

SENATE JOURNAL

EIGHTY-FIRST LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

SIXTY-SEVENTH DAY

(Continued)

(Wednesday, May 27, 2009)

AFTER RECESS

The Senate met at 9:00 a.m. and was called to order by Senator Carona.

**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 yesterday.

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

HB 101 (Uresti)

Relating to the formula funding for public institutions of higher education for certain credit hours that do not count toward a degree.

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

HB 118 (Duncan)

Relating to the grounds for removal of a member of the board of directors of the Lynn County Hospital District.

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

CSHB 136 (Van de Putte)

Relating to providing notification to parents of eligible children of the availability of prekindergarten programs.

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

HB 144 (Wentworth)

Relating to an additional filing fee for civil cases filed in Bexar County.

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

HB 176 (Seliger)

Relating to the punishment for the offense of aggravated assault.

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

HB 221 (Whitmire)

Relating to delaying parole eligibility for an individual convicted of certain violent offenses who evades arrest and to the punishment prescribed for the offense of evading arrest or detention.

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

HB 233 (Uresti)

Relating to the creation of an advisory committee to establish and recommend qualifications for certain health care translators and interpreters.

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

CSHB 383 (Seliger)

Relating to county bail bond board meetings in certain counties.

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

HB 400 (Hinojosa)

Relating to the dismissal of a charge of unlawfully parking a vehicle in a space designated specifically for persons with disabilities.

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

HB 434 (Hinojosa)

Relating to a requirement that program materials for the Energy Services Program for Low-Income Individuals be provided in certain languages.

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

HB 534 (Shapiro on behalf of Carona)

Relating to the liability of certain guarantors under a residential lease.

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

HB 585 (Watson)

Relating to records related to an estate of a decedent or incapacitated person.

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

HB 586 (Shapiro on behalf of Carona)

Relating to the evidence required for the release of a motor vehicle after impoundment of the vehicle for failure to maintain evidence of financial responsibility.

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

HB 598 (Whitmire)

Relating to the information displayed on certain licenses.

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

CSHB 671 (Seliger)

Relating to the penalty for theft from a nonprofit organization or by Medicare providers.

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

HB 732 (Huffman)

Relating to the removal of certain information from a physician's medical board profile.

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

HB 765 (Shapiro on behalf of Carona)

Relating to supplemental payments made to certain statutory probate court judges.

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

HB 780 (Ellis)

Relating to eligibility requirements for a beginning police department position in certain municipalities under municipal civil service.

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

HB 781 (Estes)

Relating to the Electra Hospital District.

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

HB 821 (Watson)

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

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

CSHB 882 (Eltife)

Relating to a residential tenant's rights and remedies after certain determinations or unlawful conduct.

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

HB 965 (Van de Putte)

Relating to the issuance of specialty license plates for disabled veterans.

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

HB 978 (Watson)

Relating to the employment rights of certain individuals with disabilities.

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

CSHB 1012 (Harris)

Relating to the conservatorship or possession of, or access to, a child in a suit affecting the parent-child relationship.

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

CSHB 1043 (Nelson)

Relating to the creation of business opportunities for certain former foster children.

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

HB 1055 (Harris)

Relating to the procedure for submitting certain plans and specifications of buildings or facilities for the purpose of eliminating architectural barriers encountered by persons with disabilities.

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

HB 1063 (Wentworth)

Relating to emergency vehicle access to certain gated communities and multiunit housing projects.

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

HB 1083 (Wentworth)

Relating to mediation orders in certain arbitration proceedings.

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

HB 1146 (West)

Relating to the hours worked during a week by firefighters in certain municipalities.

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

HB 1193 (Duncan)

Relating to ballot certification of a political party presidential candidate.

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

HB 1230 (Harris)

Relating to limitations on the compensation of county auditors for certain counties.

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

CSHB 1259 (Duncan)

Relating to hiring outside legal counsel to provide legal services to the Teacher Retirement System of Texas.

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

HB 1286 (Huffman)

Relating to the issuance of Save Our Beaches specialty license plates.

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

HB 1295 (Averitt)

Relating to notification of an application related to a certificate of public convenience and necessity for water or sewer service.

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

HB 1321 (Hegar)

Relating to the discharge of a jury under certain circumstances in a criminal case.

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

HB 1326 (Lucio)

Relating to a plan to replenish the food supplies of food banks or food pantries following a disaster.

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

HB 1360 (West)

Relating to the effect under the public information law of the disclosure of certain information by a prosecutor to defense counsel.

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

HB 1372 (Van de Putte)

Relating to the definition of victim in relation to certain crime victims' rights.

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

HB 1461 (Wentworth)

Relating to the contents of an application for probate of a will as a muniment of title.
(viva voce vote) (31-0) (31-0)

HB 1470 (Van de Putte)

Relating to notification regarding entitlement of school district employees to leave time in circumstances involving assault.
(viva voce vote) (31-0) (31-0)

HB 1473 (Nelson)

Relating to the application of certain requirements affecting certain subdivision golf courses.
(viva voce vote) (31-0) (31-0)

CSHB 1544 (Shapiro on behalf of Carona)

Relating to court proceedings for a plea of guilty or nolo contendere for a misdemeanor punishable by fine only.
(viva voce vote) (31-0) (31-0)

HB 1596 (Hegar)

Relating to the creation of the Fort Bend County Municipal Utility District No. 204; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.
(viva voce vote) (31-0) (31-0)

HB 1597 (Hegar)

Relating to the creation of the Fort Bend County Municipal Utility District No. 202; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.
(viva voce vote) (31-0) (31-0)

HB 1598 (Hegar)

Relating to the creation of the Fort Bend County Municipal Utility District No. 203; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.
(viva voce vote) (31-0) (31-0)

HB 1599 (Hegar)

Relating to the creation of the Waller County Municipal Utility District No. 15; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.
(viva voce vote) (31-0) (31-0)

HB 1600 (Hegar)

Relating to the creation of the Fort Bend County Municipal Utility District No. 201; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.
(viva voce vote) (31-0) (31-0)

HB 1601 (Hegar)

Relating to the creation of the Waller County Municipal Utility District No. 13; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

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

CSHB 1633 (Ellis)

Relating to the prosecution and punishment of the offense of graffiti and to certain conditions imposed on defendants convicted of that offense or on juveniles adjudicated as having engaged in conduct in violation of that offense.

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

HB 1659 (Patrick)

Relating to creating an exception to the offense of unlawful installation of a tracking device.

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

Senator Patrick offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 1659** by adding the following:

On page 2, line 7, before "installed" and following "who" insert "legally".

The amendment to **HB 1659** 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 Patrick and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 1664 (Estes)

Relating to an exemption for groundwater used for certain purposes from production fees assessed by the Upper Trinity Groundwater Conservation District.

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

HB 1686 (Estes)

Relating to the Muenster Hospital District.

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

HB 1691 (Hegar)

Relating to the creation of the Waller County Municipal Utility District No. 14; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

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

HB 1730 (Averitt)

Relating to authorizing the issuance of bonds for the reimbursement of the cost of public improvements located in public improvement districts in certain counties.

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

HB 1750 (Huffman)

Relating to the creation of criminal law magistrates for Brazoria County.

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

CSHB 1841 (Hegar)

Relating to the creation of the XS Ranch Municipal Utility District; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

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

HB 1972 (Williams)

Relating to contracts and purchases by certain navigation districts.

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

HB 1973 (Patrick)

Relating to the licensing and regulation of pool-related electrical maintenance.

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

HB 2002 (Ellis)

Relating to a right of a close relative to seek expunction of arrest records and files on behalf of a deceased person.

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

(Senator Averitt in Chair)**HB 2022** (Hegar)

Relating to the powers and duties of the Sedona Lakes Municipal Utility District No. 1 of Brazoria County; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

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

HB 2035 (Ogden on behalf of Averitt)

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

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

HB 2082 (Duncan)

Relating to consideration of contract amount and bidder's principal place of business in awarding certain municipal contracts.

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

HB 2102 (Whitmire)

Relating to the powers and duties of the Harris County Municipal Utility District No. 403; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

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

HB 2128 (West)

Relating to the enforcement of regulations regarding the sale of plastic bulk merchandise containers.

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

CSHB 2139 (Hinojosa)

Relating to the establishment, operation, and funding of victim-offender mediation programs.

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

HB 2142 (Carona)

Relating to the promotion of toll projects by the Texas Department of Transportation.
(viva voce vote) (31-0) (31-0)

HB 2181 (Duncan)

Relating to the computation of a person's age under the Election Code.
(viva voce vote) (31-0) (31-0)

HB 2208 (Hinojosa)

Relating to the calculation of current market value of certain water rights by the Rio Grande Regional Water Authority.
(viva voce vote) (31-0) (31-0)

CSHB 2212 (Duncan)

Relating to the division of certain emergency services districts.
(viva voce vote) (31-0) (31-0)

HB 2232 (Deuell)

Relating to the creation of a county court at law in Fannin County.
(viva voce vote) (31-0) (31-0)

HB 2236 (Hinojosa)

Relating to the right of certain crime victims to be considered with respect to a defendant's motion for continuance.
(viva voce vote) (31-0) (31-0)

HB 2346 (Ellis)

Relating to the removal of illegally parked vehicles from residential parking permit areas in certain municipalities.
(viva voce vote) (31-0) (31-0)

Senator Ellis offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 2346** (engrossed version) as follows:

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

SECTION 1. Section 2308.354, Occupations Code, is amended by adding Subsections (c) and (d) to read as follows:

(2) On page 1, between lines 13 and 14, insert:

(d) Subsections (a) and (c) do not apply to a vehicle owned by an electric, gas, water, or telecommunications utility while the vehicle is parked for the purpose of conducting work on a facility of the utility that is located below, above, or adjacent to the street.

The amendment to **HB 2346** 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 Ellis and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSHB 2360 (West)

Relating to the provision of information regarding employee eligibility for the federal earned income tax credit.

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

CSHB 2425 (Ogden on behalf of Averitt)

Relating to engineering recruitment programs at public or private institutions of higher education and to certain degree programs at public junior colleges.

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

HB 2435 (Hinojosa)

Relating to the location of an arbitration trial.

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

CSHB 2438 (Carona)

Relating to requirements regarding motor vehicle retail installment transactions.

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

HB 2456 (Watson)

Relating to insurance agent qualifications to sell certain products or product lines.

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

CSHB 2609 (Wentworth)

Relating to the prosecution and punishment of the offense of criminal trespass.

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

HB 2644 (Deuell)

Relating to the designation of the Bankhead Highway as a historic highway.

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

Senator Deuell offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 2644** (engrossed version) by adding the following at the end of added Section 442.026, Government Code (page 1, between lines 15 and 16):

(c) A designation of the Bankhead Highway as a Texas historic highway shall not be construed as a designation under the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(d) Local governmental entities located along the Bankhead Highway shall assist the commission in paying for the implementation of this section and the marketing of the highway.

(e) Unless available and specifically appropriated for that purpose, the Texas Department of Transportation may not use money in the state highway fund for the implementation of this section or the marketing of the highway.

(f) The Texas Department of Transportation is not required to design, construct, or erect a marker under this section unless a grant or donation of funds is made to the department to cover the cost of the design, construction, and erection of the marker. Money received to cover the cost of the marker shall be deposited to the credit of the state highway fund.

The amendment to **HB 2644** 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 Deuell and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSHB 2649 (Deuell)

Relating to the regulation and practice of engineering and lighting design.
(viva voce vote) (31-0) (31-0)

HB 2664 (Hegar)

Relating to creating a defense to prosecution for the offense of unlawful carrying of a handgun by a license holder on the premises of certain businesses.
(viva voce vote) (31-0) (31-0)

CSHB 2682 (Wentworth)

Relating to the authority of municipalities to alter speed limits.
(viva voce vote) (31-0) (31-0)

HB 2690 (Jackson)

Relating to eligible policyholders for group life insurance.
(viva voce vote) (31-0) (31-0)

HB 2692 (Watson)

Relating to certain municipal requirements regarding sales of residential properties in certain areas.
(viva voce vote) Nelson "Nay" (30-1) Nelson "Nay" (30-1) Nelson "Nay"

HB 2703 (Gallegos)

Relating to classification of a prekindergarten or kindergarten student who is retained at the request of the student's parent.
(viva voce vote) (31-0) (31-0)

HB 2748 (Duncan)

Relating to the abolition of the Texas Environmental Education Partnership Fund.
(viva voce vote) (31-0) (31-0)

CSHB 2751 (Duncan)

Relating to participation and credit in, benefits from, and the administration of the Texas Emergency Services Retirement System.
(viva voce vote) (31-0) (31-0)

(Senator Van de Putte in Chair)

HB 2799 (Hegar)

Relating to the responsibilities of a person who qualifies for a peace officer license but has not yet been appointed as a peace officer.
(viva voce vote) (31-0) (31-0)

HB 2806 (Uresti on behalf of Van de Putte)

Relating to the reinstatement of a firefighter or police officer to a previously held position based on seniority on the return of another firefighter or police officer from a military leave of absence.
(viva voce vote) (31-0) (31-0)

HB 2814 (Williams)

Relating to the procedure for claiming an exemption from ad valorem taxation for a motor vehicle used for the production of income and for personal activities.

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

CSHB 2845 (Nichols)

Relating to the certification of and disciplinary actions against emergency medical services personnel.

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

HB 2846 (Huffman)

Relating to the admissibility of certain hearsay statements made by a child abuse victim.

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

HB 2847 (Patrick)

Relating to using county election precincts for any election held on the November uniform election date.

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

HB 2854 (Deuell)

Relating to license plates created by the Texas Department of Transportation for professional firefighters.

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

Senator Deuell offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 2854** (engrossed version) by adding the following appropriately numbered SECTIONS to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Section 504.003, Transportation Code, is amended by amending Subsection (c) and adding Subsection (c-1) to read as follows:

(c) If a ~~the~~ souvenir license plate issued before September 1, 2009, is personalized, the fee for the plate is \$40. Of the fee:

(1) \$20 shall be deposited to the credit of the state highway fund;

(2) \$10 shall be deposited to the credit of the designated account if the souvenir license plate is a replica of a specialty license plate issued under Subchapter G or I for which the fee is deposited to a designated account other than the state highway fund; and

(3) the remainder shall be deposited to the credit of the general revenue fund.

(c-1) The fee for a souvenir license plate issued on or after September 1, 2009, is the amount established under Section 504.851(c).

SECTION _____. Section 504.102, Transportation Code, is amended to read as follows:

Sec. 504.102. PERSONALIZATION OF ~~[OTHER]~~ SPECIALTY LICENSE PLATE ~~[PLATES]~~. Unless expressly prohibited by this chapter or department rule, any specialty license plate issued under this chapter may be personalized. If a

~~[another]~~ specialty license plate is personalized, the fee for personalization of the specialty license plate ~~[established by Section 504.101(e)]~~ shall be added to the fee for issuance of that specialty license plate.

SECTION _____. Section 504.601, Transportation Code, is amended to read as follows:

Sec. 504.601. GENERAL PROVISIONS APPLICABLE TO ~~[ALL]~~ SPECIALTY LICENSE PLATES FOR GENERAL DISTRIBUTION. (a) Unless expressly provided by this subchapter or department rule:

(1) the fee for issuance of a license plate under this subchapter is \$30; and

(2) of each fee received under this subchapter, the department shall use \$8 to defray its administrative costs in complying with this subchapter.

(b) This section does not apply to a specialty license plate marketed and sold by a private vendor at the request of the specialty license plate sponsor under Section 504.6011.

SECTION _____. Subchapter G, Chapter 504, Transportation Code, is amended by adding Section 504.6011 to read as follows:

Sec. 504.6011. GENERAL PROVISIONS APPLICABLE TO SPECIALTY LICENSE PLATES FOR GENERAL DISTRIBUTION SOLD THROUGH PRIVATE VENDOR. (a) The sponsor of a specialty license plate authorized to be issued under this subchapter before September 1, 2009, may contract with the private vendor authorized under Subchapter J for the marketing and sale of the specialty license plate.

(b) The fee for issuance of a specialty license plate described by Subsection (a) is the amount established under Section 504.851.

(c) Notwithstanding any other law, from each fee received for the issuance of a specialty license plate described by Subsection (a), the department shall:

(1) deduct the administrative costs described by Section 504.601(a)(2);

(2) deposit to the credit of the account designated by the law authorizing the specialty license plate the portion of the fee for the sale of the plate that the state would ordinarily receive under the contract described by Section 504.851(a); and

(3) pay to the private vendor the remainder of the fee.

SECTION _____. Section 504.801, Transportation Code, is amended by amending Subsections (d), (e), and (f) and adding Subsection (d-1) to read as follows:

(d) The fee for issuance of license plates created ~~[authorized]~~ under this subchapter before September 1, 2009, is \$30 unless the department sets a higher fee. This subsection does not apply to a specialty license plate marketed and sold by a private vendor at the request of the specialty license plate sponsor.

(d-1) The fee for issuance of license plates created under this subchapter on or after September 1, 2009, is the amount established under Section 504.851.

(e) For each fee collected for a license plate issued by the department under this section:

(1) \$8 shall be used to reimburse the department for its administrative costs; and

(2) the remainder shall be deposited to the credit of:

(A) the specialty license plate fund, which is an account in the general revenue fund, if the sponsor nominated a state agency to receive the funds; or

(B) the state highway fund if the sponsor did not nominate a state agency to receive the funds or if there is no sponsor.

(f) Subchapter D, Chapter 316, Government Code, and Section 403.095, Government Code, do not apply to fees collected under this subchapter ~~[section]~~.

SECTION _____. Subchapter I, Chapter 504, Transportation Code, is amended by adding Section 504.802 to read as follows:

Sec. 504.802. MARKETING AND SALE BY PRIVATE VENDOR OF SPECIALTY LICENSE PLATES CREATED BEFORE SEPTEMBER 1, 2009. (a) A sponsor of a specialty license plate created under this subchapter before September 1, 2009, may contract with the private vendor authorized under Subchapter J for the marketing and sale of the specialty license plate.

(b) The fee for issuance of a specialty license plate described by Subsection (a) is the amount established under Section 504.851(c).

(c) Notwithstanding any other law, from each fee received from the issuance of a specialty license plate marketed and sold by the private vendor under this section, the department shall:

(1) deduct the administrative costs described by Section 504.801(e)(1);

(2) deposit the portion of the fee for the sale of the plate that the state would ordinarily receive under the contract described by Section 504.851(a) to the credit of:

(A) the specialty license plate fund, if the sponsor nominated a state agency to receive the funds; or

(B) the general revenue fund, if the sponsor did not nominate a state agency to receive the funds or if there is no sponsor; and

(3) pay to the private vendor the remainder of the fee.

SECTION _____. Section 504.851, Transportation Code, is amended by amending Subsections (a), (b), and (j) and adding Subsections (a-1), (a-2), and (c-1) to read as follows:

(a) The department shall enter into a contract with the private vendor whose proposal is most advantageous to the state, as determined from competitive sealed proposals that satisfy the requirements of this section, for the marketing and sale of:

(1) personalized license plates ~~[authorized by Section 504.101]~~; or

(2) with the agreement of the private vendor, other specialty license plates authorized by Subchapters G and I ~~[this subchapter]~~.

(a-1) The department may not issue specialty, personalized, or souvenir license plates with background colors other than white, unless the plates are marketed and sold by the private vendor.

(a-2) Specialty license plates authorized for marketing and sale under Subsection (a) must include:

(1) specialty license plates created under Subchapters G and I on or after September 1, 2009; and

(2) at the request of the specialty license plate sponsor, an existing specialty license plate created under Subchapters G and I before September 1, 2009.

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

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

(2) the amount established by Section 504.853(b) [~~504.101(e)~~].

(c-1) Subsections (b) and (c) do not apply to the sale at auction of a specialty license plate that is not used on a motor vehicle.

(j) From amounts received by the department under the contract described by Subsection (a), the department shall deposit to the credit of the state highway fund an amount sufficient to enable the department to recover its administrative costs for all license plates issued under this section, [including] any payments to the vendor under the contract [Subsection (a)], and any other amounts allocated by law to the state highway fund [by another law]. To the extent that the disposition of other amounts received by [from] the department is [vendor are] governed by another law, those amounts shall be deposited in accordance with the other law[, and for each type of license plate the amount charged for the license plate may not be less than the amount in effect on January 1, 2003]. Any additional amount received by [from] the department under the contract [vendor] shall be deposited to the credit of the general revenue fund.

SECTION _____. Subchapter J, Chapter 504, Transportation Code, is amended by adding Sections 504.853 and 504.854 to read as follows:

Sec. 504.853. PERSONALIZED LICENSE PLATES ISSUED BEFORE SEPTEMBER 1, 2009. (a) A personalized license plate issued before September 1, 2009, may be issued for a subsequent registration period only if the applicant submits an application and pays the required fee for the applicable registration period. A person who is issued a personalized license plate has first priority on that license plate for each subsequent registration period for which the person submits a new application for that plate.

(b) The fee for issuance of a personalized license plate issued before September 1, 2009, is \$40, unless the director adopts by rule a higher fee.

(c) A person who is issued a personalized license plate by the department before September 1, 2009, may:

(1) submit an application for the plate under Subsection (a) and pay the required fee for each subsequent registration period under Subsection (b); or

(2) purchase through the private vendor a license to display the alphanumeric pattern on a license plate for any term allowed by law.

(d) The department may not issue a replacement set of personalized license plates to the same person before the sixth anniversary of the date of issuance unless the applicant for issuance of replacement plates pays an additional fee of \$30.

(e) Of each fee collected by the department under this section:

(1) \$1.25 shall be used to defray the cost of administering this section; and

(2) the remainder shall be deposited to the credit of the general revenue fund.

Sec. 504.854. AUCTION. (a) The private vendor may sell at auction a license to display a unique alphanumeric pattern on a license plate.

(b) Only a license to display an alphanumeric pattern purchased under this section or a license to display an alphanumeric pattern sold by the private vendor under Section 504.853 may be transferred to another person. The transferee is entitled to the same rights and privileges as the transferor.

(c) The transferee shall file a form prescribed by the department to notify the department of the transfer. The department may set a fee to be paid by the transferee to the department for the transfer.

SECTION _____. The following provisions of the Transportation Code are repealed:

- (1) Section 504.101; and
- (2) Subsection (m), Section 504.851.

SECTION _____. The changes in law made by this Act do not require the rebidding of a contract that is in effect on the effective date of this Act.

The amendment to **HB 2854** 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 Deuell and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSHB 2888 (West)

Relating to financial assistance administered by the Texas Department of Housing and Community Affairs.

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

CSHB 2908 (Wentworth)

Relating to the regulation of property tax lenders and the confidentiality of certain information obtained or compiled by the consumer credit commissioner on examination of property tax lenders and certain other license holders or registrants.

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

HB 2916 (Whitmire)

Relating to allowing certain claimants to file an application under the Crime Victims' Compensation Act.

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

CSHB 2932 (Carona)

Relating to including in the law enforcement information system information indicating that criminal defendants have committed certain additional offenses.

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

HB 3001 (Eltife)

Relating to the consideration of longevity and cost of living in setting the salaries for certain municipal employees.

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

HB 3003 (Eltife)

Relating to the creation of a bail bond board by the commissioners court of certain counties.

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

HB 3069 (Huffman)

Relating to streamlining voter reregistration across county lines.
(viva voce vote) (31-0) (31-0)

CSHB 3073 (Fraser)

Relating to charges at closing of certain real property transactions.
(viva voce vote) (31-0) (31-0)

HB 3075 (Hinojosa)

Relating to the designation of convenience signers on certain accounts established at financial institutions.
(viva voce vote) (31-0) (31-0)

HB 3080 (Watson)

Relating to guardianships and other matters relating to incapacitated persons.
(viva voce vote) (31-0) (31-0)

HB 3112 (Nelson)

Relating to the referral of an elderly or disabled person to the Department of Aging and Disability Services and the determination by that agency of the need for a guardianship for that person.
(viva voce vote) (31-0) (31-0)

CSHB 3114 (Watson)

Relating to continuing professional education requirements for land surveyors.
(viva voce vote) (31-0) (31-0)

HB 3128 (Ellis)

Relating to service of process on condominium unit owners and condominium unit owners' associations in certain municipalities.
(viva voce vote) (31-0) (31-0)

HB 3136 (Uresti)

Relating to the purposes for which certain counties may use local hotel occupancy tax revenue.
(viva voce vote) (31-0) (31-0)

HB 3206 (Ellis)

Relating to the implementation of the exemption from ad valorem taxation for pollution control property.
(viva voce vote) (31-0) (31-0)

CSHB 3221 (Uresti on behalf of Van de Putte)

Relating to certain required notifications regarding insurance claims and premiums.
(viva voce vote) (31-0) (31-0)

CSHB 3224 (Whitmire)

Relating to the prosecution and punishment of the offense of arson.
(viva voce vote) (31-0) (31-0)

HB 3316 (Hinojosa)

Relating to venue for certain offenses committed at Texas Youth Commission facilities.

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

HB 3385 (Hegar)

Relating to the activation of the statewide alert system for abducted children.

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

CSHB 3433 (Watson)

Relating to the extended registration of a commercial fleet of motor vehicles.

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

HB 3464 (Averitt)

Relating to the enforcement of certain development regulations in a justice court.

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

HB 3593 (Uresti on behalf of Van de Putte)

Relating to the issuance of license plates to disabled veterans.

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

CSHB 3594 (Watson)

Relating to the preservation of evidence that contains biological material.

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

HB 3599 (Ellis)

Relating to the operation of certain three-wheeled vehicles in this state.

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

HB 3601 (Hegar)

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

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

HB 3611 (Williams)

Relating to the consolidation of appraisal review boards.

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

CSHB 3635 (Wentworth)

Relating to administration of a trust with cotrustees.

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

HB 3638 (Davis)

Relating to the use of safety belts by the operator of or a passenger in a motor vehicle used exclusively to transport solid waste.

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

HB 3666 (Wentworth)

Relating to the application for and issuance of a marriage license.

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

HB 3767 (Wentworth)

Relating to homestead property transferred to a trustee of certain trusts.

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

CSHB 3768 (Wentworth)

Relating to title insurance coverage of property transferred into an inter vivos trust.
(viva voce vote) (31-0) (31-0)

HB 3785 (Ellis)

Relating to the powers and duties of a navigation district or port authority.
(viva voce vote) (31-0) (31-0)

Senator Ellis offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 3785** (engrossed version) as follows:

(1) In the recital to SECTION 8 of the bill (page 7, line 20), strike "60.412(a)" and substitute "60.412".

(2) In the recital to SECTION 8 of the bill, between "amended" and "to" (page 7, line 20), insert "by amending Subsection (a) and adding Subsection (c)".

(3) In SECTION 8 of the bill, immediately following amended Section 60.412(a), Water Code (page 9, between lines 7 and 8), insert the following:

(c) A district or port authority shall comply with Chapter 2254, Government Code, in procuring professional services.

The amendment to **HB 3785** 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 Ellis and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 3802 (Eltife)

Relating to certain powers of the Red River Redevelopment Authority.
(viva voce vote) (31-0) (31-0)

HB 3844 (Williams)

Relating to the permissible sources of funding for memorial markers to designate the Veterans Memorial Highway.
(viva voce vote) (31-0) (31-0)

HB 3857 (Hinojosa)

Relating to foreclosure of liens on real property and certain personal property owned by members or dependents of the military; providing a criminal penalty.
(viva voce vote) (31-0) (31-0)

CSHB 3859 (Deuell)

Relating to a staffing analysis of the Texas Integrated Eligibility Redesign System (TIERS) and benefits eligibility determination processes.
(viva voce vote) (31-0) (31-0)

CSHB 3866 (Watson)

Relating to fire safety inspections.
(viva voce vote) (31-0) (31-0)

HB 3907 (Whitmire)

Relating to the court-ordered administration of psychoactive medication to certain criminal defendants and to the release of those defendants from certain facilities.

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

HB 3922 (Zaffirini)

Relating to notification sent by the Texas Ethics Commission to certain persons regarding deadlines to file reports.

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

HB 4007 (Duncan)

Relating to the Hardeman County Hospital District.

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

HB 4064 (Hinojosa)

Relating to the issuance of specialty license plates for cancer of unknown primary origin awareness.

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

HB 4068 (Hinojosa)

Relating to the conduct of judicial proceedings and transaction of other essential judicial functions in the event of a disaster.

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

HB 4103 (Hegar)

Relating to management committees of certain nonprofit corporations.

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

HB 4257 (Uresti)

Relating to the Sutton County Hospital District.

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

(Senator Eltife in Chair)**HB 4281** (Nelson)

Relating to continuing education requirements for physical therapists.

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

HB 4311 (Uresti)

Relating to the naming of certain Texas Department of Transportation property in Val Verde County.

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

Senator Uresti offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 4311** by striking all below the enacting clause and substituting the following:

SECTION 1. Chapter 201, Transportation Code, is amended by adding Subchapter Y to read as follows:

SUBCHAPTER Y. DEPARTMENT BUILDING NAMES

Sec. 201.2001. HONORABLE HILARY B. DORAN TRANSPORTATION BUILDING. The building in which, on June 1, 2009, is located the office of the area engineer for Val Verde County is designated as the Honorable Hilary B. Doran Transportation Building.

SECTION 2. Subchapter B, Chapter 225, Transportation Code, is amended by adding Section 225.072 to read as follows:

Sec. 225.072. LOOP 79 IN VAL VERDE COUNTY. (a) In recognition of the cooperation between the department and Val Verde County, the designation of Loop 79 in Val Verde County shall be made by the Commissioners Court of Val Verde County.

(b) The department shall design and construct markers to be placed along Loop 79 in Val Verde County indicating the highway number, the designation of the loop, and any other appropriate information.

(c) The department shall erect a marker at each end of the loop and at intermediate sites along the loop that the department determines are appropriate.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

The amendment to **HB 4311** 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 Uresti and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSHB 4435 (Huffman)

Relating to the requirement for participation by certain principals in the school leadership pilot program for principals.

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

CSHB 4456 (Deuell)

Relating to the definition of a switchblade knife for purposes of the offense of prohibited weapons.

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

CSHB 4461 (Carona)

Relating to confidentiality of certain information maintained by the Texas Department of Insurance.

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

CSHB 4471 (Nelson)

Relating to the professional nursing shortage reduction program.

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

HB 4519 (Deuell)

Relating to standards for independent review organizations.

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

CSHB 4545 (Van de Putte)

Relating to the time for filing a petition for judicial review in certain workers' compensation cases.

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

HB 4560 (Deuell)

Relating to certain diseases or illnesses suffered by certain emergency first responders.

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

HB 4594 (Williams)

Relating to permits for the movement of oversize and overweight vehicles in a certain county.

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

HB 4611 (Williams)

Relating to the treatment of proceeds from sales of certain loans and securities for purposes of apportionment under the franchise tax.

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

HB 4685 (Ogden on behalf of Eltife)

Relating to the County Court of Titus County.

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

HB 4698 (Estes)

Relating to the creation of the Lake Weatherford Municipal Utility Districts Nos. 1 and 2; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

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

HB 4710 (Fraser)

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

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

HB 4712 (Estes)

Relating to the powers and duties of the Collin County Municipal Utility District No. 1.

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

HB 4713 (Wentworth)

Relating to certain exemptions from ad valorem taxes imposed by the Cow Creek Groundwater Conservation District.

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

CSHB 4715 (Williams)

Relating to the terms of temporary directors and to deadlines for elections to confirm the creation of East Montgomery County Municipal Utility Districts Nos. 8, 9, 10, 11, 12, 13, and 14, Montgomery County Municipal Utility Districts Nos. 100 and 101, and Liberty County Municipal Utility District No. 5.

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

HB 4719 (Fraser)

Relating to the creation of the Burnet County Municipal Utility District No. 3; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

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

CSHB 4722 (Ellis)

Relating to the creation of the Harris County Improvement District No. 11; providing authority to impose a tax and issue bonds.

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

HB 4723 (Hegar)

Relating to the powers and duties of the Bayview Municipal Utility District of Galveston County; providing authority to impose a tax and issue bonds.

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

HB 4737 (Estes)

Relating to the creation of the Lake Texoma Municipal Utility District No. 1; providing authority to impose a tax or assessment and issue bonds; granting a limited power of eminent domain.

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

HB 4741 (Uresti)

Relating to the creation of three additional county courts at law in Bexar County.

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

HB 4750 (Nelson)

Relating to the appointment of magistrates in the White Settlement municipal courts.

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

HB 4752 (Estes)

Relating to the creation of the Prosper Management District No. 1; providing authority to impose a tax and issue bonds.

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

HB 4754 (Wentworth)

Relating to the creation of the Guadalupe County Municipal Utility District No. 3; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

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

(Senator Uresti in Chair)**CSHB 4755** (Wentworth)

Relating to the creation of the Guadalupe County Development and Management District; providing authority to impose an assessment, impose a tax, and issue bonds.

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

HB 4759 (Van de Putte on behalf of Uresti)

Relating to the creation of the Tornillo Management District; providing authority to impose a tax and issue bonds.

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

Senator Van de Putte, on behalf of Senator Uresti, offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 4759** in SECTION 1 of the bill, in proposed Section 3845.155(b), Special District Local Laws Code, (House engrossed version, page 8, lines 10-11), by striking "for which ad valorem tax revenue may be used" and substituting "that is an authorized use of hotel occupancy tax revenue under Chapter 351, Tax Code".

The amendment to **HB 4759** 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 Van de Putte, on behalf of Senator Uresti, and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSHB 4767 (Ellis)

Relating to the designation of days, weeks, and months for recognition by concurrent resolution of the legislature.

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

HB 4771 (Ellis)

Relating to the powers and duties of Harris County Improvement District No. 5; providing authority to impose a tax and issue bonds.

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

HB 4772 (Hegar)

Relating to the creation of the Bastrop County Municipal Utility District No. 2; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

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

HB 4777 (Ellis)

Relating to the creation of the Harris County Improvement District No. 12; providing authority to impose an assessment, impose a tax, and issue bonds.

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

CSHB 4778 (Ogden)

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

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

HB 4790 (Estes)

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

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

HB 4793 (Hinojosa)

Relating to the creation of two additional county courts at law in Hidalgo County.
(viva voce vote) (31-0) (31-0)

HB 4798 (Jackson)

Relating to the creation of the League City Improvement District; providing authority to impose an assessment, impose a sales and use tax, and issue bonds.
(viva voce vote) (31-0) (31-0)

CSHB 4799 (Ogden)

Relating to the creation of the Seven Oaks Ranch Municipal Utility District; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.
(viva voce vote) (31-0) (31-0)

HB 4803 (Ogden)

Relating to the creation of the South Fork Ranch Municipal Utility District; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.
(viva voce vote) (31-0) (31-0)

HB 4811 (Wentworth)

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

HB 4815 (Ogden)

Relating to certain procedures regarding dissolution of the Ranch at Cypress Creek Municipal Utility District No. 1.
(viva voce vote) (31-0) (31-0)

CSHB 4817 (Ogden)

Relating to the creation of the Goodwater Municipal Utility District No. 1; providing authority to impose taxes and issue bonds; granting a limited power of eminent domain.
(viva voce vote) (31-0) (31-0)

CSHB 4825 (Wentworth)

Relating to the creation of the Driftwood Economic Development Municipal Management District; providing authority to impose a tax.
(viva voce vote) (31-0) (31-0)

CSHB 4827 (Ellis)

Relating to the creation of Harris County Improvement District No. 20; providing authority to impose a tax and issue bonds.
(viva voce vote) (31-0) (31-0)

CSHB 4828 (Ellis)

Relating to the creation of Harris County Improvement District No. 21; providing authority to impose a tax and issue bonds.
(viva voce vote) (31-0) (31-0)

HCR 5 (Hinojosa)

Posthumously conferring the Texas Legislative Medal of Honor on Pedro Cano of Hidalgo County for his heroic actions in World War II.

(viva voce vote)

HCR 81 (Van de Putte on behalf of Uresti)

Directing the State Preservation Board to initiate an effort to obtain missing photographs of early African American political leaders who are honored in a composite in the Capitol South Lobby and to ensure that the composite is included on Capitol tours.

(viva voce vote)

HCR 119 (Seliger)

Designating the Panhandle Region of Texas as an official Natural Renewable Resource Area.

(viva voce vote)

HCR 120 (Van de Putte on behalf of Uresti)

Memorializing the United States Congress to make eradication of the fever tick in South Texas a priority and provide appropriate funding and resources.

(viva voce vote)

HCR 182 (Hinojosa)

Designating March 29, 2010, as Vietnam Veterans Day in the State of Texas.

(viva voce vote)

**BILLS REMOVED FROM
LOCAL AND UNCONTESTED CALENDAR**

Senator Nelson and Senator Williams requested in writing that **HB 63** be removed from the Local and Uncontested Calendar.

Senator Hinojosa and Senator Williams requested in writing that **HB 140** be removed from the Local and Uncontested Calendar.

Senator Uresti and Senator Williams requested in writing that **HB 1799** be removed from the Local and Uncontested Calendar.

Senator Whitmire and Senator Williams requested in writing that **HB 2086** be removed from the Local and Uncontested Calendar.

Senator Nelson and Senator Williams requested in writing that **HB 2224** be removed from the Local and Uncontested Calendar.

Senator Shapiro and Senator Williams requested in writing that **HB 2504** be removed from the Local and Uncontested Calendar.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 10:20 a.m. adjourned, in memory of Elizabeth Perkins Prothro, until 11:00 a.m. today.

