

# SENATE JOURNAL

EIGHTY-FIRST LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**TWENTIETH DAY**

(Monday, March 9, 2009)

The Senate met at 1:30 p.m. pursuant to adjournment and was called to order by the President.

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

Absent-excused: Uresti.

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

The Reverend Robert Hasley, Saint Andrew United Methodist Church, Plano, offered the invocation as follows:

Most gracious and sovereign Lord, we humbly ask that You bless all of us today, especially these esteemed lawmakers, with a full measure of Your grace. Help us to be ever mindful of who we are and whose we are. Make us keenly aware that You alone are our creator and that all that we are, all that we have, and all that we will ever be is but a gift from You. As laws are crafted, debates are held, and votes are cast, keep before us Your sacred purpose which is to love and serve You by loving and serving Your people. During this challenging time, we pray that You, once again, wave Your almighty hand and part the sea of fear that is a barrier to serving You and our neighbors. Take us by the hand and lead us to freedom that awaits us when we place our faith and trust in You. Mold us and shape us into instruments of Your grace. Send us out to boldly proclaim Your promise. That just as every sunset is followed by a sunrise, every dark moment in human history has been and will be overcome by the light of Your redeeming love and eternal hope. We offer this prayer in the name of the one who perfectly reflects Your amazing grace. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of Wednesday, March 4, 2009, be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

**LEAVE OF ABSENCE**

On motion of Senator Whitmire, Senator Uresti was granted leave of absence for today on account of important business.

**CO-AUTHOR OF SENATE BILL 9**

On motion of Senator Zaffirini, Senator Lucio will be shown as Co-author of **SB 9**.

**CO-AUTHORS OF SENATE BILL 41**

On motion of Senator Zaffirini, Senators Carona, Huffman, and Shapleigh will be shown as Co-authors of **SB 41**.

**CO-AUTHOR OF SENATE BILL 75**

On motion of Senator Nelson, Senator Shapleigh will be shown as Co-author of **SB 75**.

**CO-AUTHOR OF SENATE BILL 150**

On motion of Senator Ellis, Senator Davis will be shown as Co-author of **SB 150**.

**CO-AUTHOR OF SENATE BILL 182**

On motion of Senator Patrick, Senator Carona will be shown as Co-author of **SB 182**.

**CO-AUTHOR OF SENATE BILL 605**

On motion of Senator Deuell, Senator Shapleigh will be shown as Co-author of **SB 605**.

**CO-AUTHOR OF SENATE BILL 630**

On motion of Senator Davis, Senator Watson will be shown as Co-author of **SB 630**.

**CO-AUTHOR OF SENATE BILL 631**

On motion of Senator Davis, Senator Watson will be shown as Co-author of **SB 631**.

**CO-AUTHOR OF SENATE BILL 635**

On motion of Senator Seliger, Senator Wentworth will be shown as Co-author of **SB 635**.

**CO-AUTHOR OF SENATE BILL 644**

On motion of Senator Shapiro, Senator Hegar will be shown as Co-author of **SB 644**.

**CO-AUTHOR OF SENATE BILL 730**

On motion of Senator Hegar, Senator Carona will be shown as Co-author of **SB 730**.

**CO-AUTHOR OF SENATE BILL 760**

On motion of Senator Davis, Senator West will be shown as Co-author of **SB 760**.

**CO-AUTHOR OF SENATE BILL 819**

On motion of Senator Davis, Senator Zaffirini will be shown as Co-author of **SB 819**.

**CO-AUTHOR OF SENATE BILL 956**

On motion of Senator West, Senator Shapiro will be shown as Co-author of **SB 956**.

**CO-AUTHOR OF SENATE BILL 961**

On motion of Senator Ellis, Senator Watson will be shown as Co-author of **SB 961**.

**CO-AUTHOR OF SENATE BILL 965**

On motion of Senator Ellis, Senator Watson will be shown as Co-author of **SB 965**.

**CO-AUTHOR OF SENATE BILL 1155**

On motion of Senator Davis, Senator Watson will be shown as Co-author of **SB 1155**.

**CO-AUTHOR OF SENATE BILL 1157**

On motion of Senator Davis, Senator Watson will be shown as Co-author of **SB 1157**.

**CO-AUTHOR OF SENATE BILL 1168**

On motion of Senator Hinojosa, Senator Watson will be shown as Co-author of **SB 1168**.

**CO-AUTHOR OF SENATE BILL 1256**

On motion of Senator Carona, Senator Seliger will be shown as Co-author of **SB 1256**.

**CO-AUTHOR OF SENATE BILL 1443**

On motion of Senator Zaffirini, Senator Lucio will be shown as Co-author of **SB 1443**.

**CO-AUTHOR OF SENATE JOINT RESOLUTION 6**

On motion of Senator Ellis, Senator Davis will be shown as Co-author of **SJR 6**.

**CO-AUTHOR WITHDRAWN**

Senator Hegar requested that his name be withdrawn as Co-author of **SB 1118**.

The request was granted.

**PHYSICIAN OF THE DAY**

Senator Harris was recognized and presented Dr. Charles Calvert of Coppell as the Physician of the Day.

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

**RESOLUTIONS SIGNED**

The President announced the signing of the following enrolled resolutions in the presence of the Senate: **HCR 12, HCR 58, HCR 59.**

**MESSAGES FROM THE GOVERNOR**

The following Messages from the Governor were read and were referred to the Committee on Nominations:

Austin, Texas  
March 5, 2009

TO THE SENATE OF THE EIGHTY-FIRST LEGISLATURE, REGULAR SESSION:

On January 22, 2009, I submitted the name of Rick Campbell for appointment to the Sabine River Compact Administration for a term to expire July 12, 2010.

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

On February 5, 2009, I submitted the name of Rick Campbell for appointment to the Parks and Wildlife Commission for a term to expire February 1, 2015.

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

Respectfully submitted,  
/s/Rick Perry  
Governor  
Austin, Texas  
March 5, 2009

TO THE SENATE OF THE EIGHTY-FIRST LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be a member of the Central Colorado River Authority Board of Directors for a term to expire February 1, 2015:

David "Lance" McWhorter  
Coleman, Texas

(Mr. McWhorter is being reappointed)

To be members of the Advisory Committee to the Texas Board of Criminal Justice on Offenders with Medical or Mental Impairments for terms to expire as indicated:

To Expire February 1, 2013:

John L. Moore

Denison, Texas

(replacing Lisa Kaufman of Austin who no longer qualifies)

To Expire February 1, 2015:

John M. Bradley

Georgetown, Texas

(Mr. Bradley is being reappointed)

Kathryn J. Kotrla, M.D.

Georgetown, Texas

(Dr. Kotrla is being reappointed)

Eulon Ross Taylor, M.D.

Lubbock, Texas

(Dr. Taylor is being reappointed)

To be the Executive Commissioner of the Texas Youth Commission for a term to expire February 1, 2011:

Cheryl K. "Cherie" Townsend

Austin, Texas

(Ms. Townsend is being reappointed)

To be a member of the Board of Tax Professional Examiners for a term to expire March 1, 2015:

Linda Lowes Hatchel

Woodway, Texas

(Ms. Hatchel is being reappointed)

To be presiding officer of the Central Texas Regional Mobility Authority for a term to expire February 1, 2011:

Robert E. "Bob" Tesch

Georgetown, Texas

(Mr. Tesch is being reappointed)

Respectfully submitted,

/s/Rick Perry

Governor

### **INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED**

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

There was no objection.

### **SENATE RESOLUTION 383**

Senator Shapiro offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the McKinney Boyd High School Honors Band on the occasion of its performance at the State Capitol for Arts Education Day on March 9, 2009; and

WHEREAS, Arts Education Day is organized by the Texas Coalition for Quality Arts Education and provides an opportunity for Texans across the state to reflect on the importance of arts in our schools and to recognize the value of instrumental music in a well-rounded education; and

WHEREAS, Under the superior leadership of director Joe Nuñez, and with the valuable assistance of associate director Rylon Guidry and assistant directors Chris Brannan and Jason Myers, the McKinney Boyd High School Honors Band has developed exemplary musicianship and discipline, and it is the first McKinney school band to perform at the State Capitol; and

WHEREAS, Superintendent Tom Crowe of the McKinney Independent School District and director of fine arts Roy Renzenbrink, along with principal Rick McDaniel and the district's board of trustees, provide leadership and support to the McKinney Boyd High School fine arts programs; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby commend the McKinney Boyd High School Honors Band on its selection to perform at the State Capitol on Arts Education Day; and, be it further

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

**SR 383** was read and was adopted without objection.

#### **GUESTS PRESENTED**

Senator Shapiro was recognized and introduced to the Senate members of the McKinney Boyd High School Honors Band.

The Senate welcomed its guests.

#### **GUESTS PRESENTED**

Senator Ogden was recognized and introduced to the Senate a delegation of students, teachers, and sponsors from Hill Country Christian School of Austin.

The Senate welcomed its guests.

#### **SENATE RESOLUTION 391**

Senator Shapiro offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Texas Coalition for Quality Arts Education, an organization dedicated to the advancement of arts education in this state; and

WHEREAS, Texas is a state with a rich supply of natural resources, and one of the greatest among those resources is the artistic talent and creativity of our citizens; and

WHEREAS, More than 1.3 million middle school and high school students are enrolled in fine arts courses and more than 2.3 million elementary school students are receiving fine arts instruction; and

WHEREAS, Hundreds of students from across our great state are coming to Austin on March 9 and 10, 2009, to share their talents through performances and displays throughout the Capitol in celebration of Arts Education Days at the Capitol; and

WHEREAS, Art, music, theater, and dance offer unsurpassed opportunities for self-expression, and early exposure to the arts through educational programs greatly increases the quality of a child's education and development; and

WHEREAS, Studying fine arts gives students a unique opportunity to learn about our cultural heritage and the culture of others; and

WHEREAS, Countless studies have found that students who participate in fine arts courses in school perform better in other academic courses, especially math and science, and achieve higher scores on standardized tests; and

WHEREAS, Fine arts education promotes creativity and innovative thinking that benefits all students, regardless of their field of study, and provides all students with the skills that make them better prepared for college and for the 21st century workforce; and

WHEREAS, Businesses and industries have identified creativity and innovation as the keys to our nation's continued success and leadership in the world economy; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby commend the students enrolled in fine arts courses in Texas public schools and the more than 10,000 fine arts educators in Texas for their dedication and their contributions to the quality of life and future prosperity of our state; and, be it further

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

**SR 391** was read and was adopted without objection.

### GUESTS PRESENTED

Senator Shapiro was recognized and introduced to the Senate Robert Floyd, Chair, Texas Coalition for Quality Arts Education; James M. Clarke, Executive Director, Texas Coalition for Quality Arts Education; Suzanne Greene, Chair, Texas Art Education Association; and Terri Bieber, Executive Director of ARTreach.

The Senate welcomed its guests.

### MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

March 9, 2009

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 36**, Commending all those in Denton County who participated in the emergency response to Hurricane Ike.

**HCR 65**, Honoring Dr. James R. Reckner on his retirement from Texas Tech University.

**SCR 18**, In memory of Raul "Rudy" Acosta.

**SCR 29**, In memory of Patrick Honeycutt of Austin.

**SCR 31**, Recognizing Bell Helicopter Textron on the occasion of the 10th anniversary of its Amarillo Military Aircraft Assembly Center.

**SCR 36**, Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, March 4, 2009, and ending on Monday, March 9, 2009.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

### **GUESTS PRESENTED**

Senator Jackson was recognized and introduced to the Senate a delegation representing the Greater Angleton Chamber of Commerce Leadership program.

The Senate welcomed its guests.

### **CONCLUSION OF MORNING CALL**

The President at 1:50 p.m. announced the conclusion of morning call.

### **RECESS**

On motion of Senator Whitmire, the Senate at 1:52 p.m. recessed until 2:30 p.m. today.

### **AFTER RECESS**

The Senate met at 3:02 p.m. and was called to order by the President.

### **COMMITTEE SUBSTITUTE SENATE BILL 643 ON SECOND READING**

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 643** at this time (Submitted by Governor as an emergency matter):

**CSSB 643**, Relating to the protection and care of individuals with mental retardation who reside in a state developmental center or the ICF-MR component of the Rio Grande State Center.

The bill was read second time.

Senator Nelson offered the following amendment to the bill:

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

Amend **CSSB 643** (Senate committee printing) as follows:

(1) In SECTION 12 of the bill, in added Section 555.002(c)(1), Health and Safety Code (page 5, lines 56-58), strike "has inflicted, attempted to inflict, or made a

serious threat of inflicting substantial physical harm to the resident's self or to another" and substitute "has intentionally inflicted or attempted to inflict substantial physical harm to another".

(2) In SECTION 12 of the bill, in added Section 555.002(e), Health and Safety Code (page 6, line 37), immediately after "594.014." insert the following:

In making a determination that a resident should be transferred to the state developmental center for high-risk residents in accordance with Subsection (c)(1), the director of a state developmental center shall document and collect evidence regarding the conduct engaged in by the resident that meets that criteria. The director shall provide the documentation and evidence collected under this section to the department, the independent ombudsman, and the resident or the resident's legally authorized representative before a hearing is held under Section 594.014 regarding whether the resident's proposed transfer is appropriate.

The amendment to **CSSB 643** was read and was adopted by a viva voce vote.

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

Absent-excused: Uresti.

Senator Shapiro offered the following amendment to the bill:

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

Amend **CSSB 643** (Senate committee printing) as follows:

(1) In SECTION 12 of the bill, in added Section 555.002(b), Health and Safety Code (page 5, line 48), strike "; or".

(2) In SECTION 12 of the bill, in added Section 555.002(b), Health and Safety Code (page 5, line 53), between "(c)" and the period insert the following:

; or

(3) was committed to or transferred to a state developmental center and has at any time been committed for outpatient treatment and supervision as a sexually violent predator under Chapter 841

The amendment to **CSSB 643** was read and was adopted by a viva voce vote.

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

Absent-excused: Uresti.

Senator Nelson offered the following amendment to the bill:

### **Floor Amendment No. 3**

Amend **CSSB 643** (Senate committee printing) in SECTION 12 of the bill, in added Section 555.026, Health and Safety Code, by striking Subsection (d) (page 9, lines 2-6) and substituting the following:

(d) A patient safety organization that performs an independent mortality review shall, to the extent allowed by federal law, submit:

(1) to the department, the office of independent ombudsman, and the commission's office of inspector general a report of the findings of the mortality review; and

(2) semiannually to the lieutenant governor, the speaker of the house of representatives, and the standing committees of the senate and house of representatives with primary jurisdiction over state developmental centers a report that contains:

(A) aggregate information regarding the deaths for which the patient safety organization performed an independent mortality review;

(B) trends in the causes of death identified by the patient safety organization; and

(C) any suggestions for system-wide improvements to address conditions that contributed to deaths reviewed by the patient safety organization.

The amendment to **CSSB 643** was read.

Senator Zaffirini offered the following amendment to Floor Amendment No. 3:

#### **Floor Amendment No. 4**

Amend Floor Amendment No. 3 to **CSSB 643** in added Section 555.026(d), Health and Safety Code (page 1, line 9) between "ombudsman," and "and" by inserting "this state's federally authorized protection and advocacy system for individuals with developmental disabilities,".

The amendment to Floor Amendment No. 3 to **CSSB 643** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 4 except as follows:

Absent-excused: Uresti.

Question recurring on the adoption of Floor Amendment No. 3 to **CSSB 643**, the amendment as amended was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 3 as amended except as follows:

Absent-excused: Uresti.

Senator Duncan offered the following amendment to the bill:

#### **Floor Amendment No. 5**

Amend **CSSB 643** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Article 46B.014, Code of Criminal Procedure (page 1, line 17), strike "A" and substitute "Except as provided by Article 46B.073, a".

(2) Strike SECTIONS 2 and 3 of the bill (page 1, line 23, through page 1, line 40) and renumber subsequent SECTIONS of the bill accordingly.

The amendment to **CSSB 643** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 5 except as follows:

Absent-excused: Uresti.

Senator Ogden offered the following amendment to the bill:

**Floor Amendment No. 6**

Amend **CSSB 643**, on page 5, line 40, after "developmental center for the care" and before "of residents" by inserting "and supervision".

The amendment to **CSSB 643** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 6 except as follows:

Absent-excused: Uresti.

Senator Zaffirini offered the following amendment to the bill:

**Floor Amendment No. 7**

Amend **CSSB 643** (Senate committee printing) in SECTION 12 of the bill, in added Section 555.024(c), Health and Safety Code (page 7, line 67) between "regarding" and "the following" by inserting "implementation of the interdisciplinary treatment program for each client for whom the direct care employee will provide direct care, which shall include".

The amendment to **CSSB 643** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 7 except as follows:

Absent-excused: Uresti.

Senator Zaffirini offered the following amendment to the bill:

**Floor Amendment No. 8**

Amend **CSSB 643** (Senate committee printing) as follows:

(1) In SECTION 12 of the bill, in added Section 555.024(c), Health and Safety Code (page 8, line 23) strike "meals; and" and substitute "meals;".

(2) In SECTION 12 of the bill, in added Section 555.024(c), Health and Safety Code (page 8, line 24) between "plans" and the period insert the following:  
; and

(15) Home and Community-based Services (HCS), including the principles of community inclusion and participation and the community living options information process

The amendment to **CSSB 643** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 8 except as follows:

Absent-excused: Uresti.

Senator Zaffirini offered the following amendment to the bill:

**Floor Amendment No. 9**

Amend **CSSB 643** (Senate committee printing) in SECTION 12 of the bill, in added Section 555.026(b), Health and Safety Code (page 8, line 55) after "Center." by inserting the following:

To ensure consistency across mortality review systems, a review under this section must collect information consistent with the information required to be collected by any other independent mortality review process established specifically for persons with mental retardation.

The amendment to **CSSB 643** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 9 except as follows:

Absent-excused: Uresti.

Senator Shapleigh offered the following amendment to the bill:

### **Floor Amendment No. 10**

Amend **CSSB 643** (Senate committee printing) in SECTION 12 of the bill, in Section 555.059(a), Health and Safety Code, immediately following added Subdivision (6) (page 11, line 10), by adding the following new Subdivision (7) and renumbering the current Subdivision (7) and subsequent subdivisions in that subsection accordingly:

(7) conduct biennial on-site audits at each state developmental center and the ICF-MR component of the Rio Grande State Center of:

(A) the ratio of direct care employees to residents;

(B) the provision and adequacy of training to:

(i) developmental center employees; and

(ii) direct care employees; and

(C) if the state developmental center serves high-risk residents, the provision of specialized training to direct care employees;

The amendment to **CSSB 643** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 10 except as follows:

Absent-excused: Uresti.

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

**CSSB 643** as amended was passed to engrossment by a viva voce vote.

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

Absent-excused: Uresti.

### **COMMITTEE SUBSTITUTE SENATE BILL 643 ON THIRD READING**

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 643** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Wentworth.

Absent-excused: Uresti.

### Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 643**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 643** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Uresti.

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

On motion of Senator Estes and by unanimous consent, Senate Rule 11.13 was suspended to grant the Committee on Nominations and the Committee on Agriculture and Rural Affairs permission to meet while the Senate was meeting today.

### **MOTION TO ADJOURN**

On motion of Senator Whitmire and by unanimous consent, the Senate at 3:50 p.m. agreed to adjourn, upon completion of the introduction of bills and resolutions on first reading, until 10:00 a.m. tomorrow.

### **SENATE BILLS ON FIRST READING**

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

#### **SB 3** by Shapiro

Relating to public school accountability, curriculum, and promotion requirements.  
To Committee on Education.

#### **SB 11** by Carona

Relating to the investigation, prosecution, and punishment for certain gang-related and other offenses and to the civil consequences of engaging in certain activities of a criminal street gang; providing penalties.  
To Committee on Transportation and Homeland Security.

**SB 851** by Patrick

Relating to the reallocation of local sales and use taxes.  
To Committee on Finance.

**SB 852** by Patrick

Relating to the collection and allocation of local sales and use taxes.  
To Committee on Finance.

**SB 853** by Patrick

Relating to authorizing injunctive relief during proceedings to cancel or suspend certain alcoholic beverage permits and licenses.  
To Committee on Business and Commerce.

**SB 854** by Patrick

Relating to the operation and regulation of massage establishments; imposing penalties.  
To Committee on Criminal Justice.

**SB 855** by Carona

Relating to local options regarding transportation and mobility improvement projects in certain counties.  
To Committee on Transportation and Homeland Security.

**SB 856** by Hinojosa

Relating to the expiration of certain parts of the Texas Economic Development Act.  
To Committee on Economic Development.

**SB 857** by West

Relating to the purchasing and contracting practices of junior college districts; providing criminal penalties.  
To Committee on Higher Education.

**SB 858** by Seliger

Relating to offering the classroom portion of a driver education course through an alternative method of instruction.  
To Committee on Transportation and Homeland Security.

**SB 859** by Seliger

Relating to initial claims under the unemployment compensation system.  
To Committee on Economic Development.

**SB 860** by Hegar

Relating to the creation of the Fort Bend-Waller Counties Municipal Utility District No. 2; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.  
To Committee on Intergovernmental Relations.

**SB 861** by Wentworth

Relating to the exchange of information among certain governmental entities concerning at-risk youth.  
To Committee on Jurisprudence.

**SB 862** by Eltife

Relating to practices and professions regulated by the Texas Real Estate Commission.  
To Committee on Business and Commerce.

**SB 863** by Harris

Relating to adoption of certain information technology.  
To Committee on State Affairs.

**SB 864** by Harris

Relating to the qualifications and duties of a parenting coordinator in a suit affecting the parent-child relationship.  
To Committee on Jurisprudence.

**SB 865** by Harris

Relating to child support enforcement.  
To Committee on Jurisprudence.

**SB 866** by Harris

Relating to the rights and liabilities of the parties in a suit for dissolution of a marriage and certain post-dissolution proceedings.  
To Committee on Jurisprudence.

**SB 867** by Lucio

Relating to summer nutrition programs provided for by school districts.  
To Committee on Education.

**SB 868** by Lucio

Relating to free breakfast for certain public school students.  
To Committee on Education.

**SB 869** by Lucio

Relating to free breakfast for certain public school students.  
To Committee on Education.

**SB 870** by Lucio

Relating to the duties of the interagency obesity council and the Department of Agriculture relating to health, wellness, and prevention of obesity.  
To Committee on Health and Human Services.

**SB 871** by Lucio

Relating to health risk assessments of state employees.  
To Committee on State Affairs.

**SB 872** by Lucio

Relating to the purchase of continued health insurance coverage by an eligible survivor of certain public servants killed in the line of duty.  
To Committee on State Affairs.

**SB 873** by Harris, Hegar, Williams

Relating to a requirement that certain appraisal districts provide for electronic filing of and electronic communications regarding a protest of appraised value by the owner of a residence homestead.  
To Committee on Finance.

**SB 874** by Shapleigh

Relating to the exemption of certain counties from the drainage charge imposed by a municipal drainage utility system.

To Committee on Intergovernmental Relations.

**SB 875** by Shapleigh

Relating to consideration of students' preferred class times in establishing course schedules at public institutions of higher education.

To Committee on Higher Education.

**SB 876** by Averitt

Relating to the performance of annual soil tests for certain concentrated animal feeding operations by the Texas Commission on Environmental Quality.

To Committee on Natural Resources.

**SB 877** by Ellis

Relating to the provision of HIV and AIDS tests and to health benefit plan coverage of HIV and AIDS tests.

To Committee on Health and Human Services.

**SB 878** by Davis

Relating to use of the money from the Texas enterprise fund to promote renewable energy technology.

To Committee on Economic Development.

**SB 879** by Averitt

Relating to premium discounts for certain participants in the Texas Health Insurance Risk Pool and to related tax credits for health benefit plan issuers.

To Committee on State Affairs.

**SB 880** by Hegar

Relating to the creation of the Fort Bend County Municipal Utility District No. 200; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

**SB 881** by Eltife

Relating to a specialty insurance agent license for certain vendors of portable electronic devices.

To Committee on Business and Commerce.

**SB 882** by Carona

Relating to the powers and duties of a regional tollway authority, including the establishment of an administrative adjudication hearing procedure; creating an offense.

To Committee on Transportation and Homeland Security.

**SB 883** by Carona

Relating to the use of the state highway fund to participate in the costs associated with a toll facility of a public or private entity.

To Committee on Transportation and Homeland Security.

**SB 884** by Harris

Relating to compensation of certain persons by a domestic insurance company.  
To Committee on Business and Commerce.

**SB 885** by Harris

Relating to a franchise tax credit for certain research and development activities.  
To Committee on Economic Development.

**SB 886** by Nelson

Relating to the waiver of sovereign immunity for claims based on retaliation against a nurse for engaging in protected patient advocacy activities.  
To Committee on State Affairs.

**SB 887** by Nelson

Relating to the licensing and regulation of dentists, dental hygienists, dental assistants, and dental laboratories; providing penalties.  
To Committee on Health and Human Services.

**SB 888** by Nelson

Relating to establishing a pill splitting program to reduce health plan costs for certain public employees.  
To Committee on State Affairs.

**SB 889** by Nelson

Relating to a deduction under the franchise tax for physicians who administer vaccines.  
To Committee on Finance.

**SB 890** by Nelson

Relating to physical activity requirements for students in public schools.  
To Committee on Education.

**SB 891** by Nelson

Relating to the public school physical education curriculum.  
To Committee on Education.

**SB 892** by Nelson

Relating to inclusion in a public school campus improvement plan of an evaluation of the campus coordinated health program.  
To Committee on Education.

**SB 893** by Nelson

Relating to the authority of a county to regulate and inspect day-care centers and group day-care homes; providing a criminal penalty.  
To Committee on Health and Human Services.

**SB 894** by Nelson

Relating to municipal investment of public funds received from the management and development of mineral rights.  
To Committee on Intergovernmental Relations.

**SB 895** by Nelson

Relating to the Cancer Prevention and Research Institute of Texas.  
To Committee on Health and Human Services.

**SB 896** by Shapleigh

Relating to the repeal of the driver responsibility program.  
To Committee on Transportation and Homeland Security.

**SB 897** by Shapleigh

Relating to certain reporting requirements in connection with the transportation of hazardous materials by a railroad company.  
To Committee on Transportation and Homeland Security.

**SB 898** by Shapleigh

Relating to the purposes and designation of a municipal transportation reinvestment zone.  
To Committee on Transportation and Homeland Security.

**SB 899** by Deuell

Relating to hospital district participation in state travel service contracts.  
To Committee on Government Organization.

**SB 900** by Deuell

Relating to the collection and use of certain information by health benefit plan issuers; providing administrative penalties.  
To Committee on State Affairs.

**SB 901** by Deuell

Relating to regulation of health benefit plans.  
To Committee on State Affairs.

**SB 902** by Davis

Relating to restrictions on the release into the air of natural gas and associated vapors from a gas well.  
To Committee on Natural Resources.

**SB 903** by Hegar

Relating to the designation of a person to act as the agent of a property owner in a property tax matter.  
To Committee on Finance.

**SB 904** by Williams

Relating to prescriptions issued for certain controlled substances.  
To Committee on Health and Human Services.

**SB 905** by Davis

Relating to the date on which eligibility for benefits begins under certain programs for governmental employees and retirees.  
To Committee on State Affairs.

**SB 906** by Williams

Relating to dates on which certain independent school districts may hold an election of trustees.

To Committee on Education.

**SB 907** by Williams

Relating to the purchase of a United States flag or Texas flag by a governmental entity.

To Committee on Administration.

**SB 908** by Williams

Relating to the crediting and charging of investment gains and losses on the assets held in trust by the Texas Municipal Retirement System and providing a guaranteed minimum credit to employee accounts.

To Committee on State Affairs.

**SB 909** by Williams

Relating to designating the first week of October as Monarch Butterfly Week.

To Committee on Administration.

**SB 910** by Lucio

Relating to free breakfast for certain public school students.

To Committee on Education.

**SB 911** by Williams

Relating to the licensing and regulation of pain management clinics.

To Committee on Health and Human Services.

**SB 912** by Williams

Relating to the diversion of a controlled substance by certain persons who have access to the substance by virtue of the person's profession or employment; providing penalties.

To Committee on Criminal Justice.

**SB 913** by Williams

Relating to the authority of the Lower Neches Valley Authority to acquire, own, operate, maintain, and improve the Devers Canal System, its water rights, and associated property.

To Committee on Natural Resources.

**SB 914** by Williams

Relating to the powers and duties of the Liberty Lakes Fresh Water Supply District No. 1; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

To Committee on Natural Resources.

**SB 915** by Ellis, Duncan

Relating to a qualified privilege of a journalist not to testify.

To Committee on Jurisprudence.

**SB 916** by Harris

Relating to exempting certain judicial officers from certain requirements for obtaining or renewing a concealed handgun license and to the authority of certain judicial officers to carry certain weapons.

To Committee on Criminal Justice.

**SB 917** by Harris

Relating to the definition of charitable trust for purposes of court jurisdiction.

To Committee on Jurisprudence.

**SB 918** by Harris

Relating to attorney general participation in proceedings involving charitable trusts.

To Committee on Jurisprudence.

**SB 919** by Harris

Relating to an administrative fee for defendants required by a court to perform community service in lieu of serving a term of confinement in county jail.

To Committee on Criminal Justice.

**SB 920** by Harris

Relating to the right to an expunction of records and files relating to a person's arrest.

To Committee on Criminal Justice.

**SB 921** by Fraser

Relating to access by the members of electric cooperatives to meetings of the boards of directors and certain information of the electric cooperatives.

To Committee on Business and Commerce.

**SB 922** by Harris

Relating to the powers and duties of certain magistrates.

To Committee on Jurisprudence.

**SB 923** by Harris

Relating to notice of proposed increases in fees charged by the Parks and Wildlife Department for certain permits.

To Committee on Natural Resources.

**SB 924** by Huffman

Relating to the issuance of Save Our Beaches specialty license plates.

To Committee on Transportation and Homeland Security.

**SB 925** by Huffman

Relating to the creation of a court record preservation fund; imposing a fee.

To Committee on Criminal Justice.

**SB 926** by Huffman

Relating to the imposition of a civil penalty against the owner of an authorized emergency vehicle for a violation recorded by a photographic traffic signal enforcement system.

To Committee on Transportation and Homeland Security.

**SB 927** by Huffman

Relating to tampering with a direct recording electronic voting machine.  
To Committee on State Affairs.

**SB 928** by Patrick, Carona, Eltife, Nelson, Nichols

Relating to the limitation on the rate of growth of appropriations.  
To Committee on Finance.

**SB 929** by Huffman

Relating to the powers and duties of the Sienna Plantation Municipal Utility District No. 4; providing authority to impose a tax and issue bonds.  
To Committee on Intergovernmental Relations.

**SB 930** by Huffman

Relating to the powers and duties of the Sienna Plantation Municipal Utility District No. 5; providing authority to impose a tax and issue bonds.  
To Committee on Intergovernmental Relations.

**SB 931** by Huffman

Relating to the powers and duties of the Sienna Plantation Municipal Utility District No. 6; providing authority to impose a tax and issue bonds.  
To Committee on Intergovernmental Relations.

**SB 932** by Huffman

Relating to the powers and duties of the Sienna Plantation Municipal Utility District No. 7; providing authority to impose a tax and issue bonds.  
To Committee on Intergovernmental Relations.

**SB 933** by Ellis

Relating to compensation to persons wrongfully imprisoned.  
To Committee on State Affairs.

**SB 934** by Lucio

Relating to funding the housing trust fund.  
To Committee on Intergovernmental Relations.

**SB 935** by Seliger

Relating to authorizing a judge of a municipal court to conduct a marriage ceremony.  
To Committee on Jurisprudence.

**SB 936** by Carona

Relating to the appointment of a communications coordination group.  
To Committee on Transportation and Homeland Security.

**SB 937** by Carona

Relating to the prosecution of and punishment for certain criminal offenses involving a combination or a criminal street gang.  
To Committee on Criminal Justice.

**SB 938** by Carona

Relating to a central database containing information about certain violent offenders who are members of a criminal street gang.  
To Committee on Criminal Justice.

**SB 939** by Watson

Relating to the capability of the Public Education Information Management System (PEIMS) to provide information regarding public school students placed in foster care.

To Committee on Education.

**SB 940** by Wentworth

Relating to the regulation of the public practice of geoscience.

To Committee on Natural Resources.

**SB 941** by Wentworth

Relating to contracts by governmental entities for professional services relating to geoscience.

To Committee on Natural Resources.

**SB 942** by Wentworth

Relating to local option methods for financing transportation projects and services.

To Committee on Transportation and Homeland Security.

**SB 943** by Zaffirini

Relating to a pilot project to establish a comprehensive single point of entry for long-term services and supports provided to the aged and physically disabled individuals.

To Committee on Health and Human Services.

**SB 944** by Zaffirini

Relating to a grant program to provide children at risk of hunger or obesity with increased access to nutritious foods.

To Committee on Health and Human Services.

**SB 945** by Zaffirini

Relating to unemployment compensation benefits.

To Committee on Economic Development.

**SB 946** by Deuell

Relating to the Medicaid Drug Utilization Review Program and prescription drug use under the Medicaid program.

To Committee on Health and Human Services.

**SB 947** by Duncan

Relating to the exemption from ad valorem taxation of certain tangible personal property stored temporarily at a location in this state.

To Committee on Finance.

**SB 948** by Estes

Relating to the definition of an agricultural business for the purposes of the Texas Agricultural Finance Authority.

To Committee on Agriculture and Rural Affairs.

**SB 949** by Estes

Relating to the ad valorem tax situs of certain portable drilling rigs and associated equipment.

To Committee on Finance.

**SB 950** by West

Relating to a fee imposed on real estate transactions to fund the housing trust fund.

To Committee on Intergovernmental Relations.

**SB 951** by Shapleigh

Relating to the appraisal for ad valorem tax purposes of historic property.

To Committee on Finance.

**SB 952** by Shapleigh

Relating to erecting an off-premise sign adjacent to and visible from certain roads that follow the route of El Camino Real de Tierra Adentro.

To Committee on International Relations and Trade.

**SB 953** by Shapleigh

Relating to contracting issues of state agencies.

To Committee on Finance.

**SB 954** by Shapiro

Relating to uniform financial aid award notification for students and prospective students of public institutions of higher education.

To Committee on Higher Education.

**SB 955** by Shapiro

Relating to the state virtual school network.

To Committee on Education.

**SB 957** by Watson

Relating to the ability of a county, public hospital, or hospital district to purchase or arrange for the purchase of certain health coverage or benefits for eligible residents.

To Committee on State Affairs.

**SB 958** by Hegar

Relating to an exemption from the sales and use tax for machinery and equipment used in an agricultural aircraft operation.

To Committee on Finance.

**SB 959** by Duncan

Relating to the authority of certain counties to impose a hotel occupancy tax for the maintenance and operation of a coliseum in the county.

To Committee on Intergovernmental Relations.

**SB 960** by Ellis, Lucio

Relating to eligibility of certain job trainees for extended unemployment compensation benefits.

To Committee on Economic Development.

**SB 961** by Ellis

Relating to the sale of certain annuities.  
To Committee on State Affairs.

**SB 962** by Ellis

Relating to a business's electronic transmission of the sensitive personal information of its customers.  
To Committee on Business and Commerce.

**SB 963** by Ellis

Relating to rates for long-term care insurance premiums.  
To Committee on State Affairs.

**SB 964** by Ellis

Relating to requirements for insurers and insurance agents that sell Medicare-related products.  
To Committee on State Affairs.

**SB 965** by Ellis

Relating to certain education requirements for insurance agents who sell annuities.  
To Committee on State Affairs.

**SB 966** by Ellis

Relating to the repeal of state sales tax and franchise tax refunds for certain ad valorem tax payers.  
To Committee on Finance.

**SB 967** by Hegar

Relating to the disclosure by the developer of the subdivision of planned highway projects that will go through or be adjacent to a subdivision.  
To Committee on Transportation and Homeland Security.

**SB 968** by West

Relating to interactive water features and fountains.  
To Committee on Intergovernmental Relations.

**SB 969** by Seliger

Relating to a length exemption for a vehicle or combination of vehicles used to transport a combine used in farm custom harvesting operations.  
To Committee on Agriculture and Rural Affairs.

**SB 970** by Seliger

Relating to the qualifications required of the executive director of the Texas Department of Transportation.  
To Committee on Transportation and Homeland Security.

**SB 971** by Seliger

Relating to an interlocal contract for a relief highway route around certain municipalities.  
To Committee on Transportation and Homeland Security.

**SB 972** by Averitt

Relating to small and large employer health group cooperatives.  
To Committee on State Affairs.

**SB 973** by Duncan

Relating to creating a recognition day to celebrate the history and heritage of Texas bison.  
To Committee on Government Organization.

**SB 974** by Carona

Relating to records of certain frivolous complaints maintained by the Texas Board of Professional Land Surveying.  
To Committee on Business and Commerce.

**SB 975** by Ellis

Relating to a loan program to encourage the use of renewable energy technology and the making of energy efficiency improvements; providing for the issuance of bonds.  
To Committee on Finance.

**SB 976** by Ellis

Relating to distribution of sexual barrier protection devices to inmates and state jail defendants confined in facilities operated by or under contract with the Texas Department of Criminal Justice.  
To Committee on Criminal Justice.

**SB 977** by Ellis

Relating to the reporting of information regarding debt incurred for necessary medical treatment.  
To Committee on Business and Commerce.

**SB 978** by West

Relating to the creation and financing of public improvement districts.  
To Committee on Intergovernmental Relations.

**SB 979** by Lucio

Relating to foreclosure sales of residential real property; providing a penalty.  
To Committee on Business and Commerce.

**SB 980** by Lucio

Relating to reporting of certain information regarding foreclosure sales of residential real property.  
To Committee on Business and Commerce.

**SB 981** by Van de Putte

Relating to a requirement that school districts notify employees regarding entitlement to leave time in circumstances involving assault.  
To Committee on Education.

**SB 982** by Van de Putte, Eltife, West

Relating to public school finance.  
To Committee on Education.

**SB 983** by Davis

Relating to providing certain documents and training to children in the conservatorship of the state.

To Committee on Health and Human Services.

**SB 984** by Davis

Relating to the jurisdiction of a court to conduct placement review hearings for a child in the managing conservatorship of the state after the child's 18th birthday.

To Committee on Health and Human Services.

**SB 985** by Davis

Relating to the lodging expenses of certain state emergency services personnel.

To Committee on Transportation and Homeland Security.

**SB 986** by Davis

Relating to unlawful employment practices regarding discrimination in payment of compensation.

To Committee on Business and Commerce.

**SB 987** by Shapiro

Relating to the age at which transition planning begins for a public school student receiving special education services.

To Committee on Education.

**SB 988** by Ellis

Relating to the development of a climate adaptation plan by certain entities.

To Committee on Natural Resources.

**SB 989** by Lucio

Relating to the municipal hotel occupancy tax imposed in certain municipalities.

To Committee on Intergovernmental Relations.

**SB 990** by Lucio, Zaffirini

Relating to the establishment of the rural housing land assemblage program.

To Committee on International Relations and Trade.

**SB 991** by Lucio

Relating to the allocation of housing tax credits to developments in rural areas under the low income housing tax credit program.

To Committee on Intergovernmental Relations.

**SB 992** by Duncan

Relating to the jurisdiction and administration of, and procedures relating to, certain courts in this state, including procedures for appeals.

To Committee on Jurisprudence.

**SB 993** by Duncan

Relating to ranking of physicians by health benefit plans.

To Committee on State Affairs.

**SB 994** by Hegar

Relating to the creation of the Fort Bend County Municipal Utility District No. 192; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

**SB 995** by Averitt

Relating to imposition of the motor vehicle sales tax on motor vehicles transferred as the result of a gift.

To Committee on Finance.

**SB 996** by Averitt

Relating to imposition of the motor vehicle sales tax on leased motor vehicles.

To Committee on Finance.

**SB 997** by Duncan

Relating to the administration of and exemptions from the gas production tax.

To Committee on Finance.

**SB 998** by Gallegos

Relating to the seizure of the circuit board of a gambling device or equipment, altered gambling equipment, or gambling paraphernalia.

To Committee on Criminal Justice.

**SB 999** by Gallegos

Relating to the regulation of certain licensing agents; providing penalties.

To Committee on Business and Commerce.

**SB 1000** by Gallegos

Relating to the practice of nursing; providing civil penalties.

To Committee on Health and Human Services.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**SR 384** by Nichols, In memory of Marlin C. Young of Nacogdoches.

**SR 389** by Ellis, Honoring the life of Ned P. Pullum.

**SR 390** by Ellis, In memory of Quentin R. Mease of Houston.

**SR 392** by Gallegos, In memory of Charles Louis Joekel, Jr., of Houston.

**SR 395** by West, In memory of David Richard Frank of Columbus.

**Congratulatory Resolutions**

**SR 369** by Ellis, Recognizing Willie Lewis Brown, Jr., of San Francisco on the occasion of his 75th birthday.

**SR 377** by Ellis, Recognizing Anna Russell on the occasion of her retirement from the City of Houston.

**SR 385** by Nichols, Recognizing Austin Bank for being named as one of the 2009 Best Companies to Work for in Texas.

**SR 386** by Estes, Commending Hazel Holladay of Wichita County for her contributions to foster parenting.

**SR 387** by Gallegos, Recognizing the Olivewood Cemetery in Houston on the occasion of its designation as a Texas Historic Cemetery.

**SR 388** by Hegar, Recognizing the City of Palacios on the occasion of its 100th anniversary.

**SR 396** by Lucio, Congratulating Rose M. Z. Gowen of Brownsville for being named Zonta Woman of the Year.

**HCR 46** (Seliger), Honoring the Commemorative Air Force, based in Midland, for its inspiring educational programs and for its crucial efforts to preserve the military aviation history of the United States.

### **Official Designation Resolution**

**SR 393** by Hegar, Recognizing March 11, 2009, as Port Lavaca Day at the Capitol.

### **ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 4:30 p.m. adjourned until 10:00 a.m. tomorrow.

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## **APPENDIX**

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### **COMMITTEE REPORTS**

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

March 9, 2009

**EDUCATION — CSSB 401**

**HIGHER EDUCATION — SB 65, SB 175, SB 504**

**TRANSPORTATION AND HOMELAND SECURITY — SB 52, CSSB 293, SB 328, SB 333, CSSB 374, CSSB 521, SB 581, SB 589**

**HEALTH AND HUMAN SERVICES — SB 32, CSSB 72, CSSB 71, CSSB 81, CSSB 188, CSSB 284, CSSB 347, SB 662**

**INTERGOVERNMENTAL RELATIONS — SB 229, SB 234, SB 235, SB 236, SB 239, SB 397, SB 461, SB 524, SB 530, SB 623**

**JURISPRUDENCE — CSSB 497, SB 683, SB 633, SB 625, SB 517, SB 477, SB 420, SB 271**

**VETERAN AFFAIRS AND MILITARY INSTALLATIONS — SB 189, CSSB 90**

**HIGHER EDUCATION — CSSB 44, CSSB 93**

**RESOLUTIONS ENROLLED**

March 4, 2009

**SR 224, SR 278, SR 299, SR 332, SR 359, SR 368, SR 371, SR 379, SR 380,  
SR 381**

**SIGNED BY GOVERNOR**

March 6, 2009

**SCR 17, SCR 19, SCR 26, SCR 27**

