

# SIXTY-FIFTH DAY

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MONDAY, MAY 9, 2005

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## PROCEEDINGS

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The Senate met at 1:30 p.m. pursuant to adjournment and was called to order by the Dean of the Senate, Senator Whitmire.

The roll was called and the following Senators were present: Armbrister, Averitt, Barrientos, Brimer, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hinojosa, Jackson, Janek, Lindsay, Lucio, Madla, Nelson, Ogden, Seliger, Shapiro, Shapleigh, Staples, Van de Putte, Wentworth, West, Whitmire, Williams, Zaffirini.

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

The Reverend Dr. Royce Measures, Golden Acres Baptist Church, Pasadena, offered the invocation as follows:

Our Father, we assemble in this vaunted Chamber, which has witnessed many historic legislative decisions since December, 1888, when this grand structure was dedicated to the citizens of Texas, decisions which shaped the present lone star state. Cognizant of such a heritage, I ask Your blessings upon these Senators as they deliberate on vital issues that will shape our future. Grant them the wisdom and the selfless spirit bequeathed to them by their predecessors. Endow them with an understanding of what is right and the courage to act upon their convictions. May every decision enacted in this Chamber be pleasing in Your sight and beneficial to the citizenry of Texas. Bless each of these Senators during this session, protect them from harm, and return them safely to their homes. In their absence, place Your protective wings over their families and loved ones. All these blessings we ask in the name of Jesus. Amen.

Senator Shapiro moved that the reading of the Journal of the proceedings of Friday, May 6, 2005, be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

### **CO-AUTHORS OF SENATE BILL 309**

On motion of Senator Lucio, Senators Carona and Hinojosa will be shown as Co-authors of **SB 309**.

**CO-AUTHOR OF SENATE BILL 1504**

On motion of Senator Armbrister, Senator Madla will be shown as Co-author of **SB 1504**.

**CO-SPONSOR OF HOUSE BILL 129**

On motion of Senator Eltife, Senator Estes will be shown as Co-sponsor of **HB 129**.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

May 9, 2005

The Honorable President of the Senate

Senate Chamber

Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

**HCR 2**, In memory of U.S. Army Sergeant Brian Baker.

**HCR 156**, Commemorating Holocaust Remembrance Day on May 9, 2005.

**HCR 170**, Commending Randolph Robert Reed of Pearland for his completion of the BP MS150 Bike Ride.

**SB 182**, Relating to the board of directors of an intermunicipal commuter rail district.

**SB 262**, Relating to benefits from the Employees Retirement System of Texas for law enforcement officers commissioned by the Texas State Board of Pharmacy.

**SB 321**, Relating to the jurisdiction of the 396th District Court.

**SB 359**, Relating to notice regarding rental car damage waivers.

**SB 441**, Relating to application of the professional prosecutors law to the district attorney for the 112th Judicial District.

**SB 550**, Relating to the compensation of security personnel of certain courts, including the payment of compensation for the bailiff of the 106th District Court.

**SB 552**, Relating to the creation of magistrates in Nolan County.  
(Committee Substitute)

**SB 644**, Relating to the eligibility of persons to participate in the public sale in certain counties of certain real property.

**SB 718**, Relating to boundaries of emergency services districts.

**SB 895**, Relating to the processing of certain election ballots voted early.

**SB 896**, Relating to the powers and duties of and the appointment of certain election officers.

**SB 1011**, Relating to restrictions on and reporting of certain expenditures by registered lobbyists.

**SB 1103**, Relating to the powers and duties of the General Land Office and the disposition of certain unsurveyed public school land.  
(Committee Substitute)

**SB 1126**, Relating to the confidentiality of records regarding sex offense victims.

**SB 1217**, Relating to the punishments authorized under the Texas Code of Military Justice.

**SB 1471**, Relating to the regulation of certain promotional activities conducted by alcoholic beverage permit and license holders.  
(Committee Substitute)

**SB 1563**, Relating to uniform law on negotiable instruments and bank deposits and collections.

**SB 1641**, Relating to the continuation of the law authorizing the issuance of oversize or overweight vehicle permits by certain port authorities.  
(Amended)

**SCR 25**, Recognizing April 5, 2005, as Texas Medal of Arts Awards Day.

**SJR 17**, Proposing a constitutional amendment authorizing the denial of bail to a criminal defendant who violates a condition of the defendant's release pending trial.

**SJR 21**, Proposing a constitutional amendment authorizing the legislature to define rates of interest for commercial loans.

**SJR 40**, Proposing a constitutional amendment clearing land titles by relinquishing and releasing any state claim to sovereign ownership or title to interest in certain land.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

#### **SENATE RESOLUTION 824**

Senator Lucio offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Victoria Herrera of San Benito for serving as an inspirational example to Texas citizens and educating them about childhood obesity and diabetes; and

WHEREAS, A second grade student at Dr. Cash Elementary School in San Benito, Victoria, was diagnosed as obese and prediabetic, and doctors put her on a diet and exercise regimen; and

WHEREAS, Showing great resolve and determination, Victoria worked hard and within six months lost 20 pounds; her insulin levels are now normal, and she no longer requires medication; and

WHEREAS, Victoria participated in the first annual Texas Round-Up, a statewide initiative to encourage Texans to exercise and make healthy life choices; she continues to eat well-balanced meals and to exercise regularly; and

WHEREAS, Obesity contributes to the rising occurrence of diabetes, hypertension, heart disease, and cancer in our state, and Texas taxpayers pay an estimated \$10 billion every year in lost productivity and health care costs related to obesity; and

WHEREAS, Victoria serves as a role model for other children and as an inspiration to Texas citizens who are struggling to lead a healthier life; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby commend Victoria Herrera for her dedication to teaching Texans about the advantages of a healthy diet and regular exercise; and, be it further

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

**SR 824** was read and was adopted without objection.

### **GUESTS PRESENTED**

Senator Lucio was recognized and introduced to the Senate Victoria Herrera of San Benito, accompanied by her mother, Marina Herrera; her father, Patrick Herrera; and her brothers, Chris and Jordan Herrera.

The Senate welcomed its guests.

### **MESSAGES FROM THE GOVERNOR**

The following Messages from the Governor were read and were referred to the Committee on Nominations:

Austin, Texas  
May 9, 2005

TO THE SENATE OF THE SEVENTY-NINTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the Texas Parks and Wildlife Commission for terms to expire February 1, 2011:

T. Dan Friedkin  
Houston, Texas

(replacing Mark Watson of San Antonio whose term expired)

Peter M. Holt  
Blanco, Texas

(Mr. Holt is being reappointed)

To be members of the Correctional Managed Health Care Committee for a term to expire as indicated:

To Expire February 1, 2009:

Jean M. Frazier  
San Antonio, Texas

To Expire February 1, 2011:

Desmar Walkes, M.D.

Bastrop, Texas

(Both nominees are being reappointed)

Respectfully submitted,

/s/Rick Perry

Governor

### **HOUSE CONCURRENT RESOLUTION 156**

The Presiding Officer laid before the Senate the following resolution:

WHEREAS, Citizens across the State of Texas are joining others around the world in observance of Holocaust Remembrance Day on May 9, 2005, to honor victims and survivors of the Holocaust and their families and liberators; and

WHEREAS, Each year this event, also called Yom HaShoah, is observed on the fifth day following the eighth day of Passover; it unites a global community in interfaith services and encourages all people to come together to reflect on the consequences of violence against our fellowman; and

WHEREAS, During the commemoration, citizens pay their respects to those who lost their lives, honor those who survived, and pray for a future free of hatred and prejudice; it is a time to remember the tragedy inflicted on the Jewish people and to seek reconciliation and the renewal of a deeper faith in humanity; and

WHEREAS, On this 60th anniversary of the end of World War II, Holocaust survivors, liberators, and representatives of Holocaust museums in the state are being recognized at a special reception in their honor, one of many events taking place around the globe; and

WHEREAS, The wounds from this tragic moment in our collective history may never heal, but they are certainly easier to bear when we join hands with others in remembrance and in a pledge to tolerance and respect; now, therefore, be it

RESOLVED, That the 79th Legislature of the State of Texas hereby commemorate Holocaust Remembrance Day on May 9, 2005, and extend to all those observing this special day sincere best wishes for a meaningful event.

SHAPIRO

**HCR 156** was read.

On motion of Senator Shapiro and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of the resolution.

### **GUESTS PRESENTED**

Senator Shapiro was recognized and introduced to the Senate Lea Weems; Eileen Weisman; Dana Kursh, Vice Consul General of Israel at Houston; Wolf Finkelman; and Sam Milstein.

The Senate welcomed its guests.

### PHYSICIAN OF THE DAY

Senator Estes was recognized and presented Dr. Jefferson B. Alling of Decatur as the Physician of the Day.

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

### INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

The Presiding Officer 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.

### SENATE BILL 376 WITH HOUSE AMENDMENT

Senator Madla called **SB 376** from the President's table for consideration of the House amendment to the bill.

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

#### Floor Amendment No. 1

Amend **SB 376** (House committee printing) in SECTION 1 of the bill, in added Section 32.068(g), Human Resources Code (page 2, line 20), by striking "September 1, 2007" and substituting "September 1, 2009".

The amendment was read.

Senator Madla moved to concur in the House amendment to **SB 376**.

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

### SENATE JOINT RESOLUTION 7 WITH HOUSE AMENDMENT

Senator Carona called **SJR 7** from the President's table for consideration of the House amendment to the resolution.

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

#### Amendment

Amend **SJR 7** by substituting in lieu thereof the following:

#### A JOINT RESOLUTION

proposing a constitutional amendment authorizing line-of-credit advances under a reverse mortgage.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 50(p), Article XVI, Texas Constitution, is amended to read as follows:

(p) The advances made on a reverse mortgage loan under which more than one advance is made must be made according to the terms established by the loan documents by one or more of the following methods:

(1) an initial advance at any time and future advances at regular intervals;  
(2) an initial advance at any time and future advances at regular intervals in which the amounts advanced may be reduced, for one or more advances, at the request of the borrower; ~~(e)~~

(3) an initial advance at any time and future advances at times and in amounts requested by the borrower until the credit limit established by the loan documents is reached;

(4) an initial advance at any time, future advances at times and in amounts requested by the borrower until the credit limit established by the loan documents is reached, and subsequent advances at times and in amounts requested by the borrower according to the terms established by the loan documents to the extent that the outstanding balance is repaid; or

(5) at any time by the lender, on behalf of the borrower, if the borrower fails to timely pay any of the following that the borrower is obligated to pay under the loan documents to the extent necessary to protect the lender's interest in or the value of the homestead property:

(A) taxes;

(B) insurance;

(C) costs of repairs or maintenance performed by a person or company that is not an employee of the lender or a person or company that directly or indirectly controls, is controlled by, or is under common control with the lender;

(D) assessments levied against the homestead property; and

(E) any lien that has, or may obtain, priority over the lender's lien as it is established in the loan documents.

SECTION 2. Section 50, Article XVI, Texas Constitution, is amended by adding Subsection (v) to read as follows:

(v) A reverse mortgage must provide that:

(1) the owner does not use a credit card, debit card, preprinted solicitation check, or similar device to obtain an advance;

(2) after the time the extension of credit is established, no transaction fee is charged or collected solely in connection with any debit or advance; and

(3) the lender or holder may not unilaterally amend the extension of credit.

SECTION 3. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 8, 2005. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment authorizing line-of-credit advances under a reverse mortgage."

The amendment was read.

Senator Carona moved to concur in the House amendment to **SJR 7**.

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

### **SENATE BILL 580 WITH HOUSE AMENDMENTS**

Senator Van de Putte called **SB 580** from the President's table for consideration of the House amendments to the bill.

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

### Amendment

Amend **SB 580** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED  
AN ACT

relating to the installment payment of ad valorem taxes by certain veterans.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 31.072, Tax Code, is amended by adding Subsection (h) to read as follows:

(h) Notwithstanding Subsection (a), if the property owner requesting a collector to establish an escrow account under this section is a disabled veteran as defined by Section 11.22 or a recipient of the Purple Heart and the escrow account is to be used solely to provide for the payment of property taxes collected by the collector on the property owner's residence homestead, the collector shall enter into a contract with the property owner under this section.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2005.

### Floor Amendment No. 1 on Third Reading

Amend **CSSB 580** on third reading in SECTION 1 of the bill, in proposed Subsection (h), Section 31.072, Tax Code, between "Purple Heart" and "and the escrow account" (House committee printing, page 1, line 10), by inserting ", the Congressional Medal of Honor, the Bronze Star Medal, the Silver Star, the Legion of Merit, or a service cross awarded by a branch of the United States Armed Forces".

The amendments were read.

Senator Van de Putte moved to concur in the House amendments to **SB 580**.

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

### SENATE BILL 446 WITH HOUSE AMENDMENT

Senator Carona called **SB 446** 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 446** (Senate engrossed version) as follows:

(1) In SECTION 1 of the bill (page 1, line 22), between "loyalty," and "or", insert "incentive, rebate,".

(2) In SECTION 1 of the bill (page 2, line 9), strike "or".

(3) In SECTION 1 of the bill (page 2, line 11), strike "at the time of purchase" and substitute "a fee described in Subsection (d); or".

(4) In SECTION 1 of the bill (page 2, between lines 11 and 12), add the following new subsection (6):



(6) "is issued by an air carrier holding a certificate of public convenience and necessity under Title 49 U.S.C."

(5) In SECTION 1 of the bill (page 2, line 19), between "card" and "and" insert the following: ", a reasonable access fee for a card transaction conducted at an unmanned teller machine, as defined by Section 59.301, Finance Code,".

(6) In SECTION 1 of the bill (page 3, lines 3-6), strike "A disclosure must be legibly printed on the retail packaging for the stored value card or on a posted notice accompanying the sales display."

(7) In SECTION 1 of the bill (page 3, between lines 11 and 12), add the following new subsection (g):

(g) This section does not create a cause of action against a person who issues or sells a stored value card.

(8) In SECTION 3 of the bill (page 4, line 17), strike "A" and substitute "If the", (page 4, line 18), strike "shall" and substitute "does not", (page 4 lines 20-21), strike ". In the absence of an address record".

(9) In SECTION 3 of the bill (page 5, between lines 2 and 3), add the following new subsection (f):

(f) This section does not create a cause of action against a person who issues or sells a stored value card.

The amendment was read.

Senator Carona moved to concur in the House amendment to **SB 446**.

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

### CONCLUSION OF MORNING CALL

The Presiding Officer, Senator Whitmire in Chair, at 2:32 p.m. announced the conclusion of morning call.

### COMMITTEE SUBSTITUTE SENATE BILL 1504 ON SECOND READING

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1504** at this time on its second reading:

**CSSB 1504**, Relating to a deer breeder's permit; providing a penalty.

The bill was read second time.

Senator Armbrister offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **CSSB 1504** (Senate committee printing), in SECTION 3 of the bill, in added Subsection (c), Section 43.359, Parks and Wildlife Code (page 2, line 51), by striking "or other department employee".

The amendment to **CSSB 1504** 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 Armbrister and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSSB 1504** 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 1504 ON THIRD READING**

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1504** be placed on its third reading and final passage.

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

Nays: Wentworth.

**Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1504**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1504** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 356 ON SECOND READING**

Senator Ellis moved to suspend the regular order of business to take up for consideration **CSSB 356** at this time on its second reading:

**CSSB 356**, Relating to an urban land bank program in certain municipalities.

The motion prevailed.

Senators Jackson and Williams asked to be recorded as voting "Nay" 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 356** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Subsection (a), Section 379D.008, Local Government Code (page 2, lines 40 and 41), strike "Subsection (f)" and substitute "Subsections (b) and (g)".

(2) In SECTION 1 of the bill, following added Subsection (a), Section 379D.008, Local Government Code (page 2, between lines 59 and 60), insert a new Subsection (b) and reletter subsequent subsections of added Section 379D.008, Local Government Code, and cross-references on page 3, lines 5 and 11, accordingly:

(b) A property that is not improved with a habitable building or buildings, as described by the municipality's health and safety code, may not be sold to a land bank under this section if the property is currently occupied by a person who has resided on the property for at least a year.

(3) In SECTION 1 of the bill, in added Subsection (a), Section 379D.010, Local Government Code (page 3, line 66), strike "requiring" and substitute "and eligible adjacent property owners that require".

(4) In SECTION 1 of the bill, strike added Section 379D.011, Local Government Code (page 4, lines 12-16), and substitute the following:

Sec. 379D.011. RIGHT OF FIRST REFUSAL IN ELIGIBLE ADJACENT PROPERTY OWNERS. (a) Property acquired by the land bank shall be offered for sale to eligible adjacent property owners under a right of first refusal on terms and conditions developed by the land bank that are consistent with this chapter.

(b) To be eligible to exercise a right of first refusal under this section an owner of property adjacent to property acquired by the land bank must have owned and continuously occupied that property for at least the five preceding years as that person's principal residence.

(5) In SECTION 1 of the bill, in added Subdivision (3), Subsection (a), Section 379D.012, Local Government Code (page 4, line 30), strike "one-half" and substitute "two".

(6) In SECTION 1 of the bill, in added Subsection (b), Section 379D.012, Local Government Code (page 4, line 32), between "all" and "adjacent", insert "eligible".

The amendment to **CSSB 356** 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 Ellis and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSSB 356** 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: Jackson, Williams.

**COMMITTEE SUBSTITUTE  
SENATE BILL 356 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 356** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Armbrister, Averitt, Barrientos, Brimer, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hinojosa, Janek, Lindsay, Lucio, Madla, Nelson, Ogden, Seliger, Shapiro, Shapleigh, Staples, Van de Putte, West, Whitmire, Zaffirini.

Nays: Jackson, Wentworth, Williams.

**Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 356**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 356** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2.

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

Nays: Jackson, Williams.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1319 ON THIRD READING**

On motion of Senator Staples and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1319** at this time on its third reading and final passage:

**CSSB 1319**, Relating to participation of certain annuitants and their dependents in the state employees group benefits program.

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

### MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

May 9, 2005

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:

**SB 99**, Relating to the extension of credit to a victim of identity theft.  
(Amended)

**SB 220**, Relating to the maintenance of records by a notary public.  
(Committee Substitute)

**SB 248**, Relating to authorizing the use of approved nonsurgical methods to sterilize dogs and cats.  
(Amended)

**SB 449**, Relating the conversion of certain mutual life insurance companies to insurance holding companies and stock life insurance companies.

**SB 879**, Relating to the regulation of firefighters and fire departments by the Texas Commission on Fire Protection.  
(Amended)

**SB 1005**, Relating to the suspension of sentence and the deferral of final disposition for a defendant younger than 25 in certain misdemeanor traffic cases.

**SB 1281**, Relating to the regulation and permitting of a commercial industrial solid waste facility connected to a publicly owned treatment works facility.  
(Amended)

**SB 1680**, Relating to the repeal of the Agriculture Resources Protection Authority.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**COMMITTEE SUBSTITUTE  
SENATE BILL 1547 ON SECOND READING**

Senator Duncan moved to suspend the regular order of business to take up for consideration **CSSB 1547** at this time on its second reading:

**CSSB 1547**, Relating to the Department of Information Resources' management of state electronic services.

The motion prevailed.

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

The bill was read second time.

Senator Duncan offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1547** (Senate committee printing) as follows:

(1) In Section 1.07 of the bill, in added Section 2054.376(a), Government Code (page 3, line 16), strike "information resources technologies" and substitute "information resources technologies, other than telecommunications services.".

(2) In Section 1.07 of the bill, in added Section 2054.376, Government Code (page 3, lines 19-21) strike the following:

"(b) This subchapter does not apply to federal databases or networks used for criminal justice or homeland security purposes or to the Texas equivalents of those databases or networks."

and replace with:

"(b) This subchapter does not apply to:

(1) federal databases or networks used for criminal justice or homeland security purposes or to the Texas equivalents of those databases or networks.

(2) a component of the uniform statewide accounting system, as that term is used in subchapter C, Chapter 2101, or the state treasury cash and treasury management systems;

(3) a database or network used for the collection and processing of multiple types of taxes imposed by the state or unclaimed property received by the state; or

(4) a database or network used to manage or administer fiscal, financial, revenue and expenditure activities of the state under Chapter 403, Government Code."

(3) In Section 1.08 of the bill, in amended Section 2157.068(a), Government Code (page 6, line 23), strike "technology services" and substitute "technology services, other than telecommunications services.".

The amendment to **CSSB 1547** 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.

Senator Duncan offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **CSSB 1547** by adding a new appropriately numbered SECTION to read as follows:

"SECTION \_\_. Section 2170.003, Government Code, is amended to read as follows:

Section 2170.003. OWNERSHIP OR LEASE OF NECESSARY EQUIPMENT.

(a) The department may own, lease, or lease purchase in accordance with Chapters 2155, 2156, 2157, and 2158 any and all of the facilities or equipment necessary to provide telecommunications services. The department may acquire telecommunications services without competitive bid from the Lonestar Education and Research Network (LEARN) or its successors for the purposes established in subsection (b).

(b) During an emergency, a single node failure or a system wide failure of the consolidated telecommunications system, the department may divert telecommunications services traffic to LEARN to avoid service interruption. Upon resolution of the emergency and upon determination that the consolidated telecommunications system is operational, traffic will be diverted back to the consolidated telecommunications system. The department may also use LEARN for the purposes of latency tolerant data transfer of files to or from a consolidated state data center established and operated by the department. The LEARN shall be exclusively used by the department only for the purposes set out in this section."

The amendment to **CSSB 1547** 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.

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

**CSSB 1547** 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: Barrientos, Gallegos.

### **COMMITTEE SUBSTITUTE SENATE BILL 1547 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 1547** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Armbrister, Averitt, Brimer, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Harris, Hinojosa, Jackson, Janek, Lindsay, Lucio, Madla, Nelson, Ogden, Seliger, Shapiro, Shapleigh, Staples, Van de Putte, West, Whitmire, Williams, Zaffirini.

Nays: Barrientos, Gallegos, Wentworth.

#### **Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1547**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1547** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2.

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

Nays: Barrientos, Gallegos.

### **COMMITTEE SUBSTITUTE SENATE BILL 1043 ON SECOND READING**

On motion of Senator Janek and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1043** at this time on its second reading:

**CSSB 1043**, Relating to establishing an annual list of concurrent enrollment courses.

The bill was read second time.

Senator Janek offered the following amendment to the bill:

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

Amend **CSSB 1043** by striking SECTIONS 1 and 2 of the bill (Senate committee printing, page 1, lines 12-35) and substituting the following:

SECTION 1. Section 61.076, Education Code, is amended by adding Subsection (c) to read as follows:

(c) In coordinating plans and programs under Subsection (b), the P-16 Council shall:

(1) review existing practices regarding dual and concurrent enrollment courses in school districts, including a review of courses currently approved by school districts and offered by institutions of higher education for dual or concurrent enrollment credit;



(2) develop model articulation agreements for school districts and institutions of higher education for dual and concurrent enrollment courses;

(3) examine agency rules that affect dual and concurrent enrollment courses and make recommendations to the agencies and to other appropriate entities regarding the removal of barriers that limit student access to those courses; and

(4) annually distribute to each school district and publish on an appropriate public website a list of recommended dual or concurrent enrollment courses.

The amendment to **CSSB 1043** 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 Janek and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSSB 1043** 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 1043 ON THIRD READING**

Senator Janek moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1043** be placed on its third reading and final passage.

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

Nays: Wentworth.

#### **Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1043**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1043** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

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

**COMMITTEE SUBSTITUTE  
HOUSE BILL 304 ON THIRD READING**

Senator Deuell moved to suspend the regular order of business to take up for consideration **CSHB 304** at this time on its third reading and final passage:

**CSHB 304**, Relating to conditions of employment for police officers employed by certain municipalities.

The motion prevailed by the following vote: Yeas 23, Nays 8.

Yeas: Armbrister, Averitt, Barrientos, Brimer, Carona, Deuell, Ellis, Eltife, Estes, Gallegos, Hinojosa, Janek, Lindsay, Lucio, Madla, Seliger, Shapleigh, Van de Putte, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Duncan, Fraser, Harris, Jackson, Nelson, Ogden, Shapiro, Staples.

The bill was read third time.

Senator Brimer offered the following amendment to the bill:

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

Amend **CSHB 304** on third reading in added subsection (i) section 143.3015 Local Government Code as added by the Brimer floor amendment by striking "142.0015" and substituting the following: "142.0013"

The amendment to **CSHB 304** 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 Third Reading.

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

**CSHB 304** as again amended was finally passed by the following vote: Yeas 23, Nays 8.

Yeas: Armbrister, Averitt, Barrientos, Brimer, Carona, Deuell, Ellis, Eltife, Estes, Gallegos, Hinojosa, Janek, Lindsay, Lucio, Madla, Seliger, Shapleigh, Van de Putte, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Duncan, Fraser, Harris, Jackson, Nelson, Ogden, Shapiro, Staples.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1003 ON SECOND READING**

On motion of Senator Madla and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1003** at this time on its second reading:

**CSSB 1003**, Relating to an additional filing fee for civil cases filed in Bexar County.

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 1003 ON THIRD READING**

Senator Madla moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1003** be placed on its third reading and final passage.

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

Nays: Wentworth.

**Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1003**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1003** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

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

**MOTION TO PLACE  
COMMITTEE SUBSTITUTE  
SENATE BILL 349 ON THIRD READING**

Senator Wentworth moved to suspend the regular order of business to take up for consideration **CSSB 349** at this time on its third reading and final passage:

**CSSB 349**, Relating to the jurisdiction of a court with respect to an action involving a testamentary trust.

The motion was lost by the following vote: Yeas 17, Nays 14. (Not receiving two-thirds vote of Members present)

Yeas: Armbrister, Barrientos, Brimer, Carona, Gallegos, Harris, Hinojosa, Jackson, Lucio, Madla, Nelson, Van de Putte, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Averitt, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Janek, Lindsay, Ogden, Seliger, Shapiro, Shapleigh, Staples.

**HOUSE BILL 87 ON SECOND READING**

On motion of Senator Madla and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 87** at this time on its second reading:

**HB 87**, Relating to the authority of a municipality to alter speed limits in an urban district within the municipality.

The bill was read second time.

Senator Lindsay offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **HB 87** as follows:

(1) In the prefatory language in SECTION 1 of the bill (committee printing, page 1, line 13), strike "Subsection (b-1)" and Substitute "Subsections (b-1) and (b-2)".

(2) In SECTION 1 of the bill, added Subsection (b-1), Section 545.356, Transportation Code (committee printing, page 1, line 15), strike "The" and substitute "Except as provided by Subsection (b-2), the".

(3) In SECTION 1 of the bill, after added Subsection (b-1), Section 545.356, Transportation Code (committee printing, page 1, between lines 22 and 23), insert:

"(b-2) Subsection (b-1) does not apply to a highway or part of a highway that has four or more lanes used for vehicular travel."

The amendment to **HB 87** 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 Madla and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**HB 87** 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 except as follows:

Nays: Williams.

**HOUSE BILL 87 ON THIRD READING**

Senator Madla moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 87** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

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

Nays: Wentworth, Williams.

### Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **HB 87**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **HB 87** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Nays: Williams.

### SENATE BILL 1880 ON SECOND READING

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1880** at this time on its second reading:

**SB 1880**, Relating to the Buffalo Bayou Management District and the creation of the East Montrose Management District and the Fourth Ward Management District out of part of the territory of the Buffalo Bayou Management District; authorizing taxes and bonds.

The bill was read second time.

Senator Ellis offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **SB 1880** (Senate committee printing) as follows:

In SECTION 1 of the bill on page 1, strike lines 17 through 41, and insert the following:

POINT OF BEGINNING at the intersection of the west boundary line of Montrose Boulevard right-of-way and the south boundary line of West Dallas, then west along the south boundary line of West Dallas right-of-way to the intersection of the west boundary of Shepherd Drive right-of-way. Then north along the west boundary of Shepherd Drive right-of-way to the intersection of the south boundary of the Buffalo Bayou. Then west along the south boundary of the Buffalo Bayou to the intersection of the south boundary of the Buffalo Bayou and the west boundary of Westcott Street

right-of-way. Then north along the west boundary of Westcott Street right-of-way to the intersection of the north boundary of Blossom Street right-of-way. Then east along the north boundary of Blossom Street right-of-way until the intersection of the north boundary of Blossom Street right-of-way and the west boundary of Shepherd Street right-of-way. Then north along the west boundary of Shepherd Street until the intersection of the south boundary of Washington Avenue right-of-way and the west boundary of Shepherd Street right-of-way. Then east along the south boundary of Washington Avenue right-of-way to the intersection of the east boundary of Yale Street right-of-way. Then south along the east boundary of Yale/Waugh Street right-of-way through the center of the Memorial Street entrance ramps extending on a southerly line to the north boundary of Buffalo Bayou. Then east along the north boundary of Buffalo Bayou to the intersection of the west boundary of Montrose Boulevard right-of-way and south on the west boundary of Montrose Boulevard right-of-way to the POINT OF BEGINNING.

(2) On page 2, line 50, strike "William Taylor" and substitute "Karen Domino"

(3) On page 5, between line 42 and 43 insert the following:

"12 Marisol Rodriguez"

(4) In SECTION 6 of the bill, on page 8, strike lines 30 after "Genesee Street." through 40, then insert the following:  
"Then westerly along Welch Street to its"

The amendment to **SB 1880** 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 Ellis and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**SB 1880** 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 1880 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 **SB 1880** be placed on its third reading and final passage.

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

Nays: Wentworth.

### **Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1880**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has

already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 1880** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

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

### **SENATE BILL 921 ON SECOND READING**

On motion of Senator Duncan and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 921** at this time on its second reading:

**SB 921**, Relating to the designation of a portion of Interstate Highway 27 between Lubbock and Amarillo as the Marshall Formby Memorial Highway.

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 921 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 **SB 921** be placed on its third reading and final passage.

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

Nays: Wentworth.

### **Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 921**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 921** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed.

Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 604 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 604** at this time on its second reading:

**CSSB 604**, Relating to a qualified privilege of a journalist not to testify.

The bill was read second time.

Senator Wentworth offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 604** (committee printing) as follows:

(1) In SECTION 1 of the bill, in proposed Subsection (b), Section 22.012, Civil Practice and Remedies Code (committee printing, page 1, line 43), strike "or (e)".

(2) In SECTION 1 of the bill, in proposed Subsection (b), Section 22.012, Civil Practice and Remedies Code (committee printing), strike page 1, lines 45-47, and substitute the following:

disclose in any official proceeding:

(1) any confidential or nonconfidential information, document, or item legally obtained or prepared while acting as a journalist; or

(2) the source of any information, document, or item described by Subdivision (1).

(3) In SECTION 1 of the bill, in proposed Subsection (c), Section 22.012, Civil Practice and Remedies Code, between "information," and "document," (committee printing, page 1, line 49), insert "source,".

(4) In SECTION 1 of the bill, in proposed Subdivision (1), Subsection (c), Section 22.012, Civil Practice and Remedies Code (committee printing, page 1, line 55), strike "and".

(5) In SECTION 1 of the bill, in proposed Subdivision (2), Subsection (c), Section 22.012, Civil Practice and Remedies Code (committee printing, page 1, line 57), between "production" and ":", insert the following:

; and

(3) cannot reasonably be obtained from any alternate source

(6) In SECTION 1 of the bill, strike proposed Subsection (e), Section 22.012, Civil Practice and Remedies Code (committee printing, page 1, line 63, through page 2, line 5), and substitute the following:

(e) Notwithstanding Subsection (b), a journalist does not have a privilege in a criminal case against disclosure of:



(1) any information, document, or item obtained as a result of the journalist's eyewitness observation of criminal conduct involving physical violence, property damage, or breach of the peace, including any physical evidence or visual or audio recording of the observed conduct; or

(2) the source of any information, document, or item described by Subdivision (1).

(7) Strike SECTION 3 of the bill (committee printing, page 2, lines 11-13) and substitute the following:

SECTION 3. Section 22.012, Civil Practice and Remedies Code, as added by this Act, and Article 38.11, Code of Criminal Procedure, as added by this Act, apply only to an official proceeding, as defined by Section 22.012, Civil Practice and Remedies Code, as added by this Act, that commences on or after the effective date of this Act. An official proceeding held before, on, or after the effective date of this Act in a lawsuit that commences before the effective date of this Act is governed by the law in effect on the date the lawsuit was commenced, and the former law is continued in effect for that purpose.

The amendment was read.

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

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

Amend Floor Amendment No. 1 to **CSSB 604** at line 11, by striking "legally".

The amendment to Floor Amendment No. 1 to **CSSB 604** was read and failed of adoption by the following vote: Yeas 15, Nays 16.

Yeas: Armbrister, Barrientos, Carona, Duncan, Ellis, Eltife, Gallegos, Hinojosa, Lucio, Madla, Shapleigh, Van de Putte, West, Whitmire, Zaffirini.

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

Question recurring on the adoption of Floor Amendment No. 1 to **CSSB 604**, the amendment was adopted by the following vote: Yeas 17, Nays 14.

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

Nays: Armbrister, Barrientos, Carona, Duncan, Ellis, Eltife, Gallegos, Hinojosa, Lucio, Madla, Shapleigh, Van de Putte, Whitmire, Zaffirini.

Senator Ellis withdrew further consideration of **CSSB 604**.

### **COMMITTEE SUBSTITUTE SENATE BILL 309 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 309** at this time on its second reading:

**CSSB 309**, Relating to the creation of an address confidentiality program to assist victims of family violence, sexual assault, or stalking in maintaining confidential addresses.

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 309 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 309** be placed on its third reading and final passage.

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

Nays: Wentworth.

**Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 309**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 309** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

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

**COMMITTEE SUBSTITUTE**  
**SENATE BILL 422 ON SECOND READING**

On motion of Senator Jackson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 422** at this time on its second reading:

**CSSB 422**, Relating to the continuation and functions of the Texas Education Agency and regional education service centers; providing a penalty.

The bill was read second time.

Senator Jackson offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 422** by inserting the following appropriately numbered SECTIONS:

SECTION 1. \_\_. Subchapter C, Chapter 45, Education Code, is amended by adding Section 45.0561 to read as follows:

Sec. 45.0561. PRIORITY FOR CERTAIN BONDS. (a) In determining which bonds to approve for guarantee under this subchapter, the commissioner shall give priority to a school district that has had bonds refunded and defeased under Subchapter D, Chapter 46.

(b) The commissioner may adopt rules to administer this section.

(2)

SECTION 1C. \_\_. Chapter 46, Education Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. REFUNDING TO INCREASE PERMANENT  
SCHOOL FUND CAPACITY

Sec. 46.091. DEFINITIONS. In this subchapter:

(1) "Allocated revenue" means that portion of state assistance under Subchapter A or B equal to the scheduled debt service payments in effect immediately before the refunding of eligible bonds being refunded under this subchapter.

(2) "Authority" means the Texas Public Finance Authority.

(3) "Authority obligation" means any type of revenue obligation, including a bond, note, certificate, or other instrument issued under this subchapter. The term includes an obligation issued to refund an obligation issued under this subchapter.

(4) "Credit agreement" has the meaning assigned by Section 1371.001, Government Code.

(5) "Obligation administrative expenses" means expenses incurred in administering authority obligations, including:

(A) administrative expenses incurred by the commissioner or the authority relating to the administration of this subchapter; and

(B) fees for:

(i) paying agents, trustees, and attorneys;

(ii) other professional services necessary to ensure compliance with applicable state or federal law; and

(iii) a school district with eligible bonds refunded under this subchapter, professional service expenses in an amount approved by the commissioner.

Sec. 46.092. ISSUANCE OF AUTHORITY OBLIGATIONS. (a) If the commissioner determines that it is feasible to refund eligible school district bonds as provided by this subchapter, the commissioner may request that the authority issue authority obligations necessary to accomplish the refunding. On request of the commissioner, the authority shall issue authority obligations, in accordance with Title 9, Government Code, in an amount sufficient to:

(1) refund eligible bonds;

(2) pay all obligation administrative expenses;

(3) pay the costs of issuing the authority obligations;

(4) pay the costs of any credit agreement; and

(5) provide any reserve funds.

(b) Authority obligations and any related credit agreements must be secured by allocated revenue.

(c) The commissioner's request for the issuance of authority obligations must state:

(1) the maximum principal amount of bonds to be refunded under this subchapter;

(2) the maximum term of bonds to be refunded; and

(3) the amount of state assistance under Subchapter A or B to support the payment of the bonds to be refunded.

(d) To best achieve the economic goals of this subchapter and accomplish the borrowing at the lowest practicable cost, the authority may determine:

(1) the method of sale of authority obligations;

(2) the type and form of obligation;

(3) the maximum interest rates and other terms of authority obligations; and

(4) the need for related credit agreements.

(e) The authority shall certify to the commissioner that each series of authority obligations issued under this subchapter will result in an aggregate present value savings.

(f) Section 46.007 does not apply to the issuance of authority obligations under this subchapter.

Sec. 46.093. ELIGIBILITY OF BONDS FOR REFUNDING. School district bonds are eligible for refunding under this subchapter if:

(1) the district receives state assistance for payment of the bonds under Subchapter A or B; and

(2) the principal and interest of the bonds are guaranteed by the permanent school fund under Subchapter C, Chapter 45.

Sec. 46.094. IDENTIFICATION OF ELIGIBLE BONDS; NOTICE TO SCHOOL DISTRICTS. (a) If the commissioner determines that it is feasible to refund eligible school district bonds as provided by this subchapter, the commissioner shall periodically identify which outstanding school bonds are eligible for refunding under this subchapter. The commissioner shall notify the school districts issuing the bonds that:

(1) the bonds are subject to being refunded and defeased through the issuance of authority obligations; and

(2) a school district whose bonds are refunded under this subchapter is entitled to priority in the allocation of resulting increases in the capacity of the permanent school fund to guarantee school district bonds under Subchapter C, Chapter 45, as provided by Section 45.0561.

(b) The district may elect to direct the commissioner to include any of the district's eligible bonds for consideration for refunding under this subchapter. If the district does not elect to direct the commissioner to include the district's bonds for consideration for refunding within the time prescribed by this subsection, the bonds may not be refunded under this subchapter.

(c) Notice under Subsection (a) must:

(1) identify the bonds the commissioner proposes to refund under this subchapter;

(2) state that the school district may elect to direct the commissioner to include any of the district's bonds for consideration for refunding; and

(3) advise the district of:

(A) the effect of electing to have the bonds considered for refunding;

and

(B) the effect of not electing to have the bonds considered for refunding.

Sec. 46.095. AGREEMENT BETWEEN COMMISSIONER AND AUTHORITY. (a) To permit the authority to pledge allocated revenue to the payment of authority obligations, the commissioner shall enter into an agreement with the authority under which:

(1) the commissioner, acting on behalf of each school district whose bonds are being refunded under this subchapter, may pledge the allocated revenue to secure the payment of the principal of and interest and premium on authority obligations; and

(2) each school year, the commissioner shall allocate and distribute to the authority allocated revenue equal to the scheduled debt service payments for that year on the bonds being refunded.

(b) An agreement under this section must state that the funding for allocated revenue is subject to legislative appropriation. A distribution to the authority under the agreement is considered to be a distribution for purposes of Section 46.009. If the commissioner determines that the amount appropriated for any year for allocated revenue is insufficient, the commissioner may act under Section 46.009(b) to ensure the sufficiency of allocated revenue.

Sec. 46.096. USE OF PROCEEDS OF AUTHORITY OBLIGATIONS. (a) The authority shall use the proceeds of authority obligations, less the cost of issuing those obligations and the cost of administrative expenses incurred by the commissioner or the authority relating to the administration of this subchapter, to refund and defease eligible bonds as requested by the commissioner. To accomplish the refunding and defeasance:

(1) the commissioner, on behalf of the school districts issuing the bonds, may:

(A) exercise any reserved right of optional redemption; and

(B) issue any required notice of redemption and defeasance; and

(2) the authority, on behalf of the districts issuing the bonds, may enter into escrow agreements and purchase escrow securities as provided by Chapter 1207, Government Code, with the same effect under that chapter as if the authority were the issuer of the bonds being refunded and defeased.

(b) The authority shall provide to a school district whose bonds are refunded under this subchapter appropriate documentation showing that the bonds have been refunded and defeased.

Sec. 46.097. PAYMENT OF OBLIGATION ADMINISTRATIVE EXPENSES. After paying the current debt service on authority obligations, the authority may use allocated revenue to pay obligation administrative expenses.

Sec. 46.098. DISTRIBUTION OF ALLOCATED REVENUE IN EXCESS OF DISTRICT'S ENTITLEMENT TO STATE ASSISTANCE. (a) If the commissioner allocates and distributes to the authority allocated revenue for a school district's bonds refunded under this subchapter in an amount in excess of the state assistance to which the district is entitled in connection with all of the district's bonds, the district shall reimburse the commissioner in the amount of the excess.

(b) If a school district elects not to reimburse the commissioner in the amount of excess state assistance as required under Subsection (a), the commissioner shall direct the comptroller to withhold the amount of the excess from the succeeding payment of state assistance payable to the school district and credit the amount to the account or accounts from which the excess payment was made.

(c) A school may reimburse the commissioner under this section from any lawfully available source.

Sec. 46.099. REFUNDING OF AUTHORITY OBLIGATIONS. The authority may issue authority obligations to refund any previously issued authority obligations if the authority by resolution determines that the issuance of refunding obligations will result in the lowest practicable borrowing cost to the state and school districts with outstanding eligible bonds.

Sec. 46.100. AUTHORITY OBLIGATIONS NOT A PLEDGE OF STATE'S CREDIT. (a) Authority obligations and any related credit agreements are not:

(1) a debt of the state, a state agency, or a political subdivision of the state;

or

(2) a pledge of the faith and credit or taxing power of the state, a state agency, or a political subdivision of the state.

(b) Authority obligations and any related credit agreements are payable solely from allocated revenue pledged to the payment of those obligations.

(c) Subject to the limitations of Subsection (a), as long as authority obligations are outstanding, the state may not:

(1) take any action to limit or restrict the authority's responsibility to pay the authority obligations; or

(2) in any way impair the rights and remedies of the owners of authority obligations.

(d) The reallocation of allocated revenue to secure authority obligations to refund school district bonds is:

(1) consistent with the original authorization, allocation, and application of state assistance under Subchapter A or B;

(2) in furtherance of any covenants, agreements, or undertakings by school districts or the commissioner to cause allocated revenue to be credited to debt service funds for school district bonds; and

(3) consistent with all statutory and regulatory dedications and restrictions on the allocated revenue.

The amendment to **CSSB 422** 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 Jackson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSSB 422** 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 422 ON THIRD READING**

Senator Jackson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 422** be placed on its third reading and final passage.

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

Nays: Wentworth.

**Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 422**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 422** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

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

**SENATE BILL 1884 ON SECOND READING**

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1884** at this time on its second reading:

**SB 1884**, Relating to the creation of the Harris County Municipal Utility District No. 460; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

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 1884 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 **SB 1884** be placed on its third reading and final passage.

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

Nays: Wentworth.

**Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1884**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 1884** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

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

**BILLS AND RESOLUTIONS SIGNED**

The Presiding Officer, Senator Whitmire in Chair, announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

**HB 224, HB 729, HB 762, HB 932, HB 1099, HB 1236, HB 1319, HB 1489, HB 1507, HB 1604, HB 2307, HCR 36, HCR 102, HCR 145, HCR 161, HCR 162, HCR 165, HB 231, HB 593, HB 597, HB 801, HB 802, HB 885, HB 918, HB 965, HB 1286, HB 1393, HB 2761, HB 2870, HB 2872, HB 2913.**

**COMMITTEE SUBSTITUTE  
HOUSE BILL 340 ON SECOND READING**

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 340** at this time on its second reading:



**CSHB 340**, Relating to the authority of a navigation district to establish a volunteer police reserve force and to the state law enforcement authority of certain federal peace officers.

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSHB 340** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill, at the end of added Subsection (f), Section 60.0775, Water Code (page 1, line 32), insert the following:

A reserve force member who is a peace officer under that article must hold a permanent peace officer license issued under Chapter 1701, Occupations Code.

(2) In SECTION 1 of the bill, following added Subsection (i), Section 60.0775, Water Code (page 1, between lines 60 and 61), insert the following:

(j) After being appointed under this section, a reserve police officer must execute an oath and execute a bond in the amount of \$2,000 payable to the commission. The officer may not perform any duties under this section until the officer files the oath and bond with the commission's secretary.

The amendment to **CSHB 340** 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 Hinojosa and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSHB 340** 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.

**SENATE JOINT RESOLUTION 44 ON SECOND READING**

On motion of Senator Deuell and by unanimous consent, the regular order of business was suspended to take up for consideration **SJR 44** at this time on its second reading:

**SJR 44**, Proposing a constitutional amendment providing authorization for a county to issue bonds or notes to finance the development or redevelopment of an unproductive, underdeveloped, or blighted area within the county.

The resolution 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 JOINT RESOLUTION 44 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 **SJR 44** be placed on its third reading and final passage.

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

Nays: Wentworth.

### Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SJR 44**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SJR 44** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

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

### SENATE BILL 1856 ON SECOND READING

On motion of Senator Deuell and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1856** at this time on its second reading:

**SB 1856**, Relating to tax increment financing.

The bill was read second time.

Senator Deuell offered the following committee amendment to the bill:

#### Committee Amendment No. 1

Amend **SB 1856** as follows:

On page 15, line 9 of the introduced bill, between the words "corporation" and "to manage" insert: "or a political subdivision".

The amendment to **SB 1856** was read and was adopted by a viva voce vote.

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

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

**SB 1856** 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 1856 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 **SB 1856** be placed on its third reading and final passage.

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

Nays: Wentworth.

### **Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1856**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 1856** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

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

### **AT EASE**

The Presiding Officer, Senator Whitmire in Chair, at 5:35 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

### **IN LEGISLATIVE SESSION**

The President at 7:00 p.m. called the Senate to order as In Legislative Session.

### **MESSAGE FROM THE HOUSE**

HOUSE CHAMBER  
Austin, Texas  
May 9, 2005

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

**HCR 173**, Recognizing Edwards Abstract and Title Company of Hidalgo County on the company's 125th anniversary.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

### **SENATE BILLS ON FIRST READING**

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

**SB 1894** by Deuell

Relating to the creation of Kaufman County Water Control and Improvement District No. 1; providing authority to impose a tax and issue bonds; granting the power of eminent domain. (Local Bill)

To Committee on Intergovernmental Relations.

**SB 1895** by Fraser

Relating to the creation, administration, powers, duties, operation and financing of the Bluebonnet Municipal Utility District. (Local Bill)

To Committee on Intergovernmental Relations.

**SB 1896** by Madla

Relating to the creation, administration, powers, duties, operation, and financing of the Val Verde County Groundwater Conservation District. (Local Bill)

To Committee on Intergovernmental Relations.

### **NOTICE GIVEN FOR LOCAL AND UNCONTESTED CALENDAR**

Senator Harris announced that a Local and Uncontested Calendar had been furnished to each Member of the Senate. He then gave notice that the Local and Uncontested Calendar Session would be held at 8:00 a.m. tomorrow and that all bills and resolutions would be considered on second and third reading in the order in which they were listed.

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

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

### **MOTION TO ADJOURN**

On motion of Senator Whitmire and by unanimous consent, the Senate at 7:08 p.m. agreed to adjourn, upon conclusion of the Local and Uncontested Calendar Session, until 11:00 a.m. tomorrow.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**SR 813** by Wentworth, In memory of the life of Lance C. Wade of Reklaw.

**SR 826** by Ellis, In memory of James Earnest Rucker, Jr., of Houston.

**SR 830** by Barrientos, In memory of Charles Thomas Russell III.

**Congratulatory Resolutions**

**SR 807** by West, Congratulating Sueraiya Daoudi for earning a Girl Scout Gold Award.

**SR 808** by West, Congratulating Kasia Anne Cordova for earning a Girl Scout Gold Award.

**SR 809** by West, Congratulating Alaa Yousef for earning a Girl Scout Gold Award.

**SR 810** by West, Congratulating Elizabeth Seidemann for earning a Girl Scout Gold Award.

**SR 811** by West, Congratulating Sophia Gamez Gomez for earning a Girl Scout Gold Award.

**SR 812** by Wentworth, Recognizing Friendship Force International for building global goodwill.

**SR 815** by Ellis, Recognizing the Houston Minority Business Council for sponsoring EXPO 2005.

**SR 816** by Ellis, Congratulating the band of James Holub Middle School in Houston for its selection by the John Philip Sousa Foundation for the Sudler Silver Cup award of 2004.

**SR 817** by Ellis, Recognizing Prairie View Interscholastic League Coaches Association, Incorporated, for its contributions to the community.

**SR 818** by Ellis, Congratulating Alisa Manning Peppers for her selection as President of the Houston chapter of the Texas Exes.

**SR 819** by Ellis, Recognizing Nettie Murry for her service to the public.

**SR 820** by Lindsay, Commending John B. Terry of Houston for achieving the rank of Eagle Scout.

**SR 821** by Lindsay, Commending Ugo E. Alaribe for achieving the rank of Eagle Scout.

**SR 822** by Estes, Recognizing Mike Nelson of Mayday Manufacturing Company for being honored as a Small Business Subcontractor of the Year.

**SR 823** by Estes, Recognizing the State Firemen's and Fire Marshals' Association of Texas on the occasion of their 129th Annual Training Conference and Convention.

**SR 827** by Van de Putte, Recognizing William Anton "Andy" Kruft for his service to the people of Afghanistan.

**SR 828** by Duncan, Recognizing Benny C. and Fannie L. Utley on the occasion of their 50th wedding anniversary.

**SR 829** by Barrientos, Recognizing Taylor A. Henderson on the occasion of his graduation from Villanova University in Pennsylvania.

**SR 831** by Barrientos, Recognizing Patricia Anne Rueter on the occasion of her retirement.

**SR 832** by Barrientos, Recognizing Gary W. Griswold on the occasion of his retirement.

**SR 833** by Barrientos, Recognizing Ann Hutchison on the occasion of her retirement.

**HCR 170** (Jackson), Commending Randolph Robert Reed of Pearland for his completion of the BP MS150 Bike Ride.

### **Official Designation Resolution**

**SR 814** by Ellis, Recognizing May 19, 2005, as XIV Concurso Día del Niño in Houston.

### **RECESS**

On motion of Senator Whitmire, the Senate at 7:09 p.m. recessed until 8:00 a.m. tomorrow for the Local and Uncontested Calendar Session.

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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 9, 2005

TRANSPORTATION AND HOMELAND SECURITY — **CSSB 1548, CSSB 1706**

STATE AFFAIRS — **CSSB 751**

INTERNATIONAL RELATIONS AND TRADE — **CSSB 1737, SB 1744, CSHB 1924**

BUSINESS AND COMMERCE — **HB 720, HB 982, HB 1088, CSHB 1304, CSHB 1573, HB 2961, HB 2962**

TRANSPORTATION AND HOMELAND SECURITY — **CSSB 1375**

STATE AFFAIRS — **CSSB 70, CSSB 555**

NATURAL RESOURCES — **CSHB 769**

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — **HB 2340**

GOVERNMENT ORGANIZATION — **HB 912, HB 952, HB 2196, HB 2208, HB 3227**

BUSINESS AND COMMERCE — **CSHB 1747**

STATE AFFAIRS — **HB 70, HB 526, HB 1508, HB 1800, HB 2202**

**SIGNED BY GOVERNOR**

May 6, 2005

**SCR 31**

**SENT TO GOVERNOR**

May 9, 2005

**SB 374, SB 424, SB 1006**

