

SENATE JOURNAL

EIGHTIETH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FORTY-THIRD DAY

(Tuesday, April 17, 2007)

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

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

Absent-excused: Gallegos.

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

The Reverend Charles Patterson, Church of the Hills, Cedar Park, offered the invocation as follows:

Father in heaven, we lift our prayers with so many others around our nation today for the family and friends of the fallen students and faculty on the campus of Virginia Tech University. We pray for the university community and the City of Blacksburg. We ask You to be very near with strength, courage, and comfort as they face the days ahead. And we pray once again for healing for our nation in the wake of such a tragic day in our history. Father God, thank You for the men and women of this Texas State Senate who serve the people of the State of Texas. I ask that You would bless their home and family as well as their time and finances. May Your grace attend each person's life in body, in soul, and in spirit. Father, I pray that in the remaining days of this legislative session that Your counsel and wisdom would prevail. May Your purposes be served. May the decisions made here serve to enable justice and improve the quality of life for the privileged and the underprivileged in this great State of Texas. Grant the ability for each Member of this Senate to think creatively and to act honorably and wisely. We ask You, God, to bless our nation and to bless the State of Texas. I ask these things in the name of Jesus Christ. Amen.

Senator Wentworth moved that the reading of the Journal of the proceedings of yesterday be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

LEAVE OF ABSENCE

On motion of Senator Wentworth, Senator Gallegos was granted leave of absence for today on account of illness.

CO-AUTHOR OF SENATE BILL 10

On motion of Senator Nelson, Senator Williams will be shown as Co-author of **SB 10**.

CO-AUTHOR OF SENATE BILL 22

On motion of Senator Nelson, Senator Williams will be shown as Co-author of **SB 22**.

CO-AUTHORS OF SENATE BILL 50

On motion of Senator Zaffirini, Senators Deuell, Hegar, and Whitmire will be shown as Co-authors of **SB 50**.

CO-AUTHOR OF SENATE BILL 309

On motion of Senator Van de Putte, Senator Shapleigh will be shown as Co-author of **SB 309**.

CO-AUTHOR OF SENATE BILL 407

On motion of Senator Eltife, Senator Patrick will be shown as Co-author of **SB 407**.

CO-AUTHOR OF SENATE BILL 419

On motion of Senator Lucio, Senator Nichols will be shown as Co-author of **SB 419**.

CO-AUTHORS OF SENATE BILL 448

On motion of Senator Uresti, Senators Janek, Wentworth, and Zaffirini will be shown as Co-authors of **SB 448**.

CO-AUTHOR OF SENATE BILL 603

On motion of Senator Van de Putte, Senator Patrick will be shown as Co-author of **SB 603**.

CO-AUTHOR OF SENATE BILL 714

On motion of Senator Fraser, Senator Averitt will be shown as Co-author of **SB 714**.

CO-AUTHOR OF SENATE BILL 1007

On motion of Senator West, Senator Van de Putte will be shown as Co-author of **SB 1007**.

CO-AUTHOR OF SENATE BILL 1042

On motion of Senator West, Senator Uresti will be shown as Co-author of **SB 1042**.

CO-AUTHOR OF SENATE BILL 1176

On motion of Senator Ellis, Senator Hinojosa will be shown as Co-author of **SB 1176**.

CO-AUTHOR OF SENATE BILL 1267

On motion of Senator Nichols, Senator Deuell will be shown as Co-author of **SB 1267**.

CO-AUTHOR OF SENATE BILL 1311

On motion of Senator Wentworth, Senator Uresti will be shown as Co-author of **SB 1311**.

CO-AUTHOR OF SENATE BILL 1315

On motion of Senator Uresti, Senator Van de Putte will be shown as Co-author of **SB 1315**.

CO-AUTHOR OF SENATE BILL 1470

On motion of Senator Seliger, Senator Lucio will be shown as Co-author of **SB 1470**.

CO-AUTHOR OF SENATE BILL 1600

On motion of Senator West, Senator Whitmire will be shown as Co-author of **SB 1600**.

CO-AUTHORS OF SENATE BILL 1696

On motion of Senator Nelson, Senators Shapleigh and Uresti will be shown as Co-authors of **SB 1696**.

CO-AUTHOR OF SENATE BILL 1700

On motion of Senator Shapiro, Senator Zaffirini will be shown as Co-author of **SB 1700**.

CO-AUTHOR OF SENATE BILL 1713

On motion of Senator Eltife, Senator Van de Putte will be shown as Co-author of **SB 1713**.

CO-AUTHOR OF SENATE BILL 1871

On motion of Senator Zaffirini, Senator Van de Putte will be shown as Co-author of **SB 1871**.

CO-AUTHORS OF SENATE BILL 1909

On motion of Senator Ellis, Senators Hegar, Van de Putte, and West will be shown as Co-authors of **SB 1909**.

CO-AUTHOR OF SENATE BILL 1935

On motion of Senator Janek, Senator Patrick will be shown as Co-author of **SB 1935**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 10

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

PHYSICIAN OF THE DAY

Senator Van de Putte was recognized and presented Dr. David Schneider of San Antonio as the Physician of the Day.

The Senate welcomed Dr. Schneider 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.

GUESTS PRESENTED

Senator Ellis was recognized and introduced to the Senate representatives of the Texas Legislative Internship Program Class of 2007: Phillip Song, University of Houston; Nikeyla Johnson, Texas Southern University; Larry Taylor, Texas Southern University; Edwin Ortiz, Texas State University; and Janine Nicolau, Universidade Presbiteriana Mackenzie, Brazil; accompanied by other interns in the program.

The Senate welcomed its guests.

SENATE CONCURRENT RESOLUTION 56

The Presiding Officer laid before the Senate the following resolution:

WHEREAS, The Texas Retired Teachers Association represents the interests of retired public school personnel and has now reached its highest ever membership total of more than 62,000 for the 2006-2007 year; and

WHEREAS, The association is celebrating its 54th annual convention this week in Austin, and over 1,000 delegates and guests are participating in this year's event; and

WHEREAS, The Texas Retired Teachers Association is recognized as a service and action organization, and its members are valuable contributors to their local communities and to the state; and

WHEREAS, Since 1990, the association's volunteers have given over one billion volunteer service hours to community programs, schools, churches, nursing homes, libraries, and various worthwhile causes; and

WHEREAS, Members have initiated a health and wellness program called Walks-A-Million to help contain health care costs by keeping themselves healthy and by setting an example for others; association members walked 12.2 billion steps in 2006; and

WHEREAS, The association members have initiated a program known as the Children's Book Project, and since 1998, they have given more than 300,000 books to underprivileged children in Texas; and

WHEREAS, Public education retirees continue to be involved and active citizens who are truly making a difference in the social, economic, and political life of our state; now, therefore, be it

RESOLVED, That the 80th Legislature of the State of Texas hereby declare April 17, 2007, Texas Retired Educators Day—A Celebration of Giving and Health; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of this occasion.

DUNCAN

SCR 56 was read.

On motion of Senator Duncan 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 except as follows:

Absent-excused: Gallegos.

GUESTS PRESENTED

Senator Duncan was recognized and introduced to the Senate representatives of the Texas Retired Teachers Association: Aubrey Cherry, President; Dora Scott-Nichols, First Vice-president; Herbert Norris, Second Vice-president; Maridell Fryar, Secretary/Treasurer; and Richard Roberts, District XVII President.

The Senate welcomed its guests.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
April 17, 2007

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, Expressing support for bids by the Texas Bio- and Agro-Defense Consortium and the Texas A&M NBAF Consortium to locate the U.S. Department of Homeland Security's National Bio and Agro-Defense Facility in Texas.

HCR 195, In memory of Dr. Luis M. Rios, Sr., of Edinburg.

SCR 53, Proclaiming April 15 through 22, 2007, Days of Remembrance in memory of the victims of the Holocaust.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE RESOLUTION 713

Senator Duncan offered the following resolution:

SR 713, In memory of F. B. "Buddy" Sexton of Lubbock.

The resolution was read.

Senator Duncan was recognized and introduced to the Senate family members of F. B. "Buddy" Sexton: his widow, Mary Sexton; his sons, Lieutenant Colonel Brad Sexton and Blaine Sexton; and his daughter, Sheila Sexton-Jones.

The Senate welcomed its guests and extended its sympathy.

On motion of Senator Duncan, **SR 713** was adopted by a rising vote of the Senate.

In honor of the memory of F. B. "Buddy" Sexton of Lubbock, the text of the resolution is printed at the end of today's *Senate Journal*.

SENATE RESOLUTION 715

Senator Duncan offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Frances Reagan Wheat for her many achievements and contributions to our state; and

WHEREAS, A fourth-generation Texan, Frances Wheat is a graduate of Big Spring High School and of Baylor University, where she earned a bachelor's degree in home economics; she taught home economics at Big Spring High School and served as a home economist for the Texas Electric Service Company; and

WHEREAS, Mrs. Wheat served her hometown of Big Spring in numerous ways over the years; she volunteered for the Boy Scouts and the Girl Scouts and served as president of the Howard County Heritage Museum and of the Big Spring Chamber of Commerce, as well as of the Rotary Club; and

WHEREAS, She was district director in Big Spring for Senator Duncan until the area was reconfigured by redistricting; she then moved to San Angelo to serve again as Senator Duncan's district director; she is well known for her devotion to the senator and his work in West Texas, and she has been a much appreciated member of "Team Duncan" for 10 years; she is now retiring and moving to Midland to be near her family; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby commend Frances Reagan Wheat for her many contributions to Senator Duncan's office and to our state and extend to her best wishes in all her future endeavors; 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 715 was read and was adopted without objection.

GUESTS PRESENTED

Senator Duncan was recognized and introduced to the Senate Frances Reagan Wheat of Big Spring, accompanied by her daughter, Ellise Reagan; her sister, Patty Reagan; her sister-in-law, Nelwin Reagan; and her replacement in the Senate District 28 office, Pam Dutton.

The Senate welcomed its guests.

CONCLUSION OF MORNING CALL

The Presiding Officer, Senator Whitmire in Chair, at 11:45 a.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE
SENATE BILL 1068 ON THIRD READING**

Senator Wentworth moved to suspend the regular order of business to take up for consideration **CSSB 1068** at this time on its third reading and final passage:

CSSB 1068, Relating to the reapportionment of congressional districts and the creation, function, and duties of the Texas Congressional Redistricting Commission.

The motion prevailed.

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

The bill was read third time and was passed by the following vote: Yeas 20, Nays 10.

Yeas: Averitt, Brimer, Carona, Deuell, Duncan, Ellis, Eltife, Hegar, Hinojosa, Janek, Lucio, Seliger, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Estes, Fraser, Harris, Jackson, Nelson, Nichols, Ogden, Patrick, Shapiro, Williams.

Absent-excused: Gallegos.

**COMMITTEE SUBSTITUTE
SENATE BILL 1909 ON THIRD READING**

Senator Ellis moved to suspend the regular order of business to take up for consideration **CSSB 1909** at this time on its third reading and final passage:

CSSB 1909, Relating to community supervision, parole, or mandatory supervision for certain drug possession offenses and to a person's eligibility for an order of nondisclosure following a term of community supervision for any of those offenses.

The motion prevailed by the following vote: Yeas 21, Nays 9.

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

Nays: Eltife, Fraser, Harris, Jackson, Janek, Nichols, Ogden, Patrick, Williams.

Absent-excused: Gallegos.

The bill was read third time and was passed by the following vote: Yeas 20, Nays 10.

Yeas: Averitt, Brimer, Carona, Deuell, Duncan, Ellis, Estes, Hegar, Hinojosa, Lucio, Nelson, Seliger, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Nays: Eltife, Fraser, Harris, Jackson, Janek, Nichols, Ogden, Patrick, Wentworth, Williams.

Absent-excused: Gallegos.

GUESTS PRESENTED

Senator Shapiro was recognized and introduced to the Senate a delegation representing the Edward R. Murrow Journalism Program.

The Senate welcomed its guests.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

April 17, 2007

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 REFUSED TO CONCUR IN SENATE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

HB 1 (134 Yeas, 5 Nays, 1 Present, not voting)

House Conferees: Chisum - Chair/Gattis/Guillen/Kolkhorst/Turner

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

COMMITTEE SUBSTITUTE

SENATE BILL 450 ON SECOND READING

On motion of Senator Uresti and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 450** at this time on its second reading:

CSSB 450, Relating to enrollment and participation in certain research programs of certain children in foster care.

The bill was read second time.

Senator Uresti offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 450** as follows:

(1) In SECTION 2 of the bill, in added Section 266.0041(a), Family Code (Senate committee printing page 1, line 34), between "section" and the period, insert ", unless the person is the foster child's parent and the person has been authorized by the court to make medical decisions for the foster child in accordance with Section 266.004".

(2) In SECTION 2 of the bill, in added Section 266.0041(b)(4), Family Code (Senate committee printing page 1, line 55), between "interest" and the period, insert "and determine that the enrollment and participation in the drug research program will not interfere with the appropriate medical care of the foster child".

(3) In SECTION 2 of the bill, in added Section 266.0041(f), Family Code (Senate committee printing page 2, line 36), between "advocate," and "except" insert "including a physician or nurse or an attorney who has experience in medical and health care,".

The amendment to **CSSB 450** was read and was adopted by a viva voce vote.

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

Absent-excused: Gallegos.

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

CSSB 450 as amended was passed to engrossment by a viva voce vote.

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

Absent-excused: Gallegos.

**COMMITTEE SUBSTITUTE
SENATE BILL 450 ON THIRD READING**

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 450** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Wentworth.

Absent-excused: Gallegos.

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 450**, 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 450** 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 0.

Absent-excused: Gallegos.

COMMITTEE SUBSTITUTE
SENATE BILL 943 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 943** at this time on its second reading:

CSSB 943, Relating to the licensing and regulation of wholesale distributors of prescription drugs; providing penalties.

The bill was read second time.

Senator Janek offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 943** (committee printing) as follows:

(1) In SECTION 1 of the bill, strike the recital (page 1, lines 13 through 16) and substitute the following:

Section 431.401, Health and Safety Code, is amended by amending Subdivisions (3), (5), and (11) and adding Subdivisions (3-a), (3-b), (4-a), (4-b), (10-a), and (12) to read as follows:

(3) "Pharmacy [~~Chain-pharmacy~~] warehouse" means a location for which a person holds a wholesale drug distribution license under this subchapter, that serves [~~primarily~~] as a central warehouse for drugs or devices, and from which intracompany sales or transfers of drugs or devices are made to a group of pharmacies under common ownership and control.

(2) In SECTION 1 of the bill, in proposed Paragraphs (B) and (C), Subdivision (3-b), Section 431.401, Health and Safety Code (page 1, lines 31 and 33), strike "chain" each place it occurs.

(3) In SECTION 1 of the bill, in proposed Subdivision (4-a), Section 431.401, Health and Safety Code (page 1, line 42), insert the following after the period:

The term does not include a pharmacist engaged in compounding that is done within the practice of pharmacy and pursuant to a prescription drug order or initiative from a practitioner for a patient or prepackaging that is done in accordance with Section 562.154, Occupations Code.

(4) In SECTION 1 of the bill, strike amended Subdivision (5), Section 431.401, Health and Safety Code (page 1, line 52, through page 2, line 17), and substitute the following:

(5) "Normal distribution channel [~~chain~~]" means a chain of custody for a prescription drug, either directly or by drop shipment, from the manufacturer of the prescription drug, the manufacturer to the manufacturer's co-licensed product partner, the manufacturer to the manufacturer's third-party logistics provider, or the manufacturer to the manufacturer's exclusive distributor, to:

(A) [~~a manufacturer to an authorized distributor of record or to a wholesale distributor licensed under this subchapter to~~] a pharmacy [~~or practitioner~~] to:

(i) a patient; or

(ii) another designated person authorized by law to dispense or administer the drug to a patient;

(B) an authorized distributor of record to:

(i) a pharmacy to a patient; or

(ii) another designated person authorized by law to dispense or administer the drug to a patient;

(C) [~~a manufacturer to~~] an authorized distributor of record to a pharmacy warehouse to the pharmacy warehouse's intracompany pharmacy or another designated person authorized by law to dispense or administer the drug [~~one other authorized distributor of record to a pharmacy or practitioner~~] to a patient; [~~or~~]

(D) [(C) a manufacturer to an authorized distributor of record to] a [~~chain~~] pharmacy warehouse to the pharmacy warehouse's intracompany pharmacy or another designated person authorized by law to dispense or administer the drug [~~a pharmacy or practitioner~~] to a patient; or

(E) a person authorized by law to prescribe a prescription drug that by law may be administered only under the supervision of the prescriber.

(5) In SECTION 1 of the bill, strike amended Paragraph (A), Subdivision (11), Section 431.401, Health and Safety Code (page 2, lines 33 through 38), and substitute the following:

(A) intracompany sales of prescription drugs, which means transactions or transfers of prescription drugs between a division, subsidiary, parent, or affiliated or related company that is under common ownership and control, or any transaction or transfer between co-license holders of a co-licensed product [~~of a corporate entity~~];

(6) In SECTION 1 of the bill, in proposed Paragraph (J), Subdivision (11), Section 431.401, Health and Safety Code (page 3, line 6), strike "chain".

(7) In SECTION 1 of the bill, strike proposed Subdivision (12), Section 431.401, Health and Safety Code (page 3, lines 9 through 20), and substitute the following:

(12) "Wholesale distributor" means a person engaged in the wholesale distribution of prescription drugs, including a manufacturer, repackager, own-label distributor, private-label distributor, jobber, broker, manufacturer warehouse, distributor warehouse, or other warehouse, manufacturer's exclusive distributor, authorized distributor of record, drug wholesaler or distributor, independent wholesale drug trader, specialty wholesale distributor, third-party logistics provider, retail pharmacy that conducts wholesale distribution, and pharmacy warehouse that conducts wholesale distribution.

(8) In SECTION 3 of the bill, strike amended Subdivision (10), Subsection (b), Section 431.404, Health and Safety Code (page 4, lines 46 and 47), and substitute the following:

(10) a photograph of the person taken not earlier than 180 ~~[30]~~ days before the date the application was submitted.

(9) In SECTION 6 of the bill, strike proposed Subsection (a-1), Section 431.408, Health and Safety Code (page 5, lines 28 through 30), and substitute the following:

(a-1) A pharmacy warehouse that is not engaged in wholesale distribution is exempt from the bond requirement under Subsection (a).

(10) In SECTION 8 of the bill, strike proposed Section 431.4101, Health and Safety Code (page 5, lines 47 through 51), and substitute the following:

Sec. 431.4101. CONTINUING TRAINING. Designated representatives identified in Section 431.404(a)(5) shall successfully complete continuing training regarding applicable federal and state laws governing the wholesale distribution of prescription drugs as required by department rule.

(11) In SECTION 9 of the bill, strike the recital (page 5, lines 55 through 57), and substitute the following:

Section 431.411, Health and Safety Code, is amended by amending Subsection (a) and adding Subsections (a-1), (a-2), and (e) to read as follows:

(12) In SECTION 9 of the bill, in amended Subsection (a), Section 431.411, Health and Safety Code (page 5, lines 59 and 61), strike "chain" each place it occurs and substitute "~~chain~~".

(13) In SECTION 9 of the bill, strike proposed Subdivision (3), Subsection (a), Section 431.411, Health and Safety Code (page 6, lines 7 through 9), and substitute the following:

(3) the interpretations of that Act set out in the compliance policy guide of the United States Food and Drug Administration.

(14) In SECTION 9 of the bill, immediately following proposed Subsection (a-1), Section 431.411, Health and Safety Code (page 6, between lines 15 and 16), insert the following:

(a-2) Notwithstanding any provision of state or federal law to the contrary, a person that has not otherwise been required to obtain a wholesale license under this subchapter and that is a pharmacy engaging in the sale or transfer of expired, damaged, returned, or recalled prescription drugs to the originating wholesale distributor or manufacturer and pursuant to federal statute, rules, and regulations,

including the United States Food and Drug Administration's applicable guidances implementing the Prescription Drug Marketing Act of 1987 (Pub. L. No. 100-293), is exempt from wholesale licensure requirements under this subchapter.

(15) In SECTION 9 of the bill, in proposed Subsection (e), Section 431.411, Health and Safety Code (page 6, line 23), between "holder" and the underlined period, insert the following:

or the license holder's professional entity, as that term is defined by Section 301.003, Business Organizations Code. This subsection does not prohibit a pharmacy or pharmacy warehouse from receiving prescription drugs where the payment for the prescription drugs is processed through the pharmacy's or pharmacy warehouse's contractual wholesale distributor

(16) In SECTION 10 of the bill, in proposed Subsection (b-1), Section 431.412, Health and Safety Code (page 6, line 34), strike "chain".

(17) In SECTION 11 of the bill, strike proposed Subsection (e-1), Section 431.413, Health and Safety Code (page 7, lines 15 through 24), and substitute the following:

(e-1) If, after consulting with manufacturers, distributors, and pharmacies responsible for the sale and distribution of prescription drugs in this state, the department determines that electronic track and trace pedigree technology is universally available across the entire prescription pharmaceutical supply chain, the department shall establish a targeted implementation date for electronic track and trace pedigree technology. After the department has established a targeted implementation date, the department may revise the date. The targeted implementation date may not be earlier than July 1, 2010.

(18) In SECTION 14 of the bill, strike proposed Subsection (a), Section 431.417, Health and Safety Code (page 8, lines 42 through 44), and substitute the following:

(a) A person commits an offense if the person knowingly or with criminal negligence engages in the wholesale distribution of prescription drugs in violation of this subchapter.

The amendment to **CSSB 943** was read and was adopted by a viva voce vote.

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

Absent-excused: Gallegos.

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

CSSB 943 as amended was passed to engrossment by a viva voce vote.

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

Absent-excused: Gallegos.

**COMMITTEE SUBSTITUTE
SENATE BILL 943 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 943** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Wentworth.

Absent-excused: Gallegos.

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 943**, 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 943** 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 0.

Absent-excused: Gallegos.

**COMMITTEE SUBSTITUTE
SENATE BILL 1644 ON SECOND READING**

On motion of Senator Shapiro and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1644** at this time on its second reading:

CSSB 1644, Relating to the eligibility of certain teachers to serve on the State Board of Education and the board of directors of a regional education service center.

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

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

Absent-excused: Gallegos.

**COMMITTEE SUBSTITUTE
SENATE BILL 1644 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 **CSSB 1644** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Wentworth.

Absent-excused: Gallegos.

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 1644**, 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 1644** 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 0.

Absent-excused: Gallegos.

**COMMITTEE SUBSTITUTE
SENATE BILL 660 ON SECOND READING**

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 660** at this time on its second reading:

CSSB 660, Relating to the creation of an additional statutory county court in Travis 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 except as follows:

Absent-excused: Gallegos.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate a delegation representing National Donate Life Month.

The Senate welcomed its guests.

**COMMITTEE SUBSTITUTE
SENATE BILL 161 ON SECOND READING**

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 161** at this time on its second reading:

CSSB 161, Relating to intercollegiate athletics fees at institutions within the Texas State University System.

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 161** (Senate committee printing) in SECTION 1 of the bill, in added Subsection (d), Section 54.5381, Education Code (page 1, lines 30-31), by striking "by more than 10 percent" and substituting "to an amount that exceeds by 10 percent or more the total amount of the fee as last approved by a student vote under Subsection (b) or this subsection".

The amendment to **CSSB 161** was read and was adopted by a viva voce vote.

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

Absent-excused: Gallegos.

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

CSSB 161 as amended was passed to engrossment by a viva voce vote.

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

Absent-excused: Gallegos.

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate second-grade students from Barbara Jordan Elementary School in Austin, accompanied by their teachers.

The Senate welcomed its guests.

**COMMITTEE SUBSTITUTE
SENATE BILL 889 ON SECOND READING**

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 889** at this time on its second reading:

CSSB 889, Relating to the charges for certain public information maintained by a governmental body.

The bill was read second time.

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 889** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill, amended Section 552.261(a), Government Code (on page 1, line 20), strike "50" and substitute "100 [~~50~~]".

(2) In SECTION 1 of the bill, added Section 552.261(a-1), Government Code (on page 1, line 29), strike "50" and substitute "100".

(3) In SECTION 1 of the bill, added Section 552.261(a-1), Government Code (on page 1, line 36), between "expense" and "incurred", insert "actually".

(4) In SECTION 4 of the bill, added Section 552.2715, Government Code (on page 2, line 62), strike "50" and substitute "100".

(5) In SECTION 4 of the bill, added Section 552.2715, Government Code (on page 2, line 64), strike "50" and substitute "100".

(6) In SECTION 4 of the bill, added Section 552.2715, Government Code (on page 3, line 3), between "expense" and "incurred", insert "actually".

The amendment to **CSSB 889** was read and was adopted by a viva voce vote.

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

Absent-excused: Gallegos.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 889** as follows:

In SECTION 4 of the bill, in added Section 552.2715, Government Code (page 3, line 2) insert after the word "inspection":

, except that no charge may be made for making the responsive public information available for inspection if responsive paper records are wholly contained in one document, regardless of the number of pages contained in that document.

The amendment to **CSSB 889** 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 except as follows:

Absent-excused: Gallegos.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 889** as follows:

(4) In SECTION 4 of the bill, in Section 552.2715, Government Code, (page 3, line 5) insert the following sentence after the sentence ending in "information" and before the sentence beginning "This":

The amount of this charge relating to the cost of locating, compiling, and producing the public information shall be established by rules prescribed by the attorney general under Section 552.262(a) and (b).

The amendment to **CSSB 889** 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 except as follows:

Absent-excused: Gallegos.

Senator Shapleigh offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 889** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 552.264, Government Code, is amended to read as follows:

Sec. 552.264. COPY OF PUBLIC INFORMATION REQUESTED BY MEMBER OF LEGISLATURE. One copy of public information that is requested from a governmental body ~~[state agency]~~ by a member, agency, or committee of the legislature under Section 552.008 shall be provided without charge.

The amendment to **CSSB 889** 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 except as follows:

Absent-excused: Gallegos.

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

CSSB 889 as amended was passed to engrossment by a viva voce vote.

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

Absent-excused: Gallegos.

REMARKS ORDERED PRINTED

On motion of Senator Watson and by unanimous consent, the remarks regarding Floor Amendment No. 3 to **CSSB 889** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Watson: Thank you Mr. President. Members, to ensure that the charges permitted under this bill for locating, and the language of the bill says locating, compiling, and producing responsive documents, are not exorbitant charges, and to ensure that the charges are genuinely consistent from one governmental entity to another, I offer Floor Amendment No. 3 to the Committee Substitute to Senate Bill 889 that will allow the Attorney General to prescribe rules for administrative charges associated with locating, compiling, and producing information responsive to a public information request. And, for the purposes of legislative history, if I might ask, Senator Wentworth, we have talked about this and it's my understanding that your intent is that charges incurred by a government entity through an outside attorney's

review of documents are not a charge that would be associated with producing a responsive document and, therefore, not a charge that can be passed on to the requestor of the public information.

Senator Wentworth: That is correct, Senator Watson, that's my intent.

Senator Watson: Thank you, Senator.

Senator Wentworth: Yours, too, I think.

Senator Watson: Thank you. That is certainly one of my purposes for offering Amendment No. 3, to establish that costs charged by outside counsel for time spent reviewing documents for responsiveness to a Public Information Act request to a governmental entity who is a client are not to be costs associated with producing the document and, therefore, not eligible to be passed on to a requestor under this bill. Members, like my previous amendment, this amendment applies to the provisions related to Section 4 of the bill, pertaining to charges for making available documents responsive to a request. Mr. President, like my previous amendment, this amendment is acceptable to the author.

Senator Hinojosa: I'm a little bit confused, Senator Watson. I have an amendment here that talks about the Attorney General's office prescribing the rules under which charges will be made by the cities, is that the amendment you're discussing right now?

Senator Watson: Yes, it is.

Senator Hinojosa: Well how does it work right now? Who sets the parameters as to how to take care of and store a document, how much to charge?

Senator Watson: There is not a standard procedure and that's one of the reasons that, in working with Senator Wentworth on this bill, I wanted to make sure that there would be at least some continuity across the board on how governmental entities ought to calculate what they're going to charge for.

Senator Hinojosa: So the Attorney General's office would be the agency that would set this rule statewide as to how much to charge, how to store them, how to handle the situations?

Senator Watson: Not necessarily how much to charge, but how they would go about compiling and calculating those charges on the production, on the compilation, those sorts of things.

Senator Hinojosa: I just want to make sure that we're not taking away the authority or at least the responsibility from the cities to be able to, at least, control as to how they provide information to the public.

Senator Watson: No. I agree with you. And, Senator, what this amendment is intended to do is two things. One is to allow for standardization on how you go about charging for certain things and, second, to make clear that as part of the cost of producing, there will not be a charge for outside counsel who might be called in to review those and cause exorbitant fees for the public, the member of the public that's seeking those documents.

Senator Hinojosa: I got you. Thank you for the explanation.

Senator Watson: Thank you.

(President in Chair)**COMMITTEE SUBSTITUTE
SENATE BILL 1794 ON SECOND READING**

On motion of Senator Ogden and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1794** at this time on its second reading:

CSSB 1794, Relating to eligibility for an occupational driver's license.

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

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

Absent-excused: Gallegos.

**COMMITTEE SUBSTITUTE
SENATE BILL 1794 ON THIRD READING**

Senator Ogden moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1794** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Wentworth.

Absent-excused: Gallegos.

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 1794**, 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 1794** 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 0.

Absent-excused: Gallegos.

BILLS AND RESOLUTIONS SIGNED

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

SB 462, SB 505, SB 506, SB 670, SCR 15, SCR 31.

**COMMITTEE SUBSTITUTE
SENATE BILL 111 ON SECOND READING**

Senator Carona moved to suspend the regular order of business to take up for consideration **CSSB 111** at this time on its second reading:

CSSB 111, Relating to removal or reconstruction of certain outdoor advertising.

The motion prevailed by the following vote: Yeas 26, Nays 4.

Yeas: Averitt, Brimer, Carona, Deuell, Duncan, Ellis, Estes, Fraser, Hegar, Hinojosa, Jackson, Janek, Lucio, Nelson, Nichols, Ogden, Patrick, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Eltife, Harris, Seliger, Shapiro.

Absent-excused: Gallegos.

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

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

Nays: Eltife, Harris, Seliger, Shapiro.

Absent-excused: Gallegos.

**COMMITTEE SUBSTITUTE
SENATE BILL 111 ON THIRD READING**

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 111** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 5.

Yeas: Averitt, Brimer, Carona, Deuell, Duncan, Ellis, Estes, Fraser, Hegar, Hinojosa, Jackson, Janek, Lucio, Nelson, Nichols, Ogden, Patrick, Shapleigh, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Eltife, Harris, Seliger, Shapiro, Wentworth.

Absent-excused: Gallegos.

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 111**, 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 111** 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 26, Nays 4.

Yeas: Averitt, Brimer, Carona, Deuell, Duncan, Ellis, Estes, Fraser, Hegar, Hinojosa, Jackson, Janek, Lucio, Nelson, Nichols, Ogden, Patrick, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Eltife, Harris, Seliger, Shapiro.

Absent-excused: Gallegos.

COMMITTEE SUBSTITUTE SENATE BILL 10 ON SECOND READING

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 10** at this time on its second reading:

CSSB 10, Relating to the operation and financing of the medical assistance program and other programs to provide health care benefits and services to persons in this state.

The bill was read second time.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 10** (Senate committee printing) at the end of Section 531.0941, Government Code, as added by SECTION 1(a) of the bill (page 2, between lines 11 and 12), by inserting the following:

(c) If the commission implements a Medicaid health savings account pilot program under this section, the commission shall ensure that:

(1) participation in the pilot program is voluntary; and

(2) a recipient who participates in the pilot program may, at the recipient's option, discontinue participation in the program and resume receiving benefits and services under the traditional Medicaid delivery model.

The amendment to **CSSB 10** was read and was adopted by a viva voce vote.

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

Absent-excused: Gallegos.

Senator Uresti offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 10** (Senate committee printing) in SECTION 1(a) of the bill, in added Section 531.097, Government Code (page 2, between lines 67 and 68), by inserting the following:

(g-1) A tailored benefit package implemented under this section may not reduce the scope of benefits that were available under the Medicaid state plan immediately before September 1, 2007, to the category of Medicaid recipients to which the package applies.

The amendment to **CSSB 10** 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 except as follows:

Absent-excused: Gallegos.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 10** in SECTION 6 (committee printing, page 12, line 5) by inserting a new Subsection (o) to read as follows and renumbering subsequent subsections accordingly:

(o) The commission shall develop procedures which ensure that, prior to allowing an individual described by Subsection (e-1) to enroll in a group health benefit plan, or allowing the parent or caretaker of an individual described by Subsection (e-1) under the age of 21 to enroll that child in a group health benefit plan:

(1) the individual must receive counseling informing them that for the period in which the individual is enrolled in the group health benefit plan:

(A) the individual shall be limited to the health benefits coverage provided under the health benefit plan in which the individual is enrolled;

(B) the individual may not receive any benefits or services under the medical assistance program other than the premium payment as provided by Subsection (f-1);

(C) the individual shall pay the difference between the required premiums and the premium payment as provided by Subsection (f-1), and shall also pay all deductibles, co-payments, coinsurance, and other cost-sharing obligations imposed on the individual under the group health benefit plan; and

(D) the individual may, at the individual's option, resume receiving benefits and services under the medical assistance program instead of the group health benefit plan; and

(2) the individual must sign and the commission shall retain a copy of a waiver indicating the individual has provided informed consent.

LUCIO
HINOJOSA

The amendment to **CSSB 10** 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 except as follows:

Absent-excused: Gallegos.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 10** by adding SECTION ___ and renumbering all other SECTIONS accordingly:

SECTION ____ HEALTH AND HUMAN SERVICES TRANSITION
LEGISLATIVE OVERSIGHT COMMITTEE.

(a) The Health and Human Services Transition Legislative Oversight Committee is created to facilitate the reform efforts in Medicaid, the process of addressing the issues of uncompensated hospital care, and the establishment of programs addressing the uninsured;

(b) The committee is composed of 6 members, as follows:

(1) three members of the senate, appointed by the lieutenant governor not later than October 1, 2007;

(2) three members of the house of representatives, appointed by the speaker of the house of representatives not later than October 1, 2007.

(c) The executive commissioner of the Health and Human Services Commission serves as an ex officio member of the committee.

(d) A member of the committee serves at the pleasure of the appointing official.

(e) The lieutenant governor and the speaker of the house of representatives shall alternate designating a presiding officer from among their respective appointments. The lieutenant governor shall make the first appointment after the effective date of this Act.

(f) A member of the committee may not receive compensation for serving on the committee but is entitled to reimbursement for travel expenses incurred by the member while conducting the business of the committee as provided by the General Appropriations Act.

(g) The committee shall:

(1) facilitate the design and development of any Medicaid waivers needed to affect reform as directed by this Bill;

(2) facilitate the establishment of common definitions for uncompensated hospital care and any application of those definitions in the determination of policy that affects reimbursement for that care;

(3) facilitate a smooth transition from existing Medicaid payment systems and benefit designs to the new Model of Medicaid enabled by waiver or policy change by HHSC;

(4) meet at the call of the presiding officer;

(5) research, take public testimony, and issue reports on other appropriate issues or specific issues requested by the lieutenant governor, or speaker; and

(i) The committee may request reports and other information from the Health and Human Services Commission.

(j) The committee shall use existing staff of the senate, the house of representatives, and the Texas Legislative Council to assist the committee in performing its duties under this section.

(k) Chapter 551, Government Code, applies to the committee.

(l) The committee shall report to the lieutenant governor, and speaker of the house of representatives not later than November 15 of each even-numbered year. The report must include:

(1) identification of significant issues which impede the transition to a more effective Medicaid program;

(2) the measures of effectiveness associated with changes to the Medicaid program;

(3) the impact of Medicaid changes on safety net hospitals and other significant traditional providers;

(4) the impact on the uninsured in Texas.

LUCIO
HINOJOSA

The amendment to **CSSB 10** 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 except as follows:

Absent-excused: Gallegos.

Senator Uresti offered the following amendment to the bill:

Floor Amendment No. 5

Amend **CSSB 10** (Senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. (a) In this section:

(1) "Child health plan program" means the state child health plan program authorized by Chapter 62, Health and Safety Code.

(2) "Medicaid" means the medical assistance program provided under Chapter 32, Human Resources Code.

(b) The Health and Human Services Commission shall conduct a study of the feasibility of providing a health passport for:

(1) children under 19 years of age who are receiving Medicaid and are not provided a health passport under another law of this state; and

(2) children enrolled in the child health plan program.

(c) The feasibility study must:

(1) examine the cost-effectiveness of the use of a health passport in conjunction with the coordination of health care services under each program;

(2) identify any barriers to the implementation of the health passport developed for each program and recommend strategies for the removal of those barriers;

(3) examine whether the use of a health passport will improve the quality of care for children described in Subsection (b) of this section; and

(4) determine the fiscal impact to this state of the proposed initiative.

(d) Not later than January 1, 2009, the Health and Human Services Commission shall submit to the governor, lieutenant governor, speaker of the house of representatives, and presiding officers of each standing committee of the legislature with jurisdiction over the commission a written report containing the findings of the study and the commission's recommendations.

(e) This section expires September 1, 2009.

The amendment to **CSSB 10** 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 except as follows:

Absent-excused: Gallegos.

Senator Deuell offered the following amendment to the bill:

Floor Amendment No. 6

Amend **CSSB 10** (Senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.02192 to read as follows:

Sec. 531.02192. FEDERALLY QUALIFIED HEALTH CENTER AND RURAL HEALTH CLINIC SERVICES. (a) In this section:

(1) "Federally qualified health center" has the meaning assigned by 42 U.S.C. Section 1396d(1)(2)(B).

(2) "Federally qualified health center services" has the meaning assigned by 42 U.S.C. Section 1396d(1)(2)(A).

(3) "Rural health clinic" and "rural health clinic services" have the meanings assigned by 42 U.S.C. Section 1396d(1)(1).

(b) Notwithstanding any provision of this chapter, Chapter 32, Human Resources Code, or any other law, the commission may not provide Medicaid services to a recipient through a delivery model or by enrolling the recipient in a program, including a delivery model or program implemented under a waiver obtained under Section 1115 of the federal Social Security Act (42 U.S.C. Section 1315), unless under the delivery model or program:

(1) the recipient has access to federally qualified health center services or rural health clinic services; and

(2) payment for federally qualified health center services or rural health clinic services is in accordance with 42 U.S.C. Section 1396a(bb).

The amendment to **CSSB 10** 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 except as follows:

Absent-excused: Gallegos.

Senator Deuell offered the following amendment to the bill:

Floor Amendment No. 7

Amend **CSSB 10** by adding the following appropriately numbered section:

SECTION _____. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.02414 to read as follows:

Sec. 531.02414. BILLING COORDINATION SYSTEM. (a) The commission shall, on or before March 1, 2008, contract for the implementation of a billing coordination system that will, upon entry in the claims system, identify within 24 hours whether another entity has primary responsibility for paying the claim and submit the claim to the issuer the system determines is the primary payor.

(b) The executive commissioner shall adopt rules for the purpose of enabling the system to identify an entity with primary responsibility for paying a claim and establish reporting requirements for any entity that may have a contractual responsibility to pay for the types of services provided under the Medicaid program.

(c) An entity that holds a permit, license, or certificate of authority issued by a regulatory agency of the state must allow the contractor under subsection (a) access to databases to allow the contractor to carry out the purposes of this subchapter subject to the contractor's contract with the commission and rules adopted under this subchapter and is subject to an administrative penalty or other sanction as provided by the law applicable to the permit, license, or certificate of authority for a violation by the entity of a rule adopted under this subchapter.

(d) After June 1, 2008, no public funds shall be expended on entities not in compliance with this subchapter unless a memorandum of understanding is entered into between the entity and the commissioner.

(e) Information obtained under this subchapter is confidential. The agent may use the information only for the purposes authorized under this subchapter. A person commits an offense if the person knowingly uses information obtained under this subchapter for any purpose not authorized under this subchapter. An offense under this subsection is a Class B misdemeanor.

The amendment to **CSSB 10** 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 except as follows:

Absent-excused: Gallegos.

Senator Deuell offered the following amendment to the bill:

Floor Amendment No. 8

Amend **CSSB 10** (Senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.0214 to read as follows:

Sec. 32.0214. DESIGNATIONS OF PRIMARY CARE PHYSICIAN BY CERTAIN RECIPIENTS. (a) If the department determines that it is cost-effective and feasible and subject to Subsection (b), the department shall require each recipient of medical assistance to designate a primary care physician with whom the recipient will have a continuous, ongoing professional relationship and who will manage and coordinate all aspects of the recipient's health care.

(b) A recipient who receives medical assistance through a Medicaid managed care model or arrangement under Chapter 533, Government Code, that requires the designation of a primary care physician shall designate the recipient's primary care physician as required by that model or arrangement.

The amendment to **CSSB 10** 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 except as follows:

Absent-excused: Gallegos.

Senator Deuell offered the following amendment to the bill:

Floor Amendment No. 9

Amend **CSSB 10** (Senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Section 32.024, Human Resources Code, is amended by adding Subsection (ii) to read as follows:

(ii) In determining the family income, assets, and resources of a pregnant minor or the child of a minor for purposes of determining the eligibility of the pregnant minor or the child for medical assistance, the department shall include the income, assets, and resources of the minor's parent or parents if the minor and the minor's child, if applicable, reside with the minor's parent or parents. For purposes of this subsection, "minor" means a person who is under 18 years of age.

(b) Section 32.024(ii), Human Resources Code, as added by this section, applies only to a determination of eligibility of a person for medical assistance under Chapter 32, Human Resources Code, made on or after the effective date of this section. A determination of eligibility made before the effective date of this section is governed by the law in effect on the date the determination was made, and the former law is continued in effect for that purpose.

The amendment to **CSSB 10** was read.

Senator Deuell withdrew Floor Amendment No. 9.

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

CSSB 10 as amended was passed to engrossment by a viva voce vote.

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

Absent-excused: Gallegos.

**COMMITTEE SUBSTITUTE
SENATE BILL 10 ON THIRD READING**

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 10** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Wentworth.

Absent-excused: Gallegos.

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 10**, 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 10** 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 0.

Absent-excused: Gallegos.

REMARKS ORDERED PRINTED

On motion of Senator Hinojosa and by unanimous consent, the following exchange between Senators Nelson and Hinojosa regarding **CSSB 10** was ordered reduced to writing and printed in the *Senate Journal*:

Senator Hinojosa: Cameron, Hidalgo, and Maverick counties are protected by statute against the use of health maintenance organizations to deliver medical assistance under Medicaid?

Senator Nelson: Yes.

Senator Hinojosa: In other words, by law Medicaid managed care using HMOs is prohibited in these counties to protect patient access and vulnerable populations?

Senator Nelson: Yes.

Senator Hinojosa: Would you agree the waiver authority granted HHSC in **CSSB 10** does not in any way allow the state to implement or override this statutory prohibition against HMOs in these counties?

Senator Nelson: Yes.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
April 17, 2007

TO THE SENATE OF THE EIGHTIETH 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 Medical Board for terms to expire April 13, 2013:

Timothy Webb
Houston, Texas

(replacing Ed Miles of San Antonio whose term expired)

Margaret Carter McNeese, M.D.
Houston, Texas

(reappointment)

Michael Arambula, M.D., Pharm.D.
San Antonio, Texas

(reappointment)

Charles Edward Oswald III, M.D.
Waco, Texas

(reappointment)

Melinda C. McMichael, M.D.
Austin, Texas

(replacing John Pate of El Paso whose term expired)

Patricia S. Blackwell
Midland, Texas

(reappointment)

To be members of the One Call Board for terms to expire August 31, 2009:

John A. Menchaca II
Austin, Texas

(replacing Trisha Pollard of Bellaire whose term expired)

Billy Ray Daugette, Jr.
Huntsville, Texas

(replacing Leopoldo Cervantes of San Antonio whose term expired)

Dean D. Bernal
Austin, Texas

(replacing Howard Pebley of McAllen whose term expired)

To be members of the Texas State Board of Plumbing Examiners for terms to expire September 5, 2011:

Ricardo Jose Guerra

Austin, Texas

(replacing Min Chu of Houston whose term expired)

Carol Lynne McLemore

La Marque, Texas

(reappointment)

Enrique Castro

El Paso, Texas

(replacing Michael Thamm of Cuero whose term expired)

Respectfully submitted,

/s/Rick Perry

Governor

PERMISSION TO INTRODUCE BILLS

On motion of Senator Whitmire and by unanimous consent, Senate Rule 7.07(b) was suspended to permit the introduction of the following bills:

SB 920, SB 2019, SB 2023, SB 2025, SB 2027, SB 2028, SB 2030.

COMMITTEE SUBSTITUTE SENATE BILL 1604 ON SECOND READING

Senator Duncan moved to suspend the regular order of business to take up for consideration **CSSB 1604** at this time on its second reading:

CSSB 1604, Relating to responsibilities of certain state agencies concerning radioactive substances; imposing fees and surcharges; providing administrative and civil penalties.

The motion prevailed.

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

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

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

Nays: Hinojosa.

Absent-excused: Gallegos.

COMMITTEE SUBSTITUTE SENATE BILL 1604 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 1604** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Averitt, Brimer, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Harris, Hegar, Jackson, Janek, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Hinojosa, Wentworth.

Absent-excused: Gallegos.

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 1604**, 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 1604** 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 1.

Nays: Hinojosa.

Absent-excused: Gallegos.

(Senator Brimer in Chair)

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

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

SENATE RULES SUSPENDED (Posting Rules)

On motion of Senator Whitmire, on behalf of Senator Ellis, and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Government Organization might meet and consider the following bills and resolution today: **SB 903, SB 1908, HB 374, HB 385, HCR 6.**

**SENATE RULE 11.13 SUSPENDED
(Consideration of Bills in Committees)**

On motion of Senator Van de Putte and by unanimous consent, Senate Rule 11.13 was suspended to grant all committees permission to meet while the Senate was meeting today.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 1:51 p.m. agreed to adjourn, in memory of F. B. "Buddy" Sexton of Lubbock, upon completion of the introduction of bills and resolutions on first reading, until 11:00 a.m. tomorrow.

SENATE BILLS ON FIRST READING

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

SB 920 by Patrick

Relating to informed consent to an abortion.

To Committee on Health and Human Services.

SB 2019 by Uresti

Relating to the regulation of certain water wells by the Presidio County Underground Water Conservation District.

To Committee on Natural Resources.

SB 2020 by Seliger

Relating to the creation of the Randall County Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

To Committee on Intergovernmental Relations.

SB 2021 by Wentworth

Relating to the creation of the Southern Travis Special Utility District; providing authority to issue bonds; granting the power of eminent domain.

To Committee on Intergovernmental Relations.

SB 2022 by Williams

Relating to the administration, powers, including taxing powers and the authority to issue bonds, boundaries, operations, financing, and dissolution of the Town Center Improvement District of Montgomery County, Texas.

To Committee on Intergovernmental Relations.

SB 2023 by Nichols

Relating to the composition and terms of office of the board of directors of the Sabine County Hospital District.

To Committee on Intergovernmental Relations.

SB 2024 by Shapleigh

Relating to the creation of additional county criminal courts at law in El Paso County.

To Committee on Jurisprudence.

SB 2025 by Averitt

Relating to the appointment of magistrates in McLennan County.
To Committee on Jurisprudence.

SB 2026 by Wentworth

Relating to the creation of the True Ranch Municipal Utility District No. 1.
To Committee on Intergovernmental Relations.

SB 2028 by Hinojosa

Relating to the appointment and duties of criminal magistrates for certain courts in Nueces County.
To Committee on Jurisprudence.

SB 2029 by Zaffirini

Relating to the election of directors of the San Patricio County Groundwater Conservation District and to the validation of certain acts of the district.
To Committee on Natural Resources.

SB 2030 by Wentworth

Relating to an additional filing fee for civil cases filed in Hays County.
To Committee on Jurisprudence.

HOUSE BILLS AND RESOLUTION ON FIRST READING

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

HB 27 to Committee on State Affairs.

HB 41 to Committee on State Affairs.

HB 44 to Committee on Criminal Justice.

HB 66 to Committee on Government Organization.

HB 71 to Committee on Transportation and Homeland Security.

HB 86 to Subcommittee on Higher Education.

HB 158 to Committee on State Affairs.

HB 184 to Committee on Criminal Justice.

HB 282 to Committee on Criminal Justice.

HB 309 to Committee on Criminal Justice.

HB 320 to Committee on Transportation and Homeland Security.

HB 356 to Committee on Finance.

HB 387 to Committee on Government Organization.

HB 442 to Committee on Criminal Justice.

HB 463 to Committee on Business and Commerce.

HB 492 to Committee on Intergovernmental Relations.

HB 495 to Committee on Criminal Justice.

HB 518 to Committee on Health and Human Services.

HB 534 to Subcommittee on Higher Education.

HB 550 to Committee on Business and Commerce.

HB 576 to Committee on Natural Resources.

HB 629 to Committee on State Affairs.

HB 630 to Committee on Natural Resources.

HB 713 to Committee on Natural Resources.

HB 741 to Subcommittee on Higher Education.
HB 762 to Committee on Jurisprudence.
HB 770 to Committee on State Affairs.
HB 862 to Committee on State Affairs.
HB 873 to Committee on Intergovernmental Relations.
HB 902 to Subcommittee on Higher Education.
HB 973 to Committee on State Affairs.
HB 1000 to Committee on Finance.
HB 1023 to Committee on Government Organization.
HB 1043 to Committee on Education.
HB 1049 to Committee on Transportation and Homeland Security.
HB 1059 to Committee on Health and Human Services.
HB 1067 to Committee on Intergovernmental Relations.
HB 1070 to Committee on Business and Commerce.
HB 1071 to Committee on State Affairs.
HB 1127 to Committee on Natural Resources.
HB 1129 to Committee on Criminal Justice.
HB 1157 to Subcommittee on Higher Education.
HB 1179 to Committee on State Affairs.
HB 1187 to Subcommittee on Higher Education.
HB 1200 to Committee on State Affairs.
HB 1214 to Committee on Business and Commerce.
HB 1251 to Committee on Intergovernmental Relations.
HB 1260 to Committee on Veteran Affairs and Military Installations.
HB 1279 to Committee on Transportation and Homeland Security.
HB 1308 to Committee on Natural Resources.
HB 1310 to Subcommittee on Agriculture, Rural Affairs, and Coastal Resources.
HB 1316 to Committee on Business and Commerce.
HB 1344 to Committee on Business and Commerce.
HB 1392 to Committee on Business and Commerce.
HB 1401 to Committee on Intergovernmental Relations.
HB 1416 to Committee on Veteran Affairs and Military Installations.
HB 1453 to Committee on Criminal Justice.
HB 1530 to Committee on Business and Commerce.
HB 1628 to Committee on Jurisprudence.
HB 1634 to Committee on Finance.
HB 1669 to Committee on Intergovernmental Relations.
HB 1716 to Committee on Business and Commerce.
HB 1720 to Committee on Intergovernmental Relations.
HB 1741 to Committee on Business and Commerce.
HB 1781 to Committee on Transportation and Homeland Security.
HB 1784 to Committee on Intergovernmental Relations.
HB 1788 to Committee on Government Organization.
HB 1789 to Committee on Government Organization.
HB 1798 to Committee on Transportation and Homeland Security.
HB 1840 to Committee on Transportation and Homeland Security.

HB 1850 to Committee on Intergovernmental Relations.
HB 1952 to Subcommittee on Emerging Technologies and Economic Development.
HB 1956 to Committee on Natural Resources.
HB 1972 to Committee on Jurisprudence.
HB 2007 to Committee on Business and Commerce.
HB 2054 to Committee on Government Organization.
HB 2075 to Committee on Transportation and Homeland Security.
HB 2076 to Committee on Transportation and Homeland Security.
HB 2087 to Committee on Intergovernmental Relations.
HB 2090 to Committee on Intergovernmental Relations.
HB 2094 to Committee on Transportation and Homeland Security.
HB 2105 to Committee on Veteran Affairs and Military Installations.
HB 2127 to Committee on Transportation and Homeland Security.
HB 2130 to Committee on Veteran Affairs and Military Installations.
HB 2188 to Committee on State Affairs.
HB 2212 to Committee on International Relations and Trade.
HB 2219 to Committee on State Affairs.
HB 2231 to Committee on Natural Resources.
HB 2261 to Committee on Business and Commerce.
HB 2281 to Committee on Intergovernmental Relations.
HB 2345 to Committee on Natural Resources.
HB 2438 to Committee on Intergovernmental Relations.
HB 2451 to Committee on State Affairs.
HB 2468 to Committee on State Affairs.
HB 2489 to Committee on State Affairs.
HB 2492 to Committee on State Affairs.
HB 2518 to Committee on Natural Resources.
HB 2600 to Committee on Transportation and Homeland Security.
HB 2611 to Committee on Criminal Justice.
HB 2683 to Committee on Health and Human Services.
HB 2685 to Committee on Health and Human Services.
HB 2766 to Committee on Jurisprudence.
HB 2769 to Subcommittee on Agriculture, Rural Affairs, and Coastal Resources.
HB 2819 to Subcommittee on Agriculture, Rural Affairs, and Coastal Resources.
HB 2839 to Committee on State Affairs.
HB 2967 to Committee on Jurisprudence.
HB 3005 to Committee on Business and Commerce.
HB 3166 to Committee on Administration.
HB 3167 to Committee on Administration.
HCR 125 to Committee on Transportation and Homeland Security.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 710 by Nichols, In memory of Sergeant Ryan Patrick Green of Conroe.

SR 716 by Ellis, In memory of Ruth Zises.

SR 759 by Lucio, In memory of Sean Michael DuBose.

SR 760 by Lucio, In memory of Ophelia Haywood of Brownsville.

Congratulatory Resolutions

SR 711 by Van de Putte, Commending Buckner Fanning for his service to the San Antonio community.

SR 712 by Van de Putte, Commending Sister Michele O'Brien for her service to the San Antonio community.

SR 714 by Wentworth, Recognizing the Texas A&M University Rebel-E Main Men on the occasion of the Seventh Annual Main Men Sensitivity Training.

SR 717 by Ellis, Recognizing Krystal Austin for her work in the office of Representative David Farabee.

SR 718 by Ellis, Recognizing Keshia Babin for her work in the office of Representative Scott Hochberg.

SR 719 by Ellis, Recognizing Yasmeen Belal for her work in the office of Representative Vicki Truitt.

SR 720 by Ellis, Recognizing Harold Boone, Jr., for his work in the office of Representative Ana Hernandez.

SR 721 by Ellis, Recognizing Cynthia D. Brum for her work in the office of Representative Allan Ritter.

SR 722 by Ellis, Recognizing Elizabeth Choate for her work in the office of Representative Garnet Coleman.

SR 723 by Ellis, Recognizing Michael Floissac for his work in the office of Representative Jessica Farrar.

SR 724 by Ellis, Recognizing Martie Garcia for her work in the office of Senator Rodney Ellis.

SR 725 by Ellis, Recognizing Stefani Garcia for her work in the office of Representative Veronica Gonzales.

SR 726 by Ellis, Recognizing Karen Gilbert for her work in the office of Representative Joe Heflin.

SR 727 by Ellis, Recognizing Tariq Gladney for his work in the office of Senator John Whitmire.

SR 728 by Ellis, Recognizing DaeJan-Elizabeth Grigsby for her work in the office of Representative Alma Allen.

SR 729 by Ellis, Recognizing Rashandra Hayes for her work in the office of Representative Mark Strama.

SR 730 by Ellis, Recognizing Andrea Hochleutner for her work in the office of Representative Marc Veasey.

- SR 731** by Ellis, Recognizing Iman Houston for her work in the office of Senator Rodney Ellis.
- SR 732** by Ellis, Recognizing Namitha Jacob for her work in the office of Representative Chuck Hopson.
- SR 733** by Ellis, Recognizing Lockett Johnson for his work in the office of Senator Eliot Shapleigh.
- SR 734** by Ellis, Recognizing Nikeyla Johnson for her work in the office of Representative Juan Garcia.
- SR 735** by Ellis, Recognizing James C. Lacey for his work in the office of Representative Senfronia Thompson.
- SR 736** by Ellis, Recognizing Brooke Lierman for her work in the office of Senator Rodney Ellis.
- SR 737** by Ellis, Recognizing Allen McClinton for his work in the office of Representative Rick Noriega.
- SR 738** by Ellis, Recognizing Kaitlyn Murphy for her work for the Senate Committee on Government Organization.
- SR 739** by Ellis, Recognizing Janine Burman Nicolau for her work in the office of Representative Helen Giddings.
- SR 740** by Ellis, Recognizing Lesley Nelson for her work in the office of Representative Solomon Ortiz, Jr.
- SR 741** by Ellis, Recognizing Jennifer Nguyen for her work in the office of Representative Valinda Bolton.
- SR 742** by Ellis, Recognizing Edwin Ortiz for his work for the Senate Subcommittee on Higher Education.
- SR 743** by Ellis, Recognizing Angela Owens for her work in the office of Representative Jose Menendez.
- SR 744** by Ellis, Recognizing Ronnie Piper for his work in the office of Representative Borris Miles.
- SR 745** by Ellis, Recognizing Kimberly Player for her work in the office of Representative Hubert Vo.
- SR 746** by Ellis, Recognizing Marvin Poole for his work in the office of Representative Todd Smith.
- SR 747** by Ellis, Recognizing Simeon G. Popoff for his work in the office of Representative Dawna Dukes.
- SR 748** by Ellis, Recognizing Heather Ragsdale for her work in the office of Representative Yvonne Gonzalez Toureilles.
- SR 749** by Ellis, Recognizing Nindiya Ramchandani for her work in the office of Senator Rodney Ellis.

SR 750 by Ellis, Recognizing Tony Rodriques for his work in the office of Representative Craig Eiland.

SR 751 by Ellis, Recognizing Phillip Song for his work in the office of Representative Ellen Cohen.

SR 752 by Ellis, Recognizing Larry Taylor for his work in the office of Speaker of the House Tom Craddick.

SR 753 by Ellis, Recognizing Sharita Thomas for her work in the office of Representative Rafael Anchia.

SR 754 by Ellis, Recognizing Chidi Umez for her work in the office of Representative Yvonne Davis.

SR 755 by Ellis, Recognizing Elaine Yeung for her work in the office of Senator Rodney Ellis.

SR 756 by Whitmire, Recognizing Michael Foy "John" Day on the occasion of his retirement from the United States Navy.

SR 757 by Lucio, Recognizing Alfredo C. Zamora on the occasion of his 74th birthday.

SR 758 by Lucio, Commending the Brownsville community for hosting an annual Relay For Life.

SR 761 by Lucio, Recognizing Arturo Guajardo on the occasion of his retirement from the Pharr-San Juan-Alamo Independent School District.

SR 762 by Watson, Recognizing Debra Kretzschmar on the occasion of her retirement from the Office of the Comptroller of Public Accounts.

HCR 180 (Wentworth), Honoring the life of James Harold Doolittle and recognizing his military aviation achievements.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 2:34 p.m. adjourned, in memory of F. B. "Buddy" Sexton of Lubbock, until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

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

April 17, 2007

HEALTH AND HUMAN SERVICES — **CSHB 1676, CSSB 308, CSSB 1318, SB 1500, CSSB 1682, CSSB 1865, CSSB 1870**

STATE AFFAIRS — **CSSB 23, CSSB 749**

EDUCATION — **SB 840**

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — **CSSB 518**

NATURAL RESOURCES — **CSSB 1461**

ADMINISTRATION — **SB 246, SB 537**

CRIMINAL JUSTICE — **CSHB 76, CSSB 120, CSSB 838, CSSB 1740**

NATURAL RESOURCES — **CSSB 1459**

CRIMINAL JUSTICE — **CSSB 103, CSSB 1198**

ADMINISTRATION — **CSSB 1732**

In Memory
of
F. B. "Buddy" Sexton
Senate Resolution 713

WHEREAS, The Senate of the State of Texas joins the citizens of Lubbock in mourning the loss of F.B. "Buddy" Sexton, who died December 30, 2006, at the age of 70; and

WHEREAS, Buddy Sexton was born November 4, 1936, in Sylvester to Finnis Booth and Vera Lawlis Sexton; he grew up in Slaton and graduated from Slaton High School, where he was elected student body president and Western Day King; and

WHEREAS, Mr. Sexton attended John Tarleton Junior College and then West Texas State University, where he received his United States Army commission and earned the title of Distinguished Military Graduate in 1960; he later went on to earn a master's degree in education at Texas Tech University; he married his college sweetheart, Mary Ivan Gressett, on September 13, 1958; and

WHEREAS, Mr. Sexton proudly served in the United States Army and achieved the rank of captain; following his military career, he had a long and productive career in the field of education as a teacher and a principal; toward the end of his 31-year career, he served as a principal at Ballinger School and Stubbs Elementary School in Lubbock; and

WHEREAS, Mr. Sexton was an avid collector of such diverse items as coins, radios, antique cars, and tractors; he loved to travel with friends and family and especially enjoyed attending his children's and grandchildren's activities; and

WHEREAS, Active in civic and professional affairs, he was a lifetime member of the Texas Elementary Principals and Supervisors Association, and he belonged to the Slaton Railroad Heritage Committee and the Texas Retired Teachers Association; he was a member of the United Methodist Church and a former member of the Lions Club; and

WHEREAS, A man of courage, strength, and kindness, he gave generously to others, and his wisdom, warmth, and good humor will not be forgotten by those who knew him; and

WHEREAS, He was a devoted husband, father, and grandfather, and he will long be remembered with affection and admiration by all who were privileged to share in his life; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby extend sincere condolences to the bereaved family of F.B. "Buddy" Sexton: his wife, Mary Sexton; his sons and daughter-in-law, Brad Sexton

and Blaine and Syd Sexton; his daughter and son-in-law, Sheila and Rick Jones; his sister, Joyce; and his four grandchildren and two step-grandchildren; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the members of his family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of F.B. Sexton.

DUNCAN