

# SENATE JOURNAL

EIGHTY-FIRST LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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SIXTY-SECOND DAY

(Continued)

(Thursday, May 21, 2009)

AFTER RECESS

The Senate met at 8:00 a.m. and was called to order by Senator Uresti.

**SENATOR ANNOUNCED PRESENT**

Senator Ogden, who had previously been recorded as "Absent-excused," was announced "Present."

**SESSION HELD FOR  
LOCAL AND UNCONTESTED CALENDAR**

The Presiding Officer announced that the time had arrived to consider bills and resolutions placed on the Local and Uncontested Calendar. Notice of consideration of the local calendar was given by Senator Uresti yesterday.

Pursuant to Senate Rule 9.03(d), the following bills and resolutions were laid before the Senate in the order listed, read second time, amended where applicable, passed to engrossment or third reading, read third time, and passed. The votes on passage to engrossment or third reading, suspension of the Constitutional Three-day Rule, and final passage are indicated after each caption. All Members are deemed to have voted "Yea" on viva voce votes unless otherwise indicated.

**HB 8** (Williams)

Relating to certain studies and reviews of appraisal districts conducted by the comptroller of public accounts.

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

**CSHB 19** (Zaffirini)

Relating to requirements for drugs dispensed by pharmacists.

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

**HB 236** (Watson)

Relating to the procedures to obtain an exemption from the motor vehicle sales tax for motor vehicles driven by persons who have orthopedic handicaps.

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

**CSHB 348** (Carona)

Relating to the punishment for theft of certain aluminum, bronze, or copper materials.

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

**HB 396** (Carona)

Relating to expunction of a notice of lis pendens.

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

**HB 405** (Huffman)

Relating to the authority of an animal control officer to carry a bite prevention stick in the performance of official duties.

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

**HB 409** (Nelson)

Relating to an award of additional periods of possession of or access to a child for certain conservators who have returned from active military deployment.

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

**CSHB 449** (Deuell)

Relating to the regulation of laser hair removal facilities; providing penalties.

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

**HB 471** (Duncan)

Relating to the designation of a segment of State Highway 158 in Runnels County as the Army Specialist William Justin Byler Memorial Highway.

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

**HB 488** (Duncan)

Relating to the eligibility requirements for volunteer deputy registrars.

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

**HB 594** (Wentworth)

Relating to the licensing and regulation of hearing instrument fitters and dispensers.

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

**HB 618** (Wentworth)

Relating to privileged parking for certain veterans and military award recipients.

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

**CSHB 621** (West)

Relating to public improvement districts designated by a county or municipality.

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

**HB 643** (Van de Putte on behalf of Uresti)

Relating to the qualifications of surgical technologists; providing penalties.

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

**HB 655** (Seliger)

Relating to payment to a trustee or substitute trustee after public sale of foreclosed property.

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

**HB 669** (Harris)

Relating to liability arising out of the filing of a mechanic's, contractor's, or materialman's lien.

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

**CSHB 675** (Huffman)

Relating to a retired status license for an optometrist or therapeutic optometrist practicing voluntary charity care.

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

**HB 693** (Hegar)

Relating to an exemption from the structural pest control license requirement for certain falconers.

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

**HB 709** (Watson)

Relating to the award of stipends to nationally certified classroom teachers under the educator excellence awards program.

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

**HB 739** (Ellis)

Relating to certain continuing education requirements for insurance agents who sell Medicare-related products.

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

**HB 749** (Duncan)

Relating to the authority of certain counties to impose a hotel occupancy tax for the maintenance and operation of a coliseum in the county.

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

**HB 888** (Van de Putte on behalf of Uresti)

Relating to the detention and examination of certain persons accepted for a preliminary mental health examination.

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

**HB 890** (Wentworth)

Relating to the terminology used to describe certain judicial officers.

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

**CSHB 987** (West)

Relating to competitive procurement requirements for local governments.

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

**HB 1023** (Williams)

Relating to the use of certain state property transferred from the state to Spindletop MHMR Services.

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

**HB 1031** (Nelson)

Relating to maintenance of roads on the property of a perpetual care cemetery.

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

**HB 1058** (Lucio)

Relating to the receipt of death benefits in the workers' compensation system.

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

**(Senator Van de Putte in Chair)****HB 1060** (Carona)

Relating to certain procedures for forwarding a warrant of arrest or a complaint in a criminal case.

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

**HB 1093** (Nelson)

Relating to oversight of regional poison control centers and the poison control network.

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

**CSHB 1161** (Harris)

Relating to local regulation of distance requirements for the sale and consumption of alcoholic beverages near certain establishments.

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

**HB 1178** (Zaffirini)

Relating to the creation of the Starr County Drainage District.

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

**HB 1191** (Lucio)

Relating to the enrollment period for insurance benefits for certain retirees of the Teacher Retirement System.

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

**HB 1272** (Estes)

Relating to the designation of State Highway 289 as the Preston Trail Highway.

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

**CSHB 1293** (Ellis)

Relating to the sale and marketing of life insurance and annuities.

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

**CSHB 1294** (Ellis)

Relating to certain certifications, professional designations, and education requirements regarding the sale of life insurance and annuities.

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

**HB 1297** (Uresti on behalf of Van de Putte)

Relating to optional flexible school day program courses offered by school districts to enable students to earn course credit under certain circumstances.

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

**HB 1332** (Gallegos)

Relating to responsibility for public school textbooks and technological equipment and to failure by students to return textbooks or technological equipment.

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

**HB 1345** (Uresti)

Relating to titles by which certain officers of a defense base development authority may be known.

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

**CSHB 1362** (Uresti on behalf of Van de Putte)

Relating to the pilot program for reporting of methicillin-resistant *Staphylococcus aureus* infections.

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

**CSHB 1365** (Shapiro)

Relating to service records of professional staff employed by school districts.

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

**HB 1404** (Deuell)

Relating to the establishment and use of a columbarium by a church.

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

**HB 1407** (Davis)

Relating to the redemption of real property sold at an ad valorem tax sale.

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

**HB 1445** (Huffman)

Relating to the authority of certain political subdivisions to erect or maintain shore protection structures and the location of the line of vegetation in relation to those structures.

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

**CSHB 1452** (Uresti on behalf of Van de Putte)

Relating to participation in job training and employment assistance programs by veterans and other covered persons.

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

**HB 1476** (Fraser)

Relating to capital stock and surplus requirements for certain insurance companies.

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

**HB 1530** (Deuell)

Relating to the licensing and regulation of health-related pest control by the Department of Agriculture.

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

**HB 1630** (Watson)

Relating to the eligibility of certain individuals for child health plan coverage or medical assistance on release from certain facilities or other settings.

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

**HB 1705** (Ellis)

Relating to the Department of Information Resources, including the abolition of the telecommunications planning and oversight council, the electronic commerce network, and the electronic procurement marketplace and standards for certain school district software.

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

**HB 1721** (Deuell)

Relating to taking or attempting to take a weapon from an employee or official of a correctional facility.

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

**HB 1728** (Whitmire)

Relating to the authority of the inspector general of the Texas Department of Criminal Justice to issue administrative subpoenas for certain communications records.

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

**HB 1740** (Uresti)

Relating to the authorization of physicians and therapeutic optometrists to dispense therapeutic contact lenses.

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

**CSHB 1761** (Uresti on behalf of Van de Putte)

Relating to the reserve requirements for credit life and credit accident and health insurance.

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

**HB 1785** (Nichols)

Relating to the licensing of occupational therapists.

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

**CSHB 1861** (Carona)

Relating to the operation and administration of the judiciary in the event of a disaster.

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

**HB 1881** (Estes)

Relating to the creation of the Texas Equine Incentive Program.

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

**HB 1912** (Uresti on behalf of Van de Putte)

Relating to the Transitional Living Services Program and the Preparation for Adult Living Program for foster children transitioning to independent living.

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

**CSHB 1919** (Ellis)

Relating to the maturity dates of certain annuities.

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

**HB 1922** (Uresti)

Relating to the authorization of certain reuse water system contributions and discharges.

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

**HB 1947** (Wentworth)

Relating to the election and terms of office of directors of the Guadalupe County Groundwater Conservation District.

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

**HB 1949** (Hinojosa)

Relating to the issuance and execution of agriculture warrants; creating an offense.

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

**HB 1966** (Nelson)

Relating to an e-prescribing implementation plan under the Medicaid and child health plan programs.

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

**CSHB 1985** (Hegar)

Relating to the requirement that certain defendants in a criminal case undergo testing for HIV infection and other diseases.

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

**HB 2004** (Ellis)

Relating to a breach of computer security involving sensitive personal information and to the protection of sensitive personal information and certain protected health information.

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

**HB 2065** (Duncan)

Relating to the applicability of the moratoriums on the acceptance of certain political contributions and caucus contributions to contributions delivered by common or contract carrier.

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

**CSHB 2066** (Nelson)

Relating to enhancing penalties for assaulting a family member by strangulation or suffocation.

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

**HB 2068** (Hegar)

Relating to an identification card for certain retired peace officers.

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

**HB 2186** (Huffman)

Relating to the payment of a vehicle registration fee by a check drawn against insufficient funds.

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

**CSHB 2187** (Carona)

Relating to the prosecution and punishment of offenses involving coercing, inducing, or soliciting membership in a criminal street gang.

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

**HB 2191** (Nelson)

Relating to prohibiting contact between an employee of a facility that serves the elderly or disabled persons, whose criminal history has not been verified, and a patient or resident of the facility.

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

**HB 2201** (Eltife)

Relating to the designation of a structure on U.S. Highway 259 as the Trooper Todd Dylan Holmes Memorial Overpass.

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

**HB 2217** (Hinojosa)

Relating to partnering with the United States Department of Veterans Affairs and other federal agencies to establish a veterans hospital in the Rio Grande Valley region of the state.

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

**CSHB 2225** (Nelson)

Relating to creating a committee to review the process for finding permanent placements for children in the conservatorship of the state.

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

**HB 2263** (Shapiro)

Relating to extending the high school innovation grant initiative to middle and junior high schools.

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

**HB 2289** (Whitmire)

Relating to discharging or releasing inmates from the Texas Department of Criminal Justice at or near certain department facilities.

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

**CSHB 2330** (Zaffirini)

Relating to laboratory tests measuring kidney function.

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

**HB 2353** (Estes)

Relating to the limitations period for certain disciplinary actions against title insurance companies.

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

**CSHB 2374** (Lucio)

Relating to financial assistance by the Texas Water Development Board for the connection of residences in economically distressed areas to public water supply and sanitary sewer systems.

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

**HB 2542** (Uresti on behalf of Van de Putte)

Relating to excused absences in public schools for students visiting institutions of higher education.

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

**(Senator Uresti in Chair)**

**CSHB 2580** (Deuell)

Relating to the establishment of a peace officer employment opportunity Internet website by the Texas Workforce Commission.

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

**HB 2667** (Hinojosa)

Relating to performance standards for plumbing fixtures sold in this state.

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

**HB 2735** (Estes)

Relating to the continuation and functions of the Credit Union Department and the Credit Union Commission.

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

**CSHB 2763** (Eltife)

Relating to the regulation of industrialized housing and buildings.

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

**HB 2765** (Hegar)

Relating to the authority of a veterinarian to fill certain prescriptions in an emergency.

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

**HB 2796** (Watson)

Relating to participation in, contributions to, and the benefits and administration of retirement systems for police officers in certain municipalities.

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

**HB 2829** (Watson)

Relating to participation in and benefits and administration of retirement systems for firefighters in certain municipalities.

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

**HB 2876** (Carona)

Relating to the authority of an administrative law judge to order the release of certain information relating to a child abuse and neglect investigation.

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

**HB 2918** (Nichols)

Relating to a motor vehicle dealer's duty to notify buyers of compulsory inspection requirements for certain motor vehicles.

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

**HB 2927** (Nelson)

Relating to the regulation of cemeteries by state and local government.

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

**CSHB 2983** (Hegar)

Relating to the electronic transmission of motor vehicle rental information in connection with the payment of tolls.

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

**HB 2985** (Carona)

Relating to the operation of certain commercial vehicles in this state.

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

**HB 3012** (Nelson)

Relating to food handlers and other food service employees.

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

**CSHB 3129** (Wentworth)

Relating to the regulation of certain consumer transactions involving plumbing, air conditioning, and electrical services.

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

**HB 3137** (Nelson)

Relating to requiring the Department of Family and Protective Services to develop and provide certain foster parents with a statement regarding the rights and responsibilities of those persons and the agency.

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

**HB 3139** (Van de Putte)

Relating to discount programs for certain veterans provided by toll project entities.

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

**HB 3231** (Nelson)

Relating to clarification of legislative intent regarding enrollment of newborns in Medicaid managed care plans and validating related acts and decisions.

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

**HB 3246** (Watson)

Relating to the issuance of a writ of attachment in a civil suit for certain sexual assaults.

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

**HB 3429** (Van de Putte)

Relating to certain program and reporting duties of the Texas AgriLife Extension Service.

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

**HB 3517** (Huffman)

Relating to the provision of social security numbers by applicants for motor vehicle certificates of title.

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

**HB 3643** (Van de Putte)

Relating to public school prekindergarten classes.

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

**HB 3674** (Nelson)

Relating to the licensing requirements for a foreign-trained physician applicant.

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

**HB 3692** (Huffman)

Relating to the compensation of the members of the board of port commissioners of the Port of Port Arthur Navigation District of Jefferson County.

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

**HB 3756** (Ellis)

Relating to the Texas State Library and Archives Commission.

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

**HB 3800** (Eltife)

Relating to the designation of a portion of U.S. Highway 59 as the Trooper Scott Burns Memorial Highway.

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

**CSHB 3961** (Nelson)

Relating to the regulation of nursing.

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

**HB 4043** (Hegar)

Relating to notifications to certain purchasers of real property that may be located in an area subject to a certificate of convenience and necessity for water or sewer service.

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

**HB 4110** (Van de Putte on behalf of Uresti)

Relating to the purchase, donation, and sale of promotional items by the Texas Water Development Board.

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

**(Senator Williams in Chair)****CSHB 4114** (Zaffirini)

Relating to memorial monuments on the Capitol grounds, including the Tejano monument.

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

**CSHB 4127** (Carona)

Relating to the expenditure of public funds for certain playground facilities.

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

**HB 4154** (Nelson)

Relating to the creation by the Health and Human Services Commission of a volunteer advocate program for certain elderly individuals.

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

**HB 4231** (Eltife)

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

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

**HB 4276** (Uresti)

Relating to a transportation plan for persons furloughed or discharged from certain mental health facilities.

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

**HB 4291** (Fraser)

Relating to insurance charters and certificates of authority.

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

**CSHB 4328** (Uresti)

Relating to the establishment of the Interagency Literacy Council for the study, promotion, and enhancement of literacy in this state.

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

**HB 4339** (Fraser)

Relating to the establishment and operation of the unauthorized insurance guaranty fund.

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

**HB 4358** (Fraser)

Relating to rulemaking authority for administrative penalties assessed for violations of the Insurance Code.

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

**HB 4706** (Uresti)

Relating to the compensation of a member of the board of directors of the Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1.

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

**HB 4762** (Uresti)

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

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

**HCR 18** (Jackson)

Designating the Texas toad as the official State Amphibian of Texas.

(viva voce vote)

**HCR 57** (Jackson on behalf of Williams)

Authorizing the lieutenant governor and speaker to appoint interim joint committees.

(viva voce vote)

**HCR 86** (Lucio)

Memorializing Congress in support of establishing a veterans hospital in the Rio Grande Valley.

(viva voce vote)

**HCR 176** (Jackson on behalf of Williams)

Expressing continued support for the establishment of a Juneteenth memorial monument on the grounds of the State Capitol at the location previously approved by the State Preservation Board.

(viva voce vote)

**CSSB 2277** (Ellis)

Relating to authorizing certain entities in the legislative branch to provide student loan repayment assistance to employees who are attorneys.

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

**SB 2487** (Estes)

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

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

**BILLS REMOVED FROM  
LOCAL AND UNCONTESTED CALENDAR**

Senator Shapleigh and Senator Williams requested in writing that **CSHB 783** be removed from the Local and Uncontested Calendar.

Senator Duncan and Senator Williams requested in writing that **HB 1070** be removed from the Local and Uncontested Calendar.

Senator Jackson and Senator Van de Putte requested in writing that **HB 1310** be removed from the Local and Uncontested Calendar.

**ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 9:00 a.m. adjourned, in memory of Lieutenant Stuart J. Alexander, Arnold Vera of Edinburg, James Franklin "Jim" Warren, and Eleanor Hall Pitcock, until 11:00 a.m. today.

