

SENATE JOURNAL

EIGHTIETH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

SEVENTIETH DAY

(Monday, May 28, 2007)

The Senate met at 11:00 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, Harris, Hegar, Hinojosa, Jackson, Janek, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Absent-excused: Gallegos.

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

The Reverend Detoneal Cook, Cottonwood Baptist Church, Del Valle, offered the invocation as follows:

Father in heaven, we come to You this morning thanking You for blessing this 80th Texas Legislature. Thank You for Your presence in this Senate Chamber. Bless each of these elected representatives of the people of Texas to fulfill their promises to the people of this great state. Guide them with Your wisdom, with Your grace, and give them a bountiful spirit of cooperation and reconciliation that they may work together in a spirit of love and respect for one another's work. Bless this body and this work for now and into perpetuity. In Your name I pray. Amen.

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

The motion prevailed without objection.

LEAVE OF ABSENCE

On motion of Senator Whitmire, Senator Gallegos was granted leave of absence for today on account of illness.

RECESS

On motion of Senator Whitmire, the Senate at 11:17 a.m. recessed until 11:40 a.m. today.

AFTER RECESS

The Senate met at 11:48 a.m. and was called to order by the President.

ELECTION OF PRESIDENT PRO TEMPORE AD INTERIM EIGHTIETH LEGISLATURE

The President announced that the time had arrived for the election of President Pro Tempore Ad Interim of the 80th Legislature.

Senator Zaffirini placed in nomination the name of Senator John J. Carona of Dallas for the office of President Pro Tempore Ad Interim of the 80th Legislature.

On motion of Senator Whitmire and by unanimous consent, the nominating speech and the seconding speeches were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Zaffirini: Mr. President and Members, it is my supreme pleasure to rise to nominate one of my all-time favorite best friends, Senator John Carona of Dallas, to serve as our President Pro Tempore Ad Interim of the Texas Senate, placing him second in line to serve as Governor of Texas. From today until January 2009 we'll rest assured that whenever the Governor and Lieutenant Governor are out of state, our great state will be in great hands under the leadership of Acting Governor John Carona. True to his Italian heritage, Senator John Carona is a Renaissance man who is as eclectic in his interests as in his accomplishments and personifies the words of the great American scholar, Ralph Waldo Emerson: Strong men believe in cause and effect; men are respectable only as they respect; love and you shall be loved. Indeed, John Carona has caused great things to happen in his public service, in his business, in his community, and for his family. He is respected, and he is loved, and that is why we honor him so enthusiastically and happily today. This session undoubtedly has been Senator Carona's best. Soon after Lieutenant Governor David Dewhurst appointed him Chair of the Senate Transportation and Homeland Security Committee, he emerged as a powerhouse to be reckoned with. He engaged the powerful transportation agency, dared to say what others had thought for years, and became the darling of the blogs and of YouTube. There is no better Committee Chair than Chairman Carona. He personifies the word "gentleman" and is the paragon of protocol and decorum and the model of punctuality and efficiency. In his inimitable leadership style that exudes confidence and compassion, persistence and charm, Chairman Carona has successfully shepherded controversial bills ranging from toll roads and traffic cameras to sobriety checkpoints and booster seats. Indeed, he succeeded where others could not or would not. It all started during a family vacation when John walked into the Texas House of Representatives at the age of nine and knew this was something he'd like to do. Twenty-three years later he returned as a Member of the House, and in 1996, he was elected to represent Senatorial District 16, the same district in which he grew up. Of the 405 bills he's passed since then, the most meaningful is restoring pension benefits to the elderly widows of police officers. Approximately 60 widows between the ages of 75 and 100 had lost their pension benefits years before when they remarried. Some had outlived a second spouse and most were impoverished, finding it difficult to buy food and pay electricity and other bills. Reflecting compassion at its best, then-Representative Carona passed a bill that restored not only their rights to their \$25,000 annual pensions but also their dignity and self-respect. There is, of course, another side of John Carona that a few of us have seen and that reminds us of Mark Twain's words, "It's not the size of the dog in

the fight; it's the size of the fight in the dog." When Senator Carona's passion and ire are aroused, he doesn't care if you're as big as Royce West or as vocal as Dan Patrick. If he's after you, get out of his way. To resolve the issue, he'll make you an offer you can't refuse. In a witty, playful twist of a message from his favorite movie, *The Godfather*, he might even send you a plush toy horse's head wrapped in a Texas blanket. Yes, all of us who know him well would rather enjoy his humor than suffer his wrath. What you may not know about John Carona is that he is a national leader in the business arena. He is the founder, President, and CEO of Associa, the country's number one leader in community association management. He heads a stellar organization of more than 5,000 employees in 81 offices in 27 states. What's most impressive is that he treats his personnel like an extended family that he nurtures and protects. Again, it all started when he was a boy. Growing up in a single-parent household, he's been working since he was 12. He mowed lawns for \$5 after school and on weekends. Every Saturday he worked from 7 a.m. to 7 p.m. and took home \$100. The work ethic and persistence that he developed at that early age serve him so well today. Above all, Senator John Carona is a loving son, husband, father, and grandfather. His beautiful wife, Helen, is a brilliant executive and equally loving mother to their darling children, Kirsten and Kellen. His three handsome sons, Jeff, Will, and Joey, here with his wife, Dana, and his son, Charlie, are a tribute to him and reflect the lessons learned from a father who is known for his honesty, integrity, and work ethic. Together, they enjoy his hobbies: cooking and collecting art and vintage cars—Kirsten and Kellen especially love his 1926 red fire engine—jet skiing, boating, and fishing, or rooting for his beloved alma mater, UT Austin, where he earned his business degree. Indeed, Senator John Carona is a Renaissance man. He has broad intellectual interests and mastered the art and science of leadership in public service and in business, though, above all, he values friends and family. Emerson could have been thinking of Senator Carona when he wrote, "The best way to make a friend is to be a friend." Each of us is proud to call him our friend, just as each of us will be proud to vote for him as our President Pro Tempore Ad Interim, and to work under his leadership when he serves as the great Governor of our great State of Texas. Mr. President and Members, it is with great joy and pleasure and lots of love that I nominate a friend, a gentleman, a leader whom we respect and admire, a true Renaissance man, Senator John Carona, to be our President Pro Tempore Ad Interim.

Senator Wentworth: Mr. President. Members, I rise to second the nomination of my longtime good friend and distinguished State Senator, John J. Carona of Dallas County, to be President Pro Tem of the Texas Senate. I have no doubt that his performance, as well as his tenure, first as a State Representative and then as a State Senator, make him eminently qualified for this prestigious position. John has demonstrated himself as an effective leader, addressing issues such as education, health care, criminal justice, banking and finance, economic development, and transportation and homeland security. When John was born in Texas City in 1955, Dwight Eisenhower was in his first term as President; children across America were singing about Davy Crockett, king of the wild frontier; and Italy, the nation of John's ancestors, joined the United Nations. John missed the Davy Crockett fad, but he and the defender of the Alamo have something in common. Those of us who know our Texas history remember that, before coming to Texas, Davy Crockett served in the

Tennessee Legislature and in the United States Congress. Davy Crockett's creed or motto in the Tennessee Legislature, the United States Congress, and even in life in general was, "Be always sure you are right, then go ahead." Senator John Carona is the personification of that saying. He is one of the smartest, hardest working, most prepared, and most determined Members of this body. Once he is sure he is right, he goes ahead, and, in frontier language, he "sticks to his guns." You can count on John Carona, and you can take what he says to the bank. I have sat with him on committees, I have worked with him on legislation, I have worked this floor both with him and against him, and I know from experience that when John gives you the facts, the facts are right, and when he tells you that he'll support your bill, he will, and when he tells you he won't, he won't. His word is his bond. I first met John 16 years ago, in 1991. At that time, he was an entering freshman in the Texas House of Representatives, and I was in my third term there. A couple of years later, I moved over here to the Senate, and a couple of election cycles later, John did the same thing. I believe it was when we were both in the House together that the American Council of Young Political Leaders sent a delegation of state legislators on a 10-day mission to Japan. John, of course, qualified as a "young political leader," while by that time I no longer met the age-eligibility criteria for the trip, so I was designated the escort officer, some said the chaperone, for the delegation. It was on that trip that I got to know John personally. He's a man who's extremely proud of his Italian heritage and who embodies all that is best of that culture, including devotion to family. As we all know, he flies home to Dallas at every opportunity to be with his wife, Helen, and their young children, Kirsten and Kellen. John and Helen's new son and daughter are a wonderful addition to a family that includes adult sons, Joey, Jeff, and Will. It is a tribute to John that he is both a father and a friend to his older sons. I remember a decade or more ago being in New York City attending a play at a Broadway theater and at intermission running into John and one of his sons. That's the personal side of John Carona: devoted father, loving husband, loyal friend, proud Italian, successful businessman, and, if you listen to his staff, beloved employer. They actually believe he walks on water. Those of us who are his colleagues know that he is quick-witted and articulate. And those of us on the receiving end of that wit remember it. In my case, it was during a debate this year when I was trying to amend one of his bills on the floor and he'd have none of it. My good friend John actually referred to me and said that he loved me "like a distant relative." John serves on the Committee on Jurisprudence, which I chair. We've got five lawyers on Jurisprudence and two non-lawyers. John's one of the two non-lawyers, but that hasn't kept him from being a conscientious and valuable contributing member of the Committee. And I serve on the Transportation and Homeland Security Committee, which John chairs. What a job that has been this session. Chairing that Committee is as dangerous as driving through rush-hour traffic on I-35. Someone's trying to cut you off at every opportunity, and there's either an accident or construction ahead around every turn. John chaired probably the most well-attended public hearing of any Committee of the Legislature this year. Hundreds of people showed up and stayed all day, but during that long and sometimes contentious hearing, John never lost patience and was unfailingly courteous. He never lost sight of the goal of providing current and future Texans with a transportation system that will support the state's growing population,

although in one Committee hearing the Texas Association of Builders learned in very direct language from Chairman Carona exactly where they are in the pecking order of lobby groups. In his Chairmanship, a long way away from his doghouse of five years ago, John rose successfully to the occasion, crafting compromises that kept transportation-related bills from becoming stalled in rhetoric. And in addition to his work on Transportation as well as Jurisprudence, he was a working Member on Criminal Justice, Health and Human Services, and State Affairs. Summing up, we all know that John doesn't suffer fools gladly. And, on occasion, he has even been known to abandon his usual well-controlled demeanor and challenge some who are bigger, taller, and younger. I can't help but wonder what the Senate would be like if we were to turn it over to Carona and Eltife for a few days. I do have one prediction about John's term as President Pro Tem, however. I predict that from August 31 to September 5 next year, John Carona will be Acting Governor of Texas, because both Governor Perry and Lieutenant Governor Dewhurst will be traveling to Minneapolis-Saint Paul for the 2008 Republican National Convention. And, by the way, John, as a previous Acting Governor myself, I know from experience that you'll actually get a pay raise on those days from the \$20 per day we receive as state legislators to the Governor's \$315 per day. So it's not all bad. John Carona has contributed much to this body and to the State of Texas, and I know with certainty that he will make us proud as our new President Pro Tem. I am honored to second his nomination.

Senator West: Thank you very much Mr. President. I am indeed excited today to second the nomination of my friend, Senator Johnny Carona, as Pro Tempore of the Texas Senate. Members, I have known John Carona since, probably, 1994. John, I don't know whether you remember this or not, but the Dallas leadership club was having a function down at the County Commissioners Court, and you and I served on a panel together, and I think that's the first recollection that I have of John Carona. And the John Carona then is the same John Carona that we have here today; he knows the direction that he wants to go in and he heads in that particular direction. And, just like many of us in this Chamber, if he tells you something, you can take it to the bank and use it as collateral, and that's very important in this body politic. That's what I appreciate about John. John also works out, and I can tell you from experience that he works out. The fact is that John and I used to work out in a club together. I won't name the club, but it was a health club. We were there most mornings and we did what we were supposed to do, and came back to the Capitol. And now, John prides himself as the Chair of one of the most powerful Committees in the State Senate, needless to say, in the State of Texas. He must handle some of the most complex issues concerning transportation, and, true to form, working out, John Carona has the fortitude and, needless to say, the desire to make things better for most Texans, and he does that, and he takes on large issues. John is a man, and most of us know he's kind of quiet, he sits right here, when there's something to be done, John is here. When we kind of go off the reservation sometimes, John will leave that desk and disappear. We don't know where he goes, but if there's an issue, he's here, and he addresses that issue. Helen, I can tell you that each and every day. When you think about John's rise to being the Chairman of the Transportation and Homeland Security Committee, you think about someone who is a very balanced person. And if you think about it,

Senator Nelson, if we want someone to serve as the President Pro Tempore of the Senate, we want someone with a balanced approach and of varied experiences. John has been in the doghouse, he has been in the tollhouse, and he has been in the big house. You all haven't seen that big house that he has out there, but that's a different story, up in Dallas. But we also know that he is able, as a result of those varied experiences, to be able to serve as Governor for the Day, and he will bring a sensitivity that is necessary in order to make decisions if called upon to make those decisions. John, needless to say, takes on big issues. If you don't believe me ask Senator Patrick and ask Royce West. I can recall, and many of you can recall, frankly, I was sitting in the same chair that Senator Patrick is sitting in today, when John came over and said some words about something, and he was about right here on me, and I'm kind of looking down at him and said, what's going on, you know, and Senator Patrick also got a taste of that when he had some choice words. But just like John Carona, John, after composing himself, made certain that whatever the issue was, that it was resolved, and it was resolved quickly. And that's a cornerstone of Carona, you know, he may not always be right but you just ask him, he'll tell you that he's never wrong. Right, John? OK, all right. And so, you know, it's with great pride and privilege that I, as a Member of the same delegation as John's, a Member of the North Texas delegation, and I rise to second the nomination. Helen, you've got quite a guy there, we respect him. Kids, you all need to know that your father is well respected here, and we recognize that as Members of this body that we take off a lot of time from our families. But I'm going to tell you that he is making a difference for generations yet unborn in the State of Texas. And, so it is with great privilege and great pride that I rise to second your nomination as President Pro Tempore of the State Senate.

Senator Brimer: I rise to second the nomination of my favorite Senator and "The Don," our own Soprano, John Carona. He's gone from the Texas House to the Senate to the doghouse and now to the Chairman of the Transportation and Homeland Security Committee without "whacking" anybody in the big family. He is a successful family man, businessman, and legislator, better known as "the boss." The fact he succeeded in business in a competitive market where so many others failed, tells us they all got "whacked" or he squeezed the very best out of what he had. This is exactly the type of professional and financial expertise we need in state government, to effectively utilize every dollar entrusted to us by Texas taxpayers. In his personal life, Senator Carona demonstrates the youthful energy necessary to accept the added responsibilities of being President Pro Tempore of the Senate. Although he has already raised three boys who are now young men—I first met them when they were small toddlers—this year he started a second family by adopting two more young toddlers, showing a compassionate side of Don Corleone, I mean John Carona. It's clear from this new personal venture, he now has to have a vision for the future of Texas "which we cannot refuse." In the words of Don Corleone, "a man that doesn't spend time with his family can never be a real man." John Carona is a real man, you better believe it, or else. I want the state to know that I personally refer to Senator Carona as a "legislative manhole cover." Like a manhole cover made of the hardest steel, Senator Carona hangs tough and can take a lot of punishment. Additionally, like a manhole cover that stays in one place for long periods of time, you always

know where John stands on an issue, and you can rely on him not to budge. But most of all, Senator Carona reminds me of a manhole cover because he's shaped like one. Through my time working with John, he has repeatedly reminded me of his "strong" Italian heritage. Our newest Senator, Dan Patrick, who tried to dress like his cousin Guido today, has witnessed firsthand the famous Italian flavor seen in our Tony Soprano. I only wish "The Don" Carona had made him "an offer he couldn't refuse." You only thought horse slaughter was dead in Texas. When "The Don" Carona assumes the position of Governor, we won't have a problem with businesses not paying their margins tax. "The Don" Carona would appoint Luca Brasi as Deputy Comptroller in charge of collections. Remember when "The Don" stormed the House Transportation Committee early in the session to demand a meeting with Ric Williamson? Well since the big boss spoke and Commissioner Williamson responded, the state employee insurance program didn't have to raise the premium on broken legs, and DPS didn't have to develop a new division especially for "cement shoe recovery." Seriously, I've worked with John since he arrived on the scene in the House in 1990 and was proud when I got to join him in the Senate. He was local Co-chair in the push for the sports and community venue project to fund a new sports arena in Dallas. And due to his leadership, the result was the American Airlines Center, which converted a blighted industrial area into a vibrant entertainment center near downtown Dallas. It wouldn't have happened without his efforts, I know because he took it from Arlington. Senator Carona's vision of government includes a focus on openness. His sponsorship for the last three sessions of a constitutional amendment requiring the House and Senate to record all of our votes has earned him great respect from the editors of his hometown newspaper. And he was persistent like he is on all his legislation. I look forward to his leadership when he serves us this year as Governor for a Day, lasagna, spaghetti, horse meatballs for everyone, served on a manhole cover. Mr. President, it is my honor to rise to second the nomination of John Carona for President Pro Tempore for the 80th Legislature Ad Interim. *Buon appetito*. And, "please, Godfather, spare me if any of my words offended you or the family."

Senator Van de Putte: Mr. President and Members, I am honored today to rise in seconding the nomination of Senator John Carona as President Pro Tempore. John Quincy Adams once said, if your actions inspire others to dream more, to learn more, to do more, and to become more, then you are a leader. And, Senator Carona, you are a leader. Not only do your actions inspire us and the people of District 16 but you have shown such compassion, with a few exceptions to your fellow colleagues, through your effective leadership. All of us know the difficulties that Senator Carona faced this year in a very complex issue of toll roads and transportation. How will we plan for the mobility of the state's future? And yet, through every single discussion with any individual Senator, John Carona said, what do you want for your district? Senator, I can't tell you how much that means to the body of these Senators, because it is knowing that what is in the best interest of our constituents will be in the best interest of all Texans. It's easy to set aside one Member's wishes just so that we can get an agreement, but you are tenacious in making sure that every Member of this Senate could go home with a transportation policy, not only that they could just live with but be proud of. Senator Carona, you and I were elected at the very same time in

1990, and I remember well that first day opening of the Texas House in 1991. With all our children there it looked like a mini-daycare center, and it was when your now sons who are men, well, let's just say their voices hadn't even changed. I saw the excitement of your family, and I knew the excitement of Pete and our children, and yet like the father you kept them in control, you keep everything in control, but yet allowing that freedom of expression. You're so compassionate, and that's what effective leadership is about. Whenever you have greeted me it is, Leticia, how are you and how is your family, which tells me your number one concern is not just me and my family but it reflects that your priority is your family. And, Members, how many times has John Carona said, and how is your family? Compassionate, I know that you'll be known for many, many issues of legislation that you've shepherded through this very, very complex process, banking, financial matters. Compassionate is that, Members, it was John Carona who insisted that disabled veterans who are 100 percent disabled receive an exemption on their homestead. It is remembering not just those who cannot care for themselves but understanding that true leadership recognizes the sacrifices of others. And in shepherding that constitutional amendment through this legislative process, you have shown not only compassion but respect for those who have given up so much so that we may live in freedom. Thomas Jefferson once said, the care of human life and happiness and not their destruction is the first and only object of good government. Members, Senator Carona practices good government, and when you are our Governor we will have good government. I am proud to second the nomination of John Carona, who I like to call Juanito Carona, to the position of President Pro Tempore. We love you, John, and we will love having you as our Governor.

Senator Ogden: Johnny, when I was thinking about what I was going to say, I thought a lot about what Leticia brought up because you and I came into the Legislature at the same time as Senator Van de Putte did, and we were elected in 1991, and Ann Richards was the Governor, and we were a part of the new Texas. And, at that time, Members, the Capitol was pretty dumpy, and as freshman legislators we got to be in the dumpiest part, the basement. I'll still never forget those false ceilings, they were about eight foot high, and how dark and dank it was, and there was a little cafeteria down there, and various citizens used to live down there and roam back and forth and mumble as we went to and from our work. And, you know, John, as I remember, acted the same way then as he does now, and he was just all business. And the thing I remember specifically is, you were moving into your offices next to mine, and you were setting up a fax machine and a computer and a telephone, and you were going to be a state representative, but you were going to run your business with a non-state fax machine, a non-state computer, and a non-state telephone, and at the time, it was a pretty sophisticated hookup. And I know over the years your business has really grown and prospered. I know I used to think that the largest employer and most successful businessman, from a standpoint of size of business and employment, and as a Member of the Texas Senate it was Senator Fraser, but I think you've passed him. Members, John runs a business that has 70 offices across the nation, and I know that that keeps him quite busy and quite engaged. I was also thinking about your family, and I know how very proud you are of your five children and your wife, Helen, and it's good to see Joey here. Joey, you know, you kind of grew up while

your daddy was a Texas legislator, as well as Jeff and Will. And I remember the many times that we had an opportunity to visit about our families. I had three children, too, I now have four, and had a lot in common, a lot of discussions, a lot of serious talks about the challenge of raising a family, and John was always, always focused on trying to get it right. I think about how you run your Committee and that I'm particularly proud of that Committee, that Committee was created by Governor Dewhurst kind of as a result of a suggestion that I had made to him, and it is grown into something quite significant, quite special, quite important. Nobody runs a Committee like John Carona, I don't think, 7:00 a.m., you're in there, and by 8:30 you're out of there, and it's all business, and it's all get to the point, and it's all on behalf of the people of the State of Texas. I am very proud to be your friend, Senator, and I'm very proud to stand to second your nomination as President Pro Tempore of our Senate. John Carona, you know where you've come from, you know where you are, and you know where you want to go. You will be a great, great President Pro Tempore.

Senator Shapleigh: Thank you Mr. President. I, too, rise to second the nomination of my good friend, John Carona. And to those of you who served on the Transportation Committee this year, you'll know exactly what I'm talking about here. John, you got handed one giant mess, no offense to previous Chairs, of course. But when we came into this session, and you looked at the issues of privatizing highways and giving 50, some would say 100-year leases, taking a transportation system that has a \$46 billion deficit, and you got handed this giant mess, and you took that Committee chairmanship, I was saying I don't know what in the heck is going to happen here but this is going to be interesting. And you started this session by going to charge in a Transportation Committee hearing on the House side, the Chair of the Transportation Commission, in sprinkling a few points of order into a few bills over there, but you got his attention immediately about coming into this Committee to deal with this mess that had been created in the State of Texas. And when you decided in March that we were going to do a Committee hearing on all of these issues and send out 10,000 invitations around the State of Texas to many constituents in all of our districts, but mostly in yours, Senator Ogden, and you had these folks come in there, and you had testimony from everyone on every single transportation issue starting with the invasion from Spain to black helicopters hovering over different parts of the toll road system, I thought, I've got no idea of what John Carona is up to here but I'm sure it's going to be interesting as we go along. And as I reflect on it, Senator Watson, Senator Brimer, it couldn't have been any other way. John Carona knew what needed to be done in that Committee, and people needed to have a hearing. This issue needed to be vented in the State of Texas, and people needed to come to Austin and vent about what was happening in areas like North Texas where you had increasing congestion, the Trans-Texas Corridor where farmers were concerned about access, Senator Hegar, to folks who are just worried about an invasion from Spain. John called every single different group, had them come, they all had their day, we all listened, we listened carefully to what they were saying and took this giant mess and put it into about six bills and worked it through here. Senator Williams, you ended up with the biggest piece of that mess and what ended up being the omnibus transportation bill. But as you look at the method of John Carona in banging through those bills, getting there at

7:00 and finishing at 9:00 and then coming back and doing more, he solved and put a framework around one of the most contentious issues that we have, and it's a signature John Carona operation. He came in, he told us exactly what he was going to try and do. He let every single one of us have our say. He brought a framework into transportation to take us through the next 10 years in this state, and it's a product we can be proud of. John, more than anything that you do in this body, you're a problem solver. And I don't think any one of us has ever gone to poll you on an issue without knowing exactly what you're going to do, whether it's vouchers, whether it's tolls, whether it's public school finance, once you say what you're going to do it is your word and that word is gold in this body. You are an amazing Chair in that Committee the way you banged those things through this session, and I'm proud to stand and second your nomination, you did a great job.

Senator Carona was elected President Pro Tempore Ad Interim by a rising vote of the Senate.

The President appointed the following Committee to Escort Senator Carona and his party to the President's Rostrum: Senators Ellis, Nelson, Shapiro, and Shapleigh.

Senator Carona and his party were then escorted to the President's Rostrum by the Committee.

OATH OF OFFICE ADMINISTERED

The President administered the Constitutional Oath of Office to Senator Carona as follows:

I, John Carona, do solemnly swear, that I will faithfully execute the duties of the office of President Pro Tempore Ad Interim of the Senate of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

ADDRESS BY PRESIDENT PRO TEMPORE AD INTERIM

President Pro Tempore Ad Interim Carona addressed the Senate as follows:

I really want to thank all of you that were so generous in giving speeches and for all of you that prepared lengthy speeches, some of you even wrote poems that you wished to share today. Thank you for observing the new rule here in the Chamber of five seconding speeches. I also want to thank my Escort Committee, all of you have played some very special part in my life here in the Legislature, some of those individuals dating back to my very early days as a freshman in the Texas House. To all of you, I thank you very much. But, of course, a special word of thanks to my dear friend, Judith Zaffirini, who not only gave a wonderful speech that I'm hardly deserving of today but was so kind to organize and bring together today's events. I want my remarks to be brief because I know we have so much important work to do today, but I would like to just share a few thoughts with you for just a moment here. But before I go any further let me thank my wonderful staff. My Chief of Staff, Margie McCloskey, has worked with me, as a partner to me, and with me for my entire 19 years in the

Legislature, and to Margie McCloskey, I say thank you so very much. Detta Haffelder, those of you know Detta, former Senate Employee of the Year, she is just such a delightful person and makes it a pleasure each and every day. And Steven Polunsky, our Committee Chair for Transportation, what a talented individual, who helped us through every step of the way to have a successful session. And to all of the members of my staff, I would ask the staff to stand, briefly if you would, and allow us to recognize you. And I want to offer a very special and sincere thank you to my friend, David Dewhurst. As you know, the kind gesture of Governor Dewhurst in allowing me to be Chairman of the Transportation and Homeland Security Committee is a true testament to his belief in redemption. And he was so kind and trusting to give me that honor, and I hope I have not let him down. I certainly consider it a privilege to work for him and as part of his team. And I thank you, Governor, thank you so much. Also, of course, some of you have had the opportunity to meet earlier, members of my family. I'm very, very proud that today my wife, Helen, is with me and by my side and I'm very privileged that my son, Joey, my eldest son, would be here and my lovely daughter-in-law, Dana, and my grandson, Charlie, who I think has just been a doll throughout the morning to be as patient as he has been. My son, Jeff, his friend and our friend, Ashley Wood, and, of course, my son and daughter, Kirsten, who is enjoying the computer, and Kellen, who is just about asleep over there, I think. They've all made today very, very special.

These past two years especially have been somewhat of a time of recognition and renewal for me to be candid with you. Some of you may remember the movie *City Slickers*. Billy Crystal and friends went on a trail ride at a dude ranch and asked trail boss Jack Palance to help them rediscover the purpose of life, figuring out what is number one in your life. That's the secret to the purpose of life, you taking the time to figure out what is number one in your life. And I will tell you, especially over these last couple of years, I'm so reminded that the real purpose of life, for me, is my family, and I'm so blessed that they could all be here to be part of this special day.

I read an article in *Newsweek* recently. The focus was America's search for its next leaders. It spoke of that precious commodity, courage. It seems that Americans in 2007 and, by extension, Texans are looking for honest straight-shooters with integrity, people bold enough to lead with new ideas, not ideologues attempting to run ahead of the parade, not obstructionists merely finding fault. People want candor, not careful calculation. They want leaders willing to make the tough calls. More than they want Republicans or Democrats, they want problem solvers. Harry Truman once said, "The buck stops here." He meant it and though he was unpopular while in office, history rewarded him for it years later. I believe especially today, the public will accept imperfection in any of its leaders but not a phony, and we would all do well to be reminded of that fact.

In America today, as in Texas, I believe liberals are expected to match philosophy with practicality, while conservatives are expected to make government work rather than to starve it into insignificance.

If we can dedicate \$3 billion to finding a cure for cancer, a laudable goal, then we need to be kinder when considering health insurance for defenseless children, care for the elderly and mentally ill, and better pay for our overburdened Texas teachers.

Teddy Roosevelt, one tough Republican, was one of our greatest environmentalists of all times. At the same time he challenged the robber baron industrialists of his day, that's courageous leadership. And don't think those robber barons are a thing of the past. They're amongst us today.

If we are to succeed here at the Capitol, we must periodically remind ourselves of our purpose. Amidst the hustle of the day and the ever-present lobby, it serves us well to stop long enough to regain focus. That is, to make certain that the Texas of today will become a better place for the children of tomorrow.

As you and I each seek to mold our own visions of courageous leadership, I hope that we will work to protect and defend the traditions of the Texas Senate, not for nostalgia's sake, but because history is our best teacher. I urge your continued defense of the two-thirds rule, it protects us all and is blind to partisanship.

Let us continue our tradition of debate over issues rather than over politics or personalities. I remind us all that our record votes will soon be more accessible to the public than ever, thanks to the Internet. We owe that same public more than a series of 31-0 votes. Differing opinion is good and discussion makes us wiser. But above all else, let us speak from the heart as we lead this state through challenges of growth, diversity of cultures, and a need far greater than our resources. Though we run for office by political party, the public expects us to govern as one. May we always do so courageously. I'm proud to be serving by your side.

VIDEO RELEASE POLICY WAIVED

On motion of Senator Lucio and by unanimous consent, the Senate policy that governs the release of recordings of Senate proceedings was waived in order to grant the request of Senator Carona for a DVD of today's session.

MOTION TO RECESS

On motion of Senator Whitmire and by unanimous consent, the Senate at 12:43 p.m. agreed to recess, upon completion of the signing of bills and resolutions by the President, until 2:30 p.m. today.

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 27, SB 36, SB 103, SB 282, SB 548, SB 593, SB 759, SB 763, SB 776, SB 839, SB 964, SB 968, SB 993, SB 1123, SB 1217, SB 1232, SB 1383, SB 1436, SB 1520, SB 1523, SB 1601, SB 1640, SB 1714, SB 1833, SB 1896, SB 1983, SB 1985,

SCR 80, HB 88, HB 147, HB 160, HB 191, HB 426, HB 460, HB 463, HB 470, HB 473, HB 581, HB 586, HB 730, HB 735, HB 779, HB 860, HB 866, HB 914, HB 930, HB 946, HB 1060, HB 1066, HB 1093, HB 1141, HB 1196, HB 1205, HB 1314, HB 1391, HB 1473, HB 1495, HB 1498, HB 1503, HB 1526, HB 1541, HB 1551, HB 1563, HB 1594, HB 1610, HB 1637, HB 1680, HB 1748, HB 1751, HB 1786, HB 1857, HB 1886, HB 1960, HB 1973, HB 1988, HB 2060, HB 2120, HB 2198, HB 2285, HB 2291, HB 2300, HB 2392, HB 2402, HB 2426, HB 2458, HB 2460, HB 2482, HB 2498, HB 2502, HB 2532, HB 2541, HB 2566, HB 2621, HB 2641, HB 2653, HB 2701, HB 2702, HB 2714, HB 2738, HB 2762, HB 2783, HB 2859, HB 2864, HB 2935, HB 2978, HB 2982, HB 2994, HB 3064, HB 3101, HB 3105, HB 3184, HB 3190, HB 3199, HB 3271, HB 3275, HB 3309, HB 3358, HB 3378, HB 3417, HB 3426, HB 3440, HB 3441, HB 3443, HB 3475, HB 3496, HB 3517, HB 3518, HB 3554, HB 3571, HB 3575, HB 3584, HB 3594, HB 3618, HB 3630, HB 3678, HB 3692, HB 3694, HB 3699, HB 3711, HB 3731, HB 3769, HB 3837, HB 3838, HB 3849, HB 3928, HB 4007, HB 4028, HB 4029, HB 4032, HB 4053, HB 4061, HB 4107, HB 4113, HB 4134, HCR 121, HCR 253, HCR 265, HCR 272, HCR 273, HJR 19.

RECESS

Pursuant to a previously adopted motion, the Senate at 12:52 p.m. recessed until 2:30 p.m. today.

AFTER RECESS

The Senate met at 2:49 p.m. and was called to order by the President.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

May 28, 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 274

Instructing the enrolling clerk of the house to make corrections to H.B. No. 4091.

HCR 282

Instructing the enrolling clerk of the House to make corrections in H.B. No. 472.

HCR 283

Instructing the enrolling clerk of the house to make corrections in H.B. No. 2605.

HCR 284

Instructing the enrolling clerk of the House to make corrections in H.B. No. 2563.

HCR 285

Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1031.

HCR 286

Instructing the enrolling clerk of the house of representatives to make corrections in H.B. No. 12.

HCR 288

Instructing the enrolling clerk of the house of representatives to make corrections in H.B. No. 1977.

THE HOUSE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

HB 12 (139 Yeas, 0 Nays, 1 Present, not voting)

HB 3315 (147 Yeas, 0 Nays, 2 Present, not voting)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE RESOLUTION 1190

Senator West offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize John Henry Baker, who is retiring from his position as a Senate porter after more than 18 years of service; and

WHEREAS, John began working for the Texas Senate on January 17, 1989; throughout his service with the Senate, he has been a conscientious and reliable employee; and

WHEREAS, John has fulfilled his responsibilities with exceptional loyalty and good judgment, and he has earned the respect of everyone with whom he has worked over the years; and

WHEREAS, Before joining the Senate, John served his country in the United States Army and served a tour of duty in Vietnam; and

WHEREAS, John has been a dedicated employee and a valued part of the extended Senate family; his presence in the Texas Senate will be greatly missed; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby commend John Henry Baker for his exceptional service and extend to him best wishes for the future; and, be it further

RESOLVED, That a copy of this Resolution be prepared for John Henry Baker as an expression of esteem and appreciation from the Texas Senate.

SR 1190 was read and was adopted without objection.

SENATE RESOLUTION 1215

Senator Van de Putte offered the following resolution:

WHEREAS, The Senate of the State of Texas takes pride in joining citizens across America in observing our national holiday, Memorial Day, on Monday, May 28, 2007; and

WHEREAS, Memorial Day was originally called Decoration Day and was first observed on May 30, 1868, when flowers were placed on the graves of Union and Confederate soldiers; in 1968, Congress designated the last Monday in May as Memorial Day; and

WHEREAS, On Memorial Day, we pay homage to those who lost their lives fighting for our nation, for it is due to their courage and sacrifice that today our nation is free and prosperous; and

WHEREAS, This special day is an opportunity for Americans everywhere to express their heartfelt gratitude to the United States veterans, both living and dead, for the valor and dedication they have shown on behalf of our beloved country; today, there are over 1.5 million veterans living in Texas and deserving of our praise; and

WHEREAS, Those who died for their country in World War I, World War II, the Korean Conflict, the Vietnam War, the Gulf War, Operation Iraqi Freedom, and other conflicts have left behind legacies of courage and devotion for generations of American citizens, as well as memories that will be treasured forever in the hearts and minds of all who knew them; and

WHEREAS, It is a grateful nation today that reflects upon our American heritage and recognizes the extreme sacrifices made by all who serve in the armed forces; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby express appreciation to all the brave men and women who have served our great country and honor the memory of those who died on its behalf; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of all who sacrificed their lives to protect our nation.

SR 1215 was read and was adopted by a rising vote of the Senate.

REMARKS ORDERED PRINTED

On motion of Senator Whitmire and by unanimous consent, the remarks by Senators Van de Putte, Estes, Lucio, Watson, Carona, Uresti, and Hinojosa regarding **SR 1215** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Van de Putte: Thank you Mr. President. Mr. President and Members, this day for us in 2007 that we will call sine die, but Memorial Day, originally called Decoration Day, is a day of remembrance for those who have died in our nation's service. There are many stories as to its actual beginnings, with over two dozen cities and towns laying claim to being the birthplace of this holiday, Memorial Day. There is also evidence that women's groups in the South were decorating graves before the end of the Civil War. A hymn published in 1867, "Kneel Where Our Loves are Sleeping" carried the dedication, "To The Ladies of the South who are Decorating the Graves of the Confederate Dead." While Waterloo, New York, was officially declared the birthplace of Memorial Day by President Lyndon Johnson in May 1966, it's difficult to prove conclusively the origins of the day. It is more likely that it had many separate beginnings. Each of those towns and every planned or spontaneous gathering of people to honor the war dead in the 1860s tapped into the general human need to honor our dead. However it started, Memorial Day is about coming together to honor those who gave their all and those who fought so bravely for our country. Members, as you know, we have among us five veterans who served our country, and

I would like to acknowledge their service: Lieutenant Governor David Dewhurst, United States Air Force; Senator Hinojosa, United States Marine Corps; Senator Steve Ogden, United States Navy; Senator Carlos Uresti, United States Marine Corps; and Senator Jeff Wentworth, United States Army. Also, Members, you may remember back in February, we recognized veterans of the Battle of Iwo Jima with SR 263. Well we inadvertently failed to recognize one person in our Capitol who was there. Foy Watson, WW II Navy Veteran, 1944 to 1946, served aboard the USS *Tuscaloosa* during the entire Battle of Iwo Jima. He served in the South Pacific campaign for two years, and he received the Purple Heart for injuries sustained in the Battle of Iwo Jima. Members, as we pass this resolution today, let us thank those Texans who have served us so very well so that you and I and the people who follow in our steads can deliberate in a free and just society. We honor those Members of the Senate who are veterans, we are so very proud of you. And we honor our Foy, not only for getting us to the right place but for always having that smile, Foy, a member of the greatest generation, and we can never say thank you enough.

Senator Estes: Mr. President. Members, as we all well know, today is Memorial Day, and it is this day that our nation has set aside to remember and honor those who have given their lives in the service to our nation. On the battlefield at Gettysburg, President Lincoln called this sacrifice the "last full measure of devotion," and in the Bible, Jesus tells us that "man have no greater love than to lay down his life for another." Members, I rise today to share these thoughts because on this very day, this Memorial Day, a fallen soldier, U.S. Army Specialist Ryan Collins of Vernon, Texas, is being laid to rest. Specialist Ryan Collins was killed 10 days ago in Iraq. I believe it is entirely appropriate that this Senate body is hard at work in the practice of representative democracy on a day that we honor those who have given their lives in defense of this republic. And like Lincoln said at Gettysburg, there is nothing we can do on this day, or any day, to consecrate what has already been consecrated by their blood. Since the founders in Philadelphia pledged their lives, fortunes, sacred honor to the cause of liberty in 1776, this nation has lost more than 1.4 million men and women in the service of our nation, almost one-half of them in the Civil War. Mr. President, Members, and staff, as we adjourn and begin to celebrate the conclusion of this session, as we do with every session, let us keep in our minds, hearts, and prayers those who do not celebrate this day but are honored by this day. And, Mr. President, I would ask that when this Senate adjourns sine die, that we do so in memory and honor of Specialist Ryan Collins and to the more than 160 Texas soldiers who have lost their lives since the last sine die of the 79th Legislature. Thank you Mr. President and Members.

Senator Lucio: Today, Memorial Day, wraps up the Texas 80th legislative session after many months of debate, compromise, and just good old hard work. We changed, amended, and passed laws, along with a budget, in the democratic tradition. None of this would be possible were it not for the bravery of the men and women in uniform who have defended our shores for generations. This Memorial Day is especially poignant because we have recently lost so many of our servicemen and women in Iraq. But it is also a source of pride knowing we have such exemplary Americans serving their country there and throughout the world. These men and women from all walks of life stand ready to defend our nation's freedom, no matter the cost. I salute

them, and I thank their families who also sacrifice a great deal during their absences. I join those grieving sons and daughters, husbands and wives, brothers and sisters, because this is the first Memorial Day I'll spend without the greatest veteran I've ever known: my Dad, who passed away on September 4, 2006. I ask God's comfort for those mourning our fallen soldiers and also for me and my family over our personal loss. I also want to thank you, Senator Van de Putte, for bringing Foy on the floor. He is my personal hero, and I've had a wonderful session knowing that he's right there supporting us still in this Capitol. He is a great American and a member of the greatest generation ever known to us in America. Thank you.

Senator Watson: Thank you very much Mr. President. Senator Van de Putte, thank you for bringing this resolution forward. I want to echo something Senator Lucio said, and that is, I think it's entirely fitting and appropriate on this Memorial Day that we have Foy Watson here representing the greatest generation. He and I have joked, sharing a last name, I've only known one other Foy ever, and that happened to also be a Foy Watson; I had a great-uncle that was a Foy Watson. And, so we've come to know each other in that kind of special way with that connection. But really why it's so important that you're here today, and why we say thank you to you personally and on behalf of all who have given is because you epitomize service. What many don't know is that even after he's served in the capacity that Senator Van de Putte has talked about and at Iwo Jima and otherwise, he spent over 30 years as a government public servant and employee before he ever came here to help us. This is a man whose life has been dedicated to public service as so many of the greatest generation did. So, my friend, someone who we share some things in common and as my constituent, God bless you and thank you for all you have done for each and every one of us and all the others who share your service have done for each of us. God bless you.

Senator Carona: Foy, I have known you for years, I rise in tribute to you but also, Senator Van de Putte, rise in recognition of my longtime friend and our colleague, Senator Brimer, who served six and a half years in the military in the Air Force, the Air Reserves, and the Texas National Guard. Thank you.

Senator Uresti: Mr. President. Members, good afternoon. I rise today with a heavy heart to honor the men and women in uniform that have laid down their lives for us. Ironically, the end of this legislative session coincides with the observance of Memorial Day, a day that, today more than ever, should be a sacred occasion for reflection upon our past and our future. Last night, as we deliberated and passed the budget in this Chamber, I think we touched upon an important ideal that drives all of us, and that ideal is that we are a society that wants everyone to succeed, on their own, if possible, and with some help when necessary. Senator Hinojosa and I and my son, Carlos, who you all met, and Senator Ogden's son who serves in the Marine Corps, as well, learned a motto: Semper Fidelis, Semper Fi, and it means always faithful, always faithful to God, to country, to corps, and to your family. As I look around this body to the Lieutenant Governor, to the four corners of this Chamber, Dr. Janek, to Senator Ellis, to Dean Whitmire, to Senator Van de Putte, and all the rest of us, I know that we all live by that same motto, that we want to remain faithful to our God, to our country, to our corps, and to our family. Here in this Legislature we are emotional about the sacrifices we ask the people of Texas to make. But as difficult as those decisions are

and as passionately as we feel about them, they pale in comparison to the sacrifices we have asked of those men and women who serve our nation in the Armed Forces. We have watched families come on this floor, and with heavy hearts we have prayed for them that God will heal their hearts and soften their pain. And, selfishly, I have prayed that I will never stand up there, as well, in the event that my son gets called to duty. Today our entire nation is asked to join together in a day of remembrance and tribute to the brave men and women who have lost their lives in service and sacrifice. During the Revolutionary War, more than 6,800 soldiers gave their lives to establish the foundation for the liberties we enjoy today. During the Civil War that ripped this country apart, nearly 500,000 died before our nation was painfully restored. World War I claimed more than 116,000 Americans fighting on the foreign soils of Europe. Not long after, World War II engulfed the globe and the lives of more than 400,000 servicemen and women. The Korean War nearly took 55,000 of our finest. The Vietnam War, nearly 60,000. Desert Storm claimed 293 lives. And the current war in Iraq has brought an end to the lives of 3,433 members of our Armed Forces. Each of these lives was more than a number. Whether the conflict occurred 200 years ago or this morning in Baghdad, I ask you to remember the very human faces behind each number. They sacrificed much more than just their lives, they sacrificed their dreams, they sacrificed their goals, they sacrificed their families. They will never be able to hug their babies again. Their parents will never be able to hug them and say, "I love you, son, I love you, daughter." They will never be able to go fishing with their father or with their children. And so their families sacrifice much, as well, and I hope we remember that today on this special day. When my son joined the Marine Corps, and I think I speak for Senator Ogden, as well, it was one of the proudest days of my life, but it was also one of the saddest days, because I knew one day, and I pray to God it doesn't happen, but I know one day he'll be called to duty and may not return. Whatever you believe about the value of any war and whatever your feelings are about our current wars, today we are called to recognize those who fought and died for us, those who served without the luxury of allowing opinion to obscure duty. Today we honor those who answered the call to service and sacrifice for their fellow men and women. We honor those who made the ultimate sacrifice when they gave their lives in service to their nation. And in a traditional 3:00 observance across the country that calls for a brief halt in our lives, let us observe a moment of silence to pay honor and respect to our fallen comrades, men and women from the Army, Air Force, Navy, Coast Guard, and Marine Corps. Mr. President and Members, I ask you to join me now in that silent remembrance. Thank you Members.

Senator Hinojosa: Thank you Mr. President. Members, I, too, rise to support this resolution and honor our American heroes who paid with their lives for our freedom. You know, there is seldom a day that goes by that I do not think about my high school friends who died in Vietnam, who volunteered along with me, but they didn't come back. And as I enjoy my days and my life, my family, my son, my daughters, I never forget the sacrifice that not only my high school friends made but throughout history many Americans have made in fighting for our beliefs and our country and our way of life. I, too, Senator Uresti, have a son that's 14 years old, and we brought The Wall down to McAllen, and I took him there, and I couldn't help but break down crying when I saw the names of my high school friends who died. I, to teach my son duty,

loyalty to our country, honor to our country, not to be afraid, and he said, Dad, I want to join the Marine Corps when I grow up. But I want him to know and understand that at some point we have to stand up for our country, some point we may die for our country. And like today when it was raining, I walked outside in the rain because I love the rain, because it reminds me that I enjoy the feel and the wetness of the rain. I enjoy the sun, I enjoy the singing of the birds because someone, an American, paid for the freedom and the right for us to be here. And when I touched that Wall, I told my son, freedom is not free but the price of freedom is death and many Americans will die for us to be here and free. And I stand here to honor those dead Americans and Semper Fi to our country. Thank you.

SENATE RESOLUTION 1221

Senator Brimer offered the following resolution:

WHEREAS, It is a pleasure for the Texas Senate to honor one of its most respected longtime staff members, Susan Tyler, whose invaluable work on behalf of the Senate and its employees consistently exemplifies the best in Senate tradition; and

WHEREAS, Susan first worked at the Senate in 1974, and her service with the Senate now totals more than 29 years; she became director of Senate Payroll in 1996; and

WHEREAS, As director of the Senate Payroll Office, Susan has handled her wide-ranging responsibilities with the utmost professionalism and dedication; from managing monthly payrolls to coordinating Senate programs, Susan can always be relied upon to carry out the finishing touches deftly and accurately; and

WHEREAS, While her position would be a daunting challenge for anyone, Susan is known for carrying forth with poise and dependability and for treating her co-workers and other Senate staff with graciousness, warmth, and unfailing courtesy; and

WHEREAS, A role model for anyone in public service, Susan handles her duties with integrity and perseverance, and though she often faces heavy workload times and seemingly impossible deadlines to meet, she remains focused and committed to task; and

WHEREAS, An admirable Senate employee, Susan is noted for her kindness and the quintessential patience she displays when answering the thousands of questions that come her way, and she deserves recognition for the special attributes she brings to her position; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby commend Susan Tyler on her exceptional service to the Texas Senate and congratulate her on her selection as the 2007 administrative recipient of the Betty King Public Service Award; 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 1221 was read and was adopted without objection.

SENATE RESOLUTION 1222

Senator Brimer offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to pay tribute to longtime valued public servant Joe Morris, who has served the Senate with loyalty and distinction; and

WHEREAS, Throughout Joe's career with the Senate, he has handled his responsibilities with dedication and efficiency and has had the steadfast admiration of legislators and colleagues; and

WHEREAS, From his superior work as emcee of the Senate Christmas party to his professional duties as chief of staff to Senator Jeff Wentworth, Joe has earned a reputation as an imperturbable, energetic team leader who is renowned for both his organizational skills and convivial personality; and

WHEREAS, Widely regarded for his managerial proficiency and tenacity, Joe deserves commendation for his ability to consistently accomplish the mission before him, no matter the uniqueness of the task or the challenges it entails; and

WHEREAS, Joe joined Senator Wentworth's office after having served on the staff of Senator Bill Sims; he now has worked with the Texas Senate for over 16 years; well known for his dedication to the Senate and his enthusiasm for his work, Joe loyally represents the senator for whom he serves and feels as though it is the duty of chiefs of staff to be the eyes and ears of their legislator; and

WHEREAS, A favorite among the Senate staff members and a well-known face to those who walk the Capitol halls, Joe Morris enjoys the friendship and affection of many, as well as the highest respect of all who have worked with him; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby extend appreciation to Joe Morris for his outstanding service on behalf of the Texas Senate and congratulations to him on his selection as the 2007 legislative recipient of the Betty King Public Service Award; 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 1222 was read and was adopted without objection.

SENATE RESOLUTION 1219
(Caucus Report)

Senator Whitmire offered the following resolution:

BE IT RESOLVED BY THE SENATE OF THE STATE OF TEXAS:

SECTION 1. CAUCUS REPORT. At a caucus held on May 28, 2007, and attended by 30 members of the senate, the caucus made the recommendations for the operation of the senate contained in this resolution.

SECTION 2. EMPLOYEES. (a) The lieutenant governor may employ the employees necessary for the operation of the office of the lieutenant governor from the closing of this session and until the convening of the next session. The lieutenant governor and the secretary of the senate shall be furnished postage, telegraph, telephone, express, and all other expenses incident to their respective offices.

(b) The secretary of the senate is the chief executive administrator and shall be retained during the interval between adjournment of this session and the convening of the next session of the legislature. The secretary of the senate may employ the employees necessary for the operation of the senate and to perform duties as may be required in connection with the business of the state from the closing of this session and until the convening of the next session.

(c) Each senator may employ secretarial and other office staff for the senator's office.

(d) The chairman of the administration committee is authorized to retain a sufficient number of staff employees to conclude the work of the enrolling clerk, calendar clerk, journal clerk, and sergeant-at-arms. The administration committee shall establish the salaries for the senate staff.

SECTION 3. SENATE OFFICERS. (a) The following elected officers of the 80th Legislature shall serve for the interval between adjournment of this session and the convening of the next session of the legislature:

- (1) Secretary of the Senate—Patsy Spaw;
- (2) Calendar Clerk—Linda Tubbs;
- (3) Doorkeeper—Austin Osborn;
- (4) Enrolling Clerk—Mardi Alexander;
- (5) Journal Clerk—Dianne Arrington; and
- (6) Sergeant-at-Arms—Rick DeLeon.

(b) All employees and elected officers of the senate shall operate under the direct supervision of the secretary of the senate during the interim.

(c) Officers named in this section serve at the will of the senate.

SECTION 4. DUTIES OF CHAIRMAN OF ADMINISTRATION COMMITTEE. (a) The chairman of the administration committee shall place the senate chamber in order and purchase supplies and make all necessary repairs and improvements between the adjournment of this session and the convening of the next session of the legislature.

(b) The chairman shall make an inventory of all furniture and fixtures in the senate chamber and in the private offices of the members, as well as of the supplies and equipment on hand in the purchasing and supply department and shall close the books for the Regular Session of the 80th Legislature.

(c) The chairman shall not acquire any equipment on a rental/purchase plan unless the equipment is placed on the senate inventory at the termination of the plan.

(d) The chairman shall examine records and accounts payable out of the contingent expense fund as necessary to approve all claims and accounts against the senate, and no claim or account shall be paid without the consent and approval of the chairman.

(e) The chairman and any member of the administration committee shall be entitled to receive actual and necessary expenses incurred during the interim.

(f) In addition to the duties of the administration committee expressly imposed by this resolution, the committee shall take actions necessary to ensure that the administrative operations of the senate comply with applicable law and are conducted effectively and efficiently.

SECTION 5. JOURNAL. (a) The secretary of the senate shall have 325 volumes of the Senate Journal of the Regular Session of the 80th Legislature printed. Two hundred and fifty copies shall be bound in buckram and delivered to the secretary of the senate who shall forward one volume to each member of the senate, the lieutenant governor, and each member of the house of representatives on request.

(b) The printing of the journals shall be done in accordance with the provisions of this resolution under the supervision of the chairman of the administration committee. The chairman shall refuse to receive or receipt for the journals until corrected and published in accordance with the preexisting law as finally approved by the chairman of the administration committee. When the accounts have been certified by the chairman of the administration committee, the accounts shall be paid out of the contingent expense fund of the 80th Legislature.

SECTION 6. PAYMENT OF SALARIES AND EXPENSES. (a) Salaries and expenses authorized by this resolution shall be paid out of the per diem and contingent expense fund of the 80th Legislature as provided by this section.

(b) The senate shall request the comptroller of public accounts to issue general revenue warrants for:

(1) payment of the employees of the lieutenant governor's office, the lieutenant governor, members of the senate, employees of the senate committees, and employees of the senate, except as provided by Subchapter H, Chapter 660, Government Code, upon presentation of the payroll account signed by the chairman of the administration committee and the secretary of the senate; and

(2) the payment of materials, supplies, and expenses of the senate, including travel expenses for members and employees, upon vouchers signed by the chairman of the administration committee and the secretary of the senate.

SECTION 7. EXPENSE REIMBURSEMENT AND PER DIEM. (a) In furtherance of the legislative duties and responsibilities of the senate, the administration committee shall charge to the individual member's office budget:

(1) the reimbursement of all actual expenses incurred by the members when traveling in performance of legislative duties and responsibilities or incident to those duties; and

(2) the payment of all other reasonable and necessary expenses for the operation of the office of the individual senator during any period the legislature is not in session. Expenditures for these services by the administration committee are authorized as an expense of the senate and shall not be restricted to Austin but may be incurred in individual senatorial districts. Such expenses shall be paid from funds appropriated for the use of the senate on vouchers approved by the chairman of the administration committee and the secretary of the senate in accordance with regulations governing such expenditures.

(b) Each senator shall be permitted a payroll of \$37,000 per month June 1 through August 31, 2007, and \$37,500 per month beginning September 1, 2007, to employ secretarial and other office staff and for intrastate travel expenses for staff employees. This payroll amount accrues on the first day of the month and may not be expended prior to the month in which it accrues, but any unexpended portion for a month may be carried forward from month to month until the end of the fiscal year. Other expenses, including travel expenses or other reasonable and necessary expenses incurred in the furtherance and performance of legislative duties or in operation of the member's office or incident thereto, shall be provided in addition to the maximum salary authorized.

(c) The secretary of the senate may order reimbursement for legislative expenses consistent with this resolution and the establishment by the Texas Ethics Commission of per diem rates.

(d) Any member of the senate and the lieutenant governor are eligible to receive such reimbursement on application of the member or the lieutenant governor to the secretary of the senate.

(e) On the application of a member of the senate or the lieutenant governor, the applicant shall be entitled to reimbursement for legislative expenses for each legislative day.

(f) For purposes of this section, a legislative day includes each day of a regular or special session of the legislature, including any day the legislature is not in session for a period of four consecutive days or less, and all days the legislature is not in session if the senator or lieutenant governor attends a meeting of a joint, special, or legislative committee as evidenced by the official record of the body, and each day, limited to 12 days per month for non-chairs or 16 days per month for chairs and the lieutenant governor, the senator or the lieutenant governor, including those living within a 50-mile radius, is otherwise engaged in legislative business as evidenced by claims submitted to the chairman of the administration committee.

SECTION 8. MEMBER'S EMPLOYEE LEAVE POLICY. (a) An employee of a senator accrues vacation leave, compensatory leave, or sick leave in accordance with policies adopted by the senator consistent with the requirements of this section.

(b) An employee may accrue vacation leave, compensatory leave, or sick leave only if the employee files a monthly time record with the senate human resources office. Time records are due not later than the 10th day of the following month.

(c) Compensatory time must be used not later than the last day of the 12th month following the month in which the time was accrued.

(d) An employee is not entitled to compensation for accrued but unused compensatory time.

SECTION 9. DESIGNATION FOR ATTENDANCE AT MEETINGS AND FUNCTIONS. (a) The lieutenant governor may appoint any member of the senate, the secretary of the senate, or any other senate employee to attend meetings of the National Conference of State Legislatures and other similar meetings. Necessary and actual expenses are authorized upon the approval of the chairman of the administration committee and the secretary of the senate.

(b) The lieutenant governor may designate a member of the senate to represent the senate at ceremonies and ceremonial functions. The necessary expenses of the senator and necessary staff for this purpose shall be paid pursuant to a budget approved by the administration committee.

SECTION 10. MEETINGS DURING INTERIM. (a) Each of the standing committees and subcommittees of the senate of the 80th Legislature may continue to meet at such times and places during the interim as determined by such committees and subcommittees and to hold hearings, recommend legislation, and perform research on matters directed either by resolution, the lieutenant governor, or as determined by majority vote of each committee.

(b) Each continuing committee and subcommittee shall continue to function under the rules adopted during the legislative session where applicable.

(c) Expenses for the operation of these committees and subcommittees shall be paid pursuant to a budget prepared by each committee and approved by the administration committee.

(d) The operating expenses of these committees shall be paid from the contingent expense fund of the senate, and committee members shall be reimbursed for their actual expenses incurred in carrying out the duties of the committees.

SECTION 11. SENATE OFFICES. Members not returning for the 81st Legislature shall vacate their senate offices by December 15, 2008.

SECTION 12. FURNISHING OF INFORMATION BY SENATE EMPLOYEE. An employee of the senate may not furnish any information to any person, firm, or corporation other than general information pertaining to the senate and routinely furnished to the public.

SECTION 13. OUTSIDE EMPLOYMENT. An employee of the senate may not be employed by and receive compensation from any other person, firm, or corporation during the employee's senate employment without the permission of the employee's senate employer.

SECTION 14. REMOVAL OF SENATE PROPERTY. The secretary of the senate is specifically directed not to permit the removal of any of the property of the senate from the senate chamber or the rooms of the senate except as authorized by the chairman of the administration committee.

SR 1219 was read and was adopted without objection.

SENATE CONCURRENT RESOLUTION 89

The President laid before the Senate the following resolution:

WHEREAS, **SB 1604** has been adopted by the house of representatives and the senate and is being prepared for enrollment; and

WHEREAS, The bill contains technical errors that should be corrected; now, therefore, be it

RESOLVED by the 80th Legislature of the State of Texas, That the enrolling clerk of the senate be instructed to correct Senate Bill No. 1604 in SECTION 32 of the bill by striking proposed Subsections (d) and (e), Section 27.0513, Water Code, and substituting the following:

(d) Notwithstanding Sections 5.551, 5.556, 27.011, and 27.018, an application for an authorization submitted after September 1, 2007, is an uncontested matter not subject to a contested case hearing or the hearing requirements of Chapter 2001, Government Code, unless the authorization seeks any of the following:

(1) an amendment to a restoration table value;

(2) the initial establishment of monitoring wells for any area covered by the authorization, including the location, number, depth, spacing, and design of the monitoring wells, unless the executive director uses the recommendation of an independent third-party expert chosen by the commission; or

(3) an amendment to the type or amount of bond required for groundwater restoration or by Section 27.073 to assure that there are sufficient funds available to the state for groundwater restoration or the plugging of abandoned wells in the area by a third-party contractor.

(e) The executive director may use an independent third-party expert if:

(1) the expert meets the qualifications set by commission rules for such experts;

(2) the applicant for the authorization agrees to pay the costs for the work of the expert; and

(3) the applicant for the authorization is not involved in the selection of the expert or the direction of the work of the expert.

(f) An application seeking approval under Subsections (d)(1)-(3) is subject to the public notice and contested hearing requirements provided in Section 27.018.

DUNCAN

SCR 89 was read.

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

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

Absent-excused: Gallegos.

GUEST PRESENTED

Senator Seliger was recognized and introduced to the Senate Captain Robert Hamilton of Austin.

The Senate welcomed its guest.

SENATE CONCURRENT RESOLUTION 87

The President laid before the Senate the following resolution:

WHEREAS, **SB 1031** has been adopted by the house of representatives and the senate and is being prepared for enrollment; and

WHEREAS, The bill contains technical errors that should be corrected; now, therefore, be it

RESOLVED by the 80th Legislature of the State of Texas, That the enrolling clerk of the senate be instructed to make the following corrections:

(1) In SECTION 11 of the conference committee report, in added Section 39.0261, Education Code, immediately following added Subsection (e), insert the following:

(f) The provisions of this section apply only if the legislature appropriates funds for purposes of this section.

(2) In SECTION 11 of the conference committee report, in the heading to added Section 39.0262, Education Code, strike "LOCAL" and substitute "DISTRICT-REQUIRED".

(3) In SECTION 11 of the conference committee report, in added Subsection (a), Section 39.0262, Education Code, strike "local" and substitute "district-required".

SHAPIRO

SCR 87 was read.

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

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

Absent-excused: Gallegos.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

May 28, 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 ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

HB 1565 (141 Yeas, 0 Nays, 1 Present, not voting)

HB 2072 (142 Yeas, 0 Nays, 2 Present, not voting)

HB 3249 (139 Yeas, 0 Nays, 1 Present, not voting)

SB 8 (140 Yeas, 4 Nays, 2 Present, not voting)

SB 758 (142 Yeas, 0 Nays, 2 Present, not voting)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE CONCURRENT RESOLUTION 90

The President laid before the Senate the following resolution:

WHEREAS, **SB 11** has been adopted by the house of representatives and the senate and is being prepared for enrollment; and

WHEREAS, The bill contains technical errors that should be corrected; now, therefore, be it

RESOLVED by the 80th Legislature of the State of Texas, That the enrolling clerk of the senate be instructed to make the following corrections:

(1) In Article 15 of the bill, in amended Subdivision (1), Subsection (b), Section 51.212, Education Code (conference committee report, page 58, line 15), between "institution" and the semicolon, insert " but provided these duties are consistent with the educational mission of the institution and are being performed within a county in which the institution has land".

(2) Strike Article 16 of the bill (conference committee report, page 64, line 24 through page 67, line 10) and substitute the following:

ARTICLE 16. TRAFFICKING OF PERSONS

SECTION 16.01. Section 20A.01, Penal Code, is amended to read as follows:

Sec. 20A.01. DEFINITIONS. In this chapter:

(1) "Forced labor or services" means labor or services, including conduct that constitutes an offense under Section 43.02, that are performed or provided by another person and obtained through an actor's:

(A) causing or threatening to cause bodily injury to the person or another person or otherwise causing the person performing or providing labor or services to believe that the person or another person will suffer bodily injury;

(B) restraining or threatening to restrain the person or another person in a manner described by Section 20.01(1) or causing the person performing or providing labor or services to believe that the person or another person will be restrained; ~~(B)~~

(C) knowingly destroying, concealing, removing, confiscating, or withholding from the person or another person, or threatening to destroy, conceal, remove, confiscate, or withhold from the person or another person, the person's actual or purported:

- (i) government records;
- (ii) identifying information; or
- (iii) personal property;

(D) threatening the person with abuse of the law or the legal process in relation to the person or another person;

(E) threatening to report the person or another person to immigration officials or other law enforcement officials or otherwise blackmailing or extorting the person or another person;

(F) exerting financial control over the person or another person by placing the person or another person under the actor's control as security for a debt to the extent that:

(i) the value of the services provided by the person or another person as reasonably assessed is not applied toward the liquidation of the debt;

(ii) the duration of the services provided by the person or another person is not limited and the nature of the services provided by the person or another person is not defined; or

(iii) the principal amount of the debt does not reasonably reflect the value of the items or services for which the debt was incurred; or

(G) using any scheme, plan, or pattern intended to cause the person to believe that the person or another person will be subjected to serious harm or restraint if the person does not perform or provide the labor or services.

(2) "Traffic" means to transport, ~~[another person or to]~~ entice, recruit, harbor, provide, or otherwise obtain another person by any means ~~[for transport by deception, coercion, or force].~~

SECTION 16.02. Subsections (a) and (b), Section 20A.02, Penal Code, are amended to read as follows:

(a) A person commits an offense if the person:

(1) knowingly traffics another person with the intent or knowledge that the trafficked person will engage in[±

~~(±)]~~ forced labor or services; or

(2) intentionally or knowingly benefits from participating in a venture that involves an activity described by Subdivision (1), including by receiving labor or services the person knows are forced labor or services [conduct that constitutes an offense under Chapter 43].

(b) Except as otherwise provided by this subsection, an offense under this section is a felony of the second degree. An offense under this section is a felony of the first degree if:

(1) the applicable conduct constitutes an offense under Section 43.02 [offense is committed under Subsection (a)(2)] and the person who is trafficked is younger than 18 [14] years of age at the time of the offense; or

(2) the commission of the offense results in the death of the person who is trafficked.

SECTION 16.03. Section 125.002, Civil Practice and Remedies Code, is amended by adding Subsection (f-1) to read as follows:

(f-1) If the defendant required to execute the bond is a hotel, motel, or similar establishment that rents overnight lodging to the public and the alleged common nuisance is under Section 125.0015(a)(6) or (7), the bond must also be conditioned that the defendant will, in each of the defendant's lodging units on the premises that are the subject of the suit, post in a conspicuous place near the room rate information required to be posted under Section 2155.001, Occupations Code, an operating toll-free telephone number of a nationally recognized information and referral hotline for victims of human trafficking.

SECTION 16.04. Section 125.045, Civil Practice and Remedies Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) If the defendant required to execute the bond is a hotel, motel, or similar establishment that rents overnight lodging to the public and the alleged common nuisance is under Section 125.0015(a)(6) or (7), the bond must also be conditioned that the defendant will, in each of the defendant's lodging units on the premises that are the subject of the suit, post in a conspicuous place near the room rate information required to be posted under Section 2155.001, Occupations Code, an operating toll-free telephone number of a nationally recognized information and referral hotline for victims of human trafficking.

SECTION 16.05. (a) Not later than September 1, 2008, the attorney general, in consultation with the Health and Human Services Commission, shall prepare and issue a report:

(1) outlining how existing laws and rules concerning victims and witnesses address or fail to address the needs of victims of human trafficking; and

(2) recommending areas of improvement and modifications in existing laws and rules.

(b) Not later than September 1, 2008, the Health and Human Services Commission, in consultation with the attorney general, shall prepare and issue a report:

(1) outlining how existing social service programs address or fail to address the needs of victims of human trafficking;

(2) with respect to those needs, outlining the interplay of existing social service programs with federally funded victim service programs; and

(3) recommending areas of improvement and modifications in existing social service programs.

SECTION 16.06. Sections 20A.01 and 20A.02, Penal Code, as amended by this article apply only to an offense committed on or after the effective date of this article. An offense committed before the effective date of this article is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense is committed before the effective date of this article if any element of the offense occurs before the effective date.

SECTION 16.07. Subsection (f-1), Section 125.002, and Subsection (a-1), Section 125.045, Civil Practice and Remedies Code, as added by this article, apply only to a suit filed on or after the effective date of this article. A suit filed before the effective date of this article is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

(3) In Article 17 of the bill, strike added Subsection (i), Section 418.108, Government Code (conference committee report, page 69, lines 2-4), and substitute the following:

(i) A declaration under this section may include a restriction that exceeds a restriction authorized by Section 352.051, Local Government Code. A restriction that exceeds a restriction authorized by Section 352.051, Local Government Code, is effective only:

(1) for 60 hours unless extended by the governor; and

(2) if the county judge requests the governor to grant an extension of the restriction.

(4) In the Article 19 entitled "EMERGENCY MANAGEMENT TRAINING," strike added Subsection (a), Section 418.005, Government Code, and substitute the following:

(a) This section applies only to an appointed public officer:

(1) whose position description, job duties, or assignment includes emergency management responsibilities; or

(2) who plays a role in emergency preparedness, response, or recovery.

(5) In the Article 19 entitled "EMERGENCY MANAGEMENT TRAINING," in added Subdivision (1), Subsection (b), Section 418.005, Government Code, strike "elected or".

(6) In the Article 19 entitled "EMERGENCY MANAGEMENT TRAINING," in added Subdivision (2), Subsection (b), Section 418.005, Government Code, strike "elected or".

(7) Add the following new article and section, to be numbered appropriately, to the conference committee report:

ARTICLE ____ . ENHANCED DRIVER'S LICENSE OR PERSONAL IDENTIFICATION CERTIFICATE

SECTION ____ .01. Subchapter B, Chapter 521, Transportation Code, is amended by adding Section 521.032 to read as follows:

Sec. 521.032. ENHANCED DRIVER'S LICENSE OR PERSONAL IDENTIFICATION CERTIFICATE. (a) The department may issue an enhanced driver's license or personal identification certificate for the purposes of crossing the border between this state and Mexico to an applicant who provides the department

with proof of United States citizenship, identity, and state residency. If the department issues an enhanced driver's license or personal identification certificate, the department shall continue to issue a standard driver's license and personal identification certificate and offer each applicant the option of receiving the standard or enhanced driver's license or personal identification certificate.

(b) The department shall implement a one-to-many biometric matching system for the enhanced driver's license or personal identification certificate. An applicant for an enhanced driver's license or personal identification certificate must submit a biometric identifier as designated by the department, which, notwithstanding any other law, may be used only to verify the identity of the applicant for purposes relating to implementation of the border crossing initiative established by this section. An applicant must sign a declaration acknowledging the applicant's understanding of the one-to-many biometric match.

(c) The enhanced driver's license or personal identification certificate must include reasonable security measures to protect the privacy of the license or certificate holders, including reasonable safeguards to protect against the unauthorized disclosure of information about the holders. If the enhanced driver's license or personal identification certificate includes a radio frequency identification chip or similar technology, the department shall ensure that the technology is encrypted or otherwise secure from unauthorized information access.

(d) The requirements of this section are in addition to any other requirements imposed on applicants for a driver's license or personal identification certificate. The department shall adopt rules necessary to implement this section. The department shall periodically review technological innovations related to the security of driver's licenses and personal identification certificates and amend the rules as appropriate, consistent with this section, to protect the privacy of driver's license and personal identification certificate holders.

(e) The department may set a fee for issuance of an enhanced driver's license or personal identification certificate in a reasonable amount necessary to implement and administer this section.

(f) The department may enter into a memorandum of understanding with any federal agency for the purposes of facilitating the crossing of the border between this state and Mexico. The department may enter into an agreement with Mexico, to the extent permitted by federal law, to implement a border crossing initiative authorized by this section. The department shall implement a statewide education campaign to educate residents of this state about the border crossing initiative. The campaign must include information on:

(1) the forms of travel for which the existing and enhanced driver's license and personal identification certificate can be used; and

(2) relevant dates for implementation of laws that affect identification requirements at the border with Mexico.

(g) A person may not sell or otherwise disclose biometric information accessed from an enhanced driver's license or any information from an enhanced driver's license radio frequency identification chip or similar technology to another person or

an affiliate of the person. This subsection does not apply to a financial institution described by Section 521.126(e).

CARONA

SCR 90 was read.

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

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

Absent-excused: Gallegos.

HOUSE CONCURRENT RESOLUTION 274

The President laid before the Senate the following resolution:

WHEREAS, **HB 4091** has been adopted by the house of representatives and the senate and is being prepared for enrollment; and

WHEREAS, The bill contains technical and typographical errors that should be corrected; now, therefore, be it

RESOLVED by the 80th Legislature of the State of Texas, That the enrolling clerk of the house of representatives be instructed to make the following correction:

(1) In Section 2 of the bill, in amended Section 3843.053(a), Special District Local Laws Code (senate committee printing page 1, line 27), strike "Brad Negar" and substitute "Brad Nagar".

ELLIS

HCR 274 was read.

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

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

Absent-excused: Gallegos.

HOUSE CONCURRENT RESOLUTION 283

The President laid before the Senate the following resolution:

WHEREAS, **HB 2605** has been adopted by the house of representatives and the senate and is being prepared for enrollment; and

WHEREAS, The bill contains technical errors that should be corrected; now, therefore, be it

RESOLVED by the 80th Legislature of the State of Texas, That the enrolling clerk of the house of representatives be instructed to make the following correction:

In SECTION 1 of the bill, in added Section 81.003, Alcoholic Beverage Code, as amended by Senate Floor Amendment No. 1, strike "representing the district".

WHITMIRE

HCR 283 was read.

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

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

Absent-excused: Gallegos.

HOUSE CONCURRENT RESOLUTION 285

The President laid before the Senate the following resolution:

WHEREAS, **SB 1031** has been adopted by the house of representatives and the senate and is being prepared for enrollment; and

WHEREAS, The bill contains technical errors that should be corrected; now, therefore, be it

RESOLVED by the 80th Legislature of the State of Texas, That the enrolling clerk of the senate be instructed to make the following corrections:

(1) In SECTION 11 of the conference committee report, in added Section 39.0261, Education Code, immediately following added Subsection (e), insert the following:

(f) The provisions of this section apply only if the legislature appropriates funds for purposes of this section.

(2) In SECTION 11 of the conference committee report, in the heading to added Section 39.0262, Education Code, strike "LOCAL" and substitute "DISTRICT-REQUIRED".

(3) In SECTION 11 of the conference committee report, in added Section 39.0262(a), Education Code, strike "local" and substitute "district-required".

SHAPIRO

HCR 285 was read.

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

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

Absent-excused: Gallegos.

HOUSE CONCURRENT RESOLUTION 284

The President laid before the Senate the following resolution:

WHEREAS, **HB 2563** has been adopted by the house of representatives and the senate and is being prepared for enrollment; and

WHEREAS, The bill contains technical errors that should be corrected; now, therefore, be it

RESOLVED by the 80th Legislature of the State of Texas, That the enrolling clerk of the house of representatives be instructed to make the following correction:

(1) In SECTION 4 of the senate committee printing, in redesignated and amended Section 11.1513, Education Code, strike added Subsection (i).

(2) In SECTION 4 of the senate committee printing, in redesignated and amended Section 11.1513(j), Education Code, strike "(j)" and substitute "(i)".

VAN DE PUTTE

HCR 284 was read.

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

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

Absent-excused: Gallegos.

HOUSE CONCURRENT RESOLUTION 288

The President laid before the Senate the following resolution:

WHEREAS, **HB 1977** has been adopted by the house of representatives and the senate and has been enrolled; and

WHEREAS, The bill contains a technical error that should be corrected; now, therefore, be it

RESOLVED, That the action of the speaker of the house of representatives and the president of the senate in signing House Bill No. 1977 be declared null and void and the signatures of the presiding officers be removed from the bill; and, be it further

RESOLVED by the 80th Legislature of the State of Texas, That the enrolling clerk of the house of representatives be instructed to re-enroll the bill after making the following correction:

In the SECTION of the bill adding Section 1506.2523, Insurance Code, in Subsection (b)(3) of that section, strike "Section 1506.002(b)" and substitute "Sections 1506.002(b), (c), and (d)".

AVERRITT

HCR 288 was read.

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

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

Absent-excused: Gallegos.

SENATE RULE 8.02 SUSPENDED (Referral to Committee)

On motion of Senator Wentworth and by unanimous consent, Senate Rule 8.02 was suspended to take up for consideration **SCR 88** at this time.

SENATE CONCURRENT RESOLUTION 88

The President laid before the Senate the following resolution:

WHEREAS, Jacob's Well is a prolific artesian spring in Wimberley, Hays County, Texas; rising from the largest underground water cave in the Trinity Aquifer, it provides a perpetual flow of clear, exceptionally pure spring water to Cypress Creek and the Blanco River; and

WHEREAS, The spring and creek, along which the Village of Wimberley was built, contribute to the aesthetic beauty and commercial vitality of that community, and to the environmental integrity and quality of life in the surrounding Hill Country region; and

WHEREAS, Clean water and open space are both an economic advantage and an essential part of our Texas heritage, yet both are disappearing in Hays County because of the pressures of continuing population growth; and

WHEREAS, In 1996, the Wimberley Valley Watershed Association was established to ensure the economic and environmental health of the valley by protecting the pristine aquifers and watersheds of Jacob's Well, Cypress Creek, and the Blanco River, and by preserving the lush open space that defines the rural and ranching traditions of the Hill Country; and

WHEREAS, Hays County is greatly enriched by the association and its goal of preserving both the quality and the quantity of the bountiful water sources on which the Wimberley Valley relies; and

WHEREAS, The Wimberley Valley Watershed Association has committed to a leadership role, working with elected officials, businesses, and citizens throughout the valley and Central Texas to guarantee the sustainability and health of the area's hydrological endowment; and

WHEREAS, In the area surrounding Jacob's Well, the association has purchased 55 acres to ensure that the land in the vicinity, as well as contributing aquifers and watersheds, are protected for the benefit of future generations of Texans who reside in or visit the community; and

WHEREAS, As part of this effort, the association has embarked on the development of a Jacob's Well Natural Area master plan, through which it will apply its best efforts to implement a regional land conservation program including voluntary conservation easements and requisite scientific research; and

WHEREAS, Education lies at the core of the association's mission, and the Jacob's Well Natural Area will provide an ideal setting for informational programs, and will encourage a spirit of involvement in land and water stewardship among civic organizations, students of all ages, business and government leaders, and residents; now, therefore, be it

RESOLVED, That the 80th Legislature of the State of Texas hereby support the establishment of the Jacob's Well Natural Area, the associated missions of the Wimberley Valley Watershed Association, and regional conservation initiatives by the association to protect the natural beauty and economic vitality of Hays County; and, be it further

RESOLVED, That the legislature strongly recommend the Jacob's Well Natural Area project for funding from any parks or open space grant or program, or from any other funding source that assists the goals of this commendable project.

WENTWORTH

SCR 88 was read.

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

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

Absent-excused: Gallegos.

SENATE RULE 8.02 SUSPENDED
(Referral to Committee)

Senator Wentworth moved to suspend Senate Rule 8.02 to take up for consideration **SR 1187** at this time.

The motion prevailed without objection.

SENATE RESOLUTION 1187

The President laid before the Senate the following resolution:

WHEREAS, The national effort to beautify the country's highways began in earnest with Lady Bird Johnson, wife of President Lyndon B. Johnson; thanks to her strong leadership and initiative, the 89th Congress of the United States passed the Highway Beautification Act of 1965; and

WHEREAS, Lady Bird Johnson's vision of a more beautiful America was further advanced by the passage of the federal Surface Transportation and Uniform Relocation Assistance Act of 1987 (STURAA); sponsored by United States Senator Lloyd Bentsen of Texas, the Act included the requirement that one-quarter of one percent of federal funds expended for highway system landscaping must be used to plant wildflowers; and

WHEREAS, This dedication of federal highway funds for wildflower plantings has made it possible for states to plant wildflowers on thousands of acres of highway rights-of-way; in addition to being an important part of each region's identity, these native plants are adapted to area rainfall conditions and generally require less maintenance than nonnative species; and

WHEREAS, The Texas Department of Transportation has taken full advantage of the federal Surface Transportation and Uniform Relocation Assistance Act of 1987 and Lady Bird Johnson's leadership on roadside beautification to create inspiring wildflower landscapes along Texas highways and allow millions of Texans to enjoy the natural beauty of native plants and gain an appreciation for the state's natural heritage; and

WHEREAS, Helping state and county transportation departments utilize native plants and wildflowers along highway roadsides was also a top priority in 1982 when Lady Bird Johnson founded the organization now known as the Lady Bird Johnson Wildflower Center at The University of Texas at Austin; and

WHEREAS, Twenty-five years later, the Lady Bird Johnson Wildflower Center remains a leader in promoting the use of native plants and wildflowers for highway system landscaping, and it is fitting that the center's 25th anniversary coincides with the 20th anniversary of the federal Surface Transportation and Uniform Relocation Assistance Act of 1987; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby recognize the 20th anniversary of the federal Surface Transportation and Uniform Relocation Assistance Act of 1987 and the 25th anniversary of the Lady Bird Johnson Wildflower Center at The University of Texas at Austin; and, be it further

RESOLVED, That the Senate also recognize Lady Bird Johnson's lasting contributions to the beauty and ecological health of highway roadsides in the state and nation and the Texas Department of Transportation's national leadership in integrating wildflower plantings into state highway system projects; and, be it further

RESOLVED, That the Senate encourage further collaboration between the Texas Department of Transportation and the Lady Bird Johnson Wildflower Center to create one or more demonstration roadside wildflower projects, raise awareness about Texas wildflowers, and enhance state efforts to showcase the beauty and ecological importance of Texas wildflowers; and, be it further

RESOLVED, That the secretary of the senate forward official copies of this Resolution to the executive directors of the Texas Department of Transportation and the Lady Bird Johnson Wildflower Center at The University of Texas at Austin.

WENTWORTH

SR 1187 was read and was adopted without objection.

HOUSE CONCURRENT RESOLUTION 282

The President laid before the Senate the following resolution:

WHEREAS, **HB 472** has been adopted by the house of representatives and the senate and is being prepared for enrollment; and

WHEREAS, The bill contains a technical error that should be corrected; now, therefore, be it

RESOLVED by the 80th Legislature of the State of Texas, That the enrolling clerk of the house of representatives be instructed to make the following correction:

In SECTION 1.20 of ARTICLE 1 of the bill, as amended by Senate Floor Amendment No. 1, in added Section 4151.254(b)(1)(B), Insurance Code, strike "under Section 4151.252" and substitute "under Section 4151.253".

VAN DE PUTTE

HCR 282 was read.

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

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

Absent-excused: Gallegos.

SENATE RESOLUTION 1250

Senator Fraser offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 80th Legislature, Regular Session, 2007, That Senate Rule 12.03(1) be suspended as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on **HB 1386** (regulation of the decommissioning costs of certain nuclear-powered commercial electric generating units) to consider and take action on changing text that is not in disagreement in the proposed Subdivision (1), Subsection (k), Section 39.206, Utilities Code, to read:

(k) The commission shall adopt rules necessary to ensure that:

(1) a power generation company remits sufficient funds to a nuclear decommissioning trust on an annual basis, including projected earnings to approximate the amount remaining to be accumulated to cover the cost of decommissioning a nuclear generating unit at the end of its operating license period divided by the remaining years of the license and in accordance with applicable state and federal laws and regulations or over a shorter period of time at the election of the power generation company;

Explanation: The alteration of the text not in disagreement is necessary to clarify how the Public Utility Commission of Texas is to determine the annual amount of funds sufficient to pay the costs of decommissioning and decontaminating a nuclear generating unit.

SR 1250 was read and was adopted without objection.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 1386 ADOPTED**

Senator Fraser called from the President's table the Conference Committee Report on **HB 1386**. The Conference Committee Report was filed with the Senate on Saturday, May 26, 2007.

On motion of Senator Fraser, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 0.

Absent-excused: Gallegos.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
May 28, 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 ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

HB 3 (142 Yeas, 2 Nays, 2 Present, not voting)

HB 1386 (134 Yeas, 8 Nays, 4 Present, not voting)

SB 530 (139 Yeas, 4 Nays, 2 Present, not voting)

SB 718 (144 Yeas, 0 Nays, 2 Present, not voting)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

BILLS AND RESOLUTION SIGNED

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

SB 9, SB 10, SB 199, SB 344, SB 765, SB 960, SB 1154, SB 1266, SB 1332, SB 1499, SB 1517, SB 1562, SB 1731, SB 1871, SB 1879, SCR 82, HB 1 (signed subject to Sec. 49-a, Art. III, Texas Constitution), **HB 1481**.

**STATEMENTS OF LEGISLATIVE INTENT ON
SENATE BILL 1908**

Senators Wentworth, Patrick, and Ellis submitted the following statements of legislative intent for **SB 1908**:

Senator Wentworth: Mr. President. It's come to my attention, along with Senator Patrick, that an amendment put on in the House by Representative Swinford that we found objectionable, and were working to make sure came off, in fact, it did come off. And when the Conference Committee Report on Senate Bill 1908 came to the floor for adoption yesterday, Senator Ellis was the Senate sponsor and I was recognized by you and got permission to talk to Senator Ellis. Representative Menendez was standing next to him and I said, is this the hated amendment that we were making sure it wasn't on the amendment, is that off the Conference Committee Report? And they both assured me that the amendment was off the bill and for that reason we let it go. I think it passed unanimously. Subsequent to that, I am told, although the *House Journal* hasn't been printed so I haven't seen it, that Representative Menendez got up on the House floor and said that the reason the Swinford amendment was left off was that the conferees unanimously agreed that it was unnecessary, that it would have been redundant of current existing law, and that's a matter of legislative intent he said. I want to make it very clear that that is an inaccurate statement, that the conferees apparently did not unanimously agree to any such thing. It would definitely change existing law. Had that amendment gone on it would've allowed private developers to reap 100 percent of an exemption intended for charitable organizations that develop low-income housing, and it would have shifted more taxes onto the backs of homeowners and business people in this state. Under current law, these developers can still get a 50 percent exemption if they meet stringent standards for operations and spending to ensure that the exemption ultimately benefits the taxpayers. The amendment would've increased the exemption and watered down the standards that are in current law. I got a phone call from the chief appraiser of the Bexar Appraisal District who told me that we were talking in the, in terms of hundreds of millions of dollars that would've gone off the tax rolls had that amendment been added. So I just wanted to make the record clear. And I think, Mr. President, Senator Patrick would like to add some remarks on this same subject.

Senator Patrick: Thank you Mr. President. And I totally concur with Senator Wentworth. Under the current law, the developers can still get a 50 percent exemption if they meet stringent standards for operation spending to ensure that the exemption ultimately benefits taxpayers. And the amendment would've increased the exemption and watered down the standards as Senator Wentworth said. Last evening Representative Menendez and Representative Keffer visited my Capitol office with

others in attendance and assured me the amendment would be removed because they said that it would make change in current law and there were concerns of other Senators, Senator Nichols, Senator Wentworth, myself, and that this had not been vetted in either Chamber. And then again after agreement with Senator Ellis who worked with us on this and Senator Nichols and Senator Wentworth, they went ahead and tried to change the legislative intent in the House and we wanted to be sure that the legislative intent is clear. That this amendment was intended to be taken off because it would change current law. I think Senator Ellis would like to speak to the issue.

Senator Ellis: Thank you Mr. President. I want to, for purposes of legislative intent, I want to ensure the Members that I meant to take the amendment off. I'm glad I took the amendment off. I intended to take it off, and it's gone.

AT EASE

The President at 4:52 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

The President at 7:02 p.m. called the Senate to order as In Legislative Session.

ACKNOWLEDGMENTS

Senator Brimer was recognized and, on behalf of the Senate, acknowledged the floor staff for their work during this legislative session.

The Senate thanked the staff.

ACKNOWLEDGMENTS

Senator Lucio was recognized and, on behalf of the Senate, acknowledged the Department of Public Safety Troopers for the performance of their duties during the legislative session.

The Senate thanked the State Troopers.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

May 28, 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 ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

HB 1168 (143 Yeas, 0 Nays, 2 Present, not voting)

HB 1521 (143 Yeas, 0 Nays, 2 Present, not voting)

HB 2094 (142 Yeas, 1 Nays, 2 Present, not voting)

HB 3154 (143 Yeas, 0 Nays, 3 Present, not voting)

SB 406 (141 Yeas, 0 Nays, 2 Present, not voting)

SB 909 (144 Yeas, 0 Nays, 2 Present, not voting)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

STATEMENT OF LEGISLATIVE INTENT ON HOUSE BILL 15

Senator Ogden submitted the following statement of legislative intent for **HB 15**:

Members, the other night when we passed **HB 15** there was a provision in House Bill 15 that was supposed to be deleted. And that provision appropriated \$76 million to the Department of Information Resources for the purposes of paying onetime costs related to the data center services contract. Those costs can be amortized over the life of the contract, and it was my opinion that the money did not need to be appropriated, and it was not my intention to do so. I've talked to Chairman Chisum about this fact and we do not think that changing House Bill 15, in this case, would be a technical correction. So, it's my intention, Members, to ask the Governor to veto that portion of House Bill 15 dealing with the \$76 million appropriation to the Department of Information Resources, and/or ask the LBB to direct DIR not to spend the money.

OGDEN

ACKNOWLEDGMENTS

The President acknowledged Senate Parliamentarian Karina Davis and Amy Phillips, Senior Advisor for Legislative Policy, for their work during the legislative session.

The Senate thanked the Parliamentarian and the Senior Advisor.

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 6, SB 228, SB 1058, SB 1069, SB 1119, SB 1846, SB 1908, HB 539, HB 568, HB 828, HB 945, HB 1090, HB 1111, HB 1137, HB 1267, HB 2265, HB 2383, HB 2399, HB 2644, HB 2667, HB 2814, HB 3319, HB 3560, HB 3581, HB 3826, HCR 109, HB 109, HB 119, HB 126, HB 155, HB 447, HB 556, HB 772, HB 814, HB 892, HB 899, HB 1113, HB 1251, HB 1270, HB 1457, HB 1522, HB 1623, HB 1638, HB 1742, HB 1864, HB 2006, HB 2034, HB 2207, HB 2542, HB 2819, HB 2823, HB 2884, HB 3066, HB 3200, HB 3385, HB 3430, HB 3613, HB 3674, HB 4091, HB 4139, HCR 1, HCR 198, HCR 257, HCR 269, HCR 270, HCR 280.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 3 ADOPTED**

Senator Averitt called from the President's table the Conference Committee Report on **HB 3**. The Conference Committee Report was filed with the Senate on Saturday, May 26, 2007.

On motion of Senator Averitt, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 0.

Absent-excused: Gallegos.

REMARKS ORDERED PRINTED

On motion of Senator Nichols and by unanimous consent, the remarks by Senators Averitt and Nichols regarding **HB 3** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Nichols: There were special provisions made for additional studies on the Marvin Nichols, and the other evening when we discussed 3 you said that the intent, you know, was that the provisions would also apply, it was an intent, you said that, actually, they did apply equally to Fastrill. And then we went ahead and voted for it and then when I went back and looked at it there was provisions for Fastrill and Marvin Nichols, but it didn't appear that it totally covered Fastrill on the second part of it, but you said the intent was to do that.

Senator Averitt: That's correct. It was, Fastrill was specifically listed in Section 4.03, it was not specifically listed in 4.04 but neither was Marvin Nichols, and Marvin Nichols obviously applied to that same section. So the intent is clear that as Fastrill is listed in 4.03 it does apply to 4.04.

Senator Nichols: OK. So, for the record, the equal protection or studies for Fastrill and Marvin Nichols are basically the same?

Senator Averitt: That is correct.

Senator Nichols: All right. Thank you, Sir.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 4 ADOPTED**

Senator Averitt called from the President's table the Conference Committee Report on **HB 4**. The Conference Committee Report was filed with the Senate on Saturday, May 26, 2007.

On motion of Senator Averitt, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 0.

Absent-excused: Gallegos.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 1565 ADOPTED**

Senator Uresti called from the President's table the Conference Committee Report on **HB 1565**. The Conference Committee Report was filed with the Senate on Saturday, May 26, 2007.

On motion of Senator Uresti, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 0.

Absent-excused: Gallegos.

SENATE RESOLUTION 1195

Senator Estes offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 80th Legislature, Regular Session, 2007, That the Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on **HB 12**, relating to parks, wildlife, hunting, and historic sites, the funding, powers, and duties of the Parks and Wildlife Department, the Parks and Wildlife Commission, and the Texas Historical Commission, and standards for certain state law enforcement officers, and providing a criminal penalty, to consider and take action on the following matters:

(1) Senate Rule 12.03 is suspended to permit the committee to add Subsection (a), Section 614.152, Government Code, to read as follows:

(a) Out of appropriated funds, each law enforcement agency shall adopt physical fitness standards that a law enforcement officer must meet to continue employment with the agency as a law enforcement officer. The standards as applied to an officer must directly relate to the officer's job duties. A law enforcement agency shall use the services of a consultant to aid the agency in developing the standards.

Explanation: The change is necessary to require a law enforcement agency to use the services of a consultant to aid the agency in developing the standards.

(2) Senate Rule 12.03 is suspended to permit the committee to amend Section 12.013, Parks and Wildlife Code, to read as follows:

Sec. 12.013. POWER TO TAKE WILDLIFE; FISH. (a) An employee of the department acting within the scope of the employee's authority may possess, take, transport, release, and manage any of the wildlife and fish in this state for investigation, propagation, distribution, education, disease diagnosis or prevention, or scientific purposes.

(b) A person who is not an employee of the department who is participating under the supervision of a department employee in a program or event designated by the director as being conducted for research or species propagation and as exempt from the normally applicable size or bag limits may possess, take, transport, or release any fish in this state to accomplish the intent of the program or event.

Explanation: The change is necessary to allow certain persons participating in a state program or event related to fish to possess, take, transport, or release any fish to accomplish the intent of the program or event.

(3) Senate Rule 12.03 is suspended to permit the committee to amend Section 13.015, Parks and Wildlife Code, by amending Subsection (b) and adding Subsections (a-1), (a-2), (b-1), (b-2), and (b-3) to read as follows:

(a-1) The commission may waive the park entrance fee for a person who is at least 70 years of age. The commission may not waive the fee for use of a park facility, including a hook-up fee for electricity or water.

(a-2) The department may promote visits and enhance revenue at parks, including amounts necessary for salaries, advertising, consumable supplies and materials, promotional products, fees, and related expenses.

(b) The department may operate or grant contracts to operate concessions in state parks or on causeways, beach drives, or other improvements in connection with state park sites. The department may make regulations governing the granting or operating of concessions. The department may establish and operate staff concessions, including salaries, consumable supplies and materials, operating expenses, rental and other equipment, and other capital outlays.

(b-1) The department may purchase products, including food items, for resale or rental at a profit.

(b-2) The department shall operate any resale concession program using standard business practice models to generate revenue and provide quality customer service while adhering to conservation principles.

(b-3) The department may recruit and select private service providers to enter into leased concession contracts with the department to provide necessary and appropriate visitor services.

Explanation: The change is necessary to expand and clarify the Parks and Wildlife Department's authority relating to concessions and admissions at state parks and other facilities operated and maintained by the department.

(4) Senate Rule 12.03 is suspended to permit the committee to add Subchapter G, Chapter 31, Parks and Wildlife Code, to read as follows:

SUBCHAPTER G. PARTY BOATS

Sec. 31.171. DEFINITIONS. In this subchapter:

(1) "Licensed party boat operator" means a person issued a license by the department under this subchapter.

(2) "Party boat" means a vessel:

(A) operated by the owner of the vessel or an employee of the owner;

and

(B) rented or leased by the owner for a group recreational event for more than six passengers.

Sec. 31.172. APPLICABILITY; EXCEPTION. (a) This subchapter applies only to a party boat that operates on the inland waters of this state.

(b) This subchapter does not apply to a boat that is less than 30 feet in length or to a sailboat.

Sec. 31.173. PARTY BOAT OPERATOR AND STAFF. (a) Except as provided by Subsection (c), the party boat owner shall provide staff members, including a licensed party boat operator, who:

(1) operate and staff the party boat for the duration of a rental or lease for a group recreational event as follows:

(A) for a boat with not more than 25 passengers, one staff member who is an operator;

(B) for a boat with at least 26 but not more than 50 passengers, two staff members, including one operator; and

(C) for a boat with more than 50 passengers, three staff members, including one operator; and

(2) have each successfully completed a boater safety course approved under this chapter.

(b) At least one staff member on the boat must be certified to conduct cardiopulmonary resuscitation.

(c) This section does not apply to a party boat rented or leased for an overnight or longer period for which the owner, or the owner's staff, does not intend to remain in constant possession, command, and control of the party boat.

Sec. 31.174. BOAT REQUIREMENTS. A party boat:

(1) may not carry more than the maximum number of passengers the boat may safely accommodate as determined by the department on inspection;

(2) must have a direct and reliable communication connection to the land-based office of the owner and law enforcement and emergency services by cellular telephone or very high frequency radio; and

(3) must pass an annual water safety inspection conducted by the department or a person under contract with the department.

Sec. 31.175. PASSENGER SAFETY INFORMATION; INSURANCE. (a) The owner of a party boat shall provide each passenger with written and verbal safety information and require each passenger to sign a form acknowledging that the passenger reviewed and understands the information.

(b) The verbal and written safety information must disclose that no lifeguard is present on the party boat if there is not at least one staff member on the boat who is certified as a lifeguard by the American Red Cross, the American Lifeguard Association, or another comparable nationally recognized organization.

(c) The owner of a party boat must obtain at least a minimum amount of liability insurance from an insurer licensed to do business in this state. The commission shall set the amount.

Sec. 31.176. PARTY BOAT OPERATOR LICENSE. (a) The commission by rule shall establish, as necessary to protect the public health and safety, the requirements and procedures for the issuance and renewal of a party boat operator license under this subchapter.

(b) Except as provided by Subsection (c), the rules for obtaining a license as a party boat operator must require at a minimum that the applicant:

(1) be at least 21 years of age;

(2) observe for at least four hours a licensed party boat operator operating a party boat on open water;

(3) operate for at least four hours a party boat on open water while being supervised and observed by a licensed party boat operator; and

(4) pass a written examination covering onboard safety procedures and the applicable provisions of this chapter.

(c) An applicant is not required to comply with Subsections (b)(2) and (3) if the applicant has:

(1) at least 25 hours of experience operating a party boat as shown by appropriate documentation; and

(2) no record of boating violations.

Sec. 31.177. FEES. (a) The commission by rule shall establish and collect a reasonable fee for:

(1) the issuance of a party boat operator license under this subchapter; and
(2) the annual water safety inspection of a party boat required by this subchapter.

(b) A fee collected by the department under this subchapter and any interest that accrues on the fee shall be deposited to the credit of the game, fish, and water safety account established under Section 11.032.

Sec. 31.178. DRUG AND ALCOHOL TESTING. If a party boat is involved in an accident causing serious personal injury or death, each staff member on board is subject to mandatory drug and alcohol testing.

Sec. 31.179. ENFORCEMENT. (a) In addition to a game warden, any peace officer of a municipality or other political subdivision of this state who is certified as a marine safety enforcement officer under Section 31.121 may enforce this subchapter:

(1) in the area of a navigable body of water that is in the jurisdiction of the municipality or other political subdivision; or

(2) in any part of a lake that is partly or wholly inside the boundaries of:

(A) the municipality or its extraterritorial jurisdiction; or

(B) the political subdivision.

(b) A party boat is subject to enforcement inspections conducted under Section 31.124.

Sec. 31.180. RULES. The commission shall adopt and enforce rules necessary to implement this subchapter.

(b) Not later than January 1, 2008, the Parks and Wildlife Commission shall adopt rules to implement Subchapter G, Chapter 31, Parks and Wildlife Code, as added by this Act.

(c) Subchapter G, Chapter 31, Parks and Wildlife Code, as added by this Act, applies only to the rental or lease of a party boat on the public water of this state for a group recreational event held on or after June 1, 2008.

Explanation: This change is necessary to regulate the operation and safety of certain party boats through a fee, license, and other requirements administered by the Parks and Wildlife Department.

(5) Senate Rule 12.03 is suspended to permit the committee to amend Subsections (a) and (b), Section 43.402, Parks and Wildlife Code, to read as follows:

(a) Except as provided by Subsection (b) or (c) of this section, no person may engage in fishing in saltwater for sporting purposes in this state, or unload in this state fish or other aquatic life taken for sporting purposes from waters managed by the Gulf of Mexico Fishery Management Council established under the Fishery Conservation and Management Act of 1976 (16 U.S.C. Section 1801 et seq.), unless the person has acquired a saltwater sportfishing stamp endorsement issued to the person by the department. The commission by rule may prescribe requirements relating to possessing a stamp endorsement required by this subchapter.

(b) A person who is exempted from obtaining a fishing license under Chapter 46 [of this code] is not required to obtain a saltwater sportfishing stamp endorsement.

Explanation: The change is necessary to prohibit certain persons from unloading fish or other aquatic life taken for sporting purposes from waters managed by the Gulf of Mexico Fishery Management Council.

(6) Senate Rule 12.03 is suspended to permit the committee to amend Chapter 43, Parks and Wildlife Code, by adding Subchapter V, and to add SECTION 57 to the bill, to read as follows:

SUBCHAPTER V. NONINDIGENOUS SNAKE PERMIT

Sec. 43.851. PERMIT. (a) The commission by rule shall establish permits that allow permit holders to possess or transport in this state a live nonindigenous:

- (1) venomous snake; or
- (2) constrictor that is one of the following:
 - (A) African rock python, *Python sebae*;
 - (B) Asiatic rock python, *Python molurus*;
 - (C) green anaconda, *Eunectes murinus*;
 - (D) reticulated python, *Python reticulatus*; or
 - (E) southern African python, *Python natalensis*.

(b) The commission shall establish separate permits for recreational and commercial purposes.

(c) A permit under this subchapter is not required for:

- (1) a state or county official performing an official duty;
- (2) a licensed zoo that possesses or transports a snake for exhibition or scientific purposes;

(3) a research facility, including a university, licensed under the Animal Welfare Act (7 U.S.C. Section 2131 et seq.) that possesses or transports a snake for scientific purposes; or

(4) a person who assists a department employee in the handling or transport of a snake under this subchapter.

(d) Except as provided by Subsection (c), a person may not possess or transport in this state a snake described by Subsection (a) without a permit issued by the department under this subchapter.

(e) A person convicted of a violation of this subchapter or a rule adopted under this subchapter may not obtain a permit before the fifth anniversary of the date of the conviction.

Sec. 43.852. INSPECTION OF PERMIT AND RECORDS. An authorized department employee may inspect at any time and without a warrant a permit or any records required by this subchapter.

Sec. 43.853. RELEASE FROM CAPTIVITY. A person may not intentionally, knowingly, recklessly, or with criminal negligence release or allow the release from captivity of a snake covered by this subchapter.

Sec. 43.854. SEIZURE OF CONTRABAND; FINANCIAL RESPONSIBILITY. (a) The department may arrange for the seizure and removal of a snake covered by this subchapter from a person who possesses the snake without the required permit. The person is responsible for any costs incurred by the department in the seizure, removal, and disposition of the snake.

(b) A department employee is not required to handle, remove, or dispose of the snake.

(c) The department may contract with a person who has knowledge of or expertise in the handling of a snake covered by this subchapter to assist the department in the handling, removal, and disposition of the snake.

(d) The department, including an enforcement officer of the department, who acts under this section is not liable in a civil action for the seizure, sale, donation, or other disposition of the snake.

Sec. 43.855. RULES. The commission may adopt rules to implement this subchapter, including rules to govern:

(1) the possession or transport of a snake covered by this subchapter;

(2) permit application forms, fees, and procedures;

(3) the release of the snake;

(4) reports that the department may require a permit holder to submit to the department; and

(5) other matters the commission considers necessary.

Sec. 43.856. OFFENSE. (a) Except as provided by Subsection (c), a person who violates this subchapter or a rule adopted under this subchapter commits an offense that is a Class C Parks and Wildlife Code misdemeanor.

(b) A person who violates Section 43.853 or a rule adopted to implement Section 43.853 commits an offense that is a Class A Parks and Wildlife Code misdemeanor.

SECTION 57. (a) The Parks and Wildlife Commission shall adopt the rules necessary under Subchapter V, Chapter 43, Parks and Wildlife Code, as added by this Act, not later than April 1, 2008.

(b) The Parks and Wildlife Department shall begin issuing permits under Subchapter V, Chapter 43, Parks and Wildlife Code, as added by this Act, not later than April 1, 2008.

Explanation: The change is necessary to regulate the possession of certain nonindigenous snakes and constrictors in this state, through the issuance of permits, the adoption of rules, the imposition of criminal offenses, and certain other measures.

(7) Senate Rule 12.03 is suspended to permit the committee to amend Section 46.001, Parks and Wildlife Code, to read as follows:

Sec. 46.001. PROHIBITED ACTS. No person may fish in the public water of this state, or unload in this state fish or other aquatic life taken for sporting purposes from waters managed by the Gulf of Mexico Fishery Management Council established under the Fishery Conservation and Management Act of 1976 (16 U.S.C. Section 1801 et seq.), unless he has acquired a fishing license issued under this subchapter, except as provided by Sections 46.0012 and 46.002 [of this code]. The commission by rule may prescribe requirements relating to possessing a license required by this subchapter.

Explanation: The change is necessary to prohibit certain persons from unloading fish or other aquatic life taken for sporting purposes from waters managed by the Gulf of Mexico Fishery Management Council.

(8) Senate Rule 12.03 is suspended to permit the committee to amend Section 62.001, Parks and Wildlife Code, by adding Subdivision (3) to read as follows:

(3) "Public road or right-of-way" means a public street, alley, road, right-of-way, or other public way, including a berm, ditch, or shoulder.

Explanation: The change is necessary to define "public road or right-of-way."

(9) Senate Rule 12.03 is suspended to permit the committee to amend Subchapter A, Chapter 62, Parks and Wildlife Code, by adding Section 62.0031 to read as follows:

Sec. 62.0031. HUNTING FROM PUBLIC ROAD OR RIGHT-OF-WAY PROHIBITED. (a) Except as provided by Subsection (b), a person may not hunt a wild animal or bird when the person is on a public road or right-of-way.

(b) This section does not apply to the trapping of a raptor for educational or sporting purposes as provided by Chapter 49.

Explanation: The change is necessary to prohibit certain persons from hunting a wild animal or bird when the person is on a public road or right-of-way.

(10) Senate Rule 12.03 is suspended to permit the committee to amend the heading to Chapter 284, Parks and Wildlife Code, and amend Section 284.001, Parks and Wildlife Code, by amending Subsections (b) and (d) and adding Subsection (f) to read as follows:

CHAPTER 284. DIMMIT, EDWARDS, FRIO, IRION, KENEDY, KIMBLE, LLANO, MASON, MAVERICK, REAL, UVALDE, AND ZAVALA COUNTIES

(b) This section applies only to a navigable river or stream located wholly or partly in Dimmit, Edwards, Frio, Irion, Kenedy, Kimble, Llano, Mason, Maverick, Real, Uvalde, or Zavala County.

(d) This section does not apply to:

(1) an individual acting in the scope of the individual's duties as a peace officer or department employee; [or]

(2) the discharge of a shotgun loaded with ammunition that releases only shot when discharged, except as provided by Subsection (f); or

(3) bow fishing.

(f) In Dimmit, Uvalde, or Zavala County, a person may discharge a shotgun loaded with ammunition that releases only shot when discharged only if the person is hunting:

(1) migratory birds, as defined by Section 34.021; or

(2) game animals, as defined by Section 63.001, except mule deer, white-tailed deer, or antelope.

Explanation: This change is necessary to regulate certain types of hunting in the counties of Irion, Kimble, Mason, Dimmit, Uvalde, and Zavala.

(11) Senate Rules 12.03(1) and (3) are suspended to permit the committee to amend Section 151.801, Tax Code, by amending Subsection (c) and adding Subsection (c-1) to read as follows:

(c) Subject to Subsection (c-1), the [The] proceeds from the collection of the taxes imposed by this chapter on the sale, storage, or use of sporting goods shall be deposited as follows:

(1) an amount equal to 94 percent of the proceeds [For the period beginning September 1, 1993, and ending August 31, 1995, an amount equal to 50 cents per 1,000 cigarettes shall be deposited to the credit of the general revenue fund, state parks account, and an amount equal to 50 cents per 1,000 cigarettes shall be deposited to the credit of the general revenue fund, Texas recreation and parks account, and the balance shall be retained in the general revenue fund.

~~[(2) Beginning September 1, 1995, the taxes collected]~~ shall be credited to the Parks and Wildlife Department and deposited as specified in the Parks and Wildlife Code; and

(2) an amount equal to six percent of the proceeds shall be credited to the Texas Historical Commission and deposited as specified in Section 442.073, Government Code. [The comptroller shall not credit in excess of \$32 million in sporting goods tax revenue annually to the Parks and Wildlife Department.]

(c-1) The comptroller may not credit to the Parks and Wildlife Department or the Texas Historical Commission any amounts under this section that are in excess of the amounts appropriated to the department or commission for that biennium, less any other amounts to which the department or commission is entitled.

Explanation: This change is necessary to clarify that the comptroller of public accounts may not credit to the Parks and Wildlife Department or the Texas Historical Commission more than the amount appropriated to the department or commission, less certain other amounts.

(12) Senate Rule 12.03 is suspended to permit the committee to add SECTION 53 to read as follows:

SECTION 53. (a) In this section, "historic site" means a historic site or park listed under Section 442.072, Government Code, as added by this Act.

(b) On or after January 1, 2008, as provided by this section, the following are transferred to the Texas Historical Commission:

(1) each historic site and all obligations and liabilities of the Parks and Wildlife Department relating to the site;

(2) all unobligated and unexpended funds appropriated to the Parks and Wildlife Department designated for the administration of each site;

(3) all equipment and property of the Parks and Wildlife Department used for the administration of or related to each site; and

(4) all files and other records of the Parks and Wildlife Department kept by the department regarding each site.

(c) A rule adopted by the Parks and Wildlife Commission that is in effect immediately before January 1, 2008, and that relates to a historic site is, on January 1, 2008, a rule of the Texas Historical Commission and remains in effect until amended or repealed by the Texas Historical Commission. A rule that applies to both a transferred site and park that is not transferred is a rule of both commissions and applies to the transferred site until amended or repealed by the Texas Historical Commission.

(d) A transfer under this Act does not diminish or impair the rights of a holder of an outstanding bond or other obligation issued by the Parks and Wildlife Department in relation to the support of a historic site.

(e) On January 1, 2008, a reference in the Parks and Wildlife Code or other law to a power, duty, obligation, or liability of the Parks and Wildlife Department or the Parks and Wildlife Commission that relates to a historic site is a reference to the Texas Historical Commission. The Texas Historical Commission is the successor agency to the Parks and Wildlife Department and the Parks and Wildlife Commission for the site.

(f) The Texas Historical Commission shall prepare a base operating plan for each historic site before the transfer of any site or associated artifact or archival materials from the Parks and Wildlife Department to the commission. The base operating plan for each site must be completed on or before January 1, 2008. The base operating plan for each site must include:

- (1) a mission statement outlining the goals for the site;
- (2) an interpretive plan showing how the mission is to be accomplished;
- (3) an operational plan, including:
 - (A) facilities, documents, records, and other assets to be transferred;
 - (B) parties responsible for daily site management, including staff that will be transferred;
 - (C) off-site support structure;
 - (D) plans for artifact and archival curation;
 - (E) signed memoranda of understanding or memoranda of agreement with appropriate friends groups and volunteer organizations; and
 - (F) emergency plans;
- (4) a maintenance plan, including maintenance and repair needs;
- (5) a marketing plan;
- (6) a business plan, including revenue and visitation goals;
- (7) a plan for compliance with:
 - (A) Chapter 191, Natural Resources Code (the Antiquities Code of Texas); and
 - (B) the National Historic Preservation Act (16 U.S.C. Section 470 et seq.); and
- (8) fiscal plans and budgets associated with Subdivisions (1) through (7) of this subsection.

(g) Not later than September 1, 2007, the chair of the House Committee on Culture, Recreation, and Tourism shall appoint from that committee an interim study subcommittee to review the base operating plan described by Subsection (f) of this section. The interim subcommittee shall obtain feedback and information from professionals familiar with the work of the Parks and Wildlife Department, the Texas Historical Commission, the National Park Service, the Council of Texas Archeologists, professional archivists, park managers, and the tourism industry. Not later than September 1, 2008, the interim study subcommittee shall report to the House Committee on Culture, Recreation, and Tourism on the results of the study conducted under this subsection.

(h) Until a historic site is transferred to the Texas Historical Commission in accordance with this Act, the Parks and Wildlife Department shall continue to operate and maintain the site under applicable law as it existed on January 1, 2007.

(i) The Parks and Wildlife Department and the Texas Historical Commission shall keep the House Committee on Culture, Recreation, and Tourism, the subcommittee on Agriculture, Rural Affairs and Coastal Resources, and the Senate and House members in whose district, a historic site is being transferred, informed of the progress of the transfer of each historic site under this Act.

(j) An employee of the Parks and Wildlife Department whose job responsibilities are more than 50 percent related to a historic site transferred to the Texas Historical Commission under this Act becomes an employee of the Texas Historical Commission on the date of the transfer of that site. An employee whose job is transferred may not be dismissed after the transfer except for cause before the first anniversary of the date of the transfer.

Explanation: This change is necessary to provide for the transfer of certain historic sites to the Texas Historical Commission, require the commission to adopt base operating plans for the sites, and establish an interim study subcommittee to review the base operating plans.

(13) Senate Rule 12.03 is suspended to permit the committee to add SECTION 56 to read as follows:

SECTION 56. (a) The House Committee on Culture, Recreation, and Tourism shall conduct a study to determine whether this state should permit the possession of nonindigenous venomous snakes and nonindigenous constrictors as provided by Subchapter V, Chapter 43, Parks and Wildlife Code, as added by this Act.

(b) The study must include:

- (1) a comparison of laws regulating nonindigenous snakes in other states;
- (2) alternative methods of regulating the possession of nonindigenous snakes;

(3) the economic, environmental, and other effects of allowing nonindigenous snakes to be held in the state, including:

(A) the potential to harbor and spread diseases or parasites, or other adverse effects; and

(B) the economic and other benefits to this state that may be obtained by regulating the trade in nonindigenous snakes; and

(4) other related matters the committee finds useful.

(c) Not later than November 1, 2008, the committee shall report its findings to the governor, the executive directors of the Parks and Wildlife Department and the Department of Agriculture, and each member of the committee.

Explanation: This change is necessary to require a study to determine whether this state should permit the possession of nonindigenous venomous snakes and nonindigenous constrictors.

(14) Senate Rule 12.03 is suspended to permit the committee to add SECTION 58 to read as follows:

SECTION 58. (a) The joint legislative task force on the use of the sales tax on sporting goods is composed of eight members, as follows:

(1) two members of the House Culture, Recreation and Tourism Committee, one being the chair of the committee and one appointed by the speaker of the house of representatives;

(2) two members, each of whom must be a member of the House Appropriations Committee or House Ways and Means Committee, as appointed by the speaker of the house of representatives;

(3) two members of the Senate Committee on Natural Resources, one being the chair of the committee and one appointed by the lieutenant governor; and

(4) two members of the Senate Committee on Finance, appointed by the lieutenant governor.

(b) The speaker of the house of representatives shall designate the chair of the House Committee on Culture, Recreation, and Tourism to serve as a joint presiding officer of the task force, and the lieutenant governor shall designate another task force member to serve as the other joint presiding officer.

(c) The task force meets at the call of the joint presiding officers.

(d) The task force shall:

(1) review the items that are included in the definition of "sporting goods" under Section 151.801(e), Tax Code;

(2) determine the amount of sales tax revenue that must be generated from the sale of "sporting goods" to fund, at a minimum, the appropriations made by the 80th Legislature regarding state parks, local parks, historic sites, coastal management programs, and water planning;

(3) not later than December 15, 2008, prepare and present to the legislature a report that describes the findings of the task force and includes recommendations regarding the specific items that should be included in the definition of "sporting goods" under Section 151.801(e), Tax Code in order to more evenly match the revenue streams needed to cover ongoing appropriations (estimated to be \$70 million per annum), net of the use of unexpended balances in 2008-2009 biennium, without creating large dedicated fund balances.

(e) It is the intent of the 80th Legislature that Section 151.801(c-1), Tax Code, as added by this Act, be repealed on adoption of a statute implementing the recommendations of the task force.

Explanation: This change is necessary to require a task force to study the appropriate collection and distribution of the sporting goods sales tax.

(15) Senate Rule 12.03 is suspended to permit the committee to add SECTION 59 to read as follows:

SECTION 59. If the Parks and Wildlife Department does not receive a grant of funds from the Department of Transportation, the Parks and Wildlife Department may spend no more than \$50,000 to maintain a river-access point and picnic area in Zavala County that is adjacent to the Nueces River and United States Highway 83 intersection north of La Pryor, Texas. If the Parks and Wildlife Department receives a grant of funds from the Department of Transportation, the Parks and Wildlife Department may not spend money, other than money received under the grant, on maintenance described by this section.

Explanation: This change is necessary to administer the use of funds expended by the Parks and Wildlife Department for certain projects.

(16) Senate Rule 12.03 is suspended to permit the committee to add SECTION 60 to read as follows:

SECTION 60. (a) The Parks and Wildlife Department shall conduct a study of ways to improve the efficiency and ease of use of the department's hunting and fishing license systems. The study must:

(1) evaluate the efficiency of the hunting and fishing license systems in effect on September 1, 2007;

(2) identify problems and suggest improvements to those systems; and

(3) identify ways to increase ease of use for individuals applying for a hunting or fishing license in this state.

(b) The Parks and Wildlife Department shall complete the study conducted under Subsection (a) of this section not later than July 1, 2008.

(c) Not later than October 1, 2008, the Parks and Wildlife Department shall submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the chair of each committee of the legislature that has primary oversight jurisdiction over the department a written report that summarizes the findings of the study conducted under Subsection (a) of this section.

Explanation: This change is necessary to require the Parks and Wildlife Department to study the department's fishing and license systems and report its findings to the legislature.

SR 1195 was read and was adopted without objection.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 12 ADOPTED

Senator Estes called from the President's table the Conference Committee Report on **HB 12**. The Conference Committee Report was filed with the Senate on Saturday, May 26, 2007.

On motion of Senator Estes, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 0.

Absent-excused: Gallegos.

HOUSE CONCURRENT RESOLUTION 286

The President laid before the Senate the following resolution:

WHEREAS, **HB 12** has been adopted by the house of representatives and the senate and is being prepared for enrollment; and

WHEREAS, The bill contains technical and typographical errors that should be corrected; now, therefore, be it

RESOLVED by the 80th Legislature of the State of Texas, That the enrolling clerk of the house of representatives be instructed to make the following correction:

Strike SECTIONS 45 and 46 of the bill and renumber subsequent SECTIONS of the bill accordingly.

ESTES

HCR 286 was read.

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

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

Absent-excused: Gallegos.

MOTION TO ADJOURN SINE DIE

On motion of Senator Whitmire, the Senate of the 80th Legislature, Regular Session, at 8:02 p.m. agreed to adjourn sine die, in memory of Specialist Ryan Collins; Justo Barrientes, Sr.; Lou Lawler; Eddie Lucio, Sr.; Robert Gray; and the Texas servicemen and women who have lost their lives in war since May 2005, pending receipt of Messages from the House and upon the completion of administrative duties.

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 3, SB 8, SB 11, SB 12, SB 222, SB 406, SB 530, SB 718, SB 758, SB 909, SB 1031, SB 1604, SB 1951, SCR 46, SCR 86, SCR 87, SCR 88, SCR 89, SCR 90, HB 1386, HB 2072, HB 2096, HB 2563, HB 2605, HB 3315, HB 3851, HCR 271, HCR 274, HCR 275, HCR 279, HCR 282, HCR 283, HCR 284, HCR 285, HCR 288, HB 3, HB 4, HB 12, HB 15 (signed subject to Sec. 49-a, Art. III, Texas Constitution), **HB 472, HB 610, HB 624, HB 1168, HB 1521, HB 1565, HB 1801, HB 1919, HB 1977, HB 2093, HB 2094, HB 2237, HB 2833, HB 3107, HB 3154, HB 3249, HB 3314, HB 3382, HB 3609, HB 3693, HB 3732, HCR 286.**

MESSAGES FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
May 28, 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 293

Instructing the enrolling clerk of the senate to make corrections in S.B. No. 3.

HCR 294

Instructing the enrolling clerk of the house to make corrections to H.B. No. 3382.

SCR 86

Instructing the enrolling clerk of the senate to make corrections in S.B. No. 222.

SCR 87

Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1031.

SCR 89

Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1604.

SCR 90

Instructing the enrolling clerk of the senate to make corrections in S.B. No. 11.

THE HOUSE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

HB 1801 (139 Yeas, 0 Nays, 3 Present, not voting)

HB 1919 (105 Yeas, 34 Nays, 3 Present, not voting)

HB 2093 (142 Yeas, 0 Nays, 2 Present, not voting)

HB 2237 (138 Yeas, 0 Nays, 2 Present, not voting)

HB 2833 (143 Yeas, 0 Nays, 2 Present, not voting)

HB 3314 (143 Yeas, 0 Nays, 2 Present, not voting)

HB 3693 (140 Yeas, 2 Nays, 3 Present, not voting)

HB 3732 (112 Yeas, 30 Nays, 2 Present, not voting)

SB 3 (113 Yeas, 28 Nays, 2 Present, not voting)

SB 11 (139 Yeas, 1 Nays, 3 Present, not voting)

SB 12 (144 Yeas, 0 Nays, 2 Present, not voting)

SB 1951 (144 Yeas, 0 Nays, 2 Present, not voting)

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HCR 277

In memory of Dr. Herbert H. Reynolds of Waco.

HCR 278

In memory of Sam Waldrop of Abilene.

HCR 287

Requesting the General Land Office to study acceptable appraisal methodology relating to the sale of residential and commercial leased property held by special districts of the state.

HCR 289

Designating the Lancaster Visitors Center as an auxiliary Texas museum.

SCR 46

Requesting the United States Congress to authorize the Secretary of the United States Department of Veterans Affairs to convey the Thomas T. Connally Department of Veterans Affairs Medical Center in Marlin, Texas, to the State of Texas.

SCR 88

Supporting the protection of Jacob's Well and the associated missions and regional conservation initiatives of the Wimberley Valley Watershed Association.

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

HB 624 (144 Yeas, 0 Nays, 2 Present, not voting)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 1217 by Gallegos and Whitmire, In memory of Shana Patrice Ellis of Houston.

SR 1218 by Gallegos and Whitmire, In memory of Jeanette Marie Mitchell Hargrove of Houston.

SR 1220 by Jackson, In memory of Alma Loucille Smartt Lawler of La Porte.

HCR 271 (Eltife), In memory of Dean Vincent Grossnickle.

HCR 275 (Ellis), In memory of Herriford "John" Williams of New Waverly.

HCR 279 (Eltife), In memory of Lloyd R. Smith of Collinsville.

Congratulatory Resolutions

SR 1213 by West, Commending Bettye Albright for 50 years of service as a teacher.

SR 1214 by Watson, Recognizing Stephen F. Austin High School in Austin on the occasion of its 125th anniversary.

SR 1216 by Whitmire, Recognizing Multicultural Education and Counseling through the Arts in Houston on the occasion of its 30th anniversary.

SR 1223 by Patrick, Congratulating Joanne Bentley for her selection as one of the Top Houston Women in Technology.

SR 1224 by Patrick, Congratulating Myra Davis for her selection as one of the Top Houston Women in Technology.

SR 1225 by Watson, Recognizing Annette Quick on the occasion of her retirement from the Office of Comptroller of Public Accounts.

SR 1226 by Watson, Recognizing Mathews Elementary School in Austin on the occasion of its 90th anniversary.

SR 1227 by Patrick, Congratulating Sherrie D. Giles for her selection as one of the Top Houston Women in Technology.

SR 1228 by Patrick, Congratulating Amy Delgado for her selection as one of the Top Houston Women in Technology.

SR 1229 by Patrick, Congratulating Deborah Houston for her selection as one of the Top Houston Women in Technology.

SR 1230 by Patrick, Congratulating Sonia Clayton for her selection as one of the Top Houston Women in Technology.

SR 1231 by Patrick, Congratulating Michelle Brekke for her selection as one of the Top Houston Women in Technology.

SR 1232 by Patrick, Congratulating Vicki Lynn Jowell for her selection as one of the Top Houston Women in Technology.

SR 1233 by Patrick, Congratulating Pushkala Atri for her selection as one of the Top Houston Women in Technology.

SR 1234 by Patrick, Congratulating Donece Knudsen for her selection as one of the Top Houston Women in Technology.

SR 1235 by Patrick, Congratulating Elizabeth Meyers for her selection as one of the Top Houston Women in Technology.

SR 1236 by Patrick, Congratulating Marie Myers for her selection as one of the Top Houston Women in Technology.

SR 1237 by Patrick, Congratulating Denise Marcilio for her selection as one of the Top Houston Women in Technology.

SR 1238 by Patrick, Congratulating Martha Ontiveros De Landeau for her selection as one of the Top Houston Women in Technology.

SR 1239 by Patrick, Congratulating Bindya Patel for her selection as one of the Top Houston Women in Technology.

SR 1240 by Patrick, Congratulating Kari Rhame for her selection as one of the Top Houston Women in Technology.

SR 1241 by Patrick, Congratulating Jane Shoppell for her selection as one of the Top Houston Women in Technology.

SR 1242 by Patrick, Congratulating Claretta Strickland for her selection as one of the Top Houston Women in Technology.

SR 1243 by Patrick, Congratulating Elizabeth Takacs for her selection as one of the Top Houston Women in Technology.

SR 1244 by Patrick, Congratulating Becky Thomas for her selection as one of the Top Houston Women in Technology.

SR 1245 by Patrick, Congratulating Sonya Ware for her selection as one of the Top Houston Women in Technology.

SR 1246 by Patrick, Congratulating Marguerite Williams for her selection as one of the Top Houston Women in Technology.

SR 1247 by Patrick, Congratulating Mercy Thomas for her selection as one of the Top Houston Women in Technology.

SR 1248 by Patrick, Congratulating Cynthia Sterling for her selection as one of the Top Houston Women in Technology.

SR 1249 by Duncan, Recognizing Burle and Frances Pettit on the occasion of their 50th wedding anniversary.

ADJOURNMENT SINE DIE

The President announced that the hour for final adjournment of the Regular Session of the 80th Legislature had arrived and, in accordance with a previously adopted motion, declared the Regular Session of the 80th Legislature adjourned sine die, in memory of Specialist Ryan Collins; Justo Barrientes, Sr.; Lou Lawler; Eddie Lucio, Sr.; Robert Gray; and the Texas servicemen and women who have lost their lives in war since May 2005, at 5:37 p.m. Tuesday, May 29, 2007.

APPENDIX

SENT TO SECRETARY OF STATEMay 28, 2007**SJR 29, SJR 65****SENT TO GOVERNOR**May 28, 2007**SB 27, SB 36, SB 103, SB 282, SB 548, SB 593, SB 759, SB 763, SB 776, SB 839, SB 964, SB 968, SB 993, SB 1123, SB 1217, SB 1232, SB 1383, SB 1436, SB 1520, SB 1523, SB 1601, SB 1640, SB 1714, SB 1833, SB 1896, SB 1983, SB 1985, SCR 80****SENT TO COMPTROLLER**May 29, 2007**SB 1719****SENT TO GOVERNOR**May 29, 2007**SB 6, SB 9, SB 10, SB 199, SB 228, SB 344, SB 765, SB 960, SB 1058, SB 1069, SB 1119, SB 1154, SB 1266, SB 1332, SB 1499, SB 1517, SB 1562, SB 1731, SB 1846, SB 1871, SB 1879, SB 1908, SCR 82**May 30, 2007**SB 3, SB 8, SB 11, SB 12, SB 222, SB 406, SB 530, SB 718, SB 758, SB 791, SB 909, SB 1031, SB 1604, SB 1951, SCR 46, SCR 86, SCR 87, SCR 88, SCR 89, SCR 90**May 31, 2007**SB 1719****SIGNED BY GOVERNOR**June 6, 2007**SB 11**June 8, 2007**SB 12, SB 103**June 11, 2007**SB 792**June 14, 2007**SB 10**

June 15, 2007

SB 6, SB 7, SB 8, SB 9, SB 22, SB 24, SB 27, SB 36, SB 61, SB 63, SB 64, SB 66, SB 74, SB 75, SB 82, SB 99, SB 129, SB 131, SB 136, SB 138, SB 139, SB 140, SB 153, SB 155, SB 156, SB 157, SB 166, SB 175, SB 178, SB 199, SB 201, SB 204, SB 222, SB 228, SB 235, SB 242, SB 244, SB 246, SB 247, SB 251, SB 274, SB 282, SB 288, SB 289, SB 291, SB 295, SB 303, SB 310, SB 311, SB 322, SB 328, SB 329, SB 344, SB 351, SB 352, SB 363, SB 377, SB 387, SB 397, SB 406, SB 410, SB 480, SB 502, SB 512, SB 530, SB 535, SB 541, SB 548, SB 552, SB 555, SB 560, SB 561, SB 563, SB 564, SB 589, SB 592, SB 593, SB 596, SB 600, SB 608, SB 616, SB 617, SB 618, SB 620, SB 625, SB 640, SB 649, SB 654, SB 680, SB 687, SB 705, SB 737, SB 744, SB 747, SB 748, SB 749, SB 757, SB 758, SB 759, SB 763, SB 765, SB 766, SB 772, SB 776, SB 778, SB 781, SB 791, SB 796, SB 802, SB 811, SB 814, SB 819, SB 821, SB 827, SB 833, SB 835, SB 839, SB 850, SB 867, SB 870, SB 877, SB 885, SB 908, SB 909, SB 914, SB 924, SB 940, SB 943, SB 949, SB 952, SB 962, SB 964, SB 968, SB 969, SB 993, SB 1007, SB 1031, SB 1032, SB 1047, SB 1050, SB 1056, SB 1058, SB 1063, SB 1069, SB 1083, SB 1086, SB 1091, SB 1092, SB 1119, SB 1123, SB 1127, SB 1138, SB 1154, SB 1161, SB 1165, SB 1169, SB 1180, SB 1182, SB 1196, SB 1207, SB 1215, SB 1217, SB 1222, SB 1232, SB 1233, SB 1237, SB 1238, SB 1244, SB 1245, SB 1254, SB 1257, SB 1260, SB 1266, SB 1269, SB 1288, SB 1318, SB 1325, SB 1332, SB 1339, SB 1349, SB 1372, SB 1380, SB 1383, SB 1391, SB 1396, SB 1404, SB 1416, SB 1426, SB 1436, SB 1446, SB 1483, SB 1499, SB 1502, SB 1504, SB 1517, SB 1519, SB 1520, SB 1524, SB 1526, SB 1531, SB 1535, SB 1536, SB 1541, SB 1548, SB 1562, SB 1566, SB 1601, SB 1604, SB 1613, SB 1615, SB 1618, SB 1619, SB 1627, SB 1630, SB 1640, SB 1666, SB 1667, SB 1670, SB 1713, SB 1714, SB 1719, SB 1724, SB 1731, SB 1732, SB 1733, SB 1743, SB 1761, SB 1765, SB 1781, SB 1786, SB 1788, SB 1828, SB 1829, SB 1833, SB 1846, SB 1867, SB 1871, SB 1877, SB 1879, SB 1884, SB 1896, SB 1908, SB 1942, SB 1951, SB 1953, SB 1954, SB 1956, SB 1965, SB 1966, SB 1967, SB 1969, SB 1972, SB 1974, SB 1983, SB 1984, SB 1985, SB 1986, SB 1993, SB 1997, SB 2000, SB 2002, SB 2009, SB 2014, SB 2016, SB 2020, SB 2031, SB 2033, SB 2037, SB 2054, SCR 1, SCR 9, SCR 46, SCR 60, SCR 70, SCR 71, SCR 75, SCR 82, SCR 86, SCR 87, SCR 88, SCR 89, SCR 90, SB 29, SB 141, SB 143, SB 162, SB 191, SB 214, SB 230, SB 254, SB 255, SB 297, SB 309, SB 323, SB 324, SB 333, SB 350, SB 361, SB 382, SB 401, SB 415, SB 426, SB 450, SB 469, SB 545, SB 556, SB 585, SB 606, SB 610, SB 653, SB 660, SB 662, SB 682, SB 683, SB 684, SB 685, SB 688, SB 704, SB 707, SB 714, SB 723, SB 760, SB 813, SB 831, SB 853, SB 878, SB 893, SB 919, SB 932, SB 955, SB 992, SB 994, SB 1037, SB 1039, SB 1046, SB 1051, SB 1070, SB 1071, SB 1128, SB 1153, SB 1185, SB 1205, SB 1231, SB 1255, SB 1263, SB 1271, SB 1274, SB 1310, SB 1412, SB 1413, SB 1414, SB 1417, SB 1424, SB 1433, SB 1434, SB 1439, SB 1440, SB 1456, SB 1461, SB 1510, SB 1533, SB 1540, SB 1624, SB 1658, SB 1659, SB 1661, SB 1668, SB 1669, SB 1709, SB 1723, SB 1729, SB 1762, SB 1766, SB 1912, SB 1946, SB 1955, SB 1961, SB 1963, SB 1964, SB 1976, SB 1987, SB 1988, SB 1989, SB 1990, SB 1991, SB 1999,

SB 2029, SB 2042, SB 2043, SCR 30, SCR 38, SCR 58, SCR 72, SCR 73, SCR 80, SCR 84

FILED WITHOUT SIGNATURE OF GOVERNOR

June 15, 2007

SB 161, SB 285, SB 976, SB 1495, SB 1523, SB 1626

VETOED BY GOVERNOR

June 15, 2007

SB 182, SB 711, SB 718, SB 960, SB 1053, SB 1097, SB 1234, SB 1735

SIGNED BY GOVERNOR

June 16, 2007

SB 3

VETO PROCLAMATIONS

The following Veto Proclamations by the Governor were filed with the Secretary of the Senate:

**PROCLAMATION
BY THE
GOVERNOR OF THE STATE OF TEXAS**

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, Rick Perry, Governor of Texas, do hereby disapprove of and veto Senate Bill No. 182 as passed by the Eightieth Texas Legislature, Regular Session, because of the following objections:

Senate Bill No. 182, House Bill No. 1092, House Bill No. 1129, and Senate Bill No. 1097 all seek to amend the offense of criminal trespass by creating certain places that are subject to criminal trespass. Current statute covers the places identified in these bills, which renders this legislation redundant. If there are problems, the State of Texas should address criminal trespass issues in a comprehensive manner that makes the system consistent for enforcement and punishment. I therefore veto Senate Bill No. 182.

Since the Legislature by its adjournment has prevented the return of this bill, I am filing these objections in the office of the Secretary of State and giving notice thereof by this public proclamation according to the aforementioned constitutional provision.

IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 15th day of June, 2007.

/s/Rick Perry
Governor of Texas

(Seal)

ATTESTED BY:

/s/Roger Williams
Secretary of State

PROCLAMATION
BY THE
GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, Rick Perry, Governor of Texas, do hereby disapprove of and veto Senate Bill No. 711 as passed by the Eightieth Texas Legislature, Regular Session, because of the following objections:

Senate Bill No. 711 would require the electronic infrastructure established by the Department of Information Resources (DIR) to include a consolidated business application portal through which a business may apply and submit payment for original or renewal permits online.

Senate Bill No. 711 is unnecessary because the State of Texas has already accomplished the provisions set forth in the bill.

Since the Legislature by its adjournment has prevented the return of this bill, I am filing these objections in the office of the Secretary of State and giving notice thereof by this public proclamation according to the aforementioned constitutional provision.

IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 15th day of June, 2007.

/s/Rick Perry
Governor of Texas

(Seal)

ATTESTED BY:

/s/Roger Williams
Secretary of State

PROCLAMATION
BY THE
GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, Rick Perry, Governor of Texas, do hereby disapprove of and veto Senate Bill No. 718 as passed by the Eightieth Texas Legislature, Regular Session, because of the following objections:

Senate Bill No. 718 would require the Texas Department of Transportation, to the extent possible, to select a route for a segment of the Trans Texas Corridor that lies on the Texas Trunk System. This will likely compromise the environmental process required by the National Environmental Policy Act which requires the state to "rigorously explore and objectively evaluate all reasonable alternatives . . . so that reviewers may evaluate their comparative merits."

This bill undermines the integrity of the environmental study process and could cause the Federal Highway Administration to conclude the state did not complete a valid alternatives analysis because the legislature dictated a preferred route by state statute.

Since the Legislature by its adjournment has prevented the return of this bill, I am filing these objections in the office of the Secretary of State and giving notice thereof by this public proclamation according to the aforementioned constitutional provision.

IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 15th day of June, 2007.

/s/Rick Perry
Governor of Texas

(Seal)

ATTESTED BY:

/s/Roger Williams
Secretary of State

PROCLAMATION
BY THE
GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, Rick Perry, Governor of Texas, do hereby disapprove of and veto Senate Bill No. 960 as passed by the Eightieth Texas Legislature, Regular Session, because of the following objections:

Senate Bill No. 960 would exempt dependents of military personnel from passing the exit-level Texas Assessment of Knowledge and Skills (TAKS) test if the students transfer into the Texas public school system after they complete their sophomore year in high school. Instead of taking the TAKS, the commissioner of education would determine appropriate performance levels on other nationally recognized norm-referenced assessment instruments in order to satisfy the graduation requirements and qualify for a Texas diploma.

The strength of our accountability system is derived from having a common standard for all students. Allowing exemptions from this standard decreases the value of a Texas diploma. And I believe all Texas students are capable of success.

Instead of singling out a particular group of students, I am directing the Texas Education Agency to study the challenges faced by transfer students and propose viable options to address this problem to the 81st Legislature.

Since the Legislature by its adjournment has prevented the return of this bill, I am filing these objections in the office of the Secretary of State and giving notice thereof by this public proclamation according to the aforementioned constitutional provision.

IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 15th day of June, 2007.

/s/Rick Perry
Governor of Texas

(Seal)

ATTESTED BY:

/s/Roger Williams
Secretary of State

PROCLAMATION
BY THE
GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, Rick Perry, Governor of Texas, do hereby disapprove of and veto Senate Bill No. 1053 as passed by the Eightieth Texas Legislature, Regular Session, because of the following objections:

Senate Bill No. 1053 would require the Texas Higher Education Coordinating Board to develop a methodology to assess quality and effectiveness of higher education academic advising services to students. The bill is silent as to what is to be done with the assessment methodology once it is developed. The bill is an unfunded mandate and will distract the agency from higher priorities.

Since the Legislature by its adjournment has prevented the return of this bill, I am filing these objections in the office of the Secretary of State and giving notice thereof by this public proclamation according to the aforementioned constitutional provision.

IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 15th day of June, 2007.

/s/Rick Perry
Governor of Texas

(Seal)

ATTESTED BY:

/s/Roger Williams
Secretary of State

PROCLAMATION
BY THE
GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, Rick Perry, Governor of Texas, do hereby disapprove of and veto Senate Bill No. 1097 as passed by the Eightieth Texas Legislature, Regular Session, because of the following objections:

Senate Bill No. 1097, House Bill No. 1129, House Bill No. 1092, and Senate Bill No. 182 all seek to amend the offense of criminal trespass by creating certain places that are subject to criminal trespass. Current statute covers the places identified in these bills, which renders this legislation redundant. If there are problems, the State of Texas should address criminal trespass issue in a comprehensive manner that makes the system consistent for enforcement and punishment. I therefore veto Senate Bill No. 1097.

Since the Legislature by its adjournment has prevented the return of this bill, I am filing these objections in the office of the Secretary of State and giving notice thereof by this public proclamation according to the aforementioned constitutional provision.

IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 15th day of June, 2007.

/s/Rick Perry
Governor of Texas

(Seal)

ATTESTED BY:

/s/Roger Williams
Secretary of State

PROCLAMATION
BY THE
GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, Rick Perry, Governor of Texas, do hereby disapprove of and veto Senate Bill No. 1234 as passed by the Eightieth Texas Legislature, Regular Session, because of the following objections:

Senate Bill No. 1234 would add 14 specific elements to the currently required 5-year higher education master plan prepared by the Texas Higher Education Coordinating Board (THECB).

The bill is unnecessary and duplicative. THECB is currently authorized to include in its plan these or any other elements it deems necessary.

The Governor's Business Council's House Concurrent Resolution No. 159 creates a joint select commission on higher education and global competitiveness to develop the long-term vision and step-by-step plan to

attain specific goals. This commission should be allowed to complete its work before modifying the existing statutory planning requirements of THECB.

Since the Legislature by its adjournment has prevented the return of this bill, I am filing these objections in the office of the Secretary of State and giving notice thereof by this public proclamation according to the aforementioned constitutional provision.

IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 15th day of June, 2007.

/s/Rick Perry
Governor of Texas

(Seal)

ATTESTED BY:

/s/Roger Williams
Secretary of State

PROCLAMATION
BY THE
GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, Rick Perry, Governor of Texas, do hereby disapprove of and veto Senate Bill No. 1735 as passed by the Eightieth Texas Legislature, Regular Session, because of the following objections:

Senate Bill No. 1735 seeks to clarify the Town of Addison's alcoholic beverage charter amendment, which limited alcohol sales for off premises consumption within the limits of the municipality.

I am vetoing Senate Bill No. 1735 because a municipality's wet/dry status should not affect the boundaries of a local option justice of the peace precinct election and vice versa, which this bill does.

Since the Legislature by its adjournment has prevented the return of this bill, I am filing these objections in the office of the Secretary of State and giving notice thereof by this public proclamation according to the aforementioned constitutional provision.

IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 15th day of June, 2007.

/s/Rick Perry
Governor of Texas

(Seal)

ATTESTED BY:

/s/Roger Williams
Secretary of State

