

SENATE JOURNAL

EIGHTY-FIRST LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

THIRTY-SECOND DAY

(Thursday, April 2, 2009)

The Senate met at 10:08 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.

The Reverend Charles L. McClure, United Methodist Church, Austin, offered the invocation as follows:

Most gracious and loving God, You have given us minds to think for ourselves and to make decisions that affect the lives of many people. We pray that the choices we make will bring the most good to the most people and cause the least harm to those who least deserve to be hurt. We thank You for the women and men of this body who have the awesome responsibility to lead our state in a most challenging time. Grant them the wisdom fortified by courage to make wise decisions and the ability to lead with love and compassion. We thank You for great minds, but even more for great hearts. May we learn how to lead without hurting, disagree without being disagreeable, win without boasting, and lose without bitterness. Help us to know that for all of our differences, we are much more alike than we are different, because we are all created in Your image. Bless our nation and our state. We pray for our President, our Governor, Lieutenant Governor, and all of our elected officials. We also remember today those who serve our country in harm's way. These things we pray in Your holy name. 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 90

On motion of Senator Van de Putte, Senator Hegar will be shown as Co-author of **SB 90**.

CO-AUTHOR OF SENATE BILL 182

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

CO-AUTHOR OF SENATE BILL 297

On motion of Senator Van de Putte, Senator Hegar will be shown as Co-author of **SB 297**.

CO-AUTHOR OF SENATE BILL 455

On motion of Senator Shapiro, Senator Uresti will be shown as Co-author of **SB 455**.

CO-AUTHOR OF SENATE BILL 548

On motion of Senator Zaffirini, Senator Van de Putte will be shown as Co-author of **SB 548**.

CO-AUTHOR OF SENATE BILL 659

On motion of Senator Eltife, Senator Nichols will be shown as Co-author of **SB 659**.

CO-AUTHOR OF SENATE BILL 760

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

CO-AUTHOR OF SENATE BILL 983

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

CO-AUTHORS OF SENATE BILL 1049

On motion of Senator Uresti, Senators Carona, Hinojosa, Huffinan, and Nelson will be shown as Co-authors of **SB 1049**.

CO-AUTHOR OF SENATE BILL 1075

On motion of Senator Van de Putte, Senator Zaffirini will be shown as Co-author of **SB 1075**.

CO-AUTHOR OF SENATE BILL 1154

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

CO-AUTHOR OF SENATE BILL 1366

On motion of Senator Ellis, Senator Lucio will be shown as Co-author of **SB 1366**.

CO-AUTHOR OF SENATE BILL 1380

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

CO-AUTHOR OF SENATE BILL 1381

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

CO-AUTHOR OF SENATE BILL 1467

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

CO-AUTHORS OF SENATE BILL 1805

On motion of Senator Zaffirini, Senators Ogden and Whitmire will be shown as Co-authors of **SB 1805**.

CO-AUTHORS OF SENATE BILL 1877

On motion of Senator Nelson, Senators Shapiro and Uresti will be shown as Co-authors of **SB 1877**.

CO-AUTHOR OF SENATE BILL 2014

On motion of Senator Ellis, Senator Shapiro will be shown as Co-author of **SB 2014**.

MESSAGES FROM THE GOVERNOR

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

Austin, Texas

April 1, 2009

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

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

To be a member of the Texas State Library and Archives Commission for a term to expire September 28, 2009:

Larry Gene Holt

College Station, Texas

(Mr. Holt is replacing Cruz Hernandez of Burleson who resigned)

To be members of the Coastal Water Authority Board of Directors for terms to expire April 1, 2011:

Zebulun Nash

Houston, Texas

Alan Russell Senac

Beach City, Texas

(the individuals listed above are being reappointed)

To be a member of the Texas Council on Autism and Pervasive Developmental Disorders for a term to expire February 1, 2011:

Rick L. Campbell
Center, Texas

(Mr. Campbell is replacing Mirella Garcia of El Paso whose term expired)

Respectfully submitted,

/s/Rick Perry
Governor

SENATE BILL ON FIRST READING

The following bill was introduced, read first time, and referred to the committee indicated:

SB 2489 by Williams

Relating to the authority of the San Jacinto River Authority to implement a groundwater reduction plan for the conservation of groundwater and the reduction of groundwater withdrawals in Montgomery County, and to issue bonds of the authority. To Committee on Natural Resources.

SENATE RESOLUTION 538

Senator Deuell offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Gerald Hundley Moore for his exceptional accomplishments as a football coach and role model; and

WHEREAS, Gerald Hundley Moore, better known as Jerry Moore, is a native son of Bonham, Fannin County, Texas, where he earned 14 varsity letters in four sports at Bonham High School as well as earning All-State recognition in football and membership in the Bonham Athletics Hall of Fame; and

WHEREAS, Before graduating from Baylor University in 1961, he was among the nation's top wide receivers and was a team captain of the 11th-ranked Bears as a senior; and

WHEREAS, Jerry Moore began his coaching career at Corsicana High School as an assistant to his Bonham High School coach and mentor, Jim Acree; he helped coach the Corsicana Tigers to a state championship in 1963; and

WHEREAS, Jerry Moore has served as assistant coach at Southern Methodist University and head coach at North Texas State University and Texas Tech University; and

WHEREAS, Since 1989, he has been the head coach of the Appalachian State University Mountaineers, where he has had outstanding success; and

WHEREAS, The Appalachian State Mountaineers won three straight National Collegiate Athletic Association Division 1 Football Championship Subdivision National Championships in 2005, 2006, and 2007; no team has ever won three consecutive national championships; and

WHEREAS, The Appalachian State Mountaineers won Southern Conference Championships in 2005, 2006, 2007, and 2008; no team has ever won four consecutive conference championships; and

WHEREAS, In 2007, the Appalachian State Mountaineers defeated the University of Michigan, which then ranked fifth in the Associated Press poll, for one of the biggest college upsets; and

WHEREAS, In 2005, 2006, and 2007, Jerry Moore was the American Football Coaches Association National Coach of the Year, and he has been named the Southern Conference Coach of the Year a record six times; and

WHEREAS, In addition to his accomplishments on the gridiron, Jerry Moore has been a positive example and inspiration to all of the young men and women with whom he has been associated, and he has been recognized by the Fellowship of Christian Athletes with the Grant Teaff Lifetime Achievement Award for his lifelong commitment to being a Christian influence on the lives of student athletes; and

WHEREAS, While at Baylor University, Jerry Moore met and married Margaret Starnes of Mineola, Wood County, Texas, and she has been by his side ever since and has also been an inspiration to all the young men and women with whom they have been associated; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby declare April 2, 2009, to be Jerry Moore Day at the State Capitol and commend Jerry Moore for his outstanding service and extend to him sincere best wishes for continued success and happiness; and, be it further

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

SR 538 was read and was adopted without objection.

GUEST PRESENTED

Senator Deuell was recognized and introduced to the Senate Gerald Hundley Moore, head football coach, Appalachian State University in North Carolina.

The Senate welcomed its guest.

GUESTS PRESENTED

Senator Uresti was recognized and introduced to the Senate a delegation from the City of Fort Stockton: Mayor Ruben Falcon, Mayor Pro Tempore Vanessa Cardwell, and Councilmembers John Pacheco, Steve Hampton, and Brenda Tipton.

The Senate welcomed its guests.

CONCLUSION OF MORNING CALL

The President at 10:23 a.m. announced the conclusion of morning call.

COMMITTEE SUBSTITUTE

SENATE BILL 1134 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 1134** at this time on its second reading:

CSSB 1134, Relating to the authority for certain high school students to serve as election clerks.

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 1134 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 1134** 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 1134**, 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 1134** 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.

PHYSICIAN OF THE DAY

Senator Huffman was recognized and presented Dr. Jennifer Raley of Pearland as the Physician of the Day.

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

GUESTS PRESENTED

Senator Nichols was recognized and introduced to the Senate a delegation of citizens from the City of Rusk.

The Senate welcomed its guests.

(Senator Carona in Chair)**SENATE BILL 197 ON SECOND READING**

Senator Shapleigh moved to suspend the regular order of business to take up for consideration **SB 197** at this time on its second reading:

SB 197, Relating to the expansion of the financial literacy pilot program in public schools.

The motion prevailed.

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

The bill was read second time and was passed to engrossment by the following vote: Yeas 30, Nays 1.

Nays: Patrick.

SENATE BILL 197 ON THIRD READING

Senator Shapleigh moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 197** be placed on its third reading and final passage.

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

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

Nays: Patrick, 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 197**, 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 197** 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: Patrick.

SENATE BILL 199 ON SECOND READING

On motion of Senator Shapleigh and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 199** at this time on its second reading:

SB 199, Relating to providing training in personal financial literacy instruction for public school teachers.

The bill was read second time and was passed to engrossment by the following vote: Yeas 31, Nays 0.

SENATE BILL 199 ON THIRD READING

Senator Shapleigh moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 199** 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 199**, 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 199** 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 1075 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 1075** at this time on its second reading:

CSSB 1075, Relating to the absence of a student from public school to visit with a parent or guardian who has been or will be deployed to a combat zone.

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 1075 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 1075** 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 1075**, 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 1075** 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 796 ON SECOND READING**

Senator Hinojosa moved to suspend the regular order of business to take up for consideration **CSSB 796** at this time on its second reading:

CSSB 796, Relating to the provision and evaluation of comprehensive substance abuse treatment under the state Medicaid program.

The motion prevailed.

Senators Estes, Fraser, Harris, Huffman, Jackson, Nichols, Patrick, and Shapiro asked to be recorded as voting "Nay" on suspension of the regular order of business.

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

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

Nays: Estes, Fraser, Harris, Huffman, Jackson, Nichols, Patrick, Shapiro.

GUESTS PRESENTED

Senator Gallegos was recognized and introduced to the Senate a delegation representing the Texas State Association of Fire Fighters.

The Senate welcomed its guests.

COMMITTEE SUBSTITUTE SENATE BILL 777 ON SECOND READING

On motion of Senator Ogden and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 777** at this time on its second reading:

CSSB 777, Relating to statistical information on the prosecution of certain offenses relating to the operating of a motor vehicle while intoxicated.

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 777 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 777** 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 777**, 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 777** 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 Pro Tempore Duncan in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 747 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 747** at this time on its second reading:

CSSB 747, Relating to notice of a hospital lien.

The bill was read second time.

Senator Carona offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 747** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill, in the introductory language, strike "and (f)" (page 1, line 14) and substitute "(f), (g), and (h)".

(2) In SECTION 1 of the bill, in amended Section 55.005(a), Property Code (page 1, line 18), strike "(d) or (e)" and substitute "(d), (e), or (f)".

(3) In SECTION 1 of the bill, in added Section 55.005(d), Property Code (page 1, line 34), strike "Subsection (e)" and substitute "Subsection (e) or (f)".

(4) In SECTION 1 of the bill, strike added Section 55.005(e), Property Code (page 1, lines 50 through 62), and substitute the following:

(e) A hospital is not required to provide notice by mail if the hospital provides the notice required by Subsection (d) to the injured individual at the time of the individual's admission to the hospital if:

(1) the notice is provided in a written document separate from any other documents signed by or provided to the individual at the time of the individual's admission to the hospital; and

(2) the notice is signed by the injured individual or the injured individual's representative.

(f) An emergency medical services provider is not required to provide notice by mail if the emergency medical services provider provides the notice required by Subsection (d) to the injured individual or the injured individual's representative at the time emergency medical services are provided if:

(1) the required notice is included on the emergency medical services authorization form in a separate paragraph that is bolded and in at least 14-point type; and

(2) except as provided by Subsection (g), the notice is signed by the injured individual or the injured individual's representative.

(g) For the purposes of Subsection (f), if consent for emergency care of an individual is not required under Section 773.008, Health and Safety Code, notice provided on an emergency medical services authorization form to the injured individual is not required to be signed.

(5) In SECTION 1 of the bill, redesignate added Subsection (f), Section 55.005, Property Code (page 1, line 63), as Subsection (h).

The amendment to **CSSB 747** 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 Carona and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 747 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 747 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 747** 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 747**, 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 747** 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 257 ON SECOND READING**

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 257** at this time on its second reading:

CSSB 257, Relating to the sale or delivery of salvia divinorum or Salvinorin A to a child; providing a penalty.

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 257 ON THIRD READING**

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 257** 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 257**, 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 257** 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 JOINT RESOLUTION 11 ON SECOND READING

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **SJR 11** at this time on its second reading:

SJR 11, Proposing a constitutional amendment authorizing the governor to grant a pardon to a person who successfully completes a term of deferred adjudication community supervision.

The resolution 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 JOINT RESOLUTION 11 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SJR 11** 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 **SJR 11**, 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 **SJR 11** 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 resolution was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 223 ON SECOND READING

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 223** at this time on its second reading:

SB 223, Relating to allowing a person who successfully completes a term of deferred adjudication community supervision to be eligible for a pardon.

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 223 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 223** 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 223**, 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 223** 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 82 ON SECOND READING

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 82** at this time on its second reading:

SB 82, Relating to a fee imposed as a condition of community supervision for an offense involving family violence.

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 82 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 **SB 82** 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 82**, 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 82** 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)

COMMITTEE SUBSTITUTE SENATE BILL 68 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 68** at this time on its second reading:

CSSB 68, Relating to licensing and inspection requirements of the Department of Family and Protective Services for certain facilities and homes providing child care; providing penalties.

The bill was read second time.

Senator Nelson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 68** (Senate committee printing) as follows:

(1) In SECTION 3 of the bill, in amended Section 42.041(b), Human Resources Code (page 3, lines 20 and 21), strike "for less than 10 hours a week, excluding weekends and holidays".

(2) In SECTION 3 of the bill, in amended Section 42.041(b), Human Resources Code (page 3, line 27), between "or" and "before-school" insert "licensed".

(3) In SECTION 3 of the bill, in amended Section 42.041(b), Human Resources Code (page 3, line 48) before "before-school" insert "licensed".

The amendment to **CSSB 68** 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 Nelson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 68 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 68 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 68** 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 68**, 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 68** 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.

REMARKS ORDERED PRINTED

On motion of Senator Estes and by unanimous consent, the exchange between Senators Nelson and Estes regarding **CSSB 68** was ordered reduced to writing and printed in the *Senate Journal* as follows:

President: Senator Estes, for what purpose do you rise?

Senator Estes: To ask the author a question or two.

President: Will Senator Nelson yield to Senator Estes?

Senator Nelson: Absolutely.

Senator Estes: Thank you, Senator. Looks like you've got a good bill here, but let me ask you a few questions.

Senator Nelson: Sure.

Senator Estes: Does the bill restore and clarify longstanding exemptions that cover a variety of non-childcare programs from the licensure of the Department of Family and Protective Services?

Senator Nelson: Yes, Senator, in fact, that's absolutely what this does. It not only restores but clarifies those exemptions that become void after a recent AG decision, that's why we proposed this legislation, and it will protect exemptions for the programs that do not provide childcare services.

Senator Estes: Okay, thank you. Are advanced sports training facilities, like sports like gymnastics and elite soccer and baseball training and swimming centers exempt?

Senator Nelson: Absolutely, providing they don't market themselves as a childcare facility or provide the type of enhanced services that a licensed childcare service would provide.

Senator Estes: Alright, and, Senator Nelson, you, I think you said you had an amendment to address this issue, is that correct?

Senator Nelson: Yes. We have an amendment. We certainly have a lot of gymnasts in this state, and it was never our intention to include them because of the wording of the language that we're correcting with an amendment, that was never our intention, and we're going to make sure we're very clear that they're not included.

Senator Estes: Great. Well, I think you've got a good bill and good amendment.

COMMITTEE SUBSTITUTE SENATE BILL 69 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 69** at this time on its second reading:

CSSB 69, Relating to child protective services.

The bill was read second time.

Senator Nelson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 69** (Senate committee printing) as follows:

(1) In the recital for SECTION 2 of the bill (page 1, line 23), strike "Subsection (g)" and substitute "Subsections (g) and (h)".

(2) In SECTION 2 of the bill, in amended Section 264.101, Family Code (page 1, between lines 34 and 35), insert the following:

(h) The commission shall coordinate with the department to study the feasibility of making changes to the foster care assessment, placement, and reimbursement methodologies to improve outcomes for children in foster care. At a minimum, the

study must include an analysis of those children who are classified as needing the highest level of care, an analysis of the ways in which children can be effectively assessed and placed in substitute care with the least impact to the child and substitute care provider during any change of placement, and an estimate of the amount of money necessary to implement the proposed changes. Not later than September 1, 2010, the commission shall report its findings and recommendations to the speaker of the house of representatives, the lieutenant governor, the House Human Services Committee or its successor, and the Senate Health and Human Services Committee or its successor. The department shall consider recommendations from the report required under this subsection when developing the department's request for legislative appropriations to be considered by the 82nd Legislature. This subsection expires January 1, 2011.

The amendment to **CSSB 69** 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 Shapleigh offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 69** (Senate committee printing) by adding the following appropriately numbered section to the bill and renumbering subsequent sections of the bill as appropriate:

SECTION __. Section 531.048, Government Code, is amended by adding Subsection (d-1) to read as follows:

(d-1) Notwithstanding Subsection (d), the Department of Family and Protective Services shall ensure that the average caseload for caseworkers in the child protective services division allows 95% of children in the department's conservatorship to be visited by the child's caseworker at least one time each month.

The amendment to **CSSB 69** was read.

Senator Shapleigh withdrew Floor Amendment No. 2.

On motion of Senator Nelson, further consideration of **CSSB 69** was temporarily postponed.

Question — Shall **CSSB 69** be passed to engrossment?

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

April 2, 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 128, In memory of Mike Freewith of Paris.

HCR 129, In memory of Clyde Helms of Paris.

HCR 130, In memory of Elbert Patrick "Pat" Barbee of Paris, Texas.

HCR 131, In memory of William C. "Dub" Hill, Jr.

HCR 132, In memory of Mary Ammons Fisher of Paris.

HCR 134, Honoring Roy Earl Reed, Sr., of Brownsville on his 80th birthday.

HJR 29, Proposing a constitutional amendment to allow the legislature to override a veto of the governor following a legislative session.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE BILL 490 ON SECOND READING

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 490** at this time on its second reading:

SB 490, Relating to money paid into the registry of a court in certain counties.

The bill was read second time.

Senator Wentworth offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 490** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill, in amended Section 117.111, Local Government Code (page 1, line 14), strike "2.2" and substitute "1.3".

(2) In SECTION 1 of the bill, in amended Section 117.111, Local Government Code (page 1, line 15), strike "2.2" and substitute "1.3".

(3) In SECTION 2 of the bill, in the amended heading to Subchapter E, Chapter 117, Local Government Code (page 1, line 20), strike "2.2" and substitute "1.3".

The amendment to **SB 490** 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 West and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

SB 490 as amended was passed to engrossment by a viva voce vote.

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

SENATE BILL 490 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 490** 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 490**, 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 490** 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 1354 ON SECOND READING

On motion of Senator Jackson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1354** at this time on its second reading:

CSSB 1354, Relating to the licensing and regulation of plumbers.

The bill was read second time.

Senator Jackson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1354** (Senate committee printing), in SECTION 2 of the bill, in amended section 1301.052, Occupations Code (page 2 lines 48-49), by striking "or order of the county commissioners court".

The amendment to **CSSB 1354** 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 Jackson offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1354** (Senate committee printing), in SECTION 7 of the bill, in amended Section 1301.552, Occupations Code (page 3, line 62), by striking "website" and substituting "website, or by contacting the board by telephone,".

The amendment to **CSSB 1354** 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 Lucio offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 1354** (Senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION __. Section 1301.354, Occupations Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) At the applicant's request, the board may credit an applicant under Subsection (b) with a number of hours determined by board rule against the number of hours of work experience required to take an examination if the applicant has received an associate of applied science degree from a plumbing technology program that:

(1) includes a combination of classroom and on-the-job training; and

(2) is approved by the board and the Texas Higher Education Coordinating

Board.

The amendment to **CSSB 1354** was read and was adopted by a viva voce vote.

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

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

CSSB 1354 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 1354 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 **CSSB 1354** 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 1354**, 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 1354** 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 1364 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 1364** at this time on its second reading:

SB 1364, Relating to minimum public school attendance for class credit or a grade.

The bill was read second time.

Senator Shapiro offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1364** (Senate committee printing) by striking SECTIONS 1 and 2 of the bill (page 1, lines 11-49) and substituting the following:

SECTION 1. Section 25.083, Education Code, is amended to read as follows:

Sec. 25.083. SCHOOL DAY INTERRUPTIONS. (a) The board of trustees of each school district shall adopt and strictly enforce a policy limiting interruptions of classes during the school day for nonacademic activities such as announcements and sales promotions. At a minimum, the policy must limit announcements other than emergency announcements to once during the school day.

(b) The board of trustees of each school district shall adopt and strictly enforce a policy limiting the removal of students from class for remedial tutoring or test preparation. A district may not remove a student from a regularly scheduled class for remedial tutoring or test preparation if, as a result of the removal, the student would miss more than 10 percent of the school days on which the class is offered.

SECTION 2. Section 25.092(a), Education Code, is amended to read as follows:

(a) Except as provided by this section, a student in any grade level from kindergarten through grade 12 may not be given credit for a class unless the student is in attendance for at least 90 percent of the days the class is offered.

The amendment to **SB 1364** 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 Ogden offered the following amendment to the bill:

Floor Amendment No. 2

Amend **SB 1364** (Senate committee printing) on page 1, between lines 49 and 50, by inserting the following new SECTION, appropriately numbered, and renumbering subsequent SECTIONS of the bill accordingly:

SECTION __. Section 29.0821, Education Code, is amended by adding Subsection (f) to read as follows:

(f) Section 25.092 does not apply to a student's attendance and nonattendance in a flexible year program under this section.

The amendment to **SB 1364** was read and was adopted by a viva voce vote.

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

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

SB 1364 as amended was passed to engrossment by a viva voce vote.

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

SENATE BILL 1364 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 1364** 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 1364**, 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 1364** 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.

RESOLUTION SIGNED

The President announced the signing of the following enrolled resolution in the presence of the Senate: **HCR 92**.

COMMITTEE SUBSTITUTE SENATE BILL 69 ON SECOND READING

The President laid before the Senate **CSSB 69** by Senator Nelson on its second reading. The bill had been read second time, amended, and further consideration temporarily postponed:

CSSB 69, Relating to child protective services.

Question — Shall **CSSB 69** be passed to engrossment?

Senator Shapleigh offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 69** (Senate committee printing) by adding the following appropriately numbered section to the bill and renumbering subsequent sections of the bill as appropriate:

SECTION _____. Section 531.048, Government Code, is amended by adding Subsection (d-1) to read as follows:

(d-1) Notwithstanding Subsection (d), from funds appropriated in C.S.S.B. 1, for the fiscal year 2010-2011 biennium, the Department of Family and Protective Services shall spend up to \$12 million for the biennium to ensure that 95% of children in the department's conservatorship are visited by the child's caseworker at least one time each month.

The amendment to **CSSB 69** 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.

Senator Uresti offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 69** (Senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 263, Family Code, is amended by adding Section 263.007 to read as follows:

Sec. 263.007. FOSTER CHILDREN'S BILL OF RIGHTS. (a) In this section:

(1) "Agency foster group home," "agency foster home," "facility," "foster group home," and "foster home" have the meanings assigned by Section 42.002, Human Resources Code.

(2) "Foster care" means the placement of a child who is in the conservatorship of the department or an authorized agency and in care outside the child's home in an agency foster group home, agency foster home, foster group home, foster home, or another facility licensed or certified under Chapter 42, Human Resources Code, in which care is provided for 24 hours a day.

(3) "Foster children's bill of rights" means a list of rights described by Subsection (b).

(b) It is the policy of this state that each child in foster care be informed of the child's rights under state or federal law or policy that relate to:

(1) abuse, neglect, exploitation, discrimination, and harassment;

(2) food, clothing, shelter, and education;

(3) medical, dental, vision, and mental health services, including when the child may have the right to consent to treatment;

(4) emergency behavior intervention, including what methods are permitted and not permitted, when emergency behavior intervention may be used, precautions that caregivers must take before, during, and after implementing emergency behavior intervention;

(5) placement with siblings and contacts with members of the child's family;

(6) privacy, including storage space, searches, mail, and telephone conversations;

(7) participation in school-related extracurricular or community activities;

(8) interactions with persons outside of the foster care system, including teachers, church members, mentors, and friends;

(9) contact and communication with a caseworker, attorney ad litem, guardian ad litem, and court-appointed special advocate;

(10) religious services and activities;

(11) confidentiality of the child's records;

(12) job skills, personal finances, and preparation for adulthood;

(13) participation in court hearings that involve the child;

(14) participation in the development of service and treatment plans;

(15) the advocacy and protection of rights of a child with a disability; and

(16) any other subject affecting the child's ability to receive care and treatment in the least restrictive environment that is most like a family setting, consistent with the best interests and needs of the child.

(c) The department shall provide a written copy of the foster children's bill of rights to each child placed in foster care in the child's primary language, if possible, and shall inform the child of the rights provided by the foster children's bill of rights:

(1) orally in the child's primary language, if possible, and in simple, nontechnical terms; or

(2) for a child who has a disability, including an impairment of vision or hearing, through any means that can reasonably be expected to result in successful communication with the child.

(d) A child placed in foster care may, at the child's option, sign a document acknowledging the child's understanding of the foster children's bill of rights after the department provides a written copy of the foster children's bill of rights to the child and informs the child of the rights provided by that bill of rights in accordance with Subsection (c). If a child signs a document acknowledging the child's understanding of the foster children's bill of rights, the document must be placed in the child's case file.

(e) An agency foster group home, agency foster home, foster group home, foster home, or other facility in which a child is placed in foster care shall provide a copy of the foster children's bill of rights to a child on the child's request. The foster children's bill of rights must be printed in English and in a second language.

(f) The department shall promote the participation of foster children and former foster children in educating other foster children about the foster children's bill of rights.

(g) Except as provided by this subsection, the executive commissioner of the Health and Human Services Commission and the department, as appropriate, shall ensure that the rules and policies governing foster care are consistent with the state policy outlined by Subsection (b). The executive commissioner or the department, as appropriate, may adopt rules or policies that provide greater protections for the rights of children in foster care.

(h) The department shall develop and implement a policy for receiving and handling reports that a foster child's rights are not being met. The department shall inform a child and, as appropriate, the child's managing conservator or guardian of the method for reporting to the department that the child's rights are not being met.

(i) This section does not create a cause of action.

The amendment to **CSSB 69** was read and was adopted by a viva voce vote.

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

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

CSSB 69 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 69 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 69** 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 69**, 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 69** 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 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 Gallegos and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Subcommittee on Flooding and Evacuations might meet and consider the following bills today:

SB 1299, SB 1462, SB 1752, SB 1890.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Patrick and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Education might meet and consider the following bills today:

SB 644, SB 1459, SB 1460, SB 1831.

COMMITTEE SUBSTITUTE
SENATE BILL 1007 RECOMMITTED

On motion of Senator Ellis and by unanimous consent, **CSSB 1007** was recommitted to the Committee on Government Organization.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Congratulatory Resolutions

SR 556 by Nelson, Recognizing the Greater Keller Women's Club on the occasion of its 20th anniversary.

SR 558 by Carona, Recognizing the Marble Falls High School Class of 1959 on the occasion of its 50th reunion.

SR 559 by Carona, Commending Madolyn Frasier of Marble Falls for her contributions to her community.

SR 560 by Carona, Recognizing Belia Kypuros Gonzalez of Eagle Pass on the occasion of her 84th birthday.

SR 562 by Nichols, Commending the students at Woden Elementary School in Nacogdoches County for their achievements.

SR 563 by Shapleigh, Recognizing the El Paso del Norte region YWCA on the occasion of its 100th anniversary.

Official Designation Resolutions

SR 544 by Estes, Designating April 2, 2009, Agriculture Day in Texas.

SR 557 by Nelson, Recognizing April 8, 2009, as National Start! Walking Day.

SR 561 by Nichols, Recognizing April 2, 2009, as Rusk Day at the State Capitol.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 12:40 p.m. adjourned until 1:30 p.m. Monday, April 6, 2009.

APPENDIX

COMMITTEE REPORTS

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

April 2, 2009

INTERNATIONAL RELATIONS AND TRADE — **SB 1373**

AGRICULTURE AND RURAL AFFAIRS — **CSSB 1059**

CRIMINAL JUSTICE — **CSSB 1681**, **CSSB 116**

ECONOMIC DEVELOPMENT — **CSSB 1314**, **CSSB 1569**

CRIMINAL JUSTICE — **CSSB 1848**

EDUCATION — **SB 1818**, **SB 1549**

GOVERNMENT ORGANIZATION — **CSSB 1110**

FINANCE — **CSSJR 18**

NATURAL RESOURCES — **CSSB 184, CSSB 1711**

BUSINESS AND COMMERCE — **CSSB 28, CSSB 1399, CSSB 1592, CSSB 1966**

NATURAL RESOURCES — **SB 341, SB 794, SB 1223, SB 1637**

HIGHER EDUCATION — **SB 567**

TRANSPORTATION AND HOMELAND SECURITY — **CSSB 855**

NATURAL RESOURCES — **CSSB 1472, CSSB 1572**

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — **SB 1654**

INTERNATIONAL RELATIONS AND TRADE — **SCR 10, SB 1035**

GOVERNMENT ORGANIZATION — **CSSB 1007**

NATURAL RESOURCES — **CSSB 1254**

GOVERNMENT ORGANIZATION — **CSSB 1264**

BILL ENGROSSED

April 1, 2009

SB 1

RESOLUTIONS ENROLLED

April 1, 2009

SR 485, SR 501, SR 526, SR 545, SR 546, SR 547, SR 549, SR 551, SR 552, SR 553, SR 554, SR 555