

SENATE JOURNAL

EIGHTY-FIRST LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

THIRTY-NINTH DAY

(Friday, April 17, 2009)

The Senate met at 10:16 a.m. pursuant to adjournment and was called to order by President Pro Tempore Duncan.

The roll was called and the following Senators were present: Averitt, Davis, Deuell, Duncan, 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: Carona, Ellis, Harris.

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

The Reverend Dr. Dale A. Schultz, Saint Philip's United Methodist Church, Round Rock, offered the invocation as follows:

O God, this moment in itself is more than a pause before the day's calendar; it is this body's recognition of Your providence and power. Please receive our simple and humble effort to be aware of and receptive to Your presence with us. Lord, I lift these men and women to You. Even when at their less-than-best, their intentions are good for those whom they serve. Remember their motives for sacrificing other opportunities and choosing to serve the common good of the State of Texas. As this week draws toward its end, guide our Legislature to effective accomplishments. Protect them from undeserved criticism. Let them feel Your grace and love for them, to them, with them, and through them. 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.

LEAVES OF ABSENCE

On motion of Senator Whitmire, Senator Carona was granted leave of absence for today on account of important business.

On motion of Senator Whitmire, Senator Ellis was granted leave of absence for today on account of important business.

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

CO-AUTHOR OF SENATE BILL 9

On motion of Senator Zaffirini, Senator Deuell will be shown as Co-author of **SB 9**.

CO-AUTHOR OF SENATE BILL 45

On motion of Senator Zaffirini, Senator West will be shown as Co-author of **SB 45**.

CO-AUTHORS OF SENATE BILL 145

On motion of Senator Ellis, Senators Van de Putte and West will be shown as Co-authors of **SB 145**.

CO-AUTHORS OF SENATE BILL 469

On motion of Senator Carona, Senators Deuell, Nelson, and Zaffirini will be shown as Co-authors of **SB 469**.

CO-AUTHOR OF SENATE BILL 471

On motion of Senator Carona, Senator Shapiro will be shown as Co-author of **SB 471**.

CO-AUTHOR OF SENATE BILL 495

On motion of Senator Hinojosa, Senator West will be shown as Co-author of **SB 495**.

CO-AUTHOR OF SENATE BILL 563

On motion of Senator Jackson, Senator Lucio will be shown as Co-author of **SB 563**.

CO-AUTHOR OF SENATE BILL 816

On motion of Senator Patrick, Senator West will be shown as Co-author of **SB 816**.

CO-AUTHOR OF SENATE BILL 861

On motion of Senator Wentworth, Senator West will be shown as Co-author of **SB 861**.

CO-AUTHOR OF SENATE BILL 911

On motion of Senator Williams, Senator Huffman will be shown as Co-author of **SB 911**.

CO-AUTHOR OF SENATE BILL 1313

On motion of Senator Shapiro, Senator Eltife will be shown as Co-author of **SB 1313**.

CO-AUTHOR OF SENATE BILL 1380

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

CO-AUTHOR OF SENATE BILL 1381

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

CO-AUTHOR OF SENATE BILL 1411

On motion of Senator West, Senator Uresti will be shown as Co-author of **SB 1411**.

CO-AUTHOR OF SENATE BILL 1715

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

CO-AUTHOR OF SENATE BILL 2017

On motion of Senator Watson, Senator Shapleigh will be shown as Co-author of **SB 2017**.

CO-AUTHOR OF SENATE BILL 2105

On motion of Senator Uresti, Senator Deuell will be shown as Co-author of **SB 2105**.

CO-AUTHOR OF SENATE BILL 2275

On motion of Senator Seliger, Senator Davis will be shown as Co-author of **SB 2275**.

CO-AUTHOR OF SENATE BILL 2277

On motion of Senator Ellis, Senator Williams will be shown as Co-author of **SB 2277**.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 35

On motion of Senator Nichols, Senator Nelson will be shown as Co-author of **SCR 35**.

CO-SPONSORS OF HOUSE BILL 873

On motion of Senator Deuell, Senators Hinojosa and Patrick will be shown as Co-sponsors of **HB 873**.

MESSAGES FROM THE GOVERNOR

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

Austin, Texas
April 16, 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 Council on Cardiovascular Disease and Stroke for terms to expire as indicated:

To Expire February 1, 2013:

Clyde W. Yancy, M.D.

DeSoto, Texas

(pursuant to Health and Safety Code Chapter 93, Section 93.0002)

To Expire February 1, 2015:

Melbert Carl "Bob" Hillert, Jr., M.D.

Dallas, Texas

(pursuant to Health and Safety Code Chapter 93, Section 93.0002)

Thomas E. Tenner, Jr., Ph.D.

Lubbock, Texas

(pursuant to Health and Safety Code Chapter 93, Section 93.0002)

To be a member of the Cancer Prevention and Research Institute of Texas Oversight Committee for a term to expire December 4, 2011:

Faith Simmons Johnson

DeSoto, Texas

(Judge Johnson is replacing Jeanne L. Phillips of Dallas who resigned)

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

Diego Demaya

Houston, Texas

(replacing Joseph Muniz of Harlingen whose term expired)

Berkley Dyer

Austin, Texas

(replacing Robin Riccardi of Spring whose term expired)

Mary Taylor "Jody" Unruh

Houston, Texas

(replacing Connie Hughes of Idalou whose term expired)

Respectfully submitted,

/s/Rick Perry

Governor

PHYSICIAN OF THE DAY

Senator West was recognized and presented Dr. Antony Anderson of Duncanville as the Physician of the Day.

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

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate Attorney General Luis Carlos Treviño Berchelmann of Nuevo León, Mexico, and his Special Assistant Eván De La Gárza, accompanied by Attorney General Greg Abbott.

The Senate welcomed its guests.

(Senator Eltife in Chair)**PERMISSION TO INTRODUCE BILL**

On motion of Senator Whitmire and by unanimous consent, Senate Rule 7.07(b) was suspended to permit the introduction of the following bill: **SB 2534**.

SENATE BILLS ON FIRST READING

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

SB 2531 by Gallegos

Relating to the creation of the Harris County Improvement District No. 15; providing authority to impose an assessment, impose a tax, and issue bonds.

To Committee on Intergovernmental Relations.

SB 2532 by Hinojosa

Relating to the governing body of the Agua Special Utility District.

To Committee on Intergovernmental Relations.

SB 2533 by Estes

Relating to the creation of the Lake Texoma Municipal Utility District No. 1; providing authority to impose a tax or assessment and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

SB 2534 by Wentworth

Relating to the creation of an interagency task force on economic growth and endangered species; providing information and direction regarding endangered species issues in certain areas of the state; making an appropriation.

To Committee on Natural Resources.

SB 2535 by Wentworth

Relating to the creation of the Guadalupe County Development and Management District.

To Committee on Intergovernmental Relations.

(President Pro Tempore Duncan in Chair)**CONCLUSION OF MORNING CALL**

The President Pro Tempore at 10:35 a.m. announced the conclusion of morning call.

**SENATE CONCURRENT RESOLUTION 33
ON SECOND READING**

The President Pro Tempore laid before the Senate **SCR 33** by Senator Jackson on its second reading. The resolution had been read second time and further consideration postponed:

SCR 33, Granting Betty Bardwell permission to sue the State of Texas, The University of Texas Medical Branch at Galveston, and the Office of the Attorney General.

Question — Shall **SCR 33** be adopted?

Senator Jackson offered the following amendment to the resolution:

Floor Amendment No. 1

Amend **SCR 33** (committee report version) by striking lines 49 through 52 and inserting the following:

(15) Bradley C. McCellan is ultimately responsible for the altered release form.

And, add the following RESOLVED clauses after the first resolved clause (page 1, line 58):

RESOLVED, That the aggregate of all amounts awarded in a suit authorized by this resolution, including damages, court costs, attorney's fees, and prejudgment interest awarded under law, may not exceed \$500,000, that the plaintiff may not plead relief in excess of that amount in a suit authorized by this resolution, and that this is the total aggregate amount that may be recovered by the person named in this resolution with respect to any and all causes of action, including breach of contract, that relate to or arise from the facts and circumstances described in this resolution; and, be it further

RESOLVED, That neither the state, nor any of its employees, agents, departments, agencies, or political subdivisions, admits to liability for, or to the truth of, any allegation asserted by the claimant; and, be it further

The amendment to **SCR 33** 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: Carona, Ellis, Harris.

SCR 33 as amended failed of adoption by the following vote: Yeas 11, Nays 17.

Yeas: Davis, Gallegos, Jackson, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Averitt, Deuell, Duncan, Eltife, Estes, Fraser, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Williams.

Absent-excused: Carona, Ellis, Harris.

**COMMITTEE SUBSTITUTE
SENATE BILL 861 ON THIRD READING**

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 861** at this time on its third reading and final passage:

CSSB 861, Relating to the exchange of information among certain governmental entities concerning at-risk youth.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Carona, Ellis, Harris.

SENATE BILL 896 ON SECOND READING

Senator Shapleigh moved to suspend the regular order of business to take up for consideration **SB 896** at this time on its second reading:

SB 896, Relating to the repeal of the driver responsibility program.

The motion prevailed.

Senators Averitt, Nelson, Ogden, Patrick, and Williams asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Shapiro offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 896** (Senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Section 708.151, Transportation Code, is amended to read as follows:

Sec. 708.151. NOTICE OF SURCHARGE. (a) The department shall send notices as required by Subsection (b) to ~~notify~~ the holder of a driver's license when ~~of the assessment of~~ a surcharge is assessed on that license. Each notice must:

(1) be sent by first class mail ~~sent~~ to the person's most recent address as shown on the records of the department;

(2) ~~The notice must~~ specify the date by which the surcharge must be paid; and

(3) state the consequences of a failure to pay the surcharge.

(b) The department shall send a first notice not later than the fifth day after the date the surcharge is assessed. If before the 30th day after the date the first notice was sent the person fails to pay the amount of the surcharge or fails to enter into an installment payment agreement with the department, the department shall send a second notice. If before the 30th day after the date the second notice was sent the person fails to pay the amount of the surcharge or fails to enter into an installment payment agreement with the department, the department shall send a third notice.

SECTION 2. Section 708.152(a), Transportation Code, is amended to read as follows:

(a) If before the 30th day after the date the department sends a third notice under Section 708.151 the person fails to pay the amount of a surcharge on the person's license or fails to enter into an installment payment agreement with the department, the license of the person is automatically suspended.

SECTION 3. Section 708.153(b), Transportation Code, is amended to read as follows:

(b) A rule under this section:

(1) may not require ~~permit~~ a person to pay a surcharge over a period of less ~~more~~ than 36 consecutive months; and

(2) may provide that if the person fails to make a required installment payment, the department may reestablish the installment plan or declare the amount of the unpaid surcharge immediately due and payable.

SECTION 4. Subchapter D, Chapter 708, Transportation Code, is amended by adding Section 708.158 to read as follows:

Sec. 708.158. JURISDICTION. (a) For the time a surcharge under this chapter is outstanding, the court in which a person is convicted of the offense that is the basis for the surcharge has jurisdiction over the person, the department, and all agents of the department regarding all matters relating to the surcharge.

(b) The court may reduce or waive a surcharge under this chapter. A person who is assessed a surcharge may file a pleading, request a hearing, or otherwise invoke the jurisdiction of the court described by Subsection (a) at any time the person is required to pay a surcharge or is subject to any other enforcement procedure described by this chapter.

(c) The department may not assess a surcharge against a person who is indigent. For the purposes of this subsection, a person is indigent if:

(1) the person provides evidence described by Subsection (d) to the court in which the person is convicted of the offense that is the basis for the surcharge; or

(2) the person is a full-time student who:

(A) is enrolled in a public, private, or independent institution of higher education; and

(B) provides evidence described by Subsection (d) to the court in which the person is convicted of the offense that is the basis for the surcharge.

(d) A person must provide the following information to the court in which the person is convicted of the offense that is the basis for the surcharge as evidence that the person's income or the person's household income does not exceed 200 percent of the applicable income level established by the federal poverty guidelines:

(1) a copy of the person's most recent federal income tax return;

(2) a copy of the person's most recent statement of wages; or

(3) documentation from a federal agency, state agency, or school district that indicates that the person or a member of the person's family with whom the person resides receives assistance from:

(A) the food stamp program or the financial assistance program established under Chapter 31, Human Resources Code;

(B) the federal special supplemental nutrition program for women, infants, and children authorized by 42 U.S.C. Section 1786;

(C) the medical assistance program under Chapter 32, Human Resources Code;

(D) the child health plan program under Chapter 62, Health and Safety Code; or

(E) the national free or reduced-price lunch program established under 42 U.S.C. Section 1751 et seq.

(e) If a court holds a hearing and finds that a person is indigent based on the information provided to the court by the person under Subsection (d), the court shall notify the department that the person is indigent.

SECTION 5. Subchapter B, Chapter 708, Transportation Code, is amended by adding Section 708.056 to read as follows:

Sec. 708.056. DEDUCTION OF POINTS. The department by rule shall establish a procedure to provide for the deduction of one point accumulated by a person under this subchapter to account for each year that the person has not accumulated points under this subchapter.

SECTION 6. The changes in law made by this Act apply only to a surcharge that is assessed on or after the effective date of this Act. A surcharge that was assessed before the effective date of this Act is subject to the law in effect on the date the surcharge was assessed, and that law is continued in effect for that purpose.

SECTION 7. This Act takes effect September 1, 2009.

SHAPIRO
SHAPLEIGH

The amendment to **SB 896** 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: Carona, Ellis, 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 896 as amended was passed to engrossment by the following vote: Yeas 23, Nays 5.

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

Nays: Averitt, Nelson, Ogden, Patrick, Williams.

Absent-excused: Carona, Ellis, Harris.

SENATE BILL 896 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 896** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 23, Nays 5.

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

Nays: Nelson, Ogden, Patrick, Wentworth, Williams.

Absent-excused: Carona, Ellis, 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 896**, 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 896** 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 23, Nays 5.

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

Nays: Averitt, Nelson, Ogden, Patrick, Williams.

Absent-excused: Carona, Ellis, Harris.

HOUSE BILL 873 ON SECOND READING

On motion of Senator Deuell and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 873** at this time on its second reading:

HB 873, Relating to incentives for the film, television, video, and digital interactive media production industries.

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

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

Nays: Hegar.

Absent-excused: Carona, Ellis, Harris.

HOUSE BILL 873 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 **HB 873** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Wentworth.

Absent-excused: Carona, Ellis, 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 **HB 873**, 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 **HB 873** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 27, Nays 1.

Nays: Hegar.

Absent-excused: Carona, Ellis, Harris.

**COMMITTEE SUBSTITUTE
SENATE BILL 1900 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 1900** at this time on its second reading:

CSSB 1900, Relating to the abolition of the Texas cultural endowment fund.

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: Carona, Ellis, Harris.

**COMMITTEE SUBSTITUTE
SENATE BILL 1900 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 1900** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Wentworth.

Absent-excused: Carona, Ellis, 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 1900**, 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 1900** 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 0.

Absent-excused: Carona, Ellis, Harris.

SENATE BILL 1490 ON SECOND READING

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1490** at this time on its second reading:

SB 1490, Relating to requirements for the conduct of Texas Education Agency special education due process hearings.

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: Carona, Ellis, Harris.

SENATE BILL 1490 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 **SB 1490** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Wentworth.

Absent-excused: Carona, Ellis, 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 1490**, 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 1490** 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 0.

Absent-excused: Carona, Ellis, Harris.

**COMMITTEE SUBSTITUTE
SENATE BILL 1715 ON SECOND READING**

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1715** at this time on its second reading:

CSSB 1715, Relating to the requirements for a smoke detector in a multifamily residential unit.

The bill was read second time.

Senator West offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1715** (committee printing) as follows:

(1) Between the enacting clause and SECTION 1 of the bill, on page 1, between lines 12 and 13, insert the following:

SECTION 1. This bill is enacted to honor the memory of Sephra Burks.

(2) In SECTION 1 of the bill, in proposed Section 92.254(a-1), Property Code (page 1, line 28), between "person with a" and "disability", insert "hearing-impairment".

(3) In SECTION 1 of the bill, in proposed Section 92.254(a-1), Property Code (page 1, line 29), between "person with a" and "disability", insert "hearing-impairment".

(4) Renumber the remaining SECTIONS of the bill accordingly.

The amendment to **CSSB 1715** 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: Carona, Ellis, 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 1715 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: Carona, Ellis, Harris.

**COMMITTEE SUBSTITUTE
SENATE BILL 1715 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 1715** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Wentworth.

Absent-excused: Carona, Ellis, 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 1715**, 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 1715** 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 0.

Absent-excused: Carona, Ellis, Harris.

**COMMITTEE SUBSTITUTE
SENATE BILL 835 ON SECOND READING**

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 835** at this time on its second reading:

CSSB 835, Relating to powers of the Port of Corpus Christi Authority of Nueces County, Texas, pertaining to land in and adjacent to Naval Station Ingleside.

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 835** in SECTION 1 of the bill, added Section 1(3)(A), Chapter 397, Acts of the 68th Legislature, Regular Session, 1983 (committee printing, page 1, line 35), between "closes" and the semicolon, by inserting:
, other than property that the authority purchased from this state under Article 8225, Revised Statutes, or that was granted to the authority by this state under any general or special Act

The amendment to **CSSB 835** 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: Carona, Ellis, Harris.

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

CSSB 835 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: Carona, Ellis, Harris.

**COMMITTEE SUBSTITUTE
SENATE BILL 835 ON THIRD READING**

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 835** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Wentworth.

Absent-excused: Carona, Ellis, 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 835**, 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 835** 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 0.

Absent-excused: Carona, Ellis, Harris.

**COMMITTEE SUBSTITUTE
SENATE BILL 639 ON SECOND READING**

Senator Lucio moved to suspend the regular order of business to take up for consideration **CSSB 639** at this time on its second reading:

CSSB 639, Relating to the rights of persons with intellectual or developmental disabilities residing in state schools.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Ogden.

Absent-excused: Carona, Ellis, Harris.

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: Carona, Ellis, Harris.

**COMMITTEE SUBSTITUTE
SENATE BILL 639 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 639** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Wentworth.

Absent-excused: Carona, Ellis, 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 639**, 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 639** 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 0.

Absent-excused: Carona, Ellis, Harris.

SENATE BILL 1988 ON SECOND READING

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1988** at this time on its second reading:

SB 1988, Relating to the Texas Rural Investment Fund.

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: Carona, Ellis, Harris.

SENATE BILL 1988 ON THIRD READING

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1988** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Wentworth.

Absent-excused: Carona, Ellis, 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 1988**, 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 1988** 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 0.

Absent-excused: Carona, Ellis, Harris.

COMMITTEE SUBSTITUTE SENATE BILL 1255 ON SECOND READING

On motion of Senator Shapiro and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1255** at this time on its second reading:

CSSB 1255, Relating to a state intercept credit enhancement program for certain bonds issued by school districts.

The bill was read second time.

Senator Shapiro offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1255** (committee printing) as follows:

(1) In SECTION 1 of the bill, in proposed Section 45.252(c), Education Code (page 1, line 40), between "bonds mature" and the period, insert "or are defeased in accordance with state law".

(2) In SECTION 1 of the bill, in proposed Section 45.257(a), Education Code (page 2, line 28), strike "the manner" and substitute "substantially the same manner".

(3) In SECTION 1 of the bill, in proposed Section 45.259(d), Education Code (page 2, line 63), strike "date of or any payment of interest on" and substitute "date of, or any payment of interest on,".

(4) In SECTION 1 of the bill, in proposed Section 45.261, Education Code (page 3, lines 34-40), strike proposed Subsection (e) and substitute the following:

(e) Any part of a school district's tax rate attributable to producing revenue for purposes of Subsection (c)(1) is considered part of the district's:

(1) current debt rate for purposes of computing a rollback tax rate under Section 26.08, Tax Code; and

(2) interest and sinking fund tax rate.

(5) In SECTION 2 of the bill, in amended Section 45.052(b), Education Code (page 4, line 4), between "bonds mature" and the period, insert "or are defeased in accordance with state law".

The amendment to **CSSB 1255** 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: Carona, Ellis, Harris.

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

CSSB 1255 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: Carona, Ellis, Harris.

COMMITTEE SUBSTITUTE SENATE BILL 1255 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 **CSSB 1255** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Wentworth.

Absent-excused: Carona, Ellis, 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 1255**, 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 1255** 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 0.

Absent-excused: Carona, Ellis, Harris.

SENATE BILL 598 ON SECOND READING

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 598** at this time on its second reading:

SB 598, Relating to a pilot revolving loan program for retrofitting public school buildings with photovoltaic solar panels and associated energy efficiency improvements.

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: Carona, Ellis, Harris.

SENATE BILL 598 ON THIRD READING

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 598** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Wentworth.

Absent-excused: Carona, Ellis, 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 598**, 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 598** 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 0.

Absent-excused: Carona, Ellis, Harris.

**COMMITTEE SUBSTITUTE
SENATE BILL 1662 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 1662** at this time on its second reading:

CSSB 1662, Relating to the punishment for the offense of breach of computer security.

The bill was read second time.

Senator Seliger offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1662** (Senate committee printing) in SECTION 2 of the bill, in proposed Section 33.02(b-2)(3), Penal Code (page 2, lines 5 through 8), by striking proposed Paragraph (B) and substituting the following:

(B) the aggregate amount involved is any amount less than \$200,000 and the computer, computer network, or computer system is owned by the government or a critical infrastructure facility; or

The amendment to **CSSB 1662** 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: Carona, Ellis, 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 1662 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: Carona, Ellis, Harris.

**COMMITTEE SUBSTITUTE
SENATE BILL 1662 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 1662** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Wentworth.

Absent-excused: Carona, Ellis, 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 1662**, 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 1662** 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 0.

Absent-excused: Carona, Ellis, Harris.

COMMITTEE SUBSTITUTE SENATE BILL 249 ON SECOND READING

On motion of Senator Shapleigh and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 249** at this time on its second reading:

CSSB 249, Relating to optional fees on the registration of a vehicle imposed by certain counties.

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: Carona, Ellis, Harris.

COMMITTEE SUBSTITUTE SENATE BILL 249 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 **CSSB 249** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Wentworth.

Absent-excused: Carona, Ellis, 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 249**, 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 249** 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 0.

Absent-excused: Carona, Ellis, Harris.

(Senator Eltife in Chair)**COMMITTEE SUBSTITUTE
SENATE BILL 390 ON SECOND READING**

On motion of Senator Patrick and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 390** at this time on its second reading:

CSSB 390, Relating to confidentiality of certain information under the public information law and in local tax appraisal records regarding federal law enforcement officers.

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: Carona, Ellis, Harris.

**COMMITTEE SUBSTITUTE
SENATE BILL 390 ON THIRD READING**

Senator Patrick moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 390** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Wentworth.

Absent-excused: Carona, Ellis, 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 390**, 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 390** 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 0.

Absent-excused: Carona, Ellis, Harris.

COMMITTEE SUBSTITUTE SENATE BILL 526 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 526** at this time on its second reading:

CSSB 526, Relating to grants for federally qualified health centers.

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 526** 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 **CSSB 526** 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: Carona, Ellis, 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 526 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: Carona, Ellis, Harris.

**COMMITTEE SUBSTITUTE
SENATE BILL 526 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 526** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Wentworth.

Absent-excused: Carona, Ellis, 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 526**, 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 526** 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 0.

Absent-excused: Carona, Ellis, Harris.

**COMMITTEE SUBSTITUTE
SENATE JOINT RESOLUTION 18 ON SECOND READING**

Senator Ogden moved to suspend the regular order of business to take up for consideration **CSSJR 18** at this time on its second reading:

CSSJR 18, Proposing a constitutional amendment authorizing the legislature to permit the Texas Transportation Commission, subject to legislative review and approval, to designate the area adjacent to a state highway project as a transportation finance zone and dedicating the proceeds of the state sales and use taxes imposed in a transportation finance zone to the Texas Mobility Fund for certain purposes.

The motion prevailed by the following vote: Yeas 25, Nays 3.

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

Nays: Seliger, Van de Putte, Watson.

Absent-excused: Carona, Ellis, Harris.

The resolution was read second time.

Senator Ogden offered the following amendment to the resolution:

Floor Amendment No. 1

Amend **CSSJR 18** (Senate committee printing), in SECTION 1 of the resolution, added Section 49-k(e-1), Article III, Texas Constitution (page 1, line 31), by striking "legislature" and substituting "entity designated by the legislature in the general law".

The amendment to **CSSJR 18** 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: Carona, Ellis, Harris.

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

CSSJR 18 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, Van de Putte, Watson.

Absent-excused: Carona, Ellis, Harris.

COMMITTEE SUBSTITUTE SENATE JOINT RESOLUTION 18 ON THIRD READING

Senator Ogden moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSJR 18** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 4.

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

Nays: Seliger, Van de Putte, Watson, Wentworth.

Absent-excused: Carona, Ellis, 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 **CSSJR 18**, 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 **CSSJR 18** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

The resolution was read third time and was passed by the following vote: Yeas 25, Nays 3.

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

Nays: Seliger, Van de Putte, Watson.

Absent-excused: Carona, Ellis, Harris.

REMARKS ORDERED PRINTED

On motion of Senator Gallegos and by unanimous consent, the exchange between Senators Ogden and Gallegos regarding **CSSJR 18** was ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Gallegos: Senator Ogden, let me ask you, and the first thing that came to mind when I looked at the bill was, and let me give you the example, is, my, the road and bridge fee that we pay every time we renew our licenses at, in Harris County what we're doing is, everybody on the road and bridge fee comes to Austin, and then it is redistributed back to Harris County. And I did a study on five years, and of that road bridge fee that Harris County taxpayers pay, was 100 million over that period. Then I, then my second question was, when it's redistributed, where does it go? Five percent, five percent of that 100 million went strictly to inside the city in Harris County, and the other 95 percent went outside, outside of the city, 65 percent of the total 100 million was paid for by City of Houston taxpayers that are in Harris County. And my question to you is, that's just an example of what I'm thinking on this bill, is that in that, in this zone that you're talking about, and the sales tax that are going to be

collected in that, in that area, that the monies that are collected in that area go strictly to that area and nowhere else. And you're talking about redistributing the money, or the money goes into a certain mobility fund—

Senator Ogden: No, Sir. No, Sir. No, Sir.

Senator Gallegos: Well, then walk me, walk me through the—

Senator Ogden: If it, if this project was approved for your district, pick a place, we would, we would draw a rectangle around the project, and I think the maximum distance on either side of the project is two miles.

Senator Gallegos: Alright.

Senator Ogden: All of the sales tax that's collected inside that box would go to pay off the debt that was used to build that road. There is nothing in this constitutional amendment or in my enabling legislation that would allow us to divert that money for some other purpose. So, it's a sales tax increment financing to pay the debt on the road that's running through your district.

Senator Gallegos: Okay. So, that, I mean, and that language will be on the ballot?

Senator Ogden: Yeah, well, let's see, I mean, I think it'll be in enabling legislation. But, let me see what the, if your question is answered in this constitutional amendment.

(Pause)

Senator Ogden: The designation of an area as a transportation finance zone must be reviewed and approved by the Legislature before the designation may take effect. In addition to other sources of revenue, there is dedicated to the fund proceeds of a state tax that is established by general law. This is the sales tax.

Senator Gallegos: Senator, I don't have a problem with—

Senator Ogden: Alright. But, but here, here's the—

Senator Gallegos: Okay, alright.

Senator Ogden: Here's the answer to your question. Money collected within the boundaries of a transportation finance zone and deposited to the credit of the fund under this subsection may be used only, may be used only for the purpose of paying the principal of and interest on obligations issued under Subsection (d) of this section or related credit agreement. And those obligations are to build a highway. So, this constitutional amendment limits where that money would go.

Senator Gallegos: Okay. So, if, and I just heard you, it's in, it's in the bill, but if any funds are redirected and we find out about it, who do, I mean, under this bill, who are we going to hold accountable as far as, you know, redistributing the funds that are not—

Senator Ogden: Well—

Senator Gallegos: That are not conforming—

Senator Ogden: I had, I guess—

Senator Gallegos: With the legislation that you, that you passed—

Senator Ogden: I guess the answer—

Senator Gallegos: Passed here?

Senator Ogden: I guess the answer would be the guilty party. We'd hold accountable the guilty party, because it's the intent of this constitutional amendment and the legislation to make sure that the sales taxes that are collected in that box only go for the purpose of paying off the debt on the road that's running through the middle of the box.

Senator Gallegos: Thanks, but, thank you.

Senator Ogden: So, thank you.

**COMMITTEE SUBSTITUTE
SENATE BILL 912 ON SECOND READING**

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 912** at this time on its second reading:

CSSB 912, Relating to the diversion of a controlled substance by certain persons who have access to the substance by virtue of the person's profession or employment; providing penalties.

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: Carona, Ellis, Harris.

**COMMITTEE SUBSTITUTE
SENATE BILL 912 ON THIRD READING**

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 912** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Wentworth.

Absent-excused: Carona, Ellis, 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 912**, 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 912** 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 0.

Absent-excused: Carona, Ellis, Harris.

COMMITTEE SUBSTITUTE
SENATE BILL 7 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 7** at this time on its second reading:

CSSB 7, Relating to strategies for and improvements in quality of health care and care management provided through health care facilities and through the child health plan and medical assistance programs designed to improve health outcomes.

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 7** 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 **CSSB 7** 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: Carona, Ellis, 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 7 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: Carona, Ellis, Harris.

**COMMITTEE SUBSTITUTE
SENATE BILL 7 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 7** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Wentworth.

Absent-excused: Carona, Ellis, 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 7**, 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 7** 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 0.

Absent-excused: Carona, Ellis, Harris.

RECESS

On motion of Senator Whitmire, the Senate at 12:50 p.m. recessed until 1:15 p.m. today.

AFTER RECESS

The Senate met at 2:26 p.m. and was called to order by the President.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Congratulatory Resolutions

SR 645 by Seliger, Recognizing the winners of the Search for Solutions competition at the 2008 Texas Leadership Forum.

SR 646 by Hinojosa, Congratulating Yolanda Garcia Olivarez for being selected as a 2009 Texas Sor Juana Women of Achievement honoree.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 2:27 p.m. adjourned, in memory of Sephra, Antonio, and Vivianna Burks, until 11:00 a.m. Monday, April 20, 2009.

APPENDIX

COMMITTEE REPORTS

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

April 17, 2009

CRIMINAL JUSTICE — **CSSB 1374**

STATE AFFAIRS — **CSSB 1548**

HEALTH AND HUMAN SERVICES — **SB 1092, SB 1217, SB 1271, SB 1626, SB 1837, CSSB 1878, CSSB 1879, CSSB 1880, CSSB 1954**

FINANCE — **CSSB 263, CSSB 1350**

EDUCATION — **CSSB 1460**

TRANSPORTATION AND HOMELAND SECURITY — **CSSB 1351, CSSB 1353**

NATURAL RESOURCES — **CSSB 2296, CSSB 1378, CSSB 1387, CSSB 726, CSSB 2111**

BUSINESS AND COMMERCE — **CSSB 472, CSSB 1596, CSSB 1492, CSSB 265, CSSB 1181, CSSB 1335**

TRANSPORTATION AND HOMELAND SECURITY — **CSSB 418**

INTERNATIONAL RELATIONS AND TRADE — **CSSB 2391**

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — **SR 416, SB 2135, SB 1145, SB 1240, SB 1903**

HEALTH AND HUMAN SERVICES — **CSSB 1230, CSSB 1612, CSSB 2396**

JURISPRUDENCE — **CSSB 1625**

TRANSPORTATION AND HOMELAND SECURITY — **CSSB 1383, CSHB 2433, CSSB 1028, CSSB 2153**

STATE AFFAIRS — **SB 42, SB 64, SB 1106, SB 1795, SB 1807, SB 1808, SB 2154, SB 2226, SB 2324, SJR 44**

CRIMINAL JUSTICE — **CSSB 112**

INTERGOVERNMENTAL RELATIONS — **SB 588, SB 660, SB 894, SB 1039, SB 1554, SB 2410, SB 2455, SB 2460, SB 2466, SB 2479, SB 2483**

HIGHER EDUCATION — **HB 602**

INTERGOVERNMENTAL RELATIONS — **CSSB 1448, CSSB 1638, CSSB 1705, CSSB 1860, CSSB 2053, CSSB 2478**

BILLS AND RESOLUTION ENGROSSED

April 16, 2009

SB 53, SB 100, SB 117, SB 203, SB 232, SB 233, SB 254, SB 378, SB 586, SB 587, SB 595, SB 616, SB 654, SB 755, SB 809, SB 836, SB 842, SB 876, SB 911, SB 917, SB 918, SB 983, SB 1009, SB 1016, SB 1027, SB 1035, SB 1053, SB 1057, SB 1058, SB 1103, SB 1105, SB 1110, SB 1152, SB 1163, SB 1205, SB 1207, SB 1223, SB 1225, SB 1228, SB 1264, SB 1274, SB 1281, SB 1295, SB 1305, SB 1311, SB 1314, SB 1328, SB 1414, SB 1436, SB 1437, SB 1439, SB 1440, SB 1441, SB 1447, SB 1449, SB 1458, SB 1463, SB 1472, SB 1477, SB 1478, SB 1485, SB 1514, SB 1516, SB 1544, SB 1549, SB 1572, SB 1574, SB 1592, SB 1619, SB 1633, SB 1655, SB 1681, SB 1684, SB 1712, SB 1732, SB 1742, SB 1814, SB 1815, SB 1818, SB 1838, SB 1916, SB 1920, SB 1940, SB 1952, SB 1959, SB 1965, SB 1966, SB 1973, SB 1997, SB 2043, SB 2163, SB 2169, SJR 52

RESOLUTIONS ENROLLED

April 16, 2009

SR 570, SR 636, SR 639, SR 640, SR 641, SR 643, SR 644

