

SENATE JOURNAL

EIGHTY-FIRST LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

TWENTY-SEVENTH DAY

(Wednesday, March 25, 2009)

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

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, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

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

The Reverend Stephen Warren, First Baptist Church, Buda, offered the invocation as follows:

Our heavenly Father, creator and sustainer of us all, we thank You for the day that You have given to us. We humbly come before You asking that You give to us Your wisdom in knowing how to guide and lead this great state. We thank You for providing for us and Your continual watch care. We ask that You forgive us when we fail You and forget to acknowledge You. We ask that You be with our men and women who are so gallantly serving in our armed forces and that You keep them safe and out of harm's way. We also ask that You give comfort and peace to the families that are remaining here at home as they wait for their loved ones to come home. Lord, please continue to watch over our great state and nation and be with our leaders as they seek to serve us. In Your precious name we ask these things. Amen.

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

The motion prevailed without objection.

CO-AUTHOR OF SENATE BILL 18

On motion of Senator Estes, Senator Carona will be shown as Co-author of **SB 18**.

CO-AUTHOR OF SENATE BILL 19

On motion of Senator Patrick, Senator Hinojosa will be shown as Co-author of **SB 19**.

CO-AUTHOR OF SENATE BILL 61

On motion of Senator Zaffirini, Senator Carona will be shown as Co-author of **SB 61**.

CO-AUTHOR OF SENATE BILL 88

On motion of Senator Nelson, Senator Estes will be shown as Co-author of **SB 88**.

CO-AUTHOR OF SENATE BILL 730

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

CO-AUTHOR OF SENATE BILL 769

On motion of Senator Williams, Senator Ellis will be shown as Co-author of **SB 769**.

CO-AUTHOR OF SENATE BILL 841

On motion of Senator Averitt, Senator Davis will be shown as Co-author of **SB 841**.

CO-AUTHOR OF SENATE BILL 1154

On motion of Senator Davis, Senator West will be shown as Co-author of **SB 1154**.

CO-AUTHOR OF SENATE BILL 1176

On motion of Senator Patrick, Senator Lucio will be shown as Co-author of **SB 1176**.

CO-AUTHORS OF SENATE BILL 1443

On motion of Senator Zaffirini, Senators Averitt, Deuell, Fraser, Hegar, Huffman, Seliger, and Wentworth will be shown as Co-authors of **SB 1443**.

CO-AUTHOR OF SENATE BILL 1467

On motion of Senator Davis, Senator West will be shown as Co-author of **SB 1467**.

CO-AUTHOR OF SENATE BILL 1659

On motion of Senator Averitt, Senator Nelson will be shown as Co-author of **SB 1659**.

CO-AUTHOR OF SENATE BILL 2165

On motion of Senator Ellis, Senator Davis will be shown as Co-author of **SB 2165**.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
March 25, 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 133, Honoring Calvin Nelson Clyde, Jr., of Tyler on his 88th birthday.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE RESOLUTION 454

Senator Seliger offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to join the citizens of the Big Spring area and Texans across the state in celebrating March 25, 2009, as Big Spring Area Day at the State Capitol; and

WHEREAS, Located in Howard County in the scenic expanse of West Texas, the Big Spring area is comprised of thriving communities that look forward to a promising and prosperous future; and

WHEREAS, New development in the area is evidence of the determination and strength of the region's greatest resource, the people who work together to create an atmosphere of community collaboration; the construction of four wind turbine farms, the expansion of McMahan-Wrinkle Airport, and the continuing importance of oil and gas and agricultural interests demonstrate the area's economic vitality and commitment to progress; and

WHEREAS, The City of Big Spring recently created a Downtown Historic District to spur growth and development; the restoration of the historic Settles Hotel, new infrastructure, and landscaping have revitalized the downtown area of this regional hub for health care, education, and recreation; and

WHEREAS, Blessed with a rich historical legacy and possessed of an abundant future, the citizens of the Big Spring area are rightly proud of their many contributions to our state and their commitment to ensuring an outstanding quality of life; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby commend the citizens of the Big Spring area on their many contributions to our state and extend to them best wishes for a memorable Big Spring Area Day at the State Capitol; and, be it further

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

SR 454 was again read.

The resolution was previously adopted on Wednesday, March 18, 2009.

GUESTS PRESENTED

Senator Seliger was recognized and introduced to the Senate Russ McEwen, Mayor, Big Spring; Terry Wegman, Big Spring Economic Development Corporation; Steve Herren, President, Big Spring Chamber of Commerce Board of Directors; Steven Saldivar, Big Spring Independent School District; Mark Myers, Provost, Southwest Collegiate Institute for the Deaf; accompanied by a delegation of Big Spring area citizens.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Nichols was recognized and introduced to the Senate representatives of the Texas Forestry Association.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Hegar was recognized and introduced to the Senate students and their teacher from Royal Elementary School in Brookshire.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Eltife was recognized and introduced to the Senate a delegation of citizens from the City of Mount Pleasant.

The Senate welcomed its guests.

PHYSICIAN OF THE DAY

Senator Shapiro was recognized and presented Dr. Christopher Lawrence of McKinney as the Physician of the Day.

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

GUESTS PRESENTED

Senator Huffman was recognized and introduced to the Senate students and their teachers from Sharpstown High School in the City of Houston.

The Senate welcomed its guests.

SENATE RESOLUTION 514

Senator Uresti offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Northside Independent School District on the occasion of its 60th anniversary; and

WHEREAS, The Northside Independent School District traces its roots to 1949, when a number of small rural school districts serving grades one through eight came together to form the Northside Consolidated Common School District Number One; through the years, the district has continued to grow and serve an ever-expanding student population; and

WHEREAS, The Northside Independent School District has been a vital part of the community as it has prepared countless students for their lives as productive members of our society; and

WHEREAS, The district has prepared for the challenges of the future by recently implementing a five-year strategic plan, which will guide its direction through 2013; and

WHEREAS, With new classrooms being added to existing schools and new campuses opening every year, the Northside Independent School District is poised to meet the increasing needs of the district's residents and continue its long tradition of excellence in education; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby commend the Northside Independent School District on 60 years of high-quality education and extend best wishes for continued success in teaching the students of the district; and, be it further

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

URESTI
VAN DE PUTTE
WENTWORTH

SR 514 was read and was adopted without objection.

GUESTS PRESENTED

Senator Uresti, joined by Senators Van de Putte and Wentworth, was recognized and introduced to the Senate representatives of the Northside Independent School District in San Antonio: Katie Reed, Board of Trustees President, and Dr. John Folks, Superintendent.

The Senate welcomed its guests.

SENATE RESOLUTION 483

Senator Shapleigh offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to join Texans across the state in celebrating the exemplary accomplishments of Communities In Schools of Texas; and

WHEREAS, An effective and successful dropout prevention program, Communities In Schools was established in Texas in 1979, beginning in Houston, and it now operates 27 programs across the state; and

WHEREAS, Communities In Schools operates in partnership with local school districts, businesses, and the community at large to provide services to students who are at risk of dropping out of school; and

WHEREAS, In 2008 alone, this exceptional program served more than 560,000 students across the state and provided intensive case management to more than 85,000 students, keeping 98 percent of eligible participants in school; and

WHEREAS, Ensuring the education of all young people in Texas is critical to maintaining a competitive edge in the workforce and a stable economy; Communities In Schools addresses the myriad challenges faced by today's students by allowing them to focus on learning; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby commend Communities In Schools of Texas on its exemplary achievements in keeping young people in school and call upon all Texans to celebrate March, 2009, as Communities In Schools Month and March 25, 2009, as Communities In Schools Day at the State Capitol; and, be it further

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

SR 483 was read and was adopted without objection.

GUESTS PRESENTED

Senator Shapleigh was recognized and introduced to the Senate Robert Shaw, Sylvia Teague, Bill Milliken, Angela Wilborn, and former Senator Gonzalo Barrientos, accompanied by a delegation representing Communities In Schools of Texas.

Senator Zaffirini was also recognized and introduced Communities In Schools representatives from Senate District 21.

The Senate welcomed its guests.

SENATE RESOLUTION 508

Senator Fraser offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Alpha Chi Chapter of the Delta Kappa Gamma Society International on the splendid occasion of its 75th anniversary; and

WHEREAS, The Delta Kappa Gamma Society International was founded by Annie Webb Blanton, a professor of education at The University of Texas, on May 11, 1929, and it has grown to 115,000 members in chapters located in 16 countries around the world; the society honors women educators who have made exceptional contributions in the field of education and promotes professional and personal growth; and

WHEREAS, The Alpha Chi Chapter, also established by Dr. Blanton, was chartered on March 10, 1934, with 12 founding members, women educators from Burnet, Llano, San Saba, and Lampasas Counties; the women of San Saba and Lampasas Counties formed a separate chapter in 1964; and

WHEREAS, Following the principles set forth by the Delta Kappa Gamma Society International, the Alpha Chi Chapter works to enhance opportunities for women in education and celebrates their achievements; it initiates and supports legislation that furthers the interests of the field of education and of women educators, keeps members informed about important issues, and offers enrichment opportunities; and

WHEREAS, Membership in the Alpha Chi Chapter is both an honor and a responsibility; members provide many hours of service and contribute to worthy causes; they have established a scholarship and have provided 55 grants to future teachers in Marble Falls, Burnet, and Llano; the members of the Alpha Chi Chapter are outstanding leaders and excellent role models in their communities; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby commend the members of the Alpha Chi Chapter of the Delta Kappa Gamma Society International for their commitment to education and to their communities and extend to them best wishes for a wonderful 75th anniversary celebration; and, be it further

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

SR 508 was read and was adopted without objection.

GUESTS PRESENTED

Senator Fraser was recognized and introduced to the Senate a delegation representing the Alpha Chi Chapter of the Delta Kappa Gamma Society International.

The Senate welcomed its guests.

SENATE RESOLUTION 493

Senator Shapiro offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Glazer's Family of Companies, which is celebrating 100 years of outstanding service to its customers and community; and

WHEREAS, Based in Addison, the Glazer's Family of Companies traces its history to 1909, when Louis Glazer and his wife, Bessie, moved to Dallas and established the Jumbo Bottling Company; this enduring enterprise began with a simple line of flavored soda waters sold from the back of horse-drawn wagons; and

WHEREAS, Today, Glazer's Distributors markets beverages throughout Texas, Arkansas, Louisiana, Oklahoma, Ohio, Mississippi, Missouri, Indiana, Kansas, Iowa, and Arizona; it employs 2,000 people and has 13 distribution centers in Texas alone; and

WHEREAS, A leader in social responsibility and corporate philanthropy, the Glazer's Family of Companies has through the years adhered to a philosophy of forming strong, lasting partnerships and hiring and retaining the highest caliber of employees; it is truly deserving of recognition for its many outstanding achievements, its long record of service, and its high standing in its field; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby commend the Glazer's Family of Companies on its legacy of service and extend best wishes for a memorable 100th anniversary; and, be it further

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

SR 493 was read and was adopted without objection.

GUESTS PRESENTED

Senator Shapiro was recognized and introduced to the Senate Bennett and Marion Glazer, Sam Glazer, Jerry Cargill, Jeff Hill, and Lisa Sparks representing the Glazer's Family of Companies.

The Senate welcomed its guests.

SENATE RESOLUTION 466

Senator Van de Putte offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Bexar County Juvenile Probation Department as it celebrates more than a century of service; and

WHEREAS, The Bexar County Juvenile Probation Department was created in 1908, shortly after the passage of the Texas Juvenile Court Act of 1907; and

WHEREAS, The department began its existence in a second-floor office in the county courthouse and served an average of 720 juveniles per year; and

WHEREAS, The Bexar County Juvenile Probation Department now serves an average of 7,100 juveniles each year, and the juvenile justice system has grown to include two courts, two associate courts, a detention facility, a long-term secure treatment facility, and a staff of more than 600 dedicated public servants; and

WHEREAS, To commemorate more than 100 years of the rehabilitation and redirection of the young people of Bexar County, a celebration is being held on March 26, 2009, and Vicki Spriggs, director of the Texas Juvenile Probation Commission, is delivering the keynote address; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby commend the Bexar County Juvenile Probation Department on its longstanding commitment to serving the community and extend congratulations on the occasion of its 100th anniversary; and, be it further

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

SR 466 was again read.

The resolution was previously adopted on Thursday, March 19, 2009.

GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate David Riley, Chief Juvenile Probation Officer, and Maricela Morales, Deputy Chief Probation Officer, of Bexar County.

The Senate welcomed its guests.

SENATE RESOLUTION 475

Senator Nelson offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Texas Board of Nursing on the occasion of its 100th anniversary; and

WHEREAS, The Texas Board of Nursing was created on March 13, 1909, when Governor Thomas Mitchell Campbell signed into law the Nurses Registration Act of 1909; known at the time as the Board of Nurse Examiners, this dedicated agency has for 100 years worked to maintain public trust in the nursing profession; and

WHEREAS, From its early days, when 222 applications for nurse registration were approved at the first regular meeting of the five-member board, until today, with more than 200,000 registered nurses in our state, the Texas Board of Nursing has held fast to its mission of ensuring that each person holding a license as a nurse in the State of Texas is competent to practice safely; and

WHEREAS, Throughout its history, the Texas Board of Nursing has played a vital role in providing leadership for the nursing profession; among its many initiatives have been education programs for advanced nurse practitioners and the adoption of the National Council Licensure Examination for Registered Nurses for entry-level nurses; and

WHEREAS, Nurses are the second-largest group of licensed professionals in the nation, and one of the most respected; the Texas Board of Nursing is truly deserving of recognition for its dedication to quality and professionalism; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby commend the Texas Board of Nursing on its legacy of stewardship of the nursing profession and extend best wishes for a memorable 100th anniversary; and, be it further

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

SR 475 was again read.

The resolution was previously adopted on Thursday, March 19, 2009.

(Senator Eltife in Chair)

CONCLUSION OF MORNING CALL

The Presiding Officer at 12:05 p.m. announced the conclusion of morning call.

COMMITTEE SUBSTITUTE

SENATE BILL 820 ON SECOND READING

On motion of Senator Duncan and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 820** at this time on its second reading:

CSSB 820, Relating to the adoption and amendment of model building codes by certain municipalities.

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

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

Nays: Williams.

COMMITTEE SUBSTITUTE

SENATE BILL 820 ON THIRD READING

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 820** be placed on its third reading and final passage.

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

Nays: Wentworth.

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 820**, 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 820** 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 1.

Nays: Williams.

(President Pro Tempore Duncan in Chair)

COMMITTEE SUBSTITUTE SENATE BILL 769 ON SECOND READING

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 769** at this time on its second reading:

CSSB 769, Relating to methods for the recovery of system restoration costs incurred by electric utilities following hurricanes, tropical storms, ice or snow storms, floods, and other weather-related events and natural disasters.

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

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

COMMITTEE SUBSTITUTE SENATE BILL 769 ON THIRD READING

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 769** be placed on its third reading and final passage.

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

Nays: Wentworth.

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 769**, 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 769** 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 31, Nays 0.

(President in Chair)**SENATE BILL 572 ON SECOND READING**

On motion of Senator Shapiro and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 572** at this time on its second reading:

SB 572, Relating to transportation safety training requirements for certain child-care providers.

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

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

SENATE BILL 572 ON THIRD READING

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 572** be placed on its third reading and final passage.

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

Nays: Wentworth.

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 **SB 572**, 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 **SB 572** 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 31, Nays 0.

SENATE BILL 731 ON SECOND READING

On motion of Senator Jackson and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 731** at this time on its second reading:

SB 731, Relating to the sale of certain alcoholic beverages to private club registration permit holders.

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

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

SENATE BILL 731 ON THIRD READING

Senator Jackson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 731** be placed on its third reading and final passage.

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

Nays: Wentworth.

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 **SB 731**, 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 **SB 731** 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 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 381 ON SECOND READING**

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 381** at this time on its second reading:

CSSB 381, Relating to the authority of physicians to delegate to certain pharmacists the implementation and modification of a patient's drug therapy.

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 381 ON THIRD READING**

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 381** be placed on its third reading and final passage.

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

Nays: Wentworth.

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 381**, 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 381** 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 31, Nays 0.

SENATE RESOLUTION 345

Senator Estes offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to welcome members of the State Firemen's and Fire Marshals' Association of Texas on Firefighter Legislative Day at the State Capitol on March 25, 2009; and

WHEREAS, The members of this esteemed organization are gathering to recognize and honor the tireless and heroic actions of the members of the Texas fire service; the names of six courageous volunteer firefighters who died in the line of duty are being unveiled at the volunteer firemen's monument on the Capitol grounds; and

WHEREAS, The firemen being honored are Elmer Homilius of the Comfort Volunteer Fire Department, who died October 15, 1984; Austin Cheek of the Noonday Volunteer Fire Department, who died August 3, 2007; Kevin Williams of the Noonday Volunteer Fire Department, who died August 3, 2007; William Simes of the Giddings Volunteer Fire Department, who died September 25, 2007; Robert Knight of the Teague Volunteer Fire Department, who died July 5, 2008; and Joe Jordan of the Pickton Pine Forest Volunteer Fire Department, who died July 4, 2008; most of the families of the fallen firefighters are here with us today; and

WHEREAS, The State Firemen's and Fire Marshals' Association of Texas is the oldest and the largest fire service organization in the state; the association was founded in 1876 and currently represents more than 1,200 fire departments, 19,000 individual members, and 80 industrial fire brigades; and

WHEREAS, The association sponsors and supports the world's largest fire-training school, held each summer at Texas A&M University; the association also provides instructors and professional services on the fire school's advisory board; and

WHEREAS, The cornerstone of the State Firemen's and Fire Marshals' Association is the certification program for volunteer firefighters, which encourages training, education, and certification for all volunteers; and

WHEREAS, Approximately 70 percent of the firefighters providing fire service to the citizens of Texas are volunteer firefighters; they volunteer their valuable services, responding to emergency calls and attending training sessions to learn the latest firefighting techniques; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby commend the firefighters of Texas for their courageous actions and devotion to duty on behalf of their fellow citizens and pay tribute to the volunteer firefighters who have died in the line of duty; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of the firefighters and fire marshals of Texas.

SR 345 was again read.

The resolution was previously adopted on Monday, March 2, 2009.

**COMMITTEE SUBSTITUTE
SENATE BILL 470 ON SECOND READING**

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 470** at this time on its second reading:

CSSB 470, Relating to training and continuing education for licensed electrical apprentices.

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 470 ON THIRD READING**

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 470** be placed on its third reading and final passage.

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

Nays: Wentworth.

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 470**, 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 470** 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 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 300 ON SECOND READING**

On motion of Senator Patrick and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 300** at this time on its second reading:

CSSB 300, Relating to eliminating or modifying certain mandates on school districts.

The bill was read second time.

Senator Seliger offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 300** (Senate committee printing) in SECTION 2 of the bill, in amended Section 34.0021(b), Education Code (page 1, line 41), between "video" and "[" by inserting ". A video used for training under this subsection may be produced by students".

The amendment to **CSSB 300** was read and was adopted by a viva voce vote.

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

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 300** (Senate committee report) as follows:

(1) In SECTION 3 of the bill, in amended Section 44.902, Education Code (page 1, line 48), between "ENERGY." and "The", insert "(a)".

(2) In SECTION 3 of the bill, in amended Section 44.902, Education Code (page 1, between lines 53 and 54), insert the following:

(b) The plan required under Subsection (a) must include:

(1) strategies for achieving energy efficiency that:

(A) result in net savings for the district; or

(B) can be achieved without financial cost to the district; and

(2) for each strategy identified under Subdivision (1), the initial, short-term capital costs and lifetime costs and savings that may result from implementation of the strategy.

(c) In determining under Subsection (b) whether a strategy may result in financial cost to the district, the board of trustees shall consider the total net costs and savings that may occur over the seven-year period following implementation of the strategy.

(d) The board of trustees may submit the plan required under Subsection (a) to the State Energy Conservation Office for the purposes of determining whether funds available through loan programs administered by the office are available to the district.

The amendment to **CSSB 300** 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.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 300** (Senate committee printing) by adding the appropriately numbered SECTION:

SECTION __. Section 11.163, Education Code, is amended to read as follows:

(d) The employment policy must provide that not later than the 10th school day before the date on which a district fills a vacant position for which a certificate or license is required as provided by Section 21.003, other than a position that affects the safety and security of students as determined by the board of trustees, the district must provide to each current district employee:

(1) notice of the position by posting the position on:

(A) a bulletin board at:

(i) a place convenient to the public in the district's central administrative office; and

(ii) the central administrative office of each campus in the district during any time the office is open; ~~and~~ or

~~(B)~~ (iii) the district's Internet website, if the district has a website; ~~and~~ .

(2) a reasonable opportunity to apply for the position.

The amendment to **CSSB 300** was read and was adopted by a viva voce vote.

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

Nays: Wentworth.

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

CSSB 300 as amended was passed to engrossment by a viva voce vote.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 300 ON THIRD READING**

Senator Patrick moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 300** be placed on its third reading and final passage.

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

Nays: Wentworth.

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 300**, 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 300** 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 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 476 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 476** at this time on its second reading:

CSSB 476, Relating to staffing, overtime, and other employment protections for nurses.

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 476 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 476** be placed on its third reading and final passage.

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

Nays: Wentworth.

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 476**, 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 476** 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 31, Nays 0.

SENATE BILL 506 ON SECOND READING

Senator Carona moved to suspend the regular order of business to take up for consideration **SB 506** at this time on its second reading:

SB 506, Relating to the operation and movement of motorcycles during periods of traffic congestion.

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

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

Nays: Huffman, Ogden, Patrick, Shapiro.

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

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

Nays: Huffman, Ogden, Patrick, Shapiro.

SENATE BILL 506 ON THIRD READING

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 506** be placed on its third reading and final passage.

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

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

Nays: Huffman, Ogden, Patrick, Shapiro, Wentworth.

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 **SB 506**, 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 **SB 506** 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 27, Nays 4.

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

Nays: Huffman, Ogden, Patrick, Shapiro.

**COMMITTEE SUBSTITUTE
 SENATE BILL 424 ON SECOND READING**

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 424** at this time on its second reading:

CSSB 424, Relating to the establishment and implementation of school-based influenza vaccination programs.

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

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

**COMMITTEE SUBSTITUTE
 SENATE BILL 424 ON THIRD READING**

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 424** be placed on its third reading and final passage.

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

Nays: Wentworth.

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 424**, 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 424** 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 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 531 ON SECOND READING**

On motion of Senator Patrick and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 531** at this time on its second reading:

CSSB 531, Relating to the billing coordination system for claims submitted for payment from the Medicaid program.

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 531 ON THIRD READING**

Senator Patrick moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 531** be placed on its third reading and final passage.

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

Nays: Wentworth.

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 531**, 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 531** 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 31, Nays 0.

SENATE BILL 175 ON THIRD READING

Senator Shapiro moved to suspend the regular order of business to take up for consideration **SB 175** at this time on its third reading and final passage:

SB 175, Relating to limitations on the automatic admission of undergraduate students to general academic teaching institutions.

The motion prevailed by the following vote: Yeas 24, Nays 7.

Yeas: Averitt, Carona, Davis, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Watson, Wentworth, Williams, Zaffirini.

Nays: Ellis, Gallegos, Shapleigh, Uresti, Van de Putte, West, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 7. (Same as previous roll call)

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President announced the time had arrived to consider executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given yesterday by Senator Jackson.

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

The President asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

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

Members, Board of Regents, Midwestern State University: Charles Edward Engelman, Wichita County; Fenton Lynwood Givens, Collin County; Shawn G. Hessing, Tarrant County; Jane W. Spears, Wichita County.

Members, Prepaid Higher Education Tuition Board: Joe Colonna, Dallas County; Stephen Nations Mueller, Harris County.

Member, School Land Board: Todd F. Barth, Harris County.

Members, Board of Regents, Stephen F. Austin State University: Carlos Z. Amaral, Collin County; Scott Harvey Coleman, Harris County; James Hinton Dickerson, Jr., J.D., Comal County; Valerie E. Ertz, Dallas County; John R. Garrett, Smith County; Steve D. McCarty, Cherokee County.

Members, Board of Directors, Texas Guaranteed Student Loan Corporation: Steven Wroe Jackson; Richard M. Rhodes, El Paso County; Michael J. Savoie, Denton County; Dora Anne Verde, Bexar County; Welcome W. Wilson, Jr., Harris County.

Members, Board of Regents, Texas State University System: Charles E. Amato, Bexar County; Ron Blatchley, Brazos County; Kevin J. Lilly, Harris County; Ron Lynn Mitchell, Llano County; James David Montagne, Jefferson County; Michael Joseph Truncale, Jefferson County; Donna N. Williams, Tarrant County.

Members, Texas Veterans Commission: Eliseo Cantu, Jr., Nueces County; John B. McKinney, El Paso County.

Members, Board of Regents, Texas Woman's University: Sue Schrier Bancroft, Denton County; Lola Chriss, Dallas County; Harry L. Crumpacker II, Collin County; Ann Scanlon McGinity, Brazoria County.

Members, Board of Regents, University of Houston System: Nelda Luce Blair, Montgomery County; Jacob M. Monty, Harris County; Michele "Mica" Mosbacher, Harris County; Carroll Robertson Ray, Harris County.

Members, Board of Regents, University of North Texas System: Don A. Buchholz, Dallas County; Gwyn Shea, Dallas County; Jack A. Wall, Dallas County.

SENATE RESOLUTION 510

Senator Fraser offered the following resolution:

WHEREAS, The members of the Texas Senate take much pride in recognizing Lieutenant Governor David H. Dewhurst, whose lengthy list of accomplishments now includes the honor of induction into the prestigious Texas Rodeo Cowboy Hall of Fame; and

WHEREAS, Best known for his work as a longtime public servant and for his leadership as president of the Texas Senate, David Dewhurst has a history of success in an altogether different arena, and he is now being recognized for his exceptional accomplishments as a veteran rodeo cowboy and for his contributions to the ranching industry in Texas; and

WHEREAS, Governor Dewhurst is being honored at the Texas Rodeo Cowboy Hall of Fame's 34th Annual Induction Ceremony, where he is to receive the 2009 Western Heritage Award; founded in 1975, the Texas Rodeo Cowboy Hall of Fame honors those who exemplify the independent spirit of the rodeo cowboy and who enhance the positive image of rodeo and the American West; and

WHEREAS, An impressive competitor who has met the hall of fame's highest standards and who has shown leadership in all facets of his life, Governor Dewhurst has distinguished himself in rodeo as a team roper and as an internationally ranked participant in cutting-horse events sanctioned by the National Cutting Horse Association and the American Quarter Horse Association; and

WHEREAS, Governor Dewhurst is a statesman and a highly regarded public servant who is noted for his diverse talents and interests; his storied career includes service in the Central Intelligence Agency and the United States Department of State; he is a successful businessman who entered the political world when he was elected Texas land commissioner in 1998; he currently raises Black Angus cattle on his ranches and serves as an honorary vice president of the American Quarter Horse Association; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby express appreciation to Lieutenant Governor David H. Dewhurst for his insightful and effective leadership and extend congratulations to him on his achievements in the world of rodeo and on his induction into the Texas Rodeo Cowboy Hall of Fame; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the Honorable David Dewhurst as a tribute to his latest accomplishment from his colleagues in the Texas Senate.

SR 510 was read.

(President Pro Tempore Duncan in Chair)

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

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

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 730 ON SECOND READING**

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 730** at this time on its second reading:

CSSB 730, Relating to an employee's transportation and storage of certain firearms or ammunition while on certain property owned or controlled by the employee's employer.

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 730** (committee report) on page 1, line 26, proposed Sec. 52.061(a), Labor Code, between "provides for employees" and ":" by inserting "on the employer's property".

The amendment to **CSSB 730** was read and was adopted by a viva voce vote.

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

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

CSSB 730 as amended was passed to engrossment by a viva voce vote.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 730 ON THIRD READING**

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 730** be placed on its third reading and final passage.

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

Nays: Wentworth.

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 730**, 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 730** 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 31, Nays 0.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator West and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Intergovernmental Relations might meet and consider **SB 1021** today.

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

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

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Zaffirini and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Higher Education might meet and consider **SB 98** today.

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

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

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Lucio and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on International Relations and Trade might meet and consider **SB 1368** today.

SENATE BILL 1466 REREFERRED

Senator Davis submitted a Motion In Writing requesting that **SB 1466** be withdrawn from the Committee on Natural Resources and rereferred to the Committee on Transportation and Homeland Security.

The Motion In Writing prevailed without objection.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 519 by Wentworth, In memory of Betty Jean Snyder.

SR 524 by Shapleigh, In memory of William Gordon McGee of El Paso.

HCR 83 (Deuell), In memory of Horace Arnold Durham of Pecan Gap.

Congratulatory Resolutions

SR 513 by Hinojosa and Lucio, Recognizing Othal E. Brand, Sr., for his contributions to the McAllen community.

SR 515 by Zaffirini, Recognizing Danny Valdez of Webb County for his contributions to his community.

SR 520 by Ellis, Recognizing the participants in the 2008-2009 Chronicle Classroom of the *Houston Chronicle*.

SR 521 by Huffman, Recognizing the Brazos Bend State Park Volunteer Organization on the occasion of its 20th anniversary.

SR 522 by Nelson, Recognizing the Southlake Chamber of Commerce on the occasion of its 25th anniversary.

SR 523 by Nichols, Recognizing the Texas Forestry Association on the occasion of its seedling giveaway.

HCR 84 (Deuell), Congratulating the Sulphur Springs Wildcats football team on winning the 2008 UIL 4A Division 2 state championship.

HCR 133 (Eltife), Honoring Calvin Nelson Clyde, Jr., of Tyler on his 88th birthday.

Official Designation Resolutions

SR 516 by Seliger, Recognizing March 26, 2009, as Cal Farley's Day at the State Capitol.

SR 517 by Nelson, Recognizing April 1, 2009, as Robson Ranch Women's Club Day at the State Capitol.

SR 518 by Nelson, Recognizing March 31, 2009, as Texas Health Resources Day at the Capitol.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 2:26 p.m. adjourned, in memory of Butch Sparks, until 10:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

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

March 25, 2009

GOVERNMENT ORGANIZATION — **SB 899, SB 1005, CSSB 1149**

HEALTH AND HUMAN SERVICES — **SB 786, SB 788, SB 1332**

STATE AFFAIRS — **SB 80, SB 698, SB 828, SB 927, SB 1081, SB 1119, SB 1142, SB 1143**

EDUCATION — **SB 197, SB 199, SB 1140, SB 1364**

INTERNATIONAL RELATIONS AND TRADE — **SB 803, SB 1047, SB 1526**

NATURAL RESOURCES — **SB 848, SB 914, SB 941**

BUSINESS AND COMMERCE — **SB 111**

EDUCATION — **CSSB 1219, CSSB 451**

CRIMINAL JUSTICE — **SB 843**

BILLS ENGROSSED

March 24, 2009

SB 158, SB 297, SB 309, SB 657, SB 745

RESOLUTIONS ENROLLEDMarch 24, 2009**SR 397, SR 502, SR 504, SR 505, SR 506, SR 507, SR 509, SR 511, SR 512**