determination. If the owner does not file a timely protest or if the final determination of the protest is that the additional taxes are due, the assessor for each taxing unit shall prepare and deliver a bill for the additional taxes plus interest as soon as practicable. The taxes and interest are due and become delinquent and incur penalties and interest as provided by law for ad valorem taxes imposed by the taxing unit if not paid before the next February 1 that is at least 20 days after the date the bill is delivered to the owner of the property.

(f) The sanctions provided by Subsection (c) do not apply if the sale is:

(1) for right-of-way; or

(2) to this state or a political subdivision of this state to be used for a public purpose.

(g) The comptroller shall adopt rules and forms to implement this section.

(b) Section 11.26, Tax Code, is amended by adding Subsections (n) and (o) to read as follows:

(n) Notwithstanding Subsection (c), the limitation on tax increases required by this section does not expire if the owner of the structure qualifies for an exemption under Section 11.13 under the circumstances described by Section 11.135(a).

(o) Notwithstanding Subsections (a), (a-3), and (b), an improvement to property that would otherwise constitute an improvement under Subsection (b) is not treated as an improvement under that subsection if the improvement is a replacement structure for a structure that was rendered uninhabitable or unusable by a casualty or by wind or water damage. For purposes of appraising the property in the tax year in which the structure would have constituted an improvement under Subsection (b), the replacement structure is considered to be an improvement under that subsection only if:

(1) the square footage of the replacement structure exceeds that of the replaced structure as that structure existed before the casualty or damage occurred; or

(2) the exterior of the replacement structure is of higher quality construction and composition than that of the replaced structure.

(c) Section 11.261, Tax Code, is amended by adding Subsections (l) and (m) to read as follows:

(l) Notwithstanding Subsection (d), a limitation on county, municipal, or junior college district tax increases provided by this section does not expire if the owner of the structure qualifies for an exemption under Section 11.13 under the circumstances described by Section 11.135(a).

(m) Notwithstanding Subsections (b) and (c), an improvement to property that would otherwise constitute an improvement under Subsection (c) is not treated as an improvement under that subsection if the improvement is a replacement structure for a structure that was rendered uninhabitable or unusable by a casualty or by wind or water damage. For purposes of appraising the property in the tax year in which the structure would have constituted an improvement under Subsection (c), the replacement structure is considered to be an improvement under that subsection only if:

(1) the square footage of the replacement structure exceeds that of the replaced structure as that structure existed before the casualty or damage occurred; or

(2) the exterior of the replacement structure is of higher quality construction and composition than that of the replaced structure.

(d) Section 23.23(f), Tax Code, is amended to read as follows:

(f) Notwithstanding Subsections (a) and (e) and except as provided by Subdivision (2), an improvement to property that would otherwise constitute a new improvement is not treated as a new improvement if the improvement is a replacement structure for a structure that was rendered uninhabitable or unusable by a casualty or

by wind ~~[mold]~~ or water damage. For purposes of appraising the property under Subsection (a) in the tax year in which the structure would have constituted a new improvement:

(1) the appraised value the property would have had in the preceding tax [last] year if the casualty or damage had not occurred [in which the property was appraised for taxation before the casualty or damage occurred] is considered to be the appraised value of the property for that year, regardless of whether that appraised value exceeds the actual appraised value of the property for that year as limited by Subsection (a) ~~[last year in which the property was appraised for taxation for purposes of Subsection (a)(2)(A)]~~; and

(2) the replacement structure is considered to be a new improvement only if:

(A) the square footage of the replacement structure exceeds that of [to the extent it is a significant improvement over] the replaced structure as that structure existed before the casualty or damage occurred; or

(B) the exterior of the replacement structure is of higher quality construction and composition than that of the replaced structure.

(e) This section applies only to ad valorem taxes imposed for a tax year beginning on or after the effective date of this Act.

The amendment to **HB 1257** was again 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: Ogden.

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

**HB 1257** 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-excused: Ogden.

### **HOUSE BILL 1257 ON THIRD READING**

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1257** be placed on its third reading and final passage.

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

Absent-excused: Ogden.

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

### **HOUSE BILL 2303 ON SECOND READING**

On motion of Senator Uresti and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2303** at this time on its second reading:

**HB 2303**, Relating to the scope of services of and the persons who may be provided services by a community center.

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: Ogden.

#### **HOUSE BILL 2303 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 **HB 2303** be placed on its third reading and final passage.

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

Absent-excused: Ogden.

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

#### **HOUSE BILL 1109 ON SECOND READING**

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1109** at this time on its second reading:

**HB 1109**, Relating to late fees under a residential lease.

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: Ogden.

#### **HOUSE BILL 1109 ON THIRD READING**

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1109** be placed on its third reading and final passage.

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

Absent-excused: Ogden.

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

#### **HOUSE BILL 1513 ON SECOND READING**

On motion of Senator Jackson and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1513** at this time on its second reading:

**HB 1513**, Relating to construction contract trust funds and the misapplication of those funds.

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: Ogden.

### **HOUSE BILL 1513 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 **HB 1513** be placed on its third reading and final passage.

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

Absent-excused: Ogden.

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 2972 ON SECOND READING**

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2972** at this time on its second reading:

**CSHB 2972**, Relating to licensing of certain health facilities.

The bill was read second time.

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

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

Amend **CSHB 2972** (Senate committee printing) as follows:

(1) In SECTION 2 of the bill, in added Section 242.039(g), Health and Safety Code (page 1, line 29), after the period, insert the following:

The rules must permit the department to set different fee amounts based on the size and type of institution.

(2) In the recital to SECTION 4 of the bill (page 1, line 41), strike "(d-3), and (d-4)" and substitute "and (d-3)".

(3) In SECTION 4 of the bill, strike added Section 247.021(d-1), Health and Safety Code (page 1, lines 58 and 59) and redesignate added Subsections (d-2), (d-3), and (d-4) as Subsections (d-1), (d-2), and (d-3) and correct cross-references as necessary (page 1, line 60, and page 2, lines 2, 3, and 6).

(4) In SECTION 6 of the bill, in added Section 247.022(b-1), Health and Safety Code (page 2, line 44), strike "at least three" and substitute "more than two".

(5) In SECTION 9 of the bill (page 2, line 57), strike "January" and substitute "June".

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

SECTION \_\_\_\_\_. Subchapter B, Chapter 247, Health and Safety Code, is amended by adding Section 247.0262 to read as follows:

Sec. 247.0262. REPORT ON LIFE SAFETY CODE SURVEYS. (a) The department shall annually report the number of life safety code surveys for an initial assisted living facility license with respect to which the department first visits the facility to conduct the survey more than 60 days after the date the applicant notifies the department that the applicant is ready for the initial survey.

(b) The department may report other data related to the timeliness of life safety code surveys or the processing time of license applications.

(c) The department may include the information described by Subsections (a) and (b) in any required annual regulatory report.

The amendment to **CSHB 2972** 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: Ogden.

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

**CSHB 2972** 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-excused: Ogden.

### COMMITTEE SUBSTITUTE HOUSE BILL 2972 ON THIRD READING

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2972** be placed on its third reading and final passage.

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

Absent-excused: Ogden.

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

### HOUSE BILL 4061 REREFERRED

Senator Whitmire submitted a Motion In Writing requesting that **HB 4061** be withdrawn from the Committee on Transportation and Homeland Security and rereferred to the Committee on Criminal Justice.

The Motion In Writing prevailed without objection.

### HOUSE BILL 773 REREFERRED

Senator Williams submitted a Motion In Writing requesting that **HB 773** be withdrawn from the Committee on Administration and rereferred to the Committee on Economic Development.

The Motion In Writing prevailed without objection.

**SENATE RULE 11.13 SUSPENDED**  
**(Consideration of Bills in Committees)**

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

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

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

**REPORT OF COMMITTEE ON NOMINATIONS**

Senator Jackson submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed:

Members, Parks and Wildlife Commission: Ralph H. Duggins, Tarrant County; Antonio Falcon, M.D., Starr County; Karen J. Hixon, Bexar County; Margaret Martin, Kendall County; S. Reed Morian, Harris County.

Members, Texas Juvenile Probation Commission: Jean Boyd, Tarrant County; B. W. McClendon, D.Min., Travis County; Scott O'Grady, Dallas County; Robert Alton "Bob" Shults, Harris County.

Executive Commissioner, Texas Youth Commission: Cheryl K. "Cherie" Townsend, Travis County.

**NOTICE OF CONSIDERATION OF NOMINATIONS**

Senator Jackson gave notice that he would tomorrow at the conclusion of morning call submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

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

On motion of Senator Fraser and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Business and Commerce might meet and consider **HB 2649** today.

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

On motion of Senator Whitmire and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Criminal Justice might meet and consider **HB 3438** today.

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

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

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

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

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

On motion of Senator Nichols and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Intergovernmental Relations might meet and consider the following bills today:

**HB 1230, HB 1473, HB 2082, HB 2833, HB 3003, HB 3287, HB 4412, HB 4745.**

**MOTION TO ADJOURN**

On motion of Senator Whitmire and by unanimous consent, the Senate at 3:51 p.m. agreed to adjourn, in memory of Hunter Mason Browning, Celestino Ramirez of Mission, and Santos Delgadillo, upon completion of the introduction of bills and resolutions on first reading, until 11:00 a.m. tomorrow.

**HOUSE BILLS ON FIRST READING**

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

- HB 55** to Committee on Transportation and Homeland Security.
- HB 141** to Committee on Transportation and Homeland Security.
- HB 148** to Committee on State Affairs.
- HB 279** to Committee on Health and Human Services.
- HB 425** to Committee on Higher Education.
- HB 451** to Committee on State Affairs.
- HB 464** to Committee on Finance.
- HB 466** to Committee on Education.
- HB 489** to Committee on Intergovernmental Relations.
- HB 507** to Committee on Finance.
- HB 534** to Committee on Business and Commerce.
- HB 586** to Committee on Transportation and Homeland Security.
- HB 662** to Committee on Transportation and Homeland Security.
- HB 694** to Committee on Intergovernmental Relations.
- HB 708** to Committee on Higher Education.
- HB 732** to Committee on Health and Human Services.
- HB 831** to Committee on Finance.
- HB 836** to Committee on Agriculture and Rural Affairs.
- HB 856** to Committee on Jurisprudence.

**HB 889** to Committee on Jurisprudence.  
**HB 1055** to Committee on Business and Commerce.  
**HB 1196** to Committee on Business and Commerce.  
**HB 1209** to Committee on Business and Commerce.  
**HB 1221** to Committee on Finance.  
**HB 1283** to Committee on Finance.  
**HB 1295** to Committee on Natural Resources.  
**HB 1299** to Committee on State Affairs.  
**HB 1306** to Committee on Finance.  
**HB 1326** to Committee on International Relations and Trade.  
**HB 1343** to Committee on Criminal Justice.  
**HB 1396** to Committee on Criminal Justice.  
**HB 1527** to Committee on Jurisprudence.  
**HB 1581** to Committee on Jurisprudence.  
**HB 1596** to Committee on Intergovernmental Relations.  
**HB 1598** to Committee on Intergovernmental Relations.  
**HB 1599** to Committee on Intergovernmental Relations.  
**HB 1664** to Committee on Natural Resources.  
**HB 1665** to Committee on Jurisprudence.  
**HB 1686** to Committee on Intergovernmental Relations.  
**HB 1720** to Committee on State Affairs.  
**HB 1937** to Committee on Intergovernmental Relations.  
**HB 1946** to Committee on Intergovernmental Relations.  
**HB 1976** to Committee on Intergovernmental Relations.  
**HB 1988** to Committee on Transportation and Homeland Security.  
**HB 2012** to Committee on Transportation and Homeland Security.  
**HB 2035** to Committee on Intergovernmental Relations.  
**HB 2038** to Committee on Agriculture and Rural Affairs.  
**HB 2053** to Committee on Natural Resources.  
**HB 2128** to Committee on Business and Commerce.  
**HB 2142** to Committee on Transportation and Homeland Security.  
**HB 2154** to Committee on Finance.  
**HB 2163** to Committee on Health and Human Services.  
**HB 2190** to Committee on Health and Human Services.  
**HB 2223** to Committee on Business and Commerce.  
**HB 2232** to Committee on Jurisprudence.  
**HB 2245** to Committee on Criminal Justice.  
**HB 2267** to Committee on Criminal Justice.  
**HB 2280** to Committee on Education.  
**HB 2369** to Committee on Health and Human Services.  
**HB 2466** to Committee on Criminal Justice.  
**HB 2525** to Committee on State Affairs.  
**HB 2668** to Committee on Natural Resources.  
**HB 2677** to Committee on Health and Human Services.  
**HB 2690** to Committee on State Affairs.  
**HB 2708** to Committee on Intergovernmental Relations.

**HB 2799** to Committee on Criminal Justice.  
**HB 2826** to Committee on Natural Resources.  
**HB 2828** to Committee on Finance.  
**HB 2839** to Committee on Transportation and Homeland Security.  
**HB 2847** to Committee on State Affairs.  
**HB 2884** to Committee on Business and Commerce.  
**HB 2917** to Committee on Health and Human Services.  
**HB 2942** to Committee on Finance.  
**HB 2962** to Committee on Finance.  
**HB 3002** to Committee on Jurisprudence.  
**HB 3065** to Committee on Intergovernmental Relations.  
**HB 3069** to Committee on State Affairs.  
**HB 3086** to Committee on Jurisprudence.  
**HB 3112** to Committee on Health and Human Services.  
**HB 3186** to Committee on Business and Commerce.  
**HB 3201** to Committee on Criminal Justice.  
**HB 3206** to Committee on Finance.  
**HB 3222** to Committee on Economic Development.  
**HB 3223** to Committee on Intergovernmental Relations.  
**HB 3335** to Committee on Natural Resources.  
**HB 3350** to Committee on Jurisprudence.  
**HB 3353** to Committee on Higher Education.  
**HB 3419** to Committee on State Affairs.  
**HB 3445** to Committee on State Affairs.  
**HB 3484** to Committee on Finance.  
**HB 3489** to Committee on Business and Commerce.  
**HB 3550** to Committee on Natural Resources.  
**HB 3669** to Committee on Intergovernmental Relations.  
**HB 3676** to Committee on Economic Development.  
**HB 3682** to Committee on Intergovernmental Relations.  
**HB 3804** to Committee on Health and Human Services.  
**HB 3834** to Committee on Natural Resources.  
**HB 3875** to Committee on Criminal Justice.  
**HB 3876** to Committee on Jurisprudence.  
**HB 4007** to Committee on Intergovernmental Relations.  
**HB 4103** to Committee on Business and Commerce.  
**HB 4212** to Committee on Intergovernmental Relations.  
**HB 4218** to Committee on Natural Resources.  
**HB 4281** to Committee on Health and Human Services.  
**HB 4315** to Committee on Transportation and Homeland Security.  
**HB 4332** to Committee on Transportation and Homeland Security.  
**HB 4364** to Committee on Finance.  
**HB 4407** to Committee on Education.  
**HB 4438** to Committee on Natural Resources.  
**HB 4445** to Committee on Jurisprudence.  
**HB 4446** to Committee on State Affairs.

**HB 4518** to Committee on Jurisprudence.  
**HB 4519** to Committee on State Affairs.  
**HB 4560** to Committee on State Affairs.  
**HB 4562** to Committee on Jurisprudence.  
**HB 4583** to Committee on Finance.  
**HB 4660** to Committee on Intergovernmental Relations.  
**HB 4685** to Committee on Jurisprudence.  
**HB 4692** to Committee on Finance.  
**HB 4698** to Committee on Intergovernmental Relations.  
**HB 4704** to Committee on Intergovernmental Relations.  
**HB 4710** to Committee on Intergovernmental Relations.  
**HB 4711** to Committee on Intergovernmental Relations.  
**HB 4715** to Committee on Intergovernmental Relations.  
**HB 4719** to Committee on Intergovernmental Relations.  
**HB 4724** to Committee on Intergovernmental Relations.  
**HB 4735** to Committee on Natural Resources.  
**HB 4737** to Committee on Intergovernmental Relations.  
**HB 4738** to Committee on Intergovernmental Relations.  
**HB 4741** to Committee on Jurisprudence.  
**HB 4750** to Committee on Jurisprudence.  
**HB 4751** to Committee on Intergovernmental Relations.  
**HB 4752** to Committee on Intergovernmental Relations.  
**HB 4755** to Committee on Intergovernmental Relations.  
**HB 4759** to Committee on Intergovernmental Relations.  
**HB 4771** to Committee on Intergovernmental Relations.  
**HB 4775** to Committee on Intergovernmental Relations.  
**HB 4777** to Committee on Intergovernmental Relations.  
**HB 4778** to Committee on Intergovernmental Relations.  
**HB 4783** to Committee on Intergovernmental Relations.  
**HB 4785** to Committee on Natural Resources.  
**HB 4787** to Committee on Intergovernmental Relations.  
**HB 4793** to Committee on Jurisprudence.  
**HB 4797** to Committee on Intergovernmental Relations.  
**HB 4798** to Committee on Intergovernmental Relations.  
**HB 4799** to Committee on Intergovernmental Relations.  
**HB 4800** to Committee on Intergovernmental Relations.  
**HB 4803** to Committee on Intergovernmental Relations.  
**HB 4808** to Committee on Natural Resources.  
**HB 4814** to Committee on Intergovernmental Relations.  
**HB 4815** to Committee on Intergovernmental Relations.  
**HB 4817** to Committee on Intergovernmental Relations.  
**HB 4818** to Committee on Intergovernmental Relations.  
**HB 4827** to Committee on Intergovernmental Relations.  
**HB 4828** to Committee on Intergovernmental Relations.  
**HB 4829** to Committee on Intergovernmental Relations.  
**HB 4830** to Committee on Intergovernmental Relations.  
**HB 4831** to Committee on Natural Resources.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**SR 955** by Watson, In memory of Scott Alan Ozmun of Austin and Travis County.

**SR 958** by Ellis, In memory of Otoniel "Tony" Villarreal of Houston.

**Welcome and Congratulatory Resolutions**

**SR 950** by Nichols, Congratulating Danielle Heithoff for being named Player of the Year on the *Tyler Morning Telegraph* 2009 All-East Texas Girls Basketball Team.

**SR 953** by Shapleigh, Commending the band of Morehead Middle School in El Paso for its accomplishments.

**SR 954** by Estes, Recognizing Bill Freeman on the occasion of his retirement as Cooke County Judge.

**SR 956** by Watson, Recognizing Pascal D. Forgione, Jr., on the occasion of his retirement as superintendent of the Austin Independent School District.

**SR 957** by Watson, Congratulating the members of the Texas National MATHCOUNTS team for winning first place at the MATHCOUNTS national competition.

**SR 959** by Ellis, Recognizing the Houston Chapter of the Gospel Music Workshop of America on the occasion of its 40th anniversary.

**HCR 63** (Hegar), Honoring former first lady Laura Bush and welcoming her back to Texas.

**Official Designation Resolutions**

**SCR 75** by Van de Putte, Recognizing July 10, 2009, as CHRISTUS Santa Rosa - Westover Hills day in Texas.

**HCR 80** (Van de Putte), Recognizing March 2009 as National Women's History Month.

**ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 4:03 p.m. adjourned, in memory of Hunter Mason Browning, Celestino Ramirez of Mission, and Santos Delgadillo, until 11:00 a.m. tomorrow.

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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 19, 2009

**BUSINESS AND COMMERCE — CSHB 1787, HB 2840**

**STATE AFFAIRS — CSSB 714, CSHB 1888, CSHB 3216**

**TRANSPORTATION AND HOMELAND SECURITY — HB 548 (Amended)**

**ECONOMIC DEVELOPMENT — HB 1134, HB 3098, HB 4360, HB 4376**

**AGRICULTURE AND RURAL AFFAIRS — HB 2582, HB 2914, HB 3079, HB 3496, HB 3330, HB 4002**

**BUSINESS AND COMMERCE — CSSB 825, CSHB 10, CSHB 2752, CSHB 2774, CSHB 2779, CSHB 3502, CSHB 3762**

**TRANSPORTATION AND HOMELAND SECURITY — CSHB 3082**

**GOVERNMENT ORGANIZATION — HCR 16, HB 3597**

**STATE AFFAIRS — HJR 39, HB 533, HB 673 (Amended), HB 1448, HB 2547, HB 4402, HB 4492**

**TRANSPORTATION AND HOMELAND SECURITY — CSHB 3621**

#### **BILLS AND RESOLUTION ENGROSSED**

May 18, 2009

**SB 688, SB 1263, SB 1822, SB 1912, SB 1960, SB 2350, SB 2583, SB 2584, SJR 43**

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

May 18, 2009

**SB 256, SB 316, SB 337, SB 409, SB 446, SB 534, SB 899, SB 929, SB 930, SB 931, SB 932, SB 969, SB 1005, SB 1035, SB 1038, SB 1059, SB 1063, SB 1122, SB 1241, SB 1271, SB 1303, SB 1356, SB 1464, SB 1476, SB 1479, SB 1484, SB 1504, SB 1554, SB 1589, SB 1614, SB 1628, SB 1675, SB 1920, SB 1952, SB 1965, SB 2229, SB 2307, SB 2379, SB 2380, SB 2413, SB 2455, SB 2470, SB 2472, SB 2473, SB 2503, SR 936, SR 938, SR 939, SR 940, SR 941, SR 942, SR 943, SR 944, SR 945, SR 946, SR 947, SR 948, SR 949**

#### **SENT TO GOVERNOR**

May 19, 2009

**SB 256, SB 316, SB 337, SB 409, SB 446, SB 534, SB 899, SB 929, SB 930, SB 931, SB 932, SB 969, SB 1005, SB 1035, SB 1038, SB 1059, SB 1063, SB 1122, SB 1241, SB 1271, SB 1303, SB 1356, SB 1464, SB 1476, SB 1479, SB 1484, SB 1504, SB 1554, SB 1589, SB 1614, SB 1628, SB 1675, SB 1920, SB 1952, SB 1965, SB 2229, SB 2307, SB 2379, SB 2380, SB 2413, SB 2455, SB 2470, SB 2472, SB 2473, SB 2503**