

# SENATE JOURNAL

EIGHTY-FIRST LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**FIFTY-EIGHTH DAY**

(Thursday, May 14, 2009)

The Senate met at 11:10 a.m. pursuant to adjournment and was called to order by the President.

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

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

The Reverend Dr. Matt Hudson, First Baptist Church, Taylor, offered the invocation as follows:

Father, we thank You that You are a God at peace, whose kingdom is secure, whose job is not up for election. We thank You that You are a giving God, giving us grace in time of need. We first ask for the grace of Your presence on Representative Kuempel and his family. Affirm them with Your peace that surpasses all understanding. And now, for the tasks at hand for this 81st Legislature, I ask You would grant these men and women strength, courage, wisdom, and patience. I thank You for the problems that exceed our intellect, issues greater than our understanding, and decisions beyond our control. For in these moments, may we turn to You for wisdom, and humbly seek Your guidance. In Your name we pray. 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-AUTHOR OF SENATE BILL 73**

On motion of Senator Nelson, Senator Patrick will be shown as Co-author of **SB 73**.

## **CO-AUTHOR OF SENATE BILL 2214**

On motion of Senator Ellis, Senator Hinojosa will be shown as Co-author of **SB 2214**.

**CO-SPONSOR OF HOUSE BILL 461**

On motion of Senator Huffman, Senator Deuell will be shown as Co-sponsor of **HB 461**.

**CO-SPONSOR OF HOUSE BILL 1731**

On motion of Senator Ogden, Senator Uresti will be shown as Co-sponsor of **HB 1731**.

**CO-SPONSOR OF HOUSE BILL 1801**

On motion of Senator Shapiro, Senator Uresti will be shown as Co-sponsor of **HB 1801**.

**CO-SPONSOR OF HOUSE BILL 1881**

On motion of Senator Estes, Senator Uresti will be shown as Co-sponsor of **HB 1881**.

**CO-SPONSOR OF HOUSE BILL 2877**

On motion of Senator Fraser, Senator Lucio will be shown as Co-sponsor of **HB 2877**.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

May 14, 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:

**HB 103**, Relating to the operation of certain health benefit plans through student health centers of certain institutions of higher education.

**HB 176**, Relating to the punishment for the offense of aggravated assault.

**HB 184**, Relating to an optometry career program at the University of Houston.

**HB 1146**, Relating to the hours worked during a week by firefighters in certain municipalities.

**HB 1229**, Relating to the governance and operation of appraisal districts; providing a penalty.

**HB 1277**, Relating to the Texas Enterprise Fund, including the use of money from the fund, the terms of a grant agreement, and the duties of a grant recipient or entity that acquires a grant recipient.

**HB 1319**, Relating to an exemption for school districts from security for court costs and appeal bond.

**HB 1801**, Relating to exemptions from the sales tax for a limited period for certain backpacks and school supplies specified by the Streamlined Sales and Use Tax Agreement.

**HB 1928**, Relating to requirements for attorneys in fact under Lloyd's plans.

**HB 1943**, Relating to the appointment of volunteer advocates as guardians ad litem in suits affecting the parent-child relationship.

**HB 2002**, Relating to a right of a close relative to seek expunction of arrest records and files on behalf of a deceased person.

**HB 2003**, Relating to the creation of the offense of online harassment.

**HB 2014**, Relating to credit card marketing activities at postsecondary educational institutions.

**HB 2118**, Relating to the designation of May 9 as Willie Velasquez Day.

**HB 2609**, Relating to the prosecution and punishment of the offense of criminal trespass.

**HB 2705**, Relating to the level of maintenance and landscaping required for public rights-of-way annexed by a municipality.

**HB 2846**, Relating to the admissibility of certain hearsay statements made by a child abuse victim.

**HB 2986**, Relating to the participation of certain retired employees of juvenile probation departments in the group benefits plan for state employees.

**HB 3389**, Relating to the continuation and functions of the Texas Commission on Law Enforcement Officer Standards and Education.

**HB 3452**, Relating to creation of the Texas Armed Services Scholarship Program.

**HB 3551**, Relating to the notice to vacate the premises in forcible entry and detainer actions.

**HB 3623**, Relating to covenants not to compete by physicians.

**HB 3680**, Relating to creating the offense of contributing to the delinquency of a child.

**HB 3846**, Relating to the requirement to wear safety apparel and seat belts while operating certain off-highway vehicles; changing the elements of an offense.

**HB 3859**, Relating to a staffing analysis of the Texas Integrated Eligibility Redesign System (TIERS) and benefits eligibility determination processes and to a pilot project regarding long-term services and supports provided to aged and physically disabled individuals.

**HB 4061**, Relating to the consequences of an arrest for or conviction of certain intoxication offenses.

**HJR 7**, Proposing a constitutional amendment to require partnering with the United States Department of Veterans Affairs and other federal agencies to establish a veterans hospital in the Rio Grande Valley region of the state.

**HJR 37**, Proposing a constitutional amendment to dedicate net revenue from the state lottery to certain public school purposes.

**SB 629**, Relating to the operation of certain institutions of higher education as general academic teaching institutions and to the statutory limitation imposed on certain university systems to issue revenue bonds to fund facilities at certain institutions of higher education.

**SB 1005**, Relating to the regulation of polygraph examiners by the Texas Department of Licensing and Regulation and the abolition of the Polygraph Examiners Board.  
(Committee Substitute)

**SB 1206**, Relating to the release from the Texas Department of Criminal Justice of certain inmates who complete a rehabilitation program.  
(Committee Substitute)

**SB 1918**, Relating to disclosure of certain information by a property owners' association.

**SB 2225**, Relating to the civil and criminal consequences of engaging in certain conduct involving the transporting or transferring of a firearm and to creating the offense of firearm smuggling.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

### **SENATE RESOLUTION 811**

Senator Watson offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Ben De Leon, who has been named the 2009 Big Brothers Big Sisters National Big Brother of the Year; and

WHEREAS, Ben's Little Brother is Anthony, a fifth grade student in Travis County; Anthony will attend the National Big Brothers Big Sisters Conference with Ben in June, and they will speak at the Conference Banquet and other events; and

WHEREAS, Ben De Leon is an attorney at De Leon and Washburn; he practices in general civil litigation, appellate law, insurance law, transactional law, and administrative law; he represents Spanish-speaking clients pro bono through Volunteer Legal Services of Central Texas; and

WHEREAS, He graduated Phi Beta Kappa from The University of Texas at Austin in 2001 and earned his law degree from The University of Texas School of Law, where he was elected a permanent class officer by his classmates; and

WHEREAS, Ben has served as a Big Brother in the Big Brothers Big Sisters Program of Central Texas since 2006 and has been a spokesperson for the organization since September of 2007; he now serves on the board of directors of the Big Society, the organization's young professionals group; and

WHEREAS, He is a leader in the Austin community and serves as a deacon at the First Baptist Church of Austin; his memberships include the Texas Exes Scholarship Selection Committee, the Texas Exes Hispanic Alumni Steering Committee, the University of Texas Law Reunion Planning Committee, and the Christian Life Commission Board of Consultants; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby commend Ben De Leon on his exceptional leadership and many contributions to his community and extend congratulations to him on his selection as the 2009 Big Brothers Big Sisters National Big Brother of the Year; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of Ben De Leon as an expression of esteem from the Texas Senate.

**SR 811** was again read.

The resolution was previously adopted on Friday, May 1, 2009.

#### **GUESTS PRESENTED**

Senator Watson was recognized and introduced to the Senate Ben De Leon, 2009 Big Brothers Big Sisters National Big Brother of the Year, accompanied by his little brother, Anthony Saldaña.

The Senate welcomed its guests.

#### **INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED**

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

There was no objection.

#### **CONCLUSION OF MORNING CALL**

The President at 11:19 a.m. announced the conclusion of morning call.

#### **COMMITTEE SUBSTITUTE SENATE BILL 2552 ON SECOND READING**

On motion of Senator Patrick and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 2552** at this time on its second reading:

**CSSB 2552**, Relating to the powers and duties of Harris County Improvement District No. 1; providing authority to impose a tax and issue bonds.

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

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 2552 ON THIRD READING**

Senator Patrick moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 2552** be placed on its third reading and final passage.

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

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

**PHYSICIAN OF THE DAY**

Senator Shapiro was recognized and presented Dr. Christopher Crow of Plano as the Physician of the Day.

The Senate welcomed Dr. Crow and thanked him for his participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

**BILLS SIGNED**

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

**SB 473, SB 481, SB 526, SB 547, SB 820, SB 858, SB 917, SB 918, SB 935, SB 1047, SB 1103, SB 1105, SB 1121, SB 1163, SB 1224, SB 1274, SB 1295, SB 1360, SB 1638, SB 1832, SB 1919, SB 2052, SB 2134, HB 608, HB 651, HB 762, HB 1067, HB 1081, HB 1465, HB 1671, HB 2527, HB 4004.**

**HOUSE BILL 1364 ON SECOND READING**

On motion of Senator Averitt and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1364** at this time on its second reading:

**HB 1364**, Relating to coverage of preexisting conditions by certain group health benefit coverage programs for active school employees.

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

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

**HOUSE BILL 1364 ON THIRD READING**

Senator Averitt moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1364** be placed on its third reading and final passage.

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

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

**SENATE BILL 562 WITH HOUSE AMENDMENT**

Senator Jackson called **SB 562** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

**Floor Amendment No. 1 on Third Reading**

Amend **SB 562** on third reading by adding the following SECTION to the bill, appropriately numbered, and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 1.111, Tax Code, is amended by adding Subsection (j) to read as follows:

(j) A registered senior property tax consultant or an individual exempt from registration as a property tax consultant under Section 1152.002, Occupations Code, who is designated as an agent by a property owner and files a protest with the appraisal review board on behalf of the property owner is entitled to receive all notices from the appraisal district regarding the property subject to the protest until the authority is revoked by the property owner as provided by this section.

The amendment was read.

Senator Jackson moved that the Senate do not concur in the House amendment, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The President asked if there were any motions to instruct the conference committee on **SB 562** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate: Senators Jackson, Chair; Lucio, Duncan, Deuell, and Fraser.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 392 ON SECOND READING**

On motion of Senator Deuell and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 392** at this time on its second reading:

**CSHB 392**, Relating to the availability and use of automated external defibrillators in nursing homes and related institutions.

The bill was read second time.

Senator Deuell offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSHB 392** (Senate committee printing) in SECTION 1 of the bill, by striking Section 242.159(c), Health and Safety Code (page 1, lines 24 through 27), and substituting the following:

(c) The use of an automated external defibrillator must be consistent with a resident's advance directive executed or issued under Subchapter C, Chapter 166.

The amendment to **CSHB 392** was read and was adopted by a viva voce vote.

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

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

**CSHB 392** as amended was passed to third reading by a viva voce vote.

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

### **COMMITTEE SUBSTITUTE HOUSE BILL 392 ON THIRD READING**

Senator Deuell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 392** be placed on its third reading and final passage.

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

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

### **COMMITTEE SUBSTITUTE SENATE BILL 1720 ON SECOND READING**

On motion of Senator Uresti and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1720** at this time on its second reading:

**CSSB 1720**, Relating to newborn screening and the creation of the Newborn Screening Advisory Committee.

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

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

Amend **CSSB 1720** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill appropriately:

SECTION \_\_\_\_\_. This Act does not make an appropriation. A provision in this Act that creates a new governmental program, creates a new entitlement, or imposes a new duty on a governmental entity is not mandatory during a fiscal period for which the legislature has not made a specific appropriation to implement the provision.

The amendment to **CSSB 1720** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Absent: Williams.

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

**CSSB 1720** as amended was passed to engrossment by a viva voce vote.

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

Absent: Williams.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1720 ON THIRD READING**

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1720** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent: Williams.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**SENATE BILL 2580 ON SECOND READING**

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 2580** at this time on its second reading:

**SB 2580**, Relating to actions under the Beer Industry Fair Dealing Law.

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

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

**SENATE BILL 2580 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 2580** be placed on its third reading and final passage.

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

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 2550 ON SECOND READING**

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 2550** at this time on its second reading:

**CSSB 2550**, Relating to the creation of the Padre Island Gateway Municipal Management District; providing authority to impose a tax and issue bonds.

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

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 2550 ON THIRD READING**

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 2550** be placed on its third reading and final passage.

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

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

**HOUSE BILL 2314 ON SECOND READING**

On motion of Senator Ogden and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2314** at this time on its second reading:

**HB 2314**, Relating to the designation of the Texas Department of Transportation as the contracting agent for certain airports.

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

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

**HOUSE BILL 2314 ON THIRD READING**

Senator Ogden moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2314** be placed on its third reading and final passage.

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

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

**HOUSE BILL 1918 ON SECOND READING**

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1918** at this time on its second reading:

**HB 1918**, Relating to changing the name of the Office of Rural Community Affairs to the Texas Department of Rural Affairs.

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

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

**HOUSE BILL 1918 ON THIRD READING**

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1918** be placed on its third reading and final passage.

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

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

**HOUSE BILL 406 ON SECOND READING**

Senator Carona moved to suspend the regular order of business to take up for consideration **HB 406** at this time on its second reading:

**HB 406**, Relating to the disposition of excess proceeds of a tax sale of real property or foreclosure of a tax lien on real property.

The motion prevailed.

Senator Patrick asked to be recorded as voting "Nay" on suspension of the regular order of business.

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

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

Nays: Patrick.

**HOUSE BILL 406 ON THIRD READING**

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 406** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Patrick.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

**COMMITTEE SUBSTITUTE****HOUSE BILL 1342 ON SECOND READING**

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1342** at this time on its second reading:

**CSHB 1342**, Relating to adoption of certain information technology.

The bill was read second time.

Senator Harris offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSHB 1342** (Senate committee report) as follows:

(1) In SECTION 1 of the bill, in added Chapter 1661, Insurance Code (page 2, between lines 48 and 49), insert the following:

Sec. 1661.0055. USE OF TECHNOLOGY: WAIVER. (a) Notwithstanding Section 1661.004, physicians or health care providers with fewer than five full-time-equivalent employees are not required to use information technology as required under this chapter.

(b) A health benefit plan issuer may not require, through contract or otherwise, physicians or health care providers with fewer than five full-time-equivalent employees to use information technology as required under this chapter.

(c) A contract between the issuer of a health benefit plan and a physician or health care provider must provide for a waiver of any requirement for the use of information technology as established or required under this chapter.

(d) The commissioner shall establish the circumstances under which the requirements of this chapter do not apply to a physician or health care provider including:

- (1) undue hardship, including fiscal or operational hardship; or
- (2) any other special circumstance that would justify an exclusion.

(e) The commissioner shall establish circumstances under which a waiver under Subsection (c) is required, including:

- (1) undue hardship, including fiscal or operational hardship; or
- (2) any other special circumstance that would justify a waiver.

(f) Any physician or health care provider that is denied a waiver by a health benefit plan issuer may appeal the denial to the commissioner. The commissioner shall determine whether a waiver must be granted.

(g) A health benefit plan issuer may not refuse to contract or renew a contract with a physician or health care provider based in whole or in part on the physician or provider requesting or receiving a waiver or appealing a waiver determination. A health benefit plan issuer may not refuse to contract or renew a contract with a physician or health care provider based in whole or in part on the physician or provider meeting the exemptions contained in Subsections (a) and (b).

(h) A waiver approved under this section expires September 1, 2013.

(2) In SECTION 1 of the bill, in added Section 1661.008, Insurance Code (page 3, between lines 6 and 7), insert

"(e) A waiver approved under this section expires September 1, 2013."

The amendment to **CSHB 1342** was read and was adopted by a viva voce vote.

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

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

**CSHB 1342** as amended was passed to third reading by a viva voce vote.

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

**(Senator Eltife in Chair)**

**COMMITTEE SUBSTITUTE  
HOUSE BILL 1342 ON THIRD READING**

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1342** be placed on its third reading and final passage.

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

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

#### STATEMENT OF LEGISLATIVE INTENT

Senator Harris submitted the following statement of legislative intent for **CSHB 1342**:

**Senator Duncan:** In order to establish legislative intent, I assume that the covered benefits would still be subject to member eligibility and policy limitations and exclusions, including limitations related to preexisting conditions?

**Senator Harris:** Yes.

#### COMMITTEE SUBSTITUTE HOUSE BILL 1998 ON SECOND READING

On motion of Senator Gallegos and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1998** at this time on its second reading:

**CSHB 1998**, Relating to temporary housing and emergency shelters provided by a political subdivision for disaster victims.

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

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

#### COMMITTEE SUBSTITUTE HOUSE BILL 1998 ON THIRD READING

Senator Gallegos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1998** be placed on its third reading and final passage.

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

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

#### COMMITTEE SUBSTITUTE SENATE BILL 1886 ON SECOND READING

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1886** at this time on its second reading:

**CSSB 1886**, Relating to diagnostic testing of pregnant women and certain newborns.

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

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 1886 ON THIRD READING**

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1886** be placed on its third reading and final passage.

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

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

**HOUSE BILL 492 ON SECOND READING**

The Presiding Officer, Senator Eltife in Chair, laid before the Senate **HB 492** by Senator Deuell on its second reading. The bill had been read second time, an amendment offered, and further consideration postponed to a time certain of 11:00 a.m. today:

**HB 492**, Relating to the expansion of faith- and community-based health and human services and social services initiatives.

Question — Shall Floor Amendment No. 1 to **HB 492** be adopted?

Senator Deuell withdrew Floor Amendment No. 1.

Senator Deuell offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **HB 492** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill, at the end of added Section 535.104(a)(6), Government Code (page 4, line 8), insert "and".

(2) In SECTION 1 of the bill, strike added Section 535.104(a)(8), Government Code (page 4, lines 16 through 26).

The amendment to **HB 492** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2.

Senator Ogden offered the following amendment to the bill:

**Floor Amendment No. 3**

Amend **HB 492** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill appropriately:

SECTION \_\_\_\_\_. This Act does not make an appropriation. A provision in this Act that creates a new governmental program, creates a new entitlement, or imposes a new duty on a governmental entity is not mandatory during a fiscal period for which the legislature has not made a specific appropriation to implement the provision.

The amendment to **HB 492** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 3.

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

**HB 492** as amended was passed to third reading by a viva voce vote.

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

#### **HOUSE BILL 492 ON THIRD READING**

Senator Deuell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 492** be placed on its third reading and final passage.

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

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

#### **HOUSE BILL 2219 ON SECOND READING**

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2219** at this time on its second reading:

**HB 2219**, Relating to the public transportation advisory committee.

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

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

#### **HOUSE BILL 2219 ON THIRD READING**

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2219** be placed on its third reading and final passage.

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

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

#### **COMMITTEE SUBSTITUTE SENATE BILL 1193 ON SECOND READING**

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1193** at this time on its second reading:

**CSSB 1193**, Relating to the maintenance and service of certain medical devices in health care facilities; providing a criminal penalty.

The bill was read second time.

Senator Wentworth offered the following amendment to the bill:

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

Amend **CSSB 1193** (Senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Section 431.002(13), Health and Safety Code, is amended to read as follows:

(13) "Device," except when used in Sections 431.003, 431.021(l), 431.0215, 431.082(g), 431.112(c), and 431.142(c), means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article, including any component, part, or accessory, that is:

(A) recognized in the official United States Pharmacopoeia National Formulary or any supplement to it;

(B) intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of disease in man or other animals; or

(C) intended to affect the structure or any function of the body of man or other animals and that does not achieve any of its principal intended purposes through chemical action within or on the body of man or other animals and is not dependent on metabolization for the achievement of any of its principal intended purposes.

SECTION 2. Subchapter B, Chapter 431, Health and Safety Code, is amended by adding Section 431.0215 to read as follows:

Sec. 431.0215. ADDITIONAL PROHIBITED ACTS; CRIMINAL PENALTY.

(a) In this section:

(1) "Electronic direct care medical device" means a device used in the treatment, monitoring, or diagnosis of a patient.

(2) "Facility" means an ambulatory surgical center, physician's office, or medical clinic, other than a medical clinic owned or operated by a hospital, that is authorized under the laws of this state to provide health care in this state.

(b) Except as provided by Subsection (c), a person may not calibrate, repair, or perform preventive maintenance on or otherwise service an electronic direct care medical device in a facility unless the person:

(1) holds at least an associate of applied science degree issued by an accredited college or university in engineering as a biomedical equipment technician or medical imaging specialist or holds a similar degree focused on the service, maintenance, or service and maintenance of medical devices;

(2) holds satisfactory evidence of completion of a program of service or maintenance of medical devices issued by the United States military;

(3) for at least two of the preceding four years has been actively engaged in and holds documented evidence of proficient performance of electronic direct care medical device service or maintenance apprenticeship or training, including experience under Subdivision (4);

(4) holds at least an associate's degree in an electronics field or an information management field from an accredited college, university, or vocational school, or is actively pursuing such a degree or pursuing an associate's degree described in Subdivision (1), and is servicing or maintaining electronic direct care medical devices under the supervision of an individual who meets the requirements of Subdivision (1) or (2);

(5) holds satisfactory evidence of successful completion of service or maintenance training from an electronic direct care medical device manufacturer or designated trainer, provided the person only provides service or maintenance for devices made by that manufacturer and specifically covered by the training; or

(6) holds a certification issued by the International Certification Commission as a certified biomedical equipment technician, certified laboratory equipment specialist, or certified radiology equipment specialist, provided the person only provides service or maintenance for the type of electronic direct care medical devices covered by the certification.

(c) Subsection (b) does not apply to:

(1) the calibration, repair, maintenance, or service of a class II or class III medical device that is used only for teaching and research purposes;

(2) in-service or software upgrades of a medical device performed by an employee or authorized sales representative of a medical device manufacturer; or

(3) routine evaluations specified by the medical device manufacturer performed by the owner or person designated by the owner of the medical device.

(d) A person commits an offense if the person violates Subsection (b). An offense under this subsection is a Class C misdemeanor.

SECTION 3. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2010.

(b) Section 431.0215(d), Health and Safety Code, as added by this Act, takes effect September 1, 2011.

The amendment to **CSSB 1193** was read.

Senator Seliger offered the following amendment to Floor Amendment No. 1:

### **Floor Amendment No. 2**

Amend Floor Amendment No. 1 by Wentworth to **CSSB 1193**, in SECTION 2 of the amendment, in added Section 431.0215(a)(2), Health and Safety Code (page 2, line 1), by striking "than a" and substituting "than an ambulatory surgical center, physician's office, or".

The amendment to Floor Amendment No. 1 to **CSSB 1193** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2.

Question recurring on the adoption of Floor Amendment No. 1 to **CSSB 1193**, the amendment as amended was adopted by a viva voce vote.

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

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

**CSSB 1193** as amended was passed to engrossment by a viva voce vote.

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

**SENATE BILL 2573 ON SECOND READING**

On motion of Senator Ogden and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 2573** at this time on its second reading:

**SB 2573**, Relating to annual reports by certain agencies conducting, funding, or supporting biomedical research.

The bill was read second time.

Senator Watson offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 2573** (Senate committee printing) as follows:

(1) On page 1, line 25, in added Subsection (a), Section 172.002, between "involves" and "stem", insert "human".

(2) On page 1, line 28, in added Subsection (b), Section 172.002, between "involves" and "stem", insert "human".

(3) On page 1, lines 32 and 33, strike added Subsection (b)(1)(A), Section 172.002, and substitute "(A) human stem cells; and".

(4) On page 1, line 36, in added Subsection (b)(2), Section 172.002, between "the" and "stem", insert "human".

(5) On page 1, line 38, in added Subsection (b)(3), Section 172.002, strike "money" and substitute "and federal money, private grants, and other funding".

(6) On page 1, line 42, in added Subsection (b)(5), Section 172.002, between "the" and "progress", insert "goals,".

(7) On page 1, between lines 42 and 43, add a new Subsection (c) to read as follows:

(c) An agency shall not include in the report:

(1) information that the agency is not required to publicly disclose under Chapter 552, Government Code; or

(2) the name, address, or other personal identifying information of an individual conducting or otherwise participating in research that is the subject of the report.

The amendment to **SB 2573** was read and was adopted by a viva voce vote.

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

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

**SB 2573** as amended was passed to engrossment by a viva voce vote.

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

**SENATE BILL 2573 ON THIRD READING**

Senator Ogden moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 2573** be placed on its third reading and final passage.

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

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

#### **SENATE BILL 2406 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 2406** at this time on its second reading:

**SB 2406**, Relating to additional compensation for certain state employees.

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

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

#### **SENATE BILL 2406 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 2406** be placed on its third reading and final passage.

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

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

#### **HOUSE BILL 2440 ON SECOND READING**

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2440** at this time on its second reading:

**HB 2440**, Relating to scholarships for fifth-year accounting students.

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

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

#### **HOUSE BILL 2440 ON THIRD READING**

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2440** be placed on its third reading and final passage.

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

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

#### **COMMITTEE SUBSTITUTE HOUSE BILL 1468 ON SECOND READING**

On motion of Senator Deuell and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1468** at this time on its second reading:

**CSHB 1468**, Relating to the regulation of funeral homes, cemeteries, and crematories; providing penalties.

The bill was read second time.

Senator Carona offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSHB 1468** (Senate committee printing) by adding the following appropriately numbered section and renumbering the sections of the bill accordingly:

SECTION \_\_\_\_. Subtitle B, Title 8, Health and Safety Code, is amended by adding Chapter 695 to read as follows:

CHAPTER 695. IN-CASKET IDENTIFICATION

Sec. 695.001. DEFINITIONS. In this chapter:

(1) "Casket" means a container used to hold the remains of a deceased person.

(2) "Commission" means the Texas Funeral Service Commission.

Sec. 695.002. IDENTIFICATION OF DECEASED PERSON. The commission shall ensure a casket contains identification of the deceased person, including the person's name, date of birth, and date of death.

Sec. 695.003. RULES. The commission may adopt rules to enforce this chapter.

The amendment to **CSHB 1468** was read and was adopted by a viva voce vote.

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

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

**CSHB 1468** as amended was passed to third reading by a viva voce vote.

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

**COMMITTEE SUBSTITUTE  
HOUSE BILL 1468 ON THIRD READING**

Senator Deuell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1468** be placed on its third reading and final passage.

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

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

**SENATE BILL 1210 ON SECOND READING**

Senator Fraser moved to suspend the regular order of business to take up for consideration **SB 1210** at this time on its second reading:

**SB 1210**, Relating to a water rights permit issued to the Upper Guadalupe River Authority.

The motion prevailed.

Senator Zaffirini asked to be recorded as voting "Nay" on suspension of the regular order of business.

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

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

Nays: Zaffirini.

### SENATE BILL 1210 ON THIRD READING

Senator Fraser moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1210** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Zaffirini.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

### COMMITTEE SUBSTITUTE SENATE BILL 1824 ON SECOND READING

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1824** at this time on its second reading:

**CSSB 1824**, Relating to the Interagency Task Force for Children with Special Needs.

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **CSSB 1824** (Senate committee printing) in SECTION 1 of the bill, in added Chapter 115, Health and Safety Code, after added Section 115.011, Health and Safety Code (page 4, between lines 8 and 9), by inserting the following:

Sec. 115.012. SUNSET PROVISION. The Interagency Task Force on Children With Special Needs is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the task force is abolished and this subchapter expires September 1, 2015.

The amendment to **CSSB 1824** was read and was adopted by a viva voce vote.

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

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

**CSSB 1824** as amended was passed to engrossment by a viva voce vote.

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 1824 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1824** be placed on its third reading and final passage.

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

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 1193 ON THIRD READING**

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1193** be placed on its third reading and final passage:

**CSSB 1193**, Relating to the maintenance and service of certain medical devices in health care facilities; providing a criminal penalty.

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

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

**SENATE BILL 2126 WITH HOUSE AMENDMENT**

Senator Estes called **SB 2126** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer, Senator Eltife in Chair, laid the bill and the House amendment before the Senate.

**Floor Amendment No. 1**

Amend **SB 2126** (House committee printing) in SECTION 1 of the bill by striking lines 6 through 13, and substituting:

SECTION 1. Section 13.503, Water Code, is amended by amending Subsections (c) and (d) and adding Subsection (c-1) to read as follows:

(c) Except as provided by Subsection (c-1), in [the] addition to the charges permitted under Subsection (b), the rules shall authorize the owner or manager of a manufactured home rental community or apartment house [owner or manager] to impose a service charge of not more than nine percent of the costs related to submetering allocated to each submetered rental or dwelling unit.

(c-1) The rules may not authorize the owner or manager of an apartment house to impose a service charge under Subsection (c) on a resident who:

(1) resides in a unit of an apartment house that has received an allocation of low income housing tax credits under Subchapter DD, Chapter 2306, Government Code; or

(2) receives tenant-based voucher assistance under Section 8, United States Housing Act of 1937 (42 U.S.C. Section 1437f).

The amendment was read.

Senator Estes moved to concur in the House amendment to **SB 2126**.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Zaffirini.

**COMMITTEE SUBSTITUTE  
SENATE BILL 2350 ON SECOND READING**

On motion of Senator Ogden and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 2350** at this time on its second reading:

**CSSB 2350**, Relating to the payment and distribution of consumer assistance funds in an action by the attorney general.

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

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 1028 ON SECOND READING**

Senator Watson moved to suspend the regular order of business to take up for consideration **CSSB 1028** at this time on its second reading:

**CSSB 1028**, Relating to the offense of operating or riding in a passenger vehicle while not secured by a safety belt.

The motion prevailed.

Senators Eltife, Fraser, Harris, Jackson, Patrick, and Williams asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by the following vote: Yeas 25, Nays 6.

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

Nays: Eltife, Fraser, Harris, Jackson, Patrick, Williams.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1028 ON THIRD READING**

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1028** be placed on its third reading and final passage.

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

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

Nays: Eltife, Fraser, Harris, Jackson, Patrick, Williams.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 6. (Same as previous roll call)

### HOUSE BILL 2055 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2055** at this time on its second reading:

**HB 2055**, Relating to the Chronic Kidney Disease Task Force.

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

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

### HOUSE BILL 2055 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2055** be placed on its third reading and final passage.

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

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

### SENATE BILL 58 WITH HOUSE AMENDMENT

Senator Zaffirini called **SB 58** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer, Senator Eltife in Chair, laid the bill and the House amendment before the Senate.

#### Floor Amendment No. 1

Amend **SB 58** (House committee printing) in SECTION 1 of the bill, in amended Section 58.403, Family Code (page 2, between lines 5 and 6), by inserting:

(d) If the executive director of the Department of Information Resources approves in writing an interlocal contract adopted under Subsection (a), the system created, operated, or maintained under that contract is not subject to rules adopted under, or the requirements of, Chapter 2054, Government Code.

The amendment was read.

Senator Zaffirini moved that the Senate do not concur in the House amendment, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 58** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Zaffirini, Chair; Watson, Hinojosa, Carona, and Wentworth.

### **SENATE BILL 2306 WITH HOUSE AMENDMENT**

Senator Williams called **SB 2306** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

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

Amend **SB 2306** by adding a new SECTION 2, to read:

Section 13.145(a), Water Code, is amended to read as follows:

(a) A utility may consolidate more than one system under a single tariff only if:

(1) the regulatory authority finds that at the time the utility applies for a uniform tariff, all of the systems under the tariff are substantially similar in terms of facilities, quality of service, and cost of service; and

(2) the tariff provides for rates that promote water conservation for single-family residences and landscape irrigation.

Add SECTION 3 to the bill to read:

SECTION 3. The changes in law made by this Act apply only to applications for a uniform tariff filed on or after the effective date of this Act. An application filed before the effective date of this Act is governed by the law in effect on the date the application is filed, and that law is continued in effect for this purpose.

Re-number SECTION 2 of SB 2306 to SECTION 4.

The amendment was read.

Senator Williams moved that the Senate do not concur in the House amendment, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 2306** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Williams, Chair; Averitt, Davis, Eltife, and Hinojosa.

**(President in Chair)**

### **SENATE BILL ON FIRST READING**

The following bill was introduced, read first time, and referred to the committee indicated:

**SB 2586** by Uresti

Relating to the creation of the Lajitas Utility District No. 1 of Brewster County; providing authority to impose taxes and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

**HOUSE BILLS AND RESOLUTIONS ON FIRST READING**

The following bills and resolutions received from the House were read first time and referred to the committees indicated:

- HB 119** to Committee on Jurisprudence.
- HB 121** to Committee on Transportation and Homeland Security.
- HB 150** to Committee on Finance.
- HB 229** to Committee on Natural Resources.
- HB 230** to Committee on Business and Commerce.
- HB 240** to Committee on Intergovernmental Relations.
- HB 258** to Committee on State Affairs.
- HB 269** to Committee on Veteran Affairs and Military Installations.
- HB 315** to Committee on Education.
- HB 397** to Committee on Jurisprudence.
- HB 544** to Committee on State Affairs.
- HB 563** to Committee on Intergovernmental Relations.
- HB 585** to Committee on Jurisprudence.
- HB 587** to Committee on Jurisprudence.
- HB 640** to Committee on Criminal Justice.
- HB 746** to Committee on Higher Education.
- HB 781** to Committee on Intergovernmental Relations.
- HB 805** to Committee on Transportation and Homeland Security.
- HB 1052** to Committee on Economic Development.
- HB 1117** to Committee on State Affairs.
- HB 1182** to Committee on Business and Commerce.
- HB 1193** to Committee on State Affairs.
- HB 1218** to Committee on Health and Human Services.
- HB 1259** to Committee on State Affairs.
- HB 1275** to Committee on Intergovernmental Relations.
- HB 1375** to Committee on Education.
- HB 1448** to Committee on State Affairs.
- HB 1470** to Committee on Education.
- HB 1597** to Committee on Intergovernmental Relations.
- HB 1600** to Committee on Intergovernmental Relations.
- HB 1601** to Committee on Intergovernmental Relations.
- HB 1654** to Committee on State Affairs.
- HB 1779** to Committee on Transportation and Homeland Security.
- HB 1872** to Committee on Jurisprudence.
- HB 2057** to Committee on Transportation and Homeland Security.
- HB 2153** to Committee on Criminal Justice.
- HB 2181** to Committee on State Affairs.
- HB 2248** to Committee on Transportation and Homeland Security.
- HB 2284** to Committee on Finance.
- HB 2346** to Committee on Transportation and Homeland Security.
- HB 2348** to Committee on Intergovernmental Relations.
- HB 2368** to Committee on Jurisprudence.
- HB 2425** to Committee on Higher Education.

**HB 2524** to Committee on State Affairs.  
**HB 2585** to Committee on Health and Human Services.  
**HB 2654** to Committee on Finance.  
**HB 2703** to Committee on Education.  
**HB 2732** to Committee on Intergovernmental Relations.  
**HB 2740** to Committee on Health and Human Services.  
**HB 2767** to Committee on Transportation and Homeland Security.  
**HB 2941** to Committee on Finance.  
**HB 3044** to Committee on Transportation and Homeland Security.  
**HB 3075** to Committee on Jurisprudence.  
**HB 3085** to Committee on Jurisprudence.  
**HB 3173** to Committee on Education.  
**HB 3215** to Committee on Intergovernmental Relations.  
**HB 3220** to Committee on Education.  
**HB 3221** to Committee on Business and Commerce.  
**HB 3224** to Committee on Criminal Justice.  
**HB 3417** to Committee on Criminal Justice.  
**HB 3425** to Committee on Intergovernmental Relations.  
**HB 3485** to Committee on Intergovernmental Relations.  
**HB 3628** to Committee on Business and Commerce.  
**HB 3646** to Committee on Education.  
**HB 3653** to Committee on Criminal Justice.  
**HB 3666** to Committee on Jurisprudence.  
**HB 3691** to Committee on State Affairs.  
**HB 3708** to Committee on Jurisprudence.  
**HB 3768** to Committee on Jurisprudence.  
**HB 3896** to Committee on Administration.  
**HB 3907** to Committee on Criminal Justice.  
**HB 3989** to Committee on Natural Resources.  
**HB 4067** to Committee on International Relations and Trade.  
**HB 4128** to Committee on Administration.  
**HB 4186** to Committee on Transportation and Homeland Security.  
**HB 4189** to Committee on Higher Education.  
**HB 4193** to Committee on State Affairs.  
**HB 4229** to Committee on Finance.  
**HB 4230** to Committee on Finance.  
**HB 4295** to Committee on Intergovernmental Relations.  
**HB 4426** to Committee on Jurisprudence.  
**HB 4433** to Committee on Finance.  
**HB 4440** to Committee on State Affairs.  
**HB 4456** to Committee on Criminal Justice.  
**HB 4493** to Committee on Transportation and Homeland Security.  
**HB 4533** to Committee on State Affairs.  
**HB 4542** to Committee on Intergovernmental Relations.  
**HB 4594** to Committee on Transportation and Homeland Security.  
**HB 4722** to Committee on Intergovernmental Relations.

**HB 4745** to Committee on Intergovernmental Relations.  
**HB 4757** to Committee on Intergovernmental Relations.  
**HB 4773** to Committee on Intergovernmental Relations.  
**HB 4774** to Committee on Intergovernmental Relations.  
**HB 4781** to Committee on International Relations and Trade.  
**HB 4784** to Committee on Intergovernmental Relations.  
**HB 4790** to Committee on Intergovernmental Relations.  
**HB 4795** to Committee on Intergovernmental Relations.  
**HB 4802** to Committee on Intergovernmental Relations.  
**HB 4810** to Committee on Natural Resources.  
**HB 4811** to Committee on Natural Resources.  
**HB 4825** to Committee on Intergovernmental Relations.  
**HCR 152** to Committee on Administration.  
**HCR 161** to Committee on Jurisprudence.

### **PERMISSION TO INTRODUCE BILL AND RESOLUTION**

On motion of Senator Averitt and by unanimous consent, Senate Rule 7.07(b) was suspended to permit the introduction of the following bill and resolution: **SB 2587, SCR 73**.

### **SENATE BILL AND RESOLUTION ON FIRST READING**

The following bill and resolution were introduced, read first time, and referred to the committees indicated:

**SB 2587** by Estes

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

To Committee on Agriculture and Rural Affairs.

**SCR 73** by Averitt

Memorializing the U.S. Congress to maintain the Federal Family Education Loan Program.

To Committee on Higher Education.

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

On motion of Senator Van de Putte and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Veteran Affairs and Military Installations might meet today.

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

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

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

On motion of Senator Fraser and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Business and Commerce might meet and consider **SB 2238** today.

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

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

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**SR 912** by Watson, In memory of Cohnway Matthew Johnson of Rockdale.

**SR 913** by Watson, In memory of Raymond De La Cruz of Austin.

**SR 916** by Hinojosa, In memory of Billie Allyn Hamrick of Corpus Christi.

**Congratulatory Resolutions**

**SR 801** by Van de Putte, Recognizing The University of Texas at San Antonio on the occasion of its 40th anniversary.

**SR 911** by Estes, Recognizing Chrystelle and Philip Logan Stephenson on the occasion of their 50th wedding anniversary.

**SR 914** by Watson, Recognizing Saint Martin's Evangelical Lutheran Church of Austin on the occasion of its 125th anniversary.

**SR 915** by Watson, Congratulating Patrick Patterson for being named the 2009 Austin Independent School District Principal of the Year for Secondary Schools by Partners in Education.

**SR 917** by Seliger, Recognizing Zachary Thomas Page for his work in the office of Senator Kel Seliger.

**SR 918** by Seliger, Recognizing Jonathan Dumire for his work in the office of Senator Kel Seliger.

**SR 919** by Seliger, Recognizing Kristilyn N. Rehmann for her work in the office of Senator Kel Seliger.

**SR 920** by Seliger, Recognizing Edward "Trey" Owens III for his work in the office of Senator Kel Seliger.

**ADJOURNMENT**

On motion of Senator Whitmire, the Senate at 2:03 p.m. adjourned until 9:30 a.m. tomorrow.

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**APPENDIX**

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**COMMITTEE REPORTS**

The following committee reports were received by the Secretary of the Senate in the order listed:

May 14, 2009

HIGHER EDUCATION — **HB 3340**

TRANSPORTATION AND HOMELAND SECURITY — **SB 2584**

STATE AFFAIRS — **CSSB 2571, CSHB 407, CSHB 2401, CSHB 3347, CSHB 4290, CSHB 1294**

CRIMINAL JUSTICE — **HB 94, HB 405, HB 549, HB 558, HB 1060, HB 1721, HB 1728, HB 2068, HB 2168, HB 2289**

TRANSPORTATION AND HOMELAND SECURITY — **CSSB 1822, CSSB 2060, HB 2640 (Amended), SB 1263**

STATE AFFAIRS — **CSHJR 29, CSHB 1293, CSHB 1919, CSHB 783, CSHB 2283, CSHB 3113**

NATURAL RESOURCES — **CSHB 3435**

BUSINESS AND COMMERCE — **HB 1084, HB 1109, HB 1513, HB 2353, HB 4359, HB 4498**

GOVERNMENT ORGANIZATION — **CSHB 2447**

CRIMINAL JUSTICE — **CSHB 1985, CSHB 2066, CSHB 2100**

INTERNATIONAL RELATIONS AND TRADE — **HB 4353, HB 1324, HB 4607, HB 1579, HCR 79**

BUSINESS AND COMMERCE — **CSSB 2342**

HIGHER EDUCATION — **CSSB 1603, CSSB 1561**

CRIMINAL JUSTICE — **CSHB 2580**

STATE AFFAIRS — **CSHB 2751**

HEALTH AND HUMAN SERVICES — **HB 1031, CSHB 4642, CSHB 4127, CSHB 2972, HB 3137, HB 3012, HB 2963, HB 1966, CSHB 1362**

JURISPRUDENCE — **SCR 72, HB 144, HB 655, HB 669, HB 1460, HB 1551, HB 1682, HB 1688, HB 1925, HB 2804, HB 2813, HB 3246, HB 3468, HB 3554, HB 4718**

BUSINESS AND COMMERCE — **CSHB 3129, CSHB 1161, CSSB 2578**

HIGHER EDUCATION — **CSSB 1342, CSHB 4149**

ADMINISTRATION — **CSSB 2277**

STATE AFFAIRS — **CSSB 1164**

**BILLS ENGROSSED**

May 13, 2009

**SB 763, SB 1317, SB 1587, SB 2209, SB 2442, SB 2469, SB 2558, SB 2563, SB 2567**

**BILLS AND RESOLUTIONS ENROLLED**

May 13, 2009

**SB 473, SB 481, SB 526, SB 547, SB 820, SB 858, SB 917, SB 918, SB 935, SB 1047, SB 1103, SB 1105, SB 1121, SB 1163, SB 1224, SB 1274, SB 1295, SB 1360, SB 1638, SB 1832, SB 1919, SB 2052, SB 2134, SR 800, SR 900, SR 901, SR 902, SR 903, SR 904, SR 905, SR 906, SR 907**

**SIGNED BY GOVERNOR**

May 13, 2009

**SB 187, SB 347, SB 778, SCR 55, SCR 61, SCR 66**

**SENT TO GOVERNOR**

May 14, 2009

**SB 473, SB 481, SB 526, SB 547, SB 820, SB 858, SB 917, SB 918, SB 935, SB 1047, SB 1103, SB 1105, SB 1121, SB 1163, SB 1224, SB 1274, SB 1295, SB 1360, SB 1638, SB 1832, SB 1919, SB 2052, SB 2134**

