

# SENATE JOURNAL

EIGHTY-FIRST LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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## THIRTY-FIRST DAY

(Wednesday, April 1, 2009)

The Senate met at 11:07 a.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, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

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

Brother H. Eldon Sturgeon, International Mission Board, Southern Baptist Convention, offered the invocation as follows:

This is the day the Lord has made, let us be glad and rejoice in it. (Psalms 118:24) Father, I ask that You bless each Senator and his family today. Forgive each of us for not loving You and others as we should. Give each of us the strength to resist the many strong temptations to act selfishly. Help each Senator to sincerely seek what is best for the citizens of this great State of Texas. May each of us be able to say with full sincerity: May the words of my mouth and the meditation of my heart be pleasing in Your sight, O Lord, my rock and my redeemer. (Psalms 19:14) 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-AUTHORS OF SENATE BILL 17

On motion of Senator Nichols, Senators Estes and Watson will be shown as Co-authors of **SB 17**.

### CO-AUTHOR OF SENATE BILL 669

On motion of Senator Shapleigh, Senator West will be shown as Co-author of **SB 669**.

### CO-AUTHOR OF SENATE BILL 684

On motion of Senator Lucio, Senator Seliger will be shown as Co-author of **SB 684**.

**CO-AUTHOR OF SENATE BILL 843**

On motion of Senator Uresti, Senator West will be shown as Co-author of **SB 843**.

**CO-AUTHOR OF SENATE BILL 859**

On motion of Senator Seliger, Senator Patrick will be shown as Co-author of **SB 859**.

**CO-AUTHORS OF SENATE BILL 891**

On motion of Senator Nelson, Senators Shapleigh and West will be shown as Co-authors of **SB 891**.

**CO-AUTHOR OF SENATE BILL 915**

On motion of Senator Ellis, Senator Huffman will be shown as Co-author of **SB 915**.

**CO-AUTHOR OF SENATE BILL 983**

On motion of Senator Davis, Senator West will be shown as Co-author of **SB 983**.

**CO-AUTHOR OF SENATE BILL 1290**

On motion of Senator Van de Putte, Senator West will be shown as Co-author of **SB 1290**.

**CO-AUTHOR OF SENATE BILL 1324**

On motion of Senator Nelson, Senator Carona will be shown as Co-author of **SB 1324**.

**CO-AUTHOR OF SENATE BILL 1380**

On motion of Senator Shapiro, Senator Nelson will be shown as Co-author of **SB 1380**.

**CO-AUTHOR OF SENATE BILL 1381**

On motion of Senator Shapiro, Senator Nelson will be shown as Co-author of **SB 1381**.

**CO-AUTHOR OF SENATE BILL 1469**

On motion of Senator Davis, Senator Carona will be shown as Co-author of **SB 1469**.

**CO-AUTHOR OF SENATE BILL 1805**

On motion of Senator Zaffirini, Senator Carona will be shown as Co-author of **SB 1805**.

**CO-AUTHOR OF SENATE BILL 1850**

On motion of Senator Shapleigh, Senator Zaffirini will be shown as Co-author of **SB 1850**.

**CO-AUTHOR OF SENATE BILL 1877**

On motion of Senator Nelson, Senator Deuell will be shown as Co-author of **SB 1877**.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

April 1, 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:

**HB 71**, Relating to voting by military personnel serving overseas, including the provision of ballots by electronic mail to military personnel, their spouses, and dependents and to identification requirements applicable to military personnel serving in combat zones.

**HB 271**, Relating to the designation of enterprise projects during a biennium.

**HB 350**, Relating to use of school district resources for athletic or instructional facilities.

**HB 551**, Relating to the electronic transmission of a federal postcard application used for voting.

**HB 753**, Relating to the date for electing directors of the Goliad County Groundwater Conservation District.

**HB 772**, Relating to Internet broadcasts of open meetings held by the State Board of Education.

**HB 773**, Relating to extending the expiration date of the Property Redevelopment and Tax Abatement Act.

**HB 963**, Relating to a criminal history evaluation letter determining occupational license eligibility.

**HB 1038**, Relating to the determination of the market value of a residence homestead for purposes of ad valorem taxation.

**HB 1240**, Relating to information required to be provided to parents of an infant.

**HB 1297**, Relating to optional flexible school day program courses offered by school districts to enable students to earn course credit under certain circumstances.

**HB 1671**, Relating to mutual aid agreements for newborn screening laboratory services.

**HB 1683**, Relating to the election, and validation of acts, of members of the board of directors of Anderson County Underground Water Conservation District.

**HB 1758**, Relating to the requirements for a plumber's apprentice to obtain a plumber's license.

**HB 1871**, Relating to the use of Texas Department of Transportation facilities or property to serve a project aiding security in a ship channel security district.

**HB 1963**, Relating to eliminating the limitation on lottery advertising expenses based on the lottery prize payout percentage.

**HB 1975**, Relating to refund of excess unearned premiums by insurance premium finance companies.

**HB 2208**, Relating to the calculation of current market value of certain water rights by the Rio Grande Regional Water Authority.

**HB 2237**, Relating to possession by certain alcoholic beverage permit holders of certain alcoholic beverages for cooking purposes.

**HB 2275**, Relating to creating a task force to develop uniform standards for subdivisions in the unincorporated areas of counties near the international border and in economically distressed counties.

**HB 2433**, Relating to the powers of certain freight rail districts.

**HB 2434**, Relating to the supervision by the Texas Department of Transportation of money appropriated by the federal government for the construction and maintenance of rail facilities.

**HB 2560**, Relating to delinquent payment of an alcoholic beverage retailer's account for liquor.

**HCR 135**, Designating March 31 and April 1, 2009, as Gregg County Days at the State Capitol.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

### **SENATE RESOLUTION 501**

Senator Ogden offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize April 1, 2009, as Hutto Day at the Capitol; and

WHEREAS, Nestled in the rich blacklands of southeastern Williamson County, Hutto became a community after the International-Great Northern Railroad reached the site of the town in 1876 and purchased five acres of land from James Emory Hutto, a local rancher; the town was incorporated in 1911, at which time it had a population of 579; and

WHEREAS, Today, Hutto has an estimated population of 17,120 and has earned recognition for the past two years as the fastest-growing city in Texas; Hutto also was listed in a 2008 issue of *Southern Business and Development Magazine* as one of the Top 10 Edge Markets, which are communities that have an outstanding business climate; and

WHEREAS, Hutto has a dynamic workforce and city government and provides excellent educational opportunities; the local economy has agrarian roots and now includes many high-tech, manufacturing, and service jobs, and the Hutto Independent School District is growing at a fast pace; in spite of its rapid growth, Hutto has maintained its small-town charm and resources that provide its citizens with a high-quality environment in which to live; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby commend the residents of Hutto on preserving the amenities of their town and guiding its growth with care and extend best wishes to all on Hutto Day at the Capitol; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of this occasion.

**SR 501** was read and was adopted without objection.

#### **GUESTS PRESENTED**

Senator Ogden was recognized and introduced to the Senate David F. Begier, Mayor Pro Tempore, City of Hutto; Mario Perez, President, Hutto Economic Development Corporation Board of Directors; Dr. David Borrer, Superintendent, Hutto Independent School District; Liz Beams, Executive Assistant, Hutto Chamber of Commerce; and Glenn Trubee, President, Williamson County Emergency Services District No. 3; accompanied by a delegation of citizens from the City of Hutto.

The Senate welcomed its guests.

#### **SENATE RESOLUTION 517**

Senator Nelson offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to designate April 1, 2009, as Robson Ranch Women's Club Day at the State Capitol and extend a warm welcome to the women from Robson Ranch who have joined us today; and

WHEREAS, The Women's Club is part of the Robson Ranch Retirement Community located just south of historic Denton in the Dallas-Fort Worth Metroplex; and

WHEREAS, Members of the Robson Ranch Women's Club meet on the first Monday of each month; they provide resources for two ongoing projects: Friends of the Family, a shelter for victims of domestic violence, and the Denton County Food Center, which provides food for families in emergency situations; and

WHEREAS, The Women's Club is making its first trip to the State Capitol; its members have come to experience the legislative process firsthand and to talk with legislators about the issues that are important to them; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby recognize April 1, 2009, as Robson Ranch Women's Club Day at the State Capitol and extend to the women from the club who are visiting Austin and the Capitol best wishes for an enjoyable and memorable visit; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the Robson Ranch Women's Club as a token of esteem from the Texas Senate.

**SR 517** was again read.

The resolution was previously adopted on Wednesday, March 25, 2009.

### **GUESTS PRESENTED**

Senator Nelson was recognized and introduced to the Senate a delegation representing the Robson Ranch Women's Club of Denton.

The Senate welcomed its guests.

### **HOUSE CONCURRENT RESOLUTION 135**

The President laid before the Senate the following resolution:

WHEREAS, Gregg County Days are taking place at the State Capitol on March 31 and April 1, 2009, and this occasion provides a welcome opportunity to pay tribute to this notable Texas county; and

WHEREAS, Present in the chamber on this occasion are the following Gregg County dignitaries: county judge Bill Stoudt, Longview mayor Jay Dean, Longview city manager David Willard, Longview Partnership president Kelly Hall, Gladewater mayor Walter Derrick, former Gladewater mayor Jackie Wood, Gladewater city councilman John Ussery, Gladewater city manager Jay Stokes, Gladewater Economic Development Corporation executive director Lon Welton, former White Oak mayor Tim Vaughn, Kilgore Economic Development Corporation executive director Amanda Nobles, Suzanne Cook, Laura McKethan, Alfred Lacy, Steven Best, Bennie Corutt, Patty Bell, Keith Honey, Jim Kendrick, Darwin Winfield, Mike Northcutt, Tony Cain, Gene Keenon, Melissa Harris, Laura Hill, Sidney Allen, Shirley Hook, Sandra Holm, Jeremy DuMond, Ingrid Johnson, Paul Anderson, Amy Tatum, Jack Miller, Vickie Echols, Courtney Gill, Laura McCarter, Cathy Cace, Richard Lazurus, and Richard Manley; and

WHEREAS, The lands that today make up Gregg County were once inhabited by various Native American groups, including the Caddo and the Cherokee; originally part of Upshur County, this area of the Lone Star State was established as Gregg County on April 12, 1873, and named for Confederate General John B. Gregg; the local population grew quickly in the following decades, and by 1920, nearly 17,000 people were living in the county; and

WHEREAS, For more than a half-century after the county was established, its economy continued to be based on farming, but when oil was struck in the western part of the county in the early 1930s, people flooded into the area, and the communities of Kilgore and Gladewater became boom towns in the span of a few days; the energy reserves of the East Texas Oil Field helped power the American war effort in World War II, and petroleum resources have continued to play a key role in the county's fortunes; in addition, a diverse range of other commercial endeavors have

been established, including manufacturing, tourism, and lignite mining, and major companies such as Eastman, LeTourneau Technologies, SITEL, and Trinity Industries employ numerous residents; and

WHEREAS, Longview, the county seat, is Gregg County's largest city; it is home to LeTourneau University and boasts numerous cultural attractions, including the Longview Museum of Fine Arts, the Gregg County Historical Museum, and the R. G. LeTourneau Museum; and

WHEREAS, Residents and visitors alike enjoy the county's numerous special events; they include the Great Texas Balloon Race in Longview, the annual Texas Shakespeare Festival in Kilgore, the Roughneck Day Festival in White Oak, and East Texas Gusher Days in Gladewater; and

WHEREAS, Throughout its history, Gregg County has been blessed with abundant resources and innovative and industrious citizens, and it has made significant contributions to the ongoing prosperity of the Lone Star State; now, therefore, be it

RESOLVED, That the 81st Legislature of the State of Texas hereby designate March 31 and April 1, 2009, as Gregg County Days at the State Capitol and extend to the visiting delegation best wishes for an enjoyable and informative stay in Austin.

ELTIFE

**HCR 135** was read.

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

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

### **GUESTS PRESENTED**

Senator Eltife was recognized and introduced to the Senate Amanda Nobles, Kilgore Economic Development Corporation Executive Director; Sandra Holm, General Manager, Dunn Enterprises, Incorporated; Mike Northcutt, President, Southside Bank Longview Branch; Walter Derrick, Mayor of Gladewater; and Melissa Harris, Human Resources Manager, Cassity Jones; accompanied by a delegation of citizens from Gregg County.

The Senate welcomed its guests.

### **SENATE RESOLUTION 545**

Senator Estes offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the cattlemen of Texas on the grand occasion of Texas Cattlemen's Day at the Capitol; and

WHEREAS, Cattle have been raised in Texas since the mid-18th century when the Spanish established missions; and

WHEREAS, Beginning in the 1860s, ranching expanded rapidly; and

WHEREAS, The first cattle drives on the legendary Chisholm and Goodnight-Loving Trails headed north from Texas toward the markets and railheads in Kansas; and

WHEREAS, After interstate railroads were established in Texas during the 1870s, cattle drives to the Midwest became unnecessary, and communities such as Forth Worth and Amarillo became points where herds were amassed for rail shipment across the United States; and

WHEREAS, The dramatic growth of cattle feeding in Texas, beginning in the 1950s, has made our state a leading provider of grain-fed cattle desired by consumers around the world, and this state supplies almost a third of the nation's fed beef; and

WHEREAS, Texas is the number one cattle-producing state, with an inventory of 13.8 million cattle and calves; and

WHEREAS, The Texas cattle industry contributes almost \$8 billion in cash receipts and has a direct impact of \$15 billion on the state's economy; and

WHEREAS, Cattle production accounts for more than 70 percent of livestock cash receipts and for almost half the total for all agricultural products in Texas; and

WHEREAS, Cattle production has played a prominent role in the culture and legacy of Texas; and

WHEREAS, Texas cattlemen have a proud heritage of animal husbandry and land stewardship that continues to be strong today; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby honor these dedicated producers and their contribution to the economy and culture of our state and declare April 1, 2009, as Texas Cattlemen's Day at the Capitol; and, be it further

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

**SR 545** was read and was adopted without objection.

### **GUESTS PRESENTED**

Senator Estes was recognized and introduced to the Senate Dave Scott of Richmond, President, Texas and Southwestern Cattle Raisers Association; Joe Parker, Jr., of Byers, 1st Vice-president, Texas and Southwestern Cattle Raisers Association; Clay Birdwell of Canyon, 2nd Vice-president, Texas and Southwestern Cattle Raisers Association; Monte Cluck of Gruver, Chairman, Texas Cattle Feeders Association; and Bo Kizziar of Spearman, Vice-chairman, Texas Cattle Feeders Association; accompanied by a delegation of Texas cattlemen.

The Senate welcomed its guests.

### **GUESTS PRESENTED**

Senator Averitt was recognized and introduced to the Senate a delegation of citizens representing the Cleburne Chamber of Commerce.

The Senate welcomed its guests.

### **SENATE RESOLUTION 485**

Senator Deuell offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to join the citizens of Hopkins County and Texans across the state in celebrating April 1, 2009, as Hopkins County Day at the State Capitol; and

WHEREAS, Home to a majestic county courthouse built by master architect James Riely Gordon, Hopkins County possesses a history rich in tradition; and

WHEREAS, The county seat of Sulphur Springs is on the site where free-flowing springs of sulphur water and fresh water once existed; these springs drew Native Americans to the area for many years, and after the arrival of Anglo settlers, the springs attracted people from all over the nation for their curative power; and

WHEREAS, The history of Sulphur Springs has provided many testaments to the importance of the area to our state; the city was home to the Hampton House, which is said to have been the hiding place of Confederate documents and exiles, and to many pioneer newspapers, and the first steam-powered factory in the region; and

WHEREAS, Following World War II, Sulphur Springs initiated a new city government, which provided such amenities as a city park, a swimming pool, a rodeo arena, and baseball and football stadiums; and

WHEREAS, Today, Hopkins County is a place where hard-working citizens are dedicated to making the area an outstanding place in which to live, work, and raise a family; and

WHEREAS, The citizens of Hopkins County are rightly proud of the county's rich history and the many contributions its people have made to the growth and progress of our state; now, therefore, be it

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

RESOLVED, That a copy of this Resolution be prepared in honor of this special day.

**SR 485** was read and was adopted without objection.

### **GUESTS PRESENTED**

Senator Deuell was recognized and introduced to the Senate Hopkins County Commissioners Beth Wisenbaker, Don Patterson, and Danny Evans, accompanied by a delegation of citizens from Hopkins County.

The Senate welcomed its guests.

### **SENATE RESOLUTION 547**

Senator West offered the following resolution:

WHEREAS, The Cedar Hill High School boys' basketball team proved itself one of the finest 5A teams in Texas during the 2008-2009 season, advancing all the way to the title game in the University Interscholastic League championship tournament; and

WHEREAS, Posting an overall season record of 35 wins and only 5 losses, the Longhorns claimed the Region 1 championship and went on to earn a spot in the state tournament final with a thrilling 61-58 victory over Wagner High School of San Antonio in their semifinal round contest; the game was sealed at the final buzzer with a last-second three-point shot by guard Tanner Milson; and

WHEREAS, Nearly 9,000 people turned out for the title matchup between Cedar Hill and the Eagles of DeSoto High School, and the Longhorns put together a strong game on both ends of the floor; Cedar Hill outrebounded its opponent and shot better from the foul line, but ultimately fell by a score of 59-47 to finish as 5A runner-up; and

WHEREAS, Championship play depends first and foremost on effective teamwork, and valuable roles were played by all members of the Longhorns squad; in addition to Mr. Milson, the roster includes Shawn Glover, Thomas Gipson, Anthony Wilson, Tayler Jacobs, Oliver Wells, Delton Doxey, Jourdan Isom, Kendrick Fugett, Billy Johnson, Marque Johnson, Zeldric King, Bryce Pearson, Jerran Young, and Clayton Bright; and

WHEREAS, These exceptional competitors were directed by head coach David Milson, who completed his 23rd year at the helm of Cedar Hill during the 2008-2009 season; the Longhorns also benefited from the expertise provided by assistant coaches Vernall Cole, Billy Linson, Garrett Hilton, Clifton McDaniel, and Doug Barnett; and

WHEREAS, Exhibiting a combination of outstanding talent and fierce determination, the Longhorns basketball team turned in inspiring performances all season long, and its success is a source of great pride to the Cedar Hill community; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby congratulate the Cedar Hill boys' basketball team on its many accomplishments and its appearance in the 2009 University Interscholastic League 5A state championship tournament and extend to the players, coaches, and staff sincere best wishes for continued success; and, be it further

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

**SR 547** was read and was adopted without objection.

### **GUESTS PRESENTED**

Senator West was recognized and introduced to the Senate members of the Cedar Hill High School Longhorns boys' basketball team, accompanied by their coach and additional team members.

The Senate welcomed its guests.

### **PHYSICIAN OF THE DAY**

Senator Watson was recognized and presented Dr. Rita Schindeler-Trachta of Austin as the Physician of the Day.

The Senate welcomed Dr. Schindeler-Trachta and thanked her for her participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

### **GUESTS PRESENTED**

Senator Jackson was recognized and introduced to the Senate representatives of Leadership Mainland of Texas City and La Marque.

The Senate welcomed its guests.

**SENATE RESOLUTION 526**

Senator West offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the DeSoto High School boys' basketball team, which won the University Interscholastic League Class 5A state championship on March 14, 2009; and

WHEREAS, The DeSoto Eagles defeated neighboring rival Cedar Hill 59-47 and ended the season with an excellent 40-9 record; the Eagles defeated previously unbeaten and nationally ranked Houston Strake Jesuit 48-44 on March 13 to advance to the championship game; and

WHEREAS, Members of the DeSoto High School team exhibited perseverance, team unity, and respect for the highest ideals of sportsmanship; they demonstrated their exceptional talent and the discipline instilled in them by head coach Chris Dyer and assistant coaches George Golden and Kory McIver; and

WHEREAS, The victorious DeSoto High School Eagles are seniors Taylor Alexander, Alex Wilson, Andrew Ensley, and Dominique Bennett, who was named the championship game's most valuable player; juniors Derico Dandridge, Darius Terrell, Gerodd Calahan, Derius Bolton, Keith Davis, and Evan Washington; and sophomores Deon Pleasant and Antawn Space; and

WHEREAS, The DeSoto community takes great pride in the DeSoto High School boys' basketball team for their hard work, their impressive skills, and their fine sportsmanship; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby commend the players, coaches, and support staff of the DeSoto High School boys' basketball team for their outstanding achievements and extend congratulations to them on winning the University Interscholastic League 2009 Class 5A state championship title; and, be it further

RESOLVED, That a copy of this Resolution be prepared for them as a memento of this significant accomplishment.

**SR 526** was read and was adopted without objection.

**GUESTS PRESENTED**

Senator West was recognized and introduced to the Senate members of the DeSoto High School Eagles boys' basketball team, accompanied by their coach and additional team members.

The Senate welcomed its guests.

**RECESS**

On motion of Senator Whitmire, the Senate at 11:47 a.m. recessed until 12:30 p.m. today.

**AFTER RECESS**

The Senate met at 12:40 p.m. and was called to order by the President.

**AT EASE**

The President at 12:40 p.m. announced the Senate would stand At Ease until 1:00 p.m. today.

### IN LEGISLATIVE SESSION

The President at 1:06 p.m. called the Senate to order as In Legislative Session.

### CONCLUSION OF MORNING CALL

The President at 1:06 p.m. announced the conclusion of morning call.

### COMMITTEE SUBSTITUTE SENATE BILL 1 ON SECOND READING

Senator Ogden moved to suspend the regular order of business to take up for consideration **CSSB 1** at this time on its second reading:

**CSSB 1**, General Appropriations Bill.

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

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

Nays: Gallegos, Shapleigh.

The bill was read second time.

**(Senator Carona in Chair)**

**(Senator Eltife in Chair)**

**(Senator Carona in Chair)**

**(Senator Williams in Chair)**

**(President in Chair)**

**CSSB 1** was passed to engrossment by the following vote: Yeas 26, Nays 5.

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

Nays: Davis, Ellis, Gallegos, Shapleigh, Watson.

### COMMITTEE SUBSTITUTE SENATE BILL 1 ON THIRD READING

Senator Ogden moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1** 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, Eltife, Estes, Fraser, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Van de Putte, West, Whitmire, Williams, Zaffirini.

Nays: Ellis, Gallegos, Shapleigh, Watson, 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 1**, 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 1** 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 26, Nays 5.

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

Nays: Davis, Ellis, Gallegos, Shapleigh, Watson.

### 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.

Presiding Officer, Board of Directors, Alamo Regional Mobility Authority: William E. "Bill" Thornton, Bexar County.

Members, Board of Tax Professional Examiners: James E. "Jim" Childers, Randall County; Pollard Hickman "Fourth" Coates IV, Bandera County; Linda Lowes Hatchel, McLennan County; Steven B. Mossman, Denton County; Dorye Kristeen "Kristy" Roe, Brazos County.

Presiding Officer, Board of Directors, Cameron County Regional Mobility Authority: David E. Allex, Cameron County.

Presiding Officer, Board of Directors, Camino Real Regional Mobility Authority: Harold W. Hahn, El Paso County.

Member, Executive Council of Physical Therapy and Occupational Therapy Examiners: Arthur Roger Matson, Williamson County.

Members, Finance Commission of Texas: Darby Ray Byrd, Sr., Orange County; Riley Couch, Collin County; Stacy G. London, Harris County; Paul Plunket, Dallas County.

Presiding Officer, Board of Directors, Grayson County Regional Mobility Authority: Raymond Jerdy "Jerdy" Gary, Grayson County.

Presiding Officer, Board of Directors, Hidalgo County Regional Mobility Authority: Dennis Bursleson, Hidalgo County.

Director, Board of Directors, North Texas Tollway Authority: Robert Kelly Shepard, Parker County.

Presiding Officer, Board of Directors, Northeast Texas Regional Mobility Authority: Jeff Austin III, Smith County.

Member, School Land Board: David Schauff Herrmann, Bexar County.

Members, State Board of Veterinary Medical Examiners: John David Clader, D.V.M., Atascosa County; David R. Kercheval, Johnson County; David W. Rosberg, Jr., D.V.M., Mason County.

Members, Policy Committee, State Employee Charitable Campaign: Deryl S. Creekmur, Williamson County; Gay Dodson, Williamson County; Veronda L. Durden, Williamson County; Jason Kevin Patteson, Hays County.

Members, State Securities Board: Beth Ann Blackwood, Dallas County; E. Wally Kinney, Hays County; Derrick Maurice Mitchell, Harris County.

Presiding Officer, Board of Directors, Sulphur River Regional Mobility Authority: Donald Ray Wall, Lamar County.

Members, Texas Commission of Licensing and Regulation: Mike Arismendez, Jr., Lubbock County; LuAnn Morgan, Midland County; Fred N. Moses, Collin County; Deborah Ann Yurco, Travis County.

Members, Texas Higher Education Coordinating Board: Fred W. Heldenfels IV, Travis County; Brenda Pejovich, Dallas County; Robert Vernon Wingo, El Paso County.

Trustees, Board of Trustees, Texas Municipal Retirement System: Ben Gorzell, Jr., Bexar County; Carolyn M. Linér, Hays County; April Nixon, Tarrant County; H. Frank Simpson, Fort Bend County.

Members, Texas State Board of Podiatric Medical Examiners: James Michael Lunsford, Waller County; Joe E. Martin, Jr., Brazos County; James Michael "Mike" Miller, Parker County.

Members, Board of Regents, The University of Texas System: James D. Dannenbaum, P.E., Harris County; Paul Foster, El Paso County; Printice L. Gary, Dallas County; Robert Steven Hicks, Travis County; James R. Huffines, Travis County; Janiece M. Longoria, Harris County; William Eugene "Gene" Powell, Bexar County; Robert Lee Stillwell, Harris County.

**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 the following bills and resolution today: **SB 836, SB 1035, SB 1373, SCR 10.**

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

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

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

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

**NOTICE GIVEN FOR**  
**LOCAL AND UNCONTESTED CALENDAR**

Senator Williams announced that a Local and Uncontested Calendar had been furnished to each Member of the Senate. He then gave notice that the Local and Uncontested Calendar Session would be held at 7:00 a.m. tomorrow and that all bills and resolutions would be considered on second and third reading in the order in which they were listed.

**MOTION TO ADJOURN**

On motion of Senator Whitmire and by unanimous consent, the Senate at 6:07 p.m. agreed to adjourn, upon conclusion of the Local and Uncontested Calendar Session, until 10:00 a.m. tomorrow.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolution**

**SR 553** by Carona, In memory of Kathleen Moore Cullum of Dallas.

**Congratulatory Resolutions**

**SR 546** by Davis, Recognizing the Texas Association of Public Employee Retirement Systems on the occasion of its 20th annual conference.

**SR 549** by Davis, Recognizing Chosen Vessel Cathedral in Fort Worth on the occasion of the dedication of its Community Life and Learning Center.

**SR 551** by Ellis, Recognizing the Missouri City Chapter of The Links, Incorporated, on the occasion of its 30th anniversary.

**SR 552** by West, Recognizing Paul Quinn College in Dallas on the occasion of its Founder's Observance 2009.

**SR 554** by Huffman, Recognizing James T. Willerson for his contributions to the field of medicine.

**SR 555** by Nelson, Recognizing the City of River Oaks on the occasion of its 60th anniversary.

### RECESS

On motion of Senator Whitmire, the Senate at 6:08 p.m. recessed until 8:00 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:

April 1, 2009

HEALTH AND HUMAN SERVICES — **SB 904, SB 1049, SB 1058, SB 1138, SB 1409, SB 1473, SB 1539**

STATE AFFAIRS — **CSSB 66, CSSB 95, CSSB 872, CSSB 965, CSSB 1403**

GOVERNMENT ORGANIZATION — **SB 1051, SB 1270**

AGRICULTURE AND RURAL AFFAIRS — **SB 205, SB 399, SB 969**

TRANSPORTATION AND HOMELAND SECURITY — **CSSB 129, CSSB 249, CSSB 488, CSSB 926, CSSB 1235, CSSB 1317, CSSB 1389, CSSB 1356, CSSB 1392, CSSB 2015**

BUSINESS AND COMMERCE — **SB 862, SB 1036, SB 1410, SB 1442, SB 1773**

NATURAL RESOURCES — **SB 724, SB 1260, SB 1292, CSSB 1544**

CRIMINAL JUSTICE — **SB 1206, SB 1847, SB 1864**

BUSINESS AND COMMERCE — **CSSB 1920**

STATE AFFAIRS — **CSSB 963**

CRIMINAL JUSTICE — **SB 1948**

ECONOMIC DEVELOPMENT — **CSSB 1743, CSSB 1515**

**BILLS ENGROSSED**

March 31, 2009

**SB 298, SB 451, SB 847, SB 1278**

**RESOLUTIONS ENROLLED**

March 31, 2009

**SR 344, SR 539, SR 540, SR 541, SR 543**

**SENT TO GOVERNOR**

April 1, 2009

**SCR 37, SCR 50**

