

SENATE JOURNAL

EIGHTIETH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTY-SEVENTH DAY

(Tuesday, May 8, 2007)

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

The roll was called and the following Senators were present: Averitt, Brimer, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, 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 Presiding Officer announced that a quorum of the Senate was present.

The Reverend Michael J. Sis, Catholic Diocese of Austin, offered the invocation as follows:

All powerful God, we praise You, and we thank You for giving us another day of life. As the Members of the State Senate begin their deliberations this day, we ask for Your guidance and inspiration. Open their ears to listen to one another attentively. Open their mouths to express themselves with clarity and charity. Open their eyes to the needs of all our people, especially the most vulnerable and voiceless. Open their minds to the complexities of the issues before them. Open their hearts to Your holy will. Keep them safe and healthy. Give them strong marriages and healthy families. Whatever power and influence You put in their hands, help them to use it prudently, in service of the common good. We entrust these prayers to You, our God, who lives and reigns for ever and ever. Amen.

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

The motion prevailed without objection.

CO-AUTHOR OF SENATE BILL 49

On motion of Senator Zaffirini, Senator Patrick will be shown as Co-author of **SB 49**.

CO-AUTHOR OF SENATE BILL 700

On motion of Senator Lucio, Senator Van de Putte will be shown as Co-author of **SB 700**.

CO-SPONSOR OF HOUSE BILL 54

On motion of Senator Deuell, Senator Ellis will be shown as Co-sponsor of **HB 54**.

CO-SPONSOR OF HOUSE BILL 662

On motion of Senator Ellis, Senator Uresti will be shown as Co-sponsor of **HB 662**.

CO-SPONSOR OF HOUSE BILL 2931

On motion of Senator Zaffirini, Senator Hinojosa will be shown as Co-sponsor of **HB 2931**.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

May 8, 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 916, Relating to the prosecution and punishment of dog fighting.

HB 1737, Relating to business entities and associations.

HB 1977, Relating to the Texas Health Insurance Risk Pool.

HB 2248, Relating to the ability of a governmental body under the public information law to request a redetermination from the attorney general on dismissal of litigation relating to the same issue.

HB 2504, Relating to an intensive mathematics and algebra intervention pilot program in public schools.

HB 2542, Relating to the continuation and functions of the Office of Rural Community Affairs.

HB 2543, Relating to the continuation and operation of the Texas Animal Health Commission; providing penalties.

HB 2617, Relating to the creation of municipal courts of record in the city of Laredo.

HB 2694, Relating to the disaster contingency fund.

HB 2724, Relating to the hours for the wholesale delivery or sale of beer.

HB 2859, Relating to a memorial sign program for victims of certain vehicle accidents.

HB 2882, Relating to the service retirement annuity of certain members of the Judicial Retirement System of Texas Plan One and the Judicial Retirement System of Texas Plan Two.

HB 2883, Relating to a state policy of encouraging voluntary land stewardship to benefit the water in this state.

HB 3123, Relating to involvement in charitable events by holders of alcoholic beverage licenses and permits.

HB 3173, Relating to the transmission of an unsolicited commercial electronic mail message.

HB 3232, Relating to certain subdivision golf courses.

HB 3259, Relating to the administration of international assessment instruments to certain public school students.

HB 3426, Relating to the continuation and functions of the Texas Veterans Commission and to certain veterans issues.

HB 3464, Relating to establishing an office of state statistician.

HB 3692, Relating to the denial of bail to a person who violates certain court orders or conditions of bond related to victim or community safety.

HCR 236, Honoring fallen police officers on Peace Officers' Memorial Day and during National Police Week.

SB 796, Relating to split payments of ad valorem taxes.
(Committee Substitute/Amended)

SB 823, Relating to the interception of or the collection of other information from certain communications in an investigation of criminal conduct.
(Amended)

SB 1509, Relating to the authority of the asset management division of the General Land Office to sell real property to an economic development corporation.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

GUESTS PRESENTED

Senator Eltife was recognized and introduced to the Senate a delegation of citizens and county officials from Northeast Texas.

The Senate welcomed its guests.

SENATE RESOLUTION 968

Senator Van de Putte offered the following resolution:

WHEREAS, Created in 2002, the H-E-B Excellence in Education Awards were established to honor outstanding public school professionals and to thank them for their dedication and commitment; and

WHEREAS, H-E-B seeks to pay tribute to those educators and administrators who go the extra mile each and every day to serve their students and their communities and who inspire others to do the same; and

WHEREAS, The Excellence in Education Awards are designed to recognize educators who demonstrate exceptional commitment to student achievement by developing innovative programs, by bringing about increased parental and community involvement, or by creating professional development opportunities; and

WHEREAS, The Excellence in Education Awards are proud to recognize the outstanding efforts of Texas educators who are building the future of Texas by educating our next generation of leaders; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby congratulate the educators who have been selected as the 2007 recipients of this prestigious award and extend to them best wishes for the future; and, be it further

RESOLVED, That a copy of this Resolution be prepared in their honor and as an expression of esteem from the Texas Senate.

SR 968 was read and was adopted without objection.

GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate recipients of the H-E-B Excellence in Education Awards: Christopher Sloan, Belaire Elementary in San Angelo; Bertha De La Cruz, F. D. Roosevelt Elementary in Laredo; Dr. Sergio Reyna, Gladys Birdwell Horn Elementary in Houston; Dr. Linda Webb, Dorinda Pillow Elementary in Austin; Claire "Beth" Linscomb, Sticklin Primary School in Refugio; Troy Mann, Spring Branch Middle School in Spring Branch; David Journeay, Lyndon Baines Johnson High School in Austin; Edward Blaha, Hidalgo High School in Hidalgo; Dr. David Simmons, Superintendent, Richardson Independent School District; and Dr. Gail Siller, Superintendent, Fort Sam Houston Independent School District; accompanied by Jill Reynolds and Kate Rogers representing H-E-B.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate a delegation from the Central Party School of China: Xu Weixin, Professor, Chief of Training Program; Shi Yanmei, Professor of Institute of International Strategy; Bai Pinghao, Associate Professor, Director of Socialism Development History Office of Scientific Socialism; Xu Pinghua, Associate Professor of Economic Department; and Wang Jia, Coordinator of Foreign Affairs Office; accompanied by Denise Davis, Director of the Texas Lyceum and Parliamentarian of the House of Representatives.

The Senate welcomed its guests.

GUEST PRESENTED

Senator Ellis was recognized and introduced to the Senate Mary Wilson, an original member of the female singing group, The Supremes.

The Senate welcomed its guest.

SENATE RESOLUTION 978

Senator Wentworth offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Texas student regents who have been named to represent students on the boards of regents of public universities in Texas; and

WHEREAS, For more than 40 years, the students of the colleges and universities of Texas have sought representation on the governing bodies of their institutions; with the passage of Senate Bill 34 during the regular session of the 79th Legislature, that longtime hope became a reality; and

WHEREAS, Student representation on the board of regents gives the board firsthand knowledge of the students' views on issues; student regents provide insight on issues such as tuition and fee increases, faculty decisions, and budget matters; and

WHEREAS, Student regents are selected by a process that includes the student body, the student government, the university administration, and the governor; the current student regents represent a wide diversity of backgrounds and viewpoints; and

WHEREAS, Current student regents are Cassidy Ann Daniel, Texas A&M University System Board of Regents; Jason A. York, Midwestern State University Board of Regents; Stephanie Tracy, Stephen F. Austin State University Board of Regents; Magdalena Manzano, Texas State University System Board of Regents; Ebtesam Attaya Islam, Texas Tech University System Board of Regents; Christianne Kellett, Texas Woman's University Board of Regents; Christopher Sharpe, University of Houston System Board of Regents; Diane Schulz, University of North Texas Board of Regents; and Randal Matthew Camarillo, The University of Texas System Board of Regents; these students devote long hours and work hard to ensure that the wants and needs of their fellow students are heard and addressed, and they are truly deserving of recognition for their efforts; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby commend the student members of the boards of regents of the public universities in Texas for their hard work and dedication to the welfare of their fellow students; and, be it further

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

SR 978 was read and was adopted without objection.

GUESTS PRESENTED

Senator Wentworth was recognized and introduced to the Senate Christianne Kellett, Texas Woman's University, and Jason A. York, Midwestern State University, representing the student regents of public universities in Texas.

The Senate welcomed its guests.

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

The Presiding Officer announced that the introduction of bills and resolutions on first reading would be postponed until later in today's session.

There was no objection.

CONCLUSION OF MORNING CALL

The Presiding Officer, Senator Whitmire in Chair, at 11:47 a.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE
SENATE BILL 1095 ON SECOND READING**

On motion of Senator Uresti and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1095** at this time on its second reading:

CSSB 1095, Relating to a study on increasing the number of medical residency programs, medical residents, and physicians practicing medical specialties 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.

**COMMITTEE SUBSTITUTE
SENATE BILL 1095 ON THIRD READING**

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1095** 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 1738 ON SECOND READING**

Senator West moved to suspend the regular order of business to take up for consideration **CSSB 1738** at this time on its second reading:

CSSB 1738, Relating to the power of a licensing authority to revoke, suspend, or deny a license on the basis of certain criminal proceedings.

The motion prevailed.

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

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

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

Nays: Brimer.

**COMMITTEE SUBSTITUTE
SENATE BILL 1738 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1738** be placed on its third reading and final passage.

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

Nays: Brimer.

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 822 ON SECOND READING**

Senator Wentworth moved to suspend the regular order of business to take up for consideration **CSSB 822** at this time on its second reading:

CSSB 822, Relating to the creation of the atmosphere modification research program and center and the administration of the weather modification and control program.

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 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: Ogden.

**COMMITTEE SUBSTITUTE
SENATE BILL 822 ON THIRD READING**

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 822** 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 1687 ON SECOND READING**

Senator Watson moved to suspend the regular order of business to take up for consideration **CSSB 1687** at this time on its second reading:

CSSB 1687, Relating to emission reduction strategies for greenhouse gases.

The motion prevailed.

Senators Ogden, Patrick, and Wentworth 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: Ogden, Patrick, Wentworth.

**COMMITTEE SUBSTITUTE
SENATE BILL 1687 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 1687** be placed on its third reading and final passage.

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

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

Nays: Ogden, Patrick, Wentworth.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 700 ON SECOND READING**

Senator Lucio moved to suspend the regular order of business to take up for consideration **CSSB 700** at this time on its second reading:

CSSB 700, Relating to state agency rules affecting small businesses.

The motion prevailed.

Senator Shapiro 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: Shapiro.

**COMMITTEE SUBSTITUTE
SENATE BILL 700 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 700** be placed on its third reading and final passage.

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

Nays: Shapiro.

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

SENATE BILL 1637 ON SECOND READING

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1637** at this time on its second reading:

SB 1637, Relating to a small employer health benefit plan premium assistance program.

The bill was read second time.

Senator Williams offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1637** by striking all below the enacting clause and substituting the following:

SECTION 1. Chapter 1501, Insurance Code, is amended by adding Subchapter I to read as follows:

SUBCHAPTER I. SMALL EMPLOYER PREMIUM ASSISTANCE PROGRAM

Sec. 1501.401. DEFINITIONS. In this subchapter:

(1) "Commission" means the Health and Human Services Commission.

(2) "Program" means the small employer premium assistance program.

Sec. 1501.402. PROGRAM DEVELOPMENT. The department and the commission shall jointly develop a small employer premium assistance program designed to provide financial assistance for the purchase of small employer health benefit plans by small employers.

Sec. 1501.403. CONSOLIDATION OF PROGRAM DESIGN. In developing the program, the department and the commission shall consider:

(1) targeting small employers;

(2) provisions to limit employers and others from electing to discontinue other private coverage for employees;

(3) establishing a minimum percentage of premium that a small employer must pay for the premium of each eligible employee's coverage;

(4) limiting the eligibility of enrollees for whom financial assistance is provided to individuals at or below 300 percent of the federal poverty level based on the federal Office of Management and Budget poverty index;

(5) allocating available opportunities for enrollment in the program to geographic regions of the state, based on the percentage of the state's small employers that are located in each region;

(6) establishing that enrollment in the program is valid for one year and may be renewed in accordance with procedures established by the department and the commission;

(7) a process to verify that small employers participating in the program use premium assistance to purchase and maintain a small employer health benefit plan; and

(8) programs and efforts undertaken by other states to provide premium assistance to small employers.

Sec. 1501.404. COORDINATION WITH OTHER EFFORTS. The department and the commission shall ensure that efforts to develop a small employer premium assistance program are consistent with any other premium assistance effort operated, under development, or under consideration by either agency.

SECTION 2. Subdivision (16), Section 1501.002, Insurance Code, is amended to read as follows:

(16) "Small employer health benefit plan issuer" means a health benefit plan issuer, to the extent that the issuer is offering, delivering, issuing for delivery, or renewing health benefit plans subject to Subchapters C-I [~~C-H~~].

SECTION 3. Section 1501.003, Insurance Code, is amended to read as follows:

Sec. 1501.003. APPLICABILITY: SMALL EMPLOYER HEALTH BENEFIT PLANS. An individual or group health benefit plan is a small employer health benefit plan subject to Subchapters C-I [~~C-H~~] if it provides health care benefits covering two or more eligible employees of a small employer and:

- (1) the employer pays a portion of the premium or benefits;
- (2) the employer or a covered individual treats the health benefit plan as part of a plan or program for purposes of Section 106 or 162, Internal Revenue Code of 1986 (26 U.S.C. Section 106 or 162); or
- (3) the health benefit plan is an employee welfare benefit plan under 29 C.F.R. Section 2510.3-1(j).

SECTION 4. 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 1637** 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.

SB 1637 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 1637 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 **SB 1637** 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

May 8, 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 189**, Relating to the amount of sick leave for police officers employed by certain municipalities.**SB 267**, Relating to the grounds and procedures for removal of a member of the board of directors of the Lynn County Hospital District.**SB 336**, Relating to the notice required for the lease of real property by certain counties when responding to particular emergency circumstances.**SB 389**, Relating to the capacity of the permanent school fund bond guarantee program.**SB 399**, Relating to postponement of jury service in certain counties.**SB 457**, Relating to the eligibility for education benefits of surviving minor children of certain public employees killed in the line of duty.**SB 458**, Relating to workers' compensation medical benefits for certain prosthetic or orthotic devices.**SB 470**, Relating to the submission of uniform financial reports.**SB 493**, Relating to the creation of a joint elections administrator; providing penalties.**SB 496**, Relating to the use of the judicial and court personnel training fund.**SB 497**, Relating to the application of the professional prosecutors law to the state prosecuting attorney.**SB 573**, Relating to an interim study concerning the breeding of white-tailed and mule deer in this state.

(Committee Substitute)

SB 611, Relating to reporting certain information regarding residential property and personal automobile insurance and public Internet access to that information.**SB 722**, Relating to summary destruction or summary forfeiture of controlled substance property or controlled substance plants.**SB 913**, Relating to the continuation and functions of the Texas State Library and Archives Commission.

(Committee Substitute)

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

SB 1287, Relating to providing certain notices to be posted on the premises of alcoholic beverage retailers.

SB 1932, Relating to the assessment of charges by certain local governments to fund a stormwater permitting program under federal law.

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

HB 66 (146 Yeas, 0 Nays, 2 Present, not voting)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

**COMMITTEE SUBSTITUTE
SENATE BILL 1229 ON SECOND READING**

Senator Gallegos moved to suspend the regular order of business to take up for consideration **CSSB 1229** at this time on its second reading:

CSSB 1229, Relating to certain shipments by package stores and wine only package stores to customers.

The motion prevailed.

Senator Estes 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: Estes.

**COMMITTEE SUBSTITUTE
SENATE BILL 1229 ON THIRD READING**

Senator Gallegos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1229** be placed on its third reading and final passage.

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

Nays: Estes.

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 610 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 610** at this time on its second reading:

CSSB 610, Relating to the boundaries, powers, and governance of the Salt Fork Water Quality District.

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 610 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 610** 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 1922 ON SECOND READING

On motion of Senator Shapiro and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1922** at this time on its second reading:

HB 1922, Relating to eligibility of school districts for state assistance with payment of existing debt.

The bill was read second time.

Senator Shapiro offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1922** by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Section 42.2516, Education Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) Subject to Subsections (b-1), (g), and (h), but notwithstanding any other provision of this title, a school district is entitled to state revenue necessary to provide the district with the sum of:

(1) the amount of state revenue necessary to maintain state and local revenue per student in weighted average daily attendance in the amount equal to the greater of:

(A) the amount of state and local revenue per student in weighted average daily attendance for the maintenance and operations of the district available to the district for the 2005-2006 school year;

(B) the amount of state and local revenue per student in weighted average daily attendance for the maintenance and operations of the district to which the district would have been entitled for the 2006-2007 school year under this chapter, as it existed on January 1, 2006, or, if the district would have been subject to Chapter 41, as that chapter existed on January 1, 2006, the amount to which the district would have been entitled under that chapter, based on the funding elements in effect for the 2005-2006 school year, if the district imposed a maintenance and operations tax at the rate adopted by the district for the 2005 tax year; or

(C) the amount of state and local revenue per student in weighted average daily attendance for the maintenance and operations of the district to which the district would have been entitled for the 2006-2007 school year under this chapter, as it existed on January 1, 2006, or, if the district would have been subject to Chapter 41, as that chapter existed on January 1, 2006, the amount to which the district would have been entitled under that chapter, based on the funding elements in effect for the 2005-2006 school year, if the district imposed a maintenance and operations tax at the rate equal to the rate described by Section 26.08(i) or (k)(1), Tax Code, as applicable, for the 2006 tax year;

(2) an amount equal to the product of \$2,500 multiplied by the number of classroom teachers, full-time librarians, full-time counselors certified under Subchapter B, Chapter 21, and full-time school nurses employed by the district and entitled to a minimum salary under Section 21.402; and

(3) an amount equal to the product of \$275 multiplied by the number of students in average daily attendance in grades nine through 12 in the district.

(b-1) The amount determined for a school district under Subsection (b) is increased or reduced as follows:

(1) if for any school year the district is entitled to a greater allotment under Section 42.158 than the allotment to which the district was entitled under that section for the school year on which the district's entitlement under Subsection (b) is based, the district's entitlement under Subsection (b) is increased by an amount equal to the difference between the amount to which the district is entitled under Section 42.158 for that school year and the amount to which the district was entitled under that section for:

(A) the 2005-2006 school year, if the amount determined for the district under Subsection (b) is determined under Subsection (b)(1)(A); or

(B) the 2006-2007 school year, if the amount determined for the district under Subsection (b) is determined under Subsection (b)(1)(B) or (C); and

(2) if for any school year the district is not entitled to an allotment under Section 42.158 or is entitled to a lesser allotment under that section than the allotment to which the district was entitled under that section for the school year on which the district's entitlement under Subsection (b) is based, the district's entitlement under Subsection (b) is reduced by an amount equal to the difference between the amount to which the district was entitled under Section 42.158 for the 2005-2006 or 2006-2007 school year, as appropriate based on whether the district's entitlement under Subsection (b) is determined under Subsection (b)(1)(A), (B), or (C), and the amount to which the district is entitled under Section 42.158 for the current school year.

The amendment to **HB 1922** 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 Shapiro and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 1922 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 1922 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 **HB 1922** 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 1483 ON SECOND READING

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1483** at this time on its second reading:

SB 1483, Relating to eviction suits in justice courts.

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 1483 ON THIRD READING

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1483** 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.

(Senator Carona in Chair)

MOTION TO PLACE

COMMITTEE SUBSTITUTE

SENATE BILL 1101 ON THIRD READING

Senator Duncan moved to suspend the regular order of business to take up for consideration **CSSB 1101** at this time on its third reading and final passage:

CSSB 1101, Relating to the reporting and disclosure of financial arrangements between referring health care providers and diagnostic imaging providers; providing penalties.

The motion was lost by the following vote: Yeas 12, Nays 18.

Yeas: Averitt, Brimer, Duncan, Ellis, Estes, Fraser, Hegar, Jackson, Ogden, Seliger, Shapleigh, Whitmire.

Nays: Carona, Deuell, Eltife, Gallegos, Harris, Hinojosa, Lucio, Nelson, Nichols, Patrick, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Williams, Zaffirini.

Absent: Janek.

SENATE BILL 1991 ON SECOND READING

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1991** at this time on its second reading:

SB 1991, Relating to the powers and duties of the Fort Bend County Municipal Utility District No. 58; providing authority to impose a tax and issue bonds.

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 1991 ON THIRD READING

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1991** 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 1575 ON SECOND READING

Senator Wentworth moved to suspend the regular order of business to take up for consideration **SB 1575** at this time on its second reading:

SB 1575, Relating to the issuance of obligations by political subdivisions to pay unfunded liabilities for certain retirement benefits of officers and employees of the political subdivisions.

The motion prevailed by the following vote: Yeas 24, Nays 6, Present-not voting 1.

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

Nays: Estes, Harris, Jackson, Janek, Shapiro, Williams.

Present-not voting: West.

The bill was read second time.

Senator Wentworth offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1575** in Section 1 of the bill, in added Chapter 1436, Government Code, by adding Section 1436.010 to read as follows:

Sec. 1436.010. CHAPTER DEPENDENT ON OTHER ACT. (a) A political subdivision may exercise the authority granted by this chapter only if both S.B. No. 1102 and H.B. No. 2365, Acts of the 80th Legislature, Regular Session, 2007, do not become law. If either or both of those bills become law, a political subdivision may not exercise the authority granted by this chapter.

(b) If both of those bills do not become law, this section expires September 1, 2007. If either or both of those bills become law, this chapter expires September 1, 2007.

The amendment to **SB 1575** 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 Ogden offered the following amendment to the bill:

Floor Amendment No. 2

Amend **SB 1575**, in SECTION 1 of the bill, in proposed Subsection (a), Section 1436.003, Government Code, on page 1, line 34, after "unfunded liability.", by adding "Obligations may not be issued after December 31, 2011."

The amendment to **SB 1575** 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 Wentworth and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

SB 1575 as amended was passed to engrossment by the following vote: Yeas 24, Nays 6, Present-not voting 1.

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

Nays: Estes, Harris, Jackson, Janek, Shapiro, Williams.

Present-not voting: West.

SENATE BILL 1575 ON THIRD READING

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1575** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 6, Present-not voting 1.

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

Nays: Estes, Harris, Jackson, Janek, Shapiro, Williams.

Present-not voting: West.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 6, Present-not voting 1. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1999 ON SECOND READING**

On motion of Senator Jackson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1999** at this time on its second reading:

CSSB 1999, Relating to the creation of the NASA Area Management District; providing authority to impose an assessment, impose a sales and use tax, and issue bonds.

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 1999 ON THIRD READING**

Senator Jackson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1999** 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 1498 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 1498** at this time on its second reading:

CSSB 1498, Relating to the eligibility of certain counties to adopt a civil service system.

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 1498 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 1498** 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 630 ON SECOND READING

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 630** at this time on its second reading:

HB 630, Relating to notice to a surface owner by an oil or gas well operator of the issuance of a permit for certain oil and gas operations.

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

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

HOUSE BILL 630 ON THIRD READING

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 630** 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 2018 ON SECOND READING

On motion of Senator Deuell and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2018** at this time on its second reading:

HB 2018, Relating to eligibility for a municipal setting designation related to potential impacts to groundwater quality of solid waste activities.

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

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

HOUSE BILL 2018 ON THIRD READING

Senator Deuell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2018** 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
HOUSE BILL 2261 ON SECOND READING**

On motion of Senator Jackson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2261** at this time on its second reading:

CSHB 2261, Relating to the regulation of certain service contracts.

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

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 2261 ON THIRD READING**

Senator Jackson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2261** 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 1866 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 1866** at this time on its second reading:

CSSB 1866, Relating to an exemption from cost limits specified for certain medical assistance waiver programs administered by the Department of Aging and Disability Services.

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 1866 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 1866** 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
HOUSE BILL 2004 ON SECOND READING**

Senator Lucio moved to suspend the regular order of business to take up for consideration **CSHB 2004** at this time on its second reading:

CSHB 2004, Relating to requiring that a doctor who reviews a workers' compensation case be certified in a professional specialty appropriate to the care received by the injured employee.

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 Lucio offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 2004**, Senate committee printing, in SECTION 1 of the bill, in added Section 408.0046, Labor Code (page 2, line 15), by inserting the following after "injuries.":

The rules adopted under this section must require an entity requesting a peer review to obtain and provide to the doctor providing peer review services all relevant and updated medical records.

The amendment to **CSHB 2004** was read and was adopted by a viva voce vote.

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

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

CSHB 2004 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 except as follows:

Nays: Ogden.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2004 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2004** 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
HOUSE BILL 246 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 246** at this time on its second reading:

CSHB 246, Relating to reports on cases of acquired immune deficiency syndrome and human immunodeficiency virus infection.

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

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 246 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 **CSHB 246** 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 1045 ON SECOND READING

Senator Wentworth moved to suspend the regular order of business to take up for consideration **SB 1045** at this time on its second reading:

SB 1045, Relating to providing that a performance evaluation of the commissioner of higher education or of a chancellor or university president is confidential.

The motion prevailed by the following vote: Yeas 22, Nays 9.

Yeas: Averitt, Brimer, Carona, Deuell, Duncan, Ellis, Harris, Hegar, Jackson, Lucio, Nelson, Nichols, Ogden, Seliger, Shapiro, Uresti, Van de Putte, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Eltife, Estes, Fraser, Gallegos, Hinojosa, Janek, Patrick, Shapleigh, Watson.

The bill was read second time and was passed to engrossment by the following vote: Yeas 22, Nays 9. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1071 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 1071** at this time on its second reading:

CSSB 1071, Relating to the creation of Cade Ranch Water Control and Improvement District No. 1 of Galveston County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

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 1071 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 1071** 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
HOUSE BILL 1396 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1396** at this time on its second reading:

CSHB 1396, Relating to the Office for the Elimination of Health Disparities and the health disparities task force.

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

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 1396 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 **CSHB 1396** 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 60
ON SECOND READING**

Senator Averitt moved to suspend the regular order of business to take up for consideration **SCR 60** at this time on its second reading:

SCR 60, Urging Congress to maintain the states as the sole regulators of the business of insurance and to oppose the establishment of a federal insurance regulatory system.

The motion prevailed.

Senators Ellis, Shapleigh, and West asked to be recorded as voting "Nay" on suspension of the regular order of business.

The resolution was read second time and was adopted by the following vote: Yeas 28, Nays 3.

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

Nays: Ellis, Shapleigh, West.

SENATE BILL 1978 ON SECOND READING

On motion of Senator Janek and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1978** at this time on its second reading:

SB 1978, Relating to the powers and duties of the Fort Bend County Levee Improvement District No. 19; providing authority to impose a tax and issue bonds.

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 1978 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 **SB 1978** 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.

PERMISSION TO INTRODUCE BILL

On motion of Senator Whitmire and by unanimous consent, Senate Rule 7.07(b) was suspended to permit the introduction of the following bill: **SB 2053**.

COMMITTEE SUBSTITUTE

SENATE BILL 2037 ON SECOND READING

On motion of Senator Ogden and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 2037** at this time on its second reading:

CSSB 2037, Relating to the ability of the attorney general to offer assistance to a prosecuting attorney.

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 2037 ON THIRD READING**

Senator Ogden moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 2037** 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 BILLS ON FIRST READING

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

SB 2053 by Shapleigh

Relating to authorizing a pilot program to establish education benchmarks as a prerequisite to certain education funding for certain public schools.

To Committee on Education.

SB 2054 by Deuell

Relating to the powers and duties of the Parker Creek Municipal Utility District of Rockwall County; providing authority to issue bonds.

To Committee on Intergovernmental Relations.

SB 2055 by Ellis

Relating to the creation of the Harris County Improvement District No. 10; providing authority to impose a tax and issue bonds.

To Committee on Intergovernmental Relations.

HOUSE BILLS AND RESOLUTION ON FIRST READING

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

HB 343 to Committee on State Affairs.

HB 432 to Committee on Criminal Justice.

HB 485 to Committee on Criminal Justice.

HB 497 to Committee on State Affairs.

HB 945 to Committee on State Affairs.

HB 1034 to Committee on State Affairs.

HB 1082 to Committee on Health and Human Services.

HB 1146 to Committee on State Affairs.

HB 1188 to Subcommittee on Emerging Technologies and Economic Development.

HB 1213 to Subcommittee on Higher Education.

HB 1238 to Subcommittee on Higher Education.

HB 1241 to Committee on Criminal Justice.

HB 1290 to Committee on State Affairs.

HB 1314 to Committee on Intergovernmental Relations.

HB 1411 to Committee on Criminal Justice.

HB 1412 to Committee on Health and Human Services.

- HB 1423** to Committee on Criminal Justice.
HB 1495 to Committee on State Affairs.
HB 1545 to Committee on Criminal Justice.
HB 1561 to Committee on Intergovernmental Relations.
HB 1617 to Subcommittee on Emerging Technologies and Economic Development.
HB 1633 to Committee on Health and Human Services.
HB 1659 to Committee on State Affairs.
HB 1742 to Committee on Intergovernmental Relations.
HB 1847 to Committee on State Affairs.
HB 1857 to Committee on Transportation and Homeland Security.
HB 1864 to Committee on Jurisprudence.
HB 1995 to Committee on Jurisprudence.
HB 2015 to Committee on State Affairs.
HB 2042 to Committee on Health and Human Services.
HB 2077 to Committee on Transportation and Homeland Security.
HB 2106 to Committee on Business and Commerce.
HB 2117 to Committee on State Affairs.
HB 2118 to Committee on Business and Commerce.
HB 2247 to Committee on State Affairs.
HB 2271 to Committee on Business and Commerce.
HB 2405 to Committee on Transportation and Homeland Security.
HB 2444 to Committee on Natural Resources.
HB 2471 to Committee on Business and Commerce.
HB 2479 to Committee on Jurisprudence.
HB 2524 to Committee on Health and Human Services.
HB 2541 to Committee on Natural Resources.
HB 2546 to Committee on Transportation and Homeland Security.
HB 2624 to Committee on Intergovernmental Relations.
HB 2654 to Committee on Natural Resources.
HB 2664 to Committee on State Affairs.
HB 2703 to Committee on Criminal Justice.
HB 2754 to Committee on Business and Commerce.
HB 2786 to Committee on Finance.
HB 2834 to Subcommittee on Higher Education.
HB 3017 to Committee on Natural Resources.
HB 3057 to Committee on State Affairs.
HB 3066 to Committee on State Affairs.
HB 3068 to Committee on International Relations and Trade.
HB 3101 to Committee on Business and Commerce.
HB 3106 to Committee on Government Organization.
HB 3114 to Subcommittee on Higher Education.
HB 3143 to Committee on State Affairs.
HB 3194 to Committee on Finance.
HB 3275 to Committee on Transportation and Homeland Security.
HB 3385 to Committee on Business and Commerce.
HB 3438 to Committee on Natural Resources.

HB 3453 to Committee on State Affairs.
HB 3518 to Committee on Intergovernmental Relations.
HB 3558 to Committee on Criminal Justice.
HB 3560 to Committee on Government Organization.
HB 3581 to Committee on Intergovernmental Relations.
HB 3635 to Committee on Criminal Justice.
HB 3674 to Committee on Intergovernmental Relations.
HB 3711 to Committee on Transportation and Homeland Security.
HB 3747 to Committee on Transportation and Homeland Security.
HB 3960 to Committee on Natural Resources.
HB 4048 to Committee on Jurisprudence.
HB 4065 to Committee on Business and Commerce.
HB 4107 to Committee on Jurisprudence.
HCR 198 to Committee on Business and Commerce.

(President in Chair)

HOUSE BILL 732 ON SECOND READING

On motion of Senator Ogden and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 732** at this time on its second reading:

HB 732, Relating to recording requirements for certain documents.

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

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

HOUSE BILL 732 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 **HB 732** 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.

BILLS SIGNED

The President announced the signing of the following enrolled bills in the presence of the Senate after the captions had been read: **SB 1209**, **SB 1389**.

SENATE BILL 1924 ON SECOND READING

Senator Gallegos moved to suspend the regular order of business to take up for consideration **SB 1924** at this time on its second reading:

SB 1924, Relating to the establishment of an air pollutant watch list and associated reports for the purpose of controlling the emissions of air contaminants under the Texas Clean Air Act.

The motion prevailed.

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

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

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

Nays: Brimer, Harris, Nelson, Shapiro.

SENATE BILL 1924 ON THIRD READING

Senator Gallegos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1924** be placed on its third reading and final passage.

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

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

Nays: Brimer, Harris, Nelson, Shapiro.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 4. (Same as previous roll call)

COMMITTEE SUBSTITUTE

SENATE BILL 49 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 49** at this time on its second reading:

CSSB 49, Relating to exempting books purchased by university and college students from the sales tax for a limited period.

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 49 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 49** 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 248 ON SECOND READING

Senator Ellis moved to suspend the regular order of business to take up for consideration **SB 248** at this time on its second reading:

SB 248, Relating to a motor vehicle passing a bicyclist; providing penalties.

The motion prevailed by the following vote: Yeas 23, Nays 8.

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

Nays: Brimer, Duncan, Eltife, Fraser, Hegar, Nichols, Patrick, Shapiro.

The bill was read second time.

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 248** (committee printing) as follows:

- (1) In SECTION 1 of the bill, (page 1, line 14), strike "OR STREET".
- (2) In SECTION 1 of the bill, (page 1, line 16), between "highway" and "shall" strike "or street".

The amendment to **SB 248** was read and failed of adoption by the following vote: Yeas 11, Nays 17.

Yeas: Brimer, Eltife, Estes, Fraser, Harris, Hegar, Jackson, Nelson, Nichols, Patrick, Shapiro.

Nays: Averitt, Carona, Deuell, Ellis, Hinojosa, Janek, Lucio, Ogden, Seliger, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Absent: Duncan, Gallegos, Williams.

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 2

Amend **SB 248** (committee printing) as follows:

(1) Strike Subsection (c), proposed Section 545.0535, Transportation Code (page 1, lines 31-36), and reletter subsequent subsections of proposed Section 545.0535 accordingly.

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

SECTION __. Section 551.104, Transportation Code, is amended to read as follows:

Sec. 551.104. SAFETY EQUIPMENT. (a) A person may not operate a bicycle unless the bicycle is equipped with:

(1) a brake capable of making a braked wheel skid on dry, level, clean pavement; and

(2) a mirror located to reflect to the operator a view of the highway as required for a motor vehicle by Section 547.602.

(b) A person may not operate a bicycle during a period described by Section 547.302(a) ~~[at nighttime]~~ unless the bicycle is equipped with:

(1) a lamp on the front of the bicycle that emits a white light visible from a distance of at least 500 feet in front of the bicycle; and

(2) ~~[on the rear of the bicycle]~~

~~[(A) a red reflector that is:~~
~~(i) of a type approved by the department; and~~
~~(ii) visible when directly in front of lawful upper beams of motor vehicle headlamps from all distances from 50 to 300 feet to the rear of the bicycle; or~~
 [(B)] a lamp on the rear of the bicycle that emits a red light visible from a distance of 500 feet to the rear of the bicycle.

The amendment to **SB 248** was read and failed of adoption by the following vote: Yeas 9, Nays 22.

Yeas: Brimer, Deuell, Eltife, Estes, Harris, Nelson, Nichols, Patrick, Shapiro.

Nays: Averitt, Carona, Duncan, Ellis, Fraser, Gallegos, Hegar, Hinojosa, Jackson, Janek, Lucio, Ogden, Seliger, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Senator Brimer offered the following amendment to the bill:

Floor Amendment No. 3

Amend **SB 248** as follows:

At page 1, line 39, between "551.104(b)(2)" and "." insert the following: "or was operating on a public road that does not have a paved shoulder"

The amendment to **SB 248** was read and was adopted by the following vote: Yeas 16, Nays 14.

Yeas: Brimer, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Jackson, Janek, Lucio, Nelson, Nichols, Patrick, Seliger, Shapiro, Wentworth.

Nays: Averitt, Carona, Deuell, Ellis, Gallegos, Hinojosa, Shapleigh, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Absent: Ogden.

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

SB 248 as amended was passed to engrossment by the following vote: Yeas 24, Nays 7.

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

Nays: Brimer, Eltife, Fraser, Hegar, Nichols, Patrick, Shapiro.

SENATE RULES SUSPENDED (Posting Rules)

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

HB 1886, SB 2050, SB 2054.

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 today: **SB 174, HB 1471, HB 1857, HB 2546, HB 3747.**

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 **HB 447** today at his desk.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Duncan 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 **HB 2017** today.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Janek and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Subcommittee on Emerging Technologies and Economic Development might meet and consider **HB 1188** tomorrow.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Whitmire and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Criminal Justice might meet and consider **SB 1763** today.

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

On motion of Senator Averitt and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Natural Resources might meet today at his desk.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate students from Eagle Academy of Laredo, accompanied by their teachers and sponsors.

The Senate welcomed its guests.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 982 by Watson, In memory of Eva Marie Mosby of Austin.

SR 985 by Uresti, In memory of Joe E. Briscoe of Devine.

HCR 236 (Whitmire), Honoring fallen police officers on Peace Officers' Memorial Day and during National Police Week.

Congratulatory Resolutions

SCR 73 by Ellis, Congratulating Eric R. Bittner for his selection as a 2007 Fellow by the John Simon Guggenheim Memorial Foundation.

SR 983 by Watson, Recognizing Texas Applesseed on the occasion of its 10th anniversary.

SR 984 by Lucio, Recognizing Gabriel and Gracie Vega on the occasion of their 50th wedding anniversary.

SR 986 by Uresti, Commending Melissa Renee Bannon for earning a Girl Scout Gold Award.

SR 987 by Uresti, Commending Zachary James Bannon for achieving the rank of Eagle Scout.

SR 988 by Deuell, Recognizing Homer Phillips on the occasion of his retirement from the Mesquite Fire Department.

SR 989 by Deuell, Congratulating Baylor Medical Center at Garland for receiving the 2007 VHA Leadership Award for Clinical Excellence.

SR 990 by Harris, Recognizing Arbor Creek Middle School in Carrollton for earning Gold Performance Acknowledgements from the Texas Education Agency.

SR 991 by West, Recognizing Koch-Glitsch LP in Dallas for its commitment to occupational safety and health standards.

HCR 213 (Fraser), Honoring 104-year-old Myrtle Perry McDaniel of Menard.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 3:23 p.m. adjourned, in memory of Tommy McMullan, until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

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

May 8, 2007

HEALTH AND HUMAN SERVICES — **CSHB 1973**

ADMINISTRATION — **HCR 70, HB 2636** (Amended), **HB 3167, HB 2278, HB 3166**

TRANSPORTATION AND HOMELAND SECURITY — **HCR 125, HB 88, HB 90, HB 210, HB 2045, CSHB 2075, CSHB 2559, HB 2682, HB 3089**

HEALTH AND HUMAN SERVICES — **CSSB 439, CSSB 973, CSSB 1274, CSSB 1429, CSSB 1503, CSSB 1597**

FINANCE — **CSSB 2039, SB 107, SB 504, SB 741, SB 1485, HB 1332, HB 3191**

GOVERNMENT ORGANIZATION — **SCR 58, HB 1023, HB 1045, HCR 136, HCR 137**

FINANCE — **CSHB 1928**

BUSINESS AND COMMERCE — **CSSB 62, CSSB 753**

STATE AFFAIRS — **HB 1044, HB 1194, HB 1497, HB 1787, HB 2219, HB 2735, HB 2799, CSHB 2491, CSHB 522**

INTERGOVERNMENTAL RELATIONS — **CSSB 1537, CSSB 1975, CSSB 2042, CSSB 2043**

EDUCATION — **CSSB 420, HB 125, HB 741, CSHB 902, HB 1844, HB 2176, HB 3226, HCR 159**

INTERGOVERNMENTAL RELATIONS — **CSSB 2044**

SENT TO GOVERNOR

May 8, 2007

SB 1209, SB 1389

SIGNED BY GOVERNOR

May 8, 2007

SB 271, SB 526, SB 673, SB 849, SB 884, SB 1665

