

# SENATE JOURNAL

EIGHTIETH LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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SIXTIETH DAY

(Friday, May 11, 2007)

The Senate met at 9:13 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.

Senator Craig Estes offered the invocation as follows:

"For unto us a child is born, unto us a son is given: and the government shall be upon his shoulder: and his name shall be called Wonderful, Counsellor, The mighty God, The everlasting Father, The Prince of Peace. Of the increase of *his* government and peace *there shall be* no end, upon the throne of David, and upon his kingdom, to order it, and to establish it with, judgment and with justice from henceforth even for ever. The zeal of the Lord of hosts will perform this." (Isaiah 9:6-7)

Wonderful counsellor, we need Your counsel, mighty God, we need Your strength. Everlasting Father, prince of peace, give us lasting peace. I look forward to that great day when the government will be upon Your shoulders and the increase of Your government and peace will be endless. Hasten that day. Until then give us here in this Senate body wisdom and knowledge to govern Your people with justice and righteousness. 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-SPONSOR OF HOUSE BILL 1412**

On motion of Senator Deuell, Senator Uresti will be shown as Co-sponsor of **HB 1412**.

**(President in Chair)****GUESTS PRESENTED**

Senator Lucio was recognized and introduced to the Senate students from Stell Middle School in Brownsville, accompanied by their teachers.

The Senate welcomed its guests.

**PHYSICIAN OF THE DAY**

Senator Jackson was recognized and presented Dr. P. J. Mock of La Porte as the Physician of the Day, accompanied by his wife, Pat, and Dr. Chris Casso, resident physician.

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

**BILLS AND RESOLUTIONS SIGNED**

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

**SB 276, SB 277, SB 484, SB 823, SB 1253, SB 1264, SB 1617, HB 66, HB 1071, HB 1311, HB 1312, HB 1622, HCR 213, HCR 236, HCR 241.**

**MESSAGE FROM THE HOUSE**

## HOUSE CHAMBER

Austin, Texas

May 11, 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 89**, Relating to an exemption for certain political committees from the imposition of civil penalties for violating requirements for reporting political contributions and expenditures.

**HB 278**, Relating to the authority of a school district board of trustees to create a criminal offense for violation of a district policy.

**HB 283**, Relating to investigations and decisions regarding allegations of abuse, neglect, or exploitation of persons with disabilities by employees at certain facilities.

**HB 431**, Relating to the release of a defendant convicted of a state jail felony on medically recommended intensive supervision.

**HB 448**, Relating to the calculation of child support obligations.

**HB 555**, Relating to the use of parenting plans and parenting coordinators in suits affecting the parent-child relationship.

**HB 646**, Relating to an exemption from the sales tax for nonvehicular fuel cells.

**HB 1035**, Relating to the admissibility of certain hearsay statements made by a victim of abuse who is a child or a disabled individual.

**HB 1084**, Relating to the application of the sales and use tax to the sale of certain food products sold at school events.

**HB 1111**, Relating to prohibitions on and reporting concerning medical, psychiatric, and other research on children committed to the Texas Youth Commission.

**HB 1123**, Relating to certain penalties imposed for the destruction of a mailbox or other address identifier.

**HB 1458**, Relating to the allocation of revenue from the state hotel tax for certain purposes in certain municipalities.

**HB 1503**, Relating to allowing certain assistant district and county attorneys to carry weapons.

**HB 1613**, Relating to the delivery of prescription drugs for certain state health plans by mail order and to the payment of certain pharmacy or pharmacist claims; providing an administrative penalty.

**HB 1646**, Relating to the marital property interest in certain employee benefits and the statute of limitations applicable to certain actions asserting claims under marital property agreements.

**HB 1658**, Relating to information contained in a criminal street gang intelligence database.

**HB 1680**, Relating to the required payment of taxes by property owners who appeal certain ad valorem tax determinations.

**HB 1786**, Relating to certain regulations and licensing exemptions applying to certain child-care programs.

**HB 1801**, Relating to the date by which a prosecuting attorney may appeal certain orders, rulings, or sentences in a criminal case.

**HB 1849**, Relating to certain fees for valuing life insurance policies.

**HB 1915**, Relating to the creation of a fire department listing by the Texas Forest Service.

**HB 1978**, Relating to assessments for the Texas Health Insurance Risk Pool.

**HB 1993**, Relating to mandatory dismissal of certain suits affecting the parent-child relationship and involving the Department of Family and Protective Services.

**HB 2091**, Relating to municipal consent to the addition to a political subdivision of land located in the extraterritorial jurisdiction of the municipality.

**HB 2201**, Relating to the creation of a judicial district composed of Grimes and Waller Counties and to the composition of the 9th Judicial District.

- HB 2216**, Relating to the regulation of the sale of certain mobility motor vehicles equipped to transport a person with a disability.
- HB 2237**, Relating to high school success and college and workforce readiness programs in public schools.
- HB 2285**, Relating to the renewal period for a license or registration related to radioactive materials and other sources of radiation issued by the Department of State Health Services.
- HB 2300**, Relating to the carrying of weapons by certain judges and justices and district and county attorneys.
- HB 2365**, Relating to financial accounting and reporting for this state and political subdivisions of this state.
- HB 2383**, Relating to the provision of certain subsidies and scholarships to particular public school students or graduates.
- HB 2385**, Relating to the collection of fees by a district attorney, criminal district attorney, or county attorney for certain expenses related to pretrial intervention programs.
- HB 2402**, Relating to the authority granted to certain property owners' associations in dedicatory instruments and restrictive covenants.
- HB 2403**, Relating to prohibiting fees for future transfers of real property.
- HB 2414**, Relating to hunting from public roads or rights-of-way.
- HB 2460**, Relating to the continuation and functions of the Texas Commission on the Arts.
- HB 2493**, Relating to the applicability of restrictions on the representation of a person before a state regulatory agency by a former employee of the agency.
- HB 2529**, Relating to the scheduling and field testing of assessment instruments on public school campuses.
- HB 2563**, Relating to the powers and duties of the boards of trustees and superintendents of independent school districts and of regional education service centers.
- HB 2566**, Relating to a document or instrument filed by an inmate with a court concerning real or personal property.
- HB 2709**, Relating to the deposit of certain public funds with federally insured financial institutions.
- HB 2733**, Relating to the creation of an office of state contract management by the attorney general.
- HB 2864**, Relating to a pilot program to provide supplemental technology-based instruction to students in rural school districts.
- HB 2935**, Relating to the regulation of cigarettes; providing a penalty.
- HB 2982**, Relating to the ad valorem tax appraisal of oil or gas interests.

**HB 3083**, Relating to the creation of a judicial district in Grayson County and to the composition of the 6th Judicial District and the 336th Judicial District.

**HB 3093**, Relating to verification of a customer's zip code in a credit card transaction.

**HB 3098**, Relating to the fees imposed by the Texas Commission on Environmental Quality in connection with plans that are subject to review and approval under the commission's rules for the protection of the Edwards Aquifer.

**HB 3107**, Relating to the creation and re-creation of funds and accounts in the state treasury, the dedication and rededication of revenue, and the exemption of unappropriated money from use for general governmental purposes.

**HB 3147**, Relating to claims against a contractor for construction of common elements under a condominium or cooperative system.

**HB 3168**, Relating to incentives for and the regulation of biofuel production and distribution in this state.

**HB 3195**, Relating to the requirements of a municipal or county budget that raises more property taxes than in the previous year's budget.

**HB 3197**, Relating to expunction of a notice of lis pendens.

**HB 3200**, Relating to funding for community supervision and corrections departments.

**HB 3202**, Relating to the provision of a competitive grant program at the Texas Education Agency for funding disciplinary programs for at-risk youth.

**HB 3220**, Relating to the environmental regulation and remediation of dry cleaning facilities.

**HB 3222**, Relating to a business's duty to protect and safeguard sensitive personal information contained in its customer records.

**HB 3223**, Relating to public improvement districts designated by a county or municipality.

**HB 3300**, Relating to classifying llamas, alpacas, and exotic livestock as livestock under the Agriculture Code.

**HB 3358**, Relating to prior approval of property and casualty insurance rates under certain circumstances.

**HB 3378**, Relating to the requirements governing municipal consent to the creation or expansion of certain water districts.

**HB 3382**, Relating to providing certain computerized instructional material for blind and visually impaired students at public institutions of higher education.

**HB 3407**, Relating to the appointment of emergency services boards in districts located in more than one county.

**HB 3441**, Relating to the erection and maintenance of tourist-oriented directional signs on eligible highways.

**HB 3470**, Relating to the program of supplemental health coverage for individuals eligible under the TRICARE military health system offered through the Employees Retirement System of Texas.

**HB 3502**, Relating to the protection and preservation of caves; providing penalties.

**HB 3513**, Relating to temporary change of ownership licenses for nursing home facilities.

**HB 3549**, Relating to court costs imposed on conviction and deposited to the courthouse security fund for a county.

**HB 3578**, Relating to the confidentiality of certain communications involving an ombudsman program established by an employer as an alternative dispute resolution service.

**HB 3583**, Relating to the composition, appointment, and training of the board of directors of an appraisal district and to the officers and conduct of an appraisal review board.

**HB 3618**, Relating to certain health programs and grants and other related funds for school districts located in the border region.

**HB 3624**, Relating to the protection of coastal resources; providing for administrative penalties.

**HB 3693**, Relating to energy demand, energy load, energy efficiency incentives, energy programs, and energy performance measures.

**HB 3735**, Relating to a diabetes demonstration pilot program.

**HB 3739**, Relating to fees on the delivery of certain petroleum products.

**HB 3860**, Relating to the authority of emergency service districts to receive property from other political subdivisions without complying with notice and bidding requirements for the sale or exchange of land.

**HCR 221**, Congratulating Wesley and Bertha Krueger of Houston on their 50th wedding anniversary.

**HCR 244**, In memory of Brent Douglas Wilson of Paris.

**HCR 245**, In memory of Calvin Dudley of Paris.

**HCR 246**, In memory of Janie D. "Mimi" Buster of the Caviness community.

**SB 625**, Relating to restrictions on the interchange of transplant immunosuppressant drugs.

(Amended)

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

**HB 34** (141 Yeas, 0 Nays, 2 Present, not voting)

**HB 402** (134 Yeas, 0 Nays, 2 Present, not voting)

THE HOUSE HAS REFUSED TO CONCUR IN SENATE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

**HB 1270** (non-record vote)

House Conferees: Eissler - Chair/Branch/Dutton/Hochberg/Kolkhorst

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

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

On motion of Senator Brimer and by unanimous consent, Senate Rule 11.13 was suspended to grant all committees permission to meet while the Senate was meeting today.

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

On motion of Senator Jackson and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Nominations might meet today at 10:00 a.m.

**INTRODUCTION OF  
BILLS AND RESOLUTIONS POSTPONED**

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

There was no objection.

**CONCLUSION OF MORNING CALL**

The President at 9:43 a.m. announced the conclusion of morning call.

**GUESTS PRESENTED**

Senator Watson was recognized and introduced to the Senate third-grade students and their teachers from Maplewood Elementary School in Austin.

The Senate welcomed its guests.

**SENATE RESOLUTION 999**

Senator Estes offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to welcome the 2007 China Textiles Materials Trade and Cooperation Delegation to Austin and to declare May 11, 2007, the 2007 China Textiles Materials Trade and Cooperation Delegation Day at the State Capitol; and

WHEREAS, The 2007 China Textiles Materials Trade and Cooperation Delegation will visit the Lone Star State and meet with cotton merchants, producers, cooperatives, and ginners and other cotton industry representatives; the purpose of their trip to the United States is to purchase 350,000 tons of cotton; and

WHEREAS, The members of this distinguished delegation, which includes important officials from the Ministry of Commerce, are making Texas their first stop on their visit to the United States; and

WHEREAS, China is an important trading partner with Texas and a prominent buyer of Texas cotton; the visit of the Chinese delegation offers an opportunity to honor the enduring ties and loyal friendship between China and the State of Texas; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby extend a warmhearted welcome to the Chinese delegation and declare May 11, 2007, to be the 2007 China Textiles Materials Trade and Cooperation Delegation Day at the State Capitol; and, be it further

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

ESTES  
LUCIO

**SR 999** 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 Estes, the resolution was adopted without objection.

#### **GUESTS PRESENTED**

Senator Estes, joined by Senator Lucio, was recognized and introduced to the Senate the Chinese delegation representing 2007 China Textiles Materials Trade and Cooperation Delegation Day at the State Capitol.

The Senate welcomed its guests.

#### **COMMITTEE SUBSTITUTE SENATE BILL 2042 ON SECOND READING**

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 2042** at this time on its second reading:

**CSSB 2042**, Relating to the authority of the New Sweden Municipal Utility District No. 1 and municipalities with extraterritorial jurisdiction in the district to enter into annexation and tax allocation agreements.

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 2042 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 2042** 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 421 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 421** at this time on its second reading:

**HB 421**, Relating to the creation of the office of criminal district attorney of Fannin County and to the abolition of the office of county attorney of Fannin County.

The bill was read second time.

Senator Deuell offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **HB 421** (Senate committee printing) as follows:

(1) Strike SECTION 3 of the bill (page 1, line 42, through page 2, line 4) and renumber subsequent SECTIONS of the bill accordingly.

(2) In SECTION 5 of the bill (page 2, line 33), between "abolished" and the period, insert "on January 1, 2009".

(3) Strike SECTION 6 of the bill (page 2, line 34) and substitute the following appropriately numbered SECTIONS:

SECTION \_\_\_\_\_. Notwithstanding Section 41.010, Government Code, the initial vacancy in the office of criminal district attorney of Fannin County on creation of the office shall be filled by election. The office of criminal district attorney of Fannin County exists only for the purposes of the primary and general elections in 2008. The qualified voters of the county shall elect the initial criminal district attorney of Fannin County at the general election in 2008 for a four-year term beginning January 1, 2009. Thereafter, the criminal district attorney of Fannin County shall be elected for a four-year term as provided by Section 30, Article V, Texas Constitution. A vacancy after the initial vacancy is filled as provided by Section 12, Article IV, Texas Constitution.

SECTION \_\_\_\_\_. This Act takes effect January 1, 2008.

The amendment to **HB 421** 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 Deuell and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**HB 421** 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 421 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 421** 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 2043 ON SECOND READING**

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 2043** at this time on its second reading:

**CSSB 2043**, Relating to the authority of the New Sweden Municipal Utility District No. 2 and municipalities with extraterritorial jurisdiction in the district to enter into annexation and tax allocation agreements.

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 2043 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 2043** 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 573 WITH HOUSE AMENDMENT**

Senator Brimer called **SB 573** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

**Amendment**

Amend **SB 573** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED  
AN ACT

relating to an interim study concerning the breeding of white-tailed and mule deer in this state.

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

SECTION 1. (a) A select interim committee is created to study the practice of breeding white-tailed and mule deer in this state. The committee's study must include, but is not limited to, an examination of:

- (1) the operation of breeding facilities in this state;
- (2) whether any barriers exist that prevent the breeding industry from operating in the most efficient, effective manner;
- (3) whether any opportunities exist that could improve or enhance the breeding industry in this state; and

(4) responsibility for disease control and associated issues of liability and indemnification.

(b) The committee consists of the following 10 members:

(1) three members appointed by the lieutenant governor, two of whom must be senators and one of whom must be a nonelected individual who holds a permit under Subchapter L, Chapter 43, Parks and Wildlife Code;

(2) three members appointed by the speaker of the house of representatives, two of whom must be representatives and one of whom must be a nonelected individual who holds a permit under Subchapter L, Chapter 43, Parks and Wildlife Code;

(3) three members appointed by the governor, one of whom must be a nonelected individual who holds a permit under Subchapter L, Chapter 43, Parks and Wildlife Code, and the other members shall not be employed by a governmental entity; and

(4) one member appointed by the chair of the Parks and Wildlife Commission who is not employed by a governmental entity.

(c) The members of the committee shall elect a presiding officer from among its members.

(d) The committee shall convene at the call of the presiding officer.

(e) The committee has all other powers and duties provided to a special or select committee by the rules of the senate and house of representatives, by Subchapter B, Chapter 301, Government Code, and by policies of the senate and house committees on administration.

(f) From the contingent expense fund of the senate and the contingent expense fund of the house of representatives equally, the members of the committee are entitled to reimbursement for expenses incurred in carrying out the provisions of this Act in accordance with the rules of the senate and house of representatives and the policies of the senate and house committees on administration.

(g) Not later than February 1, 2009, the committee shall report the committee's findings and recommendations to the lieutenant governor, the speaker of the house of representatives, and the members of the 81st Legislature.

(h) Not later than the 60th day after the effective date of this Act, the lieutenant governor, the speaker of the house of representatives, and the governor shall appoint the members of the interim committee created under this section.

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

The amendment was read.

Senator Brimer moved to concur in the House amendment to **SB 573**.

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

### **SENATE CONCURRENT RESOLUTION 43 ON SECOND READING**

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **SCR 43** at this time on its second reading:

**SCR 43**, Memorializing Congress to enact the Secure Border Crossing Card Entry Act of 2007.

The resolution was read second time and was adopted by a viva voce vote.

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

**COMMITTEE SUBSTITUTE  
HOUSE BILL 2685 ON SECOND READING**

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2685** at this time on its second reading:

**CSHB 2685**, Relating to certain requirements for issuance of a marriage license, including an optional premarital education course.

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 2685 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 **CSHB 2685** 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 2683 ON SECOND READING**

Senator Estes moved to suspend the regular order of business to take up for consideration **CSHB 2683** at this time on its second reading:

**CSHB 2683**, Relating to funding for programs that support the development of healthy marriages or the strengthening of families.

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

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

Nays: Eltife, Harris, Jackson, Nichols, Seliger.

The bill was read second time.

Senator Estes offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSHB 2683** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 31.018, Human Resources Code (page 1, line 42), between "FUNDING." and "To", insert "(a)".

(2) In SECTION 1 of the bill, immediately following added Section 31.018, Human Resources Code (page 1, between lines 50 and 51), insert the following:

(b) Using not more than 10 percent of the money required to be spent as provided by Subsection (a), the Health and Human Services Commission, through a contract or agreement with a public senior college or university, as defined by Section 61.003, Education Code, shall establish a process for evaluating the best practices and outcomes of programs funded under Subsection (a).

The amendment to **CSHB 2683** 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 Estes and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSHB 2683** as amended was passed to third reading by the following vote: Yeas 26, Nays 5.

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

Nays: Eltife, Harris, Jackson, Nichols, Seliger.

### **COMMITTEE SUBSTITUTE HOUSE BILL 2683 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 **CSHB 2683** be placed on its third reading and final passage.

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

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

Nays: Eltife, Harris, Jackson, Nichols, Seliger.

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

### **MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

May 11, 2007

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

**HCR 207**, Honoring retired United States Air Force Lieutenant Colonel Richard Cole, the last surviving member of General Jimmy Doolittle's crew.

**HCR 208**, Congratulating the City of Killeen on being named the Association of Defense Communities 2006 Active Base Community of the Year.

**HCR 209**, In memory of Gracie Ray Anne Williams of Bogata.

**HCR 214**, Honoring radio station KSST in Sulphur Springs on its 60th anniversary.

**HCR 215**, In memory of Mary Celeste Morrison Fasken Marcum of Midland.

**HCR 216**, Honoring nine-year-old Katie Chaix of Paris, Texas, for saving her little sister's life.

**HCR 217**, Honoring the building firm of Harrison, Walker & Harper for its award-winning restoration and construction projects in Texas.

**HCR 218**, In memory of James William "Billy" Daniel of Mount Pleasant.

**HCR 219**, Recognizing April 24-29, 2007, as Cover the Uninsured Week 2007 at the State Capitol.

**SCR 61**, Commending South Plains College for its 50 years of progress.

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

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

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

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

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

**AT EASE**

The President at 10:19 a.m. announced the Senate would stand At Ease subject to the call of the Chair.

**IN LEGISLATIVE SESSION**

The President at 12:09 p.m. called the Senate to order as In Legislative Session.

**REPORT OF COMMITTEE ON NOMINATIONS**

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

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

Member, The Texas A&M University System Board of Regents: Ida Louise Clement "Weisie" Steen, Bexar County.

Members, Texas Southern University Board of Regents: Gary Bledsoe, Travis County; Richard Holland, Collin County; Glenn Lewis, Tarrant County; E. Javier Loya, Harris County; Richard Salwen, Travis County.

Member, The University of Texas System Board of Regents: Colleen McHugh, Nueces County.

**SENATE RULE 14.02 SUSPENDED  
(Notice Rule)**

On motion of Senator Jackson and by unanimous consent, Senate Rule 14.02 was suspended in order to consider for confirmation those nominees reported today by the Committee on Nominations.

**SESSION TO CONSIDER EXECUTIVE APPOINTMENTS**

The President announced the time had arrived to consider executive appointments to agencies, boards, and commissions.

Senator Jackson moved confirmation of the nominees reported today by the Committee on Nominations.

The President asked if there were requests to sever nominees.

There were no requests offered.

**NOMINEES CONFIRMED**

The following nominees, as reported by the Committee on Nominations, were confirmed by the following vote: Yeas 31, Nays 0.

Member, The Texas A&M University System Board of Regents: Ida Louise Clement "Weisie" Steen, Bexar County.

Members, Texas Southern University Board of Regents: Gary Bledsoe, Travis County; Richard Holland, Collin County; Glenn Lewis, Tarrant County; E. Javier Loya, Harris County; Richard Salwen, Travis County.

Member, The University of Texas System Board of Regents: Colleen McHugh, Nueces County.

**BILLS AND RESOLUTIONS SIGNED**

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

**HB 770, HB 991, HB 1956, HB 3169, HB 3718, HCR 162, HCR 238.**

**(Senator Brimer in Chair)**

**MOTION TO PLACE  
COMMITTEE SUBSTITUTE  
SENATE BILL 1308 ON SECOND READING**

Senator Wentworth moved to suspend the regular order of business to take up for consideration **CSSB 1308** at this time on its second reading:

**CSSB 1308**, Relating to the closing of a residential mortgage loan transaction and liability of certain persons involved in the appraisal process.

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

#### **GUEST PRESENTED**

Senator Zaffirini was recognized and introduced to the Senate José Natividad González Parás, Governor of Nuevo Leon, Mexico.

The Senate welcomed its guest.

#### **COMMITTEE SUBSTITUTE HOUSE BILL 522 ON SECOND READING**

On motion of Senator Duncan and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 522** at this time on its second reading:

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

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 522 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 **CSHB 522** 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 1537 ON SECOND READING**

On motion of Senator Fraser and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1537** at this time on its second reading:

**CSSB 1537**, Relating to the authority of certain general-law municipalities to add area to their extraterritorial jurisdiction on the request of area property owners.

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 1537 ON THIRD READING**

Senator Fraser moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1537** 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 88 ON SECOND READING**

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 88** at this time on its second reading:

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

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **HB 88** (Senate committee printing page 1, between lines 11 and 12) by inserting the following appropriately numbered Section and renumbering subsequent Sections accordingly:

SECTION \_\_\_\_ . This Act shall be known as Simba's Law.

The amendment to **HB 88** was read.

Senator Seliger, on behalf of Senator Brimer, offered the following amendment to Floor Amendment No. 1:

**Floor Amendment No. 2**

Amend Floor Amendment No. 1 to **HB 88** as follows:

Between "Simba's" and "Law" (page 1, line 4) insert the following:

", Chaba's, Dudley's, Bruiser's, Grace's, Caracticus's, Striper's, Sadie's, Matilda's, Bea's, Chihuahua's, Susie's, YoYo's, Skylar's, Cleo's, SFB's, Watch Bear's, Baxter's, Maggie's, Muffin's, Prince's, Boomer's, Hobo's, Emma's, Barcly's, Ralph's, Hershey's, Piper's, Emily's, Lucy's, Chula's, and Ramsey's"

The amendment to Floor Amendment No. 1 to **HB 88** 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.

Question recurring on the adoption of Floor Amendment No. 1 to **HB 88**, the amendment as amended was adopted by a viva voce vote.

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

Senator Lucio offered the following amendment to the bill:

**Floor Amendment No. 3**

Amend **HB 88** (committee printing) by adding a new appropriately numbered Subsection and renumbering subsequent subsections accordingly:

( ) priority efforts and assistance shall be afforded to appropriately documented Mexican Chihuahua breed canines,

The amendment to **HB 88** was read and was adopted by a viva voce vote.

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

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

**HB 88** 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 88 ON THIRD READING**

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 88** 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 11, 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 66**, Relating to the construction of cattle guards on county roads.  
(Amended)

**SB 291**, Relating to criminal history record information for guardianship proceedings and to lists of certain public guardians; providing a criminal penalty.  
(Committee Substitute/Amended)

**SB 404**, Relating to the Bee Groundwater Conservation District.

**SB 680**, Relating to certain swimming pools as public nuisances in the unincorporated areas of counties.

(Committee Substitute)

**SB 1069**, Relating to the creation of the Fort Bend County Municipal Utility District No. 183; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

(Committee Substitute)

**SB 1222**, Relating to the licensing and regulation of appliance installers and appliance installation contractors.

(Amended)

**SB 1360**, Relating to the procedural requirements for a political subdivision to adopt airport zoning regulations.

**SB 1950**, Relating to the name, governing body, and boundaries of the Tri-County Groundwater Conservation District.

**SB 1960**, Relating to the creation of the Lamar Improvement District; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

**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.

**SB 1981**, Relating to the terms of office for directors of the Lost Pines Groundwater Conservation District.

**SB 1982**, Relating to the creation of the York Valley Municipal Utility District; providing authority to impose taxes and issue bonds; granting the power of eminent domain.

**SB 2018**, Relating to the creation of an additional statutory county court in Hunt County.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

### HOUSE BILL 1380 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 1380** at this time on its second reading:

**HB 1380**, Relating to court security and the use of money in courthouse security and municipal court building security funds.

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 1380 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 1380** 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 420 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 420** at this time on its second reading:

**CSSB 420**, Relating to establishing a health science center and medical school in the Rio Grande Valley.

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **CSSB 420** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Subsection (a), Section 74.751, Education Code, between "appropriate" and the period (page 1, line 25), insert the following:  
, including:

(1) research and training facilities at The University of Texas–Pan American and The University of Texas at Brownsville that are used to support the health science center; and

(2) additional research programs and facilities in the Edinburg metropolitan area

(2) In SECTION 1 of the bill, in added Subsection (b), Section 74.751, Education Code (page 1, line 27), strike "Cameron, Hidalgo, Starr, and Willacy Counties" and substitute "Brooks, Cameron, Hidalgo, Jim Hogg, Kenedy, Starr, Willacy, and Zapata Counties".

(3) In SECTION 1 of the bill, immediately following added Subsection (b), Section 74.751, Education Code (page 1, between lines 29 and 30), insert the following:

(c) The board of regents shall require that courses for the first two years of a degree program preparing students for licensure as physicians that is offered by the health science center be held at The University of Texas at Brownsville. Other courses for the program must be held at the main campus of the health science center except as otherwise necessary to operate the program.

(4) In SECTION 1 of the bill, in added Subsection (a), Section 74.754, Education Code, between "region" and "to participate" (page 1, line 46), insert ", including The University of Texas–Pan American and The University of Texas at Brownsville,".

The amendment to **CSSB 420** 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.

**CSSB 420** 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 420 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 420** 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 564 ON SECOND READING**

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 564** at this time on its second reading:

**CSHB 564**, Relating to the administration and operation of certain trusts and other property interests held for the benefit of another.

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 564 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 **CSHB 564** 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 2176 ON SECOND READING**

Senator West moved to suspend the regular order of business to take up for consideration **HB 2176** at this time on its second reading:

**HB 2176**, Relating to a parenting and paternity awareness component of the high school health curriculum.

The motion prevailed.

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

The bill was read second time and was passed to 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: Harris, Nichols.

### HOUSE BILL 2176 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 **HB 2176** be placed on its third reading and final passage.

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

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

Nays: Harris, Nichols.

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

### SENATE BILL 107 ON SECOND READING

Senator Ellis moved to suspend the regular order of business to take up for consideration **SB 107** at this time on its second reading:

**SB 107**, Relating to exemptions from the sales tax for certain school supplies and instructional materials.

The motion prevailed.

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

The bill was read second time.

Senator Ellis offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **SB 107** (Senate committee printing) in SECTION 1 of the bill by striking added Section 151.327, Tax Code (page 1, line 13, through page 2, line 6), and substituting the following:

Sec. 151.327. SCHOOL BACKPACKS BEFORE START OF SCHOOL. (a) The sale or storage, use, or other consumption of a school backpack is exempted from the taxes imposed by this chapter if the backpack is purchased:

(1) for use by a student in a public or private elementary or secondary school;

(2) during the period described by Section 151.326(a)(2); and

(3) for a sales price of less than \$100.

(b) A retailer is not required to obtain an exemption certificate stating that school backpacks are purchased for use by students in a public or private elementary or secondary school unless the backpacks are purchased in a quantity that indicates that the backpacks are not purchased for use by students in a public or private elementary or secondary school.

The amendment to **SB 107** 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 Ellis and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**SB 107** as amended was passed to engrossment by a viva voce vote.

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

Nays: Seliger.

#### **SENATE BILL 107 ON THIRD READING**

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 107** be placed on its third reading and final passage.

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

Nays: Seliger.

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

**(President in Chair)**

#### **COMMITTEE SUBSTITUTE**

#### **SENATE BILL 62 ON SECOND READING**

Senator Van de Putte, on behalf of Senator Zaffirini, moved to suspend the regular order of business to take up for consideration **CSSB 62** at this time on its second reading:

**CSSB 62**, Relating to the creation of the individual development account program to provide savings incentives and opportunities to eligible low-income individuals and households.

The motion prevailed.

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

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

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

Nays: Harris, Patrick, Williams.

**COMMITTEE SUBSTITUTE  
SENATE BILL 62 ON THIRD READING**

Senator Van de Putte, on behalf of 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 **CS SB 62** 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, Hegar, Hinojosa, Jackson, Janek, Lucio, Nelson, Nichols, Ogden, Seliger, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Harris, Patrick, Williams.

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

**COMMITTEE SUBSTITUTE  
HOUSE BILL 1251 ON SECOND READING**

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

**CS HB 1251**, Relating to a public agency's, county's, or municipality's authority to enforce a solid waste collection and transportation services franchise.

The bill was read second time.

Senator Shapleigh offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CS HB 1251** by striking SECTION 1 of the bill (Senate committee printing, page 1, lines 14-28) and substituting:

SECTION 1. Section 364.034, Health and Safety Code, is amended by amending Subsection (e) and adding Subsections (f) and (g) to read as follows:

(e) ~~Except as provided by Subsections (f) and (g), nothing [This section does not apply to a person who provides the public or private entity, public agency, or county with written documentation that the person is receiving solid waste disposal services from another entity. Nothing]~~ in this section shall limit the authority of a public agency, including a county or a municipality, to enforce its grant of a franchise or contract for solid waste collection and transportation services within its territory. Except as provided by Subsection (f), the governing body of a municipality may provide that a contract it grants for solid waste collection and transportation services under this section or under other law supersedes inside of the municipality's boundaries any other contract adopted under this section.

(f) Notwithstanding the other provisions of this section, a political subdivision, including a county or a municipality, may not restrict the right of an entity to contract with a licensed waste hauler for the collection and removal of domestic septage or of grease trap waste, grit trap waste, lint trap waste, or sand trap waste.



(g) Except as provided by this subsection, a person is exempt from the application of a requirement adopted by a public agency or county under Subsection (a) if the person, on the date the requirement is adopted, is receiving under a contract in effect on that date solid waste disposal services at a level that is the same as or higher than the level of services that otherwise would be required. The exception provided by this subsection does not apply to a requirement adopted under this section by a municipality. To qualify for the exemption provided by this subsection, the person must provide to the public agency or county written documentation acceptable to the public agency or county not later than the 30th day before the date the otherwise required services are scheduled to begin. The exemption is effective only until the date the term of that contract expires according to the terms of that contract as provided on the date the requirement is adopted. This subsection does not exempt from the adopted requirement a person whose contract is extended, by option or otherwise, after the date the requirement is adopted. The person who provides solid waste disposal services to a person who qualifies for the exemption shall notify the public agency or county that the services under the contract have stopped not later than the 15th day after the date those services are stopped for any reason.

The amendment to **CSHB 1251** was read and was adopted by the following vote: Yeas 14, Nays 9.

Yeas: Deuell, Ellis, Eltife, Estes, Janek, Lucio, Nichols, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Zaffirini.

Nays: Averitt, Brimer, Fraser, Harris, Jackson, Nelson, Patrick, Seliger, Williams.

Absent: Carona, Duncan, Gallegos, Hegar, Hinojosa, Ogden, Shapiro, Whitmire.

Senator Lucio offered the following amendment to the bill:

### **Floor Amendment No. 2**

Amend **CSHB 1251** (committee printing) on page 1, line 29, by adding a new Subsection (g) as follows:

(g) Subsection (f) does not apply to:

(1) a county that is adjacent to an international boundary; or

(2) a municipality located in a county that is adjacent to an international

border.

The amendment to **CSHB 1251** was read.

On motion of Senator Wentworth, Floor Amendment No. 2 was tabled by the following vote: Yeas 17, Nays 10.

Yeas: Averitt, Brimer, Deuell, Eltife, Estes, Fraser, Hegar, Janek, Nichols, Patrick, Seliger, Shapleigh, Watson, Wentworth, West, Whitmire, Williams.

Nays: Ellis, Gallegos, Harris, Hinojosa, Jackson, Lucio, Nelson, Uresti, Van de Putte, Zaffirini.

Absent: Carona, Duncan, Ogden, Shapiro.

Senator Wentworth moved to postpone further consideration of the bill until Monday, May 14, 2007.

The motion prevailed.

Question — Shall **CSHB 1251** as amended be passed to third reading?

**COMMITTEE SUBSTITUTE  
SENATE BILL 1308 ON SECOND READING**

Senator Wentworth again moved to suspend the regular order of business to take up for consideration **CSSB 1308** at this time on its second reading:

**CSSB 1308**, Relating to the closing of a residential mortgage loan transaction and liability of certain persons involved in the appraisal process.

The motion prevailed by the following vote: Yeas 20, Nays 7.

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

Nays: Brimer, Eltife, Fraser, Harris, Nichols, Patrick, Uresti.

Absent: Carona, Duncan, Gallegos, Ogden.

The bill was read second time.

Senator Wentworth offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1308** in SECTION 2 of the bill, added Section 1103.406, Occupations Code (committee printing page 1, line 48), by striking "negligently" and substituting "with gross negligence".

The amendment to **CSSB 1308** 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 Wentworth offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **CSSB 1308** as follows:

(1) In SECTION 1 of the bill, in proposed Subsection (b), Section 2652.007, Insurance Code (Senate committee printing, page 1, line 38), strike "strict".

(2) In SECTION 1 of the bill, in proposed Section 2652.007, Insurance Code (Senate committee printing, page 1, between lines 41 and 42), insert the following:

(c) An escrow agent may not be held liable under this section except for a willful or grossly negligent violation of this section.

(3) In SECTION 1 of the bill, in proposed Subsection (c), Section 2652.007, Insurance Code (Senate committee printing, page 1, line 42), strike "(c)" and substitute "(d)".

The amendment to **CSSB 1308** 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.

**CSSB 1308** as amended was passed to engrossment by a viva voce vote.

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

Nays: Averitt, Brimer, Eltife, Fraser, Harris, Nichols, Patrick, Uresti.

### **GUESTS PRESENTED**

Senator Lucio was recognized and introduced to the Senate members of the Toros soccer team and their coaches from Brownsville.

The Senate welcomed its guests.

### **HOUSE BILL 1332 ON SECOND READING**

On motion of Senator Janek and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1332** at this time on its second reading:

**HB 1332**, Relating to a credit or refund for taxes paid on diesel fuel used in certain manufacturing or production processes.

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 1332 ON THIRD READING**

Senator Janek moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1332** 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 1104 WITH HOUSE AMENDMENTS**

Senator Watson called **SB 1104** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

### **Floor Amendment No. 1**

Amend **SB 1104** (House committee printing), in SECTION 1 of the bill, as follows:

(1) In added Section 142.155, Local Government Code, immediately following the section heading (page 3, line 14), strike "A public employer" and substitute "The governing body of a municipality".

(2) Immediately following added Subsection (c), Section 142.156, Local Government Code (page 4, between lines 11 and 12), insert the following:

Sec. 142.1565. ELECTION TO AUTHORIZE OPERATING UNDER THIS SUBCHAPTER. (a) If the governing body of a municipality does not recognize an association that submits a petition under Section 142.155 and that has been determined by the governing body or under Section 142.156 to represent a majority of the covered emergency medical services personnel, the governing body shall order an election to determine whether a public employer may meet and confer under this subchapter.

(b) An election ordered under this section must be held as part of the next regularly scheduled general election for municipal officers that occurs after the date the governing body of the municipality orders the election and that allows sufficient time to prepare the ballot in compliance with other requirements of law.

(c) The ballot for an election ordered under this section shall be printed to allow voting for or against the proposition: "Authorizing \_\_\_\_\_ (name of the municipality) to operate under the state law allowing a municipality to meet and confer and make agreements with the association representing municipal emergency medical services personnel as provided by state law, preserving the prohibition against strikes and organized work stoppages, and providing penalties for strikes and organized work stoppages."

(d) An election ordered under this section must be held and the returns prepared and canvassed in conformity with the Election Code.

(e) If an election under this section is held, the municipality may operate under the other provisions of this subchapter only if a majority of the votes cast at the election favor the proposition.

(f) If an election under this section is held, an association may not submit a petition for recognition to the governing body of the municipality under Section 142.155 before the second anniversary of the date of the election.

(3) Immediately following added Subsection (c), Section 142.160, Local Government Code (page 6, between lines 11 and 12), insert the following:

Sec. 142.1605. ACTION OR ELECTION TO REPEAL AUTHORIZATION TO OPERATE UNDER THIS SUBCHAPTER. (a) The governing body of a municipality that granted recognition of an association under Section 142.155 without conducting an election under Section 142.1565 may withdraw recognition of the association by providing to the association not less than 90 days' written notice that:

(1) the governing body is withdrawing recognition of the association; and

(2) any agreement between the governing body and the association will not be renewed.

(b) The governing body of a municipality that granted recognition of an association after conducting an election under Section 142.1565 may order an election to determine whether a public employer may continue to meet and confer under this subchapter. The governing body may not order an election under this subsection until the second anniversary of the date of the election under Section 142.1565.

(c) An election ordered under Subsection (b) must be held as part of the next regularly scheduled general election for municipal officers that occurs after the date the governing body of the municipality orders the election and that allows sufficient time to prepare the ballot in compliance with other requirements of law.

(d) The ballot for an election ordered under Subsection (b) shall be printed to allow voting for or against the proposition: "Authorizing \_\_\_\_\_ (name of the municipality) to continue to operate under the state law allowing a municipality to meet and confer and make agreements with the association representing municipal emergency medical services personnel as provided by state law, preserving the prohibition against strikes and organized work stoppages, and providing penalties for strikes and organized work stoppages."

(e) An election ordered under Subsection (b) must be held and the returns prepared and canvassed in conformity with the Election Code.

(f) If an election ordered under Subsection (b) is held, the municipality may continue to operate under this subchapter only if a majority of the votes cast at the election favor the proposition.

(g) If an election ordered under Subsection (b) is held, an association may not submit a petition for recognition to the governing body of the municipality under Section 142.155 before the second anniversary of the date of the election.

## **Floor Amendment No. 2**

Amend **SB 1104** (House committee printing) in SECTION 1 of the bill, by striking added Section 142.155, Local Government Code (page 3, lines 13 through 23), and substituting the following:

Sec. 142.155. RECOGNITION OF EMERGENCY MEDICAL SERVICES PERSONNEL ASSOCIATION. The governing body of a municipality may recognize an association that submits a petition signed by a majority of the emergency medical services personnel in the municipality, excluding the head of the emergency medical services department and any person who is exempt under Subsection (b), as the sole and exclusive bargaining agent for all of the covered emergency medical services personnel until recognition of the association is withdrawn by a majority of the covered emergency medical services personnel.

(b) For purposes of Subsection (a), exempt employees are assistant department heads in the rank or classification immediately below that of the department head and any other employees who are designated as exempt or whose job titles are designated as exempt by the mutual agreement of the recognized association and the public employer.

The amendments were read.

Senator Watson moved to concur in the House amendments to **SB 1104**.

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

## **SENATE RULES SUSPENDED (Posting Rules)**

On motion of Senator Fraser and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Business and Commerce might meet and consider **HB 1038** today.

## RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

### **Congratulatory Resolutions**

**SCR 75** by Williams, Congratulating James Joseph "Jay" Crabb for completing the Ford Ironman Arizona competition.

**SR 958** by Van de Putte and Zaffirini, Congratulating Manuel P. Berriozabal for receiving an Innovations in Education Award from The University of Texas System.

**SR 1015** by Lucio, Recognizing Lucio Middle School Band in Brownsville on the occasion of its 10th anniversary.

**SR 1016** by Ogden, Recognizing Zion Lutheran Church and School in Walburg on the occasion of its 125th anniversary.

**SR 1017** by Williams, Recognizing Alexander Garrett Sutton III of The Woodlands on the occasion of his 60th birthday.

### **Official Designation Resolution**

**HCR 93** (Fraser), Designating August 2007 as American Indian Scouts Month.

## ADJOURNMENT

On motion of Senator Whitmire, the Senate at 2:39 p.m. adjourned until 11:00 a.m. Monday, May 14, 2007.

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## APPENDIX

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### COMMITTEE REPORTS

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

May 11, 2007

TRANSPORTATION AND HOMELAND SECURITY — **CSSJR 67, CSSB 2051, CSHB 1623**

EDUCATION — **CSHB 3900**

CRIMINAL JUSTICE — **CSHB 1355**

JURISPRUDENCE — **SB 2057, HB 2359, HB 75**

CRIMINAL JUSTICE — **CSHB 195, CSHB 3352**

BUSINESS AND COMMERCE — **CSSB 1038, HB 2754**

HEALTH AND HUMAN SERVICES — **CSHB 4062, HB 56, HB 321, HB 654, HB 662, HB 948, HB 1579, HB 1230, HB 2439**

FINANCE — **CSSJR 57**

**INTERGOVERNMENTAL RELATIONS — CSHB 492, CSHB 536, CSHB 892, CSHB 1669, CSHB 2438**

**CRIMINAL JUSTICE — CSHB 681, CSHB 1265**

**STATE AFFAIRS — HB 389, HB 629, HB 1652, HB 2195, HB 2489, HB 2870, HB 3281, HB 3322**

**BUSINESS AND COMMERCE — HB 1029, HB 2625**

**GOVERNMENT ORGANIZATION — CSHB 2458, CSHB 447**

**NATURAL RESOURCES — CSSB 2052, HCR 67, HJR 69, HB 604, HB 713, CSHB 1009, HB 1631, HB 2056, HB 2518, HB 2931, HB 3158, HB 3634**

**HEALTH AND HUMAN SERVICES — SR 777, HB 643, HB 1412, HB 1585, HB 2042**

**JURISPRUDENCE — CSSB 1300, CSHB 2272, CSHB 3505**

**CRIMINAL JUSTICE — CSSB 1563, CSSB 1755**

**SIGNED BY GOVERNOR**

May 10, 2007

**SB 430, SB 432, SB 1340, SB 1375, SB 1405, SB 1672, SCR 44, SCR 55, SCR 59, SCR 66**

**SENT TO GOVERNOR**

May 11, 2007

**SB 276, SB 277, SB 484, SB 823, SB 1253, SB 1264, SB 1617**

