

SENATE JOURNAL

EIGHTIETH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FORTY-SIXTH DAY

(Monday, April 23, 2007)

The Senate met at 1:42 p.m. pursuant to adjournment and was called to order by the President.

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

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

The Reverend Clay Spears, Greater New Faith Church, Wallis, offered the invocation as follows:

Father God, we want to thank You for Your grace and mercy. Father God, we stand before You today in the presence of Lieutenant Governor David Dewhurst, House, Senate, clergyman, and the entire administrative staff, to offer up this petition of prayer that You would find favor with them in carrying out their assignments. God, bless Governor Perry to make sound judgments and decisions on behalf of the people in the State of Texas and that the House and Senate would work together in harmony. We ask in the name of Jesus that You would bless the works of this administration by passing legislative laws that will better mankind. Bless their stand on economic—more jobs, education—welfare of the children, trained teachers, and health issues. Bless the President, military, and, most of all, the nation. Bless the national leaders so that they will bring about peace, love, and serenity. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of Thursday, April 19, 2007, be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

CO-AUTHOR OF SENATE BILL 114

On motion of Senator Van de Putte, Senator West will be shown as Co-author of **SB 114**.

CO-AUTHOR OF SENATE BILL 553

On motion of Senator Shapleigh, Senator West will be shown as Co-author of **SB 553.**

CO-AUTHOR OF SENATE BILL 556

On motion of Senator Lucio, Senator Van de Putte will be shown as Co-author of **SB 556.**

CO-AUTHOR OF SENATE BILL 714

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

CO-AUTHOR OF SENATE BILL 840

On motion of Senator Lucio, Senator Hinojosa will be shown as Co-author of **SB 840.**

CO-AUTHOR OF SENATE BILL 1090

On motion of Senator Duncan, Senator Shapleigh will be shown as Co-author of **SB 1090.**

CO-AUTHOR OF SENATE BILL 1146

On motion of Senator Shapiro, Senator Van de Putte will be shown as Co-author of **SB 1146.**

CO-AUTHOR OF SENATE BILL 1464

On motion of Senator Janek, Senator Harris will be shown as Co-author of **SB 1464.**

CO-AUTHOR OF SENATE BILL 1658

On motion of Senator Nichols, Senator Patrick will be shown as Co-author of **SB 1658.**

CO-AUTHOR OF SENATE BILL 1700

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

CO-AUTHORS OF SENATE BILL 1812

On motion of Senator Duncan, Senators Carona and Watson will be shown as Co-authors of **SB 1812.**

CO-AUTHOR OF SENATE BILL 1855

On motion of Senator Gallegos, Senator Ellis will be shown as Co-author of **SB 1855.**

CO-AUTHOR OF SENATE BILL 1879

On motion of Senator Williams, Senator Van de Putte will be shown as Co-author of **SB 1879.**

CO-AUTHORS OF SENATE BILL 1924

On motion of Senator Gallegos, Senators Ellis and Hinojosa will be shown as Co-authors of **SB 1924**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 56

On motion of Senator Williams, Senator Nelson will be shown as Co-author of **SJR 56**.

CO-AUTHORS OF SENATE CONCURRENT RESOLUTION 49

On motion of Senator Ellis, Senators Gallegos and Wentworth will be shown as Co-authors of **SCR 49**.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

April 23, 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:

HB 56, Relating to the operation of crematory establishments by commercial embalming establishments.

HB 100, Relating to the fee charged for the Texas Airport Directory.

HB 120, Relating to state funding and tuition charged for courses provided during off-peak hours at certain public institutions of higher education.

HB 210, Relating to the designation of a portion of Interstate Highway 20 as the Ronald Reagan Memorial Highway.

HB 264, Relating to the procedure for rendering certain property for ad valorem taxation if the information contained in the most recently filed rendition statement continues to be accurate.

HB 371, Relating to a study regarding the conversion of certain Class C misdemeanors to civil infractions.

HB 447, Relating to contracts by governmental entities and related professional services and to public works performance and payment bonds.

HB 488, Relating to disciplinary action by the Commission on Law Enforcement Officer Standards and Education against certain officers elected under the Texas Constitution.

HB 563, Relating to municipal and county eligibility for federal grants related to commercial motor vehicle safety.

HB 588, Relating to evidence of motor vehicle financial responsibility; providing a penalty.

HB 730, Relating to the notice of a municipality's or county's intention to issue certificates of obligation.

HB 818, Relating to the creation of an additional judicial district in Collin County.

HB 892, Relating to the timely deposit of, and depositories for, certain county funds and registry funds.

HB 948, Relating to requirements for labeling certain drugs.

HB 991, Relating to the confidentiality of certain records maintained by the Department of Public Safety regarding persons licensed to carry a concealed handgun.

HB 1052, Relating to requiring warning signs before intersections at which a municipality uses a photographic traffic monitoring system to enforce compliance with a traffic-control signal.

HB 1056, Relating to creation of a minimum data set for the collection of information on health professionals by the statewide health coordinating council.

HB 1110, Relating to the use by an active peace officer of the officer's rank or status to advertise or promote certain private businesses.

HB 1216, Relating to the authority of certain counties to impose a county hotel occupancy tax and to the use of the tax.

HB 1244, Relating to contributions to, benefits from, and the administration of the Texas Municipal Retirement System.

HB 1303, Relating to the manner of providing notice of a petition or order for the expunction or nondisclosure of certain criminal records.

HB 1420, Relating to the removal of property from county roads by certain counties.

HB 1459, Relating to the application of the sales and use tax to certain telecommunications services provided through the use of a pay phone.

HB 1471, Relating to resource sharing among certain political subdivisions, including regional planning commissions, during a disaster.

HB 1522, Relating to parking a commercial motor vehicle on certain streets.

HB 1590, Relating to lapse rates in the computation of reserves for certain life insurance contracts.

HB 1652, Relating to the provision of forms for personal financial statements filed with the Texas Ethics Commission.

HB 1694, Relating to the boundaries of the Airline Improvement District in Harris County.

HB 1739, Relating to electronic submission of certain information on a death certificate.

HB 1768, Relating to the hours worked during a week by police officers in certain municipalities.

HB 1844, Relating to the administration of certain tests to home-schooled students by school districts.

HB 1853, Relating to exempting certain state agencies from certain laws relating to real property transactions.

HB 1929, Relating to the comptroller's electronic funds transfer system and the use of electronic paycards.

HB 1930, Relating to gifts and grants for financing or assisting the operation of the office of county attorney in Brown County.

HB 2066, Relating to the accessibility of initial training and continuing education for constables.

HB 2174, Relating to excluding the transportation of gas to and from a liquefied natural gas marine terminal from being considered a gas utility.

HB 2176, Relating to a parenting and paternity awareness component of the high school health curriculum.

HB 2233, Relating to information technology security practices of state agencies.

HB 2267, Relating to the suspension of sentence and deferral of final disposition in certain misdemeanor cases.

HB 2328, Relating to the offenses of cruelty to livestock and nonlivestock animals.

HB 2398, Relating to the issuance of specialty license plates to immediate family members of a person who dies while serving in the United States armed forces.

HB 2406, Relating to the powers and duties of the Gainesville Hospital District.

HB 2426, Relating to the regulation of the practice of nursing and the renaming of the Board of Nurse Examiners as the Texas Board of Nursing.

HB 2484, Relating to the funds allocation advisory committee of the Texas Commission on Fire Protection.

HB 2503, Relating to a technology literacy assessment instrument to be administered to certain public school students.

HB 2514, Relating to the creation of an arts and entertainment district by a populous municipality.

HB 2590, Relating to requirements regarding motor vehicle retail installment transactions.

HB 2708, Relating to the nature of certain promotional event prize programs.

HB 2727, Relating to storage of certain imported alcoholic beverages.

HB 2840, Relating to the requirements for a petition seeking an election to abolish a municipality's corporate existence.

HB 2931, Relating to required notice of and a lien resulting from damage to a fence.

HB 3089, Relating to the definition of a roadway in connection with the prohibition against solicitation by a pedestrian.

HB 3189, Relating to the notice of the public hearings to be held on a proposal to increase the total ad valorem tax revenues of a taxing unit.

HB 3191, Relating to the exemption from ad valorem taxation of certain property used to provide low-income housing.

HB 3193, Relating to the circumstances under which an appraisal review board hearing shall be closed to the public.

HB 3295, Relating to the DNA samples taken from certain offenders.

HB 3392, Relating to member contributions and to the resumption of employment by certain retirees within the Texas Municipal Retirement System.

HB 3437, Relating to an optional fee on registration of a vehicle in certain counties to fund transportation projects.

HB 3614, Relating to the election, powers, and duties of the members of the board of directors of the Midland County Hospital District.

HB 3718, Relating to terms of directors of a regional mobility authority.

HB 3787, Relating to a probate fee exemption for estates of members of the armed forces of the United States who died while serving in a combat zone.

HB 3972, Relating to a bailiff to serve the 115th District Court in Upshur County.

HCR 70, Authorizing the lieutenant governor and speaker to appoint interim joint committees.

HJR 54, Proposing a constitutional amendment authorizing the legislature to exempt from ad valorem taxation one motor vehicle owned by an individual and used in the course of the owner's occupation or profession and also for personal activities of the owner.

SB 679, Relating to the use of certain surplus revenue in the unemployment compensation fund.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

PHYSICIANS OF THE DAY

Senator Watson was recognized and presented Drs. John and Judith Egerton of Austin as the Physicians of the Day.

The Senate welcomed the Egertons and thanked them for their participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

BILLS AND RESOLUTION SIGNED

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

SB 192, SB 325, SB 507, SB 844, SCR 50, HB 1447, HB 1967.

GUESTS PRESENTED

Senator Hinojosa was recognized and introduced to the Senate students and their teachers from Roy Miller High School in Robstown.

The Senate welcomed its guests.

SENATE RESOLUTION 765

Senator Shapiro offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Shilah Phillips, who earned the title of Miss Texas 2006; and

WHEREAS, The first African American to hold the title of Miss Texas, Shilah was selected from a group of hardworking and talented contestants to represent the Lone Star State at the Miss America pageant; she won the preliminary talent contest and finished as first runner-up at the Miss America pageant on January 29, 2007; and

WHEREAS, Shilah competed for the title of Miss Texas as Miss Frisco and won the crown in her first attempt, only the second woman ever to win the title on her first try; she is currently representing Texas on a speaking tour entitled "Never Give Up," which emphasizes to young people the importance of staying in school, maintaining healthy lifestyles, and keeping dreams alive; and

WHEREAS, Shilah has extensive musical training; she attended the Denver School of Performing Arts for seven years; after graduating from high school, she studied jazz music at the prestigious Howard University, where she received the Most Outstanding Vocalist Award; she has been accepted into the University of North Texas' renowned jazz studies-voice program; and

WHEREAS, A role model for all young Texans, Shilah serves as an exemplary goodwill ambassador for the Lone Star State, and she can truly look forward to a bright future; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby congratulate Shilah Phillips on earning the title of Miss Texas 2006 and extend best wishes to her 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 765 was read and was adopted without objection.

GUESTS PRESENTED

Senator Shapiro was recognized and introduced to the Senate Shilah Phillips, Miss Texas 2006, and Kendall Morris, Miss Texas' Outstanding Teen, accompanied by other participants in the Miss Texas competition.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate groups of students and their teachers from Alonso Perales Elementary School and L. B. Johnson Elementary School in San Antonio.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Jackson was recognized and introduced to the Senate students from the Living Faith Academy in Dickens, accompanied by their teachers.

The Senate welcomed its guests.

SENATE RESOLUTION 801

Senator Wentworth offered the following resolution:

WHEREAS, National Crime Victims' Rights Week, April 22 through 28, 2007, is an appropriate time for the Texas Senate to recognize the members of the Lone Star Fugitive Task Force in the Western District of Texas for their dedication to their work and their effectiveness in bringing fugitives and other criminals to justice; and

WHEREAS, The Lone Star Fugitive Task Force in the Western District of Texas was founded in May of 2005 and quickly jumped to the lead, surpassing all other district task forces in physical arrests and warrants cleared; in 2006, the task force led the nation with 4,236 physical arrests and with 5,094 warrants cleared, more than 1,000 higher in each category than the next highest district; the district has divisions in Alpine, Austin, Del Rio, El Paso, Midland, Pecos, San Antonio, and Waco; and

WHEREAS, The task force coordinates with other districts and law enforcement agencies and with the Mexican government when fugitives flee to the Texas-Mexico border and is leading the United States Marshals Service in effectiveness; the task force increased the number of partner agencies by 20 percent in 2006; and

WHEREAS, The task force has taken the lead in ensuring that those who harm children face justice; it has been active in the implementation of the Adam Walsh Act, and it hosted the pilot training program for the United States Marshals Service given by the National Center for Missing and Exploited Children; the training program focused on cyber-crime, child pornography, new investigative techniques in finding sexual predators, and the basic psychological understanding of both the predators and the victims; and

WHEREAS, The Lone Star Fugitive Task Force in the Western District of Texas is a model for other fugitive task forces across the country and is a vital member of the West Texas law enforcement community; its members deserve legislative recognition for their expertise, professionalism, and outstanding achievements; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby pay tribute to the Lone Star Fugitive Task Force in the Western District of Texas for its commitment to order and justice and its exceptional accomplishments; and, be it further

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

SR 801 was read and was adopted without objection.

GUESTS PRESENTED

Senator Wentworth was recognized and introduced to the Senate representatives of the Lone Star Fugitive Task Force in the Western District of Texas.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Ellis, joined by Senator Deuell, was recognized and introduced to the Senate a delegation representing the Texas Bicycle Coalition.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate representatives from Saint John's United Methodist Church in San Antonio: J. J. Knaupp, John Everett, Lawrence Powell, Dayle Winnie, and Doug McDonald.

The Senate welcomed its guests.

SENATE RESOLUTION 800

Senator Nelson offered the following resolution:

WHEREAS, Kenneth A. Ardooin has served Pfizer with dedication and integrity for more than four decades; and

WHEREAS, Mr. Ardooin began his notable career with Pfizer in 1965 as a pharmaceutical sales representative and a district hospital manager; he was soon promoted to district manager of the Chicago and Dallas districts, serving with distinction in this role until 1982, when he joined the State Government Relations Division; and

WHEREAS, For 24 years, Mr. Ardooin worked extensively throughout the Southwestern United States; in 2001, he was named senior director of Government Relations and Public Affairs, and in this position he supervised legislative and regulatory activity for Pfizer's central region and the State of Texas; and

WHEREAS, Mr. Ardooin has shared his professional expertise with a number of policy groups, including the Texas Drug Utilization Review Board; recently elected to the executive board of directors of the American Legislative Exchange Council, he has also served as state chairman in Texas and Louisiana of the Pharmaceutical Research and Manufacturers of America and on the board of directors of the Texas Civil Justice League and the Texas Healthcare and Bioscience Institute; and

WHEREAS, He has also served as a leader in his community; he has been an active member of the Rotary Club, the All Saints Men's Club, and the Flower Mound Summit Club; he has served on the University Interscholastic League Athletic Advisory Committee and serves as the voice for the Flower Mound High School Jaguars; and

WHEREAS, In 2007, Mr. Ardooin's career will take a new direction when he joins his alma mater, the University of Louisiana at Lafayette, where he will oversee External Relations; and

WHEREAS, Kenneth Ardooin has earned the lasting respect of many throughout his tenure with Pfizer; he leaves the company with a legacy of professionalism and a host of colleagues who wish him the best as he embarks on a new chapter in his life; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby honor Kenneth A. Ardooin for his 42 years of service to Pfizer and extend to him sincere best wishes for continued success; and, be it further

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

SR 800 was read and was adopted without objection.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate Kenneth A. Ardoin, accompanied by family members.

The Senate welcomed its guests.

SENATE RESOLUTION 797

Senator Van de Putte offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to join citizens across the country in recognizing April 23 through 29, 2007, as Cover the Uninsured Week; and

WHEREAS, More than 46 million Americans are living without health insurance, nine million of whom are children; with 31.2 percent uninsured families, Texas has the highest rate of uninsured families in the nation; and

WHEREAS, Ten years ago, the United States Congress created the State Children's Health Insurance Program to provide health coverage for children living in families earning too much to qualify for Medicaid but not enough to afford private insurance; this year, Congress must reauthorize the program in order for it to continue; and

WHEREAS, Now in its fifth year, Cover the Uninsured Week brings together business owners, union members, educators, students, health-care workers, and organizations of all kinds to call on our leaders to find solutions for the Americans living without health insurance; and

WHEREAS, Cover the Uninsured Week 2007 will focus on demonstrating broad support for the reauthorization of the State Children's Health Insurance Program and the need to press for coverage of all uninsured Americans; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby encourage all Texans to join in the search for solutions to the problem of uninsured Americans and observe April 23 through 29, 2007, as Cover the Uninsured Week; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of Cover the Uninsured Week.

SR 797 was read and was adopted without objection.

GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate a delegation representing Cover the Uninsured Week.

The Senate welcomed its guests.

CONCLUSION OF MORNING CALL

The President at 2:09 p.m. announced the conclusion of morning call.

SENATE BILL 820 ON THIRD READING

Senator Wentworth moved to suspend the regular order of business to take up for consideration **SB 820** at this time on its third reading and final passage:

SB 820, Relating to the minimum continuing legal education requirements for an attorney who is a member of the Texas Legislature.

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

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

Nay: Uresti, West.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 72 ON SECOND READING**

Senator Lucio moved to suspend the regular order of business to take up for consideration **CSSB 72** at this time on its second reading:

CSSB 72, Relating to the establishment of the Worksite Wellness Advisory Board and the implementation of worksite wellness policies at state agencies.

The motion prevailed.

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

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

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

Nay: Estes, Patrick, Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 72 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 72** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 4.

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

Nay: Estes, Patrick, 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 72**, 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 72** 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 28, Nays 3.

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

Nays: Estes, Patrick, Williams.

COMMITTEE SUBSTITUTE HOUSE BILL 1098 ON SECOND READING

Senator Hegar moved to suspend the regular order of business to take up for consideration **CSHB 1098** at this time on its second reading:

CSHB 1098, Relating to immunization against human papillomavirus.

The motion prevailed.

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

The bill was read second time.

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

Floor Amendment No. 1

Amend **CSHB 1098** in SECTION 1 of this bill (committee printing page 1, line 30), by striking "2011" and adding "2009".

The amendment to **CSHB 1098** was read.

On motion of Senator Hegar, Floor Amendment No. 1 was tabled by the following vote: Yeas 21, Nays 10.

Yeas: Averitt, Brimer, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Jackson, Janek, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Whitmire, Williams.

Nays: Ellis, Gallegos, Hinojosa, Lucio, Shapleigh, Uresti, Van de Putte, Watson, West, Zaffirini.

CSHB 1098 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: Van de Putte.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1098 ON THIRD READING**

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1098** be placed on its third reading and final passage.

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

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

Nays: Van de Putte, 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 **CSHB 1098**, 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 **CSHB 1098** 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: Van de Putte.

**COMMITTEE SUBSTITUTE
SENATE BILL 110 ON SECOND READING**

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 110** at this time on its second reading:

CSSB 110, Relating to dissemination of information concerning immunization against human papillomavirus.

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 110 ON THIRD READING**

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 110** 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 110**, 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 110** 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 105 ON SECOND READING

Senator West moved to suspend the regular order of business to take up for consideration **SB 105** at this time on its second reading:

SB 105, Relating to the establishment of a law school in the city of Dallas by the University of North Texas System.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yea: Averitt, Brimer, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Gallegos, Harris, Hegar, Hinojosa, Jackson, Lucio, Nelson, Nichols, Patrick, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nay: Fraser, Janek, Ogden, Seliger.

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:

Nay: Fraser, Janek, Ogden, Seliger.

SENATE BILL 105 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 105** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yea: Averitt, Brimer, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Gallegos, Harris, Hegar, Hinojosa, Jackson, Lucio, Nelson, Nichols, Patrick, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nay: Fraser, Janek, Ogden, Seliger, 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 105**, 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 105** 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 27, Nays 4.

Yea: Averitt, Brimer, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Gallegos, Harris, Hegar, Hinojosa, Jackson, Lucio, Nelson, Nichols, Patrick, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Fraser, Janek, Ogden, Seliger.

COMMITTEE SUBSTITUTE
SENATE BILL 758 ON SECOND READING

Senator Nelson moved to suspend the regular order of business to take up for consideration **CSSB 758** at this time on its second reading:

CSSB 758, Relating to child protective services.

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

Nays: Eltife.

The bill was read second time.

Senator Uresti offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 758** (Senate committee printing) as follows:

(1) Strike the introductory language to SECTION 7(a) of the bill (page 2, lines 51 through 53) and substitute "Subsections (a), (b), (c), (e), (f), (i), (j), and (k), Section 264.106, Family Code, are amended to read as follows:"

(2) In SECTION 7(a) of the bill, strike amended Subdivision (2), Subsection (a), Section 264.106, Family Code (page 3, lines 3 through 23), and substitute the following:

(1-a) "Conservatorship services" means services provided directly by the department that the department considers necessary to ensure federal financial participation and compliance with state law requirements, including:

(A) initial placement of a child and approval of all subsequent placements of a child;

(B) approval of the child and family service plan;

(C) assisting the department in a suit affecting the parent-child relationship commenced by the department; and

(D) any other action the department considers necessary to ensure the safety and well-being of a child.

(2) "Independent administrator" means an independent agency selected through a competitive procurement process to:

(A) secure, coordinate, and manage substitute care services and case management services in a geographically designated area of the state; and

(B) ensure continuity of care for a child referred to the administrator by the department and the child's family from the day a child enters the child protective services system until the child leaves the system.

(3) In SECTION 7(a) of the bill, strike amended Subsection (b), Section 264.106, Family Code (page 3, line 53, through page 4, line 3), and substitute the following:

(b) The department shall, in accordance with Section 45.004, Human Resources Code:

(1) assess the need for substitute care and case management services throughout the state;

(2) [either] contract [directly] with private agencies as part of regional community-centered networks for the provision of:

(A) all necessary substitute care services; and

(B) case management services in at least 10 percent of the cases in the state [or use an independent administrator to contract for those services];

(3) contract with an independent administrator, if cost beneficial, to:

(A) procure all substitute care and case management services in Region 8 as a demonstration project; and

(B) coordinate and manage all services needed for children in the temporary or permanent managing conservatorship of the department in Region 8 as a demonstration project [a designated geographic area];

(4) monitor the quality of services for which the department and each independent administrator contract under this section; and

(5) ensure that the services are provided in accordance with federal law and the laws of this state, including department rules and rules of the Department of State Health Services and the Texas Commission on Environmental Quality.

(4) In SECTION 7(a) of the bill, strike amended Subsection (c), Section 264.106, Family Code (page 4, lines 4 through 16), and substitute the following:

(c) The department shall develop a pilot program for the competitive procurement of case management services in one or more geographic areas of the state. The department shall either contract directly with one or more substitute care providers to provide case management services under the pilot program or use an independent administrator to contract for those services. The department shall have a goal of providing case management services in at least 10 percent of the cases in which the department has been appointed temporary or permanent managing conservator of a child using contract providers. An independent administrator may not:

(1) directly provide substitute care services; or

(2) be governed by a board that has a member who has a financial interest in a substitute care or case management provider with whom the independent administrator subcontracts.

(5) In SECTION 7(a) of the bill, strike amended Subsection (e), Section 264.106, Family Code (page 4, lines 17 through 43), and substitute the following:

(e) In addition to the requirements of Section 40.058(b), Human Resources Code, a contract with a private agency or an independent administrator must include provisions that:

(1) enable the department to monitor the effectiveness of the services;

(2) specify performance outcomes;

(3) authorize the department to terminate the contract or impose sanctions for a violation of a provision of the contract that specifies performance criteria;

(4) ensure that:

(A) an independent administrator may not refuse to accept a client who is referred for services or reject a client who is receiving services unless the department has reviewed the independent administrator's decision and approved the decision in writing;

(B) a private agency that contracts under Subsection (b)(2)(A) may refuse to accept only a specified percentage of clients who are referred for services or reject only a specified percentage of clients who are receiving services unless the department has reviewed the private agency's decision and approved the decision in writing; and

(C) the standards provided by Paragraphs (A) and (B) apply only to children whose assessment matches the child profile of children the agency is equipped to care for;

(5) authorize the department, an agent of the department, and the state auditor to inspect all books, records, and files maintained by a private agency or an independent administrator relating to the contract; and

(6) the department determines are necessary to ensure accountability for the delivery of services and for the expenditure of public funds.

(f) A contract with an independent administrator for substitute care and case management services under Subsection (b)(3) [~~(b)(2)~~] must include department-approved provisions that:

(1) enable the independent administrator and the department to:

(A) monitor the effectiveness of substitute care and case management services; and

(B) specify performance standards and authorize termination of the contract for cause;

(2) describe how performance is linked to reimbursement amounts or schedules to provide incentives for desired results;

(3) require all independent administrators and private contractors to disclose to the department any information that may indicate an actual or potential conflict of interest with the commission, the department, or another health and human services agency, including information regarding actual or potential related-party transactions, relationships, interests, or business history, and any other factor that may indicate an actual or potential conflict of interest;

(4) authorize the independent administrator, an agent of the independent administrator, the department, an agent of the department, and the state auditor to inspect all books, records, and files maintained by a contractor relating to the contract; and

(5) the department determines are necessary to ensure accountability for the delivery of services and for the expenditure of public funds.

(6) In SECTION 7(a) of the bill, strike amended Subsection (g), Section 264.106, Family Code (page 4, lines 44 through 48).

(7) Add the following appropriately numbered SECTION to the bill and renumber the remaining SECTIONS of the bill as appropriate:

SECTION _____. Section 264.1062, Family Code, is amended to read as follows:

Sec. 264.1062. EVALUATION OF INDEPENDENT ADMINISTRATORS. (a) The department shall develop and implement a comprehensive multidisciplinary team to monitor and evaluate the performance of independent administrators. The team must consist of specialized staff who can enable the department to measure critical dimensions of community-based organization performance, obtained through the quality assurance functions of the independent administrator, including:

- (1) achievement of client and system outcomes;
- (2) compliance with contractual terms and conditions; and

(3) any history of the community-based organization's noncompliance with the department's licensing standards.

(b) The department shall develop and implement a comprehensive multidisciplinary team to monitor and evaluate the performance of independent administrators. The team must consist of specialized staff who can enable the department to measure critical dimensions of community-based organization performance, obtained through the quality assurance functions of the independent administrator, including:

- (1) achievement of client and systems outcomes;
- (2) compliance with contractual terms and conditions; and

(3) any history of the community-based organization's noncompliance with the department's licensing standards.

(8) In SECTION 9 of the bill, strike amended Subsection (e), Section 264.107, Family Code (page 5, lines 50 through 56), and substitute the following:

(e) In making placement decisions, an independent administrator or other authorized entity shall:

(1) consult with the child's caseworker and the child's guardian ad litem or court-appointed volunteer advocate when possible; and

(2) use clinical protocols to match a child to the most appropriate placement resource.

(9) In SECTION 28 of the bill, in amended Section 45.002, Human Resources Code (page 11, between lines 35 and 36), insert the following:

(a-1) On or after September 1, 2008, all substitute care and case management services in Region 8, the demonstration region, must be provided by contract providers.

(10) In SECTION 29 of the bill, in amended Section 45.004, Human Resources Code (page 12, lines 6 and 7), strike the heading to that amended section and substitute "INDEPENDENT ADMINISTRATORS AND[;] DEPARTMENT DUTIES".

(11) In SECTION 29 of the bill, in amended Section 45.004, Human Resources Code (page 12, line 7), strike "(a) The" and substitute "(a) [The]".

(12) In SECTION 29 of the bill, in amended Section 45.004, Human Resources Code (page 12, between lines 47 and 48), insert the following:

(b) An independent administrator must organize and convene an executive committee composed of the chief executive officer of each participating nonprofit substitute care and case management provider in Region 8 to:

(1) provide a quarterly update on program and financial outcomes; and

(2) allow provider input to recommendations that enhance policies and procedures used in the pilot project area.

(13) In SECTION 31 of the bill, in amended Subsection (d), Section 45.054, Human Resources Code (page 13, line 10), after the period, insert "The House Human Services Committee, or its successor, and the Senate Health and Human Services Committee, or its successor, shall review the results of the pilot program."

The amendment to **CSSB 758** was read.

Senator Uresti withdrew Floor Amendment No. 1.

(Senator Watson in Chair)

Senator Uresti offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 758** (Senate committee printing) in SECTION 9 of the bill, in added Subsection (g), Section 264.107, Family Code (page 5, line 67), between "child." and "The", by inserting "An employee may not provide emergency care under this subsection in the employee's residence.".

The amendment to **CSSB 758** was read and was adopted by a viva voce vote.

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

Senator Uresti offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 758** by adding the following appropriately numbered sections and renumbering the sections of the bill accordingly:

SECTION _____. Section 102.004(a), Family Code, is amended to read as follows:

(a) In addition to the general standing to file suit provided by Section 102.003, a grandparent, or another relative of the child related within the third degree by consanguinity, may file an original suit requesting managing conservatorship if there is satisfactory proof to the court that:

(1) the order requested is necessary because the child's present circumstances would significantly impair the child's physical health or emotional development; or

(2) both parents, the surviving parent, or the managing conservator or custodian either filed the petition or consented to the suit.

SECTION _____. The change in law made by this Act to Section 102.004, Family Code, applies only to an original suit affecting the parent-child relationship filed on or after the effective date of this Act. An original suit affecting the

parent-child relationship filed before the effective date of this Act is governed by the law in effect on the date that the suit was filed, and the former law is continued in effect for that purpose.

The amendment to **CSSB 758** was read and was adopted by a viva voce vote.

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

Senator Shapleigh offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 758** by adding the following appropriately numbered SECTION to the bill and renumbering the subsequent SECTIONS, and any references to those SECTIONS, as appropriate:

SECTION _____. Section 531.048, Government Code, is amended by adding Subsection (d-1) to read as follows:

(d-1) Notwithstanding Subsection (d), the Department of Family and Protective Services shall ensure that the average caseload for caseworkers in the child protective services division allows each child in the department's conservatorship to be visited by the child's caseworker at least one time each month.

The amendment to **CSSB 758** was read.

On motion of Senator Nelson, Floor Amendment No. 4 was tabled by the following vote: Yeas 20, Nays 11.

Yea: Averitt, Brimer, Deuell, Duncan, Estes, Fraser, Harris, Hegar, Hinojosa, Jackson, Janek, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Whitmire, Williams.

Nay: Carona, Ellis, Eltife, Gallegos, Lucio, Shapleigh, Uresti, Van de Putte, Watson, West, Zaffirini.

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

CSSB 758 as amended was passed to engrossment by the following vote: Yeas 29, Nays 2.

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

Nay: Eltife, Ogden.

**COMMITTEE SUBSTITUTE
SENATE BILL 758 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 758** be placed on its third reading and final passage.

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

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

Nay: Eltife, Ogden, 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 758**, 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 758** 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.

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

Nay: Eltife, Ogden.

COMMITTEE SUBSTITUTE **SENATE BILL 799 ON SECOND READING**

Senator Ellis moved to suspend the regular order of business to take up for consideration **CSSB 799** at this time on its second reading:

CSSB 799, Relating to the creation of the Texas Eyewitness Identification Working Group.

The motion prevailed.

Senators Eltife and Harris 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 799** (Senate committee printing) as follows:

(1) In added Subsection (a), Section 2, Article 38.20, Code of Criminal Procedure (page 1, line 19), strike "three" and substitute "four".

(2) In added Subdivision (2), Subsection (a), Section 2, Article 38.20, Code of Criminal Procedure (page 1, line 26), strike "and".

(3) In added Subsection (a), Section 2, Article 38.20, Code of Criminal Procedure (page 1, line 30), strike the period and substitute the following:

"; and

(4) the president of the Texas Police Chiefs Association or the president's designee."

(4) In added Subsection (b), Section 4, Article 38.20, Code of Criminal Procedure (page 2, lines 14-15), strike added Subdivision (5) and renumber subsequent subdivisions accordingly.

(5) In added Section 5, Article 38.20, Code of Criminal Procedure (page 2, lines 44-45), strike "civil litigation" and substitute "civil or criminal litigation".

The amendment to **CSSB 799** was read and was adopted by a viva voce vote.

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

Nays: Eltife, Harris.

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

CSSB 799 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: Eltife, Harris.

**COMMITTEE SUBSTITUTE
SENATE BILL 799 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 799** be placed on its third reading and final passage.

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

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

Nays: Eltife, Harris, 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 799**, 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 799** 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: Averitt, Brimer, Carona, Deuell, Duncan, Ellis, Estes, Fraser, Gallegos, Hegar, Hinojosa, Jackson, Janek, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Eltife, Harris.

COMMITTEE SUBSTITUTE
SENATE BILL 1740 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 1740** at this time on its second reading:

CSSB 1740, Relating to the prosecution of certain sexual offenses and to the registration and supervision of sex offenders.

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 1740 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 1740** 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 1740**, 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 1740** 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 840 ON SECOND READING

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 840** at this time on its second reading:

SB 840, Relating to professional development institutes for public school teachers and paraprofessionals regarding education of students with disabilities.

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 840 ON THIRD READING

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 840** 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 840**, 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 840** 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 50 ON SECOND READING

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **CSSB 50** at this time on its second reading:

CSSB 50, Relating to early childhood education.

The motion prevailed.

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

The bill was read second time.

Senator Janek offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 50** in SECTION 4 of the bill, in added Subsection (c-3), Section 29.160, Education Code (Senate committee printing page 2, lines 52 through 59), by striking added Subdivisions (2) through (5) and substituting the following:

- (2) expand a prekindergarten program to serve children who are three years of age;
- (3) increase income eligibility levels to not more than 300 percent of the federal poverty level for prekindergarten; or
- (4) add a teacher's aide to existing prekindergarten classes.

The amendment to **CSSB 50** was read and was adopted by a viva voce vote.

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

Nays: Nelson, Patrick, Williams.

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

CSSB 50 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: Nelson, Patrick, Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 50 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 50** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 4.

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

Nays: Nelson, Patrick, 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 50**, 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 50** 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 28, Nays 3.

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

Nays: Nelson, Patrick, Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 1090 ON SECOND READING**

On motion of Senator Duncan and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1090** at this time on its second reading:

CSSB 1090, Relating to the creation of a youth diabetes registry; providing penalties.

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 1090 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 1090** 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 1090**, 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 1090** 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 309 ON SECOND READING**

On motion of Senator Van de Putte 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 requirement that a career school or college adopt a refund policy for students called to active military service.

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 Van de Putte 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 120 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 120** at this time on its second reading:

CSSB 120, Relating to the prevention of and education concerning the offense of online solicitation of a minor.

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 120 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 120** 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 120**, 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 120** 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 1405 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 1405** at this time on its second reading:

CSSB 1405, Relating to the requirement that the chief appraiser of an appraisal district provide an estimate of taxable value and related assistance to certain taxing units.

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 987 ON SECOND READING**

Senator Lucio moved to suspend the regular order of business to take up for consideration **CSSB 987** at this time on its second reading:

CSSB 987, Relating to requiring counseling before closing certain high-risk loans.

The motion prevailed.

Senators Averitt, Deuell, Eltife, Jackson, Janek, Nelson, Nichols, Patrick, Seliger, and Shapiro asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 987** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill, strike proposed Subsection (a), Section 343.105, Finance Code (page 1, lines 16-26), and substitute the following:

(a) In this section, "complex loan" means a loan:

(1) that has a principal amount of less than \$125,000;

(2) that is secured by a first lien or security interest against one-to-four family residential real property;

(3) for which the ratio of the aggregate of the principal balance of all loans secured by the property to the value of the property on the date of closing is at least 90 percent;

(4) that is made to a borrower who has a credit score of not more than 650; and

(5) that contains:

(A) a variable interest rate;

(B) a prepayment penalty;

(C) a provision that permits the payment of interest only;

(D) a provision that permits periodic payments that are less than the amount of accrued interest on the scheduled payment date; or

(E) a provision for a scheduled payment that is more than twice as large as the average of earlier scheduled monthly payments.

(2) In SECTION 1 of the bill, in proposed Subsection (b), Section 343.105, Finance Code (page 1, lines 27-28), strike "high-risk loan for less than \$125,000" and substitute "complex loan".

(3) In SECTION 1 of the bill, in proposed Subdivision (1), Subsection (b), Section 343.105, Finance Code (page 1, line 36), strike "high-risk" and substitute "complex".

(4) In SECTION 1 of the bill, in proposed Subdivision (2), Subsection (c), Section 343.105, Finance Code (page 1, line 45), strike "high-risk" and substitute "complex".

(5) In SECTION 1 of the bill, in proposed Subdivision (3), Subsection (c), Section 343.105, Finance Code (page 1, line 46), strike "alternatives are available" and substitute "alternatives may be available".

(6) In SECTION 1 of the bill, immediately following proposed Subsection (f), Section 343.105, Finance Code (page 1, between lines 56 and 57), insert the following:

(g) An attorney who counsels a loan applicant under Subsection (b) may not represent or advise another party to the loan.

(h) A violation of this section by a lender does not invalidate or impair the lien or security interest for the complex loan.

(i) The finance commission by rule may adopt a reasonable fee that a person who provides counseling to a loan applicant under this section may charge the loan applicant.

The amendment to **CSSB 987** was read and was adopted by a viva voce vote.

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

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

CSSB 987 as amended was passed to engrossment by the following vote: Yeas 20, Nays 11.

Yea: Brimer, Carona, Duncan, Ellis, Estes, Fraser, Gallegos, Hegar, Hinojosa, Lucio, Ogden, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nay: Averitt, Deuell, Eltife, Harris, Jackson, Janek, Nelson, Nichols, Patrick, Seliger, Shapiro.

SENATE BILL 585 ON SECOND READING

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 585** at this time on its second reading:

SB 585, Relating to the authority of the Edwards Aquifer Authority to adopt rules relating to fire control.

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 585 ON THIRD READING

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 585** 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 585**, 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 585** 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 1058 ON SECOND READING**

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1058** at this time on its second reading:

CSSB 1058, Relating to reintegration counseling services and related resources for military servicemembers.

The bill was read second time.

Senator Shapleigh offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1058** in SECTION 2 of the bill, in added Section 431.0291, Government Code (page 1, line 50), between "(c)" and "In", by inserting the following:

The department shall ensure that:

(1) each person who provides referrals to servicemembers under the referral program has received sufficient training to ensure that servicemembers receive accurate information; and

(2) servicemembers are notified in a timely manner about the service referral program.

(d)

The amendment to **CSSB 1058** 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 West and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1058 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 1058 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1058** 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 1058**, 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 1058** 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.

(President in Chair)
COMMITTEE SUBSTITUTE
SENATE BILL 714 ON SECOND READING

On motion of Senator Fraser and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 714** at this time on its second reading:

CSSB 714, Relating to reports regarding certain water wells required by a groundwater conservation district.

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 714 ON THIRD READING

Senator Fraser moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 714** 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 714**, 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 714** 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 369 WITH HOUSE AMENDMENT

Senator Williams called **SB 369** from the President's table for consideration of the House amendment to the bill.

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

Amendment

Amend **SB 369** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to an offense involving a motor vehicle with an altered or obscured license plate.

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

SECTION 1. Section 502.409, Transportation Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) A person commits an offense if the person attaches to or displays on a motor vehicle a number plate or registration insignia that:

(1) is assigned to a different motor vehicle;

(2) is assigned to the vehicle under any other motor vehicle law other than by the department;

(3) is assigned for a registration period other than the registration period in effect;

(4) is fictitious;

(5) has [letters, numbers, or other identification marks that because of] blurring or reflective matter that significantly impairs the readability of the name of the state in which the vehicle is registered or the letters or numbers of the license plate number [are not plainly visible] at any time [all times during daylight];

(6) has an attached illuminated device or sticker, decal, emblem, or other insignia that is not authorized by law and that interferes with the readability of the letters or numbers of [or] the license plate number or the name of the state in which the vehicle is registered; or

(7) has a coating, covering, [or] protective material, or other apparatus that:

(A) distorts angular visibility or detectability; [or]

(B) alters or obscures one-half or more of the name of the state in which the vehicle is registered; or

(C) alters or obscures the letters or numbers of [or] the license plate number or[,] the color of the plate[, or another original design feature of the plate].

(c) Subsection (a)(7) may not be construed to apply to:

- (1) a trailer hitch installed on a vehicle in a normal or customary manner;
- (2) a transponder, as defined by Section 228.057, that is attached to a vehicle in the manner required by the issuing authority;
- (3) a wheelchair lift or wheelchair carrier that is attached to a vehicle in a normal or customary manner;
- (4) a trailer being towed by a vehicle; or
- (5) a bicycle rack that is attached to a vehicle in a normal or customary manner.

SECTION 2. (a) The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before that date.

(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2007.

The amendment was read.

Senator Williams moved to concur in the House amendment to **SB 369**.

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

SENATE BILL 229 WITH HOUSE AMENDMENT

Senator Harris called **SB 229** from the President's table for consideration of the House amendment to the bill.

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

Amendment

Amend **SB 229** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to the seal of a district court and the signature of the district clerk used on process issued by the court.

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

SECTION 1. The heading to Section 51.301, Government Code, is amended to read as follows:

Sec. 51.301. VACANCY; BOND; SEAL; SIGNATURE OF CLERK.

SECTION 2. Section 51.301, Government Code, is amended by amending Subsection (d) and adding Subsections (e) and (f) to read as follows:

(d) Each district clerk shall be provided with a seal for the district court. The seal must have a five-pointed star and must be engraved with the words "District Court of _____ County, Texas." The seal shall be impressed on all process issued by the court except subpoenas and shall be kept and used by the clerk to authenticate official acts. The seal may be created using an electronic means, including by using an optical disk or another electronic reproduction technique, if the

means by which the seal is impressed on an original document created using the same type of electronic means does not allow for changes, additions, or deletions to be made to the document.

(e) The signature of the district clerk may be affixed on an original document using electronic means, provided that the means by which the signature is affixed meets the requirements of Subsection (d) with respect to creating a seal by electronic means.

(f) A seal impressed or a signature affixed by electronic means may be delivered or transmitted electronically.

SECTION 3. Section 51.301, Government Code, as amended by this Act, applies to a process, other than a subpoena, issued by a district court on or after the effective date of this Act. A process issued by a district court before the effective date of this Act is governed by the law in effect on the date the process was issued, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2007.

The amendment was read.

Senator Harris moved to concur in the House amendment to **SB 229**.

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

SENATE BILL 343 WITH HOUSE AMENDMENT

Senator Carona called **SB 343** from the President's table for consideration of the House amendment to the bill.

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

Amendment

Amend **SB 343** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to the oath taken by witnesses appearing before a grand jury.

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

SECTION 1. Article 20.16, Code of Criminal Procedure, is amended to read as follows:

Art. 20.16. OATHS TO WITNESSES. (a) The following oath shall be administered by the foreman, or under the foreman's [his] direction, to each witness before being interrogated: "You solemnly swear that you will not reveal, [divulge, either] by your words or conduct [signs], and will keep secret any matter about which you may be interrogated or that you have observed during the[; and that you will keep secret all] proceedings of the grand jury [which may be had in your presence], and that you will answer truthfully the [true answers make to such] questions asked of [as may be propounded to] you by the grand jury, or under its direction, so help you God."

(b) A [Any] witness who reveals [~~divulges~~] any matter about which the witness [~~he~~] is interrogated[, or that the witness has observed during the [~~any~~] proceedings of the grand jury [~~had in his presence~~], other than when required to give evidence thereof in due course, shall be liable to a fine as for contempt of court, not exceeding \$500, and to imprisonment not exceeding six months.

SECTION 2. The change in law made by this Act applies only to a grand jury proceeding that begins on or after the effective date of this Act. A grand jury proceeding that begins before the effective date of this Act is covered by the law in effect when the proceeding began, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2007.

The amendment was read.

Senator Carona moved to concur in the House amendment to **SB 343**.

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

COMMITTEE SUBSTITUTE SENATE BILL 263 ON SECOND READING

Senator Ellis moved to suspend the regular order of business to take up for consideration **CSSB 263** at this time on its second reading:

CSSB 263, Relating to the creation of a commission to investigate and prevent wrongful convictions.

The motion prevailed by the following vote: Yeas 24, Nays 7.

Yea: Averitt, Brimer, Carona, Deuell, Duncan, Ellis, Estes, Gallegos, Hegar, Hinojosa, Jackson, Janek, Lucio, Ogden, Patrick, Seliger, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nay: Eltife, Fraser, Harris, Nelson, Nichols, Shapiro, Williams.

The bill was read second time.

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 263** by:

On page 1, lines 21-22, delete "chair of the criminal justice committee of the senate", and insert "Lieutenant Governor".

On page 1, lines 23-24, delete "chair of the criminal jurisprudence committee of the house of representatives", and insert "speaker of the house"

On page 2, lines 13-17, delete Section 6 and renumber the subsequent sections accordingly.

The amendment to **CSSB 263** 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 Ellis offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 263** by striking Section 3(c) on page 1, lines 54-62, and renumbering the subsequent sections accordingly.

The amendment to **CSSB 263** was read and was adopted by a viva voce vote.

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

Senator Seliger offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 263** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill, in proposed Section 2, Article 43.27, Code of Criminal Procedure (page 1, lines 33-34), between "The University of Texas School of Law" and "shall appoint", insert ", the director of the innocence project at the University of Houston Law Center, or the director of the innocence project at the Texas Tech University School of Law, on a rotating basis".

(2) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS appropriately:

SECTION _____. (a) The purpose of this section is to establish the rotating basis for appointments by law schools as required by Section 2, Article 43.27, Code of Criminal Procedure, as added by this Act.

(b) The president of the Texas Center for Actual Innocence at The University of Texas School of Law shall make the first appointment under Section 2, Article 43.27, Code of Criminal Procedure, as added by this Act. After the expiration of the appointee's two-year term, the director of the innocence project at the University of Houston Law Center shall make the second appointment under Section 2, Article 43.27, Code of Criminal Procedure, as added by this Act. After the expiration of the second appointment, the director of the innocence project at Texas Tech University School of Law shall make the third appointment.

The amendment to **CSSB 263** was read and was adopted by a viva voce vote.

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

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

CSSB 263 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: Fraser, Eltife, Harris, Nelson, Nichols, Shapiro, Williams.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Averitt and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Natural Resources might meet and consider the following bills today:

SB 1177, SB 1317, SB 1326, SB 1785.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 796 by Hegar, In memory of Specialist Forrest John Waterbury.

SR 802 by Ellis, Watson, and West, In memory of Thurmond Bernard Woodard.

SR 805 by Lucio, In memory of Gilberto S. Pena of Weslaco.

SR 810 by West, In memory of Charlotte Yvonne Ragsdale of Dallas.

SR 817 by Fraser, In memory of First Lieutenant Phillip Isaac Neel of Fredericksburg.

SR 819 by Shapiro, In memory of Liviu Librescu.

Congratulatory Resolutions

SR 789 by West, Commending Keely Peden for earning a Girl Scout Gold Award.

SR 790 by West, Commending Claudia Lucia Morales for earning a Girl Scout Gold Award.

SR 791 by West, Commending Kathryn Elizabeth Young for earning a Girl Scout Gold Award.

SR 792 by West, Commending Corrigan Davion Jeter for earning a Girl Scout Gold Award.

SR 793 by Nelson, Recognizing the City of Azle on the occasion of its 50th anniversary.

SR 794 by Van de Putte, Commending James Buchanan for his work in bilingual education.

SR 795 by Van de Putte, Recognizing Lawrence B. Harkless on the occasion of his retirement from The University of Texas Health Science Center in San Antonio.

SR 799 by Ellis, Recognizing Olivet Missionary Baptist Church in Houston on the occasion of its 75th anniversary.

SR 803 by Ellis, Commending the Hispanic Bar Association of Houston for its achievements.

SR 804 by Lucio, Commending Robert M. Capello, Sr., for his accomplishments in coaching and teaching.

SR 806 by Lucio, Congratulating the Coakley Middle School chess team for winning the 2007 National Junior High (K-9) Championship.

SR 807 by Lucio, Recognizing Ediberto Trevino, Jr., on the occasion of his retirement as Mayor of Brownsville.

SR 808 by Lucio, Recognizing Rosemarie W. Herrmann on the occasion of her retirement from the Planned Parenthood Association of Cameron and Willacy Counties, Incorporated.

SR 811 by West, Commending Emily Ann Schreiber for earning a Girl Scout Gold Award.

SR 812 by West, Commending Joycelyn Davis for earning a Girl Scout Gold Award.

SR 813 by West, Commending Hayley Marie Wren for earning a Girl Scout Gold Award.

SR 814 by West, Commending Erin Michelle Warren for earning a Girl Scout Gold Award.

SR 815 by Harris and Shapiro, Recognizing the Greater Irving-Las Colinas Chamber of Commerce on the occasion of its 75th anniversary.

SR 818 by Fraser, Congratulating Temple College for winning a Bellwether Award.

SR 821 by Ellis, Commending the Texas Bicycle Coalition for its contributions to bicycle safety in our state.

HCR 158 (Averitt), Congratulating the Mart Panthers football team on winning the 2006 2A State Championship.

HCR 170 (Hegar), Commemorating the Texas Maritime Museum's 20th anniversary as the official State Maritime Museum of Texas.

Official Designation Resolution

SR 816 by Carona, Recognizing April 2007 as Car Care Month in Texas.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 4:39 p.m. adjourned, in memory of Sergeant Ryan Patrick Green and Specialist John Forrest Waterbury, 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 23, 2007

INTERGOVERNMENTAL RELATIONS — **CSSB 1213, CSSB 1733, CSSB 1777**

JURISPRUDENCE — **CSSB 583, CSSB 1125, CSSB 1230, CSSB 1556, CSSB 1915**

INTERGOVERNMENTAL RELATIONS — **CSSB 1437, CSSB 1757**

NATURAL RESOURCES — **CSSB 359, CSSB 654, CSSB 661, CSSB 689, CSSB 707, CSSB 827, CSSB 1336, CSSB 1339, SB 1561, CSSB 1574, CSSB 1762, CSSB 1881**

TRANSPORTATION AND HOMELAND SECURITY — **HB 313, CSSB 798, CSSB 1040, CSSB 1044, CSSB 1617, CSSB 1632, CSSB 1888**

CRIMINAL JUSTICE — **CSSB 411, CSSB 440, CSSB 441, CSSB 1448, CSSB 1737**

JURISPRUDENCE — **CSHJR 36, CSSB 1305, CSSB 1782**

BUSINESS AND COMMERCE — **CSSB 338, CSSB 1365, CSSB 1619**

HEALTH AND HUMAN SERVICES — **SB 1549, SB 1834**

EDUCATION — **CSSB 1234, CSSB 1699, CSSB 1792**

FINANCE — **SB 737, SB 992, SB 1719**

TRANSPORTATION AND HOMELAND SECURITY — **CSSB 1260, CSSB 1786**

NATURAL RESOURCES — **CSSJR 44, CSSB 1983**

INTERGOVERNMENTAL RELATIONS — **CSSB 1436, SB 1977, SB 1986, SB 2014, SB 1988**

HEALTH AND HUMAN SERVICES — **CSSB 1587, CSSB 1896, CSHB 709**

SENT TO GOVERNOR

April 23, 2007

SB 192, SB 325, SB 507, SB 844, SCR 50

SIGNED BY GOVERNOR

April 23, 2007

SB 135, SB 300, SB 330, SB 332

