

# SENATE JOURNAL

EIGHTY-FIRST LEGISLATURE — REGULAR SESSION

---

---

AUSTIN, TEXAS

---

---

PROCEEDINGS

---

**THIRTY-SEVENTH DAY**

(Wednesday, April 15, 2009)

The Senate met at 11:05 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, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Absent-excused: Harris.

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

The Reverend Adaryll Jordan, Hill Country Bible Church Northwest, Austin, offered the invocation as follows:

O Lord, no one is like You; You are great and Your name is mighty in power. Who should not revere You, O king of the nations? This is Your due. Among all the wise men of the nations and in all their kingdoms, there is no one like You. Forgive us, merciful God, for the fact we oftentimes place You on the back burner of our thoughts and lives to pursue our own agendas. Help us all in each and every moment remember that You are ever-present and that each and every person we serve, represent, and lay our eyes upon is an immortal soul important to You. Empower us to follow Your Biblical command to trust in the Lord with all of our hearts and lean not on our own understanding, in all of our ways acknowledge You. For You are the almighty and we believe Your promise that You will make our paths straight. Bless all of the nations Your hand has created. God bless the United States and God bless Texas. We pray all of these things in the name of the Father, the Son, and the Holy Spirit. 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.

## LEAVE OF ABSENCE

On motion of Senator Whitmire, Senator Harris was granted leave of absence for today on account of illness.

**CO-AUTHOR OF SENATE BILL 564**

On motion of Senator Jackson, Senator Whitmire will be shown as Co-author of **SB 564**.

**CO-AUTHOR OF SENATE BILL 629**

On motion of Senator West, Senator Uresti will be shown as Co-author of **SB 629**.

**CO-AUTHORS OF SENATE BILL 955**

On motion of Senator Shapiro, Senators Patrick and West will be shown as Co-authors of **SB 955**.

**CO-AUTHOR OF SENATE BILL 961**

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

**CO-AUTHOR OF SENATE BILL 1053**

On motion of Senator Uresti, Senator Zaffirini will be shown as Co-author of **SB 1053**.

**CO-AUTHOR OF SENATE BILL 1057**

On motion of Senator Uresti, Senator Zaffirini will be shown as Co-author of **SB 1057**.

**CO-AUTHOR OF SENATE BILL 1152**

On motion of Senator Hinojosa, Senator Zaffirini will be shown as Co-author of **SB 1152**.

**CO-AUTHOR OF SENATE BILL 1225**

On motion of Senator Huffman, Senator Zaffirini will be shown as Co-author of **SB 1225**.

**CO-AUTHOR OF SENATE BILL 1325**

On motion of Senator Nelson, Senator Hinojosa will be shown as Co-author of **SB 1325**.

**CO-AUTHOR OF SENATE BILL 1440**

On motion of Senator Watson, Senator Zaffirini will be shown as Co-author of **SB 1440**.

**CO-AUTHOR OF SENATE BILL 1477**

On motion of Senator Uresti, Senator Zaffirini will be shown as Co-author of **SB 1477**.

**CO-AUTHORS OF SENATE BILL 1490**

On motion of Senator Watson, Senators Shapiro and Zaffirini will be shown as Co-authors of **SB 1490**.

**CO-AUTHOR OF SENATE BILL 1514**

On motion of Senator Watson, Senator Zaffirini will be shown as Co-author of **SB 1514**.

**CO-AUTHOR OF SENATE BILL 1715**

On motion of Senator West, Senator Van de Putte will be shown as Co-author of **SB 1715**.

**CO-AUTHORS OF SENATE BILL 1854**

On motion of Senator West, Senators Ellis and Watson will be shown as Co-authors of **SB 1854**.

**CO-AUTHOR OF SENATE BILL 1940**

On motion of Senator Van de Putte, Senator Zaffirini will be shown as Co-author of **SB 1940**.

**CO-AUTHOR OF SENATE BILL 1958**

On motion of Senator Van de Putte, Senator Zaffirini will be shown as Co-author of **SB 1958**.

**CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 39**

On motion of Senator Hegar, Senator Nelson will be shown as Co-author of **SCR 39**.

**CO-SPONSOR OF HOUSE BILL 873**

On motion of Senator Deuell, Senator West will be shown as Co-sponsor of **HB 873**.

**MESSAGE FROM THE GOVERNOR**

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas  
April 14, 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 Texas Medical Board for terms to expire April 13, 2015:

David Baucom  
Sulphur Springs, Texas

(Mr. Baucom is being reappointed)

Patrick J. Crocker  
Austin, Texas

(replacing Larry Price of Belton whose term expired)

John D. Ellis, Jr.

Houston, Texas

(replacing Annette Raggette of Austin whose term expired)

Manuel G. Guajardo

Brownsville, Texas

(Dr. Guajardo is being reappointed)

Allan N. Shulkin

Dallas, Texas

(Dr. Shulkin is being reappointed)

Wynne McCallie Snoots

Dallas, Texas

(replacing Amanullah Khan of Dallas whose term expired)

Timothy J. Turner

Houston, Texas

(Mr. Turner is being reappointed)

Respectfully submitted,

/s/Rick Perry

Governor

### **RESOLUTION SIGNED**

The President announced the signing of the following enrolled resolution in the presence of the Senate: **SCR 56**.

### **PHYSICIAN OF THE DAY**

Senator Ogden was recognized and presented Dr. Paul Berg of Georgetown as the Physician of the Day.

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

### **PERMISSION TO INTRODUCE BILL AND RESOLUTION**

On motion of Senator Whitmire and by unanimous consent, Senate Rule 7.07(b) was suspended to permit the introduction of the following bill and resolution: **SB 2523, SCR 59**.

### **SENATE RESOLUTION 625**

Senator Shapiro offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Colt McCoy for his many achievements in the classroom and on the football field; and

WHEREAS, Fifth-year senior quarterback of The University of Texas Longhorns football team, Colt McCoy has set a high standard of excellence in his life and his athletic career; he was born into a family with a strong athletic legacy; his father, Brad, played safety for the Abilene Christian University football team, and his mother, Debra, was a shooting guard in basketball; and

WHEREAS, Coached by his father in high school, Colt set numerous records on the football field while excelling in the classroom as well; he graduated as the leading passer in Texas Class 2A history, and he was a three-year member of the National Honor Society; and

WHEREAS, As quarterback of the Longhorns, Colt has set the standard for success; he holds the all-time record for victories by a Longhorn quarterback with 32 and is the school's leader in pass attempts and completions, touchdown passes, passing yards, and completion percentage; he also holds the National Collegiate Athletic Association single-season record for completion percentage; and

WHEREAS, Colt is active in community affairs; his volunteer work has included regularly visiting patients at the Austin Children's Hospital, tutoring underprivileged children, visiting nursing homes, and participating in many other charitable activities; he is truly deserving of recognition for the example he sets for others; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby commend Colt McCoy for his many contributions to his team and community; and, be it further

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

SHAPIRO  
CARONA  
ELLIS  
ELTIFE  
FRASER

SELIGER  
SHAPLEIGH  
VAN DE PUTTE  
ZAFFIRINI

**SR 625** was read and was adopted without objection.

### GUESTS PRESENTED

Senator Shapiro was recognized and introduced to the Senate Colt McCoy, student at The University of Texas at Austin and quarterback for the Texas Longhorns football team, and William Powers, Jr., President, The University of Texas at Austin.

The Senate welcomed its guests.

### SENATE RESOLUTION 572

Senator Jackson offered the following resolution:

WHEREAS, In recognition of his stellar career as a defensive back with the Kansas City Chiefs, Angleton native Emmitt Earl Fyles Thomas was inducted into the Pro Football Hall of Fame in 2008; and

WHEREAS, This self-described "country boy from Angleton" lost his mother at the age of eight and was raised by his grandparents, Virginia Fyles and Lewis Fyles, Sr.; Mr. Fyles taught young Emmitt important values such as honor, commitment, faith, hard work, and respect for others; Mr. Thomas paid tribute to his beloved grandfather by adding "Fyles" to his name for his Hall of Fame induction; and

WHEREAS, After playing football at Bishop College in Dallas, Mr. Thomas joined the Chiefs as an undrafted free agent in 1966; he went on to enjoy a 13-year playing career, earning Pro Bowl recognition on five occasions and helping lead his

team to two Super Bowl appearances, including a victory in Super Bowl IV; his 12 interceptions in 1974 were just two shy of a National Football League record, and his career total of 58 interceptions still stands as a Kansas City record; and

WHEREAS, Mr. Thomas is highly respected for his intellectual approach to the game of football, and he has used his extensive knowledge of the sport in a successful coaching career that has spanned 27 seasons and included positions with the Saint Louis Cardinals, Washington Redskins, Philadelphia Eagles, Green Bay Packers, and Minnesota Vikings; he currently serves as the assistant head coach of the Atlanta Falcons; and

WHEREAS, Emmitt Thomas played football with tremendous heart and integrity; his passion for the game and the lifelong lessons it teaches have enabled him to reach the pinnacle of his profession, and his admirable achievements have brought great honor to his family, to his teams, to his hometown, and to the Lone Star State; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby congratulate Emmitt Earl Fyles Thomas on his induction into the Pro Football Hall of Fame; and, be it further

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

**SR 572** was again read.

The resolution was previously adopted on Monday, April 6, 2009.

### **GUESTS PRESENTED**

Senator Jackson was recognized and introduced to the Senate Emmitt Earl Fyles Thomas, Pro Football Hall of Famer; his daughter, Dedra Thomas; his sisters, Virginia Turner and Barbara Thomas; and his uncle, Andrew Fyles, Sr.

The Senate welcomed its guests.

### **SENATE RESOLUTION 615**

Senator Uresti offered the following resolution:

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

WHEREAS, Established in 1887 from territory in Tom Green County, Winkler County is named for Clinton M. Winkler, a Confederate colonel; the county was officially organized on April 5, 1910, with Kermit chosen as the county seat; and

WHEREAS, Originally populated by the Anasazi Indians, Winkler County was later home to the Apache and Comanche Indian tribes drawn by the ready availability of water; the first military expeditions entered the area in the mid-19th century under the command of Captain Randolph Marcy, who was searching for the best route to California; and

WHEREAS, Winkler County experienced its first boom when the Texas Legislature enacted a law allowing the sale of state school lands in West Texas; the discovery of oil in the 1920s at the Hendrick Number 1 site set off a second expansion of the population, and the town of Wink was established at this time; and

WHEREAS, Today, Winkler County remains a center for oil production, as well as a hub for ranching; its people are rightly proud of their impact on our state and their involvement in its rich history; now, therefore, be it

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

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

**SR 615** was read and was adopted without objection.

### **GUESTS PRESENTED**

Senator Uresti was recognized and introduced to the Senate Kermit City Manager Sam Watson and Kermit Aldermen Jerry Phillips, Betsy Natividad, and Estella Alarcon.

The Senate welcomed its guests.

### **SENATE RESOLUTION 382**

Senator Ogden offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to join the citizens of Houston County and citizens across the state in celebrating April 15, 2009, as Crockett Area Chamber of Commerce Legislative Day at the State Capitol; and

WHEREAS, The county seat of Houston County, Crockett has played an important role in the history of our state; named for legendary Alamo defender David Crockett, it offers many reminders of Texas' colorful past, including the Rice Log Cabin, the Monroe-Crook House, and Mission Tejas State Park; and

WHEREAS, Crockett has become a hub for musical talent, with the World Championship Fiddler's Festival, Bluegrass Festival, and Gospel Festival providing venues for musicians from around the world; other outstanding musical attractions are the Dennis Ivey Opry Show, the Piney Woods Fine Arts Association, and Camp Street and the Gillette Brothers; and

WHEREAS, The Crockett Area Chamber of Commerce works hard to advance the civic, commercial, and industrial interests of Houston County, and it encourages its members to participate fully in the life of the area; it is truly deserving of recognition for its devotion to the growth and prosperity of the area; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby commend the Crockett Area Chamber of Commerce on its leadership and dedication to finding solutions for business issues and extend to its delegation a sincere welcome to Austin for Crockett Area Chamber of Commerce Legislative Day at the State Capitol; and, be it further

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

**SR 382** was read and was adopted without objection.

**SENATE RESOLUTION 623**

Senator Uresti offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to welcome the citizens of Reeves County who have come to Austin to visit with legislators and celebrate Reeves County Day at the State Capitol on April 15, 2009; and

WHEREAS, Reeves County lies in the Trans-Pecos region of the state and consists of 2,626 square miles of terrain that ranges from rolling plains in the northern part to mountainous areas in the extreme southern part; its earliest known inhabitants lived in rock shelters and caves around the edge of the Barrilla Hills and in camps near lakes and springs; and

WHEREAS, Settlers of Mexican descent have long farmed in the county's Madera Valley; white settlers were attracted to open range ranching in the last part of the 19th century; the county is named for former state legislator and Confederate Army Colonel George R. Reeves; Pecos is the seat of government; and

WHEREAS, By 1881, the Texas and Pacific Railway had built tracks through the county; primary occupations have been farming and ranching, but the discovery of natural gas in the 1950s also contributed to the economy; the oil industry has declined since the oil boom of the 1980s, but the oil industry remains a large part of the economy; and

WHEREAS, Reeves County is noted for its West of the Pecos Museum in Pecos and for the Balmorhea State Recreation Area and Lake; its residents and visitors alike enjoy the county's many festivals and events held throughout the year, including Rodeo Week and the cantaloupe festival; and

WHEREAS, Reeves County Day is an excellent opportunity for the legislature to pay tribute to the unique history and qualities of Reeves County and the many contributions it has made to the history and development of the state; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby extend a warm welcome to the representatives of Reeves County and best wishes for an enjoyable Reeves County Day at the State Capitol; and, be it further

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

**(Senator West in Chair)**

**SR 623** was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Uresti was recognized and introduced to the Senate Reeves County Commissioner, Precinct 2, Gabriel Martinez; Commissioner, Precinct 4, Ramiro Guerra; Commissioner, Precinct 3, Saul Herrera; Reeves County Judge Sam Contreras; and Pecos Mayor Richard Alligood.

The Senate welcomed its guests.

**SENATE RESOLUTION 624**

Senator Uresti offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to join the citizens of Ward County and Texans across the state in celebrating April 15, 2009, as Ward County Day at the State Capitol; and

WHEREAS, Created by the Texas Legislature in 1887 from territory belonging to Tom Green County, Ward County has played an important role in our state's history; from the days of the Apache and Comanche tribes through the oil boom of the 1920s through its time as a final stop for American servicemen on their way to World War II battlefields, it has contributed greatly to our growth and legacy; and

WHEREAS, Ward County enjoyed a period of great agricultural production at the beginning of the 20th century, including the development of a new strain of alfalfa known as Barstow Common, which is still being planted today; grapes from Ward County won first prize at the 1904 World's Fair in Saint Louis; and

WHEREAS, The oil boom of the 1920s brought prosperity when the Hendrick oilfield was discovered; through the years, more than 668 million barrels have been produced in the county, and today, the Million Barrel Museum memorializes the history of Ward County at the site of a huge oil storage tank built in 1928; and

WHEREAS, The citizens of Ward County are justifiably proud of its illustrious history and of their many contributions to our state's progress and growth; now, therefore, be it

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

RESOLVED, That a copy of this Resolution be prepared for the citizens of Ward County in honor of this special day.

**SR 624** was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Uresti was recognized and introduced to the Senate representatives of Ward County: Auditor Ellen Friar, County Judge Greg Holly, Commissioners Larry Hanna and Julian Florez, and County Clerk Natrell Cain.

The Senate welcomed its guests.

**SENATE RESOLUTION 633**

Senator Gallegos offered the following resolution:

**SR 633**, In memory of Damion Jon Hobbs.

The resolution was read.

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

On motion of Senator Gallegos, the resolution was adopted by a rising vote of the Senate.

In honor of the memory of Damion Jon Hobbs, the text of the resolution is printed at the end of today's *Senate Journal*.

**SENATE RESOLUTION 634**

Senator Gallegos offered the following resolution:

**SR 634**, In memory of James Arthur Harlow, Sr., of Pasadena.

The resolution was read.

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

On motion of Senator Gallegos, the resolution was adopted by a rising vote of the Senate.

In honor of the memory of James Arthur Harlow, Sr., the text of the resolution is printed at the end of today's *Senate Journal*.

**RECESS**

On motion of Senator Whitmire, the Senate at 12:03 p.m. recessed until 12:30 p.m. today.

**AFTER RECESS**

The Senate met at 12:37 p.m. and was called to order by Senator Eltife.

**SENATE BILLS AND RESOLUTION ON FIRST READING**

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

**SB 2522** by Gallegos

Relating to the board of directors of the Greater East End Management District.  
To Committee on Intergovernmental Relations.

**SB 2523** by Williams

Relating to the possession and consumption of wine on the premise of a mixed beverage or private club permittee, providing for separate statement of the mixed beverage tax.  
To Committee on Administration.

**SB 2524** by Williams

Relating to the creation of the Liberty County Municipal Utility District No. 6; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.  
To Committee on Intergovernmental Relations.

**SB 2525** by Deuell

Relating to the creation of the Kaufman County Parks Improvement District; providing authority to impose a tax and issue bonds; providing penalties.  
To Committee on Intergovernmental Relations.

**SB 2526** by Watson

Relating to the creation of the Travis and Burnet Counties Improvement District No. 1; providing authority to impose an assessment, impose a tax, and issue bonds.  
To Committee on Intergovernmental Relations.

**SCR 59** by Jackson

Granting MBP Corp. permission to sue the Board of Trustees of the Galveston Wharves.

To Committee on Jurisprudence.

### **HOUSE BILLS AND RESOLUTION ON FIRST READING**

The following bills and resolution received from the House were read first time and referred to the committees indicated:

**HB 328** to Committee on Agriculture and Rural Affairs.

**HB 401** to Committee on State Affairs.

**HB 651** to Committee on Business and Commerce.

**HB 652** to Committee on Business and Commerce.

**HB 1213** to Committee on Natural Resources.

**HB 1232** to Committee on Health and Human Services.

**HB 1282** to Committee on Criminal Justice.

**HB 1300** to Committee on Intergovernmental Relations.

**HB 1363** to Committee on Health and Human Services.

**HB 1382** to Committee on Business and Commerce.

**HB 1406** to Committee on Business and Commerce.

**HB 1484** to Committee on Business and Commerce.

**HB 1580** to Committee on Government Organization.

**HB 1622** to Committee on Health and Human Services.

**HB 1672** to Committee on Health and Human Services.

**HB 1786** to Committee on Natural Resources.

**HB 1908** to Committee on Agriculture and Rural Affairs.

**HB 1974** to Committee on Business and Commerce.

**HB 2030** to Committee on Health and Human Services.

**HB 2058** to Committee on Jurisprudence.

**HB 2064** to Committee on State Affairs.

**HB 2073** to Committee on Natural Resources.

**HB 2101** to Committee on State Affairs.

**HB 2104** to Committee on Business and Commerce.

**HB 2238** to Committee on Business and Commerce.

**HB 2310** to Committee on Business and Commerce.

**HB 2457** to Committee on Natural Resources.

**HB 2666** to Committee on Natural Resources.

**HB 2763** to Committee on Education.

**HJR 29** to Committee on State Affairs.

### **SENATE BILL 297 WITH HOUSE AMENDMENTS**

Senator Van de Putte called **SB 297** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

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

Amend **SB 297** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 54.203, Education Code, is amended by adding Subsection (b-2) to read as follows:

(b-2) The governing board of an institution of higher education shall exempt from the payment of resident tuition at the institution a dependent child, including a stepchild, of a member of the Armed Forces of the United States who is a resident of this state or is entitled to pay resident tuition under this subchapter, for any semester or other academic term during which the member of the armed forces is deployed on active duty for the purpose of engaging in a combative military operation outside the United States.

SECTION \_\_\_\_\_. Section 54.203(b-2), Education Code, as added by this Act, applies beginning with tuition charged for the 2009 fall semester. Tuition charged for an academic period before that semester are covered by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

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

Amend Floor Amendment No. 1 to **SB 297** after the period on page 1, line 14, by adding the following:

In its appropriations to institutions of higher education, the legislature shall provide sufficient funds to cover the full costs of the exemptions provided by this subsection.

The amendments were read.

Senator Van de Putte moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 297** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Van de Putte, Chair; Ogden, Zaffirini, Duncan, and Patrick.

### **CONCLUSION OF MORNING CALL**

The Presiding Officer, Senator Eltife in Chair, at 12:42 p.m. announced the conclusion of morning call.

### **COMMITTEE SUBSTITUTE SENATE JOINT RESOLUTION 52 ON SECOND READING**

Senator Davis moved to suspend the regular order of business to take up for consideration **CSSJR 52** at this time on its second reading:

**CSSJR 52**, Proposing a constitutional amendment authorizing the legislature by general law to permit counties to assess and collect a local motor fuels tax and an additional vehicle registration fee to be used for mobility improvement projects.

The motion prevailed by the following vote: Yeas 21, Nays 9.

Yeas: Averitt, Carona, Davis, Deuell, Ellis, Eltife, Gallegos, Hinojosa, Lucio, Nichols, Seliger, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Duncan, Estes, Fraser, Hegar, Huffman, Jackson, Nelson, Ogden, Patrick.

Absent-excused: Harris.

The resolution was read second time and was passed to engrossment by the following vote: Yeas 21, Nays 9. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 956 ON SECOND READING**

Senator West moved to suspend the regular order of business to take up for consideration **CSSB 956** at this time on its second reading:

**CSSB 956**, Relating to the establishment of a law school in the city of Dallas by the University of North Texas System.

The motion prevailed.

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

The bill was read second time.

Senator West offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 956** (Senate committee report) as follows:

(1) In SECTION 1 of the bill, in added Section 105.001(4), Education Code (page 1, line 21), strike "University of North Texas College of Law" and substitute "University of North Texas at Dallas College of Law".

(2) In SECTION 2 of the bill, in added Section 105.151(c-1), Education Code (page 1, lines 25-27), strike "University of North Texas College of Law" in each place it appears and substitute "University of North Texas at Dallas College of Law".

(3) In SECTION 4 of the bill (page 2, line 2), strike "University of North Texas College of Law" and substitute "University of North Texas at Dallas College of Law".

The amendment to **CSSB 956** was read and was adopted by a viva voce vote.

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

Nays: Seliger.

Absent-excused: Harris.

Senator Ogden offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **CSSB 956** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill appropriately:

SECTION \_\_\_\_\_. This Act does not make a appropriation. This Act takes effect only if a specific appropriation for the implementation of the Act is provided in a general appropriations act of the 81st Legislature.

The amendment to **CSSB 956** was read and was adopted by a viva voce vote.

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

Nays: Seliger.

Absent-excused: Harris.

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

**CSSB 956** 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: Seliger.

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE  
SENATE BILL 956 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 **CSSB 956** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

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

Nays: Seliger, Wentworth.

Absent-excused: Harris.

**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 956**, 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 956** 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 1.

Nays: Seliger.

Absent-excused: Harris.

### MESSAGE FROM THE HOUSE

HOUSE CHAMBER  
Austin, Texas  
April 15, 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 88**, Directing the Texas Department of State Health Services and the Texas Education Agency to educate parents of adolescent Texans regarding the importance of adolescents' receiving regular physical exams and updated immunizations.

**HCR 125**, Urging the U.S. Congress to increase COPS grants for smaller communities and less populated counties in the South Texas High Intensity Drug Trafficking Area.

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

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

### SENATE BILL 75 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 75** at this time on its second reading:

**SB 75**, Relating to the establishment of a disaster and emergency education program.

The bill was read second time.

Senator Williams offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 75** in SECTION 1 of the bill, in proposed Subsection (a), Section 418.186, Government Code (Senate committee printing, page 1, line 16), between the period and "The program must", by inserting the following:

Before establishing the program, the department must collaborate with local authorities to prevent state efforts that are duplicative of local efforts.

The amendment to **SB 75** was read and was adopted by a viva voce vote.

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

Absent-excused: Harris.

Senator Ogden offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **SB 75** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill appropriately:

SECTION \_\_\_\_\_. This Act does not make an appropriation. A provision in this Act that creates a new governmental program, creates a new entitlement, or imposes a new duty on a governmental entity is not mandatory during a fiscal period for which the legislature has not made a specific appropriation to implement the provision.

The amendment to **SB 75** was read and was adopted by a viva voce vote.

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

Absent-excused: Harris.

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

**SB 75** as amended was passed to engrossment by a viva voce vote.

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

Absent-excused: Harris.

**SENATE BILL 75 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 75** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Harris.

**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 75**, 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 75** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

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

Absent-excused: Harris.

**SENATE RULE 7.12(a) SUSPENDED**  
**(Printing of Bills)**

On motion of Senator Williams and by unanimous consent, Senate Rule 7.12(a) was suspended and the committee reports were ordered not printed for the following bills: **SB 1540, SB 1969, SB 2071**.

**COMMITTEE SUBSTITUTE**  
**SENATE BILL 1325 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 1325** at this time on its second reading:

**CSSB 1325**, Relating to the creation of a mental health intervention program for military veterans.

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:

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1325 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 1325** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Harris.

**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 1325**, 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 1325** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

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

Absent-excused: Harris.

**SENATE BILL 1049 ON SECOND READING**

Senator Uresti moved to suspend the regular order of business to take up for consideration **SB 1049** at this time on its second reading:

**SB 1049**, Relating to the distribution, possession, purchase, consumption, and receipt of tobacco products; providing penalties.

The motion prevailed by the following vote: Yeas 22, Nays 8.

Yeas: Averitt, Carona, Davis, Deuell, Ellis, Fraser, Gallegos, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffrini.

Nays: Duncan, Eltife, Estes, Jackson, Ogden, Patrick, Seliger, Williams.

Absent-excused: Harris.

The bill was read second time and was passed to engrossment by the following vote: Yeas 22, Nays 8. (Same as previous roll call)

### **SENATE BILL 955 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 955** at this time on its second reading:

**SB 955**, Relating to the state virtual school network.

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

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

Amend **SB 955** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill appropriately:

SECTION \_\_\_\_\_. This Act does not make an appropriation. This Act takes effect only if a specific appropriation for the implementation of the Act is provided in a general appropriations act of the 81st Legislature.

The amendment to **SB 955** was read and was adopted by a viva voce vote.

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

Absent-excused: Harris.

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

**SB 955** as amended was passed to engrossment by a viva voce vote.

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

Absent-excused: Harris.

### **SENATE BILL 955 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 955** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Harris.

#### **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 955**, 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 955** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

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

Absent-excused: Harris.

#### **SENATE BILL 337 ON SECOND READING**

On motion of Senator Deuell and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 337** at this time on its second reading:

**SB 337**, Relating to the designation of a segment of Interstate Highway 30 in Hunt County as the Martin Luther King, Jr., Freeway.

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:

Absent-excused: Harris.

#### **SENATE BILL 337 ON THIRD READING**

Senator Deuell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 337** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Harris.

#### **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 337**, 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 337** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

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

Absent-excused: Harris.

#### **SENATE BILL 985 ON SECOND READING**

On motion of Senator Davis and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 985** at this time on its second reading:

**SB 985**, Relating to the lodging expenses of certain state emergency services personnel.

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:

Absent-excused: Harris.

#### **SENATE BILL 985 ON THIRD READING**

Senator Davis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 985** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Harris.

#### **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 985**, 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 985** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

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

Absent-excused: Harris.

#### **SENATE BILL 1211 ON SECOND READING**

On motion of Senator Fraser and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1211** at this time on its second reading:

**SB 1211**, Relating to the liability of a volunteer audiologist, assistant in audiology, speech-language pathologist, or assistant in speech-language pathology.

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:

Absent-excused: Harris.

#### **SENATE BILL 1211 ON THIRD READING**

Senator Fraser moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1211** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Harris.

#### **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 1211**, 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 1211** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

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

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE  
SENATE BILL 67 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 67** at this time on its second reading:

**CSSB 67**, Relating to the imposition of background and criminal history check requirements for operators and employees of certain facilities and agencies serving children, the elderly, or persons who are disabled; providing criminal penalties.

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 67** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill appropriately:

SECTION \_\_\_\_\_. This Act does not make an appropriation. A provision in this Act that creates a new governmental program, creates a new entitlement, or imposes a new duty on a governmental entity is not mandatory during a fiscal period for which the legislature has not made a specific appropriation to implement the provision.

The amendment to **CSSB 67** was read and was adopted by a viva voce vote.

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

Absent-excused: Harris.

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

**CSSB 67** as amended was passed to engrossment by a viva voce vote.

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

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE  
SENATE BILL 67 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 67** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Harris.

**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 67**, 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 67** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

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

Absent-excused: Harris.

**SENATE BILL 817 ON SECOND READING**

Senator Shapleigh moved to suspend the regular order of business to take up for consideration **SB 817** at this time on its second reading:

**SB 817**, Relating to funding of the Communities In Schools program.

The motion prevailed.

Senators Nichols and Williams asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 817** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill appropriately:

SECTION \_\_\_\_\_. This Act does not make an appropriation. This Act takes effect only if a specific appropriation for the implementation of the Act is provided in a general appropriations act of the 81st Legislature.

The amendment to **SB 817** was read and was adopted by a viva voce vote.

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

Absent-excused: Harris.

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

**SB 817** 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: Nichols, Williams.

Absent-excused: Harris.

### SENATE BILL 817 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 817** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 3.

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

Nays: Nichols, Wentworth, Williams.

Absent-excused: Harris.

### 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 817**, 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 817** 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 28, Nays 2.

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

Nays: Nichols, Williams.

Absent-excused: Harris.

### SENATE BILL 1175 ON SECOND READING

Senator Patrick moved to suspend the regular order of business to take up for consideration **SB 1175** at this time on its second reading:

**SB 1175**, Relating to the prosecution of the offense of failure to identify.

The motion prevailed by the following vote: Yeas 21, Nays 9.

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

Nays: Davis, Ellis, Gallegos, Shapleigh, Uresti, Van de Putte, Watson, West, Williams.

Absent-excused: Harris.

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **SB 1175** (Senate committee printing) as follows:

(1) Strike the recital to SECTION 1 of the bill (page 1, lines 10 and 11) and substitute the following:

SECTION 1. Section 38.02, Penal Code, is amended by amending Subsection (a) and adding Subsection (f) to read as follows:

(2) In SECTION 1 of the bill, immediately following amended Section 38.02(a), Penal Code (page 1, between lines 17 and 18), insert the following:

(f) For purposes of this section, an arrest or detention of a person by a peace officer is lawful only if a reasonable peace officer would have arrested or detained the person under the same circumstances under which the actor was arrested or detained.

The amendment to **SB 1175** was read and was adopted by a viva voce vote.

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

Absent-excused: Harris.

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

**SB 1175** 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, Ellis, Gallegos, Shapleigh, Uresti, Van de Putte, Watson, West, Williams.

Absent-excused: Harris.

**(Senator West in Chair)**

**SENATE BILL 1049 ON THIRD READING**

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1049** be placed on its third reading and final passage:

**SB 1049**, Relating to the distribution, possession, purchase, consumption, and receipt of tobacco products; providing penalties.

The motion prevailed by the following vote: Yeas 24, Nays 6.

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

Nays: Duncan, Eltife, Estes, Jackson, Ogden, Wentworth.

Absent-excused: Harris.

**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 1049**, 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 1049** 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 25, Nays 5.

Yeas: Averitt, Carona, Davis, Deuell, Ellis, Fraser, Gallegos, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Patrick, Seliger, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Duncan, Eltife, Estes, Jackson, Ogden.

Absent-excused: Harris.

### SENATE BILL 1362 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 1362** at this time on its second reading:

**SB 1362**, Relating to a Texas Youth Commission comprehensive plan to improve student reading skills and behavior.

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **SB 1362** (committee printing) as follows:

(1) In SECTION 1 of the bill, between proposed Sections 30.106(d) and (e), Education Code (page 2, between lines 46 and 47), insert the following:

(e) A student in a Texas Youth Commission educational program may not be released on parole from the commission unless the student participates, to the extent required by commission rule, in the positive behavior support system under Subsection (c). A student in a commission educational program who exhibits deficits in reading on the assessments adopted under Subsection (b)(1) must also participate in reading instruction to the extent required by this section and by commission rule before the student may be released on parole.

(2) In SECTION 1 of the bill, in proposed Section 30.106(e), Education Code (page 2, line 47), strike "(e)" and substitute "(f)".

(3) In SECTION 1 of the bill, in proposed Section 30.106(f), Education Code (page 2, line 53), strike "(f)" and substitute "(g)".

(4) In SECTION 1 of the bill, in proposed Section 30.106(g), Education Code (page 2, line 57), strike "(g) Subsections (e) and (f)" and substitute "(h) Subsections (f) and (g)".

(5) Between SECTIONS 2 and 3 of the bill (page 2, between lines 66 and 67), insert the following new SECTION and renumber the subsequent SECTION of the bill accordingly:

SECTION 3. Section 30.106(e), Education Code, as added by this Act, applies to release on parole from the Texas Youth Commission beginning September 1, 2010.

The amendment to **SB 1362** was read and was adopted by a viva voce vote.

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

Absent-excused: Harris.

Senator Ogden offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **SB 1362** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill appropriately:

SECTION \_\_\_\_\_. This Act does not make an appropriation. A provision in this Act that creates a new governmental program, creates a new entitlement, or imposes a new duty on a governmental entity is not mandatory during a fiscal period for which the legislature has not made a specific appropriation to implement the provision.

The amendment to **SB 1362** was read and was adopted by a viva voce vote.

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

Absent-excused: Harris.

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

**SB 1362** as amended was passed to engrossment by a viva voce vote.

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

Absent-excused: Harris.

**SENATE BILL 1362 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 1362** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Harris.

**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 1362**, 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 1362** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed.

Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

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

Absent-excused: Harris.

### **SENATE BILL 1175 ON THIRD READING**

Senator Patrick moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1175** be placed on its third reading and final passage:

**SB 1175**, Relating to the prosecution of the offense of failure to identify.

The motion prevailed by the following vote: Yeas 24, Nays 6.

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

Nays: Davis, Ellis, Shapleigh, Van de Putte, Watson, Wentworth.

Absent-excused: Harris.

### **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 1175**, 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 1175** 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 22, Nays 8.

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

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

Absent-excused: Harris.

### SENATE BILL 1821 ON SECOND READING

On motion of Senator Fraser and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1821** at this time on its second reading:

**SB 1821**, Relating to a study with regard to, and the implementation of policies to promote, the adoption of plug-in hybrid electric vehicles.

The bill was read second time.

Senator Watson offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **SB 1821** (committee printing) on page 1, line 55 by adding the following subsections:

(e) The commission shall develop a pilot project, in consultation with local electric utilities or private contractors, for the establishment and operation of charging stations for plug-in hybrid electric motor vehicles in state-owned parking lots and garages, including lots and garages in the Capitol Complex, as defined by Section 411.061, Government Code.

(f) The pilot project must also include:

(1) demonstrations on the use of charging stations for plug-in hybrid electric motor vehicles in the Capitol Complex;

(2) the solicitation of demonstrations of plug-in hybrid electric motor vehicles, including pickup trucks, delivery vehicles, and buses, for use in the state vehicle fleet; and

(3) facilitation of the use of ride-sharing or car-pooling programs that use plug-in hybrid electric motor vehicles and are sponsored or promoted by local governments.

(g) The commission may solicit and accept grants, gifts, and donations from any public or private source for the purposes of this section.

The amendment to **SB 1821** was read and was adopted by a viva voce vote.

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

Absent-excused: Harris.

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

**SB 1821** as amended was passed to engrossment by a viva voce vote.

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

Absent-excused: Harris.

**SENATE BILL 1821 ON THIRD READING**

Senator Fraser moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1821** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Harris.

**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 1821**, 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 1821** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

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

Absent-excused: Harris.

**(President in Chair)****COMMITTEE SUBSTITUTE  
SENATE BILL 1254 ON SECOND READING**

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1254** at this time on its second reading:

**CSSB 1254**, Relating to general law limits on the eminent domain power of certain water and other special purpose districts.

The bill was read second time.

Senator Seliger offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1254** (Senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Section 53.001, Water Code, is amended by adding Subdivision (4) to read as follows:

(4) "Commission" means the Texas Commission on Environmental Quality.

SECTION 2. Section 53.101, Water Code, is amended to read as follows:

Sec. 53.101. PURPOSE OF DISTRICT. Fresh water supply districts may be created to conserve, transport, and distribute fresh water in or to the district from any sources for domestic and commercial purposes.

SECTION 3. Subchapter D, Chapter 53, Water Code, is amended by adding Section 53.108 to read as follows:

Sec. 53.108. LIMITATION ON USE OF EMINENT DOMAIN POWER; REQUIRED APPROVALS. (a) A district may not exercise the power of eminent domain to acquire land, an easement, or other property that is located more than five miles outside the district's boundaries unless:

(1) the commissioners court in the county in which the eminent domain power is to be exercised, after notice and hearing, officially approves the exercise; and

(2) after approval by the commissioners court, the commission issues an order approving the district's application to exercise that power.

(b) A district that seeks commission approval for the district's planned exercise of eminent domain power:

(1) shall submit to the commission a written application for approval of the exercise of that power; and

(2) shall provide notice of the application in the manner prescribed by the commission.

(c) The executive director of the commission may:

(1) grant an application if the executive director finds that:

(A) the requested exercise of the power of eminent domain is necessary and serves a purpose for which the district was created; and

(B) granting the application will:

(i) serve the public interest;

(ii) encourage regionalization of water supply and distribution; and

(iii) benefit the residents of the district; or

(2) request that the commission hold a public hearing on the application.

(d) After publication of notice, an opportunity for public comment, and an opportunity for public hearing on an application under this section, the commission may issue an order approving the application if the commission finds that:

(1) all procedural requirements have been satisfied;

(2) the requested exercise of the power of eminent domain:

(A) is necessary and serves a purpose for which the district was created;

and

(B) will encourage regionalization of water supply and distribution; and

(3) granting the request will:

(A) serve the public interest; and

(B) benefit the residents of the district.

(e) The commission by rule shall establish procedures for public notice and hearing of applications under this section. The procedures must include provision of notice to elected state and local officials who represent residents of the district and of the property proposed for condemnation.

(f) A district may not exercise the power of eminent domain to acquire land, an easement, or other property that is located more than 75 miles outside the district's boundaries.

(g) This section applies to a fresh water supply district and a district that converts from a fresh water supply district to another type of district.

SECTION 4. Section 53.108, Water Code, as added by this Act, applies only to an exercise of the power of eminent domain by a fresh water supply district for which a condemnation petition is filed on or after the effective date of this Act. An exercise of the power of eminent domain by a fresh water supply district for which a condemnation petition is filed before the effective date of this Act is governed by the law in effect on the date the condemnation petition is filed, and that law is continued in effect for that purpose.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

The amendment to **CSSB 1254** was read and was adopted by a viva voce vote.

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

Absent-excused: Harris.

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

**CSSB 1254** as amended was passed to engrossment by a viva voce vote.

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

Absent-excused: Harris.

### **COMMITTEE SUBSTITUTE SENATE BILL 1254 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 **CSSB 1254** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Harris.

**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 1254**, 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 1254** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

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

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1515 ON SECOND READING**

Senator Watson moved to suspend the regular order of business to take up for consideration **CSSB 1515** at this time on its second reading:

**CSSB 1515**, Relating to a major events trust fund and an events trust fund for sporting and non-sporting events.

The motion prevailed.

Senators Huffman, Nelson, Nichols, and 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 a viva voce vote.

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

Nays: Huffman, Nelson, Nichols, Patrick.

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1515 ON THIRD READING**

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1515** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 5.

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

Nays: Huffman, Nelson, Nichols, Patrick, Wentworth.

Absent-excused: Harris.

**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 1515**, 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 1515** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 26, Nays 4.

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

Nays: Huffman, Nelson, Nichols, Patrick.

Absent-excused: Harris.

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

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

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

On motion of Senator Estes and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Agriculture and Rural Affairs might meet today.

**SENATE RULES SUSPENDED**  
**(Posting Rules)**

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

**SB 1371, SB 1676, SB 2195, SB 2284, SB 2285, SB 2391.**

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

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

**SENATE RULES SUSPENDED**  
**(Posting Rules)**

On motion of Senator Fraser and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on State Affairs might meet and consider the following bills today: **SB 64, HB 806.**

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

Senator Uresti announced that a Local and Uncontested Calendar had been furnished to each Member of the Senate. He then gave notice that the Local and Uncontested Calendar Session would be held at 8:00 a.m. tomorrow and that all bills and resolutions would be considered on second and third reading in the order in which they were listed.

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

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

**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:

Judge, 134th Judicial District Court, Dallas County: James M. Stanton, Dallas County.

Adjutant General, Adjutant General's Department: Jose S. Mayorga, Williamson County.

Members, Advisory Committee to the Texas Board of Criminal Justice on Offenders with Medical or Mental Impairments: John M. Bradley, Williamson County; Kathy C. Flanagan, M.D., Harris County; M. Clara Hernandez, El Paso County; Kathryn J. Kotrla, M.D., Williamson County; Jan Krockner, Harris County; John L. Moore, Grayson County; Eulon Ross Taylor, M.D., Lubbock County.

Members, Governing Board, Texas School for the Blind and Visually Impaired: Mary K. Alexander, Cooke County; Gene Iran Brooks, Travis County; Bobby Druessedow, Parker County; Cynthia Phillips "Cindy" Finley, Lubbock County; Michael Edward Garrett, Fort Bend County; Joseph Muniz, Cameron County.

Member, On-site Wastewater Treatment Research Council: William F. "Dubb" Smith III, Hays County.

Members, Polygraph Examiners Board: Trenton R. Marshall, Tarrant County; Marla Spurgeon Williams, Freestone County.

Members, State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments: Robert J. Gebhard, Jr., Harris County; James F. Leffingwell, M.D., Tarrant County; Benjamin W. Norris, McLennan County; Cindy Marie Steinbart, Williamson County; Amy Trost, Guadalupe County.

Members, Statewide Health Coordinating Council: Richard L. Beard, Dallas County; Davidica Blum, Williamson County; Lourdes M. Cuellar, Harris County; James A. Endicott, Jr., Bell County; Eric W. Ford, M.P.H., Ph.D., Lubbock County; John Q. Gowan, Dallas County; Ayeez A. Lalji, Fort Bend County; Elva Concha LeBlanc, Tarrant County; Lorraine O'Donnell, Ed.D., El Paso County.

Members, Texas Board of Chiropractic Examiners: Armando Elizarde, Jr., Cameron County; Jannette A. Kurban, D.C., Tarrant County; Larry R. Montgomery, D.C., Bell County; Cynthia L. Tays, D.C., Travis County; Patrick James Thomas, Nueces County; Thomas O'Neil Turner, Bexar County.

Commissioner of Education, Texas Education Agency: Robert P. Scott, Travis County.

Members, Texas Forensic Science Commission: Samuel E. Bassett, Travis County; Alan L. Levy, Tarrant County; Sridhar Natarajan, Kendall County; Aleece B. Watts, Tarrant County.

Members, Board of Directors, Texas Health Services Authority: Alesha Adamson, Bexar County; Fred Buckwold, Harris County; Raymond F. Davis, El Paso County; David C. Fleegeer, M.D., Travis County; Matthew J. Hamlin, Denton County; Edward W. Marx, Tarrant County; Kathleen K. Mechler, Gillespie County; Donna Montemayor, Bexar County; J. Darren Rodgers, Dallas County; Manfred Sternberg, Harris County; Stephen Yurco, M.D., Travis County.

Members, Texas Lottery Commission: J. Winston Krause, Travis County; David Schenck, Dallas County; Mary Ann Williamson, Parker County.

Members, Texas Optometry Board: James Edward Dyess, Travis County; Larry Wayne Fields, Panola County; David Dixon Golden, Shelby County; Cynthia Tyson Jenkins, Dallas County; Randall N. Reichle, O.D., Harris County.

Members, Texas Private Security Board: John E. Chism, Dallas County; Charles E. Crenshaw, Travis County; Patrick A. Patterson, Bexar County; Mark L. Smith, Collin County; Doris Davis-Washington, Tarrant County.

Members, Texas State Board of Examiners for Speech-Language Pathology and Audiology: Tammy Michelle Camp, Lubbock County; Kimberly M. Carlisle, Collin County; Leila Ramirez Salmons, Harris County; Phillip L. Wilson, Dallas County.

Members, Texas State Board of Examiners of Marriage and Family Therapists: Timothy Brown, D.Min., Dallas County; Joe Ann Clack, Fort Bend County; Sandra L. DeSobe, Harris County; Michael R. Miller, Bell County; Michael R. Puhl, Collin County; Edna Reyes-Wilson, Ph.D., El Paso County; Jennifer Smothermon, Taylor County; Beverly Sue Walker Womack, Cherokee County.

Members, Texas State Board of Examiners of Psychologists: Tim F. Branaman, Collin County; Jo Ann Campbell, Taylor County; Carlos R. Chacón, El Paso County; Angela A. Downes, Dallas County; Narciso Escareno, Cameron County; Lou Ann Todd Mock, Harris County.

Members, Texas State Board of Social Worker Examiners: Jody Anne Montgomery Armstrong, Taylor County; Timothy Martel Brown, Dallas County; Stewart Ogden Geise, Travis County; Candace Y. Guillen, Cameron County; Denise V. Pratt, Harris County; Nary Spears, Harris County; Mark Talbot, Hidalgo County.

Members, Board of Directors, Texas Underground Facility Notification Corporation: Barbara J. Mathis, Angelina County; Rodney J. Unruh, Comal 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.

### **SENATE RULE 11.18(a) SUSPENDED (Public Hearings)**

On motion of Senator Averitt and by unanimous consent, Senate Rule 11.18(a) was suspended in order that the Committee on Natural Resources might consider **SB 1360** tomorrow.

### **MOTION TO ADJOURN**

On motion of Senator Whitmire and by unanimous consent, the Senate at 2:40 p.m. agreed to adjourn, in memory of firefighter Damion Jon Hobbs and Captain James Arthur Harlow, Sr., of Pasadena, upon conclusion of the Local and Uncontested Calendar Session, until 11:00 a.m. tomorrow.

## RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

### Memorial Resolutions

**SR 627** by Ellis, In memory of Gladys T. Lewis.

**SR 631** by West, In memory of Robert Ellis Guice of Dallas.

### Congratulatory Resolutions

**SR 626** by Harris, Averitt, and Davis, Recognizing Vernon Newsom on the occasion of his retirement as superintendent of the Mansfield Independent School District.

**SR 628** by Ellis, Congratulating Kelly-Ann F. Clarke for her election as Chair of the American Bar Association Young Lawyers Division.

**SR 629** by Watson, Recognizing the Austin Young Lawyers Association on the occasion of its 50th anniversary.

**SR 630** by Watson, Recognizing the Austin Children's Shelter on the occasion of its 25th anniversary.

**SR 632** by Hegar, Commending members of The Republican Women of Yoakum for their service to the community.

**SR 635** by Ellis, Recognizing Jayden Carter Arceneaux on the occasion of his first birthday.

**SR 638** by Fraser, Commending Jerry Bawcom for his contributions to the University of Mary Hardin-Baylor.

### Official Designation Resolutions

**SCR 58** by Fraser, Recognizing April 12 through 18, 2009, as Texas Fraternal Week.

**SR 637** by Gallegos, Recognizing April of 2009 as National Donate Life Month in Texas.

## RECESS

On motion of Senator Whitmire, the Senate at 2:41 p.m. recessed until 8:00 a.m. tomorrow.

---

## APPENDIX

---

## COMMITTEE REPORTS

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

April 15, 2009

INTERGOVERNMENTAL RELATIONS — **CSSB 929**, **CSSB 930**, **CSSB 931**,  
**CSSB 932**, **SB 1464**, **CSSB 1896**, **SB 1979**, **SB 2453**

STATE AFFAIRS — **SB 563**

CRIMINAL JUSTICE — **CSSB 388**

HEALTH AND HUMAN SERVICES — **CSSB 7, CSSB 526, CSSB 639, CSSB 751, CSSB 785, CSSB 893, CSSB 1064, CSSB 1329, CSSB 1411, CSSB 1877, SB 2397**

JURISPRUDENCE — **CSSB 865, CSSB 1553**

CRIMINAL JUSTICE — **SB 224**

BUSINESS AND COMMERCE — **CSSB 1097**

NATURAL RESOURCES — **SB 2051, SB 2311, SB 2312, SB 2314, SB 2315, SB 2318, SB 2319, SB 2321**

TRANSPORTATION AND HOMELAND SECURITY — **CSSJR 9, CSSB 2225**

NATURAL RESOURCES — **SJR 50**

STATE AFFAIRS — **CSSB 1629**

BUSINESS AND COMMERCE — **CSSB 545**

ADMINISTRATION — **SB 495, SB 1540, SB 2071**

HIGHER EDUCATION — **CSSB 174, CSSB 845, CSSB 1941**

ADMINISTRATION — **SB 1969** (Amended)

TRANSPORTATION AND HOMELAND SECURITY — **CSSB 585**

EDUCATION — **CSSB 892, CSSB 2308**

TRANSPORTATION AND HOMELAND SECURITY — **CSSB 1431**

EDUCATION — **SB 1726, SB 2033**

STATE AFFAIRS — **CSSB 96, CSSB 394, CSSB 551, CSSB 704, CSSB 1168, CSSB 1182, CSSB 1201, CSSB 1402, CSSB 1456**

#### **BILLS ENGROSSED**

April 14, 2009

**SB 16, SB 28, SB 727, SB 855, SB 1048, SB 1356, SB 1392, SB 1771**

#### **RESOLUTIONS ENROLLED**

April 14, 2009

**SCR 56, SR 605, SR 606, SR 607, SR 608, SR 609, SR 610, SR 611, SR 612, SR 613, SR 614, SR 616, SR 617, SR 618, SR 619, SR 620, SR 621, SR 622**

#### **SENT TO SECRETARY OF STATE**

April 15, 2009

**SCR 56**

**In Memory**  
**of**  
**Damion Jon Hobbs**  
**Senate Resolution 633**

WHEREAS, The Senate of the State of Texas joins the citizens of Houston in mourning the loss of Damion Jon Hobbs of the Houston Fire Department, who died while serving in the line of duty on April 12, 2009, at the age of 30; and

WHEREAS, Damion Hobbs was born December 24, 1978, in Alvin; he was raised in Alvin and was a 1998 graduate of Alvin High School; he fulfilled his lifelong ambition when he graduated from the Houston Fire Department's Val Jahnke Training Facility and became a firefighter at Fire Station 26 in southeast Houston; and

WHEREAS, Mr. Hobbs served the nation for a decade in the United States Army, where he had risen to the rank of staff sergeant, and he completed a 14-month deployment in Iraq in July of 2007; and

WHEREAS, The life of a firefighter is one of courage and sacrifice that requires a deep commitment from the men and women that accept this calling; Mr. Hobbs possessed these qualities in outsize quantities, exhibiting a strong sense of duty and never backing away from danger; and

WHEREAS, Mr. Hobbs was dedicated to his work, and he willingly placed his life on the line to protect the lives of others; he gave his life in the performance of his duties, and he will posthumously receive the Medal of Honor from the Houston Fire Department and the Medal of Honor from the International Association of Fire Fighters; and

WHEREAS, A remarkable man of strength and determination, his valor will be long remembered, and his family and many friends will continue to live with the cherished memories of his life and his many achievements; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby pay tribute to the life of Damion Jon Hobbs and extend sincere condolences to his bereaved family: his father, Jon Hobbs; his mother, Joyce Webb; his sisters, Janice DeShazer and Tammy and Shiela Hobbs; his stepsister, Danielle Moon; his stepbrother, Levi Webb; and his grandmother, Ruth Johnson; and, be it further

RESOLVED, That a copy of this Resolution be prepared for his family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Damion Jon Hobbs.

GALLEGOS  
JACKSON

**In Memory**  
**of**  
**James Arthur Harlow, Sr.**  
**Senate Resolution 634**

WHEREAS, The Senate of the State of Texas joins the citizens of Houston and Pasadena in mourning the loss of Captain James Arthur Harlow, Sr., who died April 12, 2009, at the age of 49; and

WHEREAS, James Harlow was born May 18, 1959; a 30-year veteran of the Houston Fire Department, James had joined the department in 1979; he was named captain at Fire Station 26 in Southeast Houston in 2004; he died a hero while serving in the line of duty fighting a fire inside a blazing home; and

WHEREAS, A man of high principles and strong character, Captain Harlow consistently displayed courage and firm resolve in both his professional and personal life; he was caring and supportive of his crew members and was known for his reassuring motto, "Everything is going to be all right"; and

WHEREAS, In honor of his exceptional dedication and bravery as a firefighter, Captain Harlow will be awarded posthumously the Medal of Honor from the Houston Fire Department and the Medal of Honor from the International Association of Firefighters; and

WHEREAS, An exemplary gentleman who was highly respected in his community, Captain Harlow was a devoted family man; he was also an avid outdoorsman who loved sports of all kinds and enjoyed hunting and fishing; and

WHEREAS, Known for his selflessness and generosity, Captain Harlow willingly confronted danger to protect others, and he had the admiration of all who knew him; and

WHEREAS, James Harlow was beloved by his family, fellow firefighters, and many friends, and he leaves behind memories that will be deeply treasured by all who were privileged to share in his life; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby extend sincere condolences to the bereaved family of James Arthur Harlow, Sr.: his wife of 29 years, Debbie Harlow; his daughter and son-in-law, Brandy Rooth and Ron; his sons and daughters-in-law, James Harlow, Jr., and Jessica and Travis Harlow and Amber; his parents, James and Virginia Harlow; his sisters, Terri Perricone and Christie Harlow; his brother, David Harlow; and his four grandchildren; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the members of his family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of James Arthur Harlow, Sr.

GALLEGOS  
JACKSON