

SENATE JOURNAL

EIGHTY-FIRST LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

SIXTY-SIXTH DAY

(Continued)

(Tuesday, May 26, 2009)

AFTER RECESS

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

**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 Williams today.

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.

CSSB 266 (Hinojosa)

Relating to the review of information technology systems used by a state agency for compatibility with open standards.

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

CSSB 2342 (Averitt)

Relating to the regulation of certain insurers.

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

SB 2587 (Estes)

Relating to the waiver of sovereign immunity from certain suits by certain municipalities.

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

SCR 73 (Averitt)

Memorializing the United States Congress to maintain the Federal Family Education Loan Program.

(viva voce vote)

HB 108 (Estes)

Relating to persons eligible to be appointed as a receiver for certain mineral interests.
(viva voce vote) (31-0) (31-0)

HB 389 (Watson)

Relating to requirements for expedited credentialing of certain physicians by managed care plans.
(viva voce vote) (31-0) (31-0)

HB 453 (Hinojosa)

Relating to the use of auction proceeds from the sale of certain abandoned motor vehicles to compensate certain property owners.
(viva voce vote) (31-0) (31-0)

HB 527 (Zaffirini)

Relating to the removal of an appointed emergency services district board member by a county commissioners court.
(viva voce vote) (31-0) (31-0)

HB 533 (Van de Putte)

Relating to civil liability for the trafficking of persons.
(viva voce vote) (31-0) (31-0)

HB 548 (Carona)

Relating to the impoundment of certain motor vehicles involved in the commission of the offense of racing on a highway.
(viva voce vote) (31-0) (31-0)

Senator Carona offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 548** in Section 1 of the bill, on page 1, line 11, immediately following the word "facility" by adding the following:
"unless the vehicle is seized as evidence, in which case the vehicle may be taken to a storage facility as designated by the peace officer involved"

The amendment to **HB 548** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Committee Amendment No. 1.

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

HB 583 (Deuell)

Relating to expansion of the electronic eligibility information pilot project operated by the Health and Human Services Commission.
(viva voce vote) (31-0) (31-0)

HB 610 (Van de Putte)

Relating to the establishment of the Legislative Committee on Aging and other initiatives relating to the aging population of this state.
(viva voce vote) (31-0) (31-0)

HB 646 (Eltife)

Relating to the participation of this state in the Southern High-Speed Rail Compact.
(viva voce vote) (31-0) (31-0)

HB 673 (Watson)

Relating to certain services provided by the office of injured employee counsel under the workers' compensation program of this state.
(viva voce vote) (31-0) (31-0)

Senator Watson offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 673** with the following changes:

(1) On page 1, lines 13 thru 14, strike "makes unreasonable demands for office services or for" and insert the following: "requests";

(2) On page 1, line 21, between "notify" and "the", insert the following: "and cooperate with";

(2) On page 1, line 22, between "authority" and "if", insert the following: "and the Department of Insurance, Fraud Unit";

(3) On page 3, line 15, between "notify" and "appropriate", insert "and cooperate with"

The amendment to **HB 673** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Committee Amendment No. 1.

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

CSHB 748 (Duncan)

Relating to the provision of services to certain individuals with developmental disabilities by a state school or state center.
(viva voce vote) (31-0) (31-0)

CSHB 764 (Wentworth)

Relating to eligibility for assignment as a visiting judge.
(viva voce vote) (31-0) (31-0)

HB 796 (Hegar)

Relating to the disposition of property alleged to have been illegally acquired and to the use of the photographic evidence of that property in a criminal action.
(viva voce vote) (31-0) (31-0)

HB 874 (Lucio)

Relating to the abolition of the Texas Incentive and Productivity Commission and the state employee incentive program.
(viva voce vote) (31-0) (31-0)

HB 878 (Huffman)

Relating to the Sweeny Hospital District.
(viva voce vote) (31-0) (31-0)

HB 960 (Carona)

Relating to providing municipalities and counties access to criminal history record information for sexually oriented business license applicants.

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

CSHB 986 (Hinojosa)

Relating to the appeal of ad valorem tax determinations.

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

HB 1003 (Whitmire)

Relating to notice provided to certain victims or witnesses regarding certain inmates or defendants who are electronically monitored.

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

HB 1056 (Hegar)

Relating to the course levels offered by the University of Houston-Victoria.

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

HB 1138 (Davis)

Relating to information required on pharmacy benefit cards.

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

Senator Davis offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 1138** (House engrossed version) between SECTION 2 and SECTION 3 of the bill (page 3, between lines 26 and 27), by inserting the following new SECTION 3, and renumbering the following SECTIONS accordingly:

SECTION 3. Section 1369.154, Insurance Code, is amended to read as follows:

Sec. 1369.154. RULES. (a) The commissioner shall adopt rules as necessary to implement this subchapter.

(b) Rules adopted by the commissioner must be consistent with national standards established by the Workgroup for Electronic Data Interchange or by other similar organizations recognized by the commissioner.

The amendment to **HB 1138** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Committee Amendment No. 1.

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

HB 1145 (Fraser)

Relating to the appointment of election judges.

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

HB 1177 (Zaffirini)

Relating to the eligibility of certain peace officers and firefighters for legislative leave.

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

HB 1233 (Van de Putte)

Relating to the court-ordered administration of psychoactive medication to certain criminal defendants.

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

HB 1256 (Ellis)

Relating to requiring the posting of notice of voter complaint information at a polling place.

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

HB 1265 (Ellis)

Relating to the information about certain candidates required to be filed with the secretary of state.

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

HB 1448 (Ellis)

Relating to the requirements for voter registration.

(viva voce vote) Nelson "Nay" (30-1) Nelson "Nay" (30-1) Nelson "Nay"

HB 1457 (Duncan)

Relating to procedures concerning verification of certain information submitted in a voter registration application.

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

HB 1460 (Wentworth)

Relating to the contents of an application for probate of a written will.

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

HB 1474 (Harris)

Relating to the operation and regulation of charitable bingo and the use of bingo proceeds.

(viva voce vote) Huffman "Nay" (30-1) Huffman "Nay" (30-1) Huffman "Nay"

HB 1518 (Wentworth)

Relating to the addition of territory to and the amount of production fees imposed by the Trinity Glen Rose Groundwater Conservation District.

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

HB 1551 (Hinojosa)

Relating to the appointment of additional official court reporters for the district courts in Nueces County.

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

HB 1688 (Wentworth)

Relating to the rules governing a motion for new trial in juvenile cases.

(viva voce vote) (310) (310)

HB 1739 (Hegar)

Relating to a recognition week to celebrate Texas native plants.

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

HB 1757 (Van de Putte)

Relating to review of certain license examinations for insurance agents.

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

HB 1783 (Fraser)

Relating to the Internet broadcasting of Public Utility Commission of Texas and ERCOT public hearings and meetings.

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

CSHB 1787 (Wentworth)

Relating to the designation or appointment of registered agents for service of process, notice, or demand on certain entities or associations.

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

(Senator Huffman in Chair)**HB 1843** (Patrick)

Relating to the disposition of cash in possession of a deceased pauper.

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

HB 1850 (Lucio)

Relating to changing the name of the South Texas Health Care System to the Rio Grande State Center.

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

HB 1884 (Hinojosa)

Relating to authorizing the conveyance of certain state real property from the Department of State Health Services to Hidalgo County for the provision of outpatient health care services or another public purpose.

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

HB 1925 (Wentworth)

Relating to the compensation of certain court administrators.

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

HB 1960 (Lucio)

Relating to the payment for an appearance as a witness for certain peace officers and firefighters.

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

HB 1995 (Fraser)

Relating to the liability of volunteer audiologists and speech-language pathologists who provide certain speech, language, and hearing evaluations.

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

HB 2031 (Seliger)

Relating to the definition of sight order for purposes of prosecuting certain criminal offenses.

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

HB 2052 (Eltime)

Relating to electric service reliability measures.

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

HB 2168 (Watson)

Relating to the powers of a sheriff's department civil service commission in certain counties regarding an appeal of a disciplinary action.

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

HB 2228 (Nelson)

Relating to the timing of a referendum election to continue a fire control, prevention, and emergency medical services district.

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

HB 2237 (Watson)

Relating to possession by certain alcoholic beverage permit holders of certain alcoholic beverages for cooking purposes.

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

HB 2242 (Seliger)

Relating to the abolition of the Texas cultural endowment fund.

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

HB 2276 (Hinojosa)

Relating to the use of state hotel occupancy tax revenue to clean and maintain beaches in certain municipalities.

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

CSHB 2328 (Carona)

Relating to regulating employment at or by certain facilities serving the elderly or persons with disabilities and to certain acts committed against those individuals.

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

HB 2385 (Van de Putte)

Relating to the punishment for the offense of prohibited sexual conduct.

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

HB 2449 (Lucio)

Relating to requirements for county mutual insurance companies.

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

CSHB 2450 (Lucio)

Relating to the administration of programs by the Texas Department of Housing and Community Affairs in response to or in preparation for a natural disaster.

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

HB 2465 (Davis)

Relating to taking a deposition of an elderly or disabled victim of or witness to an offense.

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

HB 2502 (Duncan)

Relating to the adoption of a nonsubstantive revision of provisions of the Texas Probate Code relating to decedents' estates and the redesignation of certain other provisions of the Texas Probate Code, including conforming amendments and repeals.

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

CSHB 2515 (Harris)

Relating to certain requirements applicable to certain public contracts.

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

HB 2547 (Deuell)

Relating to the use of a description of employment in determining the safety and appropriateness of a return to employment by an injured employee.

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

HB 2585 (Uresti)

Relating to digital or electronic signatures and witness signatures on advance directives.

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

HB 2619 (Duncan)

Relating to the nonsubstantive revision of certain local laws concerning special districts, including conforming amendments.

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

Senator Duncan offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 2619** as amended by House Committee Amendment No. 1 as follows:

(1) In the recital to SECTION 1.05 of the bill, as amended by item (1) of House Committee Amendment No. 1, strike "and 8848" and substitute "8848, and 8849".

(2) In SECTION 1.05 of the bill, as amended by item (2) of House Committee Amendment No. 1, after added Chapter 8848, Special District Local Laws Code, insert the following:

CHAPTER 8849. LOST PINES GROUNDWATER CONSERVATION DISTRICT
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8849.001. DEFINITIONS

Sec. 8849.002. NATURE OF DISTRICT

Sec. 8849.003. FINDINGS OF PUBLIC USE AND BENEFIT

Sec. 8849.004. DISTRICT TERRITORY

[Sections 8849.005-8849.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8849.051. COMPOSITION OF BOARD; TERMS

Sec. 8849.052. APPOINTMENT OF DIRECTORS

Sec. 8849.053. BOARD VACANCY

Sec. 8849.054. EXPENSES

[Sections 8849.055-8849.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8849.101. GROUNDWATER CONSERVATION DISTRICT
POWERS AND DUTIES

Sec. 8849.102. AUTHORITY TO EXEMPT CERTAIN WELLS FROM
REGULATION

Sec. 8849.103. GROUNDWATER WELLS UNDER JURISDICTION OF
RAILROAD COMMISSION

Sec. 8849.104. MEMBERSHIP ON CENTRAL CARRIZO-WILCOX
COORDINATING COUNCIL

Sec. 8849.105. MANAGEMENT PLAN

Sec. 8849.106. REGIONAL COOPERATION

[Sections 8849.107-8849.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8849.151. PUMPING FEES

Sec. 8849.152. TAXES PROHIBITED

CHAPTER 8849. LOST PINES GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8849.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Director" means a board member.

(3) "District" means the Lost Pines Groundwater Conservation District.

(Acts 76th Leg., R.S., Ch. 1331, Sec. 3; Acts 77th Leg., R.S., Ch. 966, Sec. 3.0502(1); Acts 77th Leg., R.S., Ch. 1323, Sec. 2(1); New.)

Sec. 8849.002. NATURE OF DISTRICT. The district is a groundwater conservation district created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 76th Leg., R.S., Ch. 1331, Secs. 1(a) (part), (c).)

Sec. 8849.003. FINDINGS OF PUBLIC USE AND BENEFIT. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the works and projects accomplished by the district under the powers conferred by Section 59, Article XVI, Texas Constitution. (Acts 76th Leg., R.S., Ch. 1331, Sec. 4.)

Sec. 8849.004. DISTRICT TERRITORY. The district's boundaries are coextensive with the boundaries of Bastrop and Lee Counties unless the district's territory has been modified under:

(1) Subchapter J, Chapter 36, Water Code; or

(2) other law. (Acts 76th Leg., R.S., Ch. 1331, Sec. 2(a) (part); Acts 77th Leg., R.S., Ch. 966, Sec. 3.0503; Acts 77th Leg., R.S., Ch. 1323, Sec. 3; New.)

[Sections 8849.005-8849.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8849.051. COMPOSITION OF BOARD; TERMS. (a) The district is governed by a board of 10 directors.

(b) Directors serve staggered four-year terms. (Acts 77th Leg., R.S., Ch. 966, Secs. 3.0506(a), (f); Acts 77th Leg., R.S., Ch. 1323, Secs. 7(a), (f).)

Sec. 8849.052. APPOINTMENT OF DIRECTORS. (a) Five directors are appointed from Bastrop County by the county judge of Bastrop County and five directors are appointed from Lee County by the county judge of Lee County.

(b) Every two years after the initial appointment of directors, the appropriate number of directors shall be appointed. (Acts 77th Leg., R.S., Ch. 966, Secs. 3.0506(b), (e); Acts 77th Leg., R.S., Ch. 1323, Secs. 7(b), (e).)

Sec. 8849.053. BOARD VACANCY. If a vacancy occurs on the board, the board may appoint a director to serve the remainder of the term. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.0506(j); Acts 77th Leg., R.S., Ch. 1323, Sec. 7(j).)

Sec. 8849.054. EXPENSES. A director is entitled to reimbursement for actual reasonable expenses incurred in performing duties as a director. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.0506(k) (part); Acts 77th Leg., R.S., Ch. 1323, Sec. 7(k) (part).)

[Sections 8849.055-8849.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8849.101. GROUNDWATER CONSERVATION DISTRICT POWERS AND DUTIES. The district has the rights, powers, privileges, functions, and duties provided by the general law of this state, including Chapter 36, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.0504(a) (part); Acts 77th Leg., R.S., Ch. 1323, Sec. 4(a) (part).)

Sec. 8849.102. AUTHORITY TO EXEMPT CERTAIN WELLS FROM REGULATION. The district may adopt a rule exempting a well that is not capable of producing more than 50,000 gallons of groundwater a day from a permit requirement, a fee, or a restriction on production. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.0504(c); Acts 77th Leg., R.S., Ch. 1323, Sec. 4(e).)

Sec. 8849.103. GROUNDWATER WELLS UNDER JURISDICTION OF RAILROAD COMMISSION. (a) In this section:

(1) "Public utility" means any person, corporation, public utility, water supply or sewer service corporation, municipality, political subdivision, or agency operating, maintaining, or controlling facilities in this state for providing potable water service for compensation.

(2) "Railroad commission" means the Railroad Commission of Texas.

(b) A groundwater well drilled or operated in the district under a permit issued by the railroad commission is under the exclusive jurisdiction of the railroad commission and is exempt from regulation by the district.

(c) Groundwater produced in an amount authorized by a railroad commission permit may be used in or exported from the district without a permit from the district.

(d) To the extent groundwater production exceeds railroad commission authorization, the holder of the railroad commission permit:

(1) shall apply to the district for the appropriate permit for the excess production; and

(2) is subject to the applicable regulatory fees.

(e) Groundwater produced from a well under the jurisdiction of the railroad commission is generally exempt from water district fees. However, the district may impose a pumping fee or an export fee on groundwater produced from an otherwise exempt mine well that is used for municipal purposes or by a public utility. A fee imposed by the district under this subsection may not exceed the fee imposed on other groundwater producers in the district. (Acts 77th Leg., R.S., Ch. 966, Secs. 3.0502(2), 3.0505; Acts 77th Leg., R.S., Ch. 1323, Secs. 2(2), 5; New.)

Sec. 8849.104. MEMBERSHIP ON CENTRAL CARRIZO-WILCOX COORDINATING COUNCIL. The district is a member of the Central Carrizo-Wilcox Coordinating Council. (Acts 77th Leg., R.S., Ch. 1323, Sec. 10.)

Sec. 8849.105. MANAGEMENT PLAN. The district shall develop or contract to develop a district management plan under Section 36.1071, Water Code, and submit the plan to the Central Carrizo-Wilcox Coordinating Council to be included in the management plan developed by the council. (Acts 77th Leg., R.S., Ch. 1323, Sec. 11.)

Sec. 8849.106. REGIONAL COOPERATION. The district shall:

(1) adopt a management plan detailing proposed efforts of the district to cooperate with other groundwater conservation districts;

(2) participate as needed in coordination meetings with adjacent groundwater conservation districts that share one or more aquifers with the district;

(3) coordinate the collection of data with adjacent groundwater conservation districts in such a way as to achieve relative uniformity of data type and quality;

(4) provide groundwater level information to adjacent groundwater conservation districts;

(5) investigate any groundwater pollution to identify the pollution's source;

(6) notify adjacent groundwater conservation districts and all appropriate agencies of any groundwater pollution detected and the source of the pollution identified;

(7) provide to adjacent groundwater conservation districts annually an inventory of water wells in the district and an estimate of groundwater production in the district; and

(8) include adjacent groundwater conservation districts on mailing lists for district newsletters and information regarding seminars, public education events, news articles, and field days. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.0508.)

[Sections 8849.107-8849.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8849.151. PUMPING FEES. (a) The district may assess regulatory pumping fees for water produced in or exported from the district.

(b) The regulatory pumping fees the district assesses for water for crop or livestock production or other agricultural uses may not exceed 20 percent of the rate applied to water for municipal uses.

(c) Regulatory pumping fees based on the amount of water withdrawn from a well may not exceed:

(1) \$1 for each acre-foot for water used to irrigate agricultural crops; or

(2) 17 cents for each thousand gallons for water used for any other purpose.

(d) Combined regulatory pumping fees for production and export of water may not exceed 17 cents for each thousand gallons for water used. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.0504(b) (part); Acts 77th Leg., R.S., Ch. 1323, Secs. 4(c) (part), (d).)

Sec. 8849.152. TAXES PROHIBITED. The district may not impose a tax. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.0504(b) (part); Acts 77th Leg., R.S., Ch. 1323, Sec. 4(c) (part).)

(3) Strike SECTIONS 2.05 and 2.06 of the bill, as amended by item (3) of House Committee Amendment No. 1, and substitute the following:

SECTION 2.05. Section 1(a), Chapter 1331, Acts of the 76th Legislature, Regular Session, 1999, is amended to read as follows:

(a) The following groundwater conservation districts are created:

- (1) Cow Creek Groundwater Conservation District;
- (2) Brazos Valley Groundwater Conservation District;
- (3) Crossroads Groundwater Conservation District;
- (4) Hays Trinity Groundwater Conservation District;
- (5) ~~Lone Wolf Groundwater Conservation District;~~
- ~~[(6) Lost Pines Groundwater Conservation District;~~
- ~~[(7) McMullen Groundwater Conservation District;~~
- (6) ~~[(8)]~~ Middle Pecos Groundwater Conservation District;
- ~~[(7) [(9)]]~~ Red Sands Groundwater Conservation District;
- ~~[(8) [(10)]]~~ Refugio Groundwater Conservation District;
- ~~[(9) [(11)]]~~ Southeast Trinity Groundwater Conservation District; and
- ~~[(10) [(12)]]~~ Texana Groundwater Conservation District.

SECTION 2.06. Section 2(a), Chapter 1331, Acts of the 76th Legislature, Regular Session, 1999, is amended to read as follows:

(a) The boundaries of the following groundwater conservation districts are coextensive with county boundaries as follows:

(1) the boundaries of the Cow Creek Groundwater Conservation District are coextensive with the boundaries of Kendall County;

(2) the boundaries of the Brazos Valley Groundwater Conservation District are coextensive with the boundaries of Robertson and Brazos Counties;

(3) the boundaries of the Crossroads Groundwater Conservation District are coextensive with the boundaries of Victoria County;

(4) ~~the boundaries of the Lone Wolf Groundwater Conservation District are coextensive with the boundaries of Mitchell County;~~

~~[(5) the boundaries of the Lost Pines Groundwater Conservation District are coextensive with the boundaries of Bastrop and Lee Counties, but if the voters of only one county confirm the creation of the district under Section 10 of this Act, the boundaries of the district are coextensive with the boundaries of that county;~~

~~[(6)]~~ the boundaries of the McMullen Groundwater Conservation District are coextensive with the boundaries of McMullen County;

(5) ~~[(7)]~~ the boundaries of the Middle Pecos Groundwater Conservation District are coextensive with the boundaries of Pecos County;

(6) ~~[(8)]~~ the boundaries of the Refugio Groundwater Conservation District are coextensive with the boundaries of Refugio County; and

(7) ~~[(9)]~~ the boundaries of the Texana Groundwater Conservation District are coextensive with the boundaries of Jackson County.

(4) In SECTION 3.03 of the bill, in Subdivision (22) of the SECTION, as amended by item (4) of House Committee Amendment No. 1, after the semicolon, strike "and".

(5) In SECTION 3.03 of the bill, in Subdivision (23) of the SECTION, as amended by item (5) of House Committee Amendment No. 1, strike the period and substitute a semicolon.

(6) In SECTION 3.03 of the bill, as amended by item (6) of House Committee Amendment No. 1, add the following:

(24) Part 5, Chapter 966, Acts of the 77th Legislature, Regular Session, 2001; and

(25) Chapter 1323, Acts of the 77th Legislature, Regular Session, 2001.

The amendment to **HB 2619** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Committee Amendment No. 1.

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

CSHB 2642 (Carona)

Relating to a program to designate historic roads and highways in this state.
(viva voce vote) (31-0) (31-0)

(Senator Davis in Chair)

CSHB 2647 (Deuell)

Relating to the quasi-judicial enforcement of certain health and safety ordinances.
(viva voce vote) (31-0) (31-0)

HB 2728 (Hegar)

Relating to the transfer of certain state property from the Department of Aging and Disability Services to the Veterans' Land Board.
(viva voce vote) (31-0) (31-0)

CSHB 2774 (Wentworth)

Relating to the licensing and regulation of certain persons involved in residential mortgage lending; providing a penalty.
(viva voce vote) (31-0) (31-0)

CSHB 2779 (Wentworth)

Relating to the regulation of certain mortgage banker employees who are residential mortgage loan originators; providing penalties.
(viva voce vote) (31-0) (31-0)

HB 2804 (Zaffirini)

Relating to the salary of a Duval County Juvenile Board member.
(viva voce vote) (31-0) (31-0)

HB 2813 (Zaffirini)

Relating to the salary of a Starr County Juvenile Board member.
(viva voce vote) (31-0) (31-0)

HB 2820 (Wentworth)

Relating to contracts by governmental entities for professional services relating to geoscience and landscape architecture.
(viva voce vote) (31-0) (31-0)

HB 2906 (Wentworth)

Relating to the expansion of the boundaries of the Cibolo Creek Municipal Authority.
(viva voce vote) (31-0) (31-0)

HB 2994 (Duncan)

Relating to the powers and duties of the Reagan Hospital District.
(viva voce vote) (31-0) (31-0)

HB 3005 (Whitmire)

Relating to the mandatory testing of persons suspected of exposing employees of a juvenile probation department to certain diseases.

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

CSHB 3041 (Van de Putte)

Relating to a comprehensive schedule of public school reporting requirements.

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

HB 3070 (Nelson)

Relating to the administration and powers of a coordinated county transportation authority.

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

CSHB 3072 (Nelson)

Relating to the transfer of municipal property to economic development corporations by certain municipalities.

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

HB 3098 (Wentworth)

Relating to the use by certain municipalities of hotel occupancy tax revenue for the construction of a recreational venue near hotels.

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

CSHB 3113 (Lucio)

Relating to the eligibility of certain nonprofit wildlife conservation associations to conduct charitable raffles.

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

HB 3140 (Hegar)

Relating to authorizing the transfer of certain abandoned or forfeited property to groundwater conservation districts.

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

HB 3147 (Seliger)

Relating to taking or attempting to take a weapon from a commissioned security officer.

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

CSHB 3216 (Zaffirini)

Relating to telephone or electronic mail notification to a respondent of a complaint filed with the Texas Ethics Commission.

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

CSHB 3347 (Duncan)

Relating to plan qualification provisions for and certain health insurance deductions under the Teacher Retirement System of Texas.

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

CSHB 3352 (Ellis)

Relating to the collection, dissemination, and correction of certain judicial determinations for a federal firearm background check.

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

HB 3450 (Jackson)

Relating to a temporary faculty license for chiropractic faculty.
(viva voce vote) (31-0) (31-0)

HB 3468 (Wentworth)

Relating to the selection, duties, and compensation of a presiding criminal judge in Travis County.
(viva voce vote) (31-0) (31-0)

HB 3496 (Eltife)

Relating to the establishment of the Texas Nursery and Floral Advisory Council and the promotion of Texas nursery and floral industries.
(viva voce vote) (31-0) (31-0)

CSHB 3502 (Fraser)

Relating to acknowledgements required of a purchaser of residential real property in connection with the receipt of a seller's disclosure notice regarding the property.
(viva voce vote) (31-0) (31-0)

(Senator Van de Putte in Chair)

HB 3597 (Nelson)

Relating to designating October as Hydrocephalus Awareness Month.
(viva voce vote) (31-0) (31-0)

HB 3602 (Hegar)

Relating to the authority of a county clerk to electronically send certain financial statement forms.
(viva voce vote) (31-0) (31-0)

HB 3623 (Hegar)

Relating to covenants not to compete by physicians.
(viva voce vote) (31-0) (31-0)

HB 3625 (Uresti on behalf of Van de Putte)

Relating to deadlines regarding certain preauthorization requests affecting workers' compensation health care networks.
(viva voce vote) (31-0) (31-0)

CSHB 3637 (Wentworth)

Relating to filing fees for civil actions or proceedings in a district, county, justice, or small claims court.
(viva voce vote) (31-0) (31-0)

HB 3649 (Whitmire)

Relating to a policy regarding the receipt of books by mail by an inmate in the Texas Department of Criminal Justice.
(viva voce vote) (31-0) (31-0)

HB 3671 (Hegar)

Relating to the documents that are required for the transfer of a defendant from a county to the Texas Department of Criminal Justice.
(viva voce vote) (31-0) (31-0)

CSHB 3717 (Nelson)

Relating to exemptions from the requirement to hold a license to practice physical therapy.

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

CSHB 3751 (Shapiro)

Relating to the conditions of bond for a defendant charged with committing certain offenses against a child and to the denial of bail pending trial with respect to certain defendants who violate those conditions.

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

CSHB 3762 (Deuell)

Relating to regulation of prepaid funeral benefits.

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

HB 3829 (Harris)

Relating to the per diem for members of the Texas Alcoholic Beverage Commission.

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

CSHB 3851 (Huffman)

Relating to the authority of the governor or a political subdivision to suspend statutory or local deadlines during a disaster.

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

HB 3918 (Ogden)

Relating to testing liquefied petroleum gas systems in certain school facilities.

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

HB 3945 (Watson)

Relating to a title insurance company affidavit as a release of lien.

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

HB 4002 (Duncan)

Relating to the funding of the statewide wildfire protection plan at the Texas Forest Service.

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

HB 4060 (Wentworth)

Relating to the period during which a judicial candidate or officeholder may accept political contributions.

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

Senator Wentworth offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 4060** (House engrossment) by striking Section 253.153(b) (page 2, lines 12-24) and replacing it with the following:

(b) Subsection (a)(2) does not apply to a political contribution that was made and accepted with the intent that it be used to defray expenses incurred in connection with an election, including the repayment of any debt that is:

(1) incurred directly by the making of a campaign expenditure during the period beginning on the date the application for a place on the ballot or for nomination by convention was required to be filed for the election in which the candidate last appeared on the ballot and ending on the date of that election; and

(2) subject to the restrictions prescribed by Sections 253.162 and 253.1621.

The amendment to **HB 4060** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Committee Amendment No. 1.

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

HB 4136 (Uresti on behalf of Van de Putte)

Relating to sealing court records containing medical information for children who are victims of certain offenses.

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

CSHB 4152 (Uresti on behalf of Van de Putte)

Relating to certification of an educator in Texas who is certified in another state or country.

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

CSHB 4290 (Duncan)

Relating to retrospective utilization review and utilization review to determine the experimental or investigational nature of a health care service.

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

HB 4343 (Fraser)

Relating to access to certain criminal history record information maintained by the Department of Public Safety.

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

HB 4353 (Lucio)

Relating to the licensing of certain nurses who will practice in border counties.

(viva voce vote) Nelson "Nay" (30-1) Nelson "Nay" (30-1) Nelson "Nay"

HB 4359 (Duncan)

Relating to the registration with the Texas Department of Insurance of certain contract examiners.

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

HB 4360 (Nelson)

Relating to revenue sources for certain venue projects.

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

HB 4376 (Williams)

Relating to the authority of the Baytown Municipal Development District to use sales tax revenue to promote new or expanded business development.

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

HB 4402 (Uresti on behalf of Van de Putte)

Relating to a study regarding insurance coverage of prescription drugs provided under a health benefit plan.

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

CSHB 4451 (Hinojosa)

Relating to continuity of care services or mental health commitment proceedings for youth with mental illness or mental retardation who are transferred, discharged, or paroled from the Texas Youth Commission.

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

HB 4464 (Hegar)

Relating to crime victim information in a criminal judgment.

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

HB 4465 (Hinojosa)

Relating to "Welcome to Texas" signs on highways entering Texas and to the placement of Texas flags at international ports-of-entry.

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

HB 4492 (Ellis)

Relating to annuities registered under the Securities Act of 1933.

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

HB 4493 (Huffman)

Relating to contracts awarded through competitive bidding by certain port and harbor facilities.

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

HB 4607 (Zaffirini)

Relating to regulation of certain areas bordering on Falcon Lake and the Rio Grande River.

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

CSHB 4642 (Lucio)

Relating to the Jim Solis Outpatient Clinic.

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

HB 4700 (Wentworth)

Relating to the operation of the Bexar County Juvenile Board.

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

CSHB 4720 (West)

Relating to the creation of the Trinity River West Municipal Management District; providing the authority to impose an assessment, impose a tax, and issue bonds.

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

CSHB 4727 (Huffman)

Relating to the powers and duties of the Sienna Plantation Management District; providing authority to impose a fee or issue bonds.

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

HB 4748 (Ogden)

Relating to the authority of the Williamson County Municipal Utility District No. 21 to extend the time limit for holding a confirmation and initial directors' election and to divide into two districts.

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

CSHB 4789 (Deuell)

Relating to the creation of the Kaufman County Parks Improvement District; providing authority to impose a tax and issue bonds; providing penalties.

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

HCR 16 (Nelson)

Designating *Paluxysaurus jonesi* as the official Lone Star State Dinosaur, replacing *Brachiosaur Sauropod*, *Pleurocoelus*.

(viva voce vote)

HCR 53 (Deuell)

Designating the American quarter horse as the official State Horse of Texas.

(viva voce vote)

HCR 71 (Hegar)

Designating the Burton Cotton Gin & Museum as the official Cotton Gin Museum of Texas.

(viva voce vote)

HCR 79 (Zaffirini)

Memorializing Congress to refine Department of Homeland Security policy to consider risk levels as well as population size in assessing the financial needs of first responders in border communities along the international boundary created by the Rio Grande.

(viva voce vote)

BILLS REMOVED FROM LOCAL AND UNCONTESTED CALENDAR

Senator Gallegos and Senator Williams requested in writing that **HB 171** be removed from the Local and Uncontested Calendar.

Senator Zaffirini and Senator Uresti requested in writing that **HB 635** be removed from the Local and Uncontested Calendar.

Senator Gallegos and Senator Williams requested in writing that **HB 1310** be removed from the Local and Uncontested Calendar.

Senator Deuell and Senator Uresti requested in writing that **HB 2710** be removed from the Local and Uncontested Calendar.

Senator Uresti and Senator Williams requested in writing that **HB 3057** be removed from the Local and Uncontested Calendar.

Senator Uresti and Senator Williams requested in writing that **HB 3079** be removed from the Local and Uncontested Calendar.

Senator Shapiro and Senator Uresti requested in writing that **HB 3670** be removed from the Local and Uncontested Calendar.

Senator Shapiro and Senator Williams requested in writing that **HB 3795** be removed from the Local and Uncontested Calendar.

Senator Huffman and Senator Williams requested in writing that **HB 4760** be removed from the Local and Uncontested Calendar.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 9:16 a.m. adjourned, in memory of Anne Legendre Armstrong, until 10:30 a.m. today.