

SENATE JOURNAL

EIGHTY-FIRST LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

SEVENTIETH DAY
(Sunday, May 31, 2009)

The Senate met at 1:29 p.m. pursuant to adjournment and was called to order by Senator Eltife.

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

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

The Reverend John W. Newton IV, Episcopal Missioner, The University of Texas at Austin, offered the invocation as follows:

O Lord our governor, whose will is good and gracious and whose law is truth. We come before You now and commend this state to Your merciful care, that being guided by Your providence, we may live in Your peace. We ask Your special blessing on our Senators, that being filled with the spirit of wisdom, charity, and justice, they may faithfully serve in their office to promote the well-being of all people. Fill them with the love of truth and righteousness, and make them ever mindful of their calling to serve the people of this state. And finally, teach all of us to rely on Your strength and to accept the responsibilities we have to our fellow citizens that we may serve You faithfully in our generation and honor Your holy name. 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-SPONSOR OF HOUSE BILL 51

On motion of Senator Zaffirini, Senator Jackson will be shown as Co-sponsor of **HB 51**.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 328 ADOPTED

Senator Carona called from the President's table the Conference Committee Report on **SB 328**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Carona, the Conference Committee Report was adopted by the following vote: Yeas 29, Nays 2.

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

Nays: Fraser, Hegar.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 1009 ADOPTED**

Senator Deuell called from the President's table the Conference Committee Report on **SB 1009**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Deuell, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 333 ADOPTED**

Senator Carona called from the President's table the Conference Committee Report on **SB 333**. The Conference Committee Report was filed with the Senate on Friday, May 29, 2009.

On motion of Senator Carona, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 488 ADOPTED**

Senator Ellis called from the President's table the Conference Committee Report on **SB 488**. The Conference Committee Report was filed with the Senate on Friday, May 29, 2009.

On motion of Senator Ellis, the Conference Committee Report was adopted by the following vote: Yeas 26, Nays 5.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Gallegos, Harris, Hinojosa, Huffman, Lucio, Nelson, Ogden, Patrick, Seliger, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Averitt, Fraser, Hegar, Jackson, Nichols.

SENATE RESOLUTION 1080

Senator Wentworth offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 81st Legislature, Regular Session, 2009, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on **SB 1182** (public information and open government) to consider and take action on the following matter:

Senate Rules 12.03(3) and (4) are suspended to permit the committee to add SECTIONS 5 and 15 to the bill:

SECTION 5. Subchapter C, Chapter 552, Government Code, is amended by adding Section 552.151 to read as follows:

Sec. 552.151. EXCEPTION: INFORMATION REGARDING SELECT AGENTS. (a) The following information that pertains to a biological agent or toxin identified or listed as a select agent under federal law, including under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Pub. L. No. 107-188) and regulations adopted under that Act, is excepted from the requirements of Section 552.021:

(1) the specific location of a select agent within an approved facility;
(2) personal identifying information of an individual whose name appears in documentation relating to the chain of custody of select agents, including a materials transfer agreement; and

(3) the identity of an individual authorized to possess, use, or access a select agent.

(b) This section does not except from disclosure the identity of the select agents present at a facility.

(c) This section does not except from disclosure the identity of an individual faculty member or employee whose name appears or will appear on published research.

(d) This section does not except from disclosure otherwise public information relating to contracts of a governmental body.

(e) If a resident of another state is present in Texas and is authorized to possess, use, or access a select agent in conducting research or other work at a Texas facility, information relating to the identity of that individual is subject to disclosure under this chapter only to the extent the information would be subject to disclosure under the laws of the state of which the person is a resident.

SECTION 15. Section 552.151, Government Code, as added by this Act, applies in relation to:

(1) a request for public information under Chapter 552, Government Code, made before, on, or after the effective date of this Act; and

(2) information that on the effective date of this Act has not yet been disclosed that:

(A) was the subject of a request for information made before the effective date of this Act; and

(B) the attorney general determined before the effective date of this Act to be subject to disclosure under Chapter 552, Government Code.

Explanation: This addition is necessary to amend the Texas public information law to track federal law by making information pertaining to certain biological agents and toxins confidential.

SR 1080 was read and was adopted without objection.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 1182 ADOPTED**

Senator Wentworth called from the President's table the Conference Committee Report on **SB 1182**. The Conference Committee Report was filed with the Senate on Friday, May 29, 2009.

On motion of Senator Wentworth, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 1557 ADOPTED**

Senator Duncan called from the President's table the Conference Committee Report on **SB 1557**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Duncan, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 1659 ADOPTED**

Senator Patrick called from the President's table the Conference Committee Report on **HB 1659**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Patrick, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 1924 ADOPTED**

Senator Seliger called from the President's table the Conference Committee Report on **HB 1924**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Seliger, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 2644 ADOPTED**

Senator Deuell called from the President's table the Conference Committee Report on **HB 2644**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Deuell, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

SENATE RESOLUTION 1069

Senator Zaffirini offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 81st Legislature, Regular Session, 2009, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on **HB 2330**, laboratory tests measuring kidney function, to consider and take action on the following matter:

Senate Rules 12.03(3) and (4) are suspended to permit the committee to add text to added Section 42.0047, Health and Safety Code, so that it reads as follows:

Sec. 42.0047. ESTIMATED GLOMERULAR FILTRATION RATE REPORTING. (a) A laboratory that performs a serum creatinine test on a sample from a person 18 years of age or older shall also calculate and include in the reported results the person's estimated glomerular filtration rate or the results of an alternative equivalent calculation measuring kidney function if the laboratory receives along with the sample all relevant clinical information about the person necessary to calculate the person's estimated glomerular filtration rate or perform an alternative equivalent calculation. A physician requesting a serum creatinine test shall provide to the laboratory all relevant clinical information about the person necessary to calculate the person's estimated glomerular filtration rate or perform an alternative equivalent calculation unless the physician determines that the calculation is unnecessary.

(b) The requirements under Subsection (a) do not apply to:

(1) a laboratory that uses equipment to perform serum creatinine tests that cannot be reprogrammed to calculate the estimated glomerular filtration rate or perform an alternative equivalent calculation measuring kidney function; or

(2) a laboratory performing a serum creatinine test on a sample taken from a patient who is being treated in a hospital.

Explanation: This change is necessary to allow a laboratory to perform an alternative equivalent calculation measuring a person's kidney function.

SR 1069 was read and was adopted without objection.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 2330 ADOPTED**

Senator Zaffirini called from the President's table the Conference Committee Report on **HB 2330**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Zaffirini, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

SENATE RESOLUTION 1071

Senator Hinojosa offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 81st Legislature, Regular Session, 2009, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on **HB 2571** (the licensing and regulation of towing companies and vehicle storage facilities) to consider and take action on the following matters:

(1) Senate Rule 12.03(2) is suspended to permit the committee to omit text not in disagreement in proposed Subsection (h), Section 2303.155, Occupations Code, to read as follows:

(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.

Explanation: This change is necessary to remove the prohibition on certain fees.

(2) Senate Rule 12.03(4) is suspended to permit the committee to add text not included in either the house or senate version of the bill by adding amended Section 2308.208, Occupations Code, to read as follows:

SECTION 8. Section 2308.208, Occupations Code, is amended to read as follows:

Sec. 2308.208. MUNICIPAL OR COUNTY ORDINANCE REGULATING UNAUTHORIZED VEHICLES. The governing body of a [A] municipality or the commissioners court of a county may adopt an ordinance that is identical to this chapter or that imposes additional requirements that exceed the minimum standards of this chapter but may not adopt an ordinance conflicting with this chapter.

Explanation: This change is necessary to authorize counties to adopt ordinances regulating unauthorized vehicles and towing of motor vehicles.

SR 1071 was read and was adopted without objection.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 2571 ADOPTED

Senator Hinojosa called from the President's table the Conference Committee Report on **HB 2571**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Hinojosa, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

(Senator Fraser in Chair)

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

May 31, 2009

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HCR 50, Affirming that the State of Texas claims sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the U.S. Constitution, serving notice to the federal government to cease and desist certain mandates, and providing that certain federal legislation be prohibited or repealed.

HCR 267, Honoring Lettie England of Odessa for her contributions to the community.

HCR 269, Commemorating the 20th anniversary of the founding of the Vietnam Center and Archive at Texas Tech University.

HCR 271, Honoring the musical drama TEXAS in Palo Duro Canyon on the occasion of its 44th season.

SCR 67, Authorizing the Texas Legislative Council to pay membership dues to the Council of State Governments for state officers.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

RECESS

On motion of Senator Whitmire, the Senate at 2:30 p.m. recessed until 4:30 p.m. today.

AFTER RECESS

The Senate met at 5:22 p.m. and was called to order by the President.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

May 31, 2009

The Honorable President of the Senate

Senate Chamber

Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HCR 220, Requesting the lieutenant governor and the speaker of the house of representatives to create a joint interim committee to study the gaming industry in Texas and its potential direct and indirect economic impact on specific markets and on the state as a whole.

HCR 264, In memory of Natalie Rhea Skipworth of Paris, Texas.

HCR 265, In memory of Willie Gray Sapp of Paris, Texas.

HCR 266, In memory of Arlene Wilson Russell of Mount Pleasant.

HCR 270, In memory of Oliver Clark Thomas of Lubbock.

SCR 79, Honoring the life of Alonzo John Wemple and his role in the history of this state and nation.

THE HOUSE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

HB 72 (143 Yeas, 0 Nays, 1 Present, not voting)

HB 216 (143 Yeas, 0 Nays, 1 Present, not voting)

HB 269 (139 Yeas, 0 Nays, 1 Present, not voting)

HB 451 (122 Yeas, 20 Nays, 1 Present, not voting)

HB 537 (105 Yeas, 34 Nays, 1 Present, not voting)

HB 666 (143 Yeas, 0 Nays, 1 Present, not voting)

HB 715 (144 Yeas, 0 Nays, 1 Present, not voting)

HB 764 (140 Yeas, 0 Nays, 1 Present, not voting)

HB 882 (140 Yeas, 1 Nays, 1 Present, not voting)

HB 1041 (145 Yeas, 0 Nays, 1 Present, not voting)

HB 1357 (141 Yeas, 0 Nays, 1 Present, not voting)

HB 1659 (141 Yeas, 0 Nays, 1 Present, not voting)

HB 1722 (140 Yeas, 0 Nays, 1 Present, not voting)

HB 1914 (143 Yeas, 0 Nays, 1 Present, not voting)

HB 2153 (141 Yeas, 0 Nays, 1 Present, not voting)

HB 2240 (142 Yeas, 0 Nays, 1 Present, not voting)

HB 2275 (118 Yeas, 27 Nays, 1 Present, not voting)

HB 2310 (140 Yeas, 0 Nays, 2 Present, not voting)

HB 2328 (142 Yeas, 0 Nays, 1 Present, not voting)

HB 2330 (142 Yeas, 0 Nays, 1 Present, not voting)

HB 2571 (142 Yeas, 0 Nays, 1 Present, not voting)

HB 2582 (140 Yeas, 0 Nays, 1 Present, not voting)

HB 2591 (147 Yeas, 0 Nays, 1 Present, not voting)

HB 2644 (142 Yeas, 0 Nays, 2 Present, not voting)

HB 2649 (143 Yeas, 0 Nays, 1 Present, not voting)

HB 2833 (72 Yeas, 71 Nays, 1 Present, not voting)

HB 2854 (142 Yeas, 0 Nays, 1 Present, not voting)

HB 3218 (140 Yeas, 0 Nays, 1 Present, not voting)

HB 3632 (139 Yeas, 0 Nays, 1 Present, not voting)
HB 3637 (117 Yeas, 26 Nays, 1 Present, not voting)
HB 3737 (142 Yeas, 0 Nays, 1 Present, not voting)
HB 3751 (143 Yeas, 0 Nays, 1 Present, not voting)
HB 3768 (140 Yeas, 0 Nays, 1 Present, not voting)
HB 3864 (143 Yeas, 0 Nays, 1 Present, not voting)
HB 4275 (94 Yeas, 47 Nays, 1 Present, not voting)
HJR 127 (143 Yeas, 0 Nays, 1 Present, not voting)
SB 93 (141 Yeas, 0 Nays, 3 Present, not voting)
SB 328 (145 Yeas, 0 Nays, 1 Present, not voting)
SB 333 (145 Yeas, 0 Nays, 1 Present, not voting)
SB 497 (142 Yeas, 0 Nays, 1 Present, not voting)
SB 679 (142 Yeas, 0 Nays, 1 Present, not voting)
SB 956 (112 Yeas, 24 Nays, 1 Present, not voting)
SB 1009 (144 Yeas, 0 Nays, 1 Present, not voting)
SB 1219 (100 Yeas, 41 Nays, 3 Present, not voting)
SB 1557 (141 Yeas, 0 Nays, 1 Present, not voting)
SB 1757 (141 Yeas, 0 Nays, 2 Present, not voting)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 3218 ADOPTED**

Senator Zaffirini called from the President's table the Conference Committee Report on **HB 3218**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Zaffirini, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 93 ADOPTED**

Senator Van de Putte called from the President's table the Conference Committee Report on **SB 93**. The Conference Committee Report was filed with the Senate on Friday, May 29, 2009.

On motion of Senator Van de Putte, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 2310 ADOPTED**

Senator Williams called from the President's table the Conference Committee Report on **HB 2310**. The Conference Committee Report was filed with the Senate on Friday, May 29, 2009.

On motion of Senator Williams, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 1914 ADOPTED**

Senator Nichols called from the President's table the Conference Committee Report on **HB 1914**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Nichols, the Conference Committee Report was adopted by the following vote: Yeas 26, Nays 5.

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

Nays: Duncan, Jackson, Ogden, Wentworth, Williams.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 3632 ADOPTED**

Senator Averitt called from the President's table the Conference Committee Report on **HB 3632**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Averitt, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

BILLS AND RESOLUTIONS SIGNED

The President announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

HB 58, HB 200, HB 319, HB 694, HB 773, HB 871, HB 1038, HB 1187, HB 1275, HB 1310, HB 1325, HB 1423, HB 1517, HB 1614, HB 1633, HB 1665, HB 1711, HB 1799, HB 1841, HB 1888, HB 1937, HB 1945, HB 1946, HB 2291, HB 2307, HB 2348, HB 2368, HB 2438, HB 2556, HB 2642, HB 2703, HB 2708, HB 2751, HB 2925, HB 2961, HB 3089, HB 3113, HB 3226, HB 3330, HB 3352, HB 3353, HB 3417, HB 3438, HB 3547, HB 3654, HB 3854, HB 3861, HB 3866, HB 4412, HB 4471, HB 4501, HB 4529, HB 4704, HB 4742, HB 4745, HB 4775, HB 4785, HB 4795, HB 4800, HB 4818, HB 4829, HCR 22, HCR 161, HCR 184, HCR 228, HCR 243, HCR 254, HJR 85, HJR 102, HJR 132.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 2328 ADOPTED**

Senator Carona called from the President's table the Conference Committee Report on **HB 2328**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Carona, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 72 ADOPTED**

Senator Zaffirini called from the President's table the Conference Committee Report on **HB 72**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Zaffirini, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 1.

Nays: Harris.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 1757 ADOPTED**

Senator Watson called from the President's table the Conference Committee Report on **SB 1757**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Watson, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 2649 ADOPTED**

Senator Deuell called from the President's table the Conference Committee Report on **HB 2649**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Deuell, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 1219 ADOPTED**

Senator Averitt called from the President's table the Conference Committee Report on **SB 1219**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Averitt, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 882 ADOPTED**

Senator Eltife called from the President's table the Conference Committee Report on **HB 882**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Eltife, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 269 ADOPTED**

Senator Van de Putte called from the President's table the Conference Committee Report on **HB 269**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Van de Putte, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 1.

Nays: Shapiro.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 956 ADOPTED**

Senator West called from the President's table the Conference Committee Report on **SB 956**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator West, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 3737 ADOPTED**

Senator Davis called from the President's table the Conference Committee Report on **HB 3737**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Davis, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

(Senator Eltife in Chair)

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 3983 ADOPTED**

Senator Watson called from the President's table the Conference Committee Report on **HB 3983**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Watson, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 666 ADOPTED**

Senator Uresti called from the President's table the Conference Committee Report on **HB 666**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Uresti, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 679 ADOPTED**

Senator Lucio called from the President's table the Conference Committee Report on **SB 679**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Lucio, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 4275 ADOPTED**

Senator West called from the President's table the Conference Committee Report on **HB 4275**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator West, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 216 ADOPTED**

Senator Shapleigh called from the President's table the Conference Committee Report on **HB 216**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Shapleigh, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 1357 ADOPTED**

Senator Deuell called from the President's table the Conference Committee Report on **HB 1357**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Deuell, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 686 ADOPTED**

Senator Davis called from the President's table the Conference Committee Report on **SB 686**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Davis, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

REMARKS ORDERED PRINTED

On motion of Senator Davis and by unanimous consent, the remarks regarding **SB 686** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Members, this bill did have some amendments added to it in the House, which are acceptable to me as the Senate author, and the committee report retains those amendments to assure recognition of all interests that are affected by the bill. The Texas Transportation Commission currently denies pipeline companies the ability to install their pipelines along controlled access state highways. As a result, natural gas pipeline companies have been installing their pipelines in residential neighborhoods, when they could have been installed in nearby highway rights-of-way. The bill is intended solely to require that TxDOT allow pipelines in its controlled access highway rights-of-way, and it is not intended to alter current authority of cities, with regards to rights-of-way within a city's limit. The municipal right-of-way regulations are not affected by the bill, and cities still have the authority to have a conversation with the pipeline operator to determine the best placement for the pipeline and its facilities.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 2347 ADOPTED

Senator Whitmire called from the President's table the Conference Committee Report on **HB 2347**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Whitmire, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 1.

Nays: Shapiro.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 3768 ADOPTED

Senator Wentworth called from the President's table the Conference Committee Report on **HB 3768**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Wentworth, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 3309 ADOPTED

Senator Ogden called from the President's table the Conference Committee Report on **HB 3309**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Ogden, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 1030 ADOPTED**

Senator Ellis called from the President's table the Conference Committee Report on **HB 1030**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Ellis, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 537 ADOPTED**

Senator Carona called from the President's table the Conference Committee Report on **SB 537**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Carona, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 148 ADOPTED**

Senator Wentworth called from the President's table the Conference Committee Report on **HB 148**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Wentworth, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 3065 ADOPTED**

Senator Ellis called from the President's table the Conference Committee Report on **HB 3065**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Ellis, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 1.

Nays: Williams.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 1041 ADOPTED**

Senator West called from the President's table the Conference Committee Report on **HB 1041**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator West, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 3864 ADOPTED**

Senator Seliger called from the President's table the Conference Committee Report on **HB 3864**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Seliger, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 1801 ADOPTED**

Senator Shapiro called from the President's table the Conference Committee Report on **HB 1801**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Shapiro, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
HOUSE JOINT RESOLUTION 127 ADOPTED**

Senator Carona called from the President's table the Conference Committee Report on **HJR 127**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Carona, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 2730 ADOPTED**

Senator Hinojosa called from the President's table the Conference Committee Report on **HB 2730**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Hinojosa, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 2833 ADOPTED**

Senator Shapleigh called from the President's table the Conference Committee Report on **HB 2833**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Shapleigh, the Conference Committee Report was adopted by the following vote: Yeas 28, Nays 2.

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

Nays: Estes, Lucio.

Absent: Williams.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 3637 ADOPTED**

Senator Wentworth called from the President's table the Conference Committee Report on **HB 3637**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Wentworth, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 2917 ADOPTED**

Senator Shapiro called from the President's table the Conference Committee Report on **HB 2917**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Shapiro, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 3461 ADOPTED**

Senator Watson called from the President's table the Conference Committee Report on **HB 3461**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Watson, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 451 ADOPTED**

Senator Lucio called from the President's table the Conference Committee Report on **HB 451**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Lucio, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 1.

Nays: Williams.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 3676 ADOPTED**

Senator Seliger called from the President's table the Conference Committee Report on **HB 3676**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Seliger, the Conference Committee Report was adopted by the following vote: Yeas 26, Nays 5.

Yeas: Averitt, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Seliger, Shapiro, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Hinojosa, Patrick, Shapleigh, Uresti, Van de Putte.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 434 ADOPTED**

Senator Wentworth called from the President's table the Conference Committee Report on **SB 434**. The Conference Committee Report was filed with the Senate on Thursday, May 21, 2009.

On motion of Senator Wentworth, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 2240 ADOPTED**

Senator Nelson called from the President's table the Conference Committee Report on **HB 2240**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Nelson, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

BILLS SIGNED

The Presiding Officer announced the signing of the following enrolled bills in the presence of the Senate after the captions had been read:

SB 39, SB 68, SB 129, SB 174, SB 184, SB 203, SB 223, SB 229, SB 271, SB 279, SB 282, SB 283, SB 343, SB 420, SB 451, SB 476, SB 531, SB 532, SB 575, SB 589, SB 627, SB 643, SB 654, SB 660, SB 666, SB 702, SB 703, SB 705, SB 743, SB 768, SB 806, SB 833, SB 839, SB 860, SB 865, SB 866, SB 891, SB 911, SB 970, SB 1034, SB 1050, SB 1056, SB 1091, SB 1093, SB 1095, SB 1201, SB 1235, SB 1237, SB 1259, SB 1290, SB 1334, SB 1368, SB 1374, SB 1402, SB 1410, SB 1472, SB 1526, SB 1586, SB 1592, SB 1612, SB 1646, SB 1705, SB 1717, SB 1732, SB 1760, SB 1804, SB 1812, SB 1827, SB 1878, SB 1940, SB 1945, SB 1967, SB 2141, SB 2153, SB 2169, SB 2197, SB 2240, SB 2279, SB 2456, SB 2469, SB 2478, SB 2505, SB 2526, SB 2553, SB 2569, SB 2570, SB 2577.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 764 ADOPTED**

Senator Wentworth called from the President's table the Conference Committee Report on **HB 764**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Wentworth, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 3751 ADOPTED**

Senator Shapiro called from the President's table the Conference Committee Report on **HB 3751**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Shapiro, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 497 ADOPTED**

Senator Wentworth called from the President's table the Conference Committee Report on **SB 497**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Wentworth, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 2086 ADOPTED**

Senator Whitmire called from the President's table the Conference Committee Report on **HB 2086**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Whitmire, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 2274 ADOPTED**

Senator Seliger called from the President's table the Conference Committee Report on **SB 2274**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Seliger, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 1.

Nays: Patrick.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 1449 ADOPTED**

Senator West called from the President's table the Conference Committee Report on **SB 1449**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator West, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
May 31, 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 ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

- HB 148** (142 Yeas, 1 Nays, 1 Present, not voting)
- HB 548** (140 Yeas, 0 Nays, 1 Present, not voting)
- HB 1030** (145 Yeas, 0 Nays, 1 Present, not voting)
- HB 1506** (144 Yeas, 0 Nays, 1 Present, not voting)
- HB 1801** (141 Yeas, 0 Nays, 1 Present, not voting)
- HB 2086** (142 Yeas, 1 Nays, 1 Present, not voting)
- HB 2647** (137 Yeas, 0 Nays, 1 Present, not voting)
- HB 2730** (140 Yeas, 0 Nays, 1 Present, not voting)
- HB 2917** (137 Yeas, 0 Nays, 1 Present, not voting)
- HB 3065** (142 Yeas, 0 Nays, 1 Present, not voting)
- HB 3309** (143 Yeas, 0 Nays, 2 Present, not voting)
- SB 52** (92 Yeas, 50 Nays, 1 Present, not voting)
- SB 1068** (140 Yeas, 0 Nays, 1 Present, not voting)
- SB 1263** (143 Yeas, 0 Nays, 1 Present, not voting)
- SB 1273** (140 Yeas, 0 Nays, 2 Present, not voting)
- SB 2274** (142 Yeas, 0 Nays, 2 Present, not voting)
- SB 2468** (142 Yeas, 0 Nays, 2 Present, not voting)
- SB 2513** (143 Yeas, 0 Nays, 1 Present, not voting)

THE HOUSE HAS DISCHARGED ITS CONFEREES AND CONCURRED IN SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

- HB 987** (143 Yeas, 0 Nays, 2 Present, not voting)
- HB 2555** (143 Yeas, 0 Nays, 2 Present, not voting)
- HB 4817** (143 Yeas, 0 Nays, 1 Present, not voting)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 548 ADOPTED**

Senator Carona called from the President's table the Conference Committee Report on **HB 548**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Carona, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 2153 ADOPTED**

Senator Shapiro called from the President's table the Conference Committee Report on **HB 2153**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Shapiro, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 52 ADOPTED**

Senator Zaffirini called from the President's table the Conference Committee Report on **SB 52**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Zaffirini, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 1.

Nays: Seliger.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 2647 ADOPTED**

Senator Deuell called from the President's table the Conference Committee Report on **HB 2647**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Deuell, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 4009 ADOPTED**

Senator Van de Putte called from the President's table the Conference Committee Report on **HB 4009**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Van de Putte, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 2169 ADOPTED**

Senator Hinojosa called from the President's table the Conference Committee Report on **HB 2169**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Hinojosa, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 4424 ADOPTED**

Senator Gallegos called from the President's table the Conference Committee Report on **HB 4424**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Gallegos, the Conference Committee Report was adopted by the following vote: Yeas 29, Nays 2.

Yeas: Averitt, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Harris, Jackson.

SENATE RESOLUTION 1073

Senator Zaffirini offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 81st Legislature, Regular Session, 2009, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on **HB 51** (measures to enhance and maintain the quality of state universities, including funding and incentives to support emerging public research universities, to the abolition of the higher education fund, to the institutional groupings under the Texas Higher Education Coordinating Board's accountability system, to the independent status of Lamar Institute of Technology, to research conducted by public universities and other state entities, and to the authorization of revenue bonds for certain institutions of higher education) to consider and take action on the following matter:

Senate Rule 12.03(4) is suspended to permit the committee to add the following new SECTIONS to the bill:

SECTION 2. Subchapter B, Chapter 55, Education Code, is amended by adding Sections 55.1771 and 55.17721 to read as follows:

Sec. 55.1771. TEXAS A&M UNIVERSITY AT GALVESTON. (a) In addition to the other authority granted by this subchapter and subject to the other provisions of this section, the board of regents of The Texas A&M University System may acquire, purchase, construct, improve, renovate, enlarge, or equip property, buildings, structures, facilities, roads, or related infrastructure for Texas A&M University at Galveston for an erosion control breakwater, a dock, or any other related purpose reasonably necessary to assist the institution to recover from any damage or other impact caused by Hurricane Ike, to be financed by the issuance of bonds in

accordance with this subchapter, including bonds issued in accordance with a systemwide revenue financing program and secured as provided by that program, in an aggregate principal amount not to exceed \$5 million.

(b) The board of regents may pledge irrevocably to the payment of the bonds authorized by this section all or any part of the revenue funds of an institution, branch, or entity of The Texas A&M University System, including student tuition charges. The amount of a pledge made under this subsection may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding.

(c) If sufficient funds are not available to the board of regents to meet its obligations under this section, the board may transfer funds among institutions, branches, and entities of The Texas A&M University System to ensure the most equitable and efficient allocation of available resources for each institution, branch, or entity to carry out its duties and purposes.

Sec. 55.17721. THE UNIVERSITY OF TEXAS MEDICAL BRANCH AT GALVESTON. (a) In addition to the other authority granted by this subchapter and subject to the other provisions of this section, the board of regents of The University of Texas System may acquire, purchase, construct, improve, renovate, enlarge, or equip property, buildings, structures, facilities, roads, or related infrastructure for The University of Texas Medical Branch at Galveston for any purpose reasonably necessary to assist the institution to recover from any damage or other impact caused by Hurricane Ike, to be financed by the issuance of bonds in accordance with this subchapter, including bonds issued in accordance with a systemwide revenue financing program and secured as provided by that program, in an aggregate principal amount not to exceed \$150 million.

(b) The board may pledge irrevocably to the payment of the bonds authorized by this section all or any part of the revenue funds of an institution, branch, or entity of The University of Texas System, including student tuition charges. The amount of a pledge made under this subsection may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding.

(c) If sufficient funds are not available to the board to meet its obligations under this section, the board may transfer funds among institutions, branches, and entities of The University of Texas System to ensure the most equitable and efficient allocation of available resources for each institution, branch, or entity to carry out its duties and purposes.

(d) Any transfer of funds to the board pursuant to an appropriation of state funds to the board or The University of Texas Medical Branch at Galveston for the purpose of reimbursing the board for all or part of the debt service on bonds issued under this section is subject to the prior approval of the Legislative Budget Board. In determining whether to approve a transfer of state funds for that purpose, the Legislative Budget Board shall consider:

(1) whether the commissioners court of the county in which the medical branch is located has entered into an agreement with the board under which the county agrees to reimburse the board for all or part of any otherwise unreimbursed

costs incurred by the medical branch to provide health care services to individuals who are residents of the county and whose net family income is not more than 100 percent of the federal poverty level; or

(2) whether the county in which the medical branch is located or a hospital district that includes that county imposes an ad valorem tax for health care purposes.

(e) For purposes of Subsection (d), the county of residence of an individual is determined in the same manner as provided by Chapter 61, Health and Safety Code.

SECTION 3. Section 61.0572(e), Education Code, is amended to read as follows:

(e) Approval of the board is not required to acquire real property that is financed by bonds issued under Section 55.17(e)(3) or (4), 55.1713-55.1718, 55.1721-55.1728, 55.1735(a)(1), 55.174, 55.1742, 55.1743, 55.1744, 55.1751-55.17592, ~~or~~ 55.1768, 55.1771, or 55.17721, except that the board shall review all real property to be financed by bonds issued under those sections to determine whether the property meets the standards adopted by the board for cost, efficiency, and space use. If the property does not meet those standards, the board shall notify the governor, the lieutenant governor, the speaker of the house of representatives, and the Legislative Budget Board.

SECTION 4. Section 61.058(b), Education Code, is amended to read as follows:

(b) This section does not apply to construction, repair, or rehabilitation financed by bonds issued under Section 55.17(e)(3) or (4), 55.1713-55.1718, 55.1721-55.1728, 55.174, 55.1742, 55.1743, 55.1744, 55.1751-55.17592, ~~or~~ 55.1768, 55.1771, or 55.17721, except that the board shall review all construction, repair, or rehabilitation to be financed by bonds issued under those sections to determine whether the construction, rehabilitation, or repair meets the standards adopted by board rule for cost, efficiency, and space use. If the construction, rehabilitation, or repair does not meet those standards, the board shall notify the governor, the lieutenant governor, the speaker of the house of representatives, and the Legislative Budget Board.

Explanation: This addition is necessary to enable the governing boards of Texas A&M University at Galveston and The University of Texas Medical Branch at Galveston to issue tuition revenue bonds to finance capital improvements at those institutions that are reasonably necessary to assist the institutions in recovering from any damage or other impact caused by Hurricane Ike.

SR 1073 was read and was adopted without objection.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 51 ADOPTED

Senator Zaffirini called from the President's table the Conference Committee Report on **HB 51**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Zaffirini, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

(President in Chair)

(Senator Eltife in Chair)

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 1759 ADOPTED**

Senator Watson called from the President's table the Conference Committee Report on **SB 1759**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Watson, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 1273 ADOPTED**

Senator Carona called from the President's table the Conference Committee Report on **SB 1273**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Carona, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 3076 ADOPTED**

Senator West called from the President's table the Conference Committee Report on **HB 3076**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator West, the Conference Committee Report was adopted by the following vote: Yeas 27, Nays 4.

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

Nays: Hegar, Jackson, Nichols, Patrick.

SENATE RESOLUTION 1092

Senator Duncan offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 81st Legislature, Regular Session, 2009, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on **HB 3347** (plan qualification provisions for and certain supplemental payments and health insurance deductions under the Teacher Retirement System of Texas) to consider and take action on the following matter:

Senate Rule 12.03(4) is suspended to permit the committee to add the following new SECTION 5 to the bill:

SECTION 5. (a) The Teacher Retirement System of Texas shall make a one-time supplemental payment of a retirement or death benefit as provided by this section.

(b) The supplemental payment is payable to each eligible annuitant not later than January 2010 and, to the extent practicable, on a date or dates that coincide with the regular annuity payment payable to each eligible annuitant.

(c) The amount of the supplemental payment is equal to the lesser of:

(1) the gross amount of the regular annuity payment to which the eligible annuitant is otherwise entitled for the month of December 2009; or

(2) \$500.

(d) The supplemental payment is payable without regard to any forfeiture of benefits under Section 824.601, Government Code. The Teacher Retirement System of Texas shall make applicable tax withholding and other legally required deductions before disbursing the supplemental payment. A supplemental payment under this section is in addition to and not in lieu of the regular monthly annuity payment to which the eligible annuitant is otherwise entitled.

(e) Subject to Subsection (f) of this section, to be eligible for the supplemental payment, a person must be, for the month of December 2009, and disregarding any forfeiture of benefits under Section 824.601, Government Code, an annuitant eligible to receive:

(1) a standard retirement annuity payment;

(2) an optional retirement annuity payment as either a retiree or beneficiary;

(3) a life annuity payment under Section 824.402(a)(4), Government Code;

(4) an annuity for a guaranteed period of 60 months under Section 824.402(a)(3), Government Code; or

(5) an alternate payee annuity payment under Section 804.005, Government Code.

(f) If the annuitant is a retiree or if the annuitant is a beneficiary of a retiree who selected an optional retirement payment plan, to be eligible for the supplemental payment, the effective date of the retirement of the member of the Teacher Retirement System of Texas must have been on or before December 31, 2008. If the annuitant is a beneficiary under Section 824.402(a)(3) or (4), Government Code, to be eligible for the supplemental payment, the date of death of the member of the retirement system must have been on or before December 31, 2008. The supplemental payment shall be made to an alternate payee who is an annuitant under Section 804.005, Government Code, only if the annuity payment to the alternate payee commenced on or before December 31, 2008. The supplemental payment is in addition to the guaranteed number of payments under Section 824.402(a)(3), Government Code, Section 824.204(c)(3) or (4), Government Code, or Section 824.308(c)(3) or (4), Government Code, and may not be counted as one of the guaranteed monthly payments.

(g) The supplemental payment does not apply to payments under:

(1) Section 824.304(a), Government Code, relating to disability retirees with less than 10 years of service credit;

(2) Section 824.804(b), Government Code, relating to participants in the deferred retirement option plan with regard to payments from their deferred retirement option plan accounts;

(3) Section 824.501(a), Government Code, relating to retiree survivor beneficiaries who receive a survivor annuity in an amount fixed by statute; or

(4) Section 824.404(a), Government Code, relating to active member survivor beneficiaries who receive a survivor annuity in an amount fixed by statute.

(h) Except as provided by this section, the board of trustees of the Teacher Retirement System of Texas shall determine the eligibility for and the amount and timing of a supplemental payment and the manner in which the payment is made.

(i) The supplemental payment is contingent on sufficient funds being appropriated from general revenue to the Teacher Retirement System of Texas for this purpose and may not be paid from trust funds.

Explanation: This addition is necessary to provide a supplemental payment to eligible retirees and beneficiaries who receive payments from the Teacher Retirement System of Texas.

SR 1092 was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of the resolution except as follows:

Nays: Ogden.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 3347 ADOPTED

Senator Duncan called from the President's table the Conference Committee Report on **HB 3347**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Duncan, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 4583 ADOPTED

Senator Ogden called from the President's table the Conference Committee Report on **HB 4583**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Ogden, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

SENATE RESOLUTION 1011

Senator Zaffirini offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 81st Legislature, Regular Session, 2009, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on **HB 2275**, relating to creating a task force to develop uniform standards for subdivisions in the unincorporated areas of counties near the international border and in economically distressed counties, to consider and take action on the following matters:

(1) Senate Rule 12.03(2) is suspended to permit the committee to omit text not in disagreement in proposed Subsection (a), SECTION 2 of the bill to read as follows:

(a) The Task Force on Uniform County Subdivision Regulation is composed of 23 members as follows:

Explanation: The omission of text is necessary because not all members of the task force will be appointed.

(2) Senate Rules 12.03(1), (2), and (3) are suspended to permit the committee to change and omit text not in disagreement and to add text in proposed Subdivision (6), Subsection (a), SECTION 2 of the bill to read as follows:

(6) the secretary of state or a designee of the secretary of state who has expertise in matters affecting colonias;

Explanation: The alteration of text is necessary to allow the secretary of state or a designee of the secretary of state to be a member of the task force.

(3) Senate Rules 12.03(1) and (2) are suspended to permit the committee to change and omit text not in disagreement in proposed Subsection (b), Section 2 of the bill to read as follows:

(b) The members of the Task Force on Uniform County Subdivision Regulation shall elect a presiding officer, a secretary, and any other officers the members consider necessary.

Explanation: The omission of text is necessary because not all members of the task force will be appointed. The change of the terms "board considers" to "members consider" is necessary to correct an error.

SR 1011 was read and was adopted without objection.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 2275 ADOPTED

Senator Zaffirini called from the President's table the Conference Committee Report on **HB 2275**. The Conference Committee Report was filed with the Senate on Friday, May 29, 2009.

On motion of Senator Zaffirini, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

SENATE RESOLUTION 1074

Senator Uresti offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 81st Legislature, Regular Session, 2009, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on **HB 1722** (proceedings that may be referred to and the powers of a criminal law magistrate in Bexar County) to consider and take action on the following matter:

Senate Rule 12.03(1), is suspended to permit the committee to change text not in disagreement in SECTION 1 of the bill, in Subdivision (8), Subsection (a), Section 54.906, Government Code, to read as follows:

(8) any other matter the judge considers necessary and proper, including a negotiated plea of guilty before the court.

Explanation: This change is necessary to maintain the authority of a district judge in Bexar County to refer proceedings in criminal cases involving negotiated pleas of guilty to a criminal law magistrate.

SR 1074 was read and was adopted without objection.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 1722 ADOPTED**

Senator Uresti called from the President's table the Conference Committee Report on **HB 1722**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Uresti, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

SENATE RESOLUTION 1064

Senator Nichols offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 81st Legislature, Regular Session, 2009, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on **HB 4498**, relating to the sale and consumption of alcoholic beverages, to consider and take action on the following matter:

Senate Rule 12.03(4) is suspended to allow the conference committee to add text on a matter not in dispute to read as follows:

SECTION 1. Chapter 28, Alcoholic Beverage Code, is amended by adding Section 28.101 to read as follows:

Sec. 28.101. PUBLIC CONSUMPTION. (a) This section applies only to a mixed beverage permit holder whose premises are located in a municipality that:

- (1) has a population of less than 15,000;
- (2) is located in a county with a population of less than 65,000; and
- (3) contains a historic preservation district that borders a lake.

(b) Notwithstanding Section 28.10 or any other law, the holder of a mixed beverage permit whose permitted premises are located on property owned by a municipality that contains a municipally owned conference center and that borders a lake may permit a patron to leave the permitted premises, even though the patron possesses an alcoholic beverage, if:

(1) the beverage is in an open container and appears to be possessed for present consumption; and

(2) the public consumption of alcoholic beverages or possession of an open container of an alcoholic beverage is not prohibited on the municipally owned property where the permitted premises are located.

(c) This section does not affect the prohibition against possessing an open container in a passenger area of a motor vehicle under Section 49.031, Penal Code.

SECTION 2. Chapter 31, Alcoholic Beverage Code, is amended by adding Section 31.06 to read as follows:

Sec. 31.06. PUBLIC CONSUMPTION. (a) This section applies only to the holder of a caterer's permit operating under the permit in an area in a municipality that:

- (1) has a population of less than 15,000;
- (2) is located in a county with a population of less than 65,000; and
- (3) contains a historic preservation district that borders a lake.

(b) Notwithstanding any other law, the holder of a caterer's permit operating under the permit in an area located on property owned by a municipality that contains a municipally owned conference center and that borders a lake may permit a patron to leave the area, even though the patron possesses an alcoholic beverage, if:

(1) the beverage is in an open container and appears to be possessed for present consumption; and

(2) the public consumption of alcoholic beverages or possession of an open container of an alcoholic beverage is not prohibited on the municipally owned property where the area is located.

(c) This section does not affect the prohibition against possessing an open container in a passenger area of a motor vehicle under Section 49.031, Penal Code.

Explanation: The added language is necessary to authorize individuals in certain areas of the state to leave the premises of a mixed beverage permit holder or the area in which a holder of a caterer's permit is operating while possessing an open container of alcohol.

SR 1064 was read and was adopted without objection.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 4498 ADOPTED

Senator Nichols called from the President's table the Conference Committee Report on **HB 4498**. The Conference Committee Report was filed with the Senate on Friday, May 29, 2009.

On motion of Senator Nichols, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

SENATE RESOLUTION 1087

Senator Wentworth offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 81st Legislature, Regular Session, 2009, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on **SB 1068** (allowing a governmental body to redact certain personal information under the public information law without the necessity of requesting a decision from the attorney general and allowing information about a public officer or public employee to be withheld if disclosure would pose a substantial risk of physical harm) to consider and take action on the following matter:

Senate Rules 12.03(3) and (4) are suspended to permit the committee to add SECTION 4 to the bill to read as follows:

SECTION 4. Subchapter C, Chapter 552, Government Code, is amended by adding Section 552.151 to read as follows:

Sec. 552.151. EXCEPTION: PUBLIC EMPLOYEE OR OFFICER PERSONAL SAFETY. Information in the custody of a governmental body that relates to an employee or officer of the governmental body is excepted from the requirements of Section 552.021 if, under the specific circumstances pertaining to the employee or officer, disclosure of the information would subject the employee or officer to a substantial threat of physical harm.

Explanation: This addition is necessary to amend the public information law to allow information relating to a public officer or public employee to be withheld from disclosure if disclosure would pose a substantial risk of physical harm.

SR 1087 was read and was adopted without objection.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 1068 ADOPTED**

Senator Wentworth called from the President's table the Conference Committee Report on **SB 1068**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Wentworth, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 968 ADOPTED**

Senator West called from the President's table the Conference Committee Report on **SB 968**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator West, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

SENATE RESOLUTION 1076

Senator Averitt offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 81st Legislature, Regular Session, 2009, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on **SB 2513** (name and confirmation of, and certain fees imposed by, the McLennan County Groundwater Conservation District and the authority to create certain adjacent groundwater conservation districts) to consider and take action on the following matter:

Senate Rules 12.03(3) and (4) are suspended to permit the conference committee to add the following:

SECTION 3. Section 8821.002, Special District Local Laws Code, is amended to read as follows:

Sec. 8821.002. NATURE OF DISTRICT. The district is a groundwater conservation district in McLennan County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. The district is located in a priority groundwater management area designated by the Texas Commission on Environmental Quality pursuant to Section 35.008, Water Code.

Explanation: The addition of the SECTION to the bill is necessary to recognize that the Southern Trinity Groundwater Conservation District is in a priority groundwater management area designated by the Texas Commission on Environmental Quality.

Senate Rules 12.03(3) and (4) are suspended to permit the conference committee to add the following:

SECTION 8. Notwithstanding Sections 35.012 and 36.0151, Water Code, the Texas Commission on Environmental Quality shall not, before September 1, 2011, create a groundwater conservation district:

(1) in the priority groundwater management area in which the Southern Trinity Groundwater Conservation District is located; or

(2) in a priority groundwater management area that is adjacent to the priority groundwater management area in which the Southern Trinity Groundwater Conservation District is located.

Explanation: The addition of the SECTION to the bill is necessary to delay until September 11, 2011, the requirement for the Texas Commission on Environmental Quality to create a groundwater conservation district in the same priority groundwater management area in which the Southern Trinity Groundwater Conservation District is located or in a priority groundwater management area that is adjacent to that district.

SR 1076 was read and was adopted without objection.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 2513 ADOPTED

Senator Averitt called from the President's table the Conference Committee Report on **SB 2513**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Averitt, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

SENATE RESOLUTION 1085

Senator Hinojosa offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 81st Legislature, Regular Session, 2009, That the Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on **HB 1506** (the imposition of conditions on certain defendants charged with an offense involving family violence) to consider and take action on the following matter:

Senate Rules 12.03(2), (3), and (4) are suspended to permit the committee to omit Subsection (h), Article 17.49, Code of Criminal Procedure, as added by the senate and house versions of the bill, and to add new Subsections (h) and (i), Article 17.49, Code of Criminal Procedure, to read as follows:

(h) If the magistrate determines that a defendant is indigent, the magistrate may, based on a sliding scale established by local rule, require the defendant to pay costs under Subsection (b)(2) or (3) in an amount that is less than the full amount of the costs associated with operating the global positioning monitoring system in relation to the defendant or providing the victim with an electronic receptor device.

(i) If an indigent defendant pays to an entity that operates a global positioning monitoring system the partial amount ordered by a magistrate under Subsection (h), the entity shall accept the partial amount as payment in full. The county in which the magistrate who enters an order under Subsection (h) is located is not responsible for payment of any costs associated with operating the global positioning monitoring system in relation to an indigent defendant.

Explanation: This change is necessary to remove a provision allowing an indigent defendant to perform community supervision in lieu of paying certain costs and to add provisions to allow a magistrate, without obligating the county to pay any of the costs, to require an indigent defendant to pay less than the full costs associated with operating a global positioning monitoring system in relation to the defendant or with providing an electronic receptor device to the victim of the offense committed by the defendant.

SR 1085 was read and was adopted without objection.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 1506 ADOPTED**

Senator Hinojosa called from the President's table the Conference Committee Report on **HB 1506**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Hinojosa, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 1.

Nays: Shapleigh.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 498 ADOPTED**

Senator Ellis called from the President's table the Conference Committee Report on **HB 498**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Ellis, the Conference Committee Report was adopted by the following vote: Yeas 27, Nays 4.

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

Nays: Nelson, Nichols, Patrick, Seliger.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 3335 ADOPTED**

Senator Averitt called from the President's table the Conference Committee Report on **HB 3335**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Averitt, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 2468 ADOPTED**

Senator Gallegos called from the President's table the Conference Committee Report on **SB 2468**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Gallegos, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 3221 ADOPTED**

Senator Van de Putte called from the President's table the Conference Committee Report on **HB 3221**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Van de Putte, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 2555 ADOPTED**

Senator Ogden called from the President's table the Conference Committee Report on **HB 2555**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Ogden, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 3220 ADOPTED**

Senator Patrick called from the President's table the Conference Committee Report on **HB 3220**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Patrick, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

SENATE RESOLUTION 1072

Senator Watson offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 81st Legislature, Regular Session, 2009, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on **SB 1263** (certain mass transit entities) to consider and take action on the following matters:

(1) Senate Rules 12.03(1) and (4) are suspended to permit the committee to change text not in disagreement and add text not included in either version of the bill under Section 7 of the bill in amended Subdivision (2), Subsection (b), Section 451.5021, Transportation Code, to read as follows:

(2) two members, one who must be and one who may be an elected official, ~~[two members]~~ appointed by the governing body of the principal municipality;

Explanation: The change is necessary because of the two members of the board appointed by the municipality, only one must be an elected official.

(2) Senate Rules 12.03(1) and (2) are suspended to permit the committee to change and omit text not in disagreement in Section 7 of the bill in amended Subdivisions (3) and (4), Subsection (b), Section 451.5021, Transportation Code, so that the text reads as follows:

(3) one member appointed by the commissioners court of the principal county;

(4) one member appointed by the commissioners court of the county, excluding the principal county, that has the largest population of the counties in the authority ~~[a panel composed of the mayors of all the municipalities in the authority located in the principal county of the authority, excluding the mayor of the principal municipality]; [and]~~

Explanation: The alteration of text is necessary because the members under these subdivisions will not be jointly appointed.

(3) Senate Rules 12.03(1) and (4) are suspended to permit the committee to change text not in disagreement and add text not included in either version of the bill in Section 7 of the bill in the introduction of amended Subsection (d), Section 451.5021, Transportation Code, so that it reads as follows:

(d) A person appointed under Subsection (b)(1), (2) ~~[(b)(2), (3), (4)]~~, or (5), except as provided by Subsection (b)(2):

Explanation: The new text is needed to refer to the exception to this subsection under Subsection (b)(2).

(4) Senate Rules 12.03(1) and (2) are suspended to permit the committee to change and omit text not in disagreement in Section 7 of the bill, in added Subsections (d-2) and (d-3), Section 451.5021, Transportation Code, so that the text reads as follows:

(d-2) A person appointed under Subsection (b)(3) must:

(1) have the person's principal place of occupation or employment in the portion of the authority's service area that is located in the principal county; or

(2) be a qualified voter of the principal county.

(d-3) A person appointed under Subsection (b)(4) must:

(1) have the person's principal place of occupation or employment in the portion of the authority's service area that is located in the county, other than the principal county, that has the largest population of the counties in the authority; or

(2) be a qualified voter of the county, other than the principal county, that has the largest population of the counties in the authority.

Explanation: The changes delete text that was in error or that is not necessary because of the change from joint appointments under Subsections (b)(3) and (b)(4).

SR 1072 was read and was adopted without objection.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 1263 ADOPTED

Senator Watson called from the President's table the Conference Committee Report on **SB 1263**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Watson, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

SENATE RESOLUTION 1102

Senator Seliger offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 81st Legislature, Regular Session, 2009, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on **HB 469** (the establishment of incentives by this state for the implementation of projects to capture and sequester carbon dioxide that would otherwise be emitted into the atmosphere) to consider and take action on the following matters:

(1) Senate Rules 12.03(1) and (3) are suspended to permit the committee to change, alter, or amend text that is not in disagreement and to add text on a matter that is not in disagreement in SECTION 1 of the bill, in the heading to added Subchapter H, Chapter 490, Government Code, to read as follows:

SUBCHAPTER H. FRANCHISE TAX CREDIT FOR CLEAN ENERGY PROJECT

Explanation: The change is necessary to clarify that the subchapter authorizes a franchise tax credit for a clean energy project.

(2) Senate Rules 12.03(3) and (4) are suspended to permit the committee to add text on a matter that is not in disagreement and to add text on a matter that is not included in either the house or senate version of the bill in SECTION 1 of the bill, in added Subsection (a), Section 490.352, Government Code, to read as follows:

A clean energy project is eligible for a franchise tax credit only if the project is implemented in connection with the construction of a new facility.

Explanation: This addition is necessary to limit eligibility for the franchise tax credit authorized by the bill to clean energy projects implemented in connection with the construction of a new facility.

(3) Senate Rules 12.03(1), (2), and (3) are suspended to permit the committee to change, alter, or amend text that is not in disagreement, to omit text that is not in disagreement, and to add text on any matter that is not in disagreement in SECTION 1 of the bill, in added Subsection (d), Section 490.352, Government Code, to read as follows:

(d) The amount of the franchise tax credit for each report year is calculated by determining the amount of franchise tax that is due based on the taxable margin generated by a clean energy project from the generation and sale of power and the sale of any products that are produced by the electric generation facility. The amount of the franchise tax credit claimed under this section for a report year may not exceed the amount of franchise tax attributable to the clean energy project for that report year.

Explanation: The change is necessary to specify the method to be used in calculating the amount of the franchise tax credit issued to an entity implementing a clean energy project in this state.

SR 1102 was read and was adopted without objection.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 469 ADOPTED**

Senator Seliger called from the President's table the Conference Committee Report on **HB 469**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Seliger, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 3479 ADOPTED**

Senator Uresti called from the President's table the Conference Committee Report on **HB 3479**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Uresti, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 3452 ADOPTED**

Senator Ogden called from the President's table the Conference Committee Report on **HB 3452**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Ogden, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

SENATE RESOLUTION 1079

Senator Carona offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 81st Legislature, Regular Session, 2009, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on **SB 379**, relating to an annual report by the Texas Fusion Center regarding criminal street gangs and gang-related crime, to consider and take action on the following matter:

(1) Senate Rule 12.03(1) is suspended to permit the committee to change text not in disagreement in proposed SECTION 1 of the bill, in added Subsection (e), Section 421.082, Government Code, and in SECTION 2 of the bill, so that they read as follows:

(e) The gang section of the center shall annually submit to the governor and the legislature a report assessing the threat posed statewide by criminal street gangs. The report must include identification of:

(1) law enforcement strategies that have been proven effective in deterring gang-related crime; and

(2) gang involvement in trafficking of persons.

SECTION 2. The gang section of the Texas Fusion Center shall submit the first annual report required by Subsection (e), Section 421.082, Government Code, as added by this Act, not later than September 1, 2010.

Explanation: This change is necessary to require the gang section of the Texas Fusion Center to produce the report and to ensure that certain matters are included in the report.

(2) Senate Rule 12.03(1) is suspended to permit the committee to change text not in disagreement in proposed SECTION 1 of the bill, in added Subsection (f), Section 421.082, Government Code, so that it reads as follows:

(f) On request, the office of the attorney general, the Department of Public Safety, the Texas Department of Criminal Justice, other law enforcement agencies, and juvenile justice agencies of this state shall provide to the gang section of the center information relating to criminal street gangs, gang-related crime, and gang involvement in trafficking of persons.

Explanation: This change is necessary to require certain law enforcement agencies to comply with a request from the Texas Fusion Center to provide information relating to criminal street gangs, gang-related crime, and gang involvement in trafficking of persons.

(3) Senate Rule 12.03(2) is suspended to permit the committee to omit text not in disagreement in proposed SECTION 1 of the bill, by omitting added Subsection (g), Section 421.082, Government Code.

Explanation: The omission is necessary to remove a restriction on the information that may be included in the report.

SR 1079 was read and was adopted without objection.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 379 ADOPTED

Senator Carona called from the President's table the Conference Committee Report on **SB 379**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Carona, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 4833 ADOPTED

Senator Wentworth called from the President's table the Conference Committee Report on **HB 4833**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Wentworth, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 2012 ADOPTED

Senator Carona called from the President's table the Conference Committee Report on **HB 2012**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Carona, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

SENATE RESOLUTION 1098

Senator Carona offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 81st Legislature, Regular Session, 2009, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on **HB 4102** (the disaster contingency fund and relief for school districts located in a disaster area), to consider and take action on the following matter:

Senate Rule 12.03(1) is suspended to permit the committee to change text not in disagreement in SECTION 1 of the bill, in Subsection (c), Section 418.073, Government Code, to read as follows:

(c) A state or ~~[agency;]~~ local government~~[, or other eligible]~~ entity that participates in disaster preparation or disaster recovery may request and receive funding from the disaster contingency fund to pay for:

~~[(1) extraordinary]~~ costs incurred by the state or local government entity in preparing for or recovering from ~~[implementing preventive measures taken before or during an emergency; and~~

~~[(2) costs incurred in repairing damage suffered during]~~ a disaster ~~[for which:~~

~~[(A) the presiding officer of a municipal or county government has declared a local state of disaster for affected areas within the jurisdiction of the municipality or county; and~~

~~[(B) the governor has also declared a state of disaster for the affected county or counties].~~

Explanation: This change is necessary to maintain the ability of a state or local government entity to receive reimbursement from the disaster contingency fund for costs incurred by the entity in preparing for disasters.

SR 1098 was read and was adopted without objection.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 4102 ADOPTED**

Senator Carona called from the President's table the Conference Committee Report on **HB 4102**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Carona, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 3389 ADOPTED**

Senator Deuell called from the President's table the Conference Committee Report on **HB 3389**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Deuell, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 3872 ADOPTED**

Senator Estes called from the President's table the Conference Committee Report on **HB 3872**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Estes, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

SENATE RESOLUTION 1081

Senator Harris offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 81st Legislature, Regular Session, 2009, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on **HB 1161** (local regulation of distance requirements for the sale and consumption of alcoholic beverages near certain establishments) to consider and take action on the following matter:

(1) Senate Rule 12.03(4) is suspended to allow the conference committee, in SECTION 1 of the bill, to add text not included in either the House or Senate version of the bill that amends Subsection (c), Section 109.33, Alcoholic Beverage Code, to read as follows:

(c) Every applicant for an original alcoholic beverage license or permit for a location [~~with a door by which the public may enter the place of business of the applicant~~] that is within 1,000 feet of [~~the nearest property line of~~] a public or private school [~~—measured along street lines and directly across intersections,—~~] must give written notice of the application to officials of the public or private school before filing the application with the commission. A copy of the notice must be submitted to the commission with the application. This subsection does not apply to a permit or license covering a premise where minors are prohibited from entering the premises under Section 109.53.

Explanation: The addition of the text is necessary to strike from existing law language prescribing the method for measuring the distance between an alcoholic beverage establishment and a school to allow the general rules for measuring distance established by the bill to control.

(2) Senate Rule 12.03(1) is suspended to allow the conference committee, in SECTION 1 of the bill, to change text not in disagreement in Subsection (f), Section 109.33, Alcoholic Beverage Code, amended by the proposed bill, so that the amended section reads as follows:

(f) Subsections (a)(2) and (3) do not apply to the holder of:

(1) a retail on-premises consumption permit or license if less than 50 percent of the gross receipts for the premises is from the sale or service of alcoholic beverages;

(2) a retail off-premises consumption permit or license if less than 50 percent of the gross receipts for the premises [~~—excluding the sale of items subject to the motor fuels tax,—~~] is from the sale or service of alcoholic beverages:

(A) excluding the sale of items subject to the motor fuels tax; and

(B) including receipts from additional retail buildings owned by the off-premises consumption permit or license holder that are located on the same property as the permitted or licensed premises; or

(3) a wholesaler's, distributor's, brewer's, distiller's and rectifier's, winery, wine bottler's or manufacturer's permit or license, or any other license or permit held by a wholesaler or manufacturer as those words are ordinarily used and understood in Chapter 102.

Explanation: The change is necessary to apply to retailers in all areas of the state the provision added by the proposed bill to require the inclusion of certain retail receipts in the total receipts used to determine whether an off-premises alcoholic beverage retailer is exempt from certain distance requirements in relation to public and private schools.

(3) Senate Rule 12.03(1) is suspended to allow the conference committee, in SECTION 2 of the bill, to change text not in disagreement in Subsection (b), Section 109.37, Alcoholic Beverage Code, added by the proposed bill, so that the added provision reads as follows:

(b) The commissioners court of a county may enact regulations applicable in areas in the county outside an incorporated city or town, and the governing board of an incorporated city or town may enact regulations applicable in the city or town, prohibiting the possession of an open container or the consumption of an alcoholic beverage on a public street, public alley, or public sidewalk within 1,000 feet of a plasma center that is not located in a central business district.

Explanation: The change is necessary to remove language prescribing the point from which the distance from a plasma center is measured for the purpose of determining the area within which the consumption of alcoholic beverages is prohibited to allow the general rules for measuring distance established by the proposed bill to control.

(4) Senate Rule 12.03(1) is suspended to allow the conference committee, in SECTION 3 of the bill, to change text not in disagreement in Subsections (b) and (c), Section 109.59, Alcoholic Beverage Code, amended by the proposed bill, so that the amended sections read as follows:

(b) On the sale or transfer of the premises or the business on the premises in which a new original license or permit is required for the premises, the premises shall be deemed to satisfy any distance requirements as if the issuance of the new original permit or license were a renewal of a previously held permit or license if the new permit or license is of the same type as the previously held permit or license.

(c) In an incorporated city or town with a population of more than 900,000, Subsection (b) does not apply to the satisfaction of the distance requirement prescribed by Section 109.33(a)(2) for a public school, except that on the death of a permit or license holder or a person having an interest in a permit or license Subsection (b) does apply to the holder's surviving spouse or child of the holder or person if the spouse or child qualifies as a successor in interest to the permit or license. The new permit or license must be of the same type as the previously held permit or license.

Explanation: The changes are necessary to provide that the amended provision grandfathering certain alcoholic beverage establishments from the application of certain distance requirements applies to establishments in all areas of the state. The changes are also necessary to provide that the amended provision grandfathering only certain alcoholic beverage establishments from the requirements governing the distance of an alcoholic beverage establishment from a public school applies only to an establishment in a city or town with a population of more than 900,000 and only if the permit or license for the establishment is of the same type as the permit or license previously held for the location.

(5) Senate Rule 12.03(4) is suspended to allow the conference committee, in SECTION 5 of the bill, to add text not included in either the House or Senate version of the bill to repeal certain provisions of the Alcoholic Beverage Code to read as follows:

SECTION 5. Sections 109.33(b) and (d), Alcoholic Beverage Code, are repealed.

Explanation: The added language is necessary to repeal provisions prescribing the method for measuring the distance between certain alcoholic beverage establishments and certain other establishments for certain purposes so that the general rules for measuring distance provided by the proposed bill control.

(6) Senate Rule 12.03(1) is suspended to allow the conference committee, in SECTION 6 of the bill, to change text not in disagreement regarding the effective date of the Act, so that the effective date provision reads as follows:

SECTION 6. This Act takes effect September 1, 2009.

Explanation: The change is necessary so that the Act takes effect September 1, 2009.

SR 1081 was read and was adopted without objection.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 1161 ADOPTED

Senator Harris called from the President's table the Conference Committee Report on **HB 1161**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Harris, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 2591 ADOPTED

Senator Hegar called from the President's table the Conference Committee Report on **HB 2591**. The Conference Committee Report was filed with the Senate on Friday, May 29, 2009.

On motion of Senator Hegar, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 0, Present-not voting 1.

Present-not voting: Averitt.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 2888 ADOPTED**

Senator West called from the President's table the Conference Committee Report on **HB 2888**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator West, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 2582 ADOPTED**

Senator Hegar called from the President's table the Conference Committee Report on **HB 2582**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Hegar, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

AT EASE

The Presiding Officer, Senator Eltife in Chair, at 8:50 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

Senator Eltife at 9:16 p.m. called the Senate to order as In Legislative Session.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 3689 ADOPTED**

Senator Hinojosa called from the President's table the Conference Committee Report on **HB 3689**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Hinojosa, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 432 ADOPTED**

Senator Estes called from the President's table the Conference Committee Report on **HB 432**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Estes, the Conference Committee Report was adopted by the following vote: Yeas 29, Nays 2.

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

Nays: Hegar, Shapiro.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 770 ADOPTED**

Senator Jackson called from the President's table the Conference Committee Report on **HB 770**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Jackson, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 1.

Nays: Ogden.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 1343 ADOPTED**

Senator Van de Putte called from the President's table the Conference Committee Report on **HB 1343**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Van de Putte, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 1.

Nays: Williams.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 2919 ADOPTED**

Senator Fraser called from the President's table the Conference Committee Report on **HB 2919**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Fraser, the Conference Committee Report was adopted by the following vote: Yeas 29, Nays 2.

Yeas: Averitt, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Harris, Hegar.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 3653 ADOPTED**

Senator Davis called from the President's table the Conference Committee Report on **HB 3653**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Davis, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

SENATE RESOLUTION 1093

Senator Lucio offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 81st Legislature, Regular Session, 2009, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on

HB 2374 (financial assistance by the Texas Water Development Board for the connection of residences in economically distressed areas to public water supply and sanitary sewer systems) to consider and take action on the following matter:

Senate Rule 12.03(4) is suspended to permit the committee to add text on a matter which is not included in either the house or senate version of the bill in SECTION 1 of the bill, in added Subsection (c), Section 17.9225, Water Code, to read as follows:

If the board determines that a resident to whom assistance has been provided is ineligible to receive the assistance, the board may seek reimbursement from the resident.

Explanation: The addition of text is necessary to allow the Texas Water Development Board to recover funds provided to ineligible recipients of financial assistance.

SR 1093 was read and was adopted without objection.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 2374 ADOPTED**

Senator Lucio called from the President's table the Conference Committee Report on **HB 2374**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Lucio, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 1011 ADOPTED**

Senator Estes called from the President's table the Conference Committee Report on **SB 1011**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Estes, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 1795 ADOPTED**

Senator Uresti called from the President's table the Conference Committee Report on **HB 1795**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Uresti, the Conference Committee Report was adopted by the following vote: Yeas 28, Nays 2.

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

Nays: Nelson, Patrick.

Absent: Williams.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 2000 ADOPTED**

Senator Van de Putte called from the President's table the Conference Committee Report on **HB 2000**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Van de Putte, the Conference Committee Report was adopted by the following vote: Yeas 28, Nays 3.

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

Nays: Estes, Nichols, Williams.

SENATE RESOLUTION 1090

Senator Williams offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 81st Legislature, Regular Session, 2009, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on **HB 3612**, relating to the creation of a pilot program that allows taxpayer appeals from certain appraisal review board determinations in certain counties to be heard by the State Office of Administrative Hearings, to consider and take action on the following matter:

Senate Rule 12, Sections 12.03(1) and (2), are suspended to permit the committee to change and omit text which is not in disagreement in SECTION 1 of the bill, in added Section 2003.902, Government Code, by deleting Dallas County, which was included in both the house and senate versions of the bill, from the counties in which the pilot program created by the bill is to be implemented, so that the section reads as follows:

Sec. 2003.902. COUNTIES INCLUDED. The pilot program shall be implemented in Bexar, Cameron, El Paso, Harris, Tarrant, and Travis Counties for a three-year period beginning with the ad valorem tax year that begins January 1, 2010.

Explanation: This change is necessary to remove Dallas County from the counties in which the pilot program created by H.B. No. 3612 is to be implemented.

SR 1090 was read and was adopted without objection.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 3612 ADOPTED**

Senator Williams called from the President's table the Conference Committee Report on **HB 3612**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Williams, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 2163 ADOPTED**

Senator Uresti called from the President's table the Conference Committee Report on **HB 2163**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Uresti, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 1645 ADOPTED**

Senator Van de Putte called from the President's table the Conference Committee Report on **SB 1645**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Van de Putte, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 1218 ADOPTED**

Senator Watson called from the President's table the Conference Committee Report on **HB 1218**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Watson, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 103 ADOPTED**

Senator Patrick called from the President's table the Conference Committee Report on **HB 103**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Patrick, the Conference Committee Report was adopted by the following vote: Yeas 27, Nays 4.

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

Nays: Davis, Duncan, Ogden, Zaffirini.

(Senator Averitt in Chair)

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 537 ADOPTED**

Senator Eltife called from the President's table the Conference Committee Report on **HB 537**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Eltife, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

SENATE RESOLUTION 1097

Senator Eltife offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 81st Legislature, Regular Session, 2009, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on **SB 726** (the creation of the Harrison County and Prairielands Groundwater Conservation Districts, providing authority to impose a tax and issue bonds and granting a limited power of eminent domain) to consider and take action on the following matter:

Senate Rule 12.03(2) is suspended to permit the committee to omit text not in disagreement in proposed Section 8850.005, Special District Local Laws Code, in both versions of the bill, that reads as follows:

Sec. 8850.005. DISTRICT TERRITORY REQUIREMENTS; DISSOLUTION OF DISTRICT. (a) On September 1, 2013, the district boundaries must include at least one county adjacent to Harrison County.

(b) As soon as practicable after September 1, 2013, the Texas Commission on Environmental Quality shall determine whether the district complies with Subsection (a).

(c) If the commission determines that the district does not comply with Subsection (a), the commission shall dissolve the district in accordance with Sections 36.304, 36.305, 36.307, 36.308, 36.309, and 36.310, Water Code, regardless of whether the district meets the criteria for dissolution under Section 36.304(a), Water Code.

(d) This section expires September 1, 2015.

Explanation: The omission is necessary because this provision is not essential to the creation, duties, or powers of the district.

SR 1097 was read and was adopted without objection.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 726 ADOPTED

Senator Eltife called from the President's table the Conference Committee Report on **SB 726**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Eltife, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

(Senator Eltife in Chair)

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 963 ADOPTED

Senator Whitmire called from the President's table the Conference Committee Report on **HB 963**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Whitmire, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

SENATE RESOLUTION 1104

Senator Shapiro offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 81st Legislature, Regular Session, 2009, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on **HB 3**, relating to public school accountability, curriculum, and promotion requirements, to consider and take action on the following matter:

(1) Senate Rules 12.03(1), (2), and (4) are suspended to permit the committee to change and omit text not in disagreement and to add text on a matter not included in either version of the bill, in SECTION 1 of the bill, in Section 7.009, Education Code, to read as follows:

SECTION 1. Section 7.009, Education Code, is amended to read as follows:

Sec. 7.009. BEST PRACTICES; CLEARINGHOUSE. (a) In coordination with the Legislative Budget Board, the agency shall establish an online clearinghouse of information relating to best practices of campuses, ~~and~~ school districts, and open-enrollment charter schools. The agency shall determine the appropriate topic categories for which a campus, district, or charter school may submit best ~~regarding instruction, dropout prevention, public school finance, resource allocation, and business~~ practices. To the extent practicable, the agency shall ensure that information provided through the online clearinghouse is specific, actionable information relating to the best practices of high-performing and highly efficient campuses, ~~and school~~ districts, and open-enrollment charter schools and of academically acceptable campuses, districts, and open-enrollment charter schools that have demonstrated significant improvement in student achievement rather than general guidelines relating to campus, ~~and school~~ district, and open-enrollment charter school operation. The information must be accessible by campuses, school districts, open-enrollment charter schools, and interested members of the public.

(b) The agency shall solicit and collect from the Legislative Budget Board, centers for education research established under Section 1.005, and ~~exemplary or recognized~~ school districts, campuses, and open-enrollment charter schools~~[-, as rated under Section 39.072,-]~~ examples of best practices as determined by the agency under Subsection (a) ~~[relating to instruction, dropout prevention, public school finance, resource allocation, and business practices, including best practices relating to curriculum, scope and sequence, compensation and incentive systems, bilingual education and special language programs, compensatory education programs, and the effective use of instructional technology, including online courses].~~

(c) The agency shall contract for the services of one or more third-party contractors to develop, implement, and maintain a system of collecting and evaluating the best practices of campuses, ~~and~~ school districts, and open-enrollment charter schools as provided by this section. In addition to any other considerations required by law, the agency must consider an applicant's demonstrated competence and qualifications in analyzing campus, ~~and~~ school district, and open-enrollment charter school practices in awarding a contract under this subsection.

(d) The commissioner may purchase from available funds curriculum and other instructional tools identified under this section to provide for use by school districts and open-enrollment charter schools.

Explanation: The alteration of text is necessary to permit school districts and open-enrollment charter schools to submit best practices in any relevant area, to clarify that a third-party contractor may collect and evaluate best practices submitted by open-enrollment charter schools, and to clarify that the commissioner of education may purchase curriculum and other instructional tools to provide for use by open-enrollment charter schools.

(2) Senate Rule 12.03(2) is suspended to permit the committee to omit text not in disagreement, in SECTION 25 of the bill, in amended Section 28.002, Education Code, to read as follows:

(c-2) The State Board of Education shall adopt rules to authorize each school district to implement a program under which students in middle or junior high school may earn credits toward high school graduation in middle or junior high school for any course determined by board rule to qualify as a high school equivalent course.

Explanation: The omission of text is necessary to remove the requirement directing the State Board of Education to adopt rules to authorize school district programs to allow middle or junior high school students to earn high school credit.

(3) Senate Rule 12.03(2) is suspended to permit the committee to omit text not in disagreement, in SECTION 27 of the bill, in amended Subsection (d), Section 28.014, Education Code, to read as follows:

(d) The agency, in coordination with the Texas Higher Education Coordinating Board, shall adopt a series of questions to be included in an end-of-course assessment instrument administered under Subsection (c) to be used for purposes of Section 51.3062. The questions must be developed in a manner consistent with any college readiness standards adopted under Sections 39.233 [39.113] and 51.3062. ~~[A student's performance on a question adopted under this subsection may not be used to determine the student's performance on an end-of-course assessment instrument.]~~

Explanation: The omission of text is necessary to permit a student's performance on a specific question related to postsecondary readiness on an end-of-course assessment instrument to be used to determine the student's performance on the assessment instrument.

(4) Senate Rule 12.03(2) is suspended to permit the committee to omit text not in disagreement, in added Subsection (b-5), Section 28.025, Education Code, to read as follows:

(b-5) Notwithstanding Section 5.09, Chapter 5 (H.B. 1), 79th Legislature, 3rd Called Session, 2006, the curriculum requirements for the recommended and advanced high school programs under Subsection (b-1) apply to students entering the ninth grade beginning with the 2011-2012 school year. This subsection expires September 1, 2015.

Explanation: The omission of text is necessary to have the high school curriculum requirements for the recommended and advanced high school programs established under Chapter 5 (H.B. 1), 79th Legislature, 3rd Called Session, 2006, apply to students entering the ninth grade beginning with the 2007-2008 school year, as originally intended.

(5) Senate Rule 12.03(4) is suspended to permit the committee to add text on a matter not included in either version of the bill, under SECTION 30 of the bill, in amended Section 28.025, Education Code, to read as follows:

(b-7) The agency shall establish a pilot program allowing a student attending school in a county with a population of more than one million and in which more than 80 percent of the population resides in a single municipality to satisfy the fine arts credit required under Subsection (b-1)(3)(A) by participating in a fine arts program not provided by the school district in which the student is enrolled. The fine arts program may be provided on or off a school campus and outside the regular school day. Not later than December 1, 2010, the agency shall provide to the legislature a report regarding the pilot program, including the feasibility of expanding the pilot program statewide.

(b-8) A school district, with the approval of the commissioner, may allow a student to comply with the curriculum requirements for the physical education credit required under Subsection (b-1)(3)(B) by participating in a private or commercially sponsored physical activity program provided on or off a school campus and outside the regular school day.

Explanation: The additions are necessary to establish a fine arts pilot program and to establish an alternative method for meeting the physical education credit requirement.

(6) Senate Rule 12.03(4) is suspended to permit the committee to add the following SECTION to the bill on a matter not included in either version of the bill to read as follows:

SECTION 52. Section 39.0234(a), Education Code, is amended to read as follows:

(a) The agency shall ensure that assessment instruments required under Section 39.023 are capable of being administered by computer. The commissioner may not require a school district or open-enrollment charter school to administer an assessment instrument by computer.

Explanation: This addition is necessary to prohibit mandatory administration of assessment instruments by computer.

(7) Senate Rule 12.03(4) is suspended to permit the committee to add text on a matter not included in either version of the bill, under SECTION 59 of the bill, in proposed Subsection (a), Section 39.057, Education Code, to read as follows:

(a) The commissioner shall authorize special accreditation investigations to be conducted:

...
(12) when resource allocation practices as evaluated under Section 39.0821 indicate a potential for significant improvement in resource allocation; or . . .

Explanation: This addition is necessary to authorize a special accreditation investigation when the comptroller has identified the potential for significant improvement in resource allocation exists at a school district or campus.

(8) Senate Rule 12.03(a)(4) is suspended to permit the committee to add text on a matter not included in either version of the bill, under SECTION 59 of the bill, in added Section 39.0821, Education Code, to read as follows:

(b) In reviewing resources allocation practices of districts and campuses under this section, the comptroller shall ensure resources are being used for the instruction of students by evaluating:

(1) the operating cost for each student;

- (2) the operating cost for each program; and
- (3) the staffing cost for each student.

Explanation: The addition is necessary to ensure school district and campus resources are being used for the instruction of students.

SR 1104 was read and was adopted without objection.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 3 ADOPTED

Senator Shapiro called from the President's table the Conference Committee Report on **HB 3**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Shapiro, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

SENATE RESOLUTION 1091

Senator Uresti offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 81st Legislature, Regular Session, 2009, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on **SB 2080**, relating to improving the welfare of children in this state by developing strategies for reducing child abuse and neglect and improving child welfare and health, creating the Texas Medical Child Abuse Resources and Education System grant program, and increasing access to the child health insurance program, to consider and take action on the following matter:

(1) Senate Rule 12.03(3) is suspended to permit the committee, in Subsection (a), SECTION 3 of the bill, to add a new Subdivision (4) and renumber the subsequent subdivisions as appropriate to read as follows:

(4) study the effectiveness of the extension of the eligibility for the children's health insurance program for children whose net family income is at or below 300 percent of the federal poverty level on detecting, reducing, and treating child abuse;

Explanation: The change is necessary to add to the subjects the task force is required to study.

(2) Senate Rule 12.03(1) is suspended to permit the committee, in Subsection (b), SECTION 5 of the bill, to strike "August 1, 2011" and substitute "October 1, 2010".

Explanation: The change is necessary to require the task force to report its findings before the next legislative session.

(3) Senate Rule 12.03(2) is suspended to permit the committee, in Subsection (c), SECTION 5 of the bill, to strike "and this Act expires".

Explanation: The change is necessary to clarify that only the task force is abolished.

(4) Senate Rule 12.03(4) is suspended to permit the committee to add the following:

SECTION 7. (a) Subdivision (2), Section 62.002, Health and Safety Code, is amended to read as follows:

(2) "Executive commissioner" or "commissioner [~~Commissioner~~]" means the executive commissioner of the Health [~~health~~] and Human Services Commission [~~human services~~].

(b) Subsection (b), Section 62.101, Health and Safety Code, is amended to read as follows:

(b) The commission shall establish income eligibility levels consistent with Title XXI, Social Security Act (42 U.S.C. Section 1397aa et seq.), as amended, and any other applicable law or regulations, and subject to the availability of appropriated money, so that a child who is younger than 19 years of age and whose net family income is at or below 300 [~~200~~] percent of the federal poverty level is eligible for health benefits coverage under the program. In addition, the commission may establish eligibility standards regarding the amount and types of allowable assets for a family whose net family income is above 250 [~~150~~] percent of the federal poverty level.

(c) Subsections (b) and (c), Section 62.102, Health and Safety Code, are amended to read as follows:

(b) During the sixth month following the date of initial enrollment or reenrollment of an individual whose net family income exceeds 285 [~~185~~] percent of the federal poverty level, the commission shall:

(1) review the individual's net family income and may use electronic technology if available and appropriate; and

(2) continue to provide coverage if the individual's net family income does not exceed the income eligibility limits prescribed by Section 62.101 [~~this chapter~~].

(c) If, during the review required under Subsection (b), the commission determines that the individual's net family income exceeds the income eligibility limits prescribed by Section 62.101 [~~this chapter~~], the commission may not disenroll the individual until:

(1) the commission has provided the family an opportunity to demonstrate that the family's net family income is within the income eligibility limits prescribed by Section 62.101 [~~this chapter~~]; and

(2) the family fails to demonstrate such eligibility.

(d) Section 62.151, Health and Safety Code, is amended by adding Subsection (g) to read as follows:

(g) In developing the plan, the commission, subject to federal requirements, may choose to provide dental benefits at full cost to the enrollee as an available plan option for a child whose net family income is greater than 200 percent but not greater than 300 percent of the federal poverty level.

(e) Section 62.153, Health and Safety Code, is amended by amending Subsections (a) and (c) and adding Subsections (a-1) and (a-2) to read as follows:

(a) To the extent permitted under 42 U.S.C. Section 1397cc, as amended, and any other applicable law or regulations, the commission shall require enrollees whose net family incomes are at or below 200 percent of the federal poverty level to share the cost of the child health plan, including provisions requiring enrollees under the child health plan to pay:

(1) a copayment for services provided under the plan;

(2) an enrollment fee; or

(3) a portion of the plan premium.

(a-1) The commission shall require enrollees whose net family incomes are greater than 200 percent but not greater than 300 percent of the federal poverty level to pay a share of the cost of the child health plan through copayments, fees, and a portion of the plan premium. The total amount of the share required to be paid must:

(1) include a portion of the plan premium set at an amount determined by the commission that is not more than 2.5 percent of an enrollee's net family income;

(2) exceed the amount required to be paid by enrollees described by Subsection (a), but the total amount required to be paid may not exceed five percent of an enrollee's net family income; and

(3) increase incrementally, as determined by the commission, as an enrollee's net family income increases.

(a-2) In establishing the cost required to be paid by an enrollee described by Subsection (a-1) as a portion of the plan premium, the commission shall ensure that the cost progressively increases as the number of children in the enrollee's family provided coverage increases.

(c) ~~The [if cost sharing provisions imposed under Subsection (a) include requirements that enrollees pay a portion of the plan premium, the]~~ commission shall specify the manner of payment for any portion of the plan premium required to be paid by an enrollee under this section ~~[in which the premium is paid]~~. The commission may require that the premium be paid to the ~~[Texas Department of] Health and Human Services Commission, the [Texas] Department of State Health [Human] Services, or the health plan provider. The commission shall develop an option for an enrollee to pay monthly premiums using direct debits to bank accounts or credit cards.~~

(f) Section 62.154, Health and Safety Code, is amended by amending Subsection (d) and adding Subsection (e) to read as follows:

(d) The waiting period required by Subsection (a) for a child whose net family income is at or below 200 percent of the federal poverty level must:

(1) extend for a period of 90 days after the last date on which the applicant was covered under a health benefits plan; and

(2) apply to a child who was covered by a health benefits plan at any time during the 90 days before the date of application for coverage under the child health plan.

(e) The waiting period required by Subsection (a) for a child whose net family income is greater than 200 percent but not greater than 300 percent of the federal poverty level must:

(1) extend for a period of 180 days after the last date on which the applicant was covered under a health benefits plan; and

(2) apply to a child who was covered by a health benefits plan at any time during the 180 days before the date of application for coverage under the child health plan.

(g) Subchapter D, Chapter 62, Health and Safety Code, is amended by adding Section 62.1551 to read as follows:

Sec. 62.1551. TERMINATION OF COVERAGE FOR NONPAYMENT OF PREMIUMS. (a) In this section, "lock-out period" means a period after coverage is terminated for nonpayment of premiums during which a child may not be reenrolled in the child health plan program.

(b) The executive commissioner by rule shall establish a process that allows for the termination of coverage under the child health plan of an enrollee whose net family income is greater than 200 percent but not greater than 300 percent of the federal poverty level if the enrollee does not pay the premiums required under Section 62.153(a-1).

(c) The rules required by Subsection (b) must:

(1) address the number of payments that may be missed before coverage terminates;

(2) address the process for notifying an enrollee of pending coverage termination; and

(3) provide for an appropriate lock-out period after termination for nonpayment.

(h) The purpose of this section is to promote child welfare in this state by assisting certain families in this state establish a health care strategy for their children, thereby reducing child abuse and neglect and promoting child welfare.

(i) If before implementing any provision of this section a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

(j) This section does not make an appropriation. This section takes effect only if a specific appropriation for the implementation of the section is provided in a general appropriations act of the 81st Legislature.

Explanation: The change is necessary to expand the qualifications for the children's health insurance program.

SR 1091 was read and was adopted without objection.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 2080 ADOPTED

Senator Uresti called from the President's table the Conference Committee Report on **SB 2080**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Uresti, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 1.

Nays: Nelson.

SENATE RESOLUTION 1105

Senator Hegar offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 81st Legislature, Regular Session, 2009, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on **HB 1959** (the governmental entities subject to the sunset review process) to consider and take action on the following matters:

(1) Senate Rule 12.03(4) is suspended to permit the committee to add the following:

SECTION 1.09. TEXAS STATE AFFORDABLE HOUSING CORPORATION. (a) Section 2306.5521, Government Code, is amended to read as follows:

Sec. 2306.5521. **SUNSET PROVISION.** The Texas State Affordable Housing Corporation is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the corporation is abolished and this subchapter expires September 1, 2011 [~~2009~~].

(b) This section takes effect only if the 81st Legislature, Regular Session, 2009, does not enact other legislation that becomes law and that amends Section 2306.5521, Government Code, to extend the sunset date of the Texas State Affordable Housing Corporation. If the 81st Legislature, Regular Session, 2009, enacts legislation of that kind, this section has no effect.

SECTION 1.10. TEXAS RACING COMMISSION. (a) Subsection (a), Section 18.01, Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) The Texas Racing Commission is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, and except as provided by Subsections (b) and (c) of this section, the commission is abolished and this Act expires September 1, 2011 [~~2009~~].

(b) This section takes effect only if the 81st Legislature, Regular Session, 2009, does not enact other legislation that becomes law and that amends Section 18.01, Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), to extend the sunset date of the Texas Racing Commission. If the 81st Legislature, Regular Session, 2009, enacts legislation of that kind, this section has no effect.

SECTION 1.11. TEXAS DEPARTMENT OF INSURANCE. (a) Section 31.004(a), Insurance Code, is amended to read as follows:

(a) The Texas Department of Insurance is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department is abolished September 1, 2011 [~~2009~~].

(b) This section takes effect only if the 81st Legislature, Regular Session, 2009, does not enact other legislation that becomes law and that amends Section 31.004(a), Insurance Code, to extend the sunset date of the Texas Department of Insurance. If the 81st Legislature, Regular Session, 2009, enacts legislation of that kind, this section has no effect.

SECTION 1.12. TEXAS YOUTH COMMISSION. (a) Section 61.020, Human Resources Code, is amended to read as follows:

Sec. 61.020. SUNSET PROVISION. (a) The Texas Youth Commission is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished and this chapter expires September 1, 2011 ~~2009~~.

(b) In the review of the Texas Youth Commission by the Sunset Advisory Commission, as required by this section, the sunset commission shall focus its review on:

(1) the commission's compliance with Chapter 263 (S.B. 103), Acts of the 80th Legislature, Regular Session, 2007;

(2) requirements placed on the agency by legislation enacted by the 81st Legislature, Regular Session, 2009, that becomes law, including implementation of programs for the diversion of youth from the commission; and

(3) initiatives of the commission and the Texas Juvenile Probation Commission in coordinating activities and services to better integrate Texas Youth Commission, Texas Juvenile Probation Commission, and county juvenile justice functions, including joint strategic planning, the sharing of youth data across youth-serving agencies, assessments and classification of youth, and collection of data on probation outcomes.

(c) In its report to the 82nd Legislature, the sunset commission may include any recommendations it considers appropriate. This subsection and Subsection (b) expire September 1, 2011.

(b) This section takes effect only if the 81st Legislature, Regular Session, 2009, does not enact other legislation that becomes law and that amends Section 61.020, Human Resources Code, to extend the sunset date of the Texas Youth Commission. If the 81st Legislature, Regular Session, 2009, enacts legislation of that kind, this section has no effect.

SECTION 1.13. TEXAS JUVENILE PROBATION COMMISSION.

(a) Section 141.012, Human Resources Code, is amended to read as follows:

Sec. 141.012. SUNSET PROVISION. (a) The Texas Juvenile Probation Commission is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished and this chapter expires September 1, 2011 ~~2009~~.

(b) In the review of the Texas Juvenile Probation Commission by the Sunset Advisory Commission, as required by this section, the sunset commission shall focus its review on the following:

(1) the commission's compliance with Chapter 263 (S.B. 103), Acts of the 80th Legislature, Regular Session, 2007;

(2) requirements placed on the agency by legislation enacted by the 81st Legislature, Regular Session, 2009, that becomes law, including implementation of programs for the diversion of youth from the Texas Youth Commission; and

(3) initiatives of the commission and the Texas Youth Commission in coordinating activities and services to better integrate Texas Juvenile Probation Commission, Texas Youth Commission, and county juvenile justice functions, including joint strategic planning, the sharing of youth data across youth-serving agencies, assessment and classification of youth, and collection of data on probation outcomes.

(c) In its report to the 82nd Legislature, the sunset commission may include any recommendations it considers appropriate. This subsection and Subsection (b) expire September 1, 2011.

(b) This section takes effect only if the 81st Legislature, Regular Session, 2009, does not enact other legislation that becomes law and that amends Section 141.012, Human Resources Code, to extend the sunset date of the Texas Juvenile Probation Commission. If the 81st Legislature, Regular Session, 2009, enacts legislation of that kind, this section has no effect.

SECTION 1.14. OFFICE OF INDEPENDENT OMBUDSMAN FOR THE TEXAS YOUTH COMMISSION. (a) Section 64.054, Human Resources Code, is amended to read as follows:

Sec. 64.054. SUNSET PROVISION. (a) The office is subject to review under Chapter 325, Government Code (Texas Sunset Act), but is not abolished under that chapter. The office shall be reviewed during the periods in which the Texas Youth Commission is [~~state agencies abolished in 2009 and every 12th year after 2009 are~~] reviewed.

(b) Notwithstanding Subsection (a), the Sunset Advisory Commission shall focus its review of the office on compliance with requirements placed on the office by legislation enacted by the 81st Legislature, Regular Session, 2009, that becomes law. This subsection expires September 1, 2011.

(b) This section takes effect only if the 81st Legislature, Regular Session, 2009, does not enact other legislation that becomes law and that amends Section 64.054, Human Resources Code, to extend the sunset date of the Office of Independent Ombudsman for the Texas Youth Commission. If the 81st Legislature, Regular Session, 2009, enacts legislation of that kind, this section has no effect.

SECTION 1.15. OFFICE OF PUBLIC INSURANCE COUNSEL. Section 501.003, Insurance Code, is amended to read as follows:

Sec. 501.003. SUNSET PROVISION. The office is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the office is abolished September 1, 2011 [~~2009~~].

SECTION 1.16. TEXAS DEPARTMENT OF PUBLIC SAFETY. (a) Section 411.002, Government Code, is amended by amending Subsection (c) to read as follows:

(c) The Department of Public Safety of the State of Texas is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department is abolished and Subsections (a) and (b) expire September 1, 2011 [~~2009~~].

(b) This section takes effect only if the 81st Legislature, Regular Session, 2009, does not enact other legislation that becomes law and that amends Section 411.002, Government Code, to extend the sunset date of the Texas Department of Public Safety. If the 81st Legislature, Regular Session, 2009, enacts legislation of that kind, this section has no effect.

Explanation: The changes are necessary to change the sunset review date for various state agencies.

(2) Senate Rules 12.03(1) and (2) are suspended to permit the committee, in SECTION 1.17 of the bill, to change text that is not in disagreement and to omit text that is not in disagreement by amending Section 7.004, Education Code, to read as follows:

SECTION 1.17. TEXAS EDUCATION AGENCY. Section 7.004, Education Code, is amended to read as follows:

Sec. 7.004. SUNSET PROVISION. (a) The Texas Education Agency is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the agency is abolished September 1, 2011 [2012]. ~~[In the review of the agency by the Sunset Advisory Commission, as required by this section, the sunset commission shall limit its review to the appropriateness of recommendations made by the sunset commission to the 79th Legislature. In the Sunset Advisory Commission's report to the 80th Legislature, the sunset commission may include any recommendations it considers appropriate.]~~

Explanation: The change is necessary to provide for the sunset review of the Texas Education Agency in preparation for the 82nd Legislature.

(3) Senate Rule 12.03(4) is suspended to permit the committee to add the following:

SECTION 2.12. OFFICE OF FIREFIGHTERS' PENSION COMMISSIONER. Article 6243e, Vernon's Texas Civil Statutes, Section 21(h), is amended to read as follows:

(h) The office of fire fighters' pension commissioner is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the office is abolished September 1, 2013 [2014].

SECTION 2.13. TEXAS LOTTERY COMMISSION. Section 467.002, Government Code, is amended to read as follows:

Sec. 467.002. APPLICATION OF SUNSET ACT. The commission is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished and this chapter, Chapter 466 of this code, and Chapter 2001, Occupations Code, expire September 1, 2013 [2014].

SECTION 2.14. TEXAS DEPARTMENT OF TRANSPORTATION. (a) Section 201.204, Transportation Code, is amended to read as follows:

Sec. 201.204. SUNSET PROVISION. The Texas Department of Transportation is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department is abolished September 1, 2013 [2009].

(b) This section takes effect only if the 81st Legislature, Regular Session, 2009, does not enact other legislation that becomes law and that amends Section 201.204, Transportation Code, to extend the sunset date of the Texas Department of Transportation. If the 81st Legislature, Regular Session, 2009, enacts legislation of that kind, this section has no effect.

SECTION 2.15. TEXAS DEPARTMENT OF INSURANCE, DIVISION OF WORKERS' COMPENSATION. Section 31.004(b), Insurance Code, is amended to read as follows:

(b) Unless continued as provided by Chapter 325, Government Code, the duties of the division of workers' compensation of the Texas Department of Insurance under Title 5, Labor Code, expire September 1, 2013 [~~2011~~], or another date designated by the legislature.

SECTION 2.16. OFFICE OF INJURED EMPLOYEE COUNSEL. Section 404.003, Labor Code, is amended to read as follows:

Sec. 404.003. SUNSET PROVISION. The office of injured employee counsel is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the office is abolished and this chapter expires September 1, 2013 [~~2011~~].

Explanation: The changes are necessary to change the sunset review date for various state agencies.

SR 1105 was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of the resolution except as follows:

Nays: Davis, Watson.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 1959 ADOPTED

Senator Hegar called from the President's table the Conference Committee Report on **HB 1959**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

On motion of Senator Hegar, the Conference Committee Report was adopted by the following vote: Yeas 19, Nays 12.

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

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

MOTION TO ADOPT CONFERENCE COMMITTEE REPORT ON HOUSE BILL 3827

Senator Deuell called from the President's table the Conference Committee Report on **HB 3827**. The Conference Committee Report was filed with the Senate on Saturday, May 30, 2009.

Senator Deuell moved to adopt the Conference Committee Report on **HB 3827**.

POINT OF ORDER

Senator Shapleigh raised a point of order that the Conference Committee Report on **HB 3827** was in violation of the Constitutional one-subject rule.

POINT OF ORDER WITHDRAWN

Senator Shapleigh withdrew the point of order.

Senator Deuell withdrew the motion to adopt the Conference Committee Report on **HB 3827**.

SENATE RESOLUTION 1108

Senator Duncan offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 81st Legislature, Regular Session, 2009, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on **HJR 14** (constitutional amendments limiting the public taking of private property, establishing the national research university fund to fund emerging research universities, and eliminating the higher education fund) to consider and take action on the following matter:

Senate Rules 12.03(1) and (4) are suspended to allow the conference committee to change and add text on a matter that is not in disagreement in proposed amendments to Section 17, Article I, Texas Constitution, so that the proposed Section 17 reads as follows:

SECTION 1.01. Section 17, Article I, Texas Constitution, is amended to read as follows:

Sec. 17. (a) No person's property shall be taken, damaged, or destroyed for or applied to public use without adequate compensation being made, unless by the consent of such person, and only if the taking, damage, or destruction is for:

(1) the ownership, use, and enjoyment of the property, notwithstanding an incidental use, by:

(A) the State, a political subdivision of the State, or the public at large;

or

(B) an entity granted the power of eminent domain under law; or

(2) the elimination of urban blight on a particular parcel of property.

(b) In this section, "public use" does not include the taking of property under Subsection (a) of this section for transfer to a private entity for the primary purpose of economic development or enhancement of tax revenues.

(c) On or after January 1, 2010, the legislature may enact a general, local, or special law granting the power of eminent domain to an entity only on a two-thirds vote of all the members elected to each house.

(d) When a person's property is taken under Subsection (a) of this section[; and, when taken], except for the use of the State, [such] compensation as described by Subsection (a) shall be first made, or secured by a deposit of money; and no irrevocable or uncontrollable grant of special privileges or immunities[;] shall be made; but all privileges and franchises granted by the Legislature, or created under its authority, shall be subject to the control thereof.

Explanation: The changes and additions are necessary to provide that on and after January 1, 2010, the legislature may enact a law granting the power of eminent domain to an entity only on a two-thirds vote of all the members elected to each house.

SR 1108 was read and was adopted without objection.

**CONFERENCE COMMITTEE REPORT ON
HOUSE JOINT RESOLUTION 14 ADOPTED**

Senator Duncan called from the President's table the Conference Committee Report on **HJR 14**. The Conference Committee Report was filed with the Senate on Sunday, May 31, 2009.

On motion of Senator Duncan, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

(President in Chair)

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 1088 by Ellis, In memory of George Edwards of Prairie View.

SR 1095 by West, In memory of Leonard E. Hoffman, Jr., of Dallas.

SR 1096 by West, In memory of Amy McBrayer Young.

Congratulatory Resolutions

SR 1084 by Duncan, Recognizing Glen H. Stanbaugh for his contributions to the field of medicine.

SR 1086 by Seliger, Recognizing Alyssa Marie Zamarripa for her work in the office of Senator Kel Seliger.

SR 1109 by Gallegos, Recognizing Leonel Castillo on the occasion of his 70th birthday.

SR 1110 by Gallegos, Congratulating Chris Sellers for receiving the Police Officer of the Year Award for the North Patrol Command.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 11:54 p.m. adjourned until 10:00 a.m. tomorrow.

APPENDIX

BILLS AND RESOLUTIONS ENROLLED

May 30, 2009

SB 44, SB 58, SB 175, SB 194, SB 292, SB 300, SB 361, SB 482, SB 683, SB 704, SB 727, SB 870, SB 939, SB 958, SB 978, SB 1003, SB 1143, SB 1145, SB 1152, SB 1199, SB 1206, SB 1247, SB 1304, SB 1317, SB 1343, SB 1369, SB 1440, SB 1458, SB 1616, SB 1629, SB 1693, SB 1735, SB 1764, SB 1844, SB 1896, SB 2033, SB 2047, SB 2253, SB 2298, SB 2306, SB 2324, SB 2423, SB 2453, SB 2543, SCR 38, SCR 77, SR 1070, SR 1078