

# SENATE JOURNAL

EIGHTY-FIRST LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**SIXTY-FOURTH DAY**

(Friday, May 22, 2009)

The Senate met at 11:24 a.m. pursuant to adjournment and was called to order by the President.

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

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

Rabbi Kerry Baker, Congregation Kol Halev, Austin, offered the invocation as follows:

Eternal God, through whose spirit and love we learn to become more human, help us gain the insight to know what is good and true. We who have been brought into Your service need to strengthen our hearts in these days of tension and perplexity. Inspire us to release those reservoirs of spirit and mind which can make us truly partners with You in the work of justice and peace. Grant us patience and hopefulness in our daily tasks. Give us love for truth above cleverness, for people above things. Awaken in us a desire to find You so that we may find ourselves, and in finding ourselves to make the noblest use of our minds and our bodies throughout our years, especially our years of service. Grant us new ties of friendship, new opportunities of service to humanity, refreshed joy in the welfare of our constituents, and renewed sympathy with men and women of all creeds and races who are in need of care and attention. Keep us far from unproductive pride and from clinging to outgrown ways, from blindness that will not see the need for change, and from impatient judgments toward those who differ from us. We thank You for granting us the sacred privilege of participating in this assembly. We are grateful that in our time, we can witness a world that we can help develop, a world of peace, love, and understanding. Make us Your instruments so that even in these imperiled times, all "nations, east and west, north and south . . . may rejoice and sing for joy," in peace and in brotherhood, because we have chosen to be Your partners in building a better world. *Keyn yehi ratzon.* May it be Your will. And let us say, 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-SPONSORS OF HOUSE BILL 63**

On motion of Senator Nelson, Senators Uresti and Van de Putte will be shown as Co-sponsors of **HB 63**.

**CO-SPONSOR OF HOUSE BILL 4067**

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

**CO-SPONSOR OF HOUSE BILL 4102**

On motion of Senator Carona, Senator Lucio will be shown as Co-sponsor of **HB 4102**.

**CO-SPONSORS OF HOUSE BILL 4294**

On motion of Senator Shapiro, Senators Averitt and Uresti will be shown as Co-sponsors of **HB 4294**.

**CO-SPONSOR OF HOUSE JOINT RESOLUTION 7**

On motion of Senator Hinojosa, Senator Lucio will be shown as Co-sponsor of **HJR 7**.

**CO-SPONSOR OF HOUSE JOINT RESOLUTION 39**

On motion of Senator Ellis, Senator Zaffirini will be shown as Co-sponsor of **HJR 39**.

**MESSAGE FROM THE GOVERNOR**

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas

May 21, 2009

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

On February 10, 2009, I submitted the name of Will Harrell for appointment as the Texas Youth Commission Independent Ombudsman for a term to expire February 1, 2011.

Because he resigned, I hereby withdraw his nomination and request that the Senate return the appointment to me.

Respectfully submitted,

/s/Rick Perry

Governor

**SENATE CONCURRENT RESOLUTION 76**

The President laid before the Senate the following resolution:

WHEREAS, The Legislature of the State of Texas takes pleasure in recognizing Saint Mary's University on the inaugural year of its newly created legislative internship program and in commending the exemplary students who are this year's participants; and

WHEREAS, The Frank Madla, Jr., and Irma Rangel Legislative Internship Program provides an opportunity for graduate and undergraduate students who are interested in the legislative process or who wish to pursue a career in state policy to experience work in a legislative environment through hands-on participation; and

WHEREAS, The internship program is named for two of the university's alumni who worked their way to greatness from modest beginnings; both the late Honorable Frank Madla, Jr., and the late Honorable Irma Rangel had a significant impact on San Antonio and South Texas through their outstanding service in the Texas Legislature; and

WHEREAS, Senator Madla served for 20 years as a member of the Texas House of Representatives, where he was an outspoken advocate for health care and education, and during his 13-year tenure in the Senate, he was honored repeatedly for his service to the state; his accolades include Texas Medicine's Best Legislator Award; and

WHEREAS, Representative Rangel was the first Mexican American woman elected to the Texas Legislature, where she went on to serve for 26 years; she is noted for her exceptional work as a proponent of higher education and of equal rights for minorities and the poor; she was the recipient of multiple honors for her pioneering service, including induction into the Texas Women's Hall of Fame in 1994; and

WHEREAS, The internship program is designed to inspire students to follow in the footsteps of such legends; it gives participants insight into the legislative process and challenges them to make a difference in their communities; the admission standards are high, and the students selected must commit to working in Austin for at least 40 hours per week while completing six credit hours of course work; and

WHEREAS, Participants are placed in legislative offices as staff members with responsibilities and duties ranging from assistant committee clerk to legislative policy analyst; they must develop a keen understanding not only of legislative policy, but of the inherent intricacies of the Texas Legislature as an entity; and

WHEREAS, The undergraduate students chosen as this year's interns are Andrea Chavez, in the office of Representative David Leibowitz; Carolina Hernandez and Sarah Linares, in the office of Representative Joaquin Castro; Mark Reyna, in the office of Senator Carlos Uresti; and Matthew Reyna, in the office of Senator John Carona; the graduate students are Ayed Ahababi, in the office of Representative Roland Gutierrez; Saad Aldosari, in the office of Representative Tara Rios Ybarra; and Sherita Simmons, in the office of Senator Leticia Van de Putte; and

WHEREAS, These interns have received weekly on-site classroom instruction and have become familiar with the inner workings of the Texas House of Representatives and Senate while learning how to research and draft legislation, analyze policy, and interact with constituents and the press; and

WHEREAS, The program benefits from the assistance and direction of Professor Arturo Vega, who serves as its on-campus coordinator, and David C. Courreges, who serves as the on-site adjunct professor; and

WHEREAS, Saint Mary's University is well known for its long-standing tradition of instilling in its students the spirit of public service, and its legislative internship program will be a valuable asset in preparing its graduates to take on leadership roles in their communities and in the governmental arena; now, therefore, be it

RESOLVED, That the 81st Legislature of the State of Texas hereby commend Saint Mary's University on implementing the Frank Madla, Jr., and Irma Rangel Legislative Internship Program and extend congratulations to this year's interns, who have distinguished themselves in their challenging roles; and, be it further

RESOLVED, That a copy of this resolution be prepared in honor of this exemplary program.

URESTI  
CARONA  
VAN DE PUTTE

**SCR 76** was read.

On motion of Senator Uresti, the resolution was considered immediately and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of the resolution.

#### **GUESTS PRESENTED**

Senator Uresti, joined by Senators Carona and Lucio, was recognized and introduced to the Senate Mark Reyna, Sherita Simmons, and Carolina Hernandez, representing the Frank Madla, Jr., and Irma Rangel Legislative Internship Program, accompanied by Marc Lumley, nephew of Irma Rangel, and his son, Claude Lumley.

The Senate welcomed its guests.

#### **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 98, SB 518, SB 527, SB 554, SB 633, SB 650, SB 711, SB 776, SB 847, SB 894, SB 1027, SB 1236, SB 1681, SB 1806, SB 1814, SB 1847, SB 1929.**

#### **PHYSICIANS OF THE DAY**

Senator Watson was recognized and presented Drs. John and Judith Egerton of Austin as the Physicians of the Day.

The Senate welcomed the Egertons and thanked them for their participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

**INTRODUCTION OF  
BILLS AND RESOLUTIONS POSTPONED**

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

There was no objection.

**GUESTS PRESENTED**

Senator Whitmire was recognized and introduced to the Senate Roberta "Birdie" Kuempel, wife of Representative Edmund Kuempel, and their family members.

The Senate welcomed its guests.

**RECESS**

On motion of Senator Whitmire, the Senate at 11:55 a.m. recessed until 12:30 p.m. today.

**AFTER RECESS**

The Senate met at 12:32 p.m. and was called to order by the President.

**RECESS**

On motion of Senator Shapleigh, the Senate at 12:32 p.m. recessed until 1:30 p.m. today.

**AFTER RECESS**

The Senate met at 2:22 p.m. and was called to order by the President.

**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 President at 2:22 p.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE  
SENATE BILL 2539 ON SECOND READING**

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 2539** at this time on its second reading:

**CSSB 2539**, Relating to the creation of the Comal County Water Control and Improvement District No. 6; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

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 2539 ON THIRD READING**

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 2539** 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)

**(Senator Averitt in Chair)**

**COMMITTEE SUBSTITUTE  
SENATE BILL 2540 ON SECOND READING**

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 2540** at this time on its second reading:

**CSSB 2540**, Relating to the creation of the Comal County Water Control and Improvement District No. 5; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

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 2540 ON THIRD READING**

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 2540** 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 1722 ON SECOND READING**

On motion of Senator Uresti and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1722** at this time on its second reading:

**CSHB 1722**, Relating to the proceedings that may be referred to and the powers of a criminal law magistrate in Bexar County.

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 1722 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 **CSHB 1722** 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)

**(President in Chair)**

**HOUSE BILL 605 ON SECOND READING**

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 605** at this time on its second reading:

**HB 605**, Relating to mileage reimbursement for state employees.

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

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

Absent-excused: Ogden.

**HOUSE BILL 605 ON THIRD READING**

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 605** 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 1255 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 1255** at this time on its second reading:

**HB 1255**, Relating to an interlocal contract for a relief highway route around 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 1255 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 1255** 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 1134 ON SECOND READING**

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1134** at this time on its second reading:

**HB 1134**, Relating to the authority of the Dallas County Flood Control District No. 1 to enter into a tax abatement agreement and to designate a reinvestment zone.

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 1134 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1134** 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 4541 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 4541** at this time on its second reading:

**HB 4541**, Relating to the transfer of certain state property from the Texas Department of Public Safety to Webb County.

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 4541 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 4541** 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 22, 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:**

**SCR 76**, Commending Saint Mary's University on implementing the Frank Madla, Jr., and Irma Rangel Legislative Internship Program.

Respectfully,

/s/Robert Haney, Chief Clerk

House of Representatives

#### **SENATE RULE 5.14(a) SUSPENDED (Intent Calendar)**

On motion of Senator Williams and by unanimous consent, Senate Rule 5.14(a), requiring bills to be posted on the Intent Calendar by 3:00 p.m., was suspended and the time was extended to 5:00 p.m. today for the May 23, 2009, Intent Calendar.

**HOUSE BILL 3554 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 3554** at this time on its second reading:

**HB 3554**, Relating to the appointment of an associate judge to serve a district court in Brazoria County.

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 3554 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 3554** 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 768 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 768** at this time on its second reading:

**HB 768**, Relating to the requirement that a new road ordered by the commissioners court of a county be laid out by a jury of view.

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 768 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 768** 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 4781 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 4781** at this time on its second reading:

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

The bill was read second time.

Senator Seliger offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **HB 4781** (Senate committee printing) by adding the following appropriately numbered SECTIONS:

SECTION \_\_\_\_\_. Section 351.102, Tax Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) An eligible central municipality or a municipality with a population of 173,000 or more that is located within two counties may pledge the revenue derived from the tax imposed under this chapter from a hotel project that is owned by or located on land owned by the municipality or, in an eligible central municipality, by a nonprofit corporation acting on behalf of an eligible central municipality, and that is located within 1,000 feet of a convention center facility owned by the municipality for the payment of bonds or other obligations issued or incurred to acquire, lease, construct, and equip the hotel and any facilities ancillary to the hotel, including shops and parking facilities. For bonds or other obligations issued under this subsection, an eligible central municipality or a municipality with a population of 173,000 or more that is located within two counties may only pledge revenue or other assets of the hotel project benefiting from those bonds or other obligations.

(b-1) A municipality with a population of 173,000 or more that is located within two counties and is not an eligible central municipality may not pledge revenue under Subsection (b) in relation to a particular hotel project after the earlier of:

(1) the 20th anniversary of the date the municipality first pledged the revenue to the hotel project; or

(2) the date the revenue pledged to the hotel project equals 40 percent of the hotel project's total construction cost.

SECTION \_\_\_\_\_. Subsection (b), Section 1504.001, Government Code, is amended to read as follows:

(b) An eligible central municipality, as defined by Section 351.001, Tax Code, or a municipality with a population of 173,000 or more that is located within two counties may establish, acquire, lease as lessee or lessor, construct, improve, enlarge, equip, repair, operate, or maintain a hotel, and any facilities ancillary to the hotel, including shops and parking facilities, that are owned by or located on land owned by the municipality or by a nonprofit corporation acting on behalf of the municipality, and that is located within 1,000 feet of a convention center facility owned by the municipality.

SECTION \_\_\_\_\_. Subsection (b), Section 1504.002, Government Code, is amended to read as follows:

(b) An eligible central municipality, as defined by Section 351.001, Tax Code, or a municipality with a population of 173,000 or more that is located within two counties by ordinance may issue bonds or incur other obligations to acquire, lease, construct, or equip a facility described by Section 1504.001(b).

The amendment to **HB 4781** 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 Uresti and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**HB 4781** 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 4781 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 4781** 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 3983 ON SECOND READING**

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 3983** at this time on its second reading:

**CSHB 3983**, Relating to certain homestead preservation reinvestment zones.

The bill was read second time.

Senator Davis offered the following amendment to the bill:

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

Amend **CSHB 3983** (Senate committee report) between SECTION 3 and SECTION 4 of the bill (page 2, between lines 8 and 9), by inserting the following new SECTIONS 4 and 5, and renumbering the following SECTION accordingly:

SECTION 4. Subsection (b), Section 311.010, Tax Code, is amended to read as follows:

(b) The board of directors of a reinvestment zone and the governing body of the municipality or county that creates a reinvestment zone may each enter into agreements as the board or the governing body considers necessary or convenient to implement the project plan and reinvestment zone financing plan and achieve their purposes. An agreement may provide for the regulation or restriction of the use of land by imposing conditions, restrictions, or covenants that run with the land. An agreement may during the term of the agreement dedicate, pledge, or otherwise provide for the use of revenue in the tax increment fund to pay any project costs that benefit the reinvestment zone, including project costs relating to the cost of buildings, schools, or other educational facilities owned by or on behalf of a school district, community college district, or other political subdivision of this state, railroad or transit facilities, affordable housing, the remediation of conditions that contaminate public or private land or buildings, the preservation of the facade of a private or public building, ~~or~~ the demolition of public or private buildings, or the construction of a road, sidewalk, or other public infrastructure in or out of the zone, including the cost of acquiring the real property necessary for the construction of the road, sidewalk, or other public infrastructure. An agreement may dedicate revenue from the tax increment fund to pay the costs of providing affordable housing or areas of public assembly in or out of the zone. ~~[An agreement may dedicate revenue from the tax increment fund to pay a neighborhood enterprise association for providing services or carrying out projects authorized under Subchapters E and G, Chapter 2303, Government Code, in the zone. The term of an agreement with a neighborhood enterprise association may not exceed 10 years.]~~

SECTION 5. Subsection (g), Section 311.013, Tax Code, is amended to read as follows:

(g) Subject to the provisions of Section 311.0125, in lieu of permitting a portion of its tax increment to be paid into the tax increment fund, and notwithstanding the provisions of Section 312.203, a taxing unit, including [other than] a municipality [city], may elect to offer the owners of taxable real property in a reinvestment zone created under this chapter an exemption from taxation of all or part of the value of the property. To be effective, an [Any] agreement to exempt real property [concerning an exemption] from ad valorem taxes under this subsection must be approved by:

- (1) the board of directors of the reinvestment zone; and
- (2) the governing body of each taxing unit that imposes taxes on real property in the reinvestment zone and deposits or agrees to deposit any of its tax increment into the tax increment fund for the zone [shall be executed in the manner and subject to the limitations of Chapter 312; provided, however, the property covered by the agreement need not be in a zone created pursuant to Chapter 312. A taxing unit may not offer a tax abatement agreement to property owners in the zone after it has entered into an agreement that its tax increments would be paid into the tax increment fund pursuant to Subsection (f)].

The amendment to **CSHB 3983** was read.

### POINT OF ORDER

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

### POINT OF ORDER WITHDRAWN

Senator Harris withdrew the point of order.

Question recurring on the adoption of Floor Amendment No. 1 to **CSHB 3983**, the amendment 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 **CSHB 3983** (Senate committee printing) as follows:

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

SECTION \_\_\_\_ . STUDY REGARDING CIRCUIT BREAKER PROGRAMS.

(a) In this section, "circuit breaker program" means a program that limits the amount of ad valorem taxes that may be imposed on a residence homestead based on the owner's annual income.

(b) The comptroller shall conduct a study to examine circuit breaker programs as a means of expanding and protecting the homestead interests of low-income and moderate-income families.

(c) The limitations set out in Section 373A.003 shall not apply to this section.

(d) Before collecting information for purposes of the study, the comptroller shall establish an advisory committee to assist the comptroller in conducting the study. The advisory committee must be composed of representatives of:

(1) school districts and other taxing units;

(2) home builders;

(3) real estate agents;

(4) mortgage lenders;

(5) financial agencies involved in mortgage markets;

(6) organizations interested in housing for low-income and moderate-income households;

(7) organizations interested in the effect of ad valorem taxes on low-income and moderate-income households;

(8) organizations interested in the effect of public policy on low-income and moderate-income households; and

(9) other appropriate, interested organizations or members of the public, as determined by the comptroller.

(e) The comptroller, with the assistance of the advisory committee, shall study:

(1) methods to implement a circuit breaker program, including the use of rebates or tax credits;

(2) methods to create a simple, transparent process for the owner of a residence homestead to apply for and receive a limitation on the amount of ad valorem taxes that may be imposed on the homestead under a circuit breaker program;

(3) the effects of different designs of a circuit breaker program, including the effect of:

(A) limiting which taxing units are involved;

(B) basing eligibility on a maximum annual income level;

(C) limiting the dollar amount of the benefit that a property owner could receive in the program; and

(D) basing eligibility on a minimum ratio of residence homestead ad valorem taxes imposed to annual income, including a progressive scale of minimum ratios based on annual income; and

(4) methods to ensure the reliability of a property owner's statement of annual income.

(f) The comptroller and the advisory committee shall analyze the information studied and prepare a report that:

(1) describes the parameters, techniques, and legal assumptions established under Subsection (d) of this section that were used in conducting the study;

(2) estimates the benefit of alternative designs of a circuit breaker program for property owners in various annual income brackets and with varying amounts of residence homestead ad valorem tax liability, including an estimate of the percentage of property owners in various annual income brackets that would benefit and the dollar amount of the benefit to those property owners;

(3) estimates the cost to the state and taxing units of implementing alternative designs of a circuit breaker program, including the percentage by which the amount of ad valorem taxes collected would be reduced;

(4) analyzes the effects on this state's economy of implementing a circuit breaker program, including the effect on home ownership rates, the residential housing market, and economic development; and

(5) specifies any necessary statutory changes the comptroller and the advisory committee determine are necessary to implement a circuit breaker program described by the study.

(g) The comptroller may contract with appraisal districts, taxing units, or other appropriate organizations for assistance and to obtain information necessary to conduct the study. A state agency, appraisal district, or taxing unit shall assist the comptroller if the comptroller requests information or assistance in conducting the study.

(h) Not later than December 1, 2010, the comptroller shall submit to the governor, lieutenant governor, and speaker of the house of representatives the report prepared under Subsection (e) of this section.

(i) This article expires September 1, 2011.

The amendment to **CSHB 3983** 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 Watson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSHB 3983** 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 3983 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 **CSHB 3983** 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 783 ON SECOND READING**

On motion of Senator Shapleigh and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 783** at this time on its second reading:

**CSHB 783**, Relating to the liability of an electric utility that allows recreational use of land that the utility owns, occupies, or leases.

The bill was read second time.

Senator Huffman offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSHB 783** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 75.0021(c), Civil Practice and Remedies Code (page 1, line 34), following "in" insert the following:

":

(1)".

(2) In SECTION 1 of the bill, in added Section 75.0021(c), Civil Practice and Remedies Code (page 1, line 36), between "border" and the period, insert the following:

; or

(2) a municipal management district located in a municipality with a population of more than 1.9 million

The amendment to **CSHB 783** was read.

**POINT OF ORDER**

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

**POINT OF ORDER WITHDRAWN**

Senator West withdrew the point of order.

Senator Shapleigh moved to postpone further consideration of **CSHB 783** to a time certain of 3:40 p.m. today.

The motion prevailed.

Question — Shall Floor Amendment No. 1 to **CSHB 783** be adopted?

**HOUSE BILL 4540 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 4540** at this time on its second reading:

**HB 4540**, Relating to disposition of proceeds from the development or sale of the rights to natural resources or minerals in land held by Webb County for the county permanent school fund.

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 4540 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 4540** 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 Gallegos was recognized and introduced to the Senate sixth-grade students and their teacher from Port of Houston Elementary School.

The Senate welcomed its guests.

**HOUSE BILL 1749 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 1749** at this time on its second reading:

**HB 1749**, Relating to the issuance of marine conservation specialty license plates.

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 1749 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 1749** 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 1425 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 1425** at this time on its second reading:

**HB 1425**, Relating to the determination of the population of a county required to develop a juvenile justice alternative education 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.

#### **HOUSE BILL 1425 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 1425** 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 3544 ON SECOND READING**

On motion of Senator Fraser and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 3544** at this time on its second reading:

**CSHB 3544**, Relating to electronic notices by the Texas Commission on Environmental Quality, electronically stored information provided by a governmental body, and confidentiality of e-mail addresses provided to a governmental body.

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 3544 ON THIRD READING**

Senator Fraser moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 3544** 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 3148 ON SECOND READING**

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 3148** at this time on its second reading:

**CSHB 3148**, Relating to exempting certain young persons who are convicted of an offense involving consensual sex from the requirement of registering as a sex offender in this state.

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 3148 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 3148** 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 3004 ON SECOND READING**

On motion of Senator Jackson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 3004** at this time on its second reading:

**CSHB 3004**, Relating to animal shelter standards; providing a civil penalty.

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 3004 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 **CSHB 3004** 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 783 ON SECOND READING**

The President laid before the Senate **CSHB 783** by Senator Shapleigh on its second reading. The bill had been read second time, an amendment offered, and further consideration postponed to a time certain of 3:40 p.m. today:

**CSHB 783**, Relating to the liability of an electric utility that allows recreational use of land that the utility owns, occupies, or leases.

Question — Shall Floor Amendment No. 1 to **CSHB 783** be adopted?

The amendment to **CSHB 783** 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 Shapleigh and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSHB 783** 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 783 ON THIRD READING**

Senator Shapleigh moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 783** 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 39 ON SECOND READING**

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration **HJR 39** at this time on its second reading:

**HJR 39**, Post-ratifying Amendment XXIV to the Constitution of the United States prohibiting the denial or abridgment of the right to vote for failure to pay any poll tax or other tax.

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 39 ON THIRD READING**

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HJR 39** 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 2531 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 2531** at this time on its second reading:

**CSHB 2531**, Relating to a reporting requirement regarding the Texas emerging technology fund.

The bill was read second time.

Senator Shapiro offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSHB 2531** (Senate committee printing) as follows:

(1) In the recital to SECTION 1 of the bill (page 1, line 14), strike "Section 490.005" and substitute "Sections 490.005 and 490.006".

(2) In SECTION 1 of the bill (page 1, between lines 14 and 15}, insert the following:

Sec. 490.005. AUTHORITY TO CONTRACT WITH AN OUTSIDE ENTITY.

(a) In this section, "investment portfolio" means the stocks or other securities of the fund that:

(1) are held by the governor from time to time; and

(2) were received by the governor in consideration for an award made from the fund under Subchapter D.

(b) The governor may contract with an outside entity to:

(1) assist in the negotiation and drafting of contracts between the governor and a recipient of an award under this chapter;

(2) oversee outstanding awards and monitor compliance with a contract described by Subdivision (1);

(3) evaluate the fund's investment portfolio;

(4) advise the office of the governor regarding the value and performance of the investment portfolio; and

(5) assist the governor in preparing the annual report required by Section 490.006.

(c) A contract described by Subsection (b) may provide for the outside entity to receive compensation from the fund each year.

(d) An outside entity with which the governor contracts under this section must have substantial experience in evaluating institutional investment practices and performance in order to evaluate fund investment practices and performance.

(3) In SECTION 1 of the bill, in added Section 490.005, Government Code (page 1, line 15), strike "Sec. 490.005" and substitute "Sec. 490.006".

(4) In SECTION 1 of the bill, strike added Section 490.005(a), Government Code (page 1, lines 15 through 20), and substitute the following:

(a) In this section, "investment portfolio" has the meaning assigned by Section 490.005.

(5) In SECTION 2 of the bill (page 1, line 62), strike "Section 490.005" and substitute "Section 490.006".

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

SECTION \_\_\_\_\_. Section 490.057, Government Code, is transferred to Subchapter A, Chapter 490, Government Code, renumbered as Section 490.004, Government Code, and amended to read as follows:

Sec. 490.004 [~~490.057~~]. CERTAIN INFORMATION CONFIDENTIAL [CONFIDENTIALITY]. (a) Except as provided by Subsection (d), this section applies to information in any form provided by or on behalf of an individual or entity being considered for an award from the fund or a recipient of an award from the fund, including:

(1) information contained in, accompanying, or derived from any application; and

(2) information [Information collected by the governor's office, the committee, or the committee's advisory panels] concerning the identity, background, finance, marketing plans, trade secrets, or other commercially or academically

sensitive information of the ~~an~~ individual or entity ~~[being considered for an award from the fund is confidential unless the individual or entity consents to disclosure of the information].~~

(b) The information described by Subsection (a) collected, assembled, or maintained by or for the governor, the lieutenant governor, the speaker of the house of representatives, the committee, or the committee's advisory panels is confidential and may not be disclosed under Chapter 552.

(c) Any application for an award from the fund that is withdrawn by the applicant before the award is made or that is denied shall be returned to the applicant promptly on request, together with all materials submitted by or on behalf of the applicant that relate to the application, except that a record of the submission and disposition of the application that does not include any information described by Subsection (a) may be retained.

(d) Not later than the 10th business day after the date a contract for an award from the fund is entered into under Section 490.101, the governor's office shall prepare a summary of the contract and shall make the summary available to the public. The summary must include the award recipient's name and address, the amount of funding applied for, and the type of emerging technology to which the award relates. The summary must not include any confidential information.

SECTION \_\_\_\_\_. Subsection (a), Section 490.102, Government Code, is amended to read as follows:

(a) Money appropriated to the fund by the legislature, less amounts necessary to administer the fund under Section 490.055, shall be allocated as follows:

(1) 60 ~~50~~ percent of the money for incentives for collaboration between certain entities as provided by Subchapter D;

(2) 10 ~~16.67~~ percent of the money for research award matching as provided by Subchapter E; and

(3) 30 ~~33.33~~ percent of the money for acquisition of research superiority as provided by Subchapter F.

SECTION \_\_\_\_\_. Subchapter C, Chapter 490, Government Code, is amended by adding Section 490.104 to read as follows:

Sec. 490.104. TRANSFERS BETWEEN TEXAS EMERGING TECHNOLOGY FUND AND TEXAS ENTERPRISE FUND. Notwithstanding any other law, including an appropriations act, the governor may not, without the prior written approval of the Legislative Budget Board:

(1) make an award or transfer otherwise authorized by law from the Texas emerging technology fund to the Texas Enterprise Fund under Section 481.078 for purposes of making a grant or other expenditure from the Texas Enterprise Fund; or

(2) make a grant or transfer otherwise authorized by law from the Texas Enterprise Fund to the Texas emerging technology fund for purposes of making an award or other expenditure from the Texas emerging technology fund.

SECTION \_\_\_\_\_. Subsection (a), Section 490.253, Government Code, is amended to read as follows:

(a) The committee shall review and consider proposals by public institutions of higher education for:

(1) creating new research superiority;

(2) attracting existing research superiority from institutions of higher education not located in this state [~~and other research entities~~]; [~~or~~]

(3) attracting existing research superiority from entities other than institutions of higher education, whether those entities are located in or outside this state;

(4) enhancing existing research superiority by attracting from institutions of higher education located outside this state additional researchers and resources; or

(5) enhancing existing research superiority by attracting additional researchers and resources from entities other than institutions of higher education, whether those entities are located in or outside this state.

The amendment to **CSHB 2531** 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 2531** 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 2531 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 2531** 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 2571 ON SECOND READING**

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2571** at this time on its second reading:

**CSHB 2571**, Relating to the licensing and regulation of towing companies and vehicle storage facilities; providing penalties.

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSHB 2571** (Senate committee printing) as follows:

(1) In SECTION 3 of the bill, strike added Section 2308.0575(b), Occupations Code (page 2, lines 30 through 36), and substitute the following:

(b) In adopting rules under Subsection (a), the commission shall contract for a study that:

(1) examines nonconsent towing fee studies conducted by municipalities in this state; and

(2) analyzes for private property tows the cost of services by company, the consumer price index, the geographic area, and individual cost components.

(2) In SECTION 5 of the bill, in the heading to amended Section 2308.204, Occupations Code (page 2, line 63), strike "NONCONSENT" and substitute "PRIVATE PROPERTY [~~NONCONSENT~~]".

(3) In SECTION 5 of the bill, in amended Section 2308.204, Occupations Code (page 2, line 68), strike "~~from private property~~" and substitute "from private property".

(4) In SECTION 17 of the bill, strike amended Section 2308.458(b), Occupations Code (page 5, lines 40 through 48), and substitute the following:

(b) The court shall notify the person who requested the hearing, the parking facility owner [~~person~~] or law enforcement agency that authorized the removal of the vehicle, the towing company, and the vehicle storage facility in which the vehicle was placed of the date, time, and place of the hearing in a manner provided by Rule 21a, Texas Rules of Civil Procedure. The notice of the hearing to the towing company and the parking facility owner [~~person~~] or law enforcement agency that authorized the removal of the vehicle shall include a copy of the request for hearing.

(5) In SECTION 18 of the bill, in added Section 2308.460(b), Occupations Code (page 5, line 57), immediately following the period, insert "The department must provide notice of the suspension to the license holder at least 30 days before the date the license is to be suspended.".

(6) In SECTION 20 of the bill (page 6, line 14), strike "April" and substitute "September".

(7) In SECTION 22 of the bill, strike Subsection (b) of that section (page 6, lines 29 and 30) and substitute the following:

(b) Section 2308.0575, Occupations Code, as added by this Act, takes effect September 1, 2010.

The amendment to **CSHB 2571** 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 ANNOUNCED PRESENT**

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

Senator Nelson offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **CSHB 2571** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 2303.155, Occupations Code, is amended by amending Subsection (b) and adding Subsection (h) to read as follows:

(b) Except as provided by Subsection (h), the [The] operator of a vehicle storage facility or governmental vehicle storage facility may charge the owner of a vehicle stored or parked at the facility:

(1) a notification fee set in a reasonable amount for providing notice under this subchapter, including notice under Section 2303.154(c);

(2) an impoundment fee of \$20 for any action that:

(A) is taken by or at the direction of the owner or operator of the facility; and

(B) is necessary to preserve, protect, or service a vehicle stored or parked at the facility;

(3) a daily storage fee of:

(A) not less than \$5 and not more than \$20 for each day or part of a day the vehicle is stored at the facility if the vehicle is not longer than 25 feet; or

(B) \$35 for each day or part of a day the vehicle is stored at the facility if the vehicle is longer than 25 feet; and

(4) any fee that is required to be submitted to a law enforcement agency, the agency's authorized agent, or a governmental entity.

(h) The operator of a vehicle storage facility or governmental vehicle storage facility may not charge a fee under Subsection (b) to the owner of a vehicle stored or parked at the facility as a result of recovery of the vehicle after being stolen if the vehicle owner provides the operator with a copy of the police report or similar report prepared by any law enforcement agency showing that the vehicle was reported stolen.

The amendment to **CSHB 2571** was read and was adopted by the following vote: Yeas 30, Nays 1.

Nays: Williams.

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

**CSHB 2571** as amended was passed to third reading by a viva voce vote.

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

**COMMITTEE SUBSTITUTE  
HOUSE BILL 2571 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 **CSHB 2571** be placed on its third reading and final passage.

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

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

**SENATE CONCURRENT RESOLUTION 72  
ON SECOND READING**

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

**SCR 72**, Granting Gulf Energy Exploration Corporation permission to sue the Railroad Commission of Texas.

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

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

Nays: Duncan, Fraser, Huffman, Ogden, Patrick, Williams.

The resolution was read second time and was adopted by the following vote: Yeas 25, Nays 6. (Same as previous roll call)

**HOUSE BILL 2130 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 **HB 2130** at this time on its second reading:

**HB 2130**, Relating to the assistance of the Texas Rangers in the investigation of certain sex offenses.

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

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

**HOUSE BILL 2130 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 **HB 2130** be placed on its third reading and final passage.

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

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

**HOUSE BILL 587 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 587** at this time on its second reading:

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

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

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

**HOUSE BILL 587 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 587** be placed on its third reading and final passage.

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

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

**SENATE RULES SUSPENDED  
(Posting Rules)**

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

**HB 229, HB 1295, HB 1420, HB 1664, HB 2053, HB 2668, HB 2826, HB 3526, HB 3335, HB 3550, HB 3834, HB 3838, HB 4218, HB 4438, HB 4735, HB 4785, HB 4808, HJR 128, HCR 119, HCR 120.**

**SENATE RULES SUSPENDED  
(Posting Rules)**

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

**HB 90, HB 148, HB 358, HB 719, HB 824, HB 1193, HB 1485, HB 1570, HB 1720, HB 2181, HB 2525, HB 2656, HB 2685, HB 2847, HB 3069, HB 3445, HB 4560, HB 4519.**

**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 2307, HB 3215, HB 3425, HB 3669, HB 4829, HB 4738, HB 4818, HB 4830, HB 1013.**

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

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

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

On motion of Senator Averitt and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Natural Resources might meet tomorrow.

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

On motion of Senator Carona and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Transportation and Homeland Security might meet and consider the following bills today: **HB 2012, HB 4594.**

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

On motion of Senator Lucio and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on International Relations and Trade might meet and consider the following bill and resolution today: **HB 2308, HCR 47.**

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

On motion of Senator Zaffirini and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Higher Education might meet and consider the following bills today: **HB 101, HB 2347.**

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

On motion of Senator Wentworth and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Jurisprudence might meet and consider the following bills and resolution today: **HB 1665, HB 1968, HB 3075, HB 3876, HB 4685, HB 4793, HB 765, HCR 22.**

**HOUSE BILL 3417 REREFERRED**

Senator Lucio submitted a Motion In Writing requesting that **HB 3417** be withdrawn from the Committee on Criminal Justice and rereferred to the Committee on International Relations and Trade.

The Motion In Writing prevailed without objection.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**SR 975** by Uresti, In memory of Ranney Vernon Hood of San Antonio and Von Ormy.

**SR 977** by Hinojosa, In memory of Severo "Kid" Balboa, Jr., of Corpus Christi.

**SR 979** by Hinojosa, In memory of Arnold Vera, Jr.

**Congratulatory Resolutions**

**SR 976** by Deuell, Recognizing James William Wyant III on the occasion of his graduation from The University of Texas at Dallas.

**SR 980** by Watson, Recognizing Mary Wallin on the occasion of her retirement from the Texas Commission on Environmental Quality.

**SR 981** by Watson, Recognizing the 2009 class of Akins New Tech High School in Austin on the occasion of its graduation.

**SR 982** by Watson, Recognizing Kimberly Lynn "Kim" Kiplin on the occasion of her 50th birthday.

**SR 983** by Patrick, Congratulating John A. Heath for being named one of Houston's "Top 40 Under 40" by the *Houston Business Journal*.

**SR 984** by Davis, Commending Joe Hidrogo for establishing Round 1 Boxing Gym in Fort Worth.

### **Official Designation Resolution**

**SR 978** by Nelson, Recognizing June 7, 2009, as 9-1-1 Heroes and Dispatchers Day and June 7 through June 13, 2009, as 9-1-1 for Kids Education Week.

### **ADJOURNMENT**

On motion of Senator Whitmire, the Senate at 5:08 p.m. adjourned until 10:00 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 22, 2009

ADMINISTRATION — **HCR 81, HCR 152, HB 118, CSHB 339, HB 1973, HB 2664, CSHB 2908**

STATE AFFAIRS — **HJR 127, HB 2524, HB 2690, HB 3552, HB 3922**

CRIMINAL JUSTICE — **SCR 54, HB 140, HB 176, HB 221, CSHB 666, HB 853, HB 1321, HB 1343, HB 1360, HB 1372, HB 1750, HB 2002, HB 2003, CSHB 2086, HB 2236, HB 2240, HB 2799, HB 2808, HB 2846, HB 2916, HB 3201, HB 3316, HB 3385, HB 3653, HB 3654, HB 3907, HB 4009**

JURISPRUDENCE — **CSHB 3635, CSHB 3768, CSHB 4424**

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — **CSHB 269, CSHB 3452**

FINANCE — **HB 507, HB 2555, HB 2814, HB 2941**

INTERGOVERNMENTAL RELATIONS — **HB 780, HB 1063, HB 1146, HB 1230, HB 1473, HB 1596, HB 1597, HB 1598, HB 1599, HB 1600, HB 1601, HB 1691, HB 1730, HB 2022, HB 2082, HB 2102, HB 2536, HB 2692, HB 2806, HB 3287, HB 4730, HB 4754, HB 4772**

GOVERNMENT ORGANIZATION — **CSHB 1959**

BUSINESS AND COMMERCE — **HB 434, HB 534, HB 821, HB 1055, HB 2128, HB 2223, HB 2456, HB 3186, CSHB 3866, HB 4103, CSHB 4338, HB 1799**

ECONOMIC DEVELOPMENT — **HB 773, HB 1052, HB 2169, HB 3222**

INTERGOVERNMENTAL RELATIONS — **HB 2859, HB 3001, HB 3003, HB 3136, HB 3802, HB 4007, HB 4257, HB 4412, HB 4698, HB 4710, HB 4712, HB 4719, HB 4723, HB 4737, HB 4752, HB 4777, HB 4790, HB 4798**

JURISPRUDENCE — **CSHB 1012**

TRANSPORTATION AND HOMELAND SECURITY — **HB 965, HB 4064, HB 4311** (Amended)

HEALTH AND HUMAN SERVICES — **CSHB 2224, CSHB 2845, CSHB 3859**

GOVERNMENT ORGANIZATION — **CSHB 3389**

STATE AFFAIRS — **CSHB 1259, CSHB 4545**

TRANSPORTATION AND HOMELAND SECURITY — **HB 586, HB 2142, HB 3650** (Amended)

HIGHER EDUCATION — **HB 58, HB 1325, HB 2013, HB 2504, HB 3353**

JURISPRUDENCE — **HB 1285** (Amended), **CSHB 4833**

ADMINISTRATION — **CSHB 2609**

INTERGOVERNMENTAL RELATIONS — **CSHB 383, HB 781, CSHB 1174, HB 1686, CSHB 1841, HB 2035, CSHB 2212, HB 2348, CSHB 2833, CSHB 2888, HB 4711, CSHB 4722, HB 4745, CSHB 4755, HB 4759** (Amended), **HB 4800, HB 4803, HB 4815, CSHB 4817, CSHB 4828**

### **BILLS ENGROSSED**

May 21, 2009

**SB 2277, SB 2487**

### **BILLS AND RESOLUTIONS ENROLLED**

May 21, 2009

**SB 98, SB 518, SB 527, SB 554, SB 633, SB 650, SB 711, SB 776, SB 847, SB 894, SB 1027, SB 1236, SB 1681, SB 1806, SB 1814, SB 1847, SB 1929, SR 65, SR 909, SR 929, SR 937, SR 968, SR 969, SR 970, SR 971, SR 972, SR 973, SR 974**

**SENT TO GOVERNOR**May 22, 2009**SB 98, SB 518, SB 527, SB 554, SB 633, SB 650, SB 711, SB 776, SB 847, SB 894,  
SB 1027, SB 1236, SB 1681, SB 1806, SB 1814, SB 1847, SB 1929**