

SIXTH DAY

(CONTINUED)

WEDNESDAY, MAY 10, 2006

PROCEEDINGS

AFTER RECESS

The Senate met at 11:20 a.m. and was called to order by the President.

SENATOR ANNOUNCED PRESENT

Senator Carona, who had previously been recorded as "Absent-excused," was announced "Present."

The Reverend Phi Nguyen, Saint Vincent de Paul Catholic Church, Houston, offered the invocation as follows:

"Finding Happiness"

If you want happiness for
an hour - take a nap

If you want happiness for
a day - go fishing

If you want happiness for
a month - get married

If you want happiness for
a year - inherit a fortune

If you want happiness for
a lifetime - help others

(Chinese Proverb)

Almighty and eternal God, You have revealed Your glory to all nations. God of power and might, wisdom and justice, through Your authority is rightly administered, laws are enacted, and judgment decreed. Almighty God, let the light of Your divine wisdom direct the Members of this Legislature and shine forth in all the proceedings and laws framed for our rule and government. May they seek to preserve peace, promote national happiness, and continue to bring us the blessings of liberty and equality. We pray for our Governor of this state and for the Members of this Legislature and for judges, elected officials, and all others entrusted to guard

our political welfare. May they be enabled by Your powerful protection to discharge their duties with honesty and ability. We pray to You, Lord and God. Amen.

GUESTS PRESENTED

Senator Fraser was recognized and introduced to the Senate students and their teachers from Hamilton High School in Hamilton.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate a delegation of citizens from The Colony Chamber of Commerce leadership group.

The Senate welcomed its guests.

SENATE RESOLUTION 185

Senator Lucio offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the students, faculty, and administration of Weslaco High School for winning the Youth category of the Texas Environmental Excellence Award; and

WHEREAS, The school earned the award due to the success of its newest classroom—the outdoor botanical gardens; since 2004, 150 students at Weslaco High School have worked together under the guidance of science teacher Deborah Villalon to create and nurture the school's botanical gardens; one-quarter acre of the school's grounds has been converted into an educational ecosystem; more than 30 species of plants, trees, herbs, and flowering shrubs are grown, and at harvest time, students gather 100 pounds of fresh produce and donate it to the Rio Grande Valley Food Bank; and

WHEREAS, Students have created butterfly gardens, a pond habitat, and a cactus garden; they also helped install a drip line and sprinkler irrigation system under the direction of the Texas A&M Agricultural Experiment Station; and

WHEREAS, In the fall, students plant trees in the gardens and throughout the Valley as part of the Rio Reforestation Project; every Earth Day, a community celebration of nature is held, and students receive Texas Junior Master Gardener certifications from the Texas Cooperative Extension; and

WHEREAS, Weslaco High School botanical gardens serves as an outdoor learning laboratory, where students gain knowledge of conservation, nutrition, and community service and develop healthy habits for life; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, 3rd Called Session, hereby commend Weslaco High School for its exceptional botanical gardens and its successful environmental education program and extend congratulations to all on earning a Texas Environmental Excellence Award; and, be it further

RESOLVED, That a copy of this Resolution be prepared as an expression of high regard from the Texas Senate.

SR 185 was read and was adopted without objection.

PHYSICIAN OF THE DAY

Senator Estes was recognized and presented Dr. Max Latham of Bowie as the Physician of the Day.

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

SENATE RESOLUTION 96

Senator Armbrister offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the 2005-2006 Victoria Memorial High School cheerleading squad, which won first place at the Universal Cheerleaders Association National High School Cheerleading Championship in Orlando, Florida; and

WHEREAS, The team won its national title by competing against 52 of the best cheerleading squads from around the nation; they won state and regional championships en route to the national championship tournament; and

WHEREAS, Demonstrating talent and perseverance throughout the school year, the head cheerleaders, Amanda Dunn and Spencer Streetman, and the cheerleaders, Caitlin Klare, Ashley Blackburn, Syndal Brown, Sheina Farooqui, Jordan Payne, Ashton Bland, Shelley Frerich, Marlee Mize, Brittney Morris, Kelcey Newell, Stephanie Bess, and Katy Boles, have worked diligently to support the teams at their school, and they can be justly proud of their hard work and outstanding performance; and

WHEREAS, Under the superior leadership and expertise of the head coach, Denise Neel, the choreographer, Missy DeLuna, and the assistant coaches, Ricky Contreras, Lindsay Neel, Bennie Cunningham, and Sarah Jambers, the team has developed exceptional discipline and teamwork; and

WHEREAS, In addition to their duties as cheerleaders, these young women must maintain a grade average of 80 or above; they also participate in many community service activities, such as the American Cancer Society's Relay for Life and the American Heart Association's Heart Walk; and

WHEREAS, The national championship is a testament to the dedication, athletic skill, and school spirit of the Victoria Memorial High School cheerleaders, and they are truly worthy of legislative recognition for their great achievement; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, 3rd Called Session, hereby commend the 2005-2006 Victoria Memorial High School cheerleaders and their coaches for their hard work and perseverance and extend congratulations to them for their national championship; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the team as an expression of esteem from the Texas Senate.

SR 96 was again read.

The resolution was previously adopted on Thursday, April 27, 2006.

CONCLUSION OF MORNING CALL

The President at 11:42 a.m. announced the conclusion of morning call.

RECESS

On motion of Senator Whitmire, the Senate at 11:43 a.m. recessed until 2:00 p.m. today.

AFTER RECESS

The Senate met at 2:05 p.m. and was called to order by the President.

RECESS

On motion of Senator Armbrister, the Senate at 2:05 p.m. recessed until 3:00 p.m. today.

AFTER RECESS

The Senate met at 3:09 p.m. and was called to order by the President.

RECESS

On motion of Senator Whitmire, the Senate at 3:09 p.m. recessed until 4:00 p.m. today.

AFTER RECESS

The Senate met at 4:18 p.m. and was called to order by Senator Armbrister.

RECESS

On motion of Senator Shapleigh, the Senate at 4:18 p.m. recessed until 5:00 p.m. today.

AFTER RECESS

The Senate met at 5:37 p.m. and was called to order by the President.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1 ON SECOND READING**

Senator Shapiro moved to suspend the regular order of business to take up for consideration **CSHB 1** at this time on its second reading:

CSHB 1, Relating to public school finance, property tax relief, public school accountability and programs, and related matters; making an appropriation.

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

The bill was read second time.

Senator Shapiro offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 1** as follows:

(1) Strike SECTIONS 1.01 and 1.02 of the bill (page 1, line 15, through page 2, line 1) and substitute the following:

SECTION 1.01. Section 41.002, Education Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (a-2) to read as follows:

(a) A school district may not have a wealth per student that exceeds:

(1) the wealth per student that generates the amount of maintenance and operations tax revenue per weighted student available to a district at the 88th percentile in wealth per student, for the district's maintenance and operations tax effort equal to or less than the rate equal to the product of the state compression percentage, as determined under Section 42.2516, multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year;

(2) the wealth per student that generates the amount of maintenance and operations tax revenue per weighted student available to the Austin Independent School District, as determined by the commissioner in cooperation with the Legislative Budget Board, for the first six cents by which the district's maintenance and operations tax rate exceeds the rate equal to the product of the state compression percentage, as determined under Section 42.2516, multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year, subject to Section 41.093(b-1); or

(3) \$319,500, for the district's maintenance and operations tax effort that exceeds the first six cents by which the district's maintenance and operations tax effort exceeds the rate equal to the product of the state compression percentage, as determined under Section 42.2516, multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year [~~\$305,000~~].

(a-1) Subsection (a) applies beginning with the 2008-2009 school year. For the 2006-2007 and 2007-2008 school years, a school district may not have a wealth per student that exceeds the wealth per student specified by Subsection (a), except that:

(1) Subsection (a)(2) applies only to the first four cents by which the district's maintenance and operations tax rate exceeds the rate equal to the product of the state compression percentage, as determined under Section 42.2516, multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year, subject to Section 41.093(b-1); and

(2) Subsection (a)(3) applies to the district's maintenance and operations tax effort that exceeds the first four cents by which the district's maintenance and operations tax effort exceeds the rate described by Subdivision (1).

(a-2) Subsection (a-1) and this subsection expire September 1, 2008.

SECTION 1.02. Section 41.093, Education Code, is amended by amending Subsection (a) and adding Subsections (b-1) and (b-2) to read as follows:

(a) Subject to Subsection (b-1), the [The] cost of each credit is an amount equal to the greater of:

(1) the amount of the district's maintenance and operations tax revenue per student in weighted average daily attendance for the school year for which the contract is executed; or

(2) the amount of the statewide district average of maintenance and operations tax revenue per student in weighted average daily attendance for the school year preceding the school year for which the contract is executed.

(b-1) If the guaranteed level of state and local funds per weighted student per cent of tax effort under Section 42.302(a-1)(2) for which state funds are appropriated for a school year is an amount at least equal to the amount of revenue per weighted student per cent of tax effort available to the Austin Independent School District, as

determined by the commissioner in cooperation with the Legislative Budget Board, the commissioner, in computing the amounts described by Subsections (a)(1) and (2) and determining the cost of an attendance credit, shall exclude maintenance and operations tax revenue resulting from the first six cents by which a district's maintenance and operations tax rate exceeds the rate equal to the product of the state compression percentage, as determined under Section 42.2516, multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year.

(b-2) Subsection (b-1) applies beginning with the 2008-2009 school year. For the 2006-2007 and 2007-2008 school years, the commissioner shall compute the amounts described by Subsections (a)(1) and (2) and determine the cost of an attendance credit as specified by Subsection (b-1), except the commissioner shall exclude maintenance and operations tax revenue resulting from the first four cents by which a district's maintenance and operations tax rate exceeds the rate equal to the product of the state compression percentage, as determined under Section 42.2516, multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year. This subsection expires September 1, 2008.

(2) In SECTION 1.04 of the bill, in added Section 42.2516(b)(3), Education Code (page 3, line 4), strike "\$207" and substitute "\$275".

(3) In the introductory language to SECTION 1.08 of the bill (page 5, line 53), strike "Subsections (a-1) and (f)" and substitute "Subsections (a-1), (a-2), (a-3), (a-4), and (f)".

(4) In SECTION 1.08 of the bill, strike added Section 42.302(a-1), Education Code (page 6, lines 18-40), and substitute the following:

(a-1) In this section, "wealth per student" has the meaning assigned by Section 41.001. For purposes of Subsection (a), the dollar amount guaranteed level of state and local funds per weighted student per cent of tax effort ("GL") for a school district is:

(1) the amount of district tax revenue per weighted student per cent of tax effort available to a district at the 88th percentile in wealth per student, as determined by the commissioner in cooperation with the Legislative Budget Board, for the district's maintenance and operations tax effort equal to or less than the rate equal to the product of the state compression percentage, as determined under Section 42.2516, multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year;

(2) the amount of district tax revenue per weighted student per cent of tax effort available to the Austin Independent School District, as determined by the commissioner in cooperation with the Legislative Budget Board, for the first six cents by which the district's maintenance and operations tax rate exceeds the rate equal to the product of the state compression percentage, as determined under Section 42.2516 and notwithstanding the limitation on district enrichment tax rate ("DTR") under Section 42.303, multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year; and

(3) \$31.95, for the district's maintenance and operations tax effort that exceeds the amount of tax effort described by Subdivision (2).

(a-2) The limitation on district enrichment tax rate ("DTR") under Section 42.303 does not apply to the district's maintenance and operations tax effort described by Subsection (a-1)(2).

(a-3) Subsection (a-1) applies beginning with the 2008-2009 school year. For the 2006-2007 and 2007-2008 school years, the dollar amount guaranteed level of state and local funds per weighted student per cent of tax effort ("GL") for a school district is the level specified by Subsection (a-1), except that:

(1) Subsection (a-1)(2) applies only to the first four cents by which the district's maintenance and operations tax rate exceeds the rate equal to the product of the state compression percentage, as determined under Section 42.2516, multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year;

(2) Subsection (a-1)(3) applies to the district's maintenance and operations tax effort that exceeds the rate described by Subdivision (1); and

(3) the limitation on district enrichment tax rate ("DTR") under Section 42.303 does not apply to the district's maintenance and operations tax effort described by Subdivision (1).

(a-4) Subsection (a-3) and this subsection expire September 1, 2009.

SHAPIRO	HINOJOSA
ARMBRISTER	MADLA
AVERITT	SELIGER
DUNCAN	STAPLES
ELTIFE	VAN DE PUTTE
ESTES	WEST
FRASER	

The amendment to **CSHB 1** 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.

Floor Amendment No. 2 was later offered.

Senator Madla offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSHB 1** as follows:

(1) In Section 1.04 of the bill, strike added Section 42.2516(c)(2), Education Code (page 3, lines 12-20), and substitute the following:

(2) for a school district that received additional revenue for the 2005-2006 school year as a result of an agreement under Subchapter E, Chapter 41:

(A) if the amount of state revenue to which the district is entitled under Subsection (b) is computed based on the amount described by Subsection (b)(1)(A), the amount of that additional revenue retained by the district for the 2005-2006 school year, which is the amount by which the total maintenance and operations revenue available to the district for that school year exceeded the total maintenance and operations revenue that would have been available to the district for that school year if the district had not entered into the agreement, less any amount the district paid to another entity under the agreement; or

(B) if the amount of state revenue to which the district is entitled under Subsection (b) is computed based on the amount described by Subsection (b)(1)(B) or (C), the amount of the additional revenue that would have been retained by the district for the 2006-2007 school year if the district had entered into the agreement on the same terms as under the agreement for the 2005-2006 school year, which is the amount by which the total maintenance and operations revenue that would have been available to the district for the 2006-2007 school year if the district had entered into the agreement exceeds the total maintenance and operations revenue that would have been available to the district for that school year if the district had not entered into the agreement and had imposed a maintenance and operations tax at the rate of \$1.50 on the \$100 valuation of taxable property, less any amount the district would have paid to another entity under the agreement;

(2) In Section 1.04 of the bill, strike added Section 42.2516(d), Education Code (page 3, lines 27-37) and substitute the following:

(d) If, for the 2006-2007 or a subsequent school year, a school district enters into an agreement under Subchapter E, Chapter 41, the commissioner shall reduce the amount of state revenue to which the district is entitled under Subsection (b) for that school year by an amount equal to any additional revenue for that school year that the district receives and retains as a result of that agreement, which is the amount by which the total maintenance and operations revenue available to the district exceeds the total maintenance and operations revenue that would have been available to the district if the district had not entered into the agreement and had imposed a maintenance and operations tax at the maximum rate permitted under Section 45.003(d), less any amount the district pays to another entity under the agreement.

(3) Immediately following Section 1.20 of the bill (page 14, between lines 50 and 51), insert the following new section, appropriately numbered:

SECTION 1. ____ . (a) This section applies only to one of the following entities that, for the 2005-2006 school year, received funding as a result of an agreement between school districts under Subchapter E, Chapter 41, Education Code:

(1) a juvenile justice alternative education program; or

(2) a group of school districts formed to provide technology services to member districts, with or without regional education service center assistance.

(b) To be entitled to state aid under this section, a juvenile justice alternative education program or a group of school districts described by Subsection (a)(2) of this section that received funds under an agreement under Subchapter E, Chapter 41, Education Code, for the 2005-2006 school year must attempt to enter into a similar agreement for the 2006-2007 school year with each school district that participated in an agreement for the 2005-2006 school year with the program or group.

(c) For the 2006-2007 school year, a juvenile justice alternative education program or a group of school districts described by Subsection (a)(2) of this section is entitled to state aid under this section in an amount equal to the difference between:

(1) the funding the program or group received as a result of all agreements between school districts under Subchapter E, Chapter 41, Education Code, for the 2005-2006 school year; and

(2) the funding the program or group receives as a result of all agreements between school districts under Subchapter E, Chapter 41, Education Code, for the 2006-2007 school year.

(d) The commissioner of education shall:

(1) determine the amount of state aid to which a juvenile justice alternative education program or a group of school districts described by Subsection (a)(2) of this section is entitled under this section; and

(2) distribute the aid in 10 equal monthly installments beginning with September 2006 and ending with June 2007.

(e) The commissioner of education shall adopt rules to implement this section.

(f) A determination of the commissioner of education under this section is final and may not be appealed.

The amendment to **CSHB 1** 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.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSHB 1** in SECTION 1.14 of the bill, in amended Section 26.08, Tax Code, by striking proposed Subsection (n)(2)(A)(iii) of that section (Senate committee printing, page 8, lines 57 through 61) and substituting the following:

(iii) the rate that is equal to the sum of the differences for the 2006 and each subsequent tax year between the adopted tax rate of the district for that year if the rate was approved at an election under this section and the rollback tax rate of the district for that year; and

The amendment to **CSHB 1** 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. 4.

Senator West offered the following amendment to the bill:

Floor Amendment No. 5

Amend **CSHB 1** (Senate committee printing) as follows:

(1) In SECTION 1.14 of the bill, strike added Section 26.08(p), Tax Code (page 9, lines 5-22), and substitute the following:

(p) Notwithstanding Subsection (b) of this section, Section 41.001, Election Code, or any other law, an election held under this section to approve the adopted tax rate for the 2006 tax year must be ordered not later than August 31, 2006, and must be held on September 30, 2006. If the election is not held on that date, the governing body of the school district may not adopt a tax rate for the 2006 tax year that exceeds the school district's rollback tax rate. The secretary of state shall prescribe the procedures necessary to implement this subsection and to ensure the proper and orderly conduct of the elections. The secretary of state shall adopt rules under this subsection in the manner provided by law for emergency rules. Any action taken by a person before the date this subsection takes effect in preparation for the implementation of the changes in law made by this subsection that the person

determines is necessary or appropriate and that the person would have been authorized to take had this subsection been in effect at the time of the action is validated as of the effective date of this subsection. This subsection expires January 1, 2007.

The amendment to **CSHB 1** 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. 5.

Senator Shapiro offered the following amendment to the bill:

Floor Amendment No. 6

Amend **CSHB 1** by adding the following appropriately-numbered new SECTION to read as follows:

SECTION __. To the extent necessary to implement this Act, the Commissioner of Education may treat a reference to a tax rate of \$1.50 in Chapters 41 or 42, or in a rule implementing those chapters, as those chapters or rules existed on May 1, 2006, as a different tax rate consistent with the effect of reducing school district tax rates to the state compression percentage rate.

The amendment to **CSHB 1** 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. 6.

Senator Shapleigh offered the following amendment to the bill:

Floor Amendment No. 7

Amend **CSHB 1** in SECTION 3.17 of the bill, in added Section 39.1327(b), Education Code (page 29, line 60), between "section" and the period, by inserting the following:

or may appoint to assume management of a campus subject to this section a school district other than the district in which the campus is located that is located in the boundaries of the same regional education service center as the campus is located. A district appointed under this section shall assume management of a campus subject to this section in the same manner provided by this section for a qualified nonprofit entity or in accordance with commissioner rule

The amendment to **CSHB 1** 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. 7.

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 8

Amend **CSHB 1** on page 35 by deleting lines 21-23.

The amendment to **CSHB 1** 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. 8.

Senator Shapiro offered the following amendment to the bill:

Floor Amendment No. 9

Amend **CSHB 1** (Senate committee printing) in SECTION 4.08 of the bill, in added Section 21.655(b), Education Code (page 37, line 61), by striking "\$98 million" and substituting "\$100 million".

The amendment to **CSHB 1** 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. 9.

Senator Shapiro offered the following amendment to the bill:

Floor Amendment No. 10

Amend **CSHB 1** in SECTION 5.01 of the bill, in added Section 28.008, Education Code (page 45, between lines 20 and 21), by inserting a new Subsection (e) to read as follows and relettering subsequent subsections of that section accordingly:

(e) Notwithstanding any other provision of this section, the State Board of Education retains its authority under Section 28.002 concerning the required curriculum.

The amendment to **CSHB 1** 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. 10.

Senator Barrientos offered the following amendment to the bill:

Floor Amendment No. 11

Amend **CSHB 1** as follows:

(1) In SECTION 4.08 of the bill, in added Section 21.654(c), Education Code (page 37, lines 40-42), strike Subdivision (2) and substitute the following:

(2) a record of an election held at the campus in which a majority of the classroom teachers assigned to the eligible campus indicated their support for the proposed plan; and

(2) In SECTION 4.08 of the bill, in added Section 21.704(a), Education Code (page 40, line 12), between "participation" and "to", insert "in an election held at the campus".

The amendment was read.

On motion of Senator Shapiro, Floor Amendment No. 11 to **CSHB 1** was tabled by the following vote: Yeas 20, Nays 10, Present-not voting 1.

Yeas: Armbrister, Averitt, Brimer, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Jackson, Janek, Lindsay, Nelson, Ogden, Seliger, Shapiro, Staples, Wentworth, Williams.

Nays: Barrientos, Ellis, Gallegos, Hinojosa, Lucio, Madla, Van de Putte, West, Whitmire, Zaffirini.

Present-not voting: Shapleigh.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 12

Amend **CSHB 1** (Senate committee report) as follows:

(1) In SECTION 4.02 of the bill, in added Section 12.133(b-1), Education Code (page 33, line 49), strike "For the 2006-2007 school year, using" and substitute "Using".

(2) In SECTION 4.02 of the bill, in added Section 12.133(d-1), Education Code (page 34, line 15), strike "For the 2006-2007 school year, in" and substitute "In".

(3) In SECTION 4.02 of the bill, strike added Section 12.133(e-1), Education Code (page 34, lines 36-37).

(4) In SECTION 4.09 of the bill, in added Section 22.107(a), Education Code (page 43, lines 5-6), strike "For the 2006-2007 school year, a" and substitute "A".

(5) In SECTION 4.09 of the bill, in added Section 22.107(b), Education Code (page 43, line 10), strike "For the 2006-2007 school year, a" and substitute "A".

(6) In SECTION 4.09 of the bill, strike added Section 22.107(e), Education Code (page 43, line 19).

(7) In SECTION 4.10 of the bill, in added Section 42.2513(a), Education Code (page 43, line 23), strike "For the 2006-2007 school year, a" and substitute "A".

(8) In SECTION 4.09 of the bill, strike added Section 42.2513(b), Education Code (page 43, line 33).

The amendment to **CSHB 1** 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. 12.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 13

Amend **CSHB 1** as follows:

(1) By striking Subsection (e)(3)(M), SECTION 9.01 (committee printing, page 52, lines 19-20) and substituting the following:

(M) the requirement of the first and last day of instruction under Section 25.0811, except as provided by that section.

(2) By striking SECTION 9.02 (committee printing, page 52, lines 21-27) and substituting a new SECTION 9.02 to read as follows:

SECTION 9.02. Section 25.0811, Education Code, is amended to read as follows:

Sec. 25.0811. FIRST AND LAST DAY OF INSTRUCTION. ~~[(e)]~~ A school district may not begin instruction for students for a school year before the day after Labor Day. The school year must end not later than June 7. A district is not exempt from the beginning or end date of the school year unless the district operates a year-round system under Section 25.084 or the commissioner grants a waiver to a campus as a result of a disaster, flood, extreme weather, or other calamity that requires school closure for an extended period. ~~[week in which August 21 falls. For purposes of this subsection, Sunday is considered the first day of the week].~~

LUCIO

JANEK

ARMBRISTER

MADLA

BARRIENTOS
BRIMER
CARONA
ELLIS
GALLEGOS
HINOJOSA

SHAPLEIGH
VAN DE PUTTE
WENTWORTH
WHITMIRE
ZAFFIRINI

The amendment was read.

Senator Lucio offered the following amendment to Floor Amendment No. 13:

Floor Amendment No. 14

Amend Floor Amendment No. 13 to **CSHB 1**, by inserting the following appropriately numbered SECTION and renumbering the subsequent SECTIONS appropriately:

SECTION _____. Section 25.081, Education Code, is amended to read as follows:

Sec. 25.081. OPERATION OF SCHOOLS. (a) Except as authorized under Subsection (b) of this section, Section 25.084, or Section 29.0821, for each school year each school district must operate so that the district provides for not fewer than 1,260 hours of instruction over not less than 170 days and not more than [at least] 180 days of instruction for students.

(b) The commissioner may approve the instruction of students for fewer than the number of hours [days] required under Subsection (a) if disaster, flood, extreme weather conditions, fuel curtailment, or another calamity causes the closing of schools.

The amendment to the amendment was read.

Senator Shapiro moved to table Floor Amendment No. 14 to **CSHB 1**.

Senator Shapiro withdrew the motion to table.

Senator Lucio withdrew Floor Amendment No. 14.

Question — Shall Floor Amendment No. 13 to **CSHB 1** be adopted?

Senator Lucio withdrew Floor Amendment No. 13.

Senator Shapiro offered the following amendment to the bill:

Floor Amendment No. 15

Amend **CSHB 1** (Senate committee report) by striking SECTION 13.04 of the bill (page 54, lines 40-45) and substituting the following:

SECTION 13.04. The legislature will implement reforms to the system by which the state and school districts procure and purchase textbooks. The State Board of Education should forego the issuance of proclamations on and after the effective date of this Act. Reforms to the existing system may include changes in the manner in which funding for instructional materials is provided and such changes may affect materials called for in Proclamation 2005.

SHAPIRO
VAN DE PUTTE
WEST

The amendment to **CSHB 1** 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. 15.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 16

Amend **CSHB 1** by adding the following appropriately numbered article to the bill and renumbering subsequent articles accordingly:

ARTICLE ____ . COMPUTERS AND COMPUTER-RELATED EQUIPMENT

SECTION ____ . Section 32.153(a), Education Code, as added by Chapter 834, Acts of the 78th Legislature, Regular Session, 2003, is amended to read as follows:

(a) To implement the pilot project, the agency may use any gift, grant, or donation given for the pilot project. The agency may solicit and accept a gift, grant, or donation of any kind from any source, including from a foundation, private entity, governmental entity, and institution of higher education, for the implementation of the pilot project. The agency may ~~not~~ use only undedicated and unobligated money from the general revenue fund for purposes of the pilot project.

SECTION ____ . Section 32.157, Education Code, as added by Chapter 834, Acts of the 78th Legislature, Regular Session, 2003, is amended to read as follows:

Sec. 32.157. PILOT PROJECT EVALUATION; EXPIRATION. (a) After the expiration of the [~~three year~~] pilot project, the agency may review the pilot project based on the annual reports the agency receives from the board of trustees of participating school districts. The agency may include the review of the pilot project in the comprehensive annual report required under Section 39.182 that covers the 2010-2011 [~~2006-2007~~] school year.

(b) This subchapter expires August 31, 2011 [~~2007~~].

SECTION ____ . Section 32.153(d), Education Code, as added by Chapter 834, Acts of the 78th Legislature, Regular Session, 2003, is repealed.

The amendment to **CSHB 1** 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. 16.

Senator Barrientos offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSHB 1** (Senate committee printing), in SECTION 1.04 of the bill, by striking added Section 42.2516(a-1), Education Code (page 2, lines 31-36), and substituting the following:

(a-1) Subsection (a) applies beginning with the state fiscal year ending August 31, 2008. For the state fiscal year ending August 31, 2007, the state compression percentage is 88.67 percent. This subsection expires September 1, 2008.

The amendment was read.

Senator Barrientos withdrew Floor Amendment No. 2.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 17

Amend **CSHB 1** (Senate committee printing) as follows:

On page 8, strike lines 63 through 66 and substitute the following:

(B) the sum of the following:

(i) the effective maintenance and operations tax rate of the district as computed under Subsection (i) or (k), as applicable;

(ii) the product of the state compression percentage, as determined under Section 42.2516, multiplied by \$0.06; and

(iii) the district's current debt rate.

The amendment to **CSHB 1** 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. 17 except as follows:

Nays: Gallegos, West.

Question — Shall **CSHB 1** as amended be passed to third reading?

AT EASE

The President at 8:03 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

The President at 8:19 p.m. called the Senate to order as In Legislative Session.

Question — Shall **CSHB 1** as amended be passed to third reading?

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 18

Amend **CSHB 1** (Senate committee report) as follows:

(1) In ARTICLE 3 of the bill (page 21, between lines 12 and 13), add the following appropriately numbered sections and renumber subsequent sections accordingly:

SECTION 3. Section 29.056(g), Education Code, is amended to read as follows:

(g) A district may transfer a student of limited English proficiency out of a bilingual education or special language program for the first time or a subsequent time if the student is able to participate equally in a regular all-English instructional program as determined by:

(1) agency-approved tests administered at the end of each school year to determine the extent to which the student has developed oral and written language proficiency and specific language skills in ~~[both the student's primary language and~~ English;

(2) satisfactory performance on the reading assessment instrument under Section 39.023(a) or an English language arts assessment instrument under Section 39.023(c), as applicable, with the assessment instrument administered in English, or, if the student is enrolled in the first or second grade, an achievement score at or above the 40th percentile in the reading and language arts sections of an English standardized test approved by the agency; and

(3) agency-approved ~~[other indications of a student's overall progress, including]~~ criterion-referenced tests and the results of a ~~[test scores,]~~ subjective teacher evaluation~~[, and parental evaluation].~~

SECTION 3. Subchapter B, Chapter 29, Education Code, is amended by adding Section 29.0561 to read as follows:

Sec. 29.0561. EVALUATION OF TRANSFERRED STUDENTS; REENROLLMENT. (a) The language proficiency assessment committee shall reevaluate a student who is transferred out of a bilingual education or special language program under Section 29.056(g) if the student earns a failing grade in a subject in the foundation curriculum under Section 28.002(a)(1) during any grading period in the first two school years after the student is transferred to determine whether the student should be reenrolled in a bilingual education or special language program.

(b) During the first two school years after a student is transferred out of a bilingual education or special language program under Section 29.056(g), the language proficiency assessment committee shall review the student's performance and consider:

(1) the total amount of time the student was enrolled in a bilingual education or special language program;

(2) the student's grades each grading period in each subject in the foundation curriculum under Section 28.002(a)(1);

(3) the student's performance on each assessment instrument administered under Section 39.023(a) or (c);

(4) the number of credits the student has earned toward high school graduation, if applicable; and

(5) any disciplinary actions taken against the student under Subchapter A, Chapter 37.

(c) After an evaluation under this section, the language proficiency assessment committee may require intensive instruction for the student or reenroll the student in a bilingual education or special language program.

(2) In SECTION 3.07 of the bill, in added Section 39.034, Education Code (page 21, between lines 32 and 33), insert a new Subsection (b) to read as follows and reletter subsequent subsections accordingly:

(b) For students of limited English proficiency, as defined by Section 29.052, the agency shall use a student's performance data on reading proficiency assessment instruments in English and one other language to calculate the student's progress toward dual language proficiency.

(3) In SECTION 3.07 of the bill, in added Section 39.034(e), Education Code (page 21, line 55), strike "(d)" and substitute "(e)".

(4) In SECTION 3.08 of the bill, in amended Section 39.051(b)(12), Education Code (page 22, line 51), strike "and".

(5) In SECTION 3.08 of the bill, in amended Section 39.051(b), Education Code, (page 22, line 53), between "success" and the period, insert the following:

; and

(14) the measure of progress toward dual language proficiency under Section 39.034(b), for students of limited English proficiency, as defined by Section 29.052

(6) In SECTION 3.21(a) of the bill (page 32, line 16), between "concerning" and "the" insert the following:

:

(1)

(7) In SECTION 3.21(a) of the bill (page 32, line 19), between "Act" and the period insert the following:

; and

(2) the measure of progress toward dual language proficiency for purposes of Section 39.051(b)(14), Education Code, as added by this Act

(8) In SECTION 3.21(b) of the bill (page 32, line 23), strike "Code," and substitute the following:

Code:

(1)

(9) In SECTION 3.21(b) of the bill (page 32, line 25), between "Act" and the period insert the following:

; and

(2) the measure of progress toward dual language proficiency under Section 39.051(b)(14), Education Code, as added by this Act

(10) In SECTION 3.21 of the bill (page 32, between lines 25 and 26), insert the following:

(c) The Texas Education Agency may implement Subsection (b)(2) of this section only if, during the most recent school year, school districts are entitled to an allotment for each student in average daily attendance in a bilingual education or special language program under Subchapter B, Chapter 29, Education Code, that exceeds the amount of that allotment for the 2005-2006 school year.

(11) In ARTICLE 3 of the bill (page 32, between lines 57 and 58) insert the following:

SECTION 3.22. Nothing in this Act shall be construed to require development of additional state assessments, nor to require a student in a dual language program to be assessed in more than one language on any individual assessment. The commissioner of education may adopt rules, consistent with Subchapter B, Chapter 29, Education Code, for determining the appropriate assessment of dual language students.

ZAFFIRINI

VAN DE PUTTE

The amendment to **CSHB 1** 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. 18.

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

CSHB 1 as amended was passed to third reading by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1 ON THIRD READING**

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1** 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.

REASON FOR VOTE

Senator Zaffirini submitted the following reason for vote on **CSHB 1**:

I cast an "Aye" vote on the motion to suspend the rules to take up and consider **CSHB 1**, the public school reform bill relating to public school finance, property tax relief, and related matters; and making an appropriation. I did so because the bill will improve levels of equity between rich and poor schools and adds \$1.4 billion to public schools. In committee, I was pleased to remove onerous language regarding students with limited English proficiency by adding an amendment to strike completely from the bill any references to measuring students progress toward proficiency in English only. In the Senate I added amendments that restored the health care stipend for support personnel and that ensured that accountability measures for students with limited English proficiency focus on dual language proficiency instead of English only. Nevertheless, I still have concerns about the bill, including its providing a less than meaningful pay raise of \$3,000 for teachers; failing to restore completely the teacher health care stipend; privatizing low-performing schools; and providing an ill-fated incentive program for teachers before they are paid adequately.

ZAFFIRINI

**COMMITTEE SUBSTITUTE
HOUSE BILL 5 ON SECOND READING**

Senator Armbrister moved to suspend the regular order of business to take up for consideration **CSHB 5** at this time on its second reading:

CSHB 5, Relating to increases in the taxes on cigarettes and other tobacco products.

The motion prevailed by the following vote: Yeas 20, Nays 10.

Yeas: Armbrister, Averitt, Brimer, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Janek, Lindsay, Madla, Ogden, Seliger, Shapiro, Staples, Van de Putte, Wentworth, West, Williams.

Nays: Barrientos, Ellis, Gallegos, Hinojosa, Jackson, Lucio, Nelson, Shapleigh, Whitmire, Zaffirini.

Absent: Carona.

The bill was read second time.

Senator Nelson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 5** (Senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Subchapter J, Chapter 154, Tax Code, is amended by adding Section 154.6035 to read as follows:

Sec. 154.6035. ALLOCATION OF CERTAIN REVENUE. (a) Notwithstanding Section 154.603, five percent of the proceeds from the collection of taxes imposed by this chapter attributable to the portion of the tax rate in excess of \$20.50 per thousand on cigarettes, regardless of weight, shall be deposited to the credit of the tobacco cessation and prevention account. The comptroller shall establish the account as an account in the general revenue fund. The account is exempt from the application of Sections 403.095 and 404.071, Government Code. Money in the account may be appropriated only to the Texas Cancer Council for smoking cessation and prevention programs.

(b) Notwithstanding Section 154.603, 95 percent of the proceeds from the collection of taxes imposed by this chapter attributable to the portion of the tax rate in excess of \$20.50 per thousand on cigarettes, regardless of weight, shall be deposited to:

(1) the credit of the property tax relief fund under Section 403.109, Government Code, if H.B. No. 2, Acts of the 79th Legislature, 3rd Called Session, 2006, is enacted and becomes law; or

(2) the credit of the general revenue fund, if H.B. No. 2, Acts of the 79th Legislature, 3rd Called Session, 2006, does not become law.

(c) If money is deposited to the credit of the general revenue fund under Subsection (b)(2), the money may be appropriated only for a purpose that will result in a reduction of school district maintenance and operations tax rates to rates that are less than the rates in effect on January 1, 2006.

(b) Notwithstanding H.B. No. 2, Acts of the 79th Legislature, 3rd Called Session, 2006, to the extent of a conflict between a provision of this section and a provision of any other Act of the 79th Legislature, 3rd Called Session, 2006, including H.B. No. 2, the provision of this section prevails, regardless of relative dates of enactment.

The amendment to **CSHB 5** 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:

Nays: Janek.

Absent: Carona.

Senator Madla offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSHB 5** by striking all of SECTION 1 and substituting the following:

SECTION 1. (a) Effective January 1, 2007, Section 154.021(b), Tax Code, is amended to read as follows:

(b) The tax rates are:

(1) ~~\$70.50~~ \$58.00 per thousand on cigarettes weighing three pounds or less per thousand; and

(2) the rate provided by Subdivision (1) plus \$2.10 per thousand on cigarettes weighing more than three pounds per thousand.

(b) Effective September 1, 2007, Section 154.021(b), Tax Code, is amended to read as follows:

(b) The tax rates are:

(1) \$70.50 per thousand on cigarettes weighing three pounds or less per thousand; and

(2) the rate provided by Subdivision (1) plus \$2.10 per thousand on cigarettes weighing more than three pounds per thousand.

The amendment to **CSHB 5** was read and was adopted by the following vote: Yeas 23, Nays 7.

Yeas: Armbrister, Barrientos, Brimer, Duncan, Eltife, Estes, Fraser, Gallegos, Harris, Hinojosa, Jackson, Janek, Lindsay, Lucio, Madla, Ogden, Seliger, Staples, Van de Putte, Wentworth, West, Whitmire, Williams.

Nays: Averitt, Deuell, Ellis, Nelson, Shapiro, Shapleigh, Zaffirini.

Absent: Carona.

Senator Van de Putte offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSHB 5** (Senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Subchapter J, Chapter 154, Tax Code, is amended by adding Section 154.6035 to read as follows:

Sec. 154.6035. ALLOCATION OF CERTAIN REVENUE. (a) Notwithstanding Section 154.603, five percent of the proceeds from the collection of taxes imposed by this chapter attributable to the portion of the tax rate in excess of \$20.50 per thousand on cigarettes, regardless of weight, shall be deposited to the credit of the smoking cessation and prevention account in the general revenue fund and may be appropriated only to the Texas Cancer Council for smoking cessation and prevention programs.

(b) Notwithstanding Section 154.603, 50 percent of the proceeds from the collection of taxes imposed by this chapter attributable to the portion of the tax rate in excess of \$20.50 per thousand on cigarettes, regardless of weight, shall be deposited to the credit of a special account in the general revenue fund and may be appropriated only for a purpose that will result in a reduction of school district maintenance and operations tax rates to rates that are less than the rates in effect on January 1, 2006.

(c) Notwithstanding Section 154.603, 45 percent of the proceeds from the collection of taxes imposed by this chapter attributable to the portion of the tax rate in excess of \$20.50 per thousand on cigarettes, regardless of weight, shall be deposited to the credit of a special account in the general revenue fund and may be appropriated only to provide additional funding for health care programs.

(b) Subchapter H, Chapter 155, Tax Code, is amended by adding Section 155.2415 to read as follows:

Sec. 155.2415. ALLOCATION OF CERTAIN REVENUE. (a) Notwithstanding Section 155.241, five percent of the proceeds from the collection of taxes imposed by Section 155.0211 attributable to the portion of the tax rate in excess of 35.213 percent of the manufacturer's list price, exclusive of any trade discount, special discount, or deal, shall be deposited to the credit of the smoking cessation and prevention account in the general revenue fund. Money in the account may be appropriated only to the Texas Cancer Council for smoking cessation and prevention programs.

(b) Notwithstanding Section 155.241, 50 percent of the proceeds from the collection of taxes imposed by Section 155.0211 attributable to the portion of the tax rate in excess of 35.213 percent of the manufacturer's list price, exclusive of any trade discount, special discount, or deal, shall be deposited to the credit of a special account in the general revenue fund and may be appropriated only for a purpose that will result in a reduction of school district maintenance and operations tax rates to rates that are less than the rates in effect on January 1, 2006.

(c) Notwithstanding Section 155.241, 45 percent of the proceeds from the collection of taxes imposed by Section 155.0211 attributable to the portion of the tax rate in excess of 35.213 percent of the manufacturer's list price, exclusive of any trade discount, special discount, or deal, shall be deposited to the credit of a special account in the general revenue fund and may be appropriated only to provide additional funding for health care programs.

(c) Notwithstanding H.B. No. 2, Acts of the 79th Legislature, 3rd Called Session, 2006, to the extent of a conflict between a provision of this section and a provision of any other Act of the 79th Legislature, 3rd Called Session, 2006, including H.B. No. 2, the provision of this section prevails, regardless of relative dates of enactment.

The amendment to **CSHB 5** was read and failed of adoption by the following vote: Yeas 12, Nays 18.

Yeas: Barrientos, Ellis, Gallegos, Hinojosa, Lindsay, Lucio, Nelson, Shapleigh, Van de Putte, West, Whitmire, Zaffirini.

Nays: Armbrister, Averitt, Brimer, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Jackson, Janek, Madla, Ogden, Seliger, Shapiro, Staples, Wentworth, Williams.

Absent: Carona.

Senator Gallegos offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSHB 5** (Senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Subchapter J, Chapter 154, Tax Code, is amended by adding Section 154.6035 to read as follows:

Sec. 154.6035. ALLOCATION OF CERTAIN REVENUE. (a) Notwithstanding Section 154.603, 40 percent of the proceeds from the collection of taxes imposed by this chapter attributable to the portion of the tax rate in excess of

\$20.50 per thousand on cigarettes, regardless of weight, shall be deposited to the credit of a special account in the general revenue fund and may be appropriated only to provide funding for public education.

(b) Notwithstanding Section 154.603, 30 percent of the proceeds from the collection of taxes imposed by this chapter attributable to the portion of the tax rate in excess of \$20.50 per thousand on cigarettes, regardless of weight, shall be deposited to the credit of a special account in the general revenue fund and may be appropriated only for a purpose that will result in a reduction of school district maintenance and operations tax rates to rates that are less than the rates in effect on January 1, 2006.

(c) Notwithstanding Section 154.603, 30 percent of the proceeds from the collection of taxes imposed by this chapter attributable to the portion of the tax rate in excess of \$20.50 per thousand on cigarettes, regardless of weight, shall be deposited to the credit of a special account in the general revenue fund and may be appropriated only to provide additional funding for health care programs.

(b) Subchapter H, Chapter 155, Tax Code, is amended by adding Section 155.2415 to read as follows:

Sec. 155.2415. ALLOCATION OF CERTAIN REVENUE. (a) Notwithstanding Section 155.241, 40 percent of the proceeds from the collection of taxes imposed by Section 155.0211 attributable to the portion of the tax rate in excess of 35.213 percent of the manufacturer's list price, exclusive of any trade discount, special discount, or deal, shall be deposited to the credit of a special account in the general revenue fund and may be appropriated only to provide funding for public education.

(b) Notwithstanding Section 155.241, 30 percent of the proceeds from the collection of taxes imposed by Section 155.0211 attributable to the portion of the tax rate in excess of 35.213 percent of the manufacturer's list price, exclusive of any trade discount, special discount, or deal, shall be deposited to the credit of a special account in the general revenue fund and may be appropriated only for a purpose that will result in a reduction of school district maintenance and operations tax rates to rates that are less than the rates in effect on January 1, 2006.

(c) Notwithstanding Section 155.241, 30 percent of the proceeds from the collection of taxes imposed by Section 155.0211 attributable to the portion of the tax rate in excess of 35.213 percent of the manufacturer's list price, exclusive of any trade discount, special discount, or deal, shall be deposited to the credit of a special account in the general revenue fund and may be appropriated only to provide additional funding for health care programs.

(c) Notwithstanding H.B. No. 2, Acts of the 79th Legislature, 3rd Called Session, 2006, to the extent of a conflict between a provision of this section and a provision of any other Act of the 79th Legislature, 3rd Called Session, 2006, including H.B. No. 2, the provision of this section prevails, regardless of relative dates of enactment.

The amendment to **CSHB 5** was read and failed of adoption by the following vote: Yeas 10, Nays 20.

Yeas: Barrientos, Ellis, Gallegos, Hinojosa, Lucio, Shapleigh, Van de Putte, West, Whitmire, Zaffirini.

Nays: Armbrister, Averitt, Brimer, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Jackson, Janek, Lindsay, Madla, Nelson, Ogden, Seliger, Shapiro, Staples, Wentworth, Williams.

Absent: Carona.

**Motion to Reconsider Vote on
Floor Amendment No. 1**

Senator Armbrister moved that the vote by which Floor Amendment No. 1 was adopted be reconsidered.

Senator Armbrister withdrew the motion to reconsider the vote by which Floor Amendment No. 1 was adopted.

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

CSHB 5 as amended was passed to third reading by the following vote: Yeas 20, Nays 10.

Yeas: Armbrister, Averitt, Brimer, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Janek, Lindsay, Madla, Nelson, Ogden, Seliger, Shapiro, Staples, Van de Putte, Wentworth, Williams.

Nays: Barrientos, Ellis, Gallegos, Hinojosa, Jackson, Lucio, Shapleigh, West, Whitmire, Zaffirini.

Absent: Carona.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 186 by Lucio, In memory of Darrell Hester.

SR 191 by Lucio, In memory of Hortencia M. "Tencha" de la Peña of Brownsville.

HCR 33 (Eltife), In memory of Carlys Denison of Deport.

Congratulatory Resolutions

SR 183 by Wentworth, Recognizing Texas Chamber of Commerce Executives on the occasion of its 100th anniversary.

SR 184 by Zaffirini, Recognizing Barbara Judith Cigarroa for her service to the Laredo community.

SR 187 by Lucio, Recognizing Texas Visiting Nurse Service of the Rio Grande Valley on the occasion of its 25th anniversary.

SR 188 by Whitmire, Commending The Pakistan Publications, Incorporated, for meeting the needs of the South Asian community.

SR 189 by Carona, Recognizing Marsh Lane Baptist Church in Dallas on the occasion of its 70th anniversary.

SR 190 by Ellis, Commending William W. Harmon for his contributions to Houston Community College.

SR 192 by Lucio, Congratulating Rogelio E. Chanes for his election to The University of Texas at Brownsville Student Senate.

HCR 27 (Duncan), Honoring SKC James A. Spiller of Austin on his retirement from the U.S. Navy Reserve.

HCR 32 (Eltife), Commemorating the 75th anniversary of Liberty National Bank in Paris.

Official Designation Resolution

HCR 35 (Fraser), Designating July 21, 2006, as Frances Cox Henderson Remembrance Day.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 9:26 p.m. adjourned until 9:30 p.m. today.

APPENDIX

SENT TO GOVERNOR

May 10, 2006

SCR 4