

SENATE JOURNAL

EIGHTY-FIRST LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

THIRTY-THIRD DAY

(Monday, April 6, 2009)

The Senate met at 1:35 p.m. pursuant to adjournment and was called to order by the President.

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

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

The Reverend Brandon Hollar, Capital Christian Center, Austin, offered the invocation as follows:

Heavenly Father, I come before You in the name of Your risen son. Thank You for this beautiful day. Thank You for these great men and women who lead us. I pray for protection and peace, health and strength, favor and blessing to rest upon them. May Your wisdom and peace guard their hearts and their minds so that every decision they make will lead this great state into prosperity and peace for the people's sake. I ask all these things in the name of our great and loving savior. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of Thursday, April 2, 2009, be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

CO-AUTHOR OF SENATE BILL 113

On motion of Senator Ellis, Senator Zaffirini will be shown as Co-author of **SB 113**.

CO-AUTHOR OF SENATE BILL 114

On motion of Senator Ellis, Senator Zaffirini will be shown as Co-author of **SB 114**.

CO-AUTHOR OF SENATE BILL 164

On motion of Senator Ellis, Senator Uresti will be shown as Co-author of **SB 164**.

CO-AUTHOR OF SENATE BILL 273

On motion of Senator Nichols, Senator Williams will be shown as Co-author of **SB 273**.

CO-AUTHOR OF SENATE BILL 274

On motion of Senator Nichols, Senator Williams will be shown as Co-author of **SB 274**.

CO-AUTHOR OF SENATE BILL 451

On motion of Senator Van de Putte, Senator Zaffirini will be shown as Co-author of **SB 451**.

CO-AUTHORS OF SENATE BILL 872

On motion of Senator Lucio, Senators Carona, Davis, Deuell, Jackson, Patrick, and Van de Putte will be shown as Co-authors of **SB 872**.

CO-AUTHOR OF SENATE BILL 965

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

CO-AUTHOR OF SENATE BILL 982

On motion of Senator Van de Putte, Senator Nichols will be shown as Co-author of **SB 982**.

CO-AUTHOR OF SENATE BILL 1032

On motion of Senator Van de Putte, Senator Zaffirini will be shown as Co-author of **SB 1032**.

CO-AUTHORS OF SENATE BILL 1049

On motion of Senator Uresti, Senators Van de Putte and Wentworth will be shown as Co-authors of **SB 1049**.

CO-AUTHORS OF SENATE BILL 1569

On motion of Senator Eltife, Senators Carona, Davis, Deuell, Gallegos, Hinojosa, Lucio, Shapleigh, Uresti, West, Whitmire, and Zaffirini will be shown as Co-authors of **SB 1569**.

CO-AUTHOR OF SENATE BILL 1611

On motion of Senator Davis, Senator Van de Putte will be shown as Co-author of **SB 1611**.

CO-AUTHOR OF SENATE BILL 1664

On motion of Senator Wentworth, Senator Van de Putte will be shown as Co-author of **SB 1664**.

CO-AUTHOR OF SENATE BILL 2002

On motion of Senator Van de Putte, Senator Zaffirini will be shown as Co-author of **SB 2002**.

CO-AUTHOR OF SENATE BILL 2063

On motion of Senator Duncan, Senator Wentworth will be shown as Co-author of **SB 2063**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 14

On motion of Senator Wentworth, Senator Davis will be shown as Co-author of **SJR 14**.

MESSAGES FROM THE GOVERNOR

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

Austin, Texas

April 3, 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 members of the Nueces River Authority Board of Directors for terms to expire as indicated:

To Expire February 1, 2013:

William I. Dillard

Uvalde, Texas

To Expire February 1, 2015:

W. Scott Bledsoe III

Oakville, Texas

Fernando Camarillo

Boerne, Texas

James T. Clancy

Portland, Texas

Lindsey Alfred Koenig

Orange Grove, Texas

Curt William Raabe

Poth, Texas

Thomas M. Reding, Jr.

Portland, Texas

(the individuals listed above are being reappointed)

To be a member of the Correctional Managed Health Care Committee for a term to expire February 1, 2015:

Gerry Evenwel

Mount Pleasant, Texas

(Mr. Evenwel is replacing Jean Frazier of San Antonio whose term expired)

To be the Presiding Judge of the Second Administrative Judicial Region for a term to expire four years from the date of qualification:

Olen U. Underwood

Willis, Texas

(Judge Underwood is being reappointed)

To be members of the Family and Protective Services Council for terms to expire February 1, 2015:

Christina Rawls Martin

Mission, Texas

(replacing Faith Johnson of DeSoto whose term expired)

Imogen Sherman Papadopoulos

Houston, Texas

(Ms. Papadopoulos is being reappointed)

Scott Rosenbach

Amarillo, Texas

(replacing Richard Hoffman of Brownsville whose term expired)

To be Judge of the 141st Judicial District Court, Tarrant County for a term until the next General Election and until his successor shall be duly elected and qualified:

John Parrish Chupp

Arlington, Texas

(Mr. Chupp is replacing Judge Len Wade who resigned)

To be members of the State Health Services Council for terms to expire February 1, 2015:

Lewis E. Foxhall, M.D.

Houston, Texas

(Dr. Foxhall is being reappointed)

Glenda Rubin Kane

Corpus Christi, Texas

(Ms. Kane is being reappointed)

Nasruddin Rupani

Sugar Land, Texas

(replacing Rudy Arredondo of Lubbock whose term expired)

Respectfully submitted,

/s/Rick Perry

Governor

PHYSICIAN OF THE DAY

Senator Shapleigh was recognized and presented Dr. David Palafox of El Paso as the Physician of the Day.

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

GUEST PRESENTED

Senator Lucio was recognized and introduced to the Senate his guest.

The Senate welcomed its guest.

PERMISSION TO INTRODUCE BILLS

On motion of Senator Whitmire and by unanimous consent, Senate Rule 7.07(b) was suspended to permit the introduction of the following bills:

SB 2484, SB 2490, SB 2491, SB 2492, SB 2493, SB 2494, SB 2496, SB 2499, SB 2500.

SENATE BILLS ON FIRST READING

The following bills, filed on or before Friday, March 13, 2009, were introduced, read first time, and referred to the committees indicated:

SB 326 by Shapiro

Relating to stabilizing the amount of tuition charged to certain residents of this state by general academic teaching institutions.

To Committee on Higher Education.

SB 2225 by Carona

Relating to the civil and criminal consequences of engaging in certain conduct involving the possession or transfer of a firearm and to creating the offense of firearm smuggling; providing penalties.

To Committee on Transportation and Homeland Security.

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

SB 2484 by Ogden

Relating to the transfer of certain state property from the Texas Department of Transportation to the Parks and Wildlife Department.

To Committee on Finance.

SB 2485 by Williams

Relating to the creation of the Montgomery County Municipal Utility District No. 118; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

SB 2486 by Williams

Relating to the creation of the Montgomery County Water Control and Improvement District No. 3; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Committee on Natural Resources.

SB 2487 by Estes

Relating to the creation of the Sienna Ranch Municipal Utility District No. 1 of Collin County; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

SB 2488 by Estes

Relating to the creation of the Lake Weatherford Municipal Utility Districts Nos. 1 and 2; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

SB 2490 by Gallegos

Relating to the right of certain counties to maintain local control over wages, hours, and other terms and conditions of employment.

To Committee on Intergovernmental Relations.

SB 2491 by Uresti

Relating to the powers and duties of certain public improvement districts.

To Committee on Natural Resources.

SB 2492 by Deuell

Relating to requiring notices prior to certain activities involving Voice over Internet Protocol telephone service.

To Committee on Business and Commerce.

SB 2493 by Deuell

Relating to the regulation of prepaid funeral benefits; providing penalties.

To Committee on Business and Commerce.

SB 2494 by Zaffirini

Relating to the Starr County Hospital District.

To Committee on Intergovernmental Relations.

SB 2495 by Zaffirini

Relating to eligibility requirements to serve as a member of the board of directors of the Bee Groundwater Conservation District.

To Committee on Natural Resources.

SB 2496 by Patrick

Relating to the powers of the Westchase District.

To Committee on Economic Development.

SB 2497 by Estes

Relating to the creation of the North Texas Groundwater Conservation District; providing authority to issue bonds.

To Committee on Natural Resources.

SB 2498 by Hegar

Relating to the creation of the Bastrop County Municipal Utility District No. 2; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

SB 2499 by Seliger

Relating to the Martin County Hospital District.

To Committee on Intergovernmental Relations.

SB 2500 by Carona

Relating to the issuance of specialty license plates.

To Committee on Transportation and Homeland Security.

CONCLUSION OF MORNING CALL

The President at 1:53 p.m. announced the conclusion of morning call.

SENATE BILL 386 ON SECOND READING

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 386** at this time on its second reading:

SB 386, Relating to the administrative fine and the late payment fee for a violation of a parking rule applicable to the Capitol Complex.

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 386 ON THIRD READING

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 386** 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 386**, 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 386** 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.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

April 6, 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 25, Relating to the regulation of solar energy devices by a property owners' association.

HB 405, Relating to the authority of an animal control officer to carry a bite prevention stick in the performance of official duties.

HB 670, Relating to a qualified privilege of a journalist not to testify.

HB 703, Relating to fall prevention awareness.

HB 748, Relating to the provision of services to certain individuals with developmental disabilities by a state school or state center.

HB 761, Relating to the penalty for certain property offenses committed during certain declared states of disaster.

HB 806, Relating to health benefit plan coverage for certain prosthetic devices, orthotic devices, and related services.

HB 824, Relating to the imposition of conditions on and access to case records regarding a child adjudicated of having engaged in conduct that constitutes the commission of a hate crime.

HB 874, Relating to the abolition of the Texas Incentive and Productivity Commission and the state employee incentive program.

HB 982, Relating to the imposition of a tax on the gross receipts from admissions fees charged by sexually oriented businesses.

HB 1023, Relating to the use of certain state property transferred from the state to Spindletop MHMR Services.

HB 1081, Relating to requiring posting of certain information regarding nursing homes and related institutions on the Department of Aging and Disability Services website.

HB 1161, Relating to local regulation of distance requirements for the sale and consumption of alcoholic beverages near certain establishments.

HB 1162, Relating to regulating the collection or solicitation of donated goods subsequently sold by for-profit entities or individuals; providing a civil penalty.

HB 1332, Relating to responsibility for public school textbooks and technological equipment and to failure by students to return textbooks or technological equipment.

HB 1595, Relating to a documented member of the Kickapoo Traditional Tribe of Texas hunting certain deer.

HB 1830, Relating to information technology security practices of state agencies.

HB 2558, Relating to registration for evacuation and disaster preparedness for clients of home and community support services agencies.

HCR 163, Honoring artist George Rodrigue for his philanthropic work following Hurricanes Katrina and Rita.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

**COMMITTEE SUBSTITUTE
SENATE BILL 796 ON THIRD READING**

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

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

The motion prevailed by the following vote: Yeas 25, Nays 6.

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

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

The bill was read third time and was passed by the following vote: Yeas 25, Nays 6. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 17 ON SECOND READING**

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 17** at this time on its second reading:

CSSB 17, Relating to the design, development, financing, construction, and operation of certain toll projects; granting the authority to issue bonds.

The bill was read second time.

Senator Williams offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 17** (Senate committee printing) as follows:

(1) In SECTION 19 of the bill (page 11, line 33), between "19." and "The" insert "(a)".

(2) In SECTION 19 of the bill (page 11, between lines 39 and 40), insert:

(b) For the purposes of the application of Section 228.0111(g)(1) or (i)(1), Transportation Code, under Subsection (a) of this section to the State Highway 99 (Grand Parkway) project, the local toll project entity or the department, as applicable, must enter into a contract for the construction of at least one segment of the project in the two-year period described by Subsection (g)(1) or (i)(1). For each of the remaining segments, if the department and a local toll project entity have entered into an agreement for the advance funding of the initial segment, a local toll project entity or the department, as applicable, is not required to enter into a construction contract for any remaining segment before the second anniversary of the date a construction contract for a segment contiguous to that remaining segment has been entered into.

The amendment to **CSSB 17** 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 Nichols and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 17 as amended was passed to engrossment by a viva voce vote.

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

Nays: Davis.

COMMITTEE SUBSTITUTE SENATE BILL 17 ON THIRD READING

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 17** 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 17**, 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 17** 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: Davis.

GUEST PRESENTED

Senator Whitmire, joined by Senator Gallegos, was recognized and introduced to the Senate United States Congressman and former Texas Senator Gene Green of Houston.

The Senate welcomed its guest.

COMMITTEE SUBSTITUTE SENATE BILL 404 ON SECOND READING

Senator Carona moved to suspend the regular order of business to take up for consideration **CSSB 404** at this time on its second reading:

CSSB 404, Relating to the authority of certain toll project entities to enter into a comprehensive development agreement.

The motion prevailed.

Senator Hegar 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: Davis, Hegar.

COMMITTEE SUBSTITUTE SENATE BILL 404 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 404** 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, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Hegar, 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 404**, 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 404** 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 29, Nays 2.

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

Nays: Davis, Hegar.

(Senator Carona in Chair)

SENATE BILL 970 ON SECOND READING

Senator Seliger moved to suspend the regular order of business to take up for consideration **SB 970** at this time on its second reading:

SB 970, Relating to the qualifications required of the executive director of the Texas Department of Transportation.

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

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

Nays: Nichols, Ogden, Patrick, Wentworth.

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: Nichols, Ogden, Patrick, Wentworth.

SENATE BILL 970 ON THIRD READING

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 970** be placed on its third reading and final passage.

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

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

Nays: Nichols, Ogden, 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 970**, 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 970** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 27, Nays 4. (Same as previous roll call)

SENATE BILL 1386 ON SECOND READING

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1386** at this time on its second reading:

SB 1386, Relating to priority groundwater management areas.

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

SENATE BILL 1386 ON THIRD READING

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1386** 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 1386**, 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 1386** 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 Watson and by unanimous consent, the exchange between Senator Seliger and Senator Watson regarding **SB 1386** was ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Watson: Thank you, Senator Seliger. As I understand it, current law right now, current law allows and provides that a groundwater conservation district board gets to vote to approve whether a PGMA is, those boundaries are going to become part of that district. And I wanted to make sure, I think I'm clear on this, but in Section 2 of your bill, that doesn't mean to change anything with regard to current law about giving the opportunity for the district to be able to vote that in?

Senator Seliger: It doesn't at all. In Chapter 35 of the code, Section 2, it says that the groundwater conservation district will vote on whether the priority groundwater management area will become part of their groundwater conservation district. This bill no way, in no way changes that.

Senator Watson: So the conservation district boards will continue to have the opportunity to approve the addition of a priority groundwater management area to their existing district?

Senator Seliger: That remains in place exactly that way.

Senator Watson: Great. Thank you, Senator Seliger.

Senator Seliger: Thank you.

SENATE BILL 1290 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 **SB 1290** at this time on its second reading:

SB 1290, Relating to authorization for school districts to provide mentors for teachers assigned to a new subject or grade level.

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 1290 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 **SB 1290** 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 1290**, 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 1290** 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.

(Senator Eltife in Chair)

SENATE JOINT RESOLUTION 35 ON SECOND READING

On motion of Senator Duncan and by unanimous consent, the regular order of business was suspended to take up for consideration **SJR 35** at this time on its second reading:

SJR 35, Proposing a constitutional amendment establishing the national research university fund to enable emerging research universities in this state to achieve national prominence as major research universities and transferring the balance of the higher education fund to the national research university fund.

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 35 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 **SJR 35** 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 35**, 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 35** 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.

(President in Chair)

GUEST PRESENTED

Senator West was recognized and introduced to the Senate JacQuetta Clayton, President, Moms on a Mission (MOM) Squad Organization, and mother of Mark Clayton of the Baltimore Ravens football team.

The Senate welcomed its guest.

REPORT OF COMMITTEE ON NOMINATIONS

Senator Jackson submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed:

Members, Commission on Jail Standards: Irene A. Armendariz, El Paso County; Donna Sue Klaeger, Burnet County; Jerry W. Lowry, Montgomery County; Larry S. May, Nolan County; Gary Painter, Midland County; Tam Terry, Carson County.

Member, Correctional Managed Health Care Committee: James Dale Griffin, M.D., Dallas County.

Members, Crime Stoppers Advisory Council: Nelda L. Garcia, Jim Wells County; Jorge E. Gaytan, Harris County; Emerson Frederick Lane, Jr., Jefferson County.

Members, Board of Trustees, Employees Retirement System of Texas: Cydney C. Donnell, Gillespie County; Donald E. Wood, Ector County.

Members, Judicial Compensation Commission: Ramiro A. Galindo, Brazos County; Tommy Steve "Tom" Harwell, El Paso County; Harold Jenkins, Dallas County; Patrick W. Mizell, Harris County; Paul Bane Phillippi, Bastrop County; Wanda Chandler Rohm, Bexar County; Linda B. Russell, Galveston County; Michael L. Slack, Travis County; William M. Strawn, Travis County.

Members, Produce Recovery Fund Board: Ralph Diaz, Nueces County; Ly H. Nguyen, Fort Bend County; Bernie Thiel, Jr., Lubbock County; Byron Edward White, Tarrant County.

Members, Product Development and Small Business Incubator Board: Michael Arlen Davis, Jr., Travis County; Neil A. Iscoe, Travis County; David Russell Margrave, Bexar County.

Members, State Board For Educator Certification: Michael Acuff, Tarrant County; Sandra Bridges, Rockwall County; Stefani Danielle "Stef" Carter, Dallas County.

Members, State Commission on Judicial Conduct: Tom Alan Cunningham, Harris County; William C. Lawrence, Denton County; Karry Kay Matson, Williamson County; Janet P. Patterson, Travis County; Wanda Janelle Shepard, Parker County.

Members, Texas Board of Criminal Justice: Oliver John Bell, Llano County; John "Eric" Gambrell, Dallas County; Janice Harris Lord, Tarrant County; R. Terrell McCombs, Bexar County; J. David Nelson, Lubbock County; Carmen Villanueva-Hiles, Hidalgo County.

Members, Texas Board of Professional Land Surveying: Jon Edwin Hodde, Washington County; David Gregory Smyth, Uvalde County.

Members, Texas Judicial Council: Keely Appleton, Tarrant County; Richard Vernon Battle, Travis County; Fred E. Davis, Travis County, Richard "Rick" Figueroa, Fort Bend County; Allyson N. Ho, Dallas County; Henry Nuss, Nueces County.

Members, Texas Juvenile Probation Commission: Jean Boyd, Tarrant County; B. W. McClendon, D.Min., Travis County; Scott O'Grady, Dallas County; Robert Alton "Bob" Shults, Harris County.

Executive Commissioner, Texas Youth Commission: Cheryl N. "Cherie" Townsend, Travis County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Jackson gave notice that he would tomorrow at the conclusion of morning call submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 578 by Hinojosa and Lucio, In memory of Alfredo "Fred" Longoria of Edinburg.

SR 580 by Ellis, In memory of Armandina Q. Cruz of Laredo.

SR 591 by Davis and Harris, In memory of Harold Patterson of Arlington.

Welcome and Congratulatory Resolutions

SR 566 by West, Recognizing Robert L. Nichols, Jr., on the occasion of his birthday.

SR 569 by Watson, Congratulating Kelly Burns of Austin for her selection as Mrs. Texas United America for 2008.

SR 572 by Jackson, Congratulating Emmitt Earl Fyles Thomas for his induction into the Pro Football Hall of Fame.

SR 573 by West, Recognizing Don R. Carter, Sr., on the occasion of his retirement from the Texas Department of Criminal Justice.

SR 575 by Deuell, Recognizing the Texas College Legacy Award recipients.

SR 577 by Watson, Congratulating Luis Jauregui of Austin for being named the 2008 Home Builder of the Year by the United States Hispanic Contractors Association.

SR 579 by Hinojosa and Lucio, Recognizing Lionel's Western Wear in Weslaco on the occasion of its 50th anniversary.

SR 581 by Nelson, Davis, and Harris, Welcoming members of the Leadership Fort Worth Class of 2009 to the State Capitol.

SR 582 by Nelson and Harris, Welcoming members of the Leadership Flower Mound Class of 2009 to the State Capitol.

SR 583 by Lucio, Recognizing Don Garcia of the La Feria Police Department for his contributions to the La Feria community.

SR 584 by Lucio, Commending Benjamin Castillo for his participation in Honors Day at The University of Texas at Austin.

SR 592 by Shapleigh, Congratulating Richard Bentley for receiving the Adelante Con Ganas Award for April 2009.

Official Designation Resolutions

SR 567 by Wentworth, Recognizing July 25, 2009, as National Day of the Cowboy.

SR 571 by Jackson, Recognizing April 25, 2009, as Comcast Cares Day.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 3:08 p.m. adjourned, in memory of Police Sergeant Randy White of Bridgeport and Fred Higgins of Austin, until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

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

April 6, 2009

JURISPRUDENCE — **SB 53, SB 232, SB 917, SB 918, SB 1130, SB 1208, SB 1274, SB 1437, SB 1439, SB 1440, SB 1441**

HEALTH AND HUMAN SERVICES — **CSSB 203, CSSB 616, CSSB 755, CSSB 1127, CSSB 1225, CSSB 1328**

CRIMINAL JUSTICE — **SB 595, CSSB 117**

AGRICULTURE AND RURAL AFFAIRS — **CSSB 1027**

JURISPRUDENCE — **CSSB 233, CSSB 1388, CSSB 1436**

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — **CSSB 1655, SB 2163**

CRIMINAL JUSTICE — **CSSB 1916, CSSB 1976**

STATE AFFAIRS — **SB 281, CSSB 961, CSSB 842, CSSB 1305**

JURISPRUDENCE — **CSSB 54, CSSB 861, CSSB 1070, CSSB 1477, CSSB 1514, CSSB 1516**

GOVERNMENT ORGANIZATION — **CSSB 1007**

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — **CSSB 835, CSSB 1463, CSSB 1940, CSSB 1325**

STATE AFFAIRS — **CSSB 6, CSSB 879, CSSB 1123, CSSB 1771**

INTERNATIONAL RELATIONS AND TRADE — **CSSB 836**

NATURAL RESOURCES — **CSSB 16, CSSB 876**

STATE AFFAIRS — **CSSB 586**

TRANSPORTATION AND HOMELAND SECURITY — **CSSB 1923**

INTERGOVERNMENTAL RELATIONS — **SB 654, SB 1103, CSSB 1205, CSSB 1295, CSSB 1320, SB 1447, CSSB 1449, SB 1450, CSSB 1478, CSSB 1485, SB 1574, SB 1619, SB 1712, CSSB 1742**

BILLS AND RESOLUTION ENGROSSED

April 2, 2009

SB 43, SB 68, SB 69, SB 80, SB 82, SB 83, SB 87, SB 111, SB 194, SB 197, SB 199, SB 223, SB 252, SB 257, SB 269, SB 277, SB 305, SB 313, SB 345, SB 346, SB 368, SB 384, SB 408, SB 417, SB 431, SB 432, SB 448, SB 461, SB 478, SB 480, SB 490, SB 491, SB 500, SB 502, SB 518, SB 519, SB 520, SB 529, SB 543, SB 547, SB 554, SB 596, SB 617, SB 635, SB 637, SB 658, SB 659, SB 663, SB 698, SB 702, SB 705, SB 711, SB 713, SB 715, SB 741, SB 742, SB 747, SB 764, SB 776, SB 777, SB 786, SB 788, SB 799, SB 803, SB 806, SB 811, SB 812, SB 828, SB 833, SB 843, SB 848, SB 859, SB 870, SB 914, SB 927, SB 941, SB 948, SB 1001, SB 1005, SB 1033, SB 1047, SB 1075, SB 1081, SB 1134, SB 1140, SB 1142, SB 1143, SB 1149, SB 1247, SB 1332, SB 1354, SB 1364, SB 1526, SJR 11

RESOLUTIONS ENROLLED

April 2, 2009

SR 538, SR 544, SR 556, SR 557, SR 558, SR 559, SR 560, SR 561, SR 562, SR 563

SIGNED BY GOVERNOR

March 19, 2009

SCR 29

April 3, 2009

SCR 28, SCR 37, SCR 44, SCR 50