

SENATE JOURNAL

EIGHTIETH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTY-EIGHTH DAY

(Wednesday, May 9, 2007)

The Senate met at 11:15 a.m. pursuant to adjournment and was called to order by the President.

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

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

The Reverend Ron Smith, Saint David's Episcopal Church, Austin, offered the invocation as follows:

O God, the fountain of wisdom, whose will is good and gracious and whose law is truth, we beseech Thee so to guide and bless the Members of the Texas Senate that they may enact such laws as shall please Thee, to the glory of Thy name and the welfare of this people, through Jesus Christ our Lord. Amen.

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

The motion prevailed without objection.

CO-AUTHOR OF SENATE BILL 248

On motion of Senator Ellis, Senator Lucio will be shown as Co-author of **SB 248**.

CO-AUTHOR OF SENATE BILL 1285

On motion of Senator Van de Putte, Senator Lucio will be shown as Co-author of **SB 1285**.

CO-AUTHOR OF SENATE BILL 1908

On motion of Senator Ellis, Senator Duncan will be shown as Co-author of **SB 1908**.

CO-AUTHORS OF SENATE BILL 2044

On motion of Senator Gallegos, Senators Ellis and Whitmire will be shown as Co-authors of **SB 2044**.

CO-SPONSOR OF HOUSE BILL 273

On motion of Senator Harris, Senator Van de Putte will be shown as Co-sponsor of **HB 273**.

CO-SPONSOR OF HOUSE BILL 321

On motion of Senator Deuell, Senator Shapleigh will be shown as Co-sponsor of **HB 321**.

CO-SPONSORS OF HOUSE BILL 323

On motion of Senator Lucio, Senators Carona, Deuell, Ellis, Gallegos, Shapleigh, Van de Putte, Williams, and Zaffirini will be shown as Co-sponsors of **HB 323**.

CO-SPONSOR OF HOUSE BILL 1188

On motion of Senator Shapiro, Senator Janek will be shown as Co-sponsor of **HB 1188**.

CO-SPONSOR OF HOUSE BILL 3011

On motion of Senator Jackson, Senator Gallegos will be shown as Co-sponsor of **HB 3011**.

CO-SPONSOR OF HOUSE BILL 3900

On motion of Senator Shapiro, Senator Patrick will be shown as Co-sponsor of **HB 3900**.

PHYSICIAN OF THE DAY

Senator Deuell was recognized and presented Dr. Paul Berg of Georgetown as the Physician of the Day.

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

GUESTS PRESENTED

Senator Uresti was recognized and introduced to the Senate fifth-grade students from Collier Elementary School in San Antonio, accompanied by their teachers and sponsors.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Deuell was recognized and introduced to the Senate students from the Celeste Independent School District in Hunt County, accompanied by their teachers and sponsors.

The Senate welcomed its guests.

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 189, SB 267, SB 336, SB 389, SB 399, SB 457, SB 458, SB 470, SB 493, SB 496, SB 497, SB 611, SB 722, SB 959, SB 1287, SB 1509, SB 1932, HB 85, HB 121, HB 823, HB 923, HB 1344, HB 1505.

GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate the mariachi group from Irving Middle School in San Antonio, accompanied by their teacher, Roland San Miguel, brother of Senator Van de Putte, and Rhonda Garcia.

The Senate welcomed its guests.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

May 9, 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 9, Relating to the elimination of smoking in certain workplaces and public places; providing penalties.

HB 13, Relating to homeland security issues, including border security issues and law enforcement.

HB 53, Relating to the designation of the Cesar Chavez Border Highway.

HB 147, Relating to the deferral of an administrative penalty imposed by the Texas Commission on Environmental Quality against certain utilities and districts.

HB 319, Relating to persons who are authorized to conduct a marriage ceremony.

HB 455, Relating to the confidentiality of certain personal information that pertains to certain officers and employees of a community supervision and corrections department.

HB 1117, Relating to the filing of birth certificates.

HB 1137, Relating to eligibility and attendance requirements in public schools.

HB 1318, Relating to retirement systems for police officers in certain municipalities.

HB 1357, Relating to fees for the mileage necessary for a peace officer to perform certain services.

HB 1372, Relating to retention of certain engineering computations made regarding residential structures located in first tier coastal counties.

- HB 1381**, Relating to the date on which certain reports of political contributions and expenditures must be received by the appropriate authority.
- HB 1404**, Relating to sale of certain abandoned real property seized for the payment of delinquent ad valorem taxes.
- HB 1500**, Relating to the composition of the Cass County Juvenile Board.
- HB 1524**, Relating to sports and community venue projects.
- HB 1563**, Relating to the issuance of high school diplomas to certain crime victims.
- HB 1573**, Relating to the creation, administration, powers, duties, functions, operations, and financing of the Fort Griffin Special Utility District.
- HB 1614**, Relating to the establishment and use of a columbarium on the campuses of certain institutions of higher education.
- HB 1638**, Relating to enforcement of commercial motor vehicle safety standards in certain municipalities.
- HB 1648**, Relating to allowing a county to hold a nonbinding referendum on a county fiscal matter.
- HB 1728**, Relating to confidentiality of certain information in rabies vaccination certificates and dog and cat registries.
- HB 1889**, Relating to allowing certain active judicial officers and bailiffs to carry weapons.
- HB 1920**, Relating to the remedies available in connection with certain disputes between producers of natural gas and persons who gather or transport the gas.
- HB 2006**, Relating to the use of eminent domain authority.
- HB 2072**, Relating to the appointment of temporary directors and the confirmation election of the Starr County Groundwater Conservation District.
- HB 2109**, Relating to additional criminal law magistrates in Bexar County and proceedings before those magistrates.
- HB 2132**, Relating to the creation of a diabetes mellitus registry pilot program.
- HB 2156**, Relating to limitations on the compensation of county auditors for certain counties.
- HB 2159**, Relating to the creation, administration, powers, duties, functions, operations, and financing of the San Jacinto Special Utility District.
- HB 2190**, Relating to eligibility to serve as the executive director of the Teacher Retirement System of Texas.
- HB 2218**, Relating to the vesting of architectural control committee authority in certain subdivisions.
- HB 2250**, Relating to the costs of holding certain joint elections.
- HB 2294**, Relating to the designation of Loop 534 in Kerrville as the Veterans Highway.

- HB 2313**, Relating to designating the second full week in September as obesity awareness week.
- HB 2353**, Relating to the applicability of the Texas Fair Housing Act to public housing authorities.
- HB 2358**, Relating to the deposit of certain employer contributions to the Teacher Retirement System of Texas.
- HB 2368**, Relating to the composition of the board of navigation and canal commissioners of the Victoria County Navigation District.
- HB 2392**, Relating to escrow fees required for the construction and leasing of certain health facilities.
- HB 2442**, Relating to the powers, duties, operation, and financing of the Collin County Municipal Utility District No. 1; providing authority to impose a tax and issue bonds.
- HB 2467**, Relating to modification of certain small and large employer health benefit plans.
- HB 2502**, Relating to the composition of the Jim Wells County Juvenile Board.
- HB 2510**, Relating to the creation, administration, powers, duties, operations, and financing of a commuter rail district; granting the authority to issue bonds; granting the power of eminent domain.
- HB 2548**, Relating to coverage limitations in health benefit plans.
- HB 2549**, Relating to extension of group life insurance to eligible children.
- HB 2551**, Relating to refund of excessive or unfairly discriminatory premium; providing penalties.
- HB 2565**, Relating to the establishment of an advisory committee on motor vehicle inspections related to safety and emissions.
- HB 2569**, Relating to abolition of certain fraud reporting requirements regarding motor vehicle insurance.
- HB 2580**, Relating to the designation by the Department of Family and Protective Services of an individual to consent on behalf of the department to medical care for a child in foster care.
- HB 2589**, Relating to the imposition of a civil penalty in connection with a self-corrected statement, registration, or report filed with the Texas Ethics Commission.
- HB 2607**, Relating to the Wood County Juvenile Board.
- HB 2620**, Relating to state facility management and maintenance practices.
- HB 2651**, Relating to the issuance and renewal of certain motor vehicle dealer licenses, motor vehicle license plates, and general distinguishing numbers.
- HB 2671**, Relating to limited agricultural cooperatives; providing penalties.
- HB 2678**, Relating to certain rate changes by a water and sewer utility.

- HB 2715**, Relating to the enforcement of the fares and other charges imposed by certain metropolitan rapid transit authorities.
- HB 2734**, Relating to the creation of the Williamson-Liberty Hill Municipal Utility District; providing authority to impose a tax and issue bonds; granting the power of eminent domain.
- HB 2749**, Relating to the award of a contract by an airport authority created by certain municipalities.
- HB 2751**, Relating to the administration of a retirement health care plan for firefighters and police officers in certain municipalities.
- HB 2752**, Relating to the pension retirement system in certain municipalities for firefighters and police.
- HB 2761**, Relating to requirements governing suitability in certain annuity transactions with consumers.
- HB 2762**, Relating to adoption of requirements regarding the replacement of existing life insurance policies and certain annuities; imposing penalties.
- HB 2765**, Relating to certain variable insurance contracts.
- HB 2907**, Relating to the penalty for operation of a motor vehicle in violation of financial responsibility requirements.
- HB 2912**, Relating to requiring an election authority to provide notice to certain county chairs regarding certain election activities.
- HB 2917**, Relating to limitations on the compensation of county auditors for certain counties.
- HB 2918**, Relating to state information technology contracting and procurement practices.
- HB 2944**, Relating to permits for erecting certain outdoor signs or advertising.
- HB 2960**, Relating to the operation and funding of the Texas Windstorm Insurance Association.
- HB 2991**, Relating to the control of access to highways within certain counties.
- HB 3038**, Relating to the appointment of a taxpayer liaison officer for certain appraisal districts.
- HB 3070**, Relating to a study of methods for increasing the availability of certain information on energy efficiency of certain residential property.
- HB 3092**, Relating to considering for school district accountability purposes the performance of students confined by court order in a residential program or facility.
- HB 3125**, Relating to the issuance of bonds or other obligations by library districts.
- HB 3215**, Relating to the eligibility of private or independent institutions of higher education to participate in the advanced research program administered by the Texas Higher Education Coordinating Board.

HB 3270, Relating to authorizing the issuance of anticipation notes or other obligations by issuers located along the Gulf Coast in the event of an emergency.

HB 3271, Relating to the biennial hearing concerning title insurance and related information.

HB 3291, Relating to a prohibition against the governing board of a public institution of higher education entering into certain contracts relating to permanent improvements at the institution.

HB 3293, Relating to the performance of certain civil duties by officers in this state.

HB 3353, Relating to the repeal of the authority of certain water supply or sewer service corporations to dissolve and transfer assets and liabilities to a municipality.

HB 3355, Relating to the board of trustees, benefits, and contributions of certain fire and police pension funds.

HB 3444, Relating to the eligibility of emergency services districts to apply for or receive grants.

HB 3457, Relating to idling the diesel engine of a school bus while the bus is parked at a public school or school event.

HB 3473, Relating to consent for medical treatment.

HB 3475, Relating to the authority of certain counties to acquire, construct, or operate a water supply system or sewage system and own or operate a utility.

HB 3537, Relating to the adoption of a child by a person serving in the military.

HB 3552, Relating to the issuance of private activity bonds.

HB 3554, Relating to the program for the regulation and remediation of underground and aboveground storage tanks.

HB 3593, Relating to the time by which certain persons found to have engaged in family violence must complete court-ordered counseling.

HB 3594, Relating to motor vehicle inspection facilities near the border of this state and Mexico.

HB 3613, Relating to identification cards issued to peace officers, reserve law enforcement officers, and honorably retired peace officers by a law enforcement agency or other governmental entity.

HB 3619, Relating to the authority of a political subdivision other than a county to change the date of its general election.

HB 3699, Relating to the management of public school land and the investment of the permanent school fund.

HB 3723, Relating to the voting rights of residents in an area annexed for limited purposes under a strategic partnership agreement.

HB 3746, Relating to state aid for certain juvenile justice alternative education programs that enter into certain revenue sharing agreements.

- HB 3776**, Relating to the authority of the Texas Water Development Board to approve the regional water plan for Region L and include the plan in the state water plan.
- HB 3778**, Relating to the creation and administration of a quality assurance fee for nursing facilities; providing an administrative penalty.
- HB 3818**, Relating to the creation and operation of the Texas-Louisiana border region economic development steering committee.
- HB 3832**, Relating to video equipment on a motor vehicle.
- HB 3876**, Relating to access to the dental records of a dental clinic or organization; providing penalties.
- HB 3877**, Relating to the sale of certain residential real property on large tracts of land; providing penalties.
- HB 3888**, Relating to the penalty for driving with an invalid license.
- HB 3929**, Relating to the funding of the Alternative Fuels Research and Education Division of the Railroad Commission of Texas.
- HB 3930**, Relating to the appeals process in the disposition of cruelly treated animals.
- HB 4008**, Relating to the creation of additional county criminal courts at law in El Paso County.
- HB 4031**, Relating to the creation of the Brazoria County Municipal Utility District No. 62; providing authority to impose a tax and issue bonds; granting the power of eminent domain.
- HB 4035**, Relating to the authority of the board of directors of the Moore County Hospital District to employ health care providers.
- HB 4036**, Relating to the powers and duties of the Sweeny Hospital District.
- HB 4040**, Relating to the composition of the McLennan County Juvenile Board.
- HB 4067**, Relating to the boundaries of the Zavala-Dimmit Counties Water Improvement District No. 1.
- HB 4074**, Relating to the creation of the Montgomery County Municipal Utility District No. 102; providing authority to impose taxes and issue bonds.
- HB 4091**, Relating to the boundaries and board of directors of Harris County Improvement District No. 6.
- HCR 49**, Designating Lee County as the official Festival Capital of Texas.
- HCR 81**, Designating Podunk, Texas, as the official Mythical Town of Texas.
- HCR 102**, Designating silver as the official precious metal of Texas.
- HCR 186**, Designating Lake Lewisville as the official Urban Bass Fishing Capital of Texas.
- HCR 238**, Congratulating Aivee Tabangcora, Stephanie Smothermon, Jamie DiBello, and Stephanie Clifford of Paris High School for winning first place at the 2007 Texas Problem Solving State Bowl.

HCR 240, In memory of Robert Kim Brown of Austin.

HCR 241, In memory of Heidi Lynn Fender of Mount Pleasant.

HJR 37, Proposing a constitutional amendment to authorize a change in the manner of determining the amount of the exemption from ad valorem taxation to which a disabled veteran is entitled.

HJR 40, Proposing a constitutional amendment authorizing the legislature to provide that the maximum appraised value of a residence homestead for ad valorem taxation is limited to the lesser of the most recent market value of the residence homestead as determined by the appraisal entity or 110 percent, or a greater percentage, of the appraised value of the residence homestead for the preceding tax year.

HJR 93, Proposing constitutional amendments authorizing the issuance of general obligation bonds to provide and guarantee loans to encourage the use of carbon-free hydrogen energy and for clean energy projects.

SB 103, Relating to the Texas Youth Commission and the prosecution of certain offenses and delinquent conduct in the Texas Youth Commission and certain other criminal justice agencies; providing penalties.
(Committee Substitute/Amended)

SB 561, Relating to the subrogation interests of certain political subdivisions or insurance carriers providing reinsurance for subdivisions.
(Amended)

THE HOUSE HAS DISCHARGED ITS CONFEREES AND CONCURRED IN SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

HB 1311 (129 Yeas, 0 Nays, 1 Present, not voting)

HB 1312 (147 Yeas, 0 Nays, 1 Present, not voting)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE RESOLUTION 979

Senator Shapiro offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Bill Fell for his volunteer work on behalf of the citizens of Plano and Collin County; and

WHEREAS, Bill Fell was honored recently with a civic and community service award from the Volunteer Center of North Texas; he is retired and spends his days monitoring handicap parking spaces and volunteering for several organizations; and

WHEREAS, A champion for people with disabilities, he volunteers with the police department's Handicap Parking Program to ensure only those persons with the required permits park in handicap parking spaces at shopping centers, hospitals, and doctor's offices; and

WHEREAS, The work he does for the Handicap Parking Program allows the police department to spend time taking care of other important aspects of their jobs, such as handling emergency calls; since Mr. Fell began working with the Handicap Parking Program in 2001, the number of handicap parking violators has decreased significantly; and

WHEREAS, Mr. Fell also volunteers with the Plano Citizens Police Academy Alumni Association, the Plano Fire Rescue Associates, the Collin County Sheriff's Office, Collin County Homeland Security, the Collin County Emergency Management Team, and many other organizations; and

WHEREAS, An exceptionally generous and dedicated volunteer, Bill Fell has made a positive impact on the lives of many people in Plano and Collin County, and he is a treasured citizen and an outstanding role model; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby commend Bill Fell for his volunteerism in Plano and Collin County and congratulate him on receiving the civic and community service award from the Volunteer Center of North Texas; 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 979 was read and was adopted without objection.

GUESTS PRESENTED

Senator Shapiro was recognized and introduced to the Senate Bill Fell of Plano, accompanied by his wife, Shirley.

The Senate welcomed its guests.

SENATE RESOLUTION 970

Senator Hinojosa offered the following resolution:

WHEREAS, The Senate of the State of Texas takes great pleasure in recognizing the fourth class of the Senator Gregory Luna Legislative Scholars and Fellows Program offered through the Senate Hispanic Research Council; and

WHEREAS, The program was named in memory of Senator Gregory Luna of San Antonio to honor his dedication to public service and his tireless efforts advocating on behalf of Texas children; and

WHEREAS, During his tenure in the Senate, Senator Luna fought for educational equity and was a true champion for underrepresented and underserved Texans; and

WHEREAS, As a tribute to Senator Luna's admirable work in the Senate, this prestigious program was created to provide opportunities for undergraduate and graduate students from across the state to serve as full-time legislative assistants in the Texas Senate and acquire the training they need to become effective leaders in our state; and

WHEREAS, These scholars and fellows perform a variety of legislative tasks and learn firsthand how public policy is shaped; they also coordinate the Biannual Luna Scholars Leadership Institute which educates high school students on how to prepare for the college admissions process and on how to navigate the legislative process; and

WHEREAS, The following scholars and fellows have demonstrated outstanding dedication and achievement in Senate offices and the Office of the Governor: Adriana Alanis from San Antonio, serving in the office of State Senator Leticia Van de Putte; Adelina Bryant from San Antonio, serving in the office of State Senator Royce West; Michael Dole from Laredo, serving in the office of State Senator Judith Zaffirini; Servando Esparza from Fort Worth, serving in the office of State Senator Kip Averitt; Laura Fernandez from Sugar Land, serving in the office of Governor Rick Perry; Jonathan Fuentes from Pecos, serving in the office of State Senator Carlos Uresti; Rogelio Gomez from San Antonio, serving in the office of State Senator Mario Gallegos; Julie Gonzalez from Edinburg, serving in the office of State Senator Eddie Lucio; Caroline Hallman from McAllen, serving in the office of State Senator Eliot Shapleigh; Xochitl Hinojosa from Brownsville, serving in the office of State Senator Kirk Watson; Nicole Monsibais from San Antonio, serving in the office of State Senator Kel Seliger; Luis Moreno from Seguin, serving in the office of State Senator Juan "Chuy" Hinojosa; Joshua Nunez from Levelland, serving in the office of State Senator Robert Duncan; Osiris Santos from Huntsville, serving in the office of Lieutenant Governor David Dewhurst; Gonzalo Serrano from McKinney, serving in the office of State Senator Leticia Van de Putte; and Vanessa Valdez from San Antonio, serving in the office of State Senator John Whitmire; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby commend these promising students for their remarkable service this session and wish them continued success as they prepare to become the future leaders of our great state; and, be it further

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

HINOJOSA	LUCIO	WATSON
AVERITT	SELIGER	WEST
DUNCAN	SHAPLEIGH	WHITMIRE
ELLIS	URESTI	ZAFFIRINI
GALLEGOS	VAN DE PUTTE	

SR 970 was read.

On motion of Senator Lucio and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Hinojosa, the resolution was adopted without objection.

GUESTS PRESENTED

Senator Hinojosa, joined by Senators Lucio, West, Duncan, Whitmire, Averitt, Van de Putte, Watson, Shapleigh, Uresti, Gallegos, and Zaffirini, and the Lieutenant Governor, introduced to the Senate members of the fourth class of the Senator Gregory Luna Legislative Scholars and Fellows Program.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Estes was recognized and introduced to the Senate seventh-grade students and their teachers from Aubrey Middle School in Denton County.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate students and their sponsors from the Laredo Job Corps Center in Laredo.

The Senate welcomed its guests.

SENATE RESOLUTION 950

Senator Van de Putte offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to honor the contributions of the valiant women who served in uniform and on the home front during World War II; and

WHEREAS, Several hundred thousand women served in the armed forces during World War II in the Army, the Coast Guard, the Marines, and the Naval Reserve; the women's auxiliary forces were usually known by their acronyms: the Women's Army Corps (WACs), the Women's Auxiliary Ferrying Squadron (WAFS), the Women's Air Service Pilots (WASPs), the Women Accepted for Volunteer Emergency Service (WAVES), and the SPARS, the women's auxiliary unit of the Coast Guard named after the Coast Guard motto, *Semper Paratus*; the 20,000 women Marines, who were not known by an acronym, underwent a tough training course that introduced them to all aspects of combat, including firing antiaircraft guns and jumping from parachute towers; and

WHEREAS, Women in the military served as nurses and secretaries and worked in such varied specialties as cartography, computing, motor mechanics, weather forecasting, photography, dog and pigeon training, radio and telephone operating, and translating; through their courage, dedication, and hard work, more than a quarter of a million American servicewomen made a significant contribution to the success of military operations; and

WHEREAS, Not all of the women who participated in the war effort during World War II were in the military; inspired by the image of Rosie the Riveter, who became a cultural icon, more than six million women stepped forward to work in industries that produced the ships, airplanes, tanks, trucks, guns, and ammunition that were crucial in achieving an Allied victory; and

WHEREAS, Women with the Salvation Army provided a wide array of services ranging from supplying doughnuts to providing nursing skills; the United Service Organizations, universally known as the USO, sent women performers to all of the military theaters, and women in the Red Cross provided support for the troops by operating field canteens and helping to arrange emergency leaves; and

WHEREAS, Women volunteers with the Young Men's Christian Association spent countless hours helping servicemen and servicewomen; the Cadet Nurse Corps trained young student nurses for active duty with the military, and the women of the American Legion Auxiliary visited veterans' hospitals, where they rolled bandages and distributed gifts, greeting cards, stationery, and playing cards; and

WHEREAS, Many civilian women ran service clubs, craft shops, and libraries and organized entertainment and educational and recreational programs for military personnel throughout the world, contributing greatly to the comfort and well-being of the troops; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby pay tribute to the hundreds of thousands of women who served in the military during World War II and to the millions who served on the home front and express heartfelt appreciation for their courageous contributions to the war effort; and, be it further

RESOLVED, That a copy of this Resolution be prepared to commemorate their service to our nation.

SR 950 was read and was adopted without objection.

GUESTS PRESENTED

Senator Van de Putte, joined by Senators Estes, Nelson, Fraser, Lucio, Watson, Averitt, Hagar, and Patrick on behalf of Ogden, was recognized and introduced to the Senate a delegation of women of World War II: Nadeane Walker Anderson (WAC), Eleanor "Mickey" Brown (WASP), Eleanor Brunner (SPAR), Mary Cowden (MARINE), Pearle C. Crisler (WAVE), Rosa Lea Dickerson (WASP), Marion Hodgson (WASP), Mae Beth Molberg (ROSIE), Leola Hill Nelson (WAVE), Barbara Pearcy Norris (WAVE), and Betty Jo Reed (WASP), accompanied by their family members and friends.

The Senate welcomed its guests.

(Senator Brimer in Chair)

SENATE RESOLUTION 947

Senator Wentworth offered the following resolution:

WHEREAS, On this day, The Rotary Foundation's Group Study Exchange (GSE) team from District 9710 in Australia is visiting the State Capitol as a part of a tour of Central Texas' Rotary District 5870; and

WHEREAS, The GSE program promotes international understanding through personal contact between citizens of different nations, enhancing their international perspectives and instilling in them new communication and facilitation skills; and

WHEREAS, The accomplished men and women who constitute the Australian group bring a wealth of professional experience to this important endeavor; under the guidance of team leader Chris Shannon, a grazier, participants include veterinary nurse Jennifer Pheeny, veterinarian Peter Gibbs, beef cattle producer Helen Watson, and psychologist and multidisciplinary clinical team leader Tim Hudman; and

WHEREAS, While traveling the Hill Country, these distinguished visitors will not only see the sights and sounds of our unique corner of the world, but also share their viewpoints and expertise with their Texas counterparts, all the while forging greater bonds of understanding and gaining valuable insight into the workings of business around the world; now, therefore, be it

RESOLVED, That the Senate of the 80th Texas Legislature hereby welcome the members of the Australian Group Study Exchange team to the State Capitol and extend to them best wishes for an enjoyable and successful visit; and, be it further

RESOLVED, That an official copy of this resolution be prepared for each team member as an expression of high regard by the Texas Senate.

SR 947 was read and was adopted without objection.

GUESTS PRESENTED

Senator Wentworth was recognized and introduced to the Senate members of the Rotary Foundation's Group Study Exchange team from Australia.

The Senate welcomed its guests.

SENATE RESOLUTION 1000

Senator Gallegos offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Houston Professional Fire Fighters Association, International Association of Fire Fighters Local 341 for its many years of outstanding service to the firefighters of Houston; and

WHEREAS, Professional firefighters in Houston first organized in 1902 as part of the American Federation of Labor; these early union members were successful in establishing changes to the city's charter that improved the pensions of firefighters and police officers and authorized the construction and maintenance of municipal hospitals and orphanages; and

WHEREAS, The Houston Professional Fire Fighters Association became the International Association of Fire Fighters Local 341 on November 25, 1932, with 25 members; today, with more than 3,800 courageous men and women, the Houston Fire Department is the third-largest fire department in the nation, and Local 341 is the third-largest firefighters' union in the country; and

WHEREAS, The leadership and members of the Houston Professional Fire Fighters Association have worked to ensure appropriate wages for a skilled and dangerous profession, a pension that recognizes the limited number of working years, and modern protective clothing and equipment for firefighters; through its committed work with elected officials, the union has helped establish such safeguards as the Meet and Confer bill and the right to collectively bargain; and

WHEREAS, The Houston Professional Fire Fighters Association, International Association of Fire Fighters Local 341 has served its members and the Houston firefighters for 75 years and is truly deserving of recognition for its exceptional service and many accomplishments; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby commend the Houston Professional Fire Fighters Association, International Association of Fire Fighters Local 341 for 75 years of exemplary service to the Houston firefighters and to its union members; and, be it further

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

SR 1000 was read.

On motion of Senator Whitmire and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Gallegos, the resolution was adopted without objection.

GUESTS PRESENTED

Senator Gallegos was recognized and introduced to the Senate representatives of the Houston Professional Fire Fighters Association: George Fress, Past President 1995-1996, and Earl McWilliams, Past President 1960-1961.

The Senate welcomed its guests.

SENATE RESOLUTION 1001

Senator Gallegos offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Local 341 Houston Hispanic Firefighters Caucus on the occasion of its 25th anniversary; and

WHEREAS, Established in late 1981 by a small group of determined Houston firefighters, this organization has grown to be an influential and integral part of the City of Houston, the Houston Fire Department, and Local 341; and

WHEREAS, Comprised of Hispanic firefighters and paramedics, the Hispanic Firefighters Caucus has played a large role in improving the quality of life in the Houston community; this organization has assisted Houston residents with basic needs such as food, furniture, smoke detectors, and fire safety education; it has also provided Christmas gifts to children who would otherwise go without; and

WHEREAS, For over 25 years, firefighters involved with this organization have held annual fundraisers including barbecues, softball tournaments, golf tournaments, and benefit dances to raise funds for numerous community projects; the Hispanic Firefighters Caucus has achieved recognition from many civic and service organizations for its generous contributions to the citizens of Houston; and

WHEREAS, The Hispanic Firefighters Caucus also plays an active role in the legislative process, voicing the concerns of firefighters and the Houston community; its advocacy in fire safety and its benefits to its members are part of the caucus mission; and

WHEREAS, The Hispanic Firefighters Caucus also works with firefighters in Mexico and other Latin American countries to share firefighting techniques, educate new firefighters, and assist in obtaining firefighting equipment for those fire departments with limited resources; and

WHEREAS, The members of the Hispanic Firefighters Caucus have devoted many years to serving the Houston community, the Houston Fire Department, Local 341, and firefighters in Latin American countries; their patriotism, courage, and dedication are inspirational to all, and they are truly deserving of recognition; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby commend the Local 341 Houston Hispanic Firefighters Caucus for its advocacy on behalf of its members and the Houston community and extend congratulations to the caucus on its 25th anniversary; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the Local 341 Houston Hispanic Firefighters Caucus in honor of this special occasion.

SR 1001 was read.

On motion of Senator Whitmire and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Gallegos, the resolution was adopted without objection.

GUESTS PRESENTED

Senator Gallegos was recognized and introduced to the Senate representatives of the Local 341 Houston Hispanic Firefighters Caucus: John Ramirez, Past Chair 1981-1985; Juan Hernandez, Past Chair 1986-1991; and Richard Galvan, Past Chair 1992-1994; accompanied by Richard Gomez, Lorenzo Diaz, Enrique Guerra, and Robert Rocha.

The Senate welcomed its guests.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

May 9, 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 168, Relating to the State Bar of Texas fee to provide legal services to the indigent.

SB 242, Relating to the transfer to the State Office of Administrative Hearings of contested cases involving the collection, receipt, administration, and enforcement of state taxes and fees by the comptroller.

(Committee Substitute/Amended)

SB 377, Relating to the electronic payment of certain taxes and the electronic filing of certain reports.

(Committee Substitute)

SB 947, Relating to delivery of certain unclaimed money to a rural scholarship fund.

SB 1084, Relating to advertising in Department of Public Safety of the State of Texas driver's license mailings.

SB 1104, Relating to the conditions of employment for emergency medical services personnel employed by certain municipalities.

(Amended)

SB 1306, Relating to the attendance by a quorum of a governmental body at certain events under the open meetings law.

SB 1372, Relating to the operation of motor vehicles and commercial motor vehicles. (Committee Substitute)

SB 1430, Relating to designation of certain customer bill payment assistance program costs as an expense of operation that is a first lien against revenue securing certain public securities or obligations.

SB 1542, Relating to registration statements filed by an insurer that is a member of an insurance company holding system.

SB 1660, Relating to the creation of the Travis-Creedmoor Municipal Utility District; providing authority to impose taxes and issue bonds; granting the power of eminent domain.

SB 1836, Relating to the management and control of certain port improvements and facilities.

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

SB 1886, Relating to motor fuel taxes. (Amended)

SB 1977, Relating to the creation of Fort Bend County Municipal Utility District No. 189; providing authority to impose taxes and issue bonds; granting the power of eminent domain.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE RESOLUTION 993

Senator Zaffirini offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Audrey Glenn for her outstanding service on behalf of the Boys and Girls Club and her many contributions to the civic life of her community; and

WHEREAS, Audrey Glenn is the owner of The Write Shop, which offers a full line of office supplies, printing services, and educational products and holds contracts to supply national and state agencies and numerous school districts in the Three Rivers and George West area; and

WHEREAS, Mrs. Glenn has served on the board of the Boys and Girls Club since 2000 and was its president from 2003 through 2006; she was instrumental in organizing the master plan that was used in preparing its Parks and Wildlife grant application; and

WHEREAS, Mrs. Glenn has given generously of her time and energy to the Boys and Girls Club in many ways; she has given art supplies, thousands of copies, a fax machine, and other services to be used as payment in kind, and her generous donation of two vans has made the logistics of field trips much easier; and

WHEREAS, Mrs. Glenn was recognized by President Bush as an Outstanding Businesswoman in 2000 and she has been named Lions Club Citizen of the Year; she truly is deserving of recognition for her generosity and her many achievements; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby commend Audrey Glenn for her many contributions to the community and extend to her best wishes in all her future endeavors; and, be it further

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

SR 993 was read and was adopted without objection.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate Audrey Glenn representing the Boys and Girls Club, accompanied by her family.

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 the end of today's session.

There was no objection.

CONCLUSION OF MORNING CALL

The Presiding Officer, Senator Brimer in Chair, at 1:03 p.m. announced the conclusion of morning call.

SENATE BILL 1045 ON THIRD READING

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

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 21, Nays 10.

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

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

The bill was read third time and was passed by the following vote: Yeas 21, Nays 10. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 919 ON SECOND READING**

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 919** at this time on its second reading:

CSSB 919, Relating to the creation of The Lakes Municipal Utility and Management District of Tarrant County; providing the authority to issue bonds and impose 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 919 ON THIRD READING**

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 919** 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 1083 ON SECOND READING**

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1083** at this time on its second reading:

CSSB 1083, Relating to authorizing a judge or justice of the peace to request and obtain a copy of certain defendants' driving records from the Department of Public Safety of the State of Texas using TexasOnline.

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 1083 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 **CSSB 1083** 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 911 ON SECOND READING**

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 911** at this time on its second reading:

CSSB 911, Relating to the continuation and operation of the Texas Animal Health Commission; providing penalties.

The bill was read second time.

Senator Hegar offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 911** by adding the following appropriately numbered SECTION and renumbering the subsequent SECTIONS accordingly:

SECTION _____. Section 161.055, Agriculture Code, is amended by adding Subsection (d) to read as follows:

(d) Chapter 149 does not apply to animals tested by the commission under this section.

The amendment to **CSSB 911** was read and was adopted by a viva voce vote.

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

Nays: Van de Putte, Watson.

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

CSSB 911 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 911 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 **CSSB 911** 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 716 ON SECOND READING**

On motion of Senator Averitt and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 716** at this time on its second reading:

CSHB 716, Relating to mortgage fraud; providing criminal penalties.

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 716 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 **CSHB 716** 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 1993 ON SECOND READING**

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1993** at this time on its second reading:

CSSB 1993, Relating to the validation of acts and proceedings of the Lake View Management and Development District and the division of the district into two or more new districts.

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 1993 ON THIRD READING**

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1993** 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 836 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 836** at this time on its second reading:

CSSB 836, Relating to a program allowing for countywide voting locations in certain elections.

The bill was read second time.

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 836** (committee printing) as follows:

(1) At page 1, line 53 insert the following new subsection:

(f) In selecting countywide polling places, a county must adopt a methodology for determining where each polling place will be located. The total number of countywide polling places may not be less than 50 percent of the number of precinct polling places that would otherwise be located in the county.

(2) Renumber subsequent subsections accordingly.

The amendment to **CSSB 836** 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 836 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 836 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 836** 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 1484 ON SECOND READING**

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1484** at this time on its second reading:

CSSB 1484, Relating to the provision of accounting statements by a seller who finances the sale of residential real property owned by the seller; providing a civil penalty.

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 1484 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 1484** 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 1279 ON SECOND READING

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1279** at this time on its second reading:

HB 1279, Relating to the requirement that a detector for certain traffic-actuated electric traffic-control devices register the presence of a motorcycle.

The bill was read second time.

Senator Seliger offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1279** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill (page 1, line 20), between "installed" and "at", by inserting "and operating".

(2) Between SECTION 1 and SECTION 2 of the bill (page 1, between lines 26 and 27), by inserting the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION __. Section 544.0075, Transportation Code, as added by this Act, applies only to a detector that is installed, replaced, calibrated, or recalibrated in connection with a traffic-actuated electric traffic-control signal on or after the effective date of this Act.

The amendment to **HB 1279** 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 Watson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 1279 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 1279 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 **HB 1279** 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 1956 ON SECOND READING

On motion of Senator Jackson and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1956** at this time on its second reading:

HB 1956, Relating to the financial responsibility requirements applicable to owners or operators of underground storage tanks.

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 1956 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 **HB 1956** 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 770 ON SECOND READING

Senator Lucio moved to suspend the regular order of business to take up for consideration **HB 770** at this time on its second reading:

HB 770, Relating to requiring the Texas Department of Criminal Justice to provide notice to certain persons of the right to vote.

The motion prevailed.

Senators Brimer, Estes, Fraser, Harris, 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 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: Brimer, Estes, Fraser, Harris, Shapiro.

HOUSE BILL 770 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 **HB 770** be placed on its third reading and final passage.

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

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

Nays: Brimer, Estes, Fraser, Harris, Shapiro.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 5. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1285 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 1285** at this time on its second reading:

CSSB 1285, Relating to training for peace officers relating to the trafficking of persons.

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 1285 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 1285** 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.

GUESTS PRESENTED

Senator Ellis was recognized and introduced to the Senate fourth-grade students from Edgar Allan Poe Elementary School in Houston, accompanied by their teachers.

The Senate welcomed its guests.

AT EASE

The Presiding Officer, Senator Brimer in Chair, at 1:59 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

Senator Eltife at 2:18 p.m. called the Senate to order as In Legislative Session.

SENATE BILL 248 ON THIRD READING

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

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

The motion prevailed by the following vote: Yeas 23, Nays 7.

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

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

Absent: Fraser.

The bill was read third time.

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 1 on Third Reading

Amend **SB 248** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering 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 a brake capable of making a braked wheel skid on dry, level, clean pavement.

(b) A person may not operate a bicycle 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 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 except as follows:

Absent: Fraser.

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

SB 248 as again amended was finally passed by the following vote: Yeas 25, Nays 5.

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

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

Absent: Fraser.

SENATE BILL 230 ON SECOND READING

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 230** at this time on its second reading:

SB 230, Relating to the notification required when certain school students who engage in certain criminal conduct transfer to a new school.

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 230 ON THIRD READING

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 230** 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 893 WITH HOUSE AMENDMENT

Senator Zaffirini called **SB 893** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 893** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to international railroad toll bridges in certain counties.

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

SECTION 1. Subchapter A, Chapter 364, Transportation Code, is amended by adding Section 364.0001 to read as follows:

Sec. 364.0001. DEFINITION. In this chapter, "bridge" includes a bridge used by vehicles, pedestrians, or railroads, or a combination of vehicles, pedestrians, or railroads.

SECTION 2. Subchapter A, Chapter 364, Transportation Code, is amended by adding Section 364.004 to read as follows:

Sec. 364.004. AGREEMENTS RELATING TO TOLL BRIDGE. (a) A county may enter into and make payments under an agreement with a private entity or another governmental entity to acquire, construct, maintain, or operate a toll bridge, including an international toll bridge, and a private or governmental entity in this state may enter into an agreement with a county for that purpose.

(b) In connection with or in support of an agreement entered into under Subsection (a), the county may enter into a lease, an operating agreement, a service agreement, a license agreement, a franchise agreement, or a similar agreement with a private entity or another governmental entity.

SECTION 3. 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 was read.

Senator Zaffirini moved that the Senate do not concur in the House amendment, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 893** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Zaffirini, Chair; Shapleigh, Carona, Averitt, and Wentworth.

SENATE BILL 1989 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 1989** at this time on its second reading:

SB 1989, Relating to the powers and duties of the Cinco Southwest Municipal Utility District No. 4; 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 1989 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 1989** 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 500 WITH HOUSE AMENDMENT

Senator Hegar called **SB 500** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 500** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to the establishment of a tow truck rotation list in certain counties; providing a penalty.

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

SECTION 1. Subchapter E, Chapter 643, Transportation Code, is amended by adding Section 643.209 to read as follows:

Sec. 643.209. TOW ROTATION LIST IN CERTAIN COUNTIES. (a) In this section, "nonconsent tow" has the meaning assigned by Section 643.201.

(b) This section applies only to the unincorporated area of a county:

(1) with a population of 300,000 or more that is adjacent to a county with a population of 2.3 million or more;

(2) with a population of less than 10,000 that is located in a national forest; and

(3) adjacent to a county described by Subdivision (2) that has a population of less than 75,000.

(c) The sheriff's office may maintain a list of towing companies to perform nonconsent tows of motor vehicles initiated by a peace officer investigating a traffic accident or a traffic incident. The towing companies must operate in a county to which this section applies.

(d) A peace officer initiating a nonconsent tow of a motor vehicle involved in a traffic accident or traffic incident that the officer is investigating shall notify the sheriff's office that the tow is being initiated. The sheriff's office shall contact successive towing companies on the tow rotation list until a company agrees to carry out the tow.

(e) The sheriff's office may assess a towing company an administrative fee to be included on the tow rotation list in an amount not to exceed the amount necessary to implement this section.

(f) The commissioners court of a county in which a list is maintained under Subsection (c) shall adopt policies to implement this section in a manner that ensures:

(1) equal distribution of nonconsent tows among the towing companies that perform nonconsent tows in the county; and

(2) consumer protection, including fair pricing, for owners or operators of motor vehicles towed by towing companies on the tow rotation list.

(g) The sheriff's office shall make a list maintained under this section available for public inspection.

(h) In a county in which a list is maintained under Subsection (c), a person commits an offense if:

(1) the person arrives at the scene of a traffic accident or traffic incident to perform a nonconsent tow of a motor vehicle without first being contacted by the sheriff's office;

(2) the person directly or indirectly solicits, on streets located in the county, towing services, including towing, removing, repairing, wrecking, storing, trading, selling, or purchasing related to a vehicle that has been damaged in an accident to the extent that it cannot be normally and safely driven; or

(3) the person enters the scene of a traffic accident, traffic incident, or other area under the control of a peace officer without the permission of the peace officer.

(i) An offense under Subsection (h) is a misdemeanor punishable by a fine of not less than \$1 or more than \$200.

SECTION 2. This Act takes effect September 1, 2007.

The amendment was read.

Senator Hegar moved to concur in the House amendment to **SB 500**.

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

SENATE BILL 1463 WITH HOUSE AMENDMENT

Senator Seliger called **SB 1463** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 1463** on page 1, line 19, by adding after the underlined period:
"This subsection does not apply to a county described by Subsection (a)(13).

The amendment was read.

Senator Seliger moved to concur in the House amendment to **SB 1463**.

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

SENATE BILL 1634 WITH HOUSE AMENDMENT

Senator Wentworth called **SB 1634** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Committee Amendment No. 1

Amend **SB 1634** as follows:

On page 1, line 13 strike "private party" and substitute "person or entity".

The amendment was read.

Senator Wentworth moved to concur in the House amendment to **SB 1634**.

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

SENATE BILL 1107 WITH HOUSE AMENDMENT

Senator Watson called **SB 1107** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 1107** (House committee printing) by striking SECTION 4 of the bill (page 3, lines 9-21) and substituting the following:

SECTION 4. Subchapter B, Chapter 281, Health and Safety Code, is amended by adding Section 281.0281 to read as follows:

Sec. 281.0281. EMPLOYMENT OF HEALTH CARE PROVIDERS. (a) This section applies only to a district created in a county with a population of more than 800,000 that was not included in the boundaries of a hospital district before September 1, 2003.

(b) The board, as it considers necessary for the efficient operation of the district, may employ:

(1) physicians as provided in this section and Sections 162.001(c-4) and (c-5), Occupations Code; and

(2) dentists or other health care providers.

(c) The board may employ a licensed physician as a medical director if the physician:

(1) provides only policy, administrative, and managerial services; and

(2) does not provide direct patient care or otherwise practice medicine, as defined by Section 151.002, Occupations Code, at or for the district.

(d) This section does not authorize the board to supervise or control the practice of medicine or permit the unauthorized practice of medicine, as prohibited by Subtitle B, Title 3, Occupations Code.

The amendment was read.

Senator Watson moved to concur in the House amendment to **SB 1107**.

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

SENATE BILL 1673 WITH HOUSE AMENDMENT

Senator Averitt called **SB 1673** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 1673** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to the period after which a preconstruction permit issued or renewed by the Texas Commission on Environmental Quality under the Texas Clean Air Act is subject to review.

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

SECTION 1. Section 382.055(a), Health and Safety Code, is amended to read as follows:

(a) A preconstruction permit issued or renewed by the commission is subject to review to determine whether the authority to operate should be renewed according to the following schedule:

(1) a preconstruction permit issued before December 1, 1991, is subject to review not later than 15 years after the date of issuance;

(2) a preconstruction permit issued on or after December 1, 1991, is subject to review:

(A) every 10 years after the date of issuance; or

(B) on the filing of an application for an amendment to the permit, if:

(i) the applicant is subject to Section 382.056;

(ii) the application is filed with the commission not more than three years before the date the permit is scheduled to expire; and

(iii) the applicant does not object to having the permit subjected to review at that time; and

(3) for cause, a preconstruction permit issued on or after December 1, 1991, for a facility at a nonfederal source may contain a provision requiring the permit to be renewed at a period of between five and 10 years.

SECTION 2. 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 was read.

Senator Averitt moved to concur in the House amendment to **SB 1673**.

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

HOUSE BILL 991 ON SECOND READING

Senator Deuell moved to suspend the regular order of business to take up for consideration **HB 991** at this time on its second reading:

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

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

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

Nays: Brimer, Ellis, Hinojosa, Shapleigh, Van de Putte.

The bill was read second time.

Senator Wentworth offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 991** (Senate committee printing) by striking the bracketed language on page 1, lines 18 through 22, and substituting "The department shall, on written request and payment of a reasonable fee to cover costs of copying, disclose to any other individual whether a named individual who is a potential suspect or witness in an ongoing criminal investigation by a law enforcement agency in this state ~~[or any individual whose full name is listed on a specified written list]~~ is licensed under this subchapter."

The amendment to **HB 991** was read.

Senator Wentworth withdrew Floor Amendment No. 1.

HB 991 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: Brimer, Ellis, Hinojosa, Shapleigh.

HOUSE BILL 991 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 991** be placed on its third reading and final passage.

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

Yeas: Averitt, 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, West, Whitmire, Williams, Zaffirini.

Nays: Brimer, Ellis, Shapleigh.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 4.

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

Nays: Brimer, Ellis, Hinojosa, Shapleigh.

SENATE RULES SUSPENDED

(Posting Rules)

On motion of Senator Zaffirini and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Subcommittee on Higher Education might meet and consider the following bills today: **SB 1904, HB 3900.**

SENATE RULES SUSPENDED

(Posting Rules)

On motion of Senator Zaffirini and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Subcommittee on Higher Education might meet and consider **HB 606** tomorrow.

SENATE RULES SUSPENDED

(Posting Rules)

On motion of Senator Nichols 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 **HB 3132** today.

SENATE RULES SUSPENDED

(Posting Rules)

On motion of Senator Averitt and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Natural Resources might meet and consider **SB 2052** today at his desk.

SENATE RULE 11.10(a) SUSPENDED

(Public Notice of Committee Meetings)

On motion of Senator Estes and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Subcommittee on Agriculture, Rural Affairs, and Coastal Resources might meet today at his desk.

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

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

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 2458** today at Senator Whitmire's desk.

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.

RECESS

On motion of Senator Brimer, the Senate at 3:19 p.m. recessed until 4:30 p.m. today.

AFTER RECESS

The Senate met at 5:19 p.m. and was called to order by the President.

COMMITTEE SUBSTITUTE
SENATE BILL 2039 ON SECOND READING

On motion of Senator Ellis and by unanimous consent, Senate Rule 5.14(b), requiring that bills be posted on the Intent Calendar for two days, and the regular order of business were suspended to take up for consideration **CSSB 2039** at this time on its second reading:

CSSB 2039, Relating to the governance of certain state agencies.

The bill was read second time.

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 2039** (Senate committee printing) as follows:

(1) In SECTION 1.01, ARTICLE 1 of the bill, in the introductory language to that SECTION (page 1, line 14), strike "by adding Section 51.358" and substitute "by adding Sections 51.358 and 51.359".

(2) In SECTION 1.01, ARTICLE 1 of the bill, strike added Subsection (m), Section 51.358, Education Code, (page 2, lines 51 through 62), and substitute the following:

(m) The interim governing board shall prepare an annual financial statement for the university or university system. An audit of the financial statement must be prepared by the state auditor or, if the authority to contract for audit services is delegated by the state auditor in accordance with Section 321.020, Government Code, by an independent private auditor. The audit required by this subsection must include a review of a contract entered into by the university or university system that:

(1) is active; or

(2) the university or university system entered into during the two-year period immediately preceding the date the interim administration took effect.

(3) In SECTION 1.01, ARTICLE 1 of the bill, in added Subsection (r), Section 51.358, Education Code (page 3, line 35), strike "two" and substitute "three".

(4) In SECTION 1.01, ARTICLE 1 of the bill, immediately following added Section 51.358, Education Code (page 3, between lines 47 and 48), add the following:

Sec. 51.359. DENIAL OF EMPLOYMENT FOR CONTRIBUTION TO FINANCIAL OR ADMINISTRATIVE EXIGENCY. The interim governing board of a university or university system subject to an interim administration under Section 51.358 may make a determination that an individual's act or omission was a material cause of the condition of financial or administrative exigency at the university or university system that resulted in the interim administration. If the interim governing board makes a determination under this section, the individual shall be denied employment in an administrative capacity with the university or university system and any employment contract provision concerning administrative employment of that individual is void by the university or system.

(5) In SECTION 2.01, ARTICLE 2 of the bill, strike added Section 2116.001, Government Code (page 3, lines 55 through 61), and substitute the following:

Sec. 2116.001. DEFINITION. In this chapter, "state agency" means a department, commission, board, office, or other agency or entity governed by a commissioner or other officer appointed by the governor or by a board, commission, or other governing body with one or more members appointed by the governor that:

(1) is in the executive branch of state government; or

(2) is created by statute.

(6) In SECTION 2.01, ARTICLE 2 of the bill, strike added Subsection (b), Section 2116.024, Government Code (page 5, line 64 through page 6, line 5), and substitute the following:

(b) The interim administrator shall prepare an annual financial statement for the agency. An audit of the financial statement must be prepared by the state auditor or, if the authority to contract for audit services is delegated by the state auditor in accordance with Section 321.020, by an independent private auditor. The audit required by this subsection must include a review of a contract entered into by the agency that:

(1) is active; or

(2) the agency entered into during the two-year period immediately preceding the date the interim administration took effect.

(7) In SECTION 2.01, ARTICLE 2 of the bill, following added Section 2116.043, Government Code (page 7, between lines 6 and 7), insert the following:

SUBCHAPTER E. EMPLOYMENT PROVISIONS DURING INTERIM
ADMINISTRATION

Sec. 2116.061. DENIAL OF EMPLOYMENT FOR CONTRIBUTION TO FINANCIAL OR ADMINISTRATIVE EXIGENCY. The interim administrator or interim governing board or officer, as applicable, of a state agency subject to this chapter may make a determination that an individual's act or omission was a material cause of the condition of financial or administrative exigency at the agency that resulted in the interim administration or the abolition of the position of governing officer or the governing body. If the interim administrator, or interim governing board or officer, as applicable, makes a determination under this section, the individual shall be denied employment with the agency and any existing employment contract with that individual is void.

(8) Add the following SECTION and renumber subsequent SECTIONS appropriately:

SECTION __. Chapter 321, Government Code, is amended by adding Section 321.024 to read as follows:

Sec. 321.024. MEETING BY TELECOMMUNICATION DEVICE. (a) As an exception to Chapter 551 and other law, if a meeting is located in Austin and the joint chairs of the committee are physically present at the meeting, then any number of the other members of the committee may attend the meeting by use of telephone conference call, video conference call, or other similar telecommunication device.

(b) This section applies for purposes of constituting a quorum, for purposes of voting, and for any other purpose allowing a member of the committee to otherwise fully participate in any meeting of the committee, and applies only to a meeting held pursuant to Chapter 2104 or 2116 of this code, or Section 51.358, Education Code.

(c) A meeting held by use of telephone conference call, video conference call, or other similar telecommunication device:

(1) is subject to the notice requirements applicable to other meetings of the committee;

(2) must specify in the notice of the meeting the location in Austin of the meeting at which the joint chairs will be physically present;

(3) must be open to the public and shall be audible to the public at the location in Austin specified in the notice of the meeting as the location of the meeting at which the joint chairs will be physically present; and

(4) must provide two-way audio communication between all members of the committee attending the meeting during the entire meeting, and if the two-way audio communication link with any member attending the meeting is disrupted at any time, the meeting may not continue until the two-way audio communication link is reestablished.

The amendment to **CSSB 2039** 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 Brimer in Chair)

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

CSSB 2039 as amended was passed to engrossment by a viva voce vote.

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

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 2039 ON THIRD READING**

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 2039** 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 2057**.

SENATE BILLS ON FIRST READING

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

SB 2056 by Jackson

Relating to the creation of the Galveston Grand Beach Management District; providing authority to levy an assessment, impose a tax, and issue bonds.
To Committee on Natural Resources.

SB 2057 by Wentworth

Relating to recovery of attorney's fees for certain claims arising from the abandonment of hazardous wastes on the claimant's property.
To Committee on Jurisprudence.

HOUSE BILLS ON FIRST READING

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

HB 2992 to Committee on Transportation and Homeland Security.

HB 4008 to Committee on Jurisprudence.

GAVEL PRESENTED

The President presented Senator Zaffirini with the gavel that was used when she cast consecutive vote number 35,000.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Wentworth and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Jurisprudence might meet and consider **SB 2057** today.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Shapiro and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Education might meet and consider the following bills tomorrow: **SB 1904, HB 3900**.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Nelson and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Health and Human Services might meet and consider **SB 1292** tomorrow.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 5:50 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

SCR 74 by Eltife, In memory of Clinton Brady Thrasher of McAllen and Henderson.

SR 995 by Van de Putte, In memory of Robert Cone Perkins of San Antonio.

SR 996 by Van de Putte, In memory of Michael David Ramos.

SR 997 by Van de Putte, In memory of Ramon E. Carrillo of San Antonio.

SR 1002 by Williams, In memory of Private First Class Cory Christian Kosters of The Woodlands.

HCR 241 (Eltife), In memory of Heidi Lynn Fender of Mount Pleasant.

Congratulatory Resolutions

SR 998 by Ellis, Recognizing Northwest Preparatory Academy Charter School in Houston on the occasion of its promotion exercises.

SR 1003 by Williams, Recognizing Juanita Mason of Boling on the occasion of her 90th birthday.

SR 1006 by Uresti, Commending Harper Foley for his dedication to skeet shooting.

HCR 162 (Uresti), Commemorating the 125th anniversary of the town of Valentine.

HCR 238 (Eltife), Congratulating Aivee Tabangcora, Stephanie Smothermon, Jamie DiBello, and Stephanie Clifford of Paris High School for winning first place at the 2007 Texas Problem Solving State Bowl.

Official Designation Resolution

SR 967 by Van de Putte, Recognizing May 9, 2007, as Europe Day.

RECESS

On motion of Senator Whitmire, the Senate at 5:52 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:

May 9, 2007

INTERNATIONAL RELATIONS AND TRADE — **HB 2212, HB 2322, SCR 43**

NATURAL RESOURCES — **HB 386, HB 496, HB 576, HB 1138, HB 1382**

TRANSPORTATION AND HOMELAND SECURITY — **CSHB 323**

EDUCATION — **CSHB 273**

GOVERNMENT ORGANIZATION — **CSHB 921, CSHB 3140**

BUSINESS AND COMMERCE — **HB 54, HB 1365, HB 1871, HB 2393**

TRANSPORTATION AND HOMELAND SECURITY — **HB 693**

INTERGOVERNMENTAL RELATIONS — **SB 2054, HB 1401, HB 1472, HB 1910, HB 2338, HB 2618, HB 3084, HB 3138, HB 1100, HB 1820**

FINANCE — **CSSB 106**

SENT TO GOVERNOR

May 9, 2007

SB 189, SB 267, SB 336, SB 389, SB 399, SB 457, SB 458, SB 470, SB 493, SB 496, SB 497, SB 611, SB 722, SB 959, SB 1287, SB 1509, SB 1932

