

SENATE JOURNAL

EIGHTIETH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FORTY-EIGHTH DAY

(Wednesday, April 25, 2007)

The Senate met at 11:18 a.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, Harris, Hegar, Hinojosa, Jackson, Janek, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Absent-excused: Gallegos.

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

Rabbi Sruli Weinreb, The Kind World, Houston, offered the invocation as follows:

Almighty God, please open our hearts so that our lips may sing Your praises. Help us pray truthfully, sincerely, and wholeheartedly. God, You are the source of blessing for all the goodness that is bestowed upon us. You sustain us, protect us, and infuse us daily with a fresh breath of life. Our Father, our king, may our eyes only see goodness in others, may our ears hear no evil, and our lips never cease from singing Your praises. May our minds be filled with wisdom to find the right path, and may our hearts be filled with the courage to walk upon it. May You continue to shine light and truth upon the leaders, judges, and all elected officials of our wonderful country and the State of Texas. May You grant health and prosperity to the Governor, Lieutenant Governor, and every individual that has dedicated his or her career to better the lives of other human beings. May their families be showered with happiness and everlasting joy. Help us achieve true faith, a faith that empowers us to cross the narrow bridge called life, a faith that lets us make bold decisions, and a faith that guides us to true meaningful living. We cannot thank You sufficiently for all the kindness that You've bestowed upon us, but in the words of King David, I will praise God while I live, I will make music to my God while I exist. Let the actions of our day express the true gratitude that we feel, and let our achievements be the sweetest song of appreciation. Amen.

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

The motion prevailed without objection.

LEAVE OF ABSENCE

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

CO-AUTHOR OF SENATE BILL 411

On motion of Senator Shapleigh, Senator Ogden will be shown as Co-author of **SB 411**.

CO-AUTHOR OF SENATE BILL 553

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

CO-AUTHOR OF SENATE BILL 887

On motion of Senator Shapiro, Senator West will be shown as Co-author of **SB 887**.

CO-AUTHOR OF SENATE BILL 1295

On motion of Senator West, Senator Zaffirini will be shown as Co-author of **SB 1295**.

CO-AUTHOR OF SENATE BILL 1357

On motion of Senator Ellis, Senator Van de Putte will be shown as Co-author of **SB 1357**.

CO-AUTHOR OF SENATE BILL 1951

On motion of Senator Wentworth, Senator Williams will be shown as Co-author of **SB 1951**.

CO-AUTHOR OF SENATE RESOLUTION 759

On motion of Senator Lucio, Senator Ellis will be shown as Co-author of **SR 759**.

CO-SPONSOR OF HOUSE JOINT RESOLUTION 36

On motion of Senator Watson, Senator Zaffirini will be shown as Co-sponsor of **HJR 36**.

MOMENT OF SILENCE OBSERVED

At the request of Senator Lucio, the Senate observed a moment of silence in honor of the victims of last night's storms in Eagle Pass.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

April 25, 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 218, Relating to requiring a voter to present proof of identification.

HB 2136, Relating to public disclosure of student referrals for services made by counselors in public schools.

HCR 97, Urging the U.S. Department of Labor to reconsider the proposed reduction in student training slots at the Gary Job Corps Center in San Marcos, Texas.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

PHYSICIAN OF THE DAY

Senator Lucio was recognized and presented Dr. Jose Ugarte of Kingsville as the Physician of the Day.

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

BILLS SIGNED

The President announced the signing of the following enrolled bills in the presence of the Senate after the captions had been read: **SB 456**, **SB 657**, **SB 740**.

GUESTS PRESENTED

Senator Ogden was recognized and introduced to the Senate a group of students from Vista Ridge High School in Cedar Park.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate a group of students from Pflugerville High School in Pflugerville.

The Senate welcomed its guests.

SENATE RESOLUTION 826

Senator West offered the following resolution:

WHEREAS, The Senate of the State of Texas joins citizens around the state in celebrating April 25, 2007, as National Pan-Hellenic Council of Texas Day at the State Capitol; and

WHEREAS, The National Pan-Hellenic Council, Incorporated, is composed of nine international Greek letter sororities and fraternities; it promotes interaction among its members through forums and meetings and engages in cooperative programming and initiatives through various activities and functions; and

WHEREAS, The members of the National Pan-Hellenic Council of Texas are joining such organizations as Big Brothers Big Sisters, Communities in Schools, the Boys and Girls Clubs, and Avance and Amachi to discuss their statewide mentoring initiatives with legislators and state officials; and

WHEREAS, The National Pan-Hellenic Council has stayed true to its stated mission in 1930 of "Unanimity of thought and action as far as possible in the conduct of Greek letter collegiate fraternities and sororities, and to consider problems of mutual interest to its member organizations"; the National Pan-Hellenic Council of Texas has remained true to the goals of the national organization and is truly deserving of recognition for its many accomplishments; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby commend the National Pan-Hellenic Council of Texas for its many years of service and extend a sincere welcome to its members for National Pan-Hellenic Council of Texas Day at the State Capitol; and, be it further

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

SR 826 was read and was adopted without objection.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate representatives of the National Pan-Hellenic Council of Texas: Debra Owens, Drew Brown, Ron Turner, Cynthia Charles, and Warren Lee, Jr., accompanied by other members of the organization.

The Senate welcomed its guests.

SENATE RESOLUTION 707

Senator Estes offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Lindsay High School Lady Knights, who have won the University Interscholastic League's Class A Division I girls state basketball championship title; and

WHEREAS, The Lady Knights overpowered the Sundown High School team 43-36 to become state champions after defeating top-ranked Martin's Mill 62-60 in the semifinals; they finished the season with 31 wins and four losses; and

WHEREAS, Throughout the season, the Lady Knights exhibited perseverance, team unity, and respect for the highest ideals of sportsmanship; they also exhibited the skills and the discipline instilled in them by head coach Don Neu and assistant coach Robin Hess, who were aided by managers Rhiannon Robinson, Emily Copeland, and Bailey Kuhn; and

WHEREAS, Brittany Anderle, Chelsea Hermes, and most valuable player Christina Eckart were named to the all-tournament team; the other champion team members are Kaileigh Hess, Amanda Hess, Karissa Reiter, Autumn Murrill, Stephanie Neu, Emily Fuhrmann, Katelyn Brewer, Hillary Hoelker, Rose Hermes, Elizabeth Martin, Beverly Knabe, and Kayla Hess; and

WHEREAS, The Lady Knights and their coaches and staff are a source of tremendous pride to the students and faculty at Lindsay High School and to their families and the community, and they deserve recognition for their outstanding achievements; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby congratulate the players and coaching staff of the Lindsay High School girls basketball team for winning the Class A Division I state basketball championship and extend to them best wishes for continued success in the future; and, be it further

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

SR 707 was again read.

The resolution was previously adopted on Monday, April 16, 2007.

GUESTS PRESENTED

Senator Estes was recognized and introduced to the Senate members of the Lindsay High School girls basketball team, winners of the University Interscholastic League Class A Division I state championship, accompanied by their coaches.

The Senate welcomed its guests.

(Senator Eltife in Chair)

SENATE RESOLUTION 872

Senator West offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the members of the Duncanville High School boys varsity basketball team on winning the University Interscholastic League's 2007 Class 5A state championship title in March; and

WHEREAS, The Duncanville boys basketball champions completed the season with a perfect 39-0 record; they have been listed in the top five of the Student Sports FAB 50 national rankings; they were ranked second in the nation by HoopsUSA; head coach Phil McNeely was named the National Coach of the Year by EA Sports; and

WHEREAS, The players exhibited perseverance, team unity, and respect for the highest ideals of sportsmanship throughout the season; they also demonstrated their exceptional talent and the discipline instilled in them by Coach McNeely, who was aided by assistant coach Dean McGuire and managers Teryn Lackey, Sarah Thomas, and Cilia Beach; and

WHEREAS, The Duncanville High School 2006-2007 varsity team members are seniors Corey Johnson, Brent Stanton, and D'Walyn Roberts; juniors Kevin Butler, Brian Talley, Jamal Lenzy, Josh Etheridge, Victor Adewunmi, and Marcus Gilmore; and sophomores Roger Franklin and Shawn Williams; and

WHEREAS, This exemplary group of young men, together with their coaches and staff, deserve congratulations on their accomplishments; they are a source of great pride to the students and faculty at Duncanville High School, to their families, and to the Duncanville community; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby congratulate the players and coaching staff of the Duncanville High School boys basketball team for winning the University Interscholastic League Class 5A state championship title and extend to them best wishes for success in the future; and, be it further

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

SR 872 was read and was adopted without objection.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate members of the Duncanville High School boys varsity basketball team, winners of the 2007 University Interscholastic League Class 5A state championship: Corey Johnson, Brent Stanton, D'Walyn Roberts, Kevin Butler, Brian Talley, Jamal Lenzy, Josh Etheridge, Victor Adewunmi, Marcus Gilmore, Roger Franklin, and Shawn Williams, accompanied by coaches Phil McNeely and Dean McGuire.

The Senate welcomed its guests.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

April 25, 2007

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HCR 211, Honoring Art Briles, head coach of the University of Houston football team, for his achievements.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate students from Poteet High School in Poteet, accompanied by their teachers and sponsors.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Carona was recognized and introduced to the Senate a delegation from automotive associations representing Car Care Month.

The Senate welcomed its guests.

SENATE RESOLUTION 873

Senator West offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize South Oak Cliff High School Golden Bears boys basketball team, which recently won its third consecutive University Interscholastic League Class 4A state championship title; and

WHEREAS, The Golden Bears were victorious in their 11th appearance at the state tournament, winning their fifth overall state championship by defeating Beaumont Ozen High School; and

WHEREAS, These young athletes have demonstrated great talent and perseverance throughout the school year; team members Micheal Berry, Xavier Armstrong, Tydreon Shaw, Demetrius Fields, Fred Gipson, Cornilus Dawson, Israel Milburn, Brandon Jones, Baron Brown, J'Mison Morgan, Jaquiece Smith, Thomas Owens, Derrick Perkins, Wyrn Standmire, and Dominique Clay can take pride in their outstanding performance this season; and

WHEREAS, Under the superior leadership and expertise of head coach James Mays II and the assistant coaches, Derek Stricklin and Anthony Terrell, and with the assistance of the basketball coordinator, Reno Savala, and the statistician, Ida Tucker, the Golden Bears have developed exceptional teamwork and discipline; and

WHEREAS, South Oak Cliff High School and the City of Dallas are proud of the Golden Bears boys basketball team for their hard work, their impressive skills, and their fine sportsmanship; they have provided a sense of great pride in their neighborhood, and their hard work and dedication stand as an example for all to follow; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby commend the South Oak Cliff High School Golden Bears on their successful season and extend congratulations to them on winning the University Interscholastic League Class 4A state championship title; and, be it further

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

SR 873 was read and was adopted without objection.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate members of the South Oak Cliff High School Golden Bears boys basketball team, winners of the University Interscholastic League Class 4A state championship: Fred Gipson, Wyrn Standmire, Derrick Perkins, Xavier Armstrong, J'Mison Morgan, Ty Shaw, Brandon Jones, Israel Milburn, Baron Brown, and Demetrius Fields III, accompanied by their coaches, James Mays II, Derek Stricklin, and Anthony Terrell.

The Senate welcomed its guests.

SENATE RESOLUTION 863

Senator Wentworth offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to join Rotary District 5870 in recognizing young people aged 12 to 18 in Central Texas who have exemplified the motto of Rotary International of Service Above Self; and

WHEREAS, April 25, 2007, is Youth Service Above Self Day in the State of Texas for Rotary District 5870; on this occasion, young people who have performed extraordinary deeds for their family, their school, or the community at large are being honored for their selfless service and commitment to the welfare of others; and

WHEREAS, The persons selected for recognition by Rotary District 5870 are Sara Basham, Amreen Bora, Jennifer Brenke, Michaelina Conner, Frances Diep, Kimber Dowell, Marley Drake, Shannon Drozd, Allyson Fisk, Brynn Fitzpatrick, Shannon Fletcher, Charles Foster, Heather Helton, Katy Hobson, Nicole Holle, Cody Hunt, Sarah Jatzlau, Candice Jenke, Crystal Johnson, Philip Joseph, Heather Kalmar, Christopher Kaspar, Kasey Kellar, Kacie Krause, Ashli Lawson, Julie Levingston, Anne Little, Laura Locke, Ciara Long, Alisa Luckey, James E. Lynn III, Hemlata Malani, Luis Maldonado, Cait McCann, Mark McCombs, Abigail Menka, Ryan Merryman, Zenaida Miranda, Cody Morris, Talitha Muehlbrad, Lianne Netardus, Jeremy Nickerson, Kesia Nuncio, Eric Ortega, Samantha Orton, Maranda Pounders, Dawn Rackel, Vanessa Ramirez, Tiffany Raney, Chris Ratliff, Tiffany Samuelson, Josh Simpson, Tanner Smith, Avery Sorenson, Amber Stanley, Enchantra Thomas, Jose Torres, Alison Vickery, Amanda Ward, Lindsey Weaver, Devin Wenske, Wendi Whipkey, Katherine Williams, Lauren Williams, and Tiana Won; and

WHEREAS, These exceptional young persons have been chosen based on their outstanding example of service above self in their communities, and they have demonstrated true strength of character as role models for all their peers; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby congratulate the students who live as Youth Doing Service Above Self in Texas and extend to them sincere best wishes for continued success; and, be it further

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

SR 863 was read and was adopted without objection.

GUESTS PRESENTED

Senator Wentworth was recognized and introduced to the Senate a group of students who have exemplified the motto of Rotary International of Service Above Self.

The Senate welcomed its guests.

SENATE RESOLUTION 809

Senator West offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Cedar Hill High School football team, which recently won the University Interscholastic League Class 5A Division II state championship title; and

WHEREAS, The Longhorns convincingly defeated Cypress Falls High School 51-17 to win the state title; the team was also named the Chevrolet High School Football Team of the Year; and

WHEREAS, These young athletes have demonstrated exceptional talent and perseverance throughout the school year, ending the season with an undefeated record; team members can take great pride in their outstanding performance; and

WHEREAS, Under the superior leadership and expertise of Coach Joey McGuire, the Longhorns have developed exceptional teamwork and discipline; and

WHEREAS, Cedar Hill High School and the City of Cedar Hill are proud of the Longhorns for their hard work, their impressive skills, and their fine sportsmanship; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby commend the members of the Cedar Hill High School football team for their successful season and extend congratulations to them on winning the University Interscholastic League Class 5A Division II state championship title; and, be it further

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

SR 809 was read and was adopted without objection.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate members of the Cedar Hill High School football team, winners of the University Interscholastic League Class 5A Division II state championship: Marvin Charles, Tim Clark, Chris Francis, Jesus Fuentes, John Jones, Dustin Maddox, Cameron Thompson, Wayne Thompson, Tory Tyner, and Brittian Valentine, accompanied by Head Football Coach Joey McGuire, Athletic Director Gina Farmer, Superintendent Horace Williams, and other players and administrators.

The Senate welcomed its guests.

HOUSE CONCURRENT RESOLUTION 211

The Presiding Officer, Senator Eltife in Chair, laid before the Senate the following resolution:

WHEREAS, Art Briles, head football coach of the University of Houston, has earned the respect and gratitude of the team's fans by restoring the Cougars to gridiron glory; and

WHEREAS, In 2006, his fourth year at the helm, Coach Briles led the Cougars to their first Conference USA championship since 1999 and took the team to its third bowl appearance in the past four seasons; and

WHEREAS, Coach Briles began his successful football career as a player at Rule High School, where he was an all-state quarterback on the team coached by his father, Dennis; he went on to attend the University of Houston from 1974 to 1977, playing wide receiver on the squad that captured the Southwest Conference championship and emerged victorious in the Cotton Bowl; and

WHEREAS, After transferring to Texas Tech University, he obtained his bachelor's degree, and he later earned a master's degree in education at Abilene Christian University; and

WHEREAS, His coaching career began at Sundown High School, where he was an assistant coach for a year, and continued at Sweetwater High School, where he served as an assistant coach for four years; after two years as head coach and athletic director at Hamlin High School and two years in the same capacity at Georgetown High School, he began his tenure as head coach and athletic director at Stephenville High School; and

WHEREAS, During his 12 years as the head coach at Stephenville, he led the Yellow Jackets to four state championships, including back-to-back titles in 1998 and 1999; during a six-year stretch, his teams posted a sensational record of 90-2-1, and the 1998 squad set a then national record for total offense; and

WHEREAS, Coach Briles, who has spent his entire coaching career in Texas, served as running backs coach at Texas Tech University for three years before taking the head coaching position at the University of Houston in 2003; and

WHEREAS, In his first season as a collegiate head coach, this talented leader began the process of restoring the University of Houston's once dominant football program to national prominence, leading the Cougars to a 7-6 record and an appearance in the Sheraton Hawaii Bowl; and

WHEREAS, The 2006 season saw the Cougars earn a berth in the Liberty Bowl after posting a 10-3 regular season record and winning the Conference USA championship; for his efforts, Coach Briles was honored as the conference's 2006 Coach of the Year, a fitting tribute for this successful leader; and

WHEREAS, Art Briles has reestablished the University of Houston's football team as a perennial contender for postseason honors, and he is indeed worthy of special recognition for his outstanding efforts as the head coach of the Cougars; now, therefore, be it

RESOLVED, That the 80th Legislature of the State of Texas hereby honor Art Briles for his contributions to the success of the University of Houston football team and extend best wishes for continued success to Coach Briles and his players and staff; and, be it further

RESOLVED, That an official copy of this resolution be prepared for Coach Briles, University of Houston director of athletics Dave Maggard, and university president Jay Gogue as an expression of high regard by the Texas House of Representatives and Senate.

ELLIS

HCR 211 was read.

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

All Members are deemed to have voted "Yea" on the adoption of the resolution except as follows:

Absent-excused: Gallegos.

GUESTS PRESENTED

Senator Ellis was recognized and introduced to the Senate Art Briles, head football coach at the University of Houston, accompanied by Leroy L. Hermes, Chair of the University of Houston System Board of Regents.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Nichols was recognized and introduced to the Senate a group of students from Brandon Elementary School in Lufkin.

The Senate welcomed its guests.

SENATE RESOLUTION 788

Senator West offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to join the citizens of Texas in celebrating April 22 through 28, 2007, as County Government Week; and

WHEREAS, Texas' 254 counties are the vital arm of state government that is closest to the people; they provide a variety of essential services for the protection and betterment of local communities; and

WHEREAS, Among these crucial services are defense against crime, front-line emergency response to natural disasters like hurricanes and wildfires, the safety and maintenance of roads and bridges, assistance to senior citizens and youth, public records management, quality-of-life services such as libraries, and a host of other valuable community enterprises; and

WHEREAS, County government is composed of dedicated elected and appointed officials and hardworking, diligent employees; it provides a voice for local citizens, innovative solutions to community needs and problems, and cost-effective results that save local taxpayers money; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby commend the individuals who make up county government for their dedication, their innovation, and the valuable services they provide and join all Texans in celebrating April 22 through 28, 2007, as County Government Week; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of County Government Week.

SR 788 was read and was adopted without objection.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate representatives of County Government Week: Marc Hamlin, Texas Association of Counties President and Brazos County District Clerk; Luanne Caraway, Hays County Tax Assessor-Collector; Mark Evans, Trinity County Judge; Janice Gray, Coryell County Clerk; and Charles Simmons, Nacogdoches County Commissioner.

The Senate welcomed its guests.

SENATE RESOLUTION 822

Senator Hegar offered the following resolution:

SR 822, In memory of Sam D. Seale of Jackson County.

The resolution was read.

Senator Hegar was recognized and introduced to the Senate family members of Sam D. Seale: his widow, Sylvia Aldrete Seale; his son, Sam Seale IV, and wife, Sandy; and his daughters, Carrie Hearne, Lea Ann Guyton, and Laura Hanson.

The Senate welcomed its guests and extended its sympathy.

On motion of Senator Hegar, **SR 822** was adopted by a rising vote of the Senate.

In honor of the memory of Sam D. Seale, the text of the resolution is printed at the end of today's *Senate Journal*.

PRESENTATION

Senator West was recognized and, on behalf of the South Oak Cliff High School basketball team, the Duncanville High School basketball team, and the Cedar Hill High School football team, made a presentation of their jerseys to the Lieutenant Governor.

CONCLUSION OF MORNING CALL

The Presiding Officer, Senator Eltife in Chair, at 12:20 p.m. announced the conclusion of morning call.

LEAVE OF ABSENCE

On motion of Senator Whitmire, Senator Uresti was granted leave of absence for the remainder of the day on account of important business.

COMMITTEE SUBSTITUTE SENATE BILL 785 ON SECOND READING

Senator Shapiro moved to suspend the regular order of business to take up for consideration **CSSB 785** at this time on its second reading:

CSSB 785, Relating to information related to the performance of an abortion; creating an offense.

The motion prevailed by the following vote: Yeas 20, Nays 9.

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

Nays: Ellis, Hinojosa, Shapleigh, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Gallegos, Uresti.

The bill was read second time.

Senator Shapiro offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 785** (committee printing) in SECTION 7 of the bill, in proposed Section 33.012(b), Family Code (page 5, line 61), by striking "by county" and substituting "on a statewide basis".

The amendment to **CSSB 785** was read and was adopted by a viva voce vote.

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

Absent-excused: Gallegos, Uresti.

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

CSSB 785 as amended was passed to engrossment by the following vote: Yeas 20, Nays 9.

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

Nays: Ellis, Hinojosa, Shapleigh, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Gallegos, Uresti.

**COMMITTEE SUBSTITUTE
SENATE BILL 23 ON SECOND READING**

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 23** at this time on its second reading:

CSSB 23, Relating to promoting the purchase and availability of health coverage.

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

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

Absent-excused: Gallegos, Uresti.

**COMMITTEE SUBSTITUTE
SENATE BILL 23 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 23** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Wentworth.

Absent-excused: Gallegos, Uresti.

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 23**, 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 23** 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 0.

Absent-excused: Gallegos, Uresti.

SENATE BILL 959 ON SECOND READING

On motion of Senator Shapleigh and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 959** at this time on its second reading:

SB 959, Relating to including the international symbol of access on certain specialty license plates.

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

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

Absent-excused: Gallegos, Uresti.

SENATE BILL 959 ON THIRD READING

Senator Shapleigh moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 959** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Wentworth.

Absent-excused: Gallegos, Uresti.

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 959**, 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 959** 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 0.

Absent-excused: Gallegos, Uresti.

HOUSE BILL 1518 ON SECOND READING

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1518** at this time on its second reading:

HB 1518, Relating to circumstances under which court reporting firms, shorthand reporting firms, and affiliate offices are considered to provide services in this state.

The bill was read second time and 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:

Absent-excused: Gallegos, Uresti.

HOUSE BILL 1518 ON THIRD READING

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1518** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Wentworth.

Absent-excused: Gallegos, Uresti.

Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **HB 1518**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **HB 1518** 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 0.

Absent-excused: Gallegos, Uresti.

SENATE BILL 877 ON SECOND READING

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 877** at this time on its second reading:

SB 877, Relating to a limitation on judge-ordered community supervision for a defendant convicted of first-degree felony injury to a child.

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

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

Absent-excused: Gallegos, Uresti.

SENATE BILL 877 ON THIRD READING

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 877** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Wentworth.

Absent-excused: Gallegos, Uresti.

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 877**, 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 877** 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 0.

Absent-excused: Gallegos, Uresti.

**COMMITTEE SUBSTITUTE
SENATE BILL 1814 ON SECOND READING**

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1814** at this time on its second reading:

CSSB 1814, Relating to the creation of the office of district attorney for Kenedy and Kleberg Counties and the district attorney for the 105th Judicial 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 except as follows:

Absent-excused: Gallegos, Uresti.

**COMMITTEE SUBSTITUTE
SENATE BILL 1814 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 1814** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Wentworth.

Absent-excused: Gallegos, Uresti.

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 1814**, 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 1814** 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 0.

Absent-excused: Gallegos, Uresti.

COMMITTEE SUBSTITUTE
SENATE BILL 642 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 642** at this time on its second reading:

CSSB 642, Relating to registration and regulation of metal recycling entities; providing penalties.

The bill was read second time.

Senator West offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 642** (committee printing) as follows:

(1) In SECTION 2 of the bill, in proposed Subsection (c), Section 1956.032, Occupations Code (page 4, line 66), between "material" and the period, insert "and retain a copy of the identification in the entity's records".

(2) In SECTION 3 of the bill, strike proposed Section 1956.203, Occupations Code (page 7, lines 39 through 52), and substitute the following:

Sec. 1956.203. CRIMINAL PENALTY FOR OPERATING AS MOBILE METAL RECYCLING ENTITY. (a) A person commits an offense if the person from a non-fixed or mobile location operates as a metal recycling entity by engaging in an activity described by Section 1956.001(7)(A), (B), or (C).

(b) An offense under this section is a Class B misdemeanor.

(3) Strike SECTION 8 of the bill (page 8, lines 5 through 8) and substitute the following:

SECTION 8. This Act takes effect September 1, 2007.

The amendment to **CSSB 642** was read and was adopted by a viva voce vote.

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

Absent-excused: Gallegos, Uresti.

Senator Jackson offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 642** in SECTION 2 of the bill, in proposed Subsection (b), Section 1956.003, Occupations Code (committee printing, page 2, line 60), between "municipality" and the period, by inserting "and may impose a fee not to exceed \$250 for the issuance or renewal of the license or permit".

The amendment to **CSSB 642** was read and was adopted by a viva voce vote.

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

Absent-excused: Gallegos, Uresti.

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

CSSB 642 as amended was passed to engrossment by a viva voce vote.

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

Absent-excused: Gallegos, Uresti.

**COMMITTEE SUBSTITUTE
SENATE BILL 642 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 642** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Wentworth.

Absent-excused: Gallegos, Uresti.

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 642**, 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 642** 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 0.

Absent-excused: Gallegos, Uresti.

**COMMITTEE SUBSTITUTE
SENATE BILL 1937 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 1937** at this time on its second reading:

CSSB 1937, Relating to the establishment of a school-based influenza vaccination pilot program.

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

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

Absent-excused: Gallegos, Uresti.

**COMMITTEE SUBSTITUTE
SENATE BILL 1937 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 1937** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Wentworth.

Absent-excused: Gallegos, Uresti.

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 1937**, 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 1937** 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 0.

Absent-excused: Gallegos, Uresti.

**COMMITTEE SUBSTITUTE
SENATE BILL 1384 ON SECOND READING**

Senator Watson moved to suspend the regular order of business to take up for consideration **CSSB 1384** at this time on its second reading:

CSSB 1384, Relating to declarations of taking for toll projects.

The motion prevailed.

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

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

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

Nays: Shapleigh.

Absent-excused: Gallegos, Uresti.

**COMMITTEE SUBSTITUTE
SENATE BILL 1384 ON THIRD READING**

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1384** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 2.

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

Nays: Shapleigh, Wentworth.

Absent-excused: Gallegos, Uresti.

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 1384**, 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 1384** 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 1.

Nays: Shapleigh.

Absent-excused: Gallegos, Uresti.

**COMMITTEE SUBSTITUTE
SENATE BILL 583 ON SECOND READING**

Senator Patrick moved to suspend the regular order of business to take up for consideration **CSSB 583** at this time on its second reading:

CSSB 583, Relating to the waiting period for a divorce on the grounds of insupportability.

The motion prevailed.

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

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

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

Nays: Zaffirini.

Absent-excused: Gallegos, Uresti.

**COMMITTEE SUBSTITUTE
SENATE BILL 583 ON THIRD READING**

Senator Patrick moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 583** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 2.

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

Nays: Wentworth, Zaffirini.

Absent-excused: Gallegos, Uresti.

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 583**, 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 583** 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 1.

Nays: Zaffirini.

Absent-excused: Gallegos, Uresti.

COMMITTEE SUBSTITUTE SENATE BILL 1816 ON SECOND READING

On motion of Senator Averitt and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1816** at this time on its second reading:

CSSB 1816, Relating to a sales tax exemption for the reuse and recycling of wastewater used for oil and gas activities.

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

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

Absent-excused: Gallegos, Uresti.

**COMMITTEE SUBSTITUTE
SENATE BILL 1816 ON THIRD READING**

Senator Averitt moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1816** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Wentworth.

Absent-excused: Gallegos, Uresti.

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 1816**, 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 1816** 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 0.

Absent-excused: Gallegos, Uresti.

SENATE BILL 2009 ON SECOND READING

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 2009** at this time on its second reading:

SB 2009, Relating to the creation of municipal courts of record in the city of Corpus Christi.

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

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

Absent-excused: Gallegos, Uresti.

SENATE BILL 2009 ON THIRD READING

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 2009** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Wentworth.

Absent-excused: Gallegos, Uresti.

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 2009**, 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 2009** 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 0.

Absent-excused: Gallegos, Uresti.

**COMMITTEE SUBSTITUTE
SENATE BILL 1865 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 1865** at this time on its second reading:

CSSB 1865, Relating to the creation of the lifespan respite services pilot program.

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

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

Absent-excused: Gallegos, Uresti.

**COMMITTEE SUBSTITUTE
SENATE BILL 1865 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 1865** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Wentworth.

Absent-excused: Gallegos, Uresti.

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 1865**, 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 1865** 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 0.

Absent-excused: Gallegos, Uresti.

**COMMITTEE SUBSTITUTE
SENATE BILL 1832 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 1832** at this time on its second reading:

CSSB 1832, Relating to the billing of anatomic pathology services; 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 except as follows:

Absent-excused: Gallegos, Uresti.

**COMMITTEE SUBSTITUTE
SENATE BILL 1832 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 1832** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Wentworth.

Absent-excused: Gallegos, Uresti.

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 1832**, 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 1832** 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 0.

Absent-excused: Gallegos, Uresti.

STATEMENT OF LEGISLATIVE INTENT

Senator Duncan submitted the following statement of legislative intent for **CSSB 1832**:

Nothing in this bill is intended to change the ability of Advanced Practice Nurses to perform procedures necessary to collect specimens for examination by a pathologist, or to order an anatomic pathology service. This is currently within the scope of Advanced Practice Nurses and this bill does nothing to change that.

DUNCAN

**COMMITTEE SUBSTITUTE
SENATE BILL 1879 ON SECOND READING**

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1879** at this time on its second reading:

CSSB 1879, Relating to the regulation of controlled substances.

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

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

Absent-excused: Gallegos, Uresti.

**COMMITTEE SUBSTITUTE
SENATE BILL 1879 ON THIRD READING**

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1879** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Wentworth.

Absent-excused: Gallegos, Uresti.

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 1879**, 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 1879** 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 0.

Absent-excused: Gallegos, Uresti.

SENATE BILL 213 WITH HOUSE AMENDMENTS

Senator Fraser called **SB 213** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer, Senator Eltife in Chair, laid the bill and the House amendments before the Senate.

Floor Amendment No. 1

Amend **SB 213** as follows:

- (1) On page 3, line 15, strike "and".
- (2) On page 3, line 17, strike the period and substitute:

; and

(23) a county with a population of less than 10,000 that is bordered by the Sulphur River.

Floor Amendment No. 1 on Third Reading

Amend **SB 213**, as amended by Amendment No. 1 by Homer, on third reading as follows:

(1) In the recital to SECTION 1 of the bill, strike "Subsection (a)" and substitute "Subsections (a) and (d)".

(2) In SECTION 1 of the bill, in Section 352.002, Tax Code, insert the following between amended Subsection (a) and added Subsection (f):

(d) The tax imposed by a county authorized by Subsection (a)(4), (6), (8), (9), (10), (11), (12), (17), (19), (20), ~~or (21)~~, or (23) to impose the tax does not apply to a hotel located in a municipality that imposes a tax under Chapter 351 applicable to the hotel. This subsection does not apply to:

(1) a county authorized by Subsection (a)(6) to impose the tax that:

(A) has a population of less than 40,000 and adjoins the most populous county in this state; or

(B) has a population of more than 200,000 and borders the Neches River; or

(2) a county authorized by Subsection (a)(9) to impose the tax that has a population of more than 9,000.

The amendments were read.

Senator Fraser moved to concur in the House amendments to **SB 213**.

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

Absent-excused: Gallegos, Uresti.

COMMITTEE SUBSTITUTE SENATE BILL 1723 ON SECOND READING

On motion of Senator Ogden and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1723** at this time on its second reading:

CSSB 1723, Relating to the collection of surcharges assessed under the driver responsibility program.

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

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

Absent-excused: Gallegos, Uresti.

**COMMITTEE SUBSTITUTE
SENATE BILL 1723 ON THIRD READING**

Senator Ogden moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1723** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Wentworth.

Absent-excused: Gallegos, Uresti.

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 1723**, 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 1723** 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 0.

Absent-excused: Gallegos, Uresti.

**COMMITTEE SUBSTITUTE
SENATE BILL 1700 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 1700** at this time on its second reading:

CSSB 1700, Relating to state assistance with the costs of constructing or renovating public high school science laboratories.

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

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

Absent-excused: Gallegos, Uresti.

**COMMITTEE SUBSTITUTE
SENATE BILL 1700 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 1700** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Wentworth.

Absent-excused: Gallegos, Uresti.

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 1700**, 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 1700** 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 0.

Absent-excused: Gallegos, Uresti.

**COMMITTEE SUBSTITUTE
SENATE BILL 1349 ON SECOND READING**

On motion of Senator Patrick and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1349** at this time on its second reading:

CSSB 1349, Relating to the annexation of certain municipally owned airports.

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

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

Absent-excused: Gallegos, Uresti.

**COMMITTEE SUBSTITUTE
SENATE BILL 1349 ON THIRD READING**

Senator Patrick moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1349** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Wentworth.

Absent-excused: Gallegos, Uresti.

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 1349**, 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 1349** 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 0.

Absent-excused: Gallegos, Uresti.

**COMMITTEE SUBSTITUTE
SENATE BILL 1736 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 1736** at this time on its second reading:

CSSB 1736, Relating to the powers, duties, and financing of cultural education facilities finance corporations.

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

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

Absent-excused: Gallegos, Uresti.

**COMMITTEE SUBSTITUTE
SENATE BILL 1736 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 1736** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Wentworth.

Absent-excused: Gallegos, Uresti.

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 1736**, 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 1736** 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 0.

Absent-excused: Gallegos, Uresti.

(President in Chair)**SENATE BILL 1447 ON SECOND READING**

On motion of Senator Duncan and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1447** at this time on its second reading:

SB 1447, Relating to the investment authority of the Teacher Retirement System of Texas.

The bill was read second time.

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1447** (committee printing) as follows:

(1) In SECTION 1 of the bill, strike the recital and amended Subsection (a) and proposed Subsection (a-1), Section 825.301, Government Code (page 1, lines 11 through 47), and substitute:

SECTION 1. Section 825.301, Government Code, is amended by adding Subsections (a-1), (a-2), (a-3), and (b-1) and amending Subsection (b) to read as follows:

(a-1) This subsection expires September 1, 2012, and applies to the investment and reinvestment of assets of the retirement system only if the investment or reinvestment is made before September 1, 2012. In addition to any investment or reinvestment authorized by Subsection (a), the board of trustees may buy and sell the following, only to efficiently manage and reduce the risk of the overall investment portfolio:

(1) futures contracts;

(2) options;

(3) options on futures contracts;

(4) forward contracts;

(5) swap contracts, including swap contracts with embedded options;

(6) any instrument or contract intended to manage transaction or currency exchange risk in purchasing, selling, or holding investments; and

(7) any other instrument commonly used by institutional investors to manage institutional investment portfolios.

(2) In SECTION 1 of the bill, in proposed Subsection (a-2), Section 825.301, Government Code, strike the first sentence of that subsection (page 1, lines 48 through 51) and substitute "The board of trustees may delegate investment authority and contract with one or more private professional investment managers for investment and management of not more than 30 percent of the total assets held in trust by the retirement system."

(3) In SECTION 1 of the bill, in proposed Subsection (a-2), Section 825.301, Government Code, following the second sentence (page 1, line 55), insert "The board of trustees may not contract under this subsection for investment and management services to be performed on or after September 1, 2012."

(4) In SECTION 1 of the bill, in proposed Subsection (a-3), Section 825.301, Government Code, following "(a-3)" (page 1, line 56), strike "The board of trustees" and substitute "For the purpose of carrying out policy decisions made by the board of trustees, the board".

The amendment to **SB 1447** was read and was adopted by a viva voce vote.

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

Absent-excused: Gallegos, Uresti.

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 2

Amend **SB 1447** by inserting the following new SECTION to the bill, numbered appropriately, and renumbering SECTIONS of the bill accordingly:

SECTION ____ . Subchapter D, Chapter 825, Government Code, is amended by adding Section 825.3012 to read as follows:

Sec. 825.3012. INVESTMENT IN CERTAIN HEDGE FUNDS LIMITED. (a) For the purposes of this section, "hedge fund" means a private investment vehicle that:

- (1) is not registered as an investment company;
- (2) issues securities only to accredited investors or qualified purchasers under an exemption from registration; and
- (3) engages primarily in the strategic trading of securities and other financial instruments.

(b) Notwithstanding any provision of Section 825.301, not more than five percent of the value of the total investment portfolio of the retirement system may be invested in hedge funds.

(c) The percentage of the value described by Subsection (b) is determined by reference to the value of the total investment portfolio of the retirement system as of the date the retirement system executes the subscription documents for each hedge fund investment.

The amendment to **SB 1447** was read and was adopted by a viva voce vote.

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

Absent-excused: Gallegos, Uresti.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 3

Amend **SB 1447** (committee printing) by inserting the following new SECTION to the bill and renumbering subsequent SECTIONS of the bill appropriately:

SECTION ____ . Subchapter D, Chapter 825, Government Code, is amended by adding Section 825.3015 to read as follows:

Sec. 825.3015. NEW AND EMERGING INVESTMENT MANAGERS; THRESHOLD INVESTMENT OPPORTUNITIES. In making investments under Section 825.301, the board of trustees shall make a good faith effort, consistent with the requirements of that section and with the retirement system's fiduciary responsibilities, to:

(1) use, after appropriate evaluation by the board of trustees, new and emerging investment managers, such as less established general partners of private equity funds identified by the retirement system as having the underwriting and investment qualifications to provide top-quartile investment returns, and who may include:

(A) new, independent private equity investment management firms that have three or fewer funds under management or a performance record of less than five years; and

(B) private equity funds led by individuals who are raising outside third-party capital for the first time, including:

(i) established firms with an experienced team and an attributable performance record;

(ii) experienced private equity investors who have left an established firm, as a group, to form a new management firm;

(iii) individuals who have prior private equity investment experience but who have limited experience working together and who have formed a new management firm; and

(iv) individuals who have prior industry or private sector experience, such as corporate executives or investment bankers, but who have limited private equity investment experience and who form a firm to invest in private equity investments similar to and consistent with their prior experience; and

(2) invest and reinvest, based on prudent underwriting standards, in private equity investment opportunities that may not have the levels of historical distributions and consistent realized performance of other retirement system investments but that:

(A) have the majority of the following attributes:

(i) management teams composed of knowledgeable and experienced professionals with established performance records working together;

(ii) senior investment professionals recognized in the industry for successfully implementing the proposed investment strategy;

(iii) a reputation for adhering to structured and disciplined acquisition underwriting standards;

(iv) unique skills, such as skills relating to proprietary deal sourcing, transaction negotiation, valuation, financial engineering, corporate restructuring, platform development, or venture investing;

(v) distinctive insight relative to specific industries and markets;

(vi) a verifiable reputation among portfolio company management for being a value-add investor and partner; and

(vii) proper alignment of interest evidenced by the terms and conditions of the proposed investment opportunity; and

(B) are identified by the retirement system as having the fundamental strategic, organizational, and operational characteristics for future investment and reinvestment by the system.

LUCIO
ELLIS
VAN DE PUTTE

The amendment to **SB 1447** was read and failed of adoption by the following vote: Yeas 7, Nays 22.

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

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

Absent-excused: Gallegos, Uresti.

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

SB 1447 as amended was passed to engrossment by a viva voce vote.

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

Absent-excused: Gallegos, Uresti.

SENATE BILL 1447 ON THIRD READING

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1447** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Wentworth.

Absent-excused: Gallegos, Uresti.

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 1447**, 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 1447** 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 0.

Absent-excused: Gallegos, Uresti.

GUESTS PRESENTED

Senator Ellis was recognized and introduced to the Senate a group of students from the Lyndon B. Johnson School of Public Affairs.

The Senate welcomed its guests.

(Senator Wentworth in Chair)

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

April 25, 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:

SB 277, Relating to the use in an advertisement of a name or picture of a member of the United States armed forces or the state military forces; providing a criminal penalty.

(Committee Substitute)

SB 339, Relating to entrance examination procedures for certain police officers under municipal civil service.

SB 362, Relating to civil remedies and qui tam provisions under the Medicaid fraud prevention act.

SB 370, Relating to a school district employee's immunity from liability and responsibility for certain materials.

(Committee Substitute)

SB 1665, Relating to regulation of emissions from residential water heaters.

THE HOUSE HAS CONCURRED IN SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

HB 84 (140 Yeas, 0 Nays, 1 Present, not voting)

HB 1098 (135 Yeas, 2 Nays, 1 Present, not voting)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 553 ON SECOND READING**

Senator Shapleigh moved to suspend the regular order of business to take up for consideration **CSSB 553** at this time on its second reading:

CSSB 553, Relating to a dual language education pilot project in certain school districts.

The motion prevailed.

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

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

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

Nays: Brimer, Harris, Nichols, Patrick.

Absent-excused: Gallegos, Uresti.

**COMMITTEE SUBSTITUTE
SENATE BILL 553 ON THIRD READING**

Senator Shapleigh moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 553** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 5.

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

Nays: Brimer, Harris, Nichols, Patrick, Wentworth.

Absent-excused: Gallegos, Uresti.

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 553**, 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 553** 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 25, Nays 4.

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

Nays: Brimer, Harris, Nichols, Patrick.

Absent-excused: Gallegos, Uresti.

COMMITTEE SUBSTITUTE SENATE BILL 1295 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 1295** at this time on its second reading:

CSSB 1295, Relating to the establishment of community-based programs administered by the juvenile boards of certain counties.

The bill was read second time.

Senator West offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1295** (committee printing) as follows:

(1) In SECTION 1, in added Section 54.0401(a), Family Code (page 1, lines 16 and 17), strike "1.3 million" and substitute "800,000".

(2) In SECTION 1, in added Section 54.0401(b), Family Code (page 1, line 19), strike "shall" and substitute "may".

(3) In SECTION 1, in added Section 54.0401(d), Family Code (page 1, starting at line 33), strike "In providing grants to those juvenile boards to which this section applies, the Texas Juvenile Probation Commission shall give priority to juvenile boards serving counties in which the commitment rate to the Texas Youth Commission of juveniles found to have engaged in delinquent conduct that violates a penal law of the grade of misdemeanor exceeds the statewide average."

The amendment to **CSSB 1295** was read and was adopted by a viva voce vote.

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

Absent-excused: Gallegos, Uresti.

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

CSSB 1295 as amended was passed to engrossment by a viva voce vote.

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

Absent-excused: Gallegos, Uresti.

**COMMITTEE SUBSTITUTE
SENATE BILL 1295 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 1295** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Wentworth.

Absent-excused: Gallegos, Uresti.

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 1295**, 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 1295** 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 0.

Absent-excused: Gallegos, Uresti.

GUESTS PRESENTED

Senator Deuell was recognized and introduced to the Senate the Mayor and City Councilmembers from Greenville.

The Senate welcomed its guests.

COMMITTEE SUBSTITUTE SENATE BILL 887 ON SECOND READING

Senator Shapiro moved to suspend the regular order of business to take up for consideration **CSSB 887** at this time on its second reading:

CSSB 887, Relating to the use of certain revenue generated by Texas Department of Transportation toll projects and to the membership and functions of metropolitan planning organizations.

The motion prevailed.

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

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 887**, in SECTION 1 of the bill, on page 1, line 19, between "development agreement" and "shall [~~may~~] be used" by inserting "are subject to appropriation by the legislature and".

The amendment to **CSSB 887** was read.

Senator Shapiro moved to postpone further consideration of Floor Amendment No. 1 to **CSSB 887** to a time certain of 11:30 a.m. tomorrow.

The motion prevailed.

Question — Shall Floor Amendment No. 1 to **CSSB 887** be adopted?

CONFERENCE COMMITTEE ON HOUSE BILL 1

Senator Ogden called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 1** and moved that the request be granted.

The motion prevailed without objection.

The President asked if there were any motions to instruct the conference committee on **HB 1** before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate: Senators Ogden, Chair; Zaffirini, Duncan, Whitmire, and Williams.

**NOTICE GIVEN FOR
LOCAL AND UNCONTESTED CALENDAR**

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

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

On motion of Senator Brimer and by unanimous consent, Senate Rule 11.13 was suspended to grant all committees permission to meet while the Senate will be meeting tomorrow during the Local and Uncontested Calendar Session.

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

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

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 3:29 p.m. agreed to adjourn, in memory of Sam D. Seale of Jackson County, upon conclusion of the Local and Uncontested Calendar Session, until 11:00 a.m. tomorrow.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 871 by Lucio, In memory of San Benito "Benny" Montalvo of San Benito.

SR 882 by Williams, In memory of Sergeant Ryan Patrick Green.

SR 883 by Williams, In memory of Benjamin Ellis Pickett, Sr., of Liberty.

Congratulatory Resolutions

SR 865 by Watson, Recognizing Eddie Marshall as a treasured citizen of Austin and the State of Texas.

SR 866 by Watson, Commending Ron Spriggs for bringing the Tuskegee Airmen Exhibition to Austin.

SR 867 by Watson, Commending the Missionary Oblates of Mary Immaculate for their work in Texas.

SR 868 by Watson, Recognizing Aurora C. Moore on the occasion of her retirement from the Office of the Comptroller of Public Accounts.

SR 869 by Hinojosa, Congratulating Alexandria L. Valdez for earning a Texas Media Award from the Texas Library Association.

SR 870 by Estes, Recognizing Palo Pinto County on the occasion of its 150th anniversary.

SR 875 by Uresti, Recognizing the Veterans of Foreign Wars Post 9186 Ladies Auxiliary on the occasion of its 50th anniversary.

SR 876 by Uresti, Recognizing Miguel R. Ramirez for his service to the San Antonio community.

SR 877 by Ellis, Congratulating Julianne Malveaux for being named President of Bennett College for Women in Greensboro, North Carolina.

SR 878 by Ellis, Congratulating Stefanie Paloma Solar of Houston for receiving a 2007 Rising Latina Leader Award from the League of United Latin American Citizens.

SR 884 by Williams, Recognizing Dale Roberts of Houston on the occasion of his retirement from PrimeWay Federal Credit Union.

SR 885 by Duncan, Recognizing the Shannon Medical Center on the occasion of its 75th anniversary.

Official Designation Resolutions

SR 864 by Watson, Recognizing May 1, 2007, as Lago Vista Day at the State Capitol.

SR 874 by Nelson, Recognizing April 25, 2007, as Start! Walking At Work Day.

RECESS

On motion of Senator Whitmire, the Senate at 3:30 p.m. recessed until 8:00 a.m. tomorrow for the Local and Uncontested Calendar Session.

APPENDIX

COMMITTEE REPORTS

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

April 25, 2007

HEALTH AND HUMAN SERVICES — **CSSB 1098, CSSB 1566**

CRIMINAL JUSTICE — **SB 463, SB 1361, SB 1428, SB 1741**

NATURAL RESOURCES — **CSSB 1177, CSSB 1317**

TRANSPORTATION AND HOMELAND SECURITY — **CSSB 1373**

GOVERNMENT ORGANIZATION — **CSSB 900, CSSB 1933**

EDUCATION — **CSHB 121, CSSB 1943, CSSB 217, CSSB 1051, CSSB 127**

FINANCE — **CSSB 769, CSSB 1332, CSSB 1185**

BUSINESS AND COMMERCE — **HB 11, HB 863, HB 2007**

TRANSPORTATION AND HOMELAND SECURITY — **CSSB 1897**

STATE AFFAIRS — **CSSB 1204, HB 2005, HB 1237, HB 973, HB 886, SB 1854, SB 1847, SB 1637, CSSB 1391, SB 791**

INTERGOVERNMENTAL RELATIONS — **CSSB 1969, SB 1243**

TRANSPORTATION AND HOMELAND SECURITY — **CSHB 1892, CSSB 1118**

STATE AFFAIRS — **CSSB 1846**

BUSINESS AND COMMERCE — **CSSB 1729**

FINANCE — **CSSB 1615**

In Memory**of****Sam D. Seale****Senate Resolution 822**

WHEREAS, The Senate of the State of Texas honors and commemorates the life of Sam D. Seale, who died February 7, 2007, at the age of 73; and

WHEREAS, Sam Seale was a former Jackson County Judge and a longtime executive director of the Texas Association of Counties; and

WHEREAS, He was born in Floresville on September 27, 1933; his early goal was to pursue a career in law enforcement; he worked with the police department in Kingsville, the Travis County Sheriff's Office, and the Federal Bureau of Investigation in Washington, D.C.; and

WHEREAS, He attended Texas A&I University in Kingsville, the American College of Law in Washington, D.C., and The University of Texas School of Law; and

WHEREAS, After he and his wife and children moved to the family ranch in Jackson County, he was elected county judge in 1971; he continued to operate the ranch and served as president of the South Texas Judges and Commissioners Association and as head of the statewide County Judges and Commissioners Association of Texas; and

WHEREAS, Judge Seale joined the staff of the Texas Association of Counties in 1986 and became the organization's executive director in 1987; throughout his tenure, he was well known for his excellent leadership and his love of Texas county government, and he was recently honored for his 20 years of outstanding service to the association; and

WHEREAS, He was proud of serving four terms as president of the Golden Crescent Regional Planning Commission and earning the title of Man of the Year in 1979 and 1984; he was also named Man of the Year by the Texas County Agriculture Agents Association; and

WHEREAS, He was a director of the Texas Supreme Court Judges Education Committee, the South Texas Health Systems Agency, the Texas Juvenile Probation Commission Advisory Committee, and the Texas Department of Community Affairs Advisory Committee; and

WHEREAS, An inspirational community leader and a man of exemplary loyalty and integrity, Sam Seale was noted for his generous nature and was beloved by his family and friends, and he will long be remembered by all who knew him; a devoted husband, father, and grandfather, he will be deeply missed; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby extend sincere condolences to the bereaved family of Sam D. Seale: his wife, Sylvia Aldrete Seale; his sons and daughters-in-law, Sam D.

Seale IV and Sandra, Marc Thomas, and Michael and Cerenna McCrery; his daughters and sons-in-law, Carrie Hearne, Lea Ann Guyton, Terry and Pat Fazio, Jean and Max Bordelon, and Laura and Jeff Hanson; his sister, Laura Ann Farley; and his 21 grandchildren and great-grandchild; and, be it further

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

HEGAR
DUNCAN

