

SENATE JOURNAL

EIGHTIETH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FORTY-NINTH DAY

(Thursday, April 26, 2007)

The Senate met at 11:10 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, Gallegos, Harris, Hegar, Hinojosa, Jackson, Janek, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, Whitmire, Williams, Zaffirini.

Absent-excused: West.

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

The Reverend Jeff Hackleman, Family Faith Church, Huntsville, offered the invocation as follows:

Lord, today we bring before You this nation, the greatest in the history of mankind and, specifically, the great State of Texas. We ask that Your plans, Your purposes, and Your will be done so that Your blessings can continue to freely flow to the people of this state. I ask You to bless the men and women who represent us in this sacred place, bless their families, their business and domestic life. We pray that You would give the political and spiritual leaders of this state the wisdom to make the right decisions and the courage to make those plans a reality. Help us to leave a lasting legacy and the same solid foundations our forefathers left us to future generations. Help us to make all the right decisions for all the right reasons, and through Your grace, may we continue to build one nation under God, indivisible, with liberty and justice for all. 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 West was granted leave of absence for today on account of important business.

CO-AUTHOR OF SENATE BILL 127

On motion of Senator Shapleigh, Senator Hinojosa will be shown as Co-author of **SB 127**.

CO-AUTHOR OF SENATE BILL 280

On motion of Senator Gallegos, Senator Janek will be shown as Co-author of **SB 280**.

CO-AUTHORS OF SENATE BILL 1098

On motion of Senator Patrick, Senators Nelson and Uresti will be shown as Co-authors of **SB 1098**.

CO-AUTHOR OF SENATE BILL 1170

On motion of Senator Hinojosa, Senator Ellis will be shown as Co-author of **SB 1170**.

CO-AUTHOR OF SENATE BILL 1392

On motion of Senator Uresti, Senator Zaffirini will be shown as Co-author of **SB 1392**.

CO-AUTHOR OF SENATE BILL 1348

On motion of Senator Patrick, Senator Uresti will be shown as Co-author of **SB 1348**.

CO-AUTHOR OF SENATE BILL 1615

On motion of Senator Averitt, Senator Duncan will be shown as Co-author of **SB 1615**.

CO-AUTHOR OF SENATE BILL 1788

On motion of Senator Shapiro, Senator Patrick will be shown as Co-author of **SB 1788**.

CO-AUTHOR OF SENATE BILL 1855

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

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 49

On motion of Senator Ellis, Senator Whitmire will be shown as Co-author of **SCR 49**.

CO-AUTHOR OF SENATE RESOLUTION 888

On motion of Senator Harris, Senator Nelson will be shown as Co-author of **SR 888**.

CO-SPONSOR OF HOUSE BILL 416

On motion of Senator Watson, Senator Deuell will be shown as Co-sponsor of **HB 416**.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

April 26, 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 401, Relating to the use of text messages and other electronic media to commit certain sexual offenses against minors or certain students.

HB 461, Relating to participation in an animal identification system.

HB 522, Relating to adoption and operation of requirements regarding health benefit plan identification cards.

HB 530, Relating to the operation and funding of drug court programs.

HB 610, Relating to a plan to provide services to an area annexed by a municipality.

HB 921, Relating to the sharing of information among state agencies.

HB 957, Relating to participation by certain state employees in a default investment product under a deferred compensation plan.

HB 1005, Relating to the timely submission of a claim for payment by a workers' compensation health care provider.

HB 1038, Relating to the operation of the Texas Residential Construction Commission; providing penalties.

HB 1170, Relating to the regulation and limitation of liability of persons engaged in certain liquefied petroleum gas-related activities, including requirements concerning consumer safety notification.

HB 1196, Relating to restrictions on the use of certain public subsidies.

HB 1248, Relating to the sale of mixed beverages aboard certain passenger vessels.

HB 1250, Relating to prohibiting discrimination based on a student's secondary school in awarding certain financial aid for higher education.

HB 1355, Relating to dog attacks on persons; creating an offense.

HB 1472, Relating to the annexation of land for which property taxes are imposed based on the land's value for agricultural or wildlife management purposes or timber production.

HB 1519, Relating to including within the offense of barratry and solicitation of professional employment certain solicitations made during certain periods.

- HB 1678**, Relating to the operation of a system of community supervision.
- HB 1767**, Relating to the punishment for criminal mischief committed by interfering with certain transportation signs, signals, or devices.
- HB 1804**, Relating to the prosecution of the offense of improper photography or visual recording.
- HB 1871**, Relating to information obtained regarding the sale of plastic bulk merchandise containers; providing civil penalties.
- HB 1886**, Relating to the procurement methods of certain political subdivisions and certain other entities for the construction, rehabilitation, alteration, or repair of certain projects.
- HB 1921**, Relating to the use of certain devices in a polling place.
- HB 1928**, Relating to the exemption from ad valorem taxation of certain travel trailers.
- HB 2010**, Relating to declaratory relief for businesses in this state for liability for sales and use taxes of other states.
- HB 2120**, Relating to the operation of the unemployment compensation system and eligibility for and computation of an individual's unemployment compensation benefits.
- HB 2144**, Relating to the regulation of the practice of public accountancy by certain out-of-state license holders.
- HB 2338**, Relating to the authority of certain municipalities to regulate a vehicle operating as a limousine.
- HB 2341**, Relating to certain investment products made available to certain public school employees.
- HB 2491**, Relating to political expenditures made by a corporation or labor organization to finance the establishment and administration of a political committee.
- HB 2559**, Relating to the authority of a dealer to conduct certain motor vehicle sales outside of a dealership.
- HB 2605**, Relating to the existence of a common nuisance on premises for which certain alcoholic beverage permits or licenses are held or sought.
- HB 2636**, Relating to the nonsubstantive revision of statutes relating to the Texas Department of Insurance, the business of insurance, and certain related businesses, to nonsubstantive additions to and corrections in the codified Insurance Code, and to conforming the provisions of that code that were codified by the 79th Legislature to other Acts of that legislature, including conforming amendments, repeals, and penalties.
- HB 2641**, Relating to the selection of depositories for certain county funds, including funds held by a county or district clerk.
- HB 2655**, Relating to certificates of public convenience and necessity for water service and sewer service.

- HB 2735**, Relating to lobbying expenditures that are made jointly.
- HB 2738**, Relating to liens on real property.
- HB 2814**, Relating to a pilot project for language immersion in English and another language in certain school districts and charter schools.
- HB 2818**, Relating to the delay of retail electric competition in the areas of the state covered by the Southeastern Electric Reliability Council and to the recovery of certain transmission costs by electric utilities in those areas.
- HB 2978**, Relating to engineering recruitment programs established by the Texas Higher Education Coordinating Board.
- HB 2983**, Relating to a petition for the creation of a fresh water supply district.
- HB 2984**, Relating to the qualification of supervisors of a fresh water supply district.
- HB 2994**, Relating to certain agreements made with electric power generation facilities under the Property Redevelopment and Tax Abatement Act and to similar agreements and compliance reports under the Texas Economic Development Act.
- HB 3074**, Relating to advertising of entities that contract with local workforce development boards.
- HB 3132**, Relating to the authority of certain counties to impose a county hotel occupancy tax.
- HB 3140**, Relating to the review and functions of the Veterans' Land Board.
- HB 3158**, Relating to the name, powers, and board of directors of the Chambers County-Cedar Bayou Navigation District.
- HB 3226**, Relating to the equalization of property wealth in certain school districts.
- HB 3352**, Relating to municipal civil service for firefighters and police officers in certain municipalities.
- HB 3410**, Relating to alternative procedures for plat revision of residential areas by a county.
- HB 3517**, Relating to competitive purchasing requirements for local governments.
- HB 3564**, Relating to the transfer of Angelo State University to the Texas Tech University System.
- HB 4062**, Relating to certain administrative duties and responsibilities of the Department of Agriculture.
- HB 4094**, Relating to the fees assessed in certain cases filed in the Midland County courts at law.
- HCR 96**, Requesting the lieutenant governor and speaker to create a joint interim committee to study the qualifications and standards necessary to be designated a police agency and to encourage a moratorium on the statutory creation of new police agencies.
- HJR 72**, Proposing a constitutional amendment to clarify certain provisions relating to the making of a home equity loan and use of home equity loan proceeds.

HJR 103, Proposing a constitutional amendment providing for the continuation of the constitutional appropriation for facilities and other capital items at Angelo State University on a change in the governance of the university.

SB 949, Relating to the regulation of a private business providing security services by a political subdivision of this state.
(Amended)

SCR 55, Recognizing Andrew C. Solomon who has been elected student government president of The University of Texas at Austin for the 2007-2008 school year.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

PHYSICIAN OF THE DAY

Senator Hegar was recognized and presented Dr. Joe Anzaldua of Sugar Land as the Physician of the Day.

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

INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

The President announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

There was no objection.

SENATE RULE 2.02 SUSPENDED (Restrictions on Admission)

On motion of Senator Whitmire and by unanimous consent, Senate Rule 2.02 was suspended to grant floor privileges to the former Lieutenant Governor, former Senate Members, and former Secretaries of the Senate during the recognition ceremony.

BILLS AND RESOLUTIONS SIGNED

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

SB 213, SB 339, SB 362, SB 1665, HB 84, HB 1098, HB 1518, HCR 158, HCR 170.

ACKNOWLEDGMENTS

Senator Whitmire, Dean of the Senate, was recognized and acknowledged the presence of the following former Lieutenant Governor, Members of the Texas Senate, and Secretaries of the Senate: William P. Hobby, Jr., former Lieutenant Governor, Houston; former Members: Don Adams, Jasper; Gonzalo Barrientos, Austin; Joe Bernal, San Antonio; Chet Brooks, Pasadena; J. E. "Buster" Brown, Lake Jackson; David Cain, Dallas; Steven A. Carriker, Roby; Ron Clower, Garland; Louis Crump,

San Saba; Ray Farabee, Wichita Falls; Michael Galloway, The Woodlands; Bill Haley, Center; Kent Hance, Lubbock; Don Henderson, Houston; Jack Hightower, Vernon; Glenn Kothmann, San Antonio; Jon Lindsay, Houston; Bob McFarland, Arlington; John T. Montford, Lubbock; Jack Ogg, Houston; W. N. "Bill" Patman, Ganado; Bill Sarpalius, Amarillo; A. R. "Babe" Schwartz, Galveston; Dan Shelley, Crosby; David Sibley, Waco; Bill Sims, Paint Rock; W. E. "Pete" Snelson, Midland; Todd Staples, Palestine; Jack Strong, Longview; Carlos Truan, Corpus Christi; Hector Uribe, Brownsville; and Jim Wallace, Houston; and former Secretaries of the Senate: Charles Schnabel and Betty King.

IN MEMORIAM

Senator Brimer was recognized and read from *A State of Remembrance* honoring the former Members who died during the interim: R. Temple Dickson III, Henry C. Grover, Frank L. Madla, Jr., James Kuykendall Wade, and Doyle Henry Willis, Sr.

PRESENTATION

The Dean of the Senate, assisted by Secretary of the Senate Patsy Spaw and the artist, Mary Jane Manford, on behalf of the Senate, unveiled a portrait of former Secretary of the Senate Betty King to be hung in the Betty King Committee Room in the Capitol.

REMARKS ORDERED PRINTED

On motion of Senator Lucio and by unanimous consent, the remarks by Senators Brimer and Whitmire regarding the former Members of the Senate who died during the interim and the unveiling of the portrait of Betty King, former and longest-serving Secretary of the Senate, were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Brimer: Members, the Texas Senate is a special institution rich in history and tradition, and service in the Texas Senate makes one a part of that great institution and, indeed, part of Texas history. Service, tradition, history, all so very important to this body, and we are honored by the presence of our former Members today. Because of our respect and love for each other, the Senate began a new tradition six years ago during the 77th Session in conjunction with the former Senators reunion, that of remembering and honoring those former Members who have died during the interim and publicly reading their names into the Senate record. Members, on your desks you will find the memorial booklet prepared in honor of those five colleagues and friends. In alphabetical order, they are: Senator R. Temple Dickson III, Texas Senator 1989-1993; Senator Henry C. Grover, Texas Senator 1967-1973; Senator Frank L. Madla, Jr., Texas Senator 1993-2006; Senator James Kuykendall Wade, Texas Senator 1967-1969; and Senator Doyle Henry Willis, Sr., Texas Senator 1953-1963; statesmen, public servants, Texas Senators. Dean Whitmire, I ask that when the Senate adjourns today, it do so in memory of these Senators who served so well the state they loved so much.

Senator Whitmire: Members, as Dean of the Texas Senate, I get to do many "special" things, dispense with the reading of yesterday's Journal, excuse absent Members, adjourn from day to day, you know, really weighty and important things. You can laugh if you must, but just think how much longer our days would be if we had to read the Journal every day. Seriously, Members, today it is my great honor to lead the Senate in honoring and recognizing a lady so very special to so many of us and a true legend in the Texas Senate. I'd like to again welcome former Secretary of the Senate Betty King and her family to the Senate Chamber to unveil her portrait that will hang in the committee room named in her honor, the Betty King Committee Room. The former Members reunion is the perfect time to recognize Betty for her service to the Texas Senate. Secretary of the Senate for 24 years, Betty has been and will continue to be a friend, mentor, and confidant to all those returning today, as well as several current Members, myself included. Elected the 37th Secretary of the Senate in 1977, Betty served in that position for 13 successive Legislatures, longer than anyone else in Capitol history, a remarkable achievement from a remarkable lady. At the direction of the Chair of Administration, a portrait of Betty was commissioned. The artist chosen to paint the portrait had strong ties to this body, and well she should have. Mary Jane Manford had ties to the Texas Legislature dating back more than 30 years, and during Lieutenant Governor Rick Perry's service as Lieutenant Governor, she served as his director of research. More importantly, Mary Jane loved the Senate and loved Betty King. Thank you, Mary Jane, for the wonderful job. And, Betty, to all of us who know you and have enjoyed your friendship over the years, you will always remain the gracious lady of the Capitol. We miss you, but each time we see your portrait we will remember you with dear memories and grateful hearts for the special attention you gave to each of us and the dedicated service you gave to the Texas Senate. You honor us with your presence today and the Texas Senate honors you with the unveiling of your portrait.

AT EASE

The President at 11:33 a.m. announced the Senate would stand At Ease pending the departure of its guests.

IN LEGISLATIVE SESSION

The President at 11:54 a.m. called the Senate to order as In Legislative Session.

GUESTS PRESENTED

Senator Fraser was recognized and introduced to the Senate Family Career and Community Leaders of America 2006 award winners from Brady High School in Brady.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Seliger was recognized and introduced to the Senate a group of students from the robotics team of San Jacinto Christian Academy in Amarillo.

The Senate welcomed its guests.

SENATE CONCURRENT RESOLUTION 59

The President laid before the Senate the following resolution:

SCR 59, In memory of the Honorable Billy Wayne Clayton of Springlake.

The resolution was read.

Senator Duncan was recognized and introduced to the Senate family members of Speaker Clayton: his son, Tommy Clayton; his daughter-in-law, Donna Clayton; his brother, Donald Clayton; his sister-in-law, Mary Clayton; his sister, Ann Kelley; and his brother-in-law, Donald Kelley; and former Speakers: the Honorable Pete Laney, the Honorable Gib Lewis, and the Honorable Rayford Price.

The Senate welcomed its guests and extended its sympathy.

On motion of Senator Duncan, **SCR 59** was considered immediately and was adopted by a rising vote of the Senate.

In honor of the memory of the Honorable Billy Wayne Clayton of Springlake, the text of the resolution is printed at the end of today's *Senate Journal*.

SENATE CONCURRENT RESOLUTION 66

The President laid before the Senate the following resolution:

SCR 66, In memory of Corporal Ray Michael Bevel of Andrews.

The resolution was read.

Senator Seliger was recognized and introduced to the Senate family members of Ray Michael Bevel: his widow, Brooke Bevel; his mother, Christy Hobbs; his father, Jerry Bevel; his stepmother, Lonna Bevel; his grandmother, Ruth Willis; his sister, Keisa Sparks; and his brother, Jerry Don Bevel.

The Senate welcomed its guests and extended its sympathy.

On motion of Senator Seliger, **SCR 66** was considered immediately and was adopted by a rising vote of the Senate.

In honor of the memory of Corporal Ray Michael Bevel of Andrews, the text of the resolution is printed at the end of today's *Senate Journal*.

REMARKS ORDERED PRINTED

On motion of Senator Whitmire and by unanimous consent, the remarks by Senator Seliger regarding **SCR 66** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Members, I regret to inform you that they have run out of American flags in Andrews, Texas. They've bought them all in the last five days. But they have some more coming in tonight by UPS or FedEx so that just about everybody in Andrews, Texas, when the town closes down tomorrow, when the schools close, and the county offices close, and the city office closes so that people can take their American flags and line the route from Midland Airport to the City of Andrews, because Corporal Ray Bevel is coming home. Just this last weekend, Ray Bevel was killed by an improvised explosive device just south of Baghdad. It was only about last Thursday

when he told his mother not to worry, and she said that she couldn't really talk when he would call from Iraq, she would just cry, and he'd say, that's OK, if you'll just be quiet, I'll talk to you and tell you what I've been doing and how it's going and how frustrating it is to fight people that most of the time you can't really fight, but they sure want to. He's a 2003 graduate of Andrews High School. He loved working with the youth at the First Baptist Church of Andrews, loved snow skiing and golf, and loved his wife, Brooke. They've only been married about 16 months and only about half of that time did they get to spend together because the call of duty and patriotism was that strong. His dad, Jerry, said that he really wasn't sure what he was going to do when he graduated from Andrews High School, but in the Army he thought he found his calling. He thought what he found would be his life's work, that he would spend his life in the U.S. Army, and he did. His brother, Jerry Don, is going into the Army and delayed boot camp so he can welcome his brother home tomorrow, to Andrews. Jerry Don thought it was kind of interesting that when Ray would call home he'd say, Jerry Don, you be careful. He was in Iraq and wanted his brother to be careful in Andrews, and that's the sort of brother that he was. The loss of Ray Bevel sort of brings a sense of reality, of proportionality to things. And I think it should, in instances like these, and almost everybody on this floor has had this experience, but it should cause a moment of introspection, I think, to look around at the things that we do and the things that are important to us, and the positions that we expound upon. And every now and then, maybe, we should ask ourselves, are our words and our deeds and our philosophies and the things that we care about and the things that we support and the things that we fight for, are they worth the great privileges that have cost so much in this country? Are they worth the great sacrifice? Are they worth the patriotism that has been expended in the name of peace and freedom? Are they worth the life of Ray Bevel? Joining us today are his wife, Brooke Bevel; his father, Jerry Bevel; Lonna Bevel, his stepmother; Christy Hobbs, his mother; Keisa Sparks, his sister; Ruth Willis, his grandmother from Rockwall; and his brother, Jerry Don. Also, there are family members joining us in the west gallery, including his stepbrother, Private Rusty Smith, who's currently stationed at Fort Wainwright in Alaska. It is a great honor for us to be able to appreciate with you, and please have no doubt, that as we stand here today in honor of Ray Bevel, we stand for all 23 million Texans who appreciate their freedoms and the prospects they have in this country because of the sacrifices of individuals like Ray Bevel.

SENATE RESOLUTION 798

Senator Hinojosa offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to welcome the reigning Feria de las Flores queen, Imelda "Mellie" Valencia, and the contestants of the 2007 pageant to the State Capitol on April 26, 2007; and

WHEREAS, The pageant, which raises money for scholarships, has been sponsored by the League of United Latin American Citizens Council Number 1 since 1959; through the generous support of the South Texas business community, the League of United Latin American Citizens has distributed more than \$1 million in scholarship funds to students throughout the Coastal Bend area; and

WHEREAS, The contestants in the pageant are judged in six categories: beauty, personality, poise, costume, dance routine, and onstage question, and the event, which is designed to pay tribute to the heritage of Mexican American citizens, features music, dance, and dress that typify various regions south of the border; and

WHEREAS, Joining last year's winner, reigning queen Mellie Valencia, are the talented individuals participating in this year's competition; they are Crystal Garcia, Tania Garcia, Bianca Ibarra, Ariel Monte, Alexandra Reyna, Lyndsey Reyna, Paige Rodriguez, Evelyn Trevino, Amber Vasquez, and Britney Samora; and

WHEREAS, Through their involvement in the pageant, these contestants have demonstrated great cultural pride and community spirit, and they may indeed look forward to bright and promising futures; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby welcome Imelda "Mellie" Valencia, the reigning queen of Feria de las Flores, and the 2007 pageant contestants to the State Capitol and extend to them sincere best wishes for a memorable visit; and, be it further

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

SR 798 was read and was adopted without objection.

GUESTS PRESENTED

Senator Hinojosa was recognized and introduced to the Senate the reigning Feria de las Flores queen, Imelda "Mellie" Valencia, and contestants of the pageant.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Ogden was recognized and introduced to the Senate a delegation of citizens from Taylor representing Leadership Taylor.

The Senate welcomed its guests.

CONCLUSION OF MORNING CALL

The President at 12:34 p.m. announced the conclusion of morning call.

COMMITTEE SUBSTITUTE SENATE BILL 887 ON SECOND READING

The President laid before the Senate **CSSB 887** by Senator Shapiro on its second reading. The bill had been read second time, an amendment offered, and further consideration postponed to a time certain of 11:30 a.m. today:

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.

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

Senator Ogden withdrew Floor Amendment No. 1.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 887** as follows:

In added Section 221.004(a)(2), between "organization" and the period (page 2, line 12), insert: ", unless the organization has a joint powers agreement that provides an alternate means of designating state representatives".

The amendment to **CSSB 887** 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: West.

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

CSSB 887 as amended was passed to engrossment by the following vote: Yeas 20, Nays 10.

Yeas: Brimer, Carona, Deuell, Ellis, Eltife, Estes, Gallegos, Harris, Hegar, Jackson, Janek, Nelson, Patrick, Shapiro, Shapleigh, Van de Putte, Watson, Wentworth, Whitmire, Williams.

Nays: Averitt, Duncan, Fraser, Hinojosa, Lucio, Nichols, Ogden, Seliger, Uresti, Zaffirini.

Absent-excused: West.

**COMMITTEE SUBSTITUTE
SENATE BILL 785 ON THIRD READING**

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

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 10.

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

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

Absent-excused: West.

The bill was read third time and was passed by the following vote: Yeas 20, Nays 10. (Same as previous roll call)

(Senator Brimer in Chair)

**COMMITTEE SUBSTITUTE
HOUSE JOINT RESOLUTION 36 ON SECOND READING**

Senator Watson moved to suspend the regular order of business to take up for consideration **CSHJR 36** at this time on its second reading:

CSHJR 36, Proposing a constitutional amendment to permit a state justice or judge who reaches the mandatory age of retirement while in office to complete the justice's or judge's current term.

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

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

Nays: Duncan, Eltife.

Absent-excused: West.

The resolution 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:

Nays: Duncan, Eltife.

Absent-excused: West.

**COMMITTEE SUBSTITUTE
HOUSE JOINT RESOLUTION 36 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 **CSHJR 36** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 3.

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

Nays: Duncan, Eltife, Wentworth.

Absent-excused: West.

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 **CSHJR 36**, 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 **CSHJR 36** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

The resolution was read third time and was passed by the following vote: Yeas 28, Nays 2.

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

Nays: Duncan, Eltife.

Absent-excused: West.

COMMITTEE SUBSTITUTE SENATE BILL 518 ON SECOND READING

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 518** at this time on its second reading:

CSSB 518, Relating to death benefits for the survivors of certain members of the Texas National Guard.

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: West.

COMMITTEE SUBSTITUTE SENATE BILL 518 ON THIRD READING

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 518** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: West.

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 518**, 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 518** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: West.

**MOTION TO PLACE
COMMITTEE SUBSTITUTE
SENATE BILL 411 ON SECOND READING**

Senator Shapleigh moved to suspend the regular order of business to take up for consideration **CSSB 411** at this time on its second reading:

CSSB 411, Relating to dog attacks on persons; creating an offense.

Senator Shapleigh withdrew the motion to suspend the regular order of business.

(President in Chair)

SENATE BILL 665 ON SECOND READING

Senator Uresti moved to suspend the regular order of business to take up for consideration **SB 665** at this time on its second reading:

SB 665, Relating to the expunction of certain alcohol-related convictions committed by a minor.

The motion prevailed.

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

The bill was read second time.

Senator Uresti offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 665** (Senate committee printing) by striking SECTION 1 of the bill and substituting the following:

SECTION 1. Section 106.12, Alcoholic Beverage Code, is amended to read as follows:

Sec. 106.12. EXPUNCTION [~~EXPUNGEMENT~~] OF CONVICTION OF A MINOR. (a) Any person convicted of not more than one violation of this code while a minor, on attaining the age of 21 years, may apply to the court in which the applicant [~~he~~] was convicted to have the conviction expunged.

(a-1) A person convicted of a violation of Section 106.02, 106.025, 106.04, or 106.05 while a minor may apply to the court in which the person was convicted to have the conviction expunged if:

(1) at least one year has elapsed since the date of the offense;

(2) the person has attained the age of 19 years; and

(3) the person has not been convicted of a violation of this code other than the conviction for which the person seeks expunction.

(b) An [~~The~~] application under Subsection (a) shall contain the applicant's sworn statement that the applicant [~~he~~] was not convicted of any violation of this code while a minor other than the one the applicant [~~he~~] seeks to have expunged. An application under Subsection (a-1) shall contain the applicant's sworn statement that the applicant was not convicted of any violation of this code other than the one the applicant seeks to have expunged.

(c) If the court finds that an [~~the~~] applicant under Subsection (a) was not convicted of any other violation of this code while the applicant [~~he~~] was a minor or that an applicant under Subsection (a-1) was not convicted of any other violation of this code, the court shall order the conviction, together with all complaints, verdicts, sentences, and other documents relating to the offense, to be expunged from the applicant's record. After entry of the order, the applicant shall be released from all disabilities resulting from the conviction, and the conviction may not be shown or made known for any purpose.

(d) The court shall charge an applicant a fee in the amount of \$30 for an [~~each~~] application for expunction [~~expungement~~] filed under this section to defray the cost of notifying state agencies of orders of expunction [~~expungement~~] under this section.

The amendment to **SB 665** 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: West.

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

SB 665 as amended was passed to engrossment by a viva voce vote.

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

Nays: Nichols, Shapiro.

Absent-excused: West.

SENATE BILL 665 ON THIRD READING

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 665** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 3.

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

Nays: Nichols, Shapiro, Wentworth.

Absent-excused: West.

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 665**, 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 665** 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 2.

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

Nays: Nichols, Shapiro.

Absent-excused: West.

**COMMITTEE SUBSTITUTE
SENATE BILL 308 ON SECOND READING**

Senator Deuell moved to suspend the regular order of business to take up for consideration **CSSB 308** at this time on its second reading:

CSSB 308, Relating to disease control programs to reduce the risk of certain communicable diseases.

The motion prevailed by the following vote: Yeas 22, Nays 7.

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

Nays: Brimer, Estes, Fraser, Jackson, Ogden, Shapiro, Williams.

Absent: Patrick.

Absent-excused: West.

The bill was read second time.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 308** (committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . OUTREACH CAMPAIGN. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.093 to read as follows:

Sec. 531.093. UNINTENDED PREGNANCIES AND SEXUALLY TRANSMITTED DISEASES: OUTREACH CAMPAIGN AND SERVICES PROVIDED. (a) To the extent funds are available, the commission shall conduct a marketing and outreach campaign to reduce the number of unintended pregnancies and lower the rates of sexually transmitted diseases. The commission shall use community-based organizations under contract to the commission for other purposes to disseminate the information and, when possible, to provide assistance with completing applications and identifying proper documentation for program eligibility. The marketing and outreach campaign may include print and broadcast media, Internet websites, and a toll-free telephone number.

(b) The commission, the Legislative Budget Board, or the governor, in providing adequate and sufficient funding for the campaign as required by Subsection (a), may not take any action to decrease the level of programs and services designed to reduce the number of unintended pregnancies and lower the rates of sexually transmitted diseases to below the level of programs and services provided on September 1, 2007.

The amendment to **CSSB 308** was read.

Senator Watson withdrew Floor Amendment No. 1.

(Senator Brimer in Chair)

CSSB 308 was passed to engrossment by the following vote: Yeas 22, Nays 7.

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

Nays: Brimer, Estes, Fraser, Jackson, Ogden, Shapiro, Williams.

Absent: Patrick.

Absent-excused: West.

SENATE BILL 1561 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 1561** at this time on its second reading:

SB 1561, Relating to the seizure and destruction of certain plants; creating an offense.

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1561** (committee printing) as follows:

(1) In SECTION 1 of the bill, in amended Section 71.007, Agriculture Code (page 1, lines 34-38), strike proposed Subsection (b) and substitute the following:

(b) Rules adopted under Subsection (a)(8):

(1) must establish, based on scientific evidence, when a healthy but suspect citrus plant must be destroyed; and

(2) may provide for a plan for compensating an owner of a plant destroyed under a rule adopted in accordance with Subdivision (1).

(2) In SECTION 2 of the bill, in proposed Section 71.0083(a)(4), Agriculture Code (page 1, line 50), between "infected" and "plants", insert "or exposed".

The amendment to **SB 1561** 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: West.

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

SB 1561 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: West.

SENATE BILL 1561 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 1561** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: West.

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 1561**, 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 1561** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: West.

COMMITTEE SUBSTITUTE SENATE BILL 338 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 338** at this time on its second reading:

CSSB 338, Relating to carbon monoxide alarms and smoke detectors in certain residential dwellings; providing a penalty.

The bill was read second time.

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

Floor Amendment No. 1

Amend **CSSB 338** (Senate committee printing) as follows:

(1) In SECTION 2 of the bill, in added Subsection (b), Section 766.002, Health and Safety Code (page 1, line 46), strike "alteration, remodeling, enlargement, or repair of the dwelling" and substitute "home improvement to the dwelling that requires the issuance of a building permit".

(2) In SECTION 2 of the bill, strike added Subsection (c), Section 766.002, Health and Safety Code (page 1, lines 51-61), and substitute the following:

(c) Title to an existing one-family or two-family dwelling may not be transferred unless there are working smoke detectors installed in the dwelling in accordance with the smoke detector requirements of the building code in effect in the political subdivision in which the dwelling is located, including performance, location, and power source requirements. If title to an existing one-family or two-family dwelling is transferred to a hearing-impaired person, any smoke detector required under the building code in effect in the political subdivision must be a smoke detector for a hearing-impaired person.

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

SECTION __. Subsection (b), Section 5.008, Property Code, is amended to read as follows:

(b) The notice must be executed and must, at a minimum, read substantially similar to the following:

SELLER'S DISCLOSURE NOTICE
 CONCERNING THE PROPERTY AT _____
(Street Address and City)

THIS NOTICE IS A DISCLOSURE OF SELLER'S KNOWLEDGE OF THE CONDITION OF THE PROPERTY AS OF THE DATE SIGNED BY SELLER AND IS NOT A SUBSTITUTE FOR ANY INSPECTIONS OR WARRANTIES THE PURCHASER MAY WISH TO OBTAIN. IT IS NOT A WARRANTY OF ANY KIND BY SELLER OR SELLER'S AGENTS.

Seller __ is __ is not occupying the Property.
 If unoccupied, how long since Seller has occupied the Property?

1. The Property has the items checked below:

Write Yes (Y), No (N), or Unknown (U).

- | | | |
|--|---|---|
| <input type="checkbox"/> Range | <input type="checkbox"/> Oven | <input type="checkbox"/> Microwave |
| <input type="checkbox"/> Dishwasher | <input type="checkbox"/> Trash Compactor | <input type="checkbox"/> Disposal |
| <input type="checkbox"/> Washer/Dryer | <input type="checkbox"/> Window | <input type="checkbox"/> Rain Gutters |
| <input type="checkbox"/> Hookups | <input type="checkbox"/> Screens | |
| <input type="checkbox"/> Security System | <input type="checkbox"/> Fire Detection Equipment | <input type="checkbox"/> Intercom System |
| | <input type="checkbox"/> Smoke Detector | |
| | <input type="checkbox"/> Smoke Detector - | |
| | <input type="checkbox"/> Hearing Impaired | |
| | <input type="checkbox"/> Carbon Monoxide Alarm | |
| | <input type="checkbox"/> Emergency Escape Ladder(s) | |
| <input type="checkbox"/> TV Antenna | <input type="checkbox"/> Cable TV | <input type="checkbox"/> Satellite Dish |
| <input type="checkbox"/> Ceiling Fan(s) | <input type="checkbox"/> Wiring | <input type="checkbox"/> Exhaust Fan(s) |
| <input type="checkbox"/> Central A/C | <input type="checkbox"/> Attic Fan(s) | <input type="checkbox"/> Wall/Window Air Conditioning |
| <input type="checkbox"/> Plumbing System | <input type="checkbox"/> Central Heating | <input type="checkbox"/> Public Sewer |
| | <input type="checkbox"/> Septic System | |

<input type="checkbox"/> Patio/Decking	<input type="checkbox"/> Outdoor Grill	<input type="checkbox"/> System
<input type="checkbox"/> Pool	<input type="checkbox"/> Sauna	<input type="checkbox"/> Fences
<input type="checkbox"/> Pool Equipment	<input type="checkbox"/> Pool Heater	<input type="checkbox"/> Spa
<input type="checkbox"/> Fireplace(s) & Chimney (Woodburning)		<input type="checkbox"/> Hot Tub
<input type="checkbox"/> Gas Lines (Nat./LP)		<input type="checkbox"/> Automatic Lawn Sprinkler System
Garage: <input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	<input type="checkbox"/> Fireplace(s) & Chimney (Mock)
Garage Door Opener(s):	<input type="checkbox"/> Electronic	<input type="checkbox"/> Gas Fixtures
Water Heater:	<input type="checkbox"/> Gas	<input type="checkbox"/> Carport Control(s)
Water Supply: <input type="checkbox"/> City	<input type="checkbox"/> Well <input type="checkbox"/> MUD	<input type="checkbox"/> Electric Co-op
Roof Type: _____	Age: _____	(approx)

Are you (Seller) aware of any of the above items that are not in working condition, that have known defects, or that are in need of repair? Yes No Unknown.
 If yes, then describe. (Attach additional sheets if necessary):

2. Are you (Seller) aware of any known defect/malfunctions in any of the following?
 Write Yes (Y) if you are aware, write No (N) if you are not aware.

<input type="checkbox"/> Interior Walls	<input type="checkbox"/> Ceilings	<input type="checkbox"/> Floors
<input type="checkbox"/> Exterior Walls	<input type="checkbox"/> Doors	<input type="checkbox"/> Windows
<input type="checkbox"/> Roof	<input type="checkbox"/> Foundation/ Slab(s)	<input type="checkbox"/> Basement
<input type="checkbox"/> Walls/Fences	<input type="checkbox"/> Driveways	<input type="checkbox"/> Sidewalks
<input type="checkbox"/> Plumbing/Sewers/ Septics	<input type="checkbox"/> Electrical Systems	<input type="checkbox"/> Lighting Fixtures
<input type="checkbox"/> Other Structural Components (Describe): _____		

If the answer to any of the above is yes, explain. (Attach additional sheets if necessary):

3. Are you (Seller) aware of any of the following conditions?

Write Yes (Y) if you are aware, write No (N) if you are not aware.

<input type="checkbox"/> Active Termites (includes wood-destroying insects)	<input type="checkbox"/> Previous Structural or Roof Repair
<input type="checkbox"/> Termite or Wood Rot Needing Repair	<input type="checkbox"/> Hazardous or Toxic Waste
<input type="checkbox"/> Previous Termite Damage	<input type="checkbox"/> Asbestos Components
<input type="checkbox"/> Previous Termite Treatment	<input type="checkbox"/> Urea formaldehyde Insulation

- Previous Flooding
- Improper Drainage
- Water Penetration
- Located in 100-Year Floodplain
- Present Flood Insurance Coverage
- Landfill, Settling, Soil Movement, Fault Lines

- Radon Gas
- Lead Based Paint
- Aluminum Wiring
- Previous Fires
- Unplatted Easements
- Subsurface Structure or Pits

If the answer to any of the above is yes, explain. (Attach additional sheets if necessary): _____

4. Are you (Seller) aware of any item, equipment, or system in or on the property that is in need of repair? Yes (if you are aware) No (if you are not aware). If yes, explain (attach additional sheets as necessary). _____

5. Are you (Seller) aware of any of the following?

Write Yes (Y) if you aware, write No (N) if you are not aware.

- Room additions, structural modifications, or other alterations or repairs made without necessary permits or not in compliance with building codes in effect at that time.
- Homeowners' Association or maintenance fees or assessments.
- Any "common area" (facilities such as pools, tennis courts, walkways, or other areas) co-owned in undivided interest with others.
- Any notices of violations of deed restrictions of governmental ordinances affecting the condition or use of the Property.
- Any lawsuits directly or indirectly affecting the Property.
- Any condition on the Property which materially affects the physical health or safety of an individual.

If the answer to any of the above is yes, explain. (Attach additional sheets if necessary): _____

Date Signature of Seller

The undersigned purchaser hereby acknowledges receipt of the foregoing notice.

Date Signature of Purchaser

SECTION __. The change in law made by this Act to Section 5.008, Property Code, applies only to a notice executed on or after the effective date of this Act. A notice executed before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

The amendment to **CSSB 338** 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: West.

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 2

Amend to **CSSB 338** by deleting proposed new section 766.004, Health and Safety Code, at page 2, lines 25-27.

The amendment to **CSSB 338** 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: West.

Senator Jackson offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 338** as follows:

(1) In SECTION 2 of the bill, in added Chapter 766, Health and Safety Code (page 1, between lines 61 and 62), insert the following:

Sec. 766.0025. FRATERNITY AND SORORITY HOUSES. (a) In this section, "fraternity or sorority house" means a dwelling that:

(1) is a separate structure and that is not a multiunit residential property composed of multiple independent residential units; and

(2) serves as living quarters for members of a fraternity or sorority.

(b) The owner of a fraternity or sorority house must have working smoke detectors installed in the fraternity house or sorority house in accordance with the smoke detector requirements of the building code in effect in the political subdivision in which the fraternity or sorority house is located, including performance, location, and power source requirements.

The amendment to **CSSB 338** was read and was adopted by a viva voce vote.

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

Absent-excused: West.

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

CSSB 338 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: West.

**COMMITTEE SUBSTITUTE
SENATE BILL 338 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 338** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: West.

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 338**, 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 338** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: West.

SENATE BILL 1719 ON SECOND READING

On motion of Senator Ogden and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1719** at this time on its second reading:

SB 1719, Relating to directing payment, after approval, of certain miscellaneous claims and judgments against the state out of funds designated by this Act; making appropriations.

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: West.

SENATE BILL 1719 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 **SB 1719** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: West.

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 1719**, 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 1719** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: West.

COMMITTEE SUBSTITUTE SENATE BILL 1385 ON SECOND READING

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1385** at this time on its second reading:

CSSB 1385, Relating to the use of certain audio or video material produced by or under the direction of an appellate court; 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: West.

**COMMITTEE SUBSTITUTE
SENATE BILL 1385 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 1385** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: West.

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 1385**, 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 1385** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: West.

**COMMITTEE SUBSTITUTE
SENATE BILL 1260 ON SECOND READING**

Senator Seliger moved to suspend the regular order of business to take up for consideration **CSSB 1260** at this time on its second reading:

CSSB 1260, Relating to the issuance of a nonresident commercial driver's license.

The motion prevailed.

Senators Harris and Nichols 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: Harris, Nichols.

Absent-excused: West.

**COMMITTEE SUBSTITUTE
SENATE BILL 1260 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 **CSSB 1260** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 3.

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

Nays: Harris, Nichols, Wentworth.

Absent-excused: West.

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 1260**, 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 1260** 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 2.

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

Nays: Harris, Nichols.

Absent-excused: West.

COMMITTEE SUBSTITUTE
SENATE BILL 1169 ON SECOND READING

On motion of Senator Janek and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1169** at this time on its second reading:

CSSB 1169, Relating to the reimbursement of an insurance carrier for the overpayment of certain workers' compensation benefits.

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: West.

COMMITTEE SUBSTITUTE
SENATE BILL 1169 ON THIRD READING

Senator Janek moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1169** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: West.

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 1169**, 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 1169** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: West.

**COMMITTEE SUBSTITUTE
SENATE BILL 1234 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 1234** at this time on its second reading:

CSSB 1234, Relating to a master plan for higher education in this state.

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: West.

**COMMITTEE SUBSTITUTE
SENATE BILL 22 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 22** at this time on its second reading:

CSSB 22, Relating to long-term care insurance and a partnership for long-term care 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: West.

**COMMITTEE SUBSTITUTE
SENATE BILL 22 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 22** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: West.

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 22**, 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 22** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: West.

SENATE BILL 1392 ON SECOND READING

On motion of Senator Uresti and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1392** at this time on its second reading:

SB 1392, Relating to the rights of certain incapacitated persons that may be terminated by a court in a guardianship proceeding.

The bill was read second time.

Senator Uresti offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1392** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill, strike amended Subdivision (4), Section 682, Texas Probate Code (page 1, lines 23 through 30), and substitute:

(4) the nature and degree of the alleged incapacity, the specific areas of protection and assistance requested, and the limitation or termination of rights requested to be included in the court's order of appointment, including a termination of:

(A) the right of a proposed ward who is 18 years of age or older to vote in a public election; and

(B) the proposed ward's eligibility to hold or obtain a license to operate a motor vehicle under Chapter 521, Transportation Code;

(2) In SECTION 2 of the bill, in Subdivision (6), Subsection (a), Section 687, Texas Probate Code (page 2, lines 47 and 48), strike proposed Paragraph (A) and substitute:

(A) has the mental capacity to vote in a public election; and

(3) Strike SECTION 3 of the bill (page 2, line 53, through page 3, line 27) and substitute the following:

SECTION 3. Section 693, Texas Probate Code, is amended by amending Subsections (a) and (b) and adding Subsection (a-1) to read as follows:

(a) If it is found that the proposed ward is totally without capacity as provided by this code to care for himself or herself and to manage the individual's property, the court may appoint a guardian of the individual's person or estate, or both, with full authority over the incapacitated person except as provided by law. An order appointing a guardian under this subsection must contain findings of fact and specify:

(1) the information required by Subsection (c) of this section;

(2) that the guardian has full authority over the incapacitated person; ~~and~~

(3) if necessary, the amount of funds from the corpus of the person's estate the court will allow the guardian to expend for the education and maintenance of the person under Section 776 of this code; and

(4) whether the person is totally incapacitated because of a mental condition.

(a-1) If the court finds that a person is totally incapacitated because of a mental condition, the order under Subsection (a) of this section must also state that, because of the person's total mental incapacity, the person is ineligible to:

(1) vote in a public election as provided by the Election Code; and

(2) hold or obtain a license to operate a motor vehicle under Chapter 521, Transportation Code.

(b) If it is found that the person lacks the capacity to do some, but not all, of the tasks necessary to care for himself or herself or to manage the individual's property, the court may appoint a guardian with limited powers and permit the individual to care for himself or herself or to manage the individual's property commensurate with the individual's ability. An order appointing a guardian under this subsection must contain findings of fact and specify:

(1) the information required by Subsection (c) of this section;

(2) the specific powers, limitations, or duties of the guardian with respect to the care of the person or the management of the person's property by the guardian; ~~and~~

(3) if necessary, the amount of funds from the corpus of the person's estate the court will allow the guardian to expend for the education and maintenance of the person under Section 776 of this code; and

(4) whether the person is incapacitated because of a mental condition and, if so, whether the person retains the right to vote in a public election or maintains eligibility to hold or obtain a license to operate a motor vehicle under Chapter 521, Transportation Code.

(4) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS accordingly:

SECTION ____ . Sections 694G and 694H, Texas Probate Code, are amended to read as follows:

Sec. 694G. ORDER OF COMPLETE RESTORATION OF WARD'S CAPACITY. If the court finds that a ward is no longer an incapacitated person, the order completely restoring the ward's capacity must contain findings of fact and specify:

(1) the information required by Section 694J of this code;

(2) that the ward is no longer an incapacitated person;

(3) that there is no further need for a guardianship of the person or estate of the ward;

(3-a) if the ward's incapacity resulted from a mental condition, that the ward's mental capacity is completely restored;

(4) that the guardian is required to:

(A) immediately settle the guardianship in accordance with this chapter;

and

(B) deliver all of the remaining guardianship estate to the ward; and

(5) that the clerk shall revoke letters of guardianship when the guardianship is finally settled and closed.

Sec. 694H. MODIFICATION OF GUARDIANSHIP. If the court finds that a guardian's powers or duties should be expanded or limited, the order modifying the guardianship must contain findings of fact and specify:

(1) the information required by Section 694J of this code;

(2) the specific powers, limitations, or duties of the guardian with respect to the care of the ward or the management of the property of the ward, as appropriate;

(3) the specific areas of protection and assistance to be provided to the ward;

(4) any limitation of the ward's rights; ~~and~~

(5) if the ward's incapacity resulted from a mental condition, whether the ward retains the right to vote; and

(6) that the clerk shall modify the letters of guardianship to the extent applicable to conform to the order.

SECTION _____. Chapter 1, Election Code, is amended by adding Section 1.020 to read as follows:

Sec. 1.020. VOTING DISABILITY OR CANDIDACY DISQUALIFICATION: DETERMINATION OF MENTAL INCAPACITY. (a) A person determined to be totally mentally incapacitated by a court exercising probate jurisdiction is not subject to a voting disability or candidacy disqualification under this code if, subsequent to that determination, the person's mental capacity has been completely restored by a final judgment of a court exercising probate jurisdiction.

(b) A person determined to be partially mentally incapacitated without the right to vote by a court exercising probate jurisdiction is not subject to a voting disability or candidacy disqualification under this code if, subsequent to that determination, the person's guardianship has been modified to include the right to vote or the person's mental capacity has been completely restored by a final judgment of a court exercising probate jurisdiction.

SECTION _____. Section 11.002, Election Code, is amended to read as follows:

Sec. 11.002. QUALIFIED VOTER. In this code, "qualified voter" means a person who:

(1) is 18 years of age or older;

(2) is a United States citizen;

(3) has not been determined ~~[mentally incompetent]~~ by a final judgment of a court exercising probate jurisdiction to be:

(A) totally mentally incapacitated; or

(B) partially mentally incapacitated without the right to vote;

(4) has not been finally convicted of a felony or, if so convicted, has:

(A) fully discharged the person's sentence, including any term of incarceration, parole, or supervision, or completed a period of probation ordered by any court; or

(B) been pardoned or otherwise released from the resulting disability to vote;

(5) is a resident of this state; and

(6) is a registered voter.

SECTION _____. Section 13.001(a), Election Code, is amended to read as follows:

(a) To be eligible for registration as a voter in this state, a person must:

(1) be 18 years of age or older;

(2) be a United States citizen;

(3) not have been determined [~~mentally incompetent~~] by a final judgment of a court exercising probate jurisdiction to be:

(A) totally mentally incapacitated; or

(B) partially mentally incapacitated without the right to vote;

(4) not have been finally convicted of a felony or, if so convicted, must have:

(A) fully discharged the person's sentence, including any term of incarceration, parole, or supervision, or completed a period of probation ordered by any court; or

(B) been pardoned or otherwise released from the resulting disability to vote; and

(5) be a resident of the county in which application for registration is made.

SECTION _____. Section 13.002, Election Code, is amended by amending Subsection (c) and adding Subsections (e) and (f) to read as follows:

(c) A registration application must include:

(1) the applicant's first name, middle name, if any, last name, and former name, if any;

(2) the month, day, and year of the applicant's birth;

(3) a statement that the applicant is a United States citizen;

(4) a statement that the applicant is a resident of the county;

(5) a statement that the applicant has not been determined [~~mentally incompetent~~] by a final judgment of a court exercising probate jurisdiction to be:

(A) totally mentally incapacitated; or

(B) partially mentally incapacitated without the right to vote;

(6) a statement that the applicant has not been finally convicted of a felony or that the applicant is a felon eligible for registration under Section 13.001;

(7) the applicant's residence address or, if the residence has no address, the address at which the applicant receives mail and a concise description of the location of the applicant's residence;

(8) the following information:

(A) the applicant's Texas driver's license number or the number of a personal identification card issued by the Department of Public Safety or a statement by the applicant that the applicant has not been issued a driver's license or personal identification card; or

(B) if the applicant has not been issued a number described by Paragraph (A), the last four digits of the applicant's social security number or a statement by the applicant that the applicant has not been issued a social security number;

(9) if the application is made by an agent, a statement of the agent's relationship to the applicant; and

(10) the city and county in which the applicant formerly resided.

(e) Instead of the statement required by Subsection (c)(5), an applicant who has been determined to be totally mentally incapacitated by a court and who is eligible to register because of Section 1.020(a) shall include in the application a statement that the person's mental capacity has been completely restored by a final judgment of a court.

(f) Instead of the statement required by Subsection (c)(5), an applicant who has been determined to be partially mentally incapacitated without the right to vote by a court and who is eligible to register because of Section 1.020(b) shall include in the application a statement that the person's guardianship has been modified to include the right to vote or the person's mental capacity has been completely restored, as applicable, by a final judgment of a court.

SECTION _____. The heading to Section 16.002, Election Code, is amended to read as follows:

Sec. 16.002. MENTAL INCAPACITY [~~INCOMPETENCE~~].

SECTION _____. Section 16.002(a), Election Code, is amended to read as follows:

(a) Each month the clerk of each court having proper jurisdiction to adjudge a person mentally incapacitated [~~incompetent~~] shall prepare an abstract of each final judgment of a court served by the clerk, occurring in the month:

(1) [7] adjudging a person 18 years of age or older who is a resident of the state to be:

(A) totally mentally incapacitated; or

(B) partially mentally incapacitated without the right to vote;

(2) adjudging the mental capacity of a person 18 years of age or older who is a resident of this state to be completely restored; or

(3) modifying the guardianship of a person 18 years of age or older to include the right to vote [~~incompetent~~].

SECTION _____. Section 16.031(a), Election Code, is amended to read as follows:

(a) The registrar shall cancel a voter's registration immediately on receipt of:

(1) notice under Section 13.072(b) or 15.021 or a response under Section 15.053 that the voter's residence is outside the county;

(2) an abstract of the voter's death certificate under Section 16.001(a) or an abstract of an application indicating that the voter is deceased under Section 16.001(b);

(3) an abstract of a final judgment of the voter's total mental incapacity, partial mental incapacity without the right to vote [~~incompetence~~], conviction of a felony, or disqualification under Section 16.002, 16.003, or 16.004;

(4) notice under Section 112.012 that the voter has applied for a limited ballot in another county;

(5) notice from a voter registration official in another state that the voter has registered to vote outside this state; or

(6) notice from the secretary of state that the voter has registered to vote in another county, as determined by the voter's driver's license number or personal identification card number issued by the Department of Public Safety or social security number.

SECTION _____. Section 141.001(a), Election Code, is amended to read as follows:

(a) To be eligible to be a candidate for, or elected or appointed to, a public elective office in this state, a person must:

(1) be a United States citizen;

(2) be 18 years of age or older on the first day of the term to be filled at the election or on the date of appointment, as applicable;

(3) have not been determined [~~mentally incompetent~~] by a final judgment of a court exercising probate jurisdiction to be:

(A) totally mentally incapacitated; or

(B) partially mentally incapacitated without the right to vote;

(4) have not been finally convicted of a felony from which the person has not been pardoned or otherwise released from the resulting disabilities;

(5) have resided continuously in the state for 12 months and in the territory from which the office is elected for six months immediately preceding the following date:

(A) for a candidate whose name is to appear on a general primary election ballot, the date of the regular filing deadline for a candidate's application for a place on the ballot;

(B) for an independent candidate, the date of the regular filing deadline for a candidate's application for a place on the ballot;

(C) for a write-in candidate, the date of the election at which the candidate's name is written in;

(D) for a party nominee who is nominated by any method other than by primary election, the date the nomination is made; and

(E) for an appointee to an office, the date the appointment is made; and

(6) satisfy any other eligibility requirements prescribed by law for the office.

SECTION _____. Section 141.031, Election Code, is amended to read as follows:

Sec. 141.031. GENERAL REQUIREMENTS FOR APPLICATION. (a) A candidate's application for a place on the ballot that is required by this code must:

(1) be in writing;

(2) be signed and sworn to by the candidate and indicate the date that the candidate swears to the application;

- (3) be timely filed with the appropriate authority; and
 (4) include:

- (A) the candidate's name;
 (B) the candidate's occupation;
 (C) the office sought, including any place number or other distinguishing number;

(D) an indication of whether the office sought is to be filled for a full or unexpired term if the office sought and another office to be voted on have the same title but do not have place numbers or other distinguishing numbers;

(E) a statement that the candidate is a United States citizen;

(F) a statement that the candidate has not been determined [~~mentally incompetent~~] by a final judgment of a court exercising probate jurisdiction to be:

(i) totally mentally incapacitated; or

(ii) partially mentally incapacitated without the right to vote;

(G) a statement that the candidate has not been finally convicted of a felony from which the candidate has not been pardoned or otherwise released from the resulting disabilities;

(H) the candidate's date of birth;

(I) the candidate's residence address or, if the residence has no address, the address at which the candidate receives mail and a concise description of the location of the candidate's residence;

(J) the candidate's length of continuous residence in the state and in the territory from which the office sought is elected as of the date the candidate swears to the application;

(K) the statement: "I, _____, of _____ County, Texas, being a candidate for the office of _____, swear that I will support and defend the constitution and laws of the United States and of the State of Texas"; and

(L) a statement that the candidate is aware of the nepotism law, Chapter 573, Government Code.

(b) Instead of the statement required by Subsection (a)(4)(F), a candidate eligible for office because of Section 1.020(a) shall include in the application a statement that the person's mental capacity has been completely restored by a final judgment of a court.

(c) Instead of the statement required by Subsection (a)(4)(F), a candidate eligible for office because of Section 1.020(b) shall include in the application a statement that the person's guardianship has been modified to include the right to vote or the person's mental capacity has been completely restored, as applicable, by a final judgment of a court.

SECTION _____. Section 143.005(b), Election Code, is amended to read as follows:

(b) If a city charter prescribes the requirements that a candidate's application must satisfy for the candidate's name to be placed on the ballot, Section 141.031(a)(4)(L) [~~141.031(4)(L)~~] also applies to the application. The other provisions of Section 141.031 do not apply.

SECTION _____. Section 144.003(b), Election Code, is amended to read as follows:

(b) If a law outside this code purports to prescribe the exclusive requirements that a candidate's application must satisfy for the candidate's name to be placed on the ballot, Section 141.031(a)(4)(L) [~~141.031(4)(L)~~] also applies to the application. The other provisions of Section 141.031 do not apply.

SECTION _____. Section 192.032(b), Election Code, is amended to read as follows:

(b) An application must:

(1) comply with Section 141.031, except that:

(A) the application is not required to include a candidate's occupation, length of residence, or statement that the candidate is aware of the nepotism law; and

(B) the application must contain the applicable information required by Section 141.031(a)(4) [~~141.031(4)~~] with respect to both the presidential candidate and the running mate;

(2) state the names and residence addresses of presidential elector candidates in a number equal to the number of presidential electors that federal law allocates to the state; and

(3) be accompanied by:

(A) a petition that satisfies the requirements prescribed by Section 141.062; and

(B) written statements signed by the vice-presidential candidate and each of the presidential elector candidates indicating that each of them consents to be a candidate.

(5) In SECTION 4 of the bill (page 3, line 28), between the period and "The", insert "(a)".

(6) In SECTION 4 of the bill (page 3, line 28), between "Act" and "apply", insert "to Sections 682, 687, and 693, Texas Probate Code,".

(7) In SECTION 4 of the bill, between lines 34 and 35, insert the following:

(b) The changes in law made by this Act to Sections 694G and 694H, Texas Probate Code, apply only to an application for the restoration of a ward's capacity or the modification of a ward's guardianship that is filed on or after the effective date of this Act. An application for the restoration of a ward's capacity or the modification of a ward's guardianship that is filed before the effective date of this Act is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

(c) The changes in law made by this Act to the Election Code apply only to an order issued or judgment entered by a court on or after the effective date of this Act. An order issued or judgment entered by a court before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

The amendment to **SB 1392** 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: West.

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

SB 1392 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: West.

SENATE BILL 1392 ON THIRD READING

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1392** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: West.

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 1392**, 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 1392** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: West.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

April 26, 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:

SCR 59, In memory of the Honorable Billy Wayne Clayton.

SCR 66, In memory of Ray Michael Bevel.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

**COMMITTEE SUBSTITUTE
SENATE BILL 1234 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 1234** be placed on its third reading and final passage:

CSSB 1234, Relating to a master plan for higher education in this state.

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

Nays: Wentworth.

Absent-excused: West.

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 1234**, 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 1234** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: West.

SENATE BILL 1867 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1867** at this time on its second reading:

SB 1867, Relating to the filing of an amended subdivision plat with a county to correct certain errors or omissions.

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: West.

SENATE BILL 1867 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 **SB 1867** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: West.

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 1867**, 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 1867** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: West.

COMMITTEE SUBSTITUTE SENATE BILL 155 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 155** at this time on its second reading:

CSSB 155, Relating to the regulation of chemical dependency counselors.

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: West.

**COMMITTEE SUBSTITUTE
SENATE BILL 155 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 155** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: West.

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 155**, 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 155** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: West.

SENATE BILL 1348 ON SECOND READING

Senator Patrick moved to suspend the regular order of business to take up for consideration **SB 1348** at this time on its second reading:

SB 1348, Relating to the liability of a governmental unit for action taken by a peace officer engaged in the pursuit of a motor vehicle.

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.

Senator Seliger offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1348** (Senate committee printing) in SECTION 1 of the bill, amending Section 101.055, Civil Practice and Remedies Code, by striking Subdivision (4) (page 1, lines 25-28) and substituting the following:

(4) from the action of a peace officer, if:

(A) the peace officer is a:

(i) sheriff or sheriff's deputy; or

(ii) municipal police officer;

(B) the officer is engaged in the pursuit of a motor vehicle and the action is not taken with conscious indifference or reckless disregard for the safety of others; and

(C) the action occurs while the peace officer is operating a vehicle appropriately marked as an official police vehicle.

The amendment to **SB 1348** was read.

(President in Chair)

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

Floor Amendment No. 2

Amend Floor Amendment No. 1 to **SB 1348** by striking (B) of Floor Amendment No. 1 and substituting the following:

(B) the officer is engaged in the pursuit of a motor vehicle and the action:

(i) is not taken with conscious indifference or reckless disregard for the safety of others; and

(ii) is in compliance with the laws and ordinances applicable to the peace officer regarding the pursuit of a motor vehicle; and

The amendment to Floor Amendment No. 1 to **SB 1348** was read and was adopted by a viva voce vote.

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

Absent-excused: West.

Question recurring on the adoption of Floor Amendment No. 1 to **SB 1348**, the amendment as amended was adopted by a viva voce vote.

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

Absent-excused: West.

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

SB 1348 as amended was passed to engrossment by a viva voce vote.

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

Nays: Shapleigh.

Absent-excused: West.

SENATE BILL 1348 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 **SB 1348** be placed on its third reading and final passage.

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

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

Nays: Shapleigh, Wentworth.

Absent-excused: West.

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 1348**, 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 1348** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1.

Nays: Shapleigh.

Absent-excused: West.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

April 26, 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 317, Relating to the student enrollment required for the issuance of certain revenue bonds for facilities at Texas A&M University—Central Texas.

HB 521, Relating to notice of an application for a permit to dispose of oil and gas waste in a commercial disposal well; creating an offense.

HB 551, Relating to the system benefit fund and to eligibility for and enrollment for benefits provided under the system benefit fund programs.

HB 872, Relating to the prosecution of and punishment for the offense of tampering with or fabricating physical evidence.

HB 1268, Relating to the award of attorney's fees under the terms of certain contracts with a governmental entity.

HB 1365, Relating to residency requirements for holders of a promotional alcoholic beverage permit.

HB 1526, Relating to incentives for and the use of alternative leak detection technologies for air contaminants.

HB 1579, Relating to reimbursement for health care services provided at certain times to persons enrolled in the Medicaid managed care program.

HB 1602, Relating to venue in civil actions under the Jones Act.

HB 2308, Relating to the requirement that certain economic development corporations hold a hearing before spending funds to undertake a project.

HB 2439, Relating to the functions of local mental health and mental retardation authorities.

HB 2462, Relating to providing for the sale of certain gambling equipment seized by a law enforcement agency.

HB 2910, Relating to the authority of certain municipalities to regulate certain quarry activities.

HB 3011, Relating to the creation of ship channel security districts by certain populous counties.

HB 3060, Relating to issuance by a court of a *capias* or a *capias pro fine*.

HB 3063, Relating to the filing of a foreign judgment in a Texas court.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

**COMMITTEE SUBSTITUTE
SENATE BILL 1009 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 1009** at this time on its second reading:

CSSB 1009, Relating to the use of a computer for an unauthorized purpose.

The bill was read second time.

Senator Fraser offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1009** (Senate committee printing) as follows:

(1) In SECTION 3 of the bill, in added Section 48.057, Business & Commerce Code (page 1, between lines 58 and 59), insert the following:

(d) A person may not provide substantial assistance or support to another person knowing that the other person is engaged in an act or practice that violates this section.

(e) The following persons may bring a civil action against a person who violates this section:

(1) a person in business as an Internet service provider that is adversely affected by the violation;

(2) a business organization that has incurred a loss or disruption of its business activities as a result of the violation; or

(3) the attorney general.

(f) A person bringing an action under this section may:

(1) seek injunctive relief to restrain the violator from continuing the violation;

(2) recover damages in an amount equal to the greater of:

(A) actual damages arising from the violation;

(B) \$500,000 for each violation consisting of the same course of conduct or action, regardless of the number of times the conduct or act occurred; or

(C) \$100,000 for each zombie used to commit the violation; or

(3) both seek injunctive relief and recover damages as provided by this subsection.

(g) The court may increase an award of damages, statutory or otherwise, in an action brought under this section to an amount not to exceed three times the applicable damages if the court finds that the violations have occurred with a frequency as to constitute a pattern or practice.

(h) A plaintiff who prevails in an action filed under this section is entitled to recover court costs and reasonable attorney's fees, reasonable fees of experts, and other reasonable costs of litigation.

(i) The remedies authorized by this section are not exclusive but are in addition to any other procedure or remedy provided for by other statutory or common law.

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

SECTION ____ . Section 48.101(a), Business & Commerce Code, as added by Chapter 298, Acts of the 79th Legislature, Regular Session, 2005, is amended to read as follows:

(a) The following persons, if adversely affected by the violation, may bring a civil action against a person who violates this chapter other than Section 48.057:

- (1) a provider of computer software;
- (2) an owner of a web page or trademark;
- (3) a telecommunications carrier;
- (4) a cable operator; or
- (5) an Internet service provider.

The amendment to **CSSB 1009** 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: West.

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

CSSB 1009 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: West.

COMMITTEE SUBSTITUTE SENATE BILL 1009 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 1009** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: West.

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 1009**, 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 1009** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: West.

SENATE BILL AND RESOLUTIONS ON FIRST READING

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

SB 2038 by Averitt

Relating to the creation of the Tablerock Groundwater Conservation District; providing authority to impose a tax and issue bonds.

To Committee on Natural Resources.

SCR 64 by Van de Putte

Urging Congress to ensure state control of the National Guard.

To Committee on State Affairs.

SCR 65 by Jackson

Granting Betty Bardwell permission to sue the State of Texas, The University of Texas Medical Branch of Galveston, and the Office of the Attorney General.

To Committee on Jurisprudence.

SR 777 by West

Encouraging the Health and Human Services Commission to partner with private entities to provide education on chronic obstructive pulmonary disease.

To Committee on Health and Human Services.

SR 827 by Nichols

Expressing the need for the 80th Texas Legislature to consider an increase in the homestead exemption for public education tax purposes.

To Committee on Finance.

MESSAGES FROM THE GOVERNOR

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

Austin, Texas
April 25, 2007

TO THE SENATE OF THE EIGHTIETH LEGISLATURE, REGULAR SESSION:

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

To be members of the Texas Optometry Board for terms to expire January 31, 2013:

Melvin G. Cleveland, Jr., O.D.

Arlington, Texas

(replacing Fred Farias of McAllen whose term expired)

Virginia Sosa, O.D.

Uvalde, Texas

(replacing Sharon Johnson of Arlington whose term expired)

To be the Pecos River Compact Commissioner for a term to expire January 23, 2011:

Julian W. Thrasher, Jr.

Monahans, Texas

(Mr. Thrasher is being reappointed)

To be members of the Credit Union Commission for terms to expire February 15, 2013:

Allyson Truax Morrow

San Benito, Texas

(replacing Rufino Carbajal of El Paso whose term expired)

Dale E. Kimble

Denton, Texas

(Reappointment)

Thomas Felton Butler

Deer Park, Texas

(Reappointment)

To be members of the Texas State Affordable Housing Corporation Board of Directors for terms to expire February 1, 2013:

Jo Van Hovel

Temple, Texas

Thomas A. Leeper

Huntsville, Texas

(Ms. Hovel and Mr. Leeper are being reappointed)

Respectfully submitted,

/s/Rick Perry

Governor

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 was meeting today.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Carona and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Transportation and Homeland Security might meet and consider the following bills and resolution today: **SB 154, SB 1929, HCR 173.**

SENATE RULES SUSPENDED
(Posting Rules)

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

SB 1341, SB 1985, SB 2007, SB 2038.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 4:13 p.m. agreed to adjourn, in memory of Corporal Ray Michael Bevel of Andrews, the Honorable Billy Wayne Clayton, the Honorable R. Temple Dickson III, the Honorable Henry C. Grover, the Honorable Frank L. Madla, Jr., the Honorable James Kuykendall Wade, and the Honorable Doyle Henry Willis, Sr., upon completion of the introduction of bills and resolutions on first reading, until 10:00 a.m. tomorrow.

HOUSE BILLS AND RESOLUTIONS ON FIRST READING

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

- HB 56** to Committee on Health and Human Services.
- HB 100** to Committee on Transportation and Homeland Security.
- HB 120** to Subcommittee on Higher Education.
- HB 142** to Committee on Finance.
- HB 185** to Committee on Criminal Justice.
- HB 198** to Committee on Criminal Justice.
- HB 210** to Committee on Transportation and Homeland Security.
- HB 218** to Committee on State Affairs.
- HB 264** to Committee on Finance.
- HB 273** to Committee on Education.
- HB 371** to Committee on Criminal Justice.
- HB 563** to Committee on Transportation and Homeland Security.
- HB 588** to Committee on Transportation and Homeland Security.
- HB 589** to Subcommittee on Higher Education.
- HB 681** to Committee on Criminal Justice.
- HB 730** to Committee on Intergovernmental Relations.
- HB 818** to Committee on Jurisprudence.
- HB 892** to Committee on Intergovernmental Relations.
- HB 914** to Committee on Criminal Justice.
- HB 948** to Committee on Health and Human Services.
- HB 1022** to Committee on Finance.

HB 1052 to Committee on Transportation and Homeland Security.
HB 1216 to Committee on Intergovernmental Relations.
HB 1230 to Committee on Health and Human Services.
HB 1331 to Committee on Jurisprudence.
HB 1373 to Committee on Health and Human Services.
HB 1420 to Committee on Transportation and Homeland Security.
HB 1471 to Committee on Transportation and Homeland Security.
HB 1522 to Committee on Transportation and Homeland Security.
HB 1590 to Committee on State Affairs.
HB 1623 to Committee on Transportation and Homeland Security.
HB 1652 to Committee on State Affairs.
HB 1667 to Committee on Business and Commerce.
HB 1668 to Committee on Finance.
HB 1694 to Committee on Intergovernmental Relations.
HB 1739 to Committee on Health and Human Services.
HB 1768 to Committee on Intergovernmental Relations.
HB 1837 to Committee on Finance.
HB 1844 to Committee on Education.
HB 1929 to Committee on Finance.
HB 1930 to Committee on Jurisprudence.
HB 1962 to Committee on Business and Commerce.
HB 1973 to Committee on Health and Human Services.
HB 2066 to Committee on Criminal Justice.
HB 2267 to Committee on Criminal Justice.
HB 2398 to Committee on Veteran Affairs and Military Installations.
HB 2400 to Committee on State Affairs.
HB 2427 to Committee on Government Organization.
HB 2458 to Committee on Government Organization.
HB 2484 to Committee on Intergovernmental Relations.
HB 2503 to Committee on Education.
HB 2514 to Committee on Intergovernmental Relations.
HB 2590 to Committee on Transportation and Homeland Security.
HB 2708 to Committee on Business and Commerce.
HB 2931 to Committee on Natural Resources.
HB 3089 to Committee on Transportation and Homeland Security.
HB 3189 to Committee on Finance.
HB 3295 to Committee on Criminal Justice.
HB 3392 to Committee on State Affairs.
HB 3718 to Committee on Transportation and Homeland Security.
HB 3787 to Committee on Veteran Affairs and Military Installations.
HB 3972 to Committee on Jurisprudence.
HJR 54 to Committee on Finance.
HCR 70 to Committee on Administration.
HCR 159 to Committee on Education.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 886 by Seliger, In memory of Corporal Ray Michael Bevel of Andrews.

SR 890 by Uresti, In memory of Guillermo "Willie" R. Serrano.

Congratulatory Resolutions

SCR 63 by Fraser, Congratulating the Brady High School Family, Career, and Community Leaders of America Parliamentary Procedure team for earning a gold medal ranking.

SR 879 by Gallegos, Recognizing Nadine Kujawa on the occasion of her retirement from the Aldine Independent School District.

SR 880 by Gallegos, Recognizing the Houston Hispanic Chamber of Commerce on the occasion of its 30th anniversary.

SR 881 by Gallegos, Recognizing Vanessa Salgado for winning the Nestle Pure Life bottled water essay contest.

SR 887 by Harris, Congratulating the drumline of Flower Mound High School in Flower Mound for winning a national championship.

SR 888 by Harris, Congratulating the marching band of Marcus High School for winning a state championship.

SR 889 by Nichols, Recognizing W. L. "Blackie" Bilnoski on the occasion of his retirement from the Willis City Council.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 4:18 p.m. adjourned, in memory of Corporal Ray Michael Bevel of Andrews, the Honorable Billy Wayne Clayton, the Honorable R. Temple Dickson III, the Honorable Henry C. Grover, the Honorable Frank L. Madla, Jr., the Honorable James Kuykendall Wade, and the Honorable Doyle Henry Willis, Sr., until 10:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

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

April 26, 2007

NATURAL RESOURCES — **CSSB 1950**

GOVERNMENT ORGANIZATION — **CSSB 911**

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — **HCR 139, HB 233, HB 1416, HB 2105, HB 2130**

CRIMINAL JUSTICE — **SB 453, SB 722, SB 1116, SB 1129, SB 1347, SB 1616**

HEALTH AND HUMAN SERVICES — **SB 570, HB 1059**

NATURAL RESOURCES — **CSSB 747, CSSB 1833, SB 1524 (Amended), CSSB 1785, CSSB 1326**

STATE AFFAIRS — **CSSB 1582**

BUSINESS AND COMMERCE — **CSHB 85, CSHB 1344, CSSB 1238, CSSB 1056**

JURISPRUDENCE — **HB 632, SB 1414, SB 1701, SB 1976, SB 2016, SB 2018, SB 2030**

BUSINESS AND COMMERCE — **CSSB 1023**

INTERGOVERNMENTAL RELATIONS — **CSSB 1379, CSSB 1183, CSSB 2002, CSSB 2022**

CRIMINAL JUSTICE — **CSSB 1738**

SENT TO GOVERNOR

April 25, 2007

SB 456, SB 657, SB 740

April 26, 2007

SB 213, SB 339, SB 362, SB 1665

In Memory
of
Billy Wayne Clayton
Senate Concurrent Resolution 59

WHEREAS, The Honorable Billy Wayne Clayton, esteemed public servant, statesman, legislative optimist, and friend to many, left this world for the next on January 6, 2007, at the age of 78; and

WHEREAS, Bill Clayton was born in Olney on September 11, 1928, and soon after moved to Springlake, where he grew up on the family farm; he met and married his beloved wife of 56 years, Delma J. Dennis of Temple; and

WHEREAS, Bill Clayton and his wife were longtime members of the First Baptist Church in Springlake, where he also served as a deacon in the 1960s and 1970s, and he continued his service in the church in various capacities throughout his life; he also worked with the Masonic Lodge and obtained the honored 33rd degree; and

WHEREAS, "Billy Wayne," as he was known to his family and friends, or "Mr. Speaker," as he was called by those who wanted to be more formal, was a leading political figure in Texas for over 45 years; after being involved in local politics, Billy Wayne Clayton was elected to the Texas House of Representatives in 1962, where he served until his retirement from the legislature in January 1983; and

WHEREAS, Bill Clayton's colleagues elected him as Speaker in 1975 after a hard-fought and ingenious campaign for that office; he was reelected Speaker by his peers a record-setting four consecutive terms; as Speaker, he was known for his collaborative and friendly style of leadership, reaching into all segments of the membership of the House for input and guidance; and

WHEREAS, Speaker Clayton was known as an innovator in state government; as Speaker he created the ability of members to maintain year-round staffs in Austin to serve their constituents; he modernized the committee hearing process and facilities to give the members and the public more opportunities for participation; he empowered all members to have opportunity to have their important legislation scheduled for debate on the floor of the House through the implementation of a "priority number" system; he appointed for the first time in Texas history the first African American chair of a House Committee, the first Hispanic chair, the first woman chair, and the first Republican chair; and

WHEREAS, Speaker Clayton took an active leadership role in national governmental organizations and served as chairman of both the Southern Legislative Conference and the Council of State Governments; he also served

as president of the Interstate Conference on Water Problems, as president of the Southern States Speakers Conference, which he cofounded, and on the board of directors of the National Conference of State Legislatures; and

WHEREAS, While Speaker, Bill Clayton led the fight against wasteful government spending, encouraging his colleagues to pass legislation creating a constitutional rainy day fund for saving surplus money for future use; he created innovative financing techniques for public schools and institutions of higher education; he was instrumental in driving creative legislative compromises to secure needed funds for human services while leading the way for tax reform that benefited all Texans; all this was accomplished with over a billion-dollar surplus at the end of each term during his tenure; and

WHEREAS, Speaker Clayton led the House of Representatives with a respect for the dignity of his elected peers and the individual responsibilities and challenges each faced; he worked tirelessly at the process of governing, which he truly loved; he fervently believed in the spirit of compromise, the power of diversity, and the importance of collegiality, and these leadership strengths created bipartisan cooperation in the Texas House of Representatives; he appointed the Public Servants Standards of Conduct Advisory Committee, recommending a standard of conduct and code of ethics for public officials and state employees that ultimately culminated in the creation of the Texas Ethics Commission; because of his untiring devotion to the legislative process, and in particular the House of Representatives, and to the people of Texas, and because of his outstanding legislative record, he is considered a true statesman; and

WHEREAS, Bill Clayton's blood ran maroon, not red; he graduated from Texas A&M University with a bachelor of science degree in agricultural economics in 1950; Texas A&M recognized Speaker Clayton in 1979 for outstanding service and named him a distinguished alumnus; in 1988, he served as president of The Texas A&M Association of Former Students; he was appointed by Governor Bill Clements to an unexpired term on the board of regents of The Texas A&M University System in 1988 and reappointed to a full six-year term in 1989; although he was a dedicated Aggie, he also believed in helping out his competitors, and earned an MBA from The University of Texas and was awarded honorary doctor of law degrees from both Texas Tech University and Texas Wesleyan University; and

WHEREAS, Mr. Speaker, who spent his life in the public arena, was chosen as one of the "Ten Best Legislators" while serving as Speaker and was selected as one of the "Ten Most Influential Lobbyists" in 1997; he was named in May 2000 to the "History Makers of the High Plains" for the 20th century by the *Amarillo Globe News* and won the "Greatest Texas Statesman" of the 20th century in a web poll conducted in December 1999; in the spring of 2000, a detention center in Littlefield was dedicated and named the Bill Clayton Detention Center of Littlefield; he was the author of two

books, *The Corporate Executive and Politics* and *Ethics and the Texas House of Representatives*, and he and Jimmy Banks coauthored a biography of his political life titled *Gavels, Grit and Glory*; and

WHEREAS, Bill Clayton had a Texas-sized heart and would help anyone who crossed his path; he loved his country, his state, his family, and his fellow man and made innumerable contributions to the betterment of the State of Texas through his dedicated public service; although he now resides with his Maker and will be deeply missed, his legacy of achievements will live on; because of his untiring devotion to the legislative process, and in particular to the House of Representatives, and to the people of Texas, and because of his outstanding legislative record, he is considered a true statesman; now, therefore, be it

RESOLVED, That the 80th Legislature of the State of Texas hereby pay tribute to the life of the Honorable Billy Wayne Clayton and extend sincere sympathy to his wife, Delma Dennis Clayton; to his two children, Brenda Herrell of Littlefield and Tommy Clayton of Springlake; to his grandchildren and great-grandchildren; and to his other relatives and many friends and admirers; and, be it further

RESOLVED, That an official copy of this resolution be prepared for his family and that when the Texas Senate and House of Representatives adjourn this day, they do so in memory of the Honorable Mr. Speaker Billy Wayne Clayton.

DUNCAN

**In Memory
of
Ray Michael Bevel**

Senate Concurrent Resolution 66

WHEREAS, The Legislature of the State of Texas honors and commemorates the life of Corporal Ray Michael Bevel, who died April 21, 2007, at the age of 22 while serving his country in Iraq; and

WHEREAS, Corporal Bevel was a 2003 graduate of Andrews High School in Andrews, Texas; he enjoyed outdoor activities, such as playing golf, and he was a member of the First Baptist Church in Andrews; and

WHEREAS, In the spirit of the American patriot, Corporal Bevel confronted the dangers, privations, and discomforts of war with steadfast resolve, making us as a nation truly proud; he was a member of Charlie Company of the 10th Mountain Division, based at Fort Drum; and

WHEREAS, Corporal Bevel was committed to our nation's security, and he intended to make the United States Army his career; he was killed in Baghdad by an improvised explosive device while on patrol; and

WHEREAS, Corporal Bevel was fulfilling his duties in Iraq with fortitude and unwavering determination; he was a brave man and a true American hero who took pride in his service on behalf of his country; and

WHEREAS, He was a man of courage, strength, and quiet determination who was known for his ready sense of humor, his deep faith, and his compassion and ability to comfort others; and

WHEREAS, Ray was devoted to his family, and he will long be remembered with affection and admiration for his generous spirit and his many accomplishments; now, therefore, be it

RESOLVED, That the 80th Legislature of the State of Texas hereby extend sincere condolences to the bereaved family of Ray Michael Bevel: his wife, Brooke Bevel; his mother, Christy Hobbs; his father and stepmother, Jerry and Lonna Bevel; his sister, Keisa Sparks; his brothers and sister-in-law, Jerry Don Bevel and Rusty and Brittany Smith; his grandmothers, Ruth Willis and Betty Hobbs; and his stepgrandparents, Jerry and Susan Hallmark; and, be it further

RESOLVED, That a copy of this resolution be prepared for the members of his family as an expression of deepest sympathy from the Texas Legislature, and that when the Texas Senate and House of Representatives adjourn this day, they do so in memory of Ray Michael Bevel.

SELIGER

