

SENATE JOURNAL

EIGHTIETH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTY-FIRST DAY

(Monday, April 30, 2007)

The Senate met at 1:51 p.m. pursuant to adjournment and was called to order by the President.

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

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

The Reverend I. Jonathan Ogujiofor, Saint Simon of Cyrene Episcopal Church, Fort Worth, offered the invocation as follows:

Almighty God, we know that unless You build the house, those who build labor in vain, and unless You watch over the city, the watchman stays awake in vain. Therefore I pray that You come and work in the hearts of these men and women whom You have called to the highest obligation of duty to the peoples of this State of Texas. Bestow upon them special favor of Thy wisdom and courage to guide the destiny of our great state, so that in firm reliance on Thy merciful providence, the peoples of this State of Texas may continue to be the object of divine benediction and blessings. In the name of God almighty we pray. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of Friday, April 27, 2007, be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

CO-AUTHOR OF SENATE BILL 415

On motion of Senator Lucio, Senator Zaffirini will be shown as Co-author of **SB 415**.

CO-AUTHOR OF SENATE BILL 537

On motion of Senator West, Senator Zaffirini will be shown as Co-author of **SB 537**.

CO-AUTHOR OF SENATE BILL 703

On motion of Senator Deuell, Senator Zaffirini will be shown as Co-author of **SB 703**.

CO-AUTHOR OF SENATE BILL 707

On motion of Senator Lucio, Senator Zaffirini will be shown as Co-author of **SB 707**.

CO-AUTHOR OF SENATE BILL 1042

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

CO-AUTHORS OF SENATE BILL 1144

On motion of Senator Deuell, Senators Shapleigh and West will be shown as Co-authors of **SB 1144**.

CO-AUTHOR OF SENATE BILL 1283

On motion of Senator Van de Putte, Senator West will be shown as Co-author of **SB 1283**.

CO-AUTHOR OF SENATE BILL 1658

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

CO-AUTHOR OF SENATE BILL 1783

On motion of Senator Janek, Senator Zaffirini will be shown as Co-author of **SB 1783**.

CO-SPONSOR OF HOUSE BILL 416

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

CO-SPONSOR OF HOUSE BILL 709

On motion of Senator Nelson, Senator Zaffirini will be shown as Co-sponsor of **HB 709**.

CO-SPONSOR OF HOUSE CONCURRENT RESOLUTION 173

On motion of Senator Wentworth, Senator Van de Putte will be shown as Co-sponsor of **HCR 173**.

MESSAGES FROM THE GOVERNOR

The following Messages from the Governor were read and were filed with the Secretary of the Senate:

Austin, Texas
April 27, 2007

TO THE SENATE OF THE EIGHTIETH LEGISLATURE, REGULAR SESSION:

Pursuant to Article 15, Section 9, of the Texas Constitution, I ask the advice and consent of the Senate regarding the removal from office of the following public officer:

Belinda M. Griffin
Texas Southern University Board of Regents

On January 18, 2007, I submitted the names of David Diaz of Corpus Christi and William King of Kemah for appointment to the Texas Southern University Board of Regents for terms to expire February 1, 2011.

I hereby withdraw these nominations and request that the Senate return the appointments to me.

On January 18, 2007, I submitted the name of Earnest Gibson III for appointment to the Texas Southern University Board of Regents for a term to expire February 1, 2011.

Because he resigned, I hereby withdraw his nomination and request that the Senate return the appointment to me.

Respectfully submitted,

/s/Rick Perry

Governor

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

April 30, 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 88, Relating to the evacuation and sheltering of service animals and household pets in a disaster.

HB 321, Relating to the establishment of a pilot program by the Health and Human Services Commission to accept importation of electronic eligibility information from a regional indigent care provider.

HB 433, Relating to disclosure by the inspector general of the Texas Department of Criminal Justice of the identifying information of victims of sex offenses who are confined in a facility operated by or under contract with the department.

HB 538, Relating to the scheduling of hearings before appraisal review boards on property tax protests; making conforming changes.

HB 654, Relating to a pilot project to develop and operate a crisis stabilization unit on Kerrville State Hospital grounds.

HB 724, Relating to resolution of certain disputes regarding workers' compensation claims for medical benefits.

- HB 820**, Relating to the application of the Texas Structural Pest Control Act to certain beekeepers.
- HB 868**, Relating to the recreational facility fee at The University of Texas at El Paso.
- HB 890**, Relating to the creation of an irrevocable trust for the proceeds of the sale or disposition of county school lands.
- HB 891**, Relating to water rights Permit No. 5394A issued to the Upper Guadalupe River Authority.
- HB 971**, Relating to a documented member of the Kickapoo Traditional Tribe of Texas hunting certain deer.
- HB 1100**, Relating to cancellation of a subdivision plat under certain circumstances.
- HB 1293**, Relating to licensing and regulation of event coordinators for combative sports.
- HB 1334**, Relating to the use of crossbows by certain individuals.
- HB 1351**, Relating to the operation of certain staff leasing services arrangements.
- HB 1374**, Relating to service areas of the Amarillo College District and the Borger Junior College District.
- HB 1391**, Relating to the provision of water and utility service.
- HB 1400**, Relating to the issuance by a corporation established by the Texas Public Finance Authority of revenue bonds for open-enrollment charter school facilities.
- HB 1418**, Relating to the name of Sam Houston State University.
- HB 1457**, Relating to the acceptable methods for disposal of poultry carcasses.
- HB 1679**, Relating to the General Land Office's determination as to the existence of vacant public school land.
- HB 1700**, Relating to a project for the development and implementation of a nature science curriculum for public school students.
- HB 1719**, Relating to requiring landowners to report the burial of certain animal carcasses.
- HB 1734**, Relating to cancellation or suspension of an alcoholic beverage license or permit.
- HB 1748**, Relating to the administration of Texas governor's schools.
- HB 1932**, Relating to the membership and area of operation of farmers' cooperative societies.
- HB 1955**, Relating to the licensing of certain peace officers by the Commission on Law Enforcement Officer Standards and Education.
- HB 2045**, Relating to revenue from Texas State Rifle Association specialty license plates.
- HB 2056**, Relating to providing a civil penalty for a violation of the Antiquities Code of Texas.

- HB 2070**, Relating to the confirmation election of the Duval County Groundwater Conservation District.
- HB 2092**, Relating to the designation of an area in a municipality as a reinvestment zone under the Tax Increment Financing Act.
- HB 2096**, Relating to utility connections on certain tracts of land in certain counties near an international border.
- HB 2163**, Relating to the definition of automotive wrecking and salvage yard.
- HB 2235**, Relating to the creation of a technology center grant program for rural counties.
- HB 2239**, Relating to the adoption of a state scenic byways program.
- HB 2251**, Relating to advertising by certain insurers.
- HB 2348**, Relating to prohibiting alcoholic beverage license or permit application by certain persons.
- HB 2350**, Relating to eligibility of certain persons for an alcoholic beverage license or permit.
- HB 2391**, Relating to the appearance of certain misdemeanor offenders before a magistrate.
- HB 2393**, Relating to the investment and management of assets held in a prepaid funeral benefits trust.
- HB 2411**, Relating to school district depositories.
- HB 2417**, Relating to the responsibility for and management of the fuel ethanol and biodiesel production incentive program.
- HB 2618**, Relating to authorizing political subdivisions to lease property owned by the political subdivision to other governmental entities without following competitive purchasing procedures.
- HB 2626**, Relating to purchases made at the campus level in certain school districts.
- HB 2627**, Relating to the requirements for the issuance of certain specialty license plates.
- HB 2652**, Relating to application of certain law relating to the regulation of certain motor vehicle manufacturers, converters, distributors, and dealers and enforcement of motor vehicle warranties.
- HB 2682**, Relating to the administration and powers of a coordinated county transportation authority.
- HB 2796**, Relating to the authority of certain counties to create or finance museums.
- HB 2870**, Relating to member contributions to certain retirement, disability, and death benefit systems provided by certain cities and towns.
- HB 2880**, Relating to monthly benefits for certain retirees of the Teacher Retirement System of Texas who return to work.

- HB 2949**, Relating to certain fees in the administration of the teen court program in the Texas-Louisiana border region.
- HB 3138**, Relating to the authority to operate a mobile food unit, roadside food vendor, or temporary food service establishment in certain counties.
- HB 3199**, Relating to the creation of the Judicial Compensation Commission.
- HB 3219**, Relating to the Uniform Commercial Code provisions relating to negotiable instruments.
- HB 3225**, Relating to the scope of authority of the Automobile Theft Prevention Authority.
- HB 3236**, Relating to the service areas of the Austin Community College District and the Blinn Junior College District.
- HB 3290**, Relating to expanding the scope of an audit by the state auditor when the state auditor finds evidence of gross mismanagement.
- HB 3309**, Relating to the ability of advocacy and support groups for victims of sexual assault to provide services for children confined in Texas Youth Commission facilities.
- HB 3325**, Relating to the extent of extraterritorial jurisdiction of certain municipalities.
- HB 3367**, Relating to the change in boundaries by agreement between a general-law municipality with a population of more than 5,000 and a home-rule municipality with a population of more than 1.1 million.
- HB 3440**, Relating to projects that may be undertaken by development corporations for the development, retention, or expansion of certain airport facilities.
- HB 3490**, Relating to the authority of a chief appraiser to appeal from an order of an appraisal review board determining a taxpayer protest.
- HB 3491**, Relating to the qualifications and selection of the board of directors of an appraisal district.
- HB 3492**, Relating to the determination of the total taxable value of property in a school district under the property value study conducted by the comptroller of public accounts.
- HB 3495**, Relating to the contents of the notice of the meeting at which the governing body of a taxing unit will vote on a proposed ad valorem tax rate that will result in a tax revenue increase.
- HB 3496**, Relating to the deadlines for the delivery or filing of certain ad valorem tax notices.
- HB 3563**, Relating to the setting and collecting of fees for the public's use of certain images and documents protected by copyright owned by the State Preservation Board.
- HB 3585**, Relating to the provision of a computerized victim notification system to certain state agencies and to counties.

HB 3634, Relating to the name and powers of the Jefferson County Waterway and Navigation District.

HB 3672, Relating to mobile food units in certain populous counties; providing a penalty.

HB 3688, Relating to the transfer of certain state property from the Texas Department of Criminal Justice to the City of Winnsboro.

HCR 25, Designating Friona as the official Cheeseburger Capital of Texas.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

PHYSICIAN OF THE DAY

Senator Ogden was recognized and presented Dr. Jason Stokes of Austin as the Physician of the Day.

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

REPORT OF COMMITTEE ON NOMINATIONS

Senator Jackson submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed:

Member, Board of Pardons and Paroles: Conrith W. Davis, Fort Bend County.

Director, Camino Real Regional Mobility Authority Board of Directors: John Richard Broaddus, El Paso County.

Criminal District Attorney, Comal County: Geoffrey I. Barr, Comal County.

Members, Department of Information Resources Governing Board: Charles Edward Bacarisse, Harris County; Rosemary R. Martinez, Cameron County; Debra McCartt, Potter County; Robert E. Pickering, Jr., Harris County.

Members, Family and Protective Services Council: Gigi Edwards Bryant, Travis County; Debbie Epperson, Travis County; Theodore Paul Furukawa, Bexar County; Linda Bell Robinson, Harris County; Mamie Salazar-Harper, El Paso County; Cristina Ommy Strauch, Bexar County.

Director, Grayson County Regional Mobility Authority Board of Directors: Raymond Jerdy Gary, Grayson County.

Executive Commissioner, Health and Human Services Commission: Albert Hawkins III, Travis County.

Director, Hidalgo County Regional Mobility Authority Board of Directors: Dennis Burleson, Hidalgo County.

Director, Northeast Texas Regional Mobility Authority Board of Directors: Jeff Austin III, Smith County.

Members, Polygraph Examiners Board: Gory Loveday, Smith County; Donald Kevin Schutte, Bowie County.

Members, Prepaid Higher Education Tuition Board: Theresa W. Chang, Harris County; Zan S. Statham, Parker County.

Members, State Health Services Council: Beverly Barron, Ector County; Graciela A. Cigarroa, Bexar County; Jaime A. Davidson, Dallas County; Jacinto P. Juarez, Ph.D., Webb County; Jeffrey A. Ross, D.P.M., Harris County; James G. Springfield, Cameron County.

Members, Texas County and District Retirement System Board of Trustees: H. C. "Chuck" Cazalas, Nueces County; Eddie J. Miles, Jr., Bexar County; Gerald "Buddy" Winn, Brazos County.

Commissioner of Insurance: Michael Scott Geeslin, Travis County.

Members, Texas Medical Board: Lawrence LaZelle Anderson, Smith County; Michael Arambula, M.D., Pharm.D., Bexar County; Julie K. Attebury, Potter County; Jose Manuel Benavides, M.D., Bexar County; Patricia S. Blackwell, Midland County; Manuel G. Guajardo, M.D., Cameron County; Melinda C. McMichael, M.D., Travis County; Margaret Carter McNeese, M.D., Harris County; Charles Edward Oswalt III, M.D., McLennan County; Paulette Barker "Tessa" Southard, Jim Wells County; Timothy Webb, Harris County; Irvin E. Zeitler, Jr., D.O., Tom Green County.

Members, Texas Municipal Retirement System Board of Directors: Pat Hernandez, Hale County; April Nixon, Tarrant County; Roel Rodriguez, Cameron County.

Members, Texas State University System Board of Regents: Ken Luce, Dallas County; Trisha S. Pollard, Harris County; Robert Greg Wilkinson, Dallas County.

Members, Texas Veterans Commission: Terrence P. O'Mahoney, Dallas County; Ezell Ware, Jr., Travis County.

Members, Texas Woman's University Board of Regents: P. Mike McCullough, Dallas County; George R. Schrader, Collin County.

Member, Veterans' Land Board: Alan L. Johnson, Cameron County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Jackson gave notice that he would tomorrow at the conclusion of morning call submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

SENATE RESOLUTION 824

Senator Hegar offered the following resolution:

WHEREAS, The year 2007 marks the 100th anniversary of the renowned Texas company, Blue Bell Creameries of Brenham; and

WHEREAS, Founded as a Washington County dairy cooperative called the Brenham Creamery Company, the firm took over an abandoned cotton gin and began making butter from excess cream in 1907; and

WHEREAS, The creamery made its first ice cream four years later, at the rate of two gallons a day; packed in wooden tubs filled with ice and salt, the ice cream was delivered to local residents by a horse-drawn wagon; and

WHEREAS, The popularity of the product spread quickly by word of mouth, and the creamery increased production; renamed Blue Bell Creameries in 1930, after the beloved Texas wildflower, the company began distributing its ice cream in refrigerated trucks to grocery stores in 1936; and

WHEREAS, Under the leadership of E. F. Kruse, who served as general manager from 1919 to 1951, and thereafter, under the leadership of his sons, Ed and Howard, Blue Bell Creameries has expanded throughout the south-central and southeastern United States; now distributed in 16 states, Blue Bell Creameries ice cream is one of the top three best-selling ice cream brands in the United States; and

WHEREAS, Still purchasing its raw materials from local farmers' cooperatives, Blue Bell Creameries manufactures more than 20 flavors year-round and 20 seasonal flavors, and the Blue Bell Creameries factory in Brenham draws 117,000 visitors each year; and

WHEREAS, Blue Bell Creameries is celebrating its centennial throughout 2007 with a traveling ice cream caravan, a flavor-naming contest, and a three-day birthday party in July in Brenham; the summer will also bring the unveiling of two new bronze sculptures in Brenham, one depicting the company's famous logo of a girl leading a cow, and the other portraying original company manager E. F. Kruse; and

WHEREAS, Living up to its motto of "We eat all we can and sell the rest," Blue Bell Creameries has brought sweetness and joy to generations of Texans and other lovers of ice cream across the South with its century-long commitment to quality and to innovative marketing; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby congratulate Blue Bell Creameries on its 100th anniversary and extend best wishes to the company and its employees for continued success; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Blue Bell Creameries as an expression of high regard by the Texas Senate.

SR 824 was again read.

The resolution was previously adopted on Tuesday, April 24, 2007.

GUESTS PRESENTED

Senator Hegar was recognized and introduced to the Senate representatives of Blue Bell Creameries in Brenham.

The Senate welcomed its guests.

SENATE RESOLUTION 900

Senator Patrick offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Jonathan Nitsch for the courage and tenacity he exhibited while battling a debilitating disease and the strength he has shown on his return to a cancer-free life; and

WHEREAS, A junior at Cy-Fair High School, Jonathan was diagnosed with non-Hodgkin's lymphoma at the age of 14; for more than two years, he endured chemotherapy treatments that weakened his immune system and at one point caused kidney failure; and

WHEREAS, Near the end of his treatments, Jonathan began practicing with a running team; he will now celebrate the one-year anniversary of his last round of treatments by running in the Rock'n'Roll Marathon in San Diego, California, on June 3; and

WHEREAS, Jonathan volunteers his time as a fund-raiser and public speaker with the Snow Drop Foundation and the Leukemia Lymphoma Society; he intends to enter the field of medicine as a pediatric oncologist; he has exhibited strength and perseverance during his ordeal, and his story is truly an inspiration to others; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby commend Jonathan Nitsch for his many accomplishments and extend to him best wishes in all his future endeavors; and, be it further

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

SR 900 was read and was adopted without objection.

GUESTS PRESENTED

Senator Patrick was recognized and introduced to the Senate Jonathan Nitsch, accompanied by his mother, Desie Nitsch.

The Senate welcomed its guests.

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 271, SB 526, SB 673, SB 849, SB 884, SB 1340, SB 1375, SB 1405, SB 1672, SCR 44, HB 92, HB 385, HB 566, HB 708, HB 978, HB 1064, HCR 6, HCR 211.

CONCLUSION OF MORNING CALL

The President at 2:12 p.m. announced the conclusion of morning call.

COMMITTEE SUBSTITUTE**SENATE BILL 987 ON THIRD READING**

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

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

The motion prevailed.

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

The bill was read third time.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 1 on Third Reading

Amend **CSSB 987** on third reading as follows:

(1) In SECTION 1 of the bill, strike proposed Subdivision (2), Subsection (a), Section 343.105, Finance Code, and substitute the following:

(2) that is a home loan and that is or will be secured by a first lien on the principal residence of the borrower;

(2) In SECTION 1 of the bill, in proposed Paragraph (A), Subdivision (5), Subsection (a), Section 343.105, Finance Code, strike the semicolon and substitute "and has an initial interest rate that is significantly lower than the fully indexed rate at the time the loan is closed, as determined by the finance commission; or".

(3) In SECTION 1 of the bill, in proposed Subdivision (5), Subsection (a), Section 343.105, Finance Code, strike Paragraphs (B) and (C).

(4) In SECTION 1 of the bill, in proposed Paragraph (D), Subdivision (5), Subsection (a), Section 343.105, Finance Code, strike "(D)" and substitute "(B)".

(5) In SECTION 1 of the bill, in proposed Paragraph (D), Subdivision (5), Subsection (a), Section 343.105, Finance Code, strike "; or" and substitute a period.

(6) In SECTION 1 of the bill, in proposed Subdivision (5), Subsection (a), Section 343.105, Finance Code, strike Paragraph (E).

(7) In SECTION 1 of the bill, in proposed Subsection (c), Section 343.105, Finance Code, strike "The lender" and substitute "The lender or broker".

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

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

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

CSSB 987 as again amended was finally passed by the following vote: Yeas 26, Nays 5.

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

Nays: Averitt, Harris, Patrick, Seliger, Shapiro.

COMMITTEE SUBSTITUTE SENATE BILL 359 ON SECOND READING

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 359** at this time on its second reading:

CSSB 359, Relating to a Texas Commission on Environmental Quality water quality protection area pilot program applicable to portions of the San Jacinto River; providing penalties.

The bill was read second time.

(Senator Watson in Chair)

Senator Williams offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 359** (Senate committee printing) in SECTION 1 of the bill as follows:

(1) In the current Subsection (b), proposed Section 26.603, Water Code (page 2, line 6), strike "The" and substitute "Except as provided by Subsection (c), the".

(2) Between the current Subsections (b) and (c), proposed Section 26.603, Water Code (page 2, between lines 10 and 11), insert a new Subsection (c) of that section to read as follows:

(c) A quarry that is covered by a permit issued by the United States Army Corps of Engineers under Section 404 of the federal Clean Water Act (33 U.S.C. Section 1344) may operate within 100 feet of a stream if that permit authorizes the operation, regardless of whether the quarry is located in a water quality protection area designated under this subchapter.

(3) In the current Subsection (d), proposed Section 26.603, Water Code (page 2, lines 29-30), strike "effluent standards or other water quality requirements, and".

(4) In the current Subsection (d), proposed Section 26.603, Water Code (page 2, line 31), strike the underlined comma after "responsibility" and substitute "that are".

(5) In the current Subsection (e), proposed Section 26.603, Water Code (page 2, line 35), strike "Subsections (c) and (d)" and substitute "Subsections (d) and (e)".

(6) Redesignate the current Subsections (c), (d), and (e), proposed Section 26.603, Water Code, respectively, as Subsections (d), (e), and (f).

(7) In the current Subsection (b), proposed Section 26.609, Water Code (page 3, line 53), strike "effluent or other water quality".

The amendment to **CSSB 359** was read and was adopted by a viva voce vote.

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

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

CSSB 359 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 359 ON THIRD READING**

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 359** be placed on its third reading and final passage.

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

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

COMMITTEE SUBSTITUTE
SENATE BILL 114 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 114** at this time on its second reading:

CSSB 114, Relating to the sale of instructional materials to students of public institutions of higher education.

The bill was read second time.

Senator Janek offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 114** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Subsection (a), Section 51.949, Education Code (page 1, between lines 16 and 17), insert the following:

(1) "Eligible retailer" means a retailer or other provider of instructional materials that:

(A) holds a sales tax permit issued under Subchapter F, Chapter 151, Tax Code;

(B) is not the operator of a university-affiliated bookstore; and

(C) meets or exceeds all of the terms and conditions contractually required by an institution of higher education from the operator of a university-affiliated bookstore serving generally the same students as the retailer or other provider.

(2) In SECTION 1 of the bill, in added Subsection (a), Section 51.949, Education Code (page 1, line 17), strike "(1)" and substitute "(2)".

(3) In SECTION 1 of the bill, in added Subsection (a), Section 51.949, Education Code (page 1, line 19), strike "(2)" and substitute "(3)".

(4) In SECTION 1 of the bill, in added Subsection (a), Section 51.949, Education Code (page 1, line 23), strike "(3)" and substitute "(4)".

(5) In SECTION 1 of the bill, in added Subsection (c), Section 51.949, Education Code (page 1, line 33), strike "for public inspection through the Internet or in person" and substitute "to an eligible retailer".

(6) In SECTION 1 of the bill, in added Subsection (d), Section 51.949, Education Code (page 1, lines 40-42), strike "a retailer or other provider of instructional materials that holds a sales tax permit issued to the provider under Subchapter F, Chapter 151, Tax Code," and substitute "an eligible retailer".

(7) In SECTION 1 of the bill, in added Subsection (d), Section 51.949, Education Code (page 1, lines 48-50), strike "provider of instructional materials, other than an operator of a university-affiliated bookstore, that holds a sales tax permit and" and substitute "eligible retailer".

(8) In SECTION 1 of the bill, in added Subsection (d), Section 51.949, Education Code (page 1, line 52), strike "providers" and substitute "eligible retailers".

(9) In SECTION 1 of the bill, in added Subsection (e), Section 51.949, Education Code (page 1, lines 54-56), strike "a provider of instructional materials, other than an operator of a university-affiliated bookstore," and substitute "an eligible retailer".

(10) In SECTION 1 of the bill, in added Subsection (f), Section 51.949, Education Code (page 1, line 63, through page 2, line 3), strike "any other provider of instructional materials to students of the institution that holds a sales tax permit issued to the provider under Subchapter F, Chapter 151, Tax Code," and substitute "an eligible retailer".

The amendment to **CSSB 114** was read and failed of adoption by the following vote: Yeas 10, Nays 18.

Yeas: Brimer, Carona, Duncan, Eltife, Estes, Hegar, Janek, Nelson, Patrick, Seliger.

Nays: Averitt, Deuell, Ellis, Gallegos, Harris, Hinojosa, Jackson, Lucio, Nichols, Ogden, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Absent: Fraser, Shapiro, Williams.

Senator Hegar offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 114** as follows:

(1) In SECTION 1 of the bill, in added Section 51.949(c), Education Code (page 1, line 37, after the word "bookstore" insert the following: "if that list is created by and at the expense of an institution of higher education."

The amendment to **CSSB 114** was read and failed of adoption by the following vote: Yeas 10, Nays 19.

Yeas: Brimer, Carona, Estes, Hegar, Jackson, Janek, Patrick, Seliger, Wentworth, Williams.

Nays: Averitt, Deuell, Duncan, Ellis, Eltife, Gallegos, Harris, Hinojosa, Lucio, Nelson, Nichols, Ogden, Shapleigh, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Absent: Fraser, Shapiro.

CSSB 114 was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 114 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 114** be placed on its third reading and final passage.

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

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

HOUSE BILL 310 ON SECOND READING

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 310** at this time on its second reading:

HB 310, Relating to the transfer of registration and removal of license plates for the sale or transfer of used vehicles.

The bill was read second time.

Senator Carona offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 310** (Senate committee printing) as follows:

(1) In SECTION 2 of the bill, strike proposed Subsection (a), Section 502.451, Transportation Code (page 1, lines 22-24), and substitute:

(a) On the sale or transfer of a motor vehicle to a dealer, as defined by Section 503.001, who holds a general distinguishing number issued under Chapter 503, the dealer shall remove each license plate and the registration insignia issued for the motor vehicle.

(a-1) On a sale or transfer of a motor vehicle to a person that does not hold a general distinguishing number issued under Chapter 503, the seller or transferor may remove each license plate and the registration insignia issued for the motor vehicle.

(2) In SECTION 2 of the bill, in proposed Subsection (b), Section 502.451, Transportation Code (page 1, line 26), between "(a)" and "must" insert "or (a-1)".

(3) In SECTION 2 of the bill, strike proposed Section 502.452, Transportation Code, and renumber applicable cross-references and subsequent sections in proposed Subchapter I, Chapter 502, Transportation Code.

(4) In SECTION 2 of the bill, in proposed Subsection (a), Section 502.455, Transportation Code (page 2, line 9), strike "as required by Section 502.451" and substitute "as authorized by Section 502.451(a-1)".

The amendment to **HB 310** was read and was adopted by a viva voce vote.

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

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

HB 310 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 310 ON THIRD READING

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 310** be placed on its third reading and final passage.

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 979 ON THIRD READING**

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 979** at this time on its third reading and final passage:

CSSB 979, Relating to the operation of property owners' associations.

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

SENATE BILL 1750 ON SECOND READING

On motion of Senator Whitmire and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1750** at this time on its second reading:

SB 1750, Relating to the issuance of an occupational license to certain applicants with criminal convictions.

The bill was read second time.

Senator Whitmire offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **SB 1750** by adding the following appropriately numbered SECTION to the bill and renumbering the subsequent SECTIONs accordingly:

SECTION __. Section 53.002, Occupations Code, is amended to read as follows:

Sec. 53.002. **APPLICABILITY OF CHAPTER.** This chapter does not apply to:

(1) the Supreme Court of Texas, a person licensed under the court's authority on behalf of the judicial department of government, or an applicant for a license issued under the court's authority on behalf of the judicial department of government;

(2) a peace officer or an applicant for a license as a peace officer described by Article 2.12, Code of Criminal Procedure, or to a reserve law enforcement officer, a county jailer, or a public security officer licensed or applying for a license under Chapter 1701; or

(3) a person who:

(A) is licensed by the Texas State Board of Medical Examiners, the Texas State Board of Pharmacy, the State Board of Dental Examiners, or the State Board of Veterinary Medical Examiners; and

(B) has been convicted of a felony under Chapter 481 or 483 or Section 485.033, Health and Safety Code.

The amendment to **SB 1750** was read.

Senator Whitmire withdrew Committee Amendment No. 1.

Senator Whitmire offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1750** by striking all below the enacting clause and substituting the following:

SECTION 1. Section 53.002, Occupations Code, is amended to read as follows:

Sec. 53.002. APPLICABILITY OF CHAPTER. This chapter does not apply to:

(1) the Supreme Court of Texas, a person licensed under the court's authority on behalf of the judicial department of government, or an applicant for a license issued under the court's authority on behalf of the judicial department of government;

(2) a peace officer or an applicant for a license as a peace officer described by Article 2.12, Code of Criminal Procedure, or to a reserve law enforcement officer, a county jailer, or a public security officer licensed or applying for a license under Chapter 1701; or

(3) a person who:

(A) is licensed by the Texas State Board of Medical Examiners, the Texas State Board of Pharmacy, the State Board of Dental Examiners, the Texas State Board of Examiners of Psychologists, the Board of Nurse Examiners, the Texas State Board of Public Accountancy, or the State Board of Veterinary Medical Examiners or is licensed under Chapter 156, Finance Code; and

(B) has been convicted of:

(i) a felony under Chapter 481 or 483 or Section 485.033, Health and Safety Code;

(ii) an offense listed in Section 3g, Article 42.12, Code of Criminal Procedure; or

(iii) a sexually violent offense, as defined by Article 62.001, Code of Criminal Procedure.

SECTION 2. Subsection (a), Section 53.021, Occupations Code, is amended to read as follows:

(a) A licensing authority may suspend or revoke a license, disqualify a person from receiving a license, or deny to a person the opportunity to take a licensing examination on the grounds that the person has been convicted of a felony or misdemeanor that directly relates to the duties and responsibilities of the licensed occupation and that was committed less than five years before the date the person applies for the license.

SECTION 3. Subchapter B, Chapter 53, Occupations Code, is amended by adding Section 53.0211 to read as follows:

Sec. 53.0211. LICENSING OF CERTAIN APPLICANTS WITH PRIOR CRIMINAL CONVICTIONS. (a) Notwithstanding any other law and unless the applicant has been convicted of an offense described by Section 53.021(a), a licensing authority shall issue to an otherwise qualified applicant who has been convicted of an offense:

(1) the license for which the applicant applied; or

(2) a provisional license described by Subsection (b).

(b) A licensing authority may issue a provisional license for a term of six months to an applicant who has been convicted of an offense.

(c) The licensing authority shall revoke a provisional license if the provisional license holder:

(1) commits a new offense;

(2) commits an act or omission that causes the person's community supervision, mandatory supervision, or parole to be revoked, if applicable; or

(3) violates the law or rules governing the practice of the occupation for which the provisional license is issued.

(d) The licensing authority shall issue the license for which the applicant originally applied to a provisional license holder on the expiration of the provisional license term if the provisional license holder does not engage in conduct described by Subsection (c).

(e) If the licensing authority revokes a provisional license under Subsection (c), the provisional license holder is disqualified from receiving the license for which the applicant originally applied.

(f) An applicant who is on community supervision, mandatory supervision, or parole and who is issued a provisional license under this section shall provide to the licensing authority the name and contact information of the probation or parole department to which the person reports. The licensing authority shall notify the probation or parole department that a provisional license has been issued. The probation or parole department shall notify the licensing authority if the person's community supervision, mandatory supervision, or parole supervision is revoked during the term of the provisional license.

SECTION 4. The changes in law made by this Act apply only to an application for a license filed with a licensing authority, to which Chapter 53, Occupations Code, applies, on or after the effective date of this Act. An application filed before that date is governed by the law in effect when the application is filed, and the former law is continued in effect for that purpose.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

The amendment to **SB 1750** was read and was adopted by a viva voce vote.

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

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

SB 1750 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1750 ON THIRD READING

Senator Whitmire moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1750** be placed on its third reading and final passage.

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

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

(President in Chair)

SENATE BILL 453 ON SECOND READING

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 453** at this time on its second reading:

SB 453, Relating to the testing of certain inmates for HIV or AIDS.

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

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 453 ON THIRD READING

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 453** be placed on its third reading and final passage.

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

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

SENATE BILL 1251 ON SECOND READING

On motion of Senator Averitt and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1251** at this time on its second reading:

SB 1251, Relating to the access, use, or retention of certain electronically readable information on a driver's license, commercial driver's license, or personal identification certificate; providing penalties.

The bill was read second time.

Senator Averitt offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1251** as follows:

(1) In SECTION 1 of the bill (committee printing, page 1, lines 13-14), strike the recital and substitute the following:

Section 521.126, Transportation Code, is amended by amending Subsection (b) and adding Subsections (b-1) and (b-2) to read as follows:

(2) In SECTION 1 of the bill, in amended Section 521.126, Transportation Code (committee printing, page 1, between lines 25 and 26), insert new Subsections (b-1) and (b-2) to read as follows:

(b-1) For the purposes of Subsection (b), a license or certificate holder provides consent only by signing a separate document or using an electronic signature, as defined by Section 43.002, Business & Commerce Code, on an electronic record that states:

"I consent to allow (insert name of person) to access or include information from my driver's license or personal identification certificate in a compilation or database."

(b-2) A person may not sell or otherwise disclose electronically readable information accessed, compiled, or described by Subsection (b) to another person or an affiliate of the person. This subsection does not apply to a financial institution described by Subsection (e).

The amendment to **SB 1251** was read and was adopted by a viva voce vote.

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

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

SB 1251 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1251 ON THIRD READING

Senator Averitt moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1251** be placed on its third reading and final passage.

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

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

SENATE CONCURRENT RESOLUTION 69

The President laid before the Senate the following resolution:

WHEREAS, The Senate of the State of Texas has passed **HB 1892** and returned it to the House of Representatives of the State of Texas; and

WHEREAS, Further consideration of the bill by the senate is necessary; now, therefore, be it

RESOLVED by the Senate of the State of Texas, the House of Representatives of the State of Texas concurring, That the senate hereby respectfully request that the Chief Clerk of the House of Representatives be authorized to return House Bill No. 1892 to the senate for further consideration.

WILLIAMS

SCR 69 was read.

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

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

COMMITTEE SUBSTITUTE SENATE BILL 1566 ON SECOND READING

Senator Patrick moved to suspend the regular order of business to take up for consideration **CSSB 1566** at this time on its second reading:

CSSB 1566, Relating to the creation of the Texas Bleeding Disorders Advisory Council.

The motion prevailed.

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

The bill was read second time.

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1566** as follows:

On page 2, strike lines 22 through 24 and replace it with the following:

(2) legislative or administrative changes to policies and programs that affect product specific reimbursement to providers, including new payment for anti-hemophilia factor including various reimbursement methodologies for anti-hemophilic factors in the Medicaid program that provide access to appropriate treatment.

The amendment to **CSSB 1566** was read and was adopted by a viva voce vote.

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

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

CSSB 1566 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: Ogden.

**COMMITTEE SUBSTITUTE
SENATE BILL 1566 ON THIRD READING**

Senator Patrick moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1566** be placed on its third reading and final passage.

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

Nays: Ogden.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1574 ON SECOND READING**

On motion of Senator Duncan and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1574** at this time on its second reading:

CSSB 1574, Relating to the regulation by the Railroad Commission of Texas of the use of the surface of land in connection with certain activities associated with the exploration, development, or production of oil or gas, including the gathering of oil or gas by pipeline.

The bill was read second time.

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1574** as follows:

(1) In SECTION 1 of the bill, in Section 91.701, Natural Resources Code (committee printing page 1, between lines 29 and 30), add a new Subdivision (2) to read as follows and renumber the subsequent subdivisions accordingly:

(2) "Lessor" means an individual or individuals whose aggregate ownership interest in a mineral estate is equal to or greater than 10 percent of the total mineral estate.

(2) In SECTION 1 of the bill, in Subdivision (3), Section 91.701, Natural Resources Code (committee printing page 1, line 34), strike "used" and substitute "constructed and maintained".

(3) In SECTION 1 of the bill, in Subsection (c), Section 91.702, Natural Resources Code (committee printing page 1, lines 55 and 56), strike "Unless the lease or another agreement with the lessor provides otherwise" and substitute "Pursuant to Subsection (b)".

(4) In SECTION 1 of the bill, in Subdivision (1), Subsection (c), Section 91.702, Natural Resources Code (committee printing page 1, line 61), strike "another" and substitute "such".

(5) In SECTION 1 of the bill, in Subsection (d), Section 91.702, Natural Resources Code (committee printing page 2, line 4), strike "another" and substitute "such".

(6) In SECTION 1 of the bill, in Subsection (b), Section 91.704, Natural Resources Code (committee printing page 2, lines 28-30), strike "well sites and other surface facilities when equipment is transferred from the site or removed from the leased premises" and substitute "inactive wells and other inactive well-site equipment".

(7) In SECTION 1 of the bill, in the heading to Section 91.705, Natural Resources Code (committee printing page 2, lines 31 and 32), strike "ENFORCEMENT: ACTION FOR INJUNCTION OR COSTS; MANDATORY MEDIATION" and substitute "ACTION FOR INJUNCTION".

(8) In SECTION 1 of the bill, in Subsection (c), Section 91.705, Natural Resources Code (committee printing page 2, line 63), strike "violation," and substitute "violation. The bond is payable".

(9) In SECTION 1 of the bill, in the third sentence of Subsection (c), Section 91.705, Natural Resources Code (committee printing page 2, line 68), strike "may" and substitute "shall".

(10) In SECTION 1 of the bill, in Section 91.705, Natural Resources Code (committee printing page 3, line 7), strike "(d)" and substitute "Sec. 91.706. ACTION FOR COSTS.".

(11) In SECTION 1 of the bill, in the first sentence of Subsection (d), Section 91.705, Natural Resources Code (committee printing page 3, lines 7 and 8), strike "the injunction and also fails to post the bond as ordered by the trial court" and substitute "an injunction under Section 91.705 and also fails to post a bond as ordered by the trial court under that section".

(12) In SECTION 1 of the bill, in Section 91.705, Natural Resources Code (committee printing page 3, line 21), strike "(e)" and substitute "Sec. 91.707. FEES AND COSTS.".

(13) In SECTION 1 of the bill, in Subsection (e), Section 91.705, Natural Resources Code (committee printing page 3, line 21), strike "this section" and substitute "Section 91.705 or 91.706".

(14) In SECTION 1 of the bill, in Section 91.705, Natural Resources Code (committee printing page 3, line 23), strike "(f)" and substitute "Sec. 91.708. MANDATORY MEDIATION. (a)".

(15) In SECTION 1 of the bill, in Section 91.705, Natural Resources Code (committee printing page 3, line 26), strike "(g)" and substitute "(b)".

(16) In SECTION 1 of the bill, in Section 91.705, Natural Resources Code (committee printing page 3, line 28), strike "(h)" and substitute "(c)".

(17) In SECTION 1 of the bill, in Section 91.705, Natural Resources Code (committee printing page 3, line 31), strike "(i)" and substitute "(d)".

(18) In SECTION 1 of the bill, in Section 91.705, Natural Resources Code (committee printing page 3, line 38), strike "(j)" and substitute "Sec. 91.709. TRIAL.".

The amendment to **CSSB 1574** was read and was adopted by a viva voce vote.

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

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

CSSB 1574 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1574 ON THIRD READING

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1574** be placed on its third reading and final passage.

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

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

COMMITTEE SUBSTITUTE
SENATE BILL 1886 ON SECOND READING

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1886** at this time on its second reading:

CSSB 1886, Relating to motor fuel taxes.

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

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE
SENATE BILL 1886 ON THIRD READING

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1886** be placed on its third reading and final passage.

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

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

COMMITTEE SUBSTITUTE
SENATE BILL 747 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 747** at this time on its second reading:

CSSB 747, Relating to the authority of the Barton Springs-Edwards Aquifer Conservation District to charge certain fees and limit groundwater production during a drought.

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

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE
SENATE BILL 747 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 747** be placed on its third reading and final passage.

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

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

SENATE BILL 1347 ON SECOND READING

On motion of Senator Patrick and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1347** at this time on its second reading:

SB 1347, Relating to a mandatory DNA record for individuals convicted of certain offenses or adjudicated as having engaged in conduct constituting the commission of certain offenses.

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

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1347 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 1347** be placed on its third reading and final passage.

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

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

SENATE BILL 1741 ON SECOND READING

On motion of Senator Shapiro and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1741** at this time on its second reading:

SB 1741, Relating to the creation of a state agency to perform the functions relating to the sex offender civil commitment program that are currently performed by the Council on Sex Offender Treatment.

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

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1741 ON THIRD READING

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1741** be placed on its third reading and final passage.

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

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

SENATE BILL 1032 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 1032** at this time on its second reading:

SB 1032, Relating to the issuance of Insure Texas Kids specialty license plates.

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

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1032 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 1032** be placed on its third reading and final passage.

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

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

COMMITTEE SUBSTITUTE SENATE BILL 1933 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 1933** at this time on its second reading:

CSSB 1933, Relating to the creation of the Texas State Music History Museum.

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

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1933 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 1933** be placed on its third reading and final passage.

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

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

HOUSE BILL 1311 ON SECOND READING

On motion of Senator Janek and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1311** at this time on its second reading:

HB 1311, Relating to requiring certain municipalities to disannex land owned by a navigation district.

The bill was read second time.

Senator Janek offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1311** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill, in proposed Section 43.083, Local Government Code, immediately following proposed Subsection (a) (page 1, between lines 21 and 22), insert the following:

(b) A municipality that disannexes land under Subsection (a) and that, on the effective date of this section, provides utility services to customers on that land shall continue to provide the services at the same rate until the first anniversary of the effective date of this section.

(2) In SECTION 1 of the bill, in proposed Subsection (b), Section 43.083, Local Government Code (page 1, line 22), strike "(b)" and substitute "(c)".

The amendment to **HB 1311** was read and was adopted by a viva voce vote.

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

Senator Hegar offered the following amendment to the bill:

Floor Amendment No. 2

Amend **HB 1311**, in SECTION 1 of the bill, in proposed Subsection (a), Section 43.083, Local Government Code (Senate committee printing page 1, line 15), by striking "that borders the Gulf of Mexico" and substituting "that is in a county that borders the Gulf of Mexico and that is adjacent to a county with a population of one million or more.".

The amendment to **HB 1311** was read and was adopted by a viva voce vote.

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

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

HB 1311 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 1311 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 **HB 1311** be placed on its third reading and final passage.

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

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

HOUSE BILL 1312 ON SECOND READING

On motion of Senator Janek and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1312** at this time on its second reading:

HB 1312, Relating to the annexation by certain municipalities of land owned by a navigation district.

The bill was read second time.

Senator Hegar offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1312**, in SECTION 1 of the bill, in proposed Section 43.082, Local Government Code (Senate committee printing page 1, line 15), by striking "that borders the Gulf of Mexico" and substituting ", that is in a county that borders the Gulf of Mexico and that is adjacent to a county with a population of one million or more,".

The amendment to **HB 1312** was read and was adopted by a viva voce vote.

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

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

HB 1312 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 1312 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 **HB 1312** be placed on its third reading and final passage.

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

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

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
April 30, 2007

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

SB 430, Relating to a claim for reimbursement in a suit to dissolve a marriage.

SB 432, Relating to the consent to and annulment of certain marriages.

SCR 69, Recalling H.B. No. 1892 from the house for further consideration.

THE HOUSE HAS TAKEN THE FOLLOWING OTHER ACTION:

HB 1892, Pursuant to passage of SCR 69, the house returns HB 1892 to the senate for further consideration.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

**COMMITTEE SUBSTITUTE
SENATE BILL 1731 ON SECOND READING**

On motion of Senator Duncan and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1731** at this time on its second reading:

CSSB 1731, Relating to consumer access to health care information and consumer protection for services provided by or through health benefit plans, hospitals, ambulatory surgical centers, birthing centers, and other health care facilities; providing penalties.

The bill was read second time.

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1731**, committee report printing as follows:

(1) On page 2, line 55 insert the following between the word "facility" and the semicolon:

"and the documented income and other resources of the consumer"

(2) On page 3, line 49 add new subsections (f) and (g) and re-letter accordingly.

"(f) A facility shall provide an itemized statement of billed services to a third party payor who is actually or potentially responsible for paying all or part of the billed services provided to a patient and who has received a claim for payment of those services. To be entitled to receive a statement, the third party payor must request the statement from the facility and must have received a claim for payment. The request must be made not later than one year after the date on which the payor received the claim for payment. The facility shall provide the statement to the payor not later than the 30th day after the date on which the payor requests the statement. If a third party payor receives a claim for payment of part but not all of the billed services, the third party payor may request an itemized statement of only the billed services for which payment is claimed or to which any deduction or copayment applies.

(g) A facility in violation of this section is subject to enforcement action by the appropriate licensing agency."

(3) On page 3, line 49, insert the phrase "or a third party payor" between the word "consumer" and "requests".

(4) On page 3, line 69 through page 4, line 10 strike Subsection 324.102 in its entirety and insert the following:

"Sec. 324.102. COMPLAINT PROCESS. A facility shall establish and implement a procedure for handling consumer complaints, and must make a good faith effort to resolve the complaint in an informal manner based on its complaint procedures. If the complaint cannot be resolved informally, the facility shall advise the consumer that a complaint may be filed with the department and shall provide the consumer with the mailing address and telephone number of the department."

(5) On page 4, line 27, delete the word "radiology" and replace with "imaging"

(6) On page 5 line 19, add a new Subsection (d) and re-letter accordingly:

"(d) For services provided in an emergency department of a hospital or as a result of an emergent direct admission, the physician shall provide the estimate of charges required by Subsection (c) before discharging the patient from the emergency department or hospital, as appropriate."

(7) On page 6, line 1 after the word "CARE" delete "COST" and replace with "REIMBURSEMENT RATE"

(8) On page 6, line 61 delete the word "costs" and replace with "reimbursement rates"

(9) On page 7, line 11 delete the word "COST" and replace with "REIMBURSEMENT RATE"

(10) On page 7, line 14 delete the word "cost" and replace with "reimbursement rate"

(11) On page 7, line 18 delete the word "cost" and replace with "reimbursement rate"

(12) In SECTION 14 of the bill, on page 12, line 22 through line 23, delete "Subsections (a), (b), (c), and (d)" and replace with "Subsection (h)(1)"

The amendment to **CSSB 1731** was read and was adopted by a viva voce vote.

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

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

CSSB 1731 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1731 ON THIRD READING

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1731** be placed on its third reading and final passage.

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

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

LEGISLATIVE INTENT

On motion of Senator Williams and by unanimous consent, the exchange between Senators Duncan and Williams to establish legislative intent regarding **CSSB 1731** was ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Williams: Senator Duncan, I appreciate your work on this, I know it's not been easy and you've put a lot of hours into making sure we get this as far down the road as we can. And there's just a couple of things that I wanted to ask you about, and I appreciate something that you just said, and I think that is, that as we go through this process the goal needs to be on the consumer. That's where we need to make sure they have the information to make good decisions, and there are a lot of people who

have other agendas besides helping the consumer get information. They would like to pile on to this bill, and I know it hasn't been easy fending them off all the time, and I appreciate what you've done there. My first question is, is there a consumer complaint process if hospitals, doctors, or health plans don't follow the new requirements in this bill?

Senator Duncan: Well there are, different, yes, through the Department of Health Services and, I think TDI has some ability to do that. I can't enumerate them specifically for you in here, but we can certainly find them for you if you wish.

Senator Williams: So you're saying the appropriate agency will be responsible for resolving or tracking—

Senator Duncan: Correct.

Senator Williams: And publishing those complaints.

Senator Duncan: Correct.

Senator Williams: I had a hard time finding that in the bill, and so I'm, part of what I'm wanting to do is just get your legislative intent here and get this in as part of the record then. Will the final product allow consumers to compare costs and quality information between hospitals and between physicians? And in order to do so are, do you think we might at some point need to clarify that we need to require this THCIC to publish outpatient data in addition to prioritizing its collection? Because I don't, I'm not sure—

Senator Duncan: I don't think this bill goes exactly that far, I think we, we were, what we were trying to do is use existing resources and take these steps incrementally with regard to quality and linking to information that is already there. We are requiring, we're bringing in, for example, I think, you know, there's a lot, there are providers and facilities that were not included in previously, in that information and data collection that are now included.

Senator Williams: Well do you have an intent for THCIC's timeline to gather and publish this information with respect to— (inaudible, overlapping conversation)

Senator Duncan: Well, I can't remember exactly what the timeline is in the bill, but it—

Senator Williams: Would it be your intent that it be the same for these outpatient services as what's talked about— (inaudible, overlapping conversation)

Senator Duncan: That would be my intent.

Senator Williams: OK.

Senator Duncan: I, we want, we want to make sure that, that this is promptly and carefully prepared.

Senator Williams: Now I've got one last question for you about the network adequacy study, and, I guess, I want to be sure that it's your intent that we've looked at all of the players that are in this, that would mean the hospitals, the physicians, and the health plans should all be involved in this network adequacy.

Senator Duncan: Yes.

Senator Williams: That's your intent?

Senator Duncan: We want all of the players at the table—

Senator Williams: And you've worked that way on this bill, but I didn't see where it specifically said that in the bill, and so I just wanted to establish your—

Senator Duncan: I think that's a good question—

Senator Williams: Intent for the record.

Senator Duncan: And that would be clearly my intent that we have all—

Senator Williams: OK.

Senator Duncan: Of the stakeholders at the table designing this network adequacy study.

Senator Williams: Well I really, this is a, this has been a tough issue, we've struggled with it for a couple of sessions, and I really appreciate your hard work on this, and I'm going to vote to support.

COMMITTEE SUBSTITUTE SENATE BILL 1051 ON SECOND READING

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **CSSB 1051** at this time on its second reading:

CSSB 1051, Relating to course requirements for students enrolled in joint degree programs between certain general academic teaching institutions and foreign universities.

The motion prevailed.

Senators Harris and Nelson 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, Nelson.

COMMITTEE SUBSTITUTE SENATE BILL 1051 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 1051** be placed on its third reading and final passage.

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

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

Nays: Harris, Nelson.

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

**VOTE RECONSIDERED ON
HOUSE BILL 1892**

Senator Williams moved to reconsider the vote by which **HB 1892** was finally passed.

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

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

Nays: Duncan, Lucio, Ogden.

Question — Shall **HB 1892** be finally passed?

Senator Brimer offered the following amendment to the bill:

Floor Amendment No. 1 on Third Reading

Amend **HB 1892** on third reading as follows:

1. Section 223.203, Transportation Code, is amended by adding subsections (f-2) and (f-3) to read as follows:

(f-2) Subsection (f-1) does not apply to a comprehensive development agreement in connection with a project:

(1) that includes one or more managed lane facilities to be added to an existing controlled-access highway;

(2) the major portion of which is located in a nonattainment or near-nonattainment air quality area as designated by the United States Environmental Protection Agency; and

(3) for which the department has issued a request for qualifications before the effective date of this section.

(f-3) Notwithstanding the TxDOT/NTTA Regional Protocol entered into between the department and the North Texas Tollway Authority (the authority) and approved on August 10, 2006, by the tollway authority and on August 24, 2006, by the department, Subsection (f-1) does not apply to a comprehensive development agreement:

(1) entered into in connection with State Highway 121 if, before the commission or the department enters into a contract for the financing, construction, or operation of the project with a private participant, an authority under Chapter 366 was granted the ability to finance, construct, or operate, as applicable, the portion of the toll project located within the boundaries of the authority, and the authority was granted a period of 60 days from March 26, 2007, to submit a commitment to the metropolitan planning organization which is determined to be equal to or greater than any other commitment submitted prior to March 26, 2007; if the financial value of the commitment is determined to be equal to or greater value than any other commitment submitted prior to March 26, 2007, then the commission shall allow the authority to develop the project; or

(2) entered into in connection with State Highway 161 if, before the commission or the department enters into a contract with a private participant for the financing, construction, or operation, an authority under Chapter 366 was granted the ability to finance, construct, or operate, as applicable, the portion of the toll project located within the boundaries of the authority, and the authority was granted a period of 90 days to submit a commitment to the metropolitan planning organization; if the authority makes a commitment to proceed, then the department shall allow the authority to proceed and the authority must enter into contracts to finance, construct, or operate the project within 180 days.

2. Section 223.208, Transportation Code, is amended by adding subsections (i) and (i-2) to read as follows:

(i) A comprehensive development agreement with a private participant that includes the collection by the private participant of tolls for the use of a toll project may be for a term not longer than 50 years for a comprehensive development agreement in connection with a project:

(1) that includes one or more managed lane facilities to be added to an existing controlled-access highway;

(2) the major portion of which is located in a nonattainment or near-nonattainment air quality area as designated by the United States Environmental Protection Agency; and

(3) for which the department has issued a request for qualifications before the effective date of this section.

(i-2) Notwithstanding the TxDOT/NTTA Regional Protocol entered into between the department and the North Texas Tollway Authority (the authority) and approved on August 10, 2006, by the tollway authority and on August 24, 2006, by the department, Subsection (i) applies to a comprehensive development agreement:

(1) entered into in connection with State Highway 121 if, before the commission or the department enters into a contract for the financing, construction, or operation of the project with a private participant, an authority under Chapter 366 was granted the ability to finance, construct, or operate, as applicable, the portion of the toll project located within the boundaries of the authority, and the authority was granted a period of 60 days from March 26, 2007, to submit a commitment to the metropolitan planning organization which is determined to be equal to or greater than any other commitment submitted prior to March 26, 2007; if the financial value of the commitment is determined to be equal to or greater value than any other commitment submitted prior to March 26, 2007, then the commission shall allow the authority to develop the project; or

(2) entered into in connection with State Highway 161 if, before the commission or the department enters into a contract with a private participant for the financing, construction, or operation, an authority under Chapter 366 was granted the ability to finance, construct, or operate, as applicable, the portion of the toll project located within the boundaries of the authority, and the authority was granted a period of 90 days to submit a commitment to the metropolitan planning organization; if the authority makes a commitment to proceed, then the department shall allow the authority to proceed and the authority must enter into contracts to finance, construct, or operate the project within 180 days.

The amendment to **HB 1892** was read and was adopted by a viva voce vote.

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

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

HB 1892 as again amended was again finally passed by the following vote: Yeas 27, Nays 4.

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

Nays: Averitt, Duncan, Lucio, Ogden.

AT EASE

The President at 5:29 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

The President at 5:52 p.m. called the Senate to order as In Legislative Session.

SENATE RULE 5.14(a) SUSPENDED (Intent Calendar)

On motion of Senator Ellis and by unanimous consent, Senate Rule 5.14(a), as it relates to the placement of bills on the Intent Calendar, was suspended to allow consideration of **CSSB 966** tomorrow.

NOTICE GIVEN FOR LOCAL AND UNCONTESTED CALENDAR

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

SENATE RULE 11.13 SUSPENDED (Consideration of Bills in Committees)

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

SENATE RULES SUSPENDED (Posting Rules)

On motion of Senator Fraser and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Business and Commerce might meet and consider **HB 2261** at 8:30 a.m. tomorrow.

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

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

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Ellis and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Government Organization might meet and consider **HCR 15** today.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Williams and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on State Affairs might meet and consider **SB 568** today.

**SENATE RULE 11.18(a) SUSPENDED
(Public Hearings)**

On motion of Senator Whitmire and by unanimous consent, Senate Rule 11.18(a) was suspended in order that the Committee on Criminal Justice might consider **SB 1593** tomorrow.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 5:59 p.m. agreed to adjourn, upon conclusion of the Local and Uncontested Calendar Session, until 11:00 a.m. tomorrow.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

- SR 907** by Deuell, In memory of Jimmy Ray Carty, Jr.
- SR 908** by Deuell, In memory of Denny Floyd "Boe" Gallaway.
- SR 909** by Deuell, In memory of Dwayne N. Freeto.
- SR 910** by Deuell, In memory of Reuben B. DeLeon, Jr.
- SR 911** by Deuell, In memory of Valentine D. Lopez, Jr.
- SR 912** by Deuell, In memory of Rodney Joseph Johnson.
- SR 913** by Deuell, In memory of Brian H. Jackson.
- SR 914** by Deuell, In memory of John Randolph Wheeler.
- SR 915** by Deuell, In memory of Andrew Harrison Taylor.
- SR 916** by Deuell, In memory of Lester D. Tatum.
- SR 917** by Deuell, In memory of James Lee Sunderland, Sr.

SR 918 by Deuell, In memory of Lloyd A. Rogers.

SR 919 by Deuell, In memory of Ruben Orozco, Sr.

SR 920 by Deuell, In memory of Jason A. Oliff.

SR 921 by Deuell, In memory of Michael Scott Neal.

SR 922 by Deuell, In memory of Henry Nava, Jr.

SR 923 by Deuell, In memory of Rahamy Arden Mitchell.

SR 924 by Deuell, In memory of Ernest Valencia Mendoza.

SR 926 by Wentworth, In memory of Curtis Othello Coleman, Sr.

SR 928 by Zaffirini, In memory of Sister Mary de Lellis Treviño of Laredo.

Congratulatory Resolutions

SR 899 by Patrick, Congratulating Anna DeSanctis for winning the Prudential Spirit of Community Award.

SR 905 by Deuell, Recognizing Frances Anderson on the occasion of her retirement as Mayor of the City of Terrell.

SR 906 by Deuell, Commending the members of the women's basketball team of Texas A&M University–Commerce for their accomplishments.

SR 925 by Hegar, Commending Edwin Heckmann, Sr., for his achievements.

SR 927 by Wentworth, Recognizing Russell Miller on the occasion of his 70th birthday.

SR 930 by Watson, Recognizing John and Lupe Anguiano of Austin on the occasion of their 50th wedding anniversary.

SR 931 by Watson, Recognizing Waterloo Records in Austin on the occasion of its 25th anniversary.

Official Designation Resolutions

SCR 67 by Fraser, Declaring the City of Lampasas The Saratoga of the South.

SR 932 by Watson, Celebrating May 7 through 13, 2007, as Public Service Recognition Week.

SR 933 by Watson, Recognizing May 1, 2007, as National Law Day in Texas.

RECESS

On motion of Senator Whitmire, the Senate at 6:00 p.m. recessed until 8:00 a.m. tomorrow for the Local and Uncontested Calendar Session.

APPENDIX

COMMITTEE REPORTS

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

April 30, 2007FINANCE — **CSSB 377, CSSB 2033, CSSJR 65**JURISPRUDENCE — **CSHB 2352**EDUCATION — **CSSB 365, CSSB 1572, CSSB 1802, CSHB 1505**NATURAL RESOURCES — **CSHB 3, CSSB 357, CSSB 1173, CSSB 1280, CSSB 1281, CSSB 1282, CSSB 1324, CSSB 1562, CSSB 1589, CSSB 2007**STATE AFFAIRS — **CSHB 34, CSHB 402, HB 770, HB 1003, HB 1006, HB 1071, HB 1560, CSHB 1987, CSHB 2188, HB 2839, HB 862, CSSB 354, CSSB 971, CSSB 972, CSSB 1298, CSSB 1647**FINANCE — **SJR 29, SB 407, SB 666, SB 1087, SB 1296**EDUCATION — **CSSB 101**STATE AFFAIRS — **CSSB 1884**INTERGOVERNMENTAL RELATIONS — **HB 398, HB 679, HB 1390, SB 2020, SB 2026****SIGNED BY GOVERNOR**April 5, 2007**SB 190, SB 272, SCR 35**April 25, 2007**SB 462, SB 505, SB 506, SB 670, SCR 15, SCR 31, SCR 36, SCR 53, SCR 56****SENT TO GOVERNOR**April 30, 2007**SB 271, SB 526, SB 673, SB 849, SB 884, SB 1340, SB 1375, SB 1405, SB 1672, SCR 44, SCR 55, SCR 59, SCR 66**