

FIFTH DAY

(CONTINUED)

TUESDAY, JULY 12, 2005

PROCEEDINGS

AFTER RECESS

The Senate met at 11:00 a.m. and was called to order by President Pro Tempore Madla.

SENATORS ANNOUNCED PRESENT

Senators Staples and West, who had previously been recorded as "Absent-excused," were announced "Present."

LEAVE OF ABSENCE

On motion of Senator Whitmire, Senator Eltife was granted leave of absence for today on account of an illness in the family.

CO-AUTHOR OF SENATE BILL 62

On motion of Senator Janek, Senator Nelson will be shown as Co-author of **SB 62**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 10

On motion of Senator Deuell, Senator Lindsay will be shown as Co-author of **SJR 10**.

PHYSICIAN OF THE DAY

Senator Barrientos was recognized and presented Dr. Mark Chassay of Austin as the Physician of the Day.

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

(President in Chair)**MESSAGES FROM THE GOVERNOR**

The following Messages from the Governor were read and were filed with the Secretary of the Senate:

OFFICIAL MEMORANDUM
STATE OF TEXAS
OFFICE OF THE GOVERNOR

MESSAGE

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE SEVENTY-NINTH TEXAS LEGISLATURE, FIRST CALLED SESSION:

WHEREAS, the people of Texas through their state constitution have placed the power to call the legislature into special session in the hands of the chief executive officer of the state; and

WHEREAS, the members of the Seventy-Ninth Texas Legislature, First Called Session, have now convened to consider items presented to them by the governor;

NOW, THEREFORE, I, RICK PERRY, Governor of the State of Texas, by the authority vested in me by Article IV, Section 8 and Article III, Section 40 of the Texas Constitution, do hereby present the following subject matter to the Seventy-Ninth Texas Legislature, First Called Session for consideration:

Legislation relating to an increase in the compensation of judges, including salary and retirement benefits.

IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 11th day of July, 2005.

/s/Rick Perry
Governor of Texas

(seal)

ATTESTED BY:

/s/Roger Williams
Secretary of State

OFFICIAL MEMORANDUM
STATE OF TEXAS
OFFICE OF THE GOVERNOR

MESSAGE

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WHEREAS, the members of the Seventy-Ninth Texas Legislature, First Called Session, have now convened to consider items presented to them by the governor;

NOW, THEREFORE, I, RICK PERRY, Governor of the State of Texas, by the authority vested in me by Article IV, Section 8 and Article III, Section 40 of the Texas Constitution, do hereby present the following subject matter to the Seventy-Ninth Texas Legislature, First Called Session for consideration:

Legislation relating to the authorization, issuance, and funding of tuition revenue bonds.

IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 11th day of July, 2005.

/s/Rick Perry
Governor of Texas

(seal)

ATTESTED BY:

/s/Roger Williams
Secretary of State

OFFICIAL MEMORANDUM
STATE OF TEXAS
OFFICE OF THE GOVERNOR

MESSAGE

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE SEVENTY-NINTH TEXAS LEGISLATURE, FIRST CALLED SESSION:

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WHEREAS, the members of the Seventy-Ninth Texas Legislature, First Called Session, have now convened to consider items presented to them by the governor;

NOW, THEREFORE, I, RICK PERRY, Governor of the State of Texas, by the authority vested in me by Article IV, Section 8 and Article III, Section 40 of the Texas Constitution, do hereby present the following subject matter to the Seventy-Ninth Texas Legislature, First Called Session for consideration:

Legislation related to further competition in the telecommunications market.

Legislation related to the provision of broadband over powerlines.

Legislation related to the issuance of state-issued certificate of franchise authority for cable and video services.

Legislation related to the State of Texas' goal for renewable energy.

IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 12th day of July, 2005.

/s/Rick Perry
Governor of Texas

(seal)

ATTESTED BY:

/s/Roger Williams
Secretary of State

**COMMITTEE SUBSTITUTE
SENATE BILL 11 ON SECOND READING**

Senator Duncan moved to suspend the regular order of business to take up for consideration **CSSB 11** at this time on its second reading:

CSSB 11, Relating to the compensation of state judges and county judges, to the computation of retirement benefits for state judges and for members of the elected class of the Employees Retirement System of Texas, and to providing funds for court-related purposes.

The motion prevailed.

Senators Janek and Shapleigh asked to be recorded as voting "Nay" on suspension of the regular order of business.

Senator Lindsay asked to be recorded as "Present-not voting" on suspension of the regular order of business.

The bill was read second time.

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 11** (committee printing) as follows:

(1) In SECTION 11 of the bill, in proposed Subdivision (9), Section 133.003, Local Government Code (page 4, line 9), strike "and deposited in the judicial fund".

(2) In SECTION 13 of the bill, in proposed Subsection (a), Section 133.105, Local Government Code (page 4, line 43), strike "\$4" and substitute "\$7".

(3) In SECTION 13 of the bill, immediately following proposed Subsection (b), Section 133.105, Local Government Code (page 4, between lines 51 and 52), insert the following new subsection and reletter subsequent subsection of the section accordingly:

(c) The treasurer shall remit \$3 of each fee collected under this section to the comptroller for deposit in the fair defense account.

(4) In SECTION 18 of the bill, in proposed Section 102.022, Government Code (page 5, line 25), strike "\$4" and substitute "\$7".

The amendment to **CSSB 11** 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:

Present-not voting: Lindsay.

Absent-excused: Carona, Eltife.

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

CSSB 11 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:

Nays: Janek, Shapleigh.

Present-not voting: Lindsay.

Absent-excused: Carona, Eltife.

COMMITTEE SUBSTITUTE SENATE BILL 11 ON THIRD READING

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 11** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 2, Present-not voting 1.

Yeas: Armbrister, Averitt, Barrientos, Brimer, Deuell, Duncan, Ellis, Estes, Fraser, Gallegos, Harris, Hinojosa, Jackson, Lucio, Madla, Nelson, Ogden, Seliger, Shapiro, Staples, Van de Putte, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Janek, Shapleigh.

Present-not voting: Lindsay.

Absent-excused: Carona, Eltife.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 2, Present-not voting 1. (Same as previous roll call)

SENATE BILL 20 ON SECOND READING

On motion of Senator Fraser and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 20** at this time on its second reading:

SB 20, Relating to this state's goal for renewable energy.

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

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

Absent-excused: Carona, Eltife.

SENATE BILL 20 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 20** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Carona, Eltife.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

RECESS

On motion of Senator Whitmire, the Senate at 12:02 p.m. recessed until 4:00 p.m. today.

AFTER RECESS

The Senate met at 4:56 p.m. and was called to order by the President.

RECESS

On motion of Senator Whitmire, the Senate at 4:57 p.m. recessed until 10:00 a.m. tomorrow.