

SENATE JOURNAL

EIGHTY-FIRST LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FORTIETH DAY

(Monday, April 20, 2009)

The Senate met at 11:09 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, 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 Pro Tempore announced that a quorum of the Senate was present.

Rabbi Brian Strauss, Congregation Beth Yeshurun, Houston, offered the invocation as follows:

Almighty God and universal father over all of mankind, we are grateful to You for the ability to gather today with our fellow elected officials who strive for the betterment of our state and the lives of all those who call Texas home. We beseech You, eternal God, to guide us in our sacred task of protecting and preserving the fundamental human liberties of all our citizens. Help us, O God, in this quest by allowing us to seek the wisdom and counsel of those who came before us. Our Lord, our God, we also recall a verse from the book of Leviticus that reminds us that our country was founded on biblical precepts: Proclaim liberty throughout the land, for all of its inhabitants. Almighty God, source of all knowledge and wisdom, let us also remember the words of Your prophet Micah who stated: It has been told to you, O mortal, what is good and what the Lord requires of you: only to act justly, to love mercy, and to walk humbly with your God. O holy one, blessed be He, hearing these and other inspiring, time-tested words gives us the confidence and motivation we need to make sure that through our work, this great state will continue to be an influence for good throughout the world, uniting all people in peace and freedom, helping them to fulfill the vision of Your prophet Amos: Let justice roll on like a mighty river, righteousness like a never-ending stream. And to this, let us all say, Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of Friday, April 17, 2009, 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 9

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

CO-AUTHOR OF SENATE BILL 116

On motion of Senator Ellis, Senator Hinojosa will be shown as Co-author of **SB 116**.

CO-AUTHOR OF SENATE BILL 263

On motion of Senator Carona, Senator Shapiro will be shown as Co-author of **SB 263**.

CO-AUTHOR OF SENATE BILL 265

On motion of Senator Hinojosa, Senator Zaffirini will be shown as Co-author of **SB 265**.

CO-AUTHOR OF SENATE BILL 475

On motion of Senator Wentworth, Senator Patrick will be shown as Co-author of **SB 475**.

CO-AUTHOR OF SENATE BILL 629

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

CO-AUTHOR OF SENATE BILL 982

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

CO-AUTHOR OF SENATE BILL 1217

On motion of Senator Shapiro, Senator Uresti will be shown as Co-author of **SB 1217**.

CO-AUTHOR OF SENATE BILL 1230

On motion of Senator Van de Putte, Senator Nelson will be shown as Co-author of **SB 1230**.

CO-AUTHOR OF SENATE BILL 1350

On motion of Senator Carona, Senator Shapiro will be shown as Co-author of **SB 1350**.

CO-AUTHOR OF SENATE BILL 1459

On motion of Senator Shapiro, Senator West will be shown as Co-author of **SB 1459**.

CO-AUTHOR OF SENATE BILL 1612

On motion of Senator Lucio, Senator Zaffirini will be shown as Co-author of **SB 1612**.

CO-AUTHOR OF SENATE BILL 1760

On motion of Senator Watson, Senator Zaffirini will be shown as Co-author of **SB 1760**.

CO-AUTHOR OF SENATE BILL 1867

On motion of Senator Ellis, Senator Zaffirini will be shown as Co-author of **SB 1867**.

CO-AUTHOR OF SENATE BILL 1877

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

CO-AUTHOR OF SENATE BILL 2033

On motion of Senator Nelson, Senator Patrick will be shown as Co-author of **SB 2033**.

CO-AUTHORS OF SENATE JOINT RESOLUTION 9

On motion of Senator Carona, Senators Huffman and Patrick will be shown as Co-authors of **SJR 9**.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

April 20, 2009

The Honorable President of the Senate

Senate Chamber

Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 594, Relating to the licensing and regulation of hearing instrument fitters and dispensers.

HB 1888, Relating to standards required for certain rankings of physicians by health benefit plans.

HB 2052, Relating to electric service reliability measures.

HB 2421, Relating to the independent organization certified to perform certain functions for a power region.

HB 4586, Relating to making supplemental appropriations and reductions in appropriations and giving direction and adjustment authority and prescribing limitations regarding appropriations.

SB 1, General Appropriations Bill.
(Committee Substitute/Amended)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

PHYSICIAN OF THE DAY

Senator Wentworth was recognized and presented Dr. Terrell Benold of Austin as the Physician of the Day.

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

GUESTS PRESENTED

Senator Ellis was recognized and introduced to the Senate representatives of the Texas State Small Business Development Center: James Carmouche, Industrial Innovations, Houston; Polly Vann, V-tech, Lubbock; Albert Hidrogo, Hart Label, Austin; and Dane Miller, Azure Marketing Communications, Incorporated, Dallas; accompanied by other representatives.

The Senate welcomed its guests.

SENATE RESOLUTION 642

Senator Averitt offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Bob Bullock Scholars Program of Baylor University and this year's participants; and

WHEREAS, Established in 2000 to honor the memory of Lieutenant Governor Bob Bullock, this exemplary program promotes the study of politics by Baylor University students; and

WHEREAS, Each student in the program works for a member of the House or Senate on a full-time basis during the legislative session to learn firsthand about the political structure of Texas government; the Bob Bullock Scholars Program is a model for those who seek to serve others through a career in public service; and

WHEREAS, Dr. James A. Curry, the Bob Bullock Professor of Public Policy and Administration at Baylor University, has served as the director of the program since its inception; and

WHEREAS, Ten Bob Bullock Scholars are participating in the 2009 session of the Texas Legislature: Kimberly Blum, Erica Gibbs, Charles Goff, Daisy Marchena, Zach Page, Chelsea Reilly, Amanda Speer, Kelsi Wade, Chase Weber, and Melissa Yeakley; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby pay tribute to Baylor University's Bob Bullock Scholars Program and commend this year's scholars for their participation in their state's governmental process; and, be it further

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

AVERITT SHAPIRO
DUNCAN WHITMIRE
SELIGER

(Senator Nelson in Chair)

(President Pro Tempore Duncan in Chair)

SR 642 was read and was adopted without objection.

GUESTS PRESENTED

Senator Averitt, joined by Senators Seliger, Shapiro, and Whitmire, was recognized and introduced to the Senate participants in the Bob Bullock Scholars Program: Kimberly Blum, Erica Gibbs, Charles Goff, Daisy Marchena, Zach Page, Chelsea Reilly, Amanda Speer, Kelsi Wade, Chase Weber, and Melissa Yeakley, accompanied by Dr. James Curry.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Ellis was recognized and introduced to the Senate representatives of the Texas Legislative Internship Program at Baylor University: Stephen Rispoli, Tommy Micah, Tanya Gripton, Tressie Bates, and Farrah Najmuddin.

The Senate welcomed its guests.

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 2538**.

INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

The President Pro Tempore announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

There was no objection.

(Senator Eltife in Chair)

CONCLUSION OF MORNING CALL

The Presiding Officer at 11:34 a.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE
SENATE BILL 1846 ON SECOND READING**

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1846** at this time on its second reading:

CSSB 1846, Relating to the powers and duties of the Texas Commission on Environmental Quality and related entities.

The bill was read second time.

Senator Hegar offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1846** (Senate committee printing) by striking SECTION 2 of the bill, amending Section 13.043(h), Water Code (page 1, lines 32-38), and substituting the following:

SECTION 2. Section 13.043, Water Code, is amended by amending Subsection (h) and adding Subsection (h-1) to read as follows:

(h) The commission or executive director may [~~on a motion by the executive director or by the appellant under Subsection (a), (b), or (f) of this section,~~] establish interim rates to be in effect for not more than 250 days [until a final decision is made]. The interim rates may not be lower than the rates on the utility's approved tariff immediately before the filing of the notice of intention to change rates. The commission or executive director may base the interim rates on information in the rate change application.

(h-1) If the commission sets a final rate that is lower than the interim rate established under Subsection (h), the utility shall refund or credit the difference between the interim rate and the final rate plus interest as determined by the commission, unless otherwise agreed to by the parties to the proceeding. If the commission sets a final rate that is higher than the interim rate, the utility may collect the difference between the interim rate and the final rate unless otherwise agreed to by the parties to the proceeding.

The amendment to **CSSB 1846** 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 Hegar and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1846 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 1846 ON THIRD READING**

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1846** 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 1846**, 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 1846** 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.

GUESTS PRESENTED

Senator Whitmire was recognized and introduced to the Senate members of the Pilot Club of Baytown.

The Senate welcomed its guests.

**COMMITTEE SUBSTITUTE
SENATE BILL 629 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 629** at this time on its second reading:

CSSB 629, Relating to the operation of certain institutions of higher education as general academic teaching institutions and to the statutory limitation imposed on certain university systems to issue revenue bonds to fund facilities at certain institutions of higher education.

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 629** 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 629** 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 West and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 629 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 629 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 629** 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 629**, 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 629** 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 1168 ON SECOND READING**

Senator Hinojosa moved to suspend the regular order of business to take up for consideration **CSSB 1168** at this time on its second reading:

CSSB 1168, Relating to a rescission period for annuity contracts.

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

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

Nays: Fraser, Patrick, Williams.

Absent-excused: 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:

Nays: Fraser, Patrick, Williams.

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE
SENATE BILL 1168 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 1168** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 4.

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

Nays: Fraser, Patrick, 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 **CSSB 1168**, 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 1168** 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 3.

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

Nays: Fraser, Patrick, Williams.

Absent-excused: Harris.

SENATE RESOLUTION 653

Senator Ellis offered the following resolution:

WHEREAS, The Texas Bicycle Coalition, also known as BikeTexas, was organized in 1991 to promote the advancement of bicycling access, safety, and education in the Lone Star State; and

WHEREAS, Millions of Texans ride bicycles for fitness, recreation, and transportation each year; bicycling can be pursued at any age and has been identified by public health professionals as an activity that could greatly reduce the cost of health care; bicycling benefits the economy as well, with Texans spending more than \$200 million annually on bicycle-related goods and services; moreover, bicycle races, tours, rallies, and other events taking place throughout the state have a positive financial impact on participating communities, and such events raise more than \$50 million annually for Texas charities; and

WHEREAS, Mountain bikers in the state play a beneficial role in enhancing our parks and other public lands, contributing thousands of volunteer hours each year toward multiuse trail creation and enhancement and care of the outdoor environment; and

WHEREAS, Bicycle safety standards applied to road design and construction, as well as to traffic regulations, will create more bicycle-friendly communities, thereby encouraging more people to engage in this favorable outdoor activity; and

WHEREAS, Since 1998, the Texas Department of Transportation has awarded a grant to the BikeTexas Education Fund for the Texas SuperCyclist and SuperCollege Programs, which have certified more than 3,500 physical education and health teachers in bicycle safety and allowed for some 200,000 schoolchildren to receive bicycle safety instruction; and

WHEREAS, The U.S. Department of Education awarded the BikeTexas Education Fund a three-year, \$1.3 million grant in 2004 to pilot a Safe Routes to School program combining the education and encouragement components of the internationally accepted Safe Routes to School model used in Lubbock, Amarillo, Fort Worth, and Wichita Falls; in addition, BikeTexas has been a national leader in the effort to include funding for Safe Routes to School programs in federal transportation bills, and Texas has received nearly \$30 million for its SRTS programs since 2005; and

WHEREAS, For nearly two decades, BikeTexas has worked to enhance the safety of Texas roadways for cyclists and others, and it is indeed fitting to recognize this outstanding organization; now, therefore, be it

RESOLVED, That the Senate of the 81st Texas Legislature hereby commend BikeTexas for its hard work and dedication in behalf of bicycle safety and extend sincere best wishes for continued success to its board of directors, staff, members, and volunteers; and, be it further

RESOLVED, That an official copy of this resolution be prepared for BikeTexas as an expression of high regard by the Texas Senate.

SR 653 was read and was adopted without objection.

GUESTS PRESENTED

Senator Ellis was recognized and introduced to the Senate a group of cyclists representing BikeTexas.

The Senate welcomed its guests.

COMMITTEE SUBSTITUTE SENATE BILL 1976 ON SECOND READING

On motion of Senator Whitmire and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1976** at this time on its second reading:

CSSB 1976, Relating to procedures for applications for writs of habeas corpus based on relevant scientific evidence establishing the innocence of a criminal defendant.

The bill was read second time.

Senator Whitmire offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1976** (Senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Section 4(a), Article 11.07, Code of Criminal Procedure, is amended to read as follows:

(a) If a subsequent application for writ of habeas corpus is filed after final disposition of an initial application challenging the same conviction, a court may not consider the merits of or grant relief based on the subsequent application unless the application contains sufficient specific facts establishing that:

(1) the current claims and issues, including a claim that scientific evidence presented at trial has been discredited, have not been and could not have been presented previously in an original application or in a previously considered application filed under this article because the factual or legal basis for the claim was unavailable on the date the applicant filed the previous application; or

(2) by a preponderance of the evidence, but for a violation of the United States Constitution no rational juror could have found the applicant guilty beyond a reasonable doubt.

SECTION 2. Section 5(a), Article 11.071, Code of Criminal Procedure, is amended to read as follows:

(a) If a subsequent application for a writ of habeas corpus is filed after filing an initial application, a court may not consider the merits of or grant relief based on the subsequent application unless the application contains sufficient specific facts establishing that:

(1) the current claims and issues, including a claim that scientific evidence presented at trial has been discredited, have not been and could not have been presented previously in a timely initial application or in a previously considered application filed under this article or Article 11.07 because the factual or legal basis for the claim was unavailable on the date the applicant filed the previous application;

(2) by a preponderance of the evidence, but for a violation of the United States Constitution no rational juror could have found the applicant guilty beyond a reasonable doubt; or

(3) by clear and convincing evidence, but for a violation of the United States Constitution no rational juror would have answered in the state's favor one or more of the special issues that were submitted to the jury in the applicant's trial under Article 37.071, 37.0711, or 37.072.

SECTION 3. The change in law made by this Act applies only to an application for a writ of habeas corpus filed on or after the effective date of this Act. An application for a writ of habeas corpus filed before the effective date of this Act is governed by the law in effect at the time the application was filed, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2009.

The amendment to **CSSB 1976** 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 Whitmire and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1976 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 1976 ON THIRD READING**

Senator Whitmire moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1976** 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 1976**, 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 1976** 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 2033 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 2033** at this time on its second reading:

SB 2033, Relating to adoption of a school district grading policy.

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 2033 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 2033** 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 2033**, 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 2033** 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 2197 ON SECOND READING

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 2197** at this time on its second reading:

SB 2197, Relating to service of civil process by constables.

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 2197 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 **SB 2197** 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 2197**, 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 2197** 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 1011 ON SECOND READING**

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1011** at this time on its second reading:

CSSB 1011, Relating to the continuation and functions of the Texas Commission on Fire Protection.

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 1011 ON THIRD READING

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1011** 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 1011**, 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 1011** 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 1577 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 1577** at this time on its second reading:

SB 1577, Relating to excused absences from public school attendance for a student diagnosed with autism spectrum disorder to attend a health care appointment.

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 1577 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 1577** 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 1577**, 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 1577** 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 1127 ON SECOND READING**

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1127** at this time on its second reading:

CSSB 1127, Relating to the confidentiality of test results of samples of compounded products.

The bill was read second time.

Senator Van de Putte offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1127** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 556.053(b), Occupations Code (page 1, line 32), between "board" and "are", insert "may be provided to the pharmacy that compounded the product but otherwise".

(2) In SECTION 1 of the bill, after added Section 556.053(c), Occupations Code (page 1, between lines 43 and 44) insert:

(d) The board shall require a pharmacy to recall a compounded product and may release the results of the tests of the samples of the compounded product if the board determines that:

(1) the test results indicate a patient safety problem that may involve potential harm to a patient; and

(2) the release of the test results is necessary to protect the public.

(e) The board shall release the test results described by Subsection (d) if a pharmacy is unable to or does not recall the compounded product within forty-eight hours after the board's request under that subsection.

The amendment to **CSSB 1127** 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 Van de Putte and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1127 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 1127 ON THIRD READING

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1127** 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 1127**, 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 1127** 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 1832 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 1832** at this time on its second reading:

CSSB 1832, Relating to the eligibility for judge-ordered community supervision or for release on parole or to mandatory supervision of a defendant convicted of criminal solicitation of capital murder.

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 1832 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 1832** 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 1832**, 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 1832** 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 785 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 785** at this time on its second reading:

CSSB 785, Relating to the employee misconduct registry and employee certification posting requirements for certain facilities.

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 785** 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 785** 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 785 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 785 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 785** 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 785**, 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 785** 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 1576 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 1576** at this time on its second reading:

CSSB 1576, Relating to an algebra instruction grant program.

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1576** 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 1576** 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.

CSSB 1576 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 1576 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 1576** 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 1576**, 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 1576** 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 1256 ON SECOND READING

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1256** at this time on its second reading:

CSSB 1256, Relating to the prosecution of and punishment prescribed for engaging in organized criminal activity in a gang-free zone.

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1256** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 71.028(b), Penal Code, immediately preceding "it is shown beyond a reasonable doubt" (page 1, line 26), insert "the actor is 17 years of age or older and".

(2) In SECTION 2 of the bill, strike "The change in law made by this Act applies" (page 2, line 4) and substitute "The changes in law made by this Act in adding Sections 71.028 and 71.029, Penal Code, apply".

(3) Strike SECTION 3 of the bill (page 2, line 12).

(4) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter D, Chapter 37, Education Code, is amended by adding Section 37.110 to read as follows:

Sec. 37.110. INFORMATION REGARDING GANG-FREE ZONES. The superintendent of each public school district and the administrator of each private elementary or secondary school located in the public school district shall ensure that the student handbook for each campus in the public school district includes information on gang-free zones and the consequences of engaging in organized criminal activity within those zones.

SECTION _____. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.973 to read as follows:

Sec. 51.973. INFORMATION REGARDING GANG-FREE ZONES. The governing board of each institution of higher education shall ensure that any student handbook or similar publication for the institution includes information on gang-free zones and the consequences of engaging in organized criminal activity within those zones.

SECTION _____. Subchapter C, Chapter 42, Human Resources Code, is amended by adding Section 42.064 to read as follows:

Sec. 42.064. INFORMATION REGARDING GANG-FREE ZONES. Each day-care center shall, in accordance with rules adopted by the executive commissioner, distribute to parents and guardians of children who attend the center information on gang-free zones and the consequences of engaging in organized criminal activity within those zones.

SECTION _____. The change in law made by this Act in adding Section 37.110, Education Code, applies beginning with the public school district's 2009-2010 school year.

SECTION _____. The change in law made by this Act in adding Section 51.973, Education Code, applies beginning with the 2009 fall semester.

SECTION _____. This Act takes effect September 1, 2009, except that Sections 37.110 and 51.973, Education Code, and Section 42.064, Human Resources Code, as added by this Act, take effect immediately if this Act 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, those sections of the Education Code and Human Resources Code take effect September 1, 2009.

The amendment to **CSSB 1256** was read and was adopted by the following vote: Yeas 17, Nays 13.

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

Nays: Deuell, Duncan, Estes, Fraser, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Shapiro, Williams.

Absent-excused: Harris.

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

CSSB 1256 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 1256 ON THIRD READING

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1256** 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 1256**, 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 1256** 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 1759 ON SECOND READING

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1759** at this time on its second reading:

CSSB 1759, Relating to the extended registration of a commercial fleet of motor vehicles.

The bill was read second time.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1759** as follows:

(1) In SECTION 2 of the bill, in the new Section 502.0023, Transportation Code (Senate committee report page 1, between lines 52 and 53) add a new subsection (f) to read as follows:

(f) The department and the counties in their budgeting processes shall consider any temporary increases and resulting decreases in revenue that will result from the use of the process provided under this section.

(2) In SECTION 3 of the bill, in the amended Section 502.0234, Transportation Code (Senate committee report page 2, lines 7-10) strike subdivision (4) and substitute the following:

(4) purchased by a fleet buyer who is a Full Service Deputy under Section 502.114 and utilizes the dealer title application process developed to provide a method to submit title transactions to the county wherein the fleet buyer is a Full Service Deputy.

The amendment to **CSSB 1759** 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 Watson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1759 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 1759 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 1759** 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 1759**, 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 1759** 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 54 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 54** at this time on its second reading:

CSSB 54, Relating to the supervision of certain juvenile case managers.

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 54**, in SECTION 1 of the bill, on page 1, line 19, between "does not apply to" and "a county" by inserting "": (1) a part-time judge; or (2)"".

The amendment to **CSSB 54** 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 Zaffirini and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 54 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 54 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 54** 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 54**, 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 54** 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 1123 ON THIRD READING**

Senator Duncan moved to suspend the regular order of business to take up for consideration **CSSB 1123** at this time on its third reading and final passage:

CSSB 1123, Relating to the standard of causation in claims involving mesothelioma caused by exposure to asbestos fibers.

The motion prevailed by the following vote: Yeas 20, Nays 10.

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

Nays: Deuell, Estes, Fraser, Huffman, Jackson, Nelson, Nichols, Patrick, Shapiro, Williams.

Absent-excused: Harris.

The bill was read third time.

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 1 on Third Reading

Amend **CSSB 1123** on third reading (Senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 90.013(d), Civil Practice and Remedies Code (page 1, line 34), strike "Neither a" and substitute "A".

(2) In SECTION 1 of the bill, in added Section 90.013(d), Civil Practice and Remedies Code (page 1, line 35), strike "nor" and substitute "or a defendant, including".

(3) In SECTION 1 of the bill, in added Section 90.013(d), Civil Practice and Remedies Code (page 1, line 35), strike "33.003(a) shall be" and substitute "33.003(a), shall not be".

(4) In SECTION 1 of the bill, in added Section 90.013(d), Civil Practice and Remedies Code (page 1, line 36), strike "numerically the" and substitute the following:

", or be prohibited from proving through otherwise admissible evidence, the numerical".

The amendment to **CSSB 1123** was read and was adopted by the following vote: Yeas 20, Nays 10.

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

Nays: Deuell, Estes, Fraser, Huffman, Jackson, Nelson, Nichols, Patrick, Shapiro, Williams.

Absent-excused: Harris.

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

CSSB 1123 as again amended was finally passed by the following vote: Yeas 19, Nays 11.

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

Nays: Deuell, Estes, Fraser, Hegar, Huffman, Jackson, Nelson, Nichols, Patrick, Shapiro, Williams.

Absent-excused: Harris.

(President Pro Tempore Duncan in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 1431 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 1431** at this time on its second reading:

CSSB 1431, Relating to the licensing and regulation of towing companies and vehicle storage facilities; providing penalties.

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1431** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill, in amended Section 2308.002(5-a), Occupations Code (page 1, lines 25 and 26), strike "by a peace officer under Section 545.305 or 545.3051, Transportation Code".

(2) In SECTION 1 of the bill, in amended Section 2308.002(8-a), Occupations Code (page 1, line 51) strike "owner" and substitute "owner without the consent of the owner or operator of the vehicle".

(3) In SECTION 2 of the bill, in added Section 2308.0575(b)(1), Occupations Code (page 2, line 10), strike "private property" and substitute "nonconsent".

(4) In SECTION 2 of the bill, in added Section 2308.0575, Occupations Code (page 2, between lines 26 and 27), insert the following:

(f) The department shall contract to conduct a study on private property towing fees under this section at least once every two years.

(5) In SECTION 4 of the bill, in amended Section 2308.204, Occupations Code (page 2, line 41), strike "nonconsent" and substitute "private property [~~nonconsent~~"]".

(6) In SECTION 10 of the bill, in amended Section 2308.405, Occupations Code (page 3, lines 60 and 61), strike "Class B misdemeanor [~~punishable by a fine of not less than \$500 or more than \$1,500~~]" and substitute "misdemeanor punishable by a fine of not less than \$500 or more than \$1,500 unless it is shown on trial of the offense that the person knowingly or intentionally violated this chapter, in which event the offense is a Class B misdemeanor".

(7) Strike the recital to SECTION 11 of the bill (page 3, lines 62 and 63), and substitute the following:

SECTION 11. Section 2308.451, Occupations Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(8) In SECTION 11 of the bill, in amended Section 2308.451, Occupations Code (page 4, between lines 2 and 3), insert the following:

(c) If, in a hearing held under this chapter, regardless of whether the court finds that there was probable cause for the removal and storage of a vehicle, the court finds that the towing charge collected exceeded fees regulated by a political subdivision or authorized by this chapter or Chapter 2303, the towing company shall reimburse the owner or operator of the vehicle an amount equal to the overcharge.

(9) Strike the recital to SECTION 15 of the bill (page 4, lines 50 and 51), and substitute the following:

SECTION 15. Subsections (a) and (b), Section 2308.458, Occupations Code, are amended to read as follows:

(a) A hearing under this chapter shall be held before the 21st calendar [~~14th working~~] day after the date the court receives the request for the hearing.

The amendment to **CSSB 1431** 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 Hinojosa offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1431** (Senate committee printing) as follows:

(1) In SECTION 2 of the bill, in the heading to added Section 2308.0575, Occupations Code (page 1, line 54), between "FEES;" and "STUDY;", insert "CONTRACT FOR".

(2) In SECTION 2 of the bill, strike added Subsection (b), Section 2308.0575, Occupations Code (page 2, lines 8 through 14), and substitute the following:

(b) In adopting rules under Subsection (a), the commission shall contract for the conduct of a study that:

(1) examines private property towing fee studies conducted by municipalities in this state; and

(2) analyzes for private property the cost of services by company, the consumer price index, the geographic area, and individual cost components.

(3) Add the following appropriately numbered SECTION to the bill and renumber remaining SECTIONS of the bill accordingly:

SECTION _____. Section 2308.057(a), Occupations Code, is amended to read as follows:

(a) The commission shall adopt rules for permitting tow trucks and licensing towing operators and towing companies, including rules for denial of applications and permits if the applicant, a partner, principal, officer, or general manager of the applicant, or other license or permit holder has:

(1) a criminal conviction, or has pleaded guilty or nolo contendere to an offense, before the date of the application, for:

(A) a felony; or

(B) a misdemeanor punishable by confinement in jail or by a fine in an amount that exceeds \$500;

(2) violated an order of the commission or executive director, including an order for sanctions or administrative penalties;

(3) failed to submit a license or permit bond in an amount established by the commission;

(4) knowingly submitted false or incomplete information on the application;
or

(5) filed an application to permit a tow truck previously permitted by a license or permit holder.

The amendment to **CSSB 1431** 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.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 1431** (Senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering remaining SECTIONS of the bill accordingly:

SECTION _____. Section 2308.453, Occupations Code, is amended to read as follows:

Sec. 2308.453. JURISDICTION. A hearing under this chapter shall be in the justice court having jurisdiction in the precinct from ~~[in]~~ which the motor vehicle was towed ~~[storage facility is located]~~.

The amendment to **CSSB 1431** was read and was adopted by a viva voce vote.

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

Absent-excused: Harris.

Senator Shapiro offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 1431** (Senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering remaining SECTIONS of the bill accordingly:

SECTION ____. Section 2308.256(a), Occupations Code, is amended to read as follows:

(a) A vehicle storage facility accepting a vehicle that is towed under this chapter shall within two hours after receiving the vehicle report to the police department of the municipality ~~from [in]~~ which the vehicle was towed ~~[parking facility is located]~~, or, if the vehicle was towed from a location that ~~[parking facility]~~ is not ~~[located]~~ in a municipality with ~~[having]~~ a police department, to the sheriff of the county ~~from [in]~~ which the vehicle was towed ~~[parking facility is located]~~:

- (1) a general description of the vehicle;
- (2) the state and number of the vehicle's license plate, if any;
- (3) the vehicle identification number of the vehicle, if it can be ascertained;
- (4) the location from which the vehicle was towed; and
- (5) the name and location of the vehicle storage facility where the vehicle is being stored.

The amendment to **CSSB 1431** was read and was adopted by a viva voce vote.

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

Absent-excused: 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 1431 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 1431 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 1431** 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 1431**, 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 1431** 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 2329 ON SECOND READING**

Senator Hegar moved to suspend the regular order of business to take up for consideration **CSSB 2329** at this time on its second reading:

CSSB 2329, Relating to abolition of the Edwards Aquifer Legislative Oversight Committee.

The motion prevailed.

Senator Fraser 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: Fraser.

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE
SENATE BILL 2329 ON THIRD READING**

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 2329** 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, Gallegos, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Fraser, 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 2329**, 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 2329** 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: Fraser.

Absent-excused: Harris.

COMMITTEE SUBSTITUTE SENATE BILL 546 ON SECOND READING

On motion of Senator Fraser and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 546** at this time on its second reading:

CSSB 546, Relating to the state goal for energy efficiency.

The bill was read second time.

Senator Fraser offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 546** (Senate committee report) as follows:

(1) On page 1, line 50, strike "rate impact of the programs" and substitute "cost of the programs charged by the electric utility to residential and commercial customers".

(2) On page 1, line 55, strike "rate impact of the programs" and substitute "cost of the programs charged by the electric utility to residential and commercial customers".

(3) On page 2, line 32, insert the following and renumber subsequent sections accordingly:

"SECTION 2. Section 39.905, Utilities Code, is amended by adding new Subsections (k) and (l) to read as follows:

(k) An electric utility that was not subject to Section 39.905 of this chapter on January 1, 2009, shall be subject to the energy efficiency goals established in this section on a phased-in basis, as prescribed by the commission, starting from the effective date of the final rates from the first rate case filed by the electric utility with the commission after January 1, 2010.

(l) Notwithstanding any other law, this Section shall apply to every electric utility as defined by Section 31.002.

SECTION 3. Section 388.005, Health and Safety Code, is amended by amending Subdivision (1), Subsection (a) and adding Subsection (g) to read as follows:

(a) In this section:

(1) "Institution of higher education" includes an institution of higher education as defined by Section 61.003, Education Code, and a private institution of higher education that receives direct funding from the state for general operating purposes.

(g) A private or independent institution of higher education as defined by Section 61.003 of the Education Code that does not receive direct funding from the state for general operating purposes may seek and receive advice and assistance from the State Energy Conservation Office concerning energy conservation measures to reduce electricity consumption by the existing facilities of the institution."

The amendment to **CSSB 546** 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.

REMARKS ORDERED PRINTED

On motion of Senator Seliger and by unanimous consent, the exchange between Senators Fraser and Seliger regarding Floor Amendment No. 1 to **CSSB 546** was ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Seliger: Senator Fraser, I just want to make sure I understand the intent of your amendment. First, it applies the same energy efficiency goals that apply to utilities in ERCOT to Xcel/SPS? Correct?

Senator Fraser: Yes.

Senator Seliger: And your amendment would require the approval of a rate rider or rate factor for recovery of Xcel/SPS' energy-efficiency expenses that would be reviewed and be subject to approval by the PUC?

Senator Fraser: Yes.

Senator Seliger: And that proceeding would result in a new rate element that customers would pay?

Senator Fraser: Yes.

Senator Seliger: And that proceeding would be a ratemaking proceeding, would it not?

Senator Fraser: Yes.

Senator Shapleigh offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 546** (Senate committee printing), in SECTION 1 of the bill, amended Section 39.905(a), Utilities Code, as follows:

(1) In amended Section 39.905(a)(5), Utilities Code (page 2, line 1), strike "; and" and substitute "; ~~and~~".

(2) In amended Section 39.905(a)(6), Utilities Code (page 2, line 6), strike the period and substitute "; and".

(3) After amended Section 39.905(a)(6), Utilities Code (page 2, between lines 6 and 7), insert the following:

(7) for an electric utility operating outside of ERCOT in areas of this state that were included in the Western Electric Coordinating Council on January 1, 2009, the utility may continue to provide standard offer programs, limited, targeted market-transformation programs, or programs that address the major barriers to energy efficiency as required by Subdivision (3) or may provide energy efficiency programs and measures directly to a customer class.

The amendment to **CSSB 546** 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 Fraser and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 546 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 546 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 **CSSB 546** 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 546**, 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 546** 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.

GUEST PRESENTED

Senator Zaffirini was recognized and introduced to the Senate Nicole Mallanie of Laredo, serving today as an Honorary Senate Page.

The Senate welcomed its guest.

**COMMITTEE SUBSTITUTE
SENATE BILL 1071 ON SECOND READING**

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1071** at this time on its second reading:

CSSB 1071, Relating to the required disclosure under the public information law of information pertaining to an employee or trustee of a public employee pension system.

The bill was read second time.

Senator Wentworth offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1071** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill, at the end of added Section 552.0221(c), Government Code (page 1, line 39), strike "Subchapter C" and substitute "Subchapter B or C".

(2) In SECTION 1 of the bill, at the end of added Section 552.0221, Government Code (page 1, between lines 39 and 40), insert the following new Subsection (d):

(d) For purposes of this section, "benefits" does not include pension benefits provided to an individual by a pension system under the statutory plan covering the individual as a member, beneficiary, or retiree of the pension system.

The amendment to **CSSB 1071** 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 Wentworth and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1071 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 1877 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 1877** at this time on its second reading:

CSSB 1877, Relating to the creation of the Texas Medical Child Abuse Resources and Education System grant program.

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1877** 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 1877** 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 1877 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 1877 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 1877** 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 1877**, 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 1877** 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 1867 ON SECOND READING

Senator Ellis moved to suspend the regular order of business to take up for consideration **SB 1867** at this time on its second reading:

SB 1867, Relating to procedures related to the placement of a voter on the suspense list.

The motion prevailed.

Senators Huffman 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, Patrick.

Absent-excused: Harris.

SENATE BILL 1867 ON THIRD READING

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1867** 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, Jackson, Lucio, Nelson, Nichols, Ogden, Seliger, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Huffman, 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 **SB 1867**, 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 1867** 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, Jackson, Lucio, Nelson, Nichols, Ogden, Seliger, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Huffman, Patrick.

Absent-excused: Harris.

**MOTION TO PLACE
COMMITTEE SUBSTITUTE
SENATE BILL 2095 ON SECOND READING**

Senator Wentworth moved to suspend the regular order of business to take up for consideration **CSSB 2095** at this time on its second reading:

CSSB 2095, Relating to requiring a boater education course for certain operators of vessels.

Senator Wentworth withdrew the motion to suspend the regular order of business.

SENATE BILL 1363 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 1363** at this time on its second reading:

SB 1363, Relating to clarification of the essential knowledge and skills of the public school curriculum and the evaluation of conforming curriculum management systems.

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1363** 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 1363** 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 1363 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 1363 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 1363** 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 1363**, 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 1363** 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 1569 ON THIRD READING

Senator Eltife moved to suspend the regular order of business to take up for consideration **CSSB 1569** at this time on its third reading and final passage:

CSSB 1569, Relating to unemployment compensation modernization.

The motion prevailed by the following vote: Yeas 20, Nays 10.

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

Nays: Fraser, Hegar, Huffman, Jackson, Nelson, Nichols, Patrick, Seliger, Shapiro, Williams.

Absent-excused: Harris.

The bill was read third time.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 1 on Third Reading

Amend **CSSB 1569** on third reading by adding the following appropriately numbered section to the bill and renumbering subsequent sections of the bill as appropriate:

SECTION _____. This Act does not make an appropriation. This Act takes effect only if federal funds are provided to the State of Texas under the American

Recovery and Reinvestment Act in an amount not less than \$555 million for unemployment insurance modernization.

The amendment to **CSSB 1569** was read and was adopted by a viva voce vote.

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

Absent-excused: Harris.

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

CSSB 1569 as amended was finally passed by the following vote: Yeas 19, Nays 11.

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

Nays: Estes, Fraser, Hegar, Huffman, Jackson, Nelson, Nichols, Patrick, Seliger, Shapiro, Williams.

Absent-excused: Harris.

BILL AND RESOLUTION SIGNED

The President Pro Tempore announced the signing of the following enrolled bill and resolution in the presence of the Senate after the caption had been read:

HB 873, HCR 172.

COMMITTEE SUBSTITUTE SENATE BILL 652 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 652** at this time on its second reading:

CSSB 652, Relating to the maintenance of emergency contact and medical information databases by the Department of Public Safety of the State of Texas.

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 652 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 652** 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 652**, 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 652** 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 475 ON SECOND READING

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 475** at this time on its second reading:

SB 475, Relating to the exemption from ad valorem taxation of property owned by certain organizations engaged primarily in performing charitable functions.

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 394 ON SECOND READING

Senator Lucio moved to suspend the regular order of business to take up for consideration **CSSB 394** at this time on its second reading:

CSSB 394, Relating to the appointment of an attorney for a workers' compensation claimant in certain proceedings initiated by a workers' compensation insurance carrier.

The motion prevailed.

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

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 394** by adding the following appropriately numbered section to the bill and renumbering subsequent sections of the bill as appropriate:

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. This section does not apply if this Act does not require an appropriation.

The amendment to **CSSB 394** 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: Nichols.

Absent-excused: Harris.

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

CSSB 394 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.

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE
SENATE BILL 394 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 394** 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, Ogden, Patrick, Seliger, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Nichols, 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 394**, 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 394** 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: Nichols.

Absent-excused: Harris.

**MOTION TO PLACE
SENATE BILL 1958 ON SECOND READING**

Senator Van de Putte moved to suspend the regular order of business to take up for consideration **SB 1958** at this time on its second reading:

SB 1958, Relating to including certain veterans service organizations as small businesses for the purpose of state contracting.

Senator Van de Putte withdrew the motion to suspend the regular order of business.

**COMMITTEE SUBSTITUTE
SENATE BILL 1203 ON SECOND READING**

Senator West moved to suspend the regular order of business to take up for consideration **CSSB 1203** at this time on its second reading:

CSSB 1203, Relating to the regulation of metal recycling entities; providing penalties.

The motion prevailed.

Senators Seliger and Shapiro 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 1203** (Senate committee printing) as follows:

(1) In the recital to SECTION 3 of the bill (page 1, line 55), between "Subsections" and "(f)" insert "(a-1)".

(2) In SECTION 3 of the bill, in amended Section 1956.003, Occupations Code (page 1, between lines 55 and 56), insert the following:

(a-1) A county, municipality, or political subdivision may require the record of purchase described under Section 1956.033 to contain a clear and legible thumbprint of a seller of regulated material.

(3) In SECTION 3 of the bill, in added Section 1956.003(f), Occupations Code (page 1, line 62), strike "obtain" and substitute "submit an application for".

(4) In SECTION 3 of the bill, in added Section 1956.003(f), Occupations Code (page 1, line 63), strike "31st" and substitute "15th".

(5) In SECTION 3 of the bill, in added Section 1956.003(g), Occupations Code (page 2, line 3), strike "obtain" and substitute "submit an application for".

(6) In SECTION 3 of the bill, in added Section 1956.003(g), Occupations Code (page 2, line 4), strike "31st" and substitute "15th".

(7) In SECTION 5 of the bill (page 2, lines 26-28), strike the recital and substitute:

Section 1956.033(b), Occupations Code, is amended to read as follows:

(8) In SECTION 5 of the bill, in amended Section 1956.033, Occupations Code (page 2, lines 40 and 41), strike added Subsection (c).

(9) In SECTION 9 of the bill, in amended Section 1956.038, Occupations Code (page 3, line 33), strike "(a)".

(10) In SECTION 9 of the bill, in amended Section 1956.038, Occupations Code (page 3, lines 50-59), strike added Subsections (b) and (c).

(11) In SECTION 14 of the bill, in amended Section 31.03(e), Penal Code (page 5, lines 22 and 23), strike "[is insulated or noninsulated wire or cable that] consists of at least 50 percent" and substitute "is [~~insulated or noninsulated wire or cable that consists of at least 50 percent~~]".

(12) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter A-3, Chapter 1956, Occupations Code, is amended by adding Section 1956.0391 to read as follows:

Sec. 1956.0391. FORM OF PAYMENT. (a) This section applies only to a metal recycling entity located in:

(1) a county with a population of one million or more; or

(2) a county contiguous to a county with a population of one million or more.

(b) A metal recycling entity may not:

(1) pay more than \$250 in cash for a purchase of regulated metal; or

(2) pay more than \$500 in cash for a purchase of regulated material, other than regulated metal.

(c) A county, municipality, or political subdivision may require a seller of regulated material to register with the county, municipality, political subdivision, or a metal recycling entity located in that county, municipality, or political subdivision before the seller is eligible to receive cash payments for the sale of regulated material.

(d) Notwithstanding Section 1956.003(a) or any other law, a county, municipality, or political subdivision may not adopt a rule, charter, or ordinance or issue an order or impose standards that limit the use of cash by a metal recycling entity in a manner more restrictive than that provided by this section.

The amendment to **CSSB 1203** 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, Shapiro.

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 1203 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, Shapiro.

Absent-excused: Harris.

COMMITTEE SUBSTITUTE SENATE BILL 1203 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 1203** 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, Nichols, Ogden, Patrick, Shapleigh, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Seliger, Shapiro, 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 1203**, 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 1203** 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, Nichols, Ogden, Patrick, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Seliger, Shapiro.

Absent-excused: Harris.

(Senator Eltife in Chair)

**COMMITTEE SUBSTITUTE
SENATE JOINT RESOLUTION 9 ON SECOND READING**

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSJR 9** at this time on its second reading:

CSSJR 9, Proposing a constitutional amendment prescribing the purposes for which revenue from motor vehicle registration fees and taxes on motor fuels and lubricants and certain revenues received from the federal government may be used.

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

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

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE
SENATE JOINT RESOLUTION 9 ON THIRD READING**

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSJR 9** 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 **CSSJR 9**, 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 9** 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 30, Nays 0.

Absent-excused: Harris.

SENATE JOINT RESOLUTION 36 ON SECOND READING

Senator Duncan moved to suspend the regular order of business to take up for consideration **SJR 36** at this time on its second reading:

SJR 36, Proposing a constitutional amendment to provide that the governor, and the lieutenant governor when acting as governor, retain executive authority unless the person becomes unavailable as provided by law.

The motion prevailed.

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

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

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

Nays: Ellis, Zaffirini.

Absent-excused: Harris.

SENATE JOINT RESOLUTION 36 ON THIRD READING

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SJR 36** 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, Eltife, Estes, Fraser, Gallegos, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, West, Whitmire, Williams.

Nays: Ellis, Wentworth, Zaffirini.

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 **SJR 36**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SJR 36** 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 28, Nays 2.

Yeas: Averitt, Carona, 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.

Nays: Ellis, Zaffirini.

Absent-excused: Harris.

COMMITTEE SUBSTITUTE SENATE BILL 1810 ON SECOND READING

Senator Duncan moved to suspend the regular order of business to take up for consideration **CSSB 1810** at this time on its second reading:

CSSB 1810, Relating to allowing the governor, and the lieutenant governor or another person when acting as governor, to retain executive authority while traveling within the contiguous 48 states of the continental United States so long as effective communication links with this state are maintained.

The motion prevailed.

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

The bill was read second time.

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1810** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill (page 1, line 26), strike "or" and substitute the following:

(3) being physically outside this state and within the territorial boundaries of the contiguous 48 states of the continental United States for a period of more than 14 consecutive days; or

(2) In SECTION 1 of the bill (page 1, line 27), strike "(3)" and substitute "(4)".

The amendment to **CSSB 1810** 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: Ellis, Zaffirini.

Absent-excused: Harris.

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

CSSB 1810 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: Ellis, Zaffirini.

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE
SENATE BILL 1810 ON THIRD READING**

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1810** 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, Eltife, Estes, Fraser, Gallegos, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, West, Whitmire, Williams.

Nays: Ellis, Wentworth, Zaffirini.

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 1810**, 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 1810** 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, 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.

Nays: Ellis, Zaffirini.

Absent-excused: Harris.

AT EASE

The Presiding Officer, Senator Eltife in Chair, at 2:40 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

The President at 3:13 p.m. called the Senate to order as In Legislative Session.

SENATE BILL 2025 ON SECOND READING

Senator Watson moved to suspend the regular order of business to take up for consideration **SB 2025** at this time on its second reading:

SB 2025, Relating to the establishment of a prepaid tuition unit reward and incentive program for certain economically disadvantaged students who achieve commended performance levels on standardized assessments.

The motion prevailed.

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

The bill was read second time.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 2025** as follows:

(1) In SECTION 1 of the bill, (committee printing, page 1, line 24) by striking "one or more", and inserting "the".

(2) In SECTION 1 of the bill, (committee printing, page 1, line 25) after "39.023(a)" by striking "is", inserting "in mathematics, reading, and writing are".

The amendment to **SB 2025** 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: Williams.

Absent-excused: Harris.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 2

Amend **SB 2025** 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 2025** 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: Williams.

Absent-excused: Harris.

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

SB 2025 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: Williams.

Absent-excused: Harris.

SENATE BILL 2025 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 2025** 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, Seliger, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Nays: 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 2025**, 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 2025** 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: Williams.

Absent-excused: Harris.

COMMITTEE SUBSTITUTE SENATE BILL 1007 ON SECOND READING

Senator Hegar moved to suspend the regular order of business to take up for consideration **CSSB 1007** at this time on its second reading:

CSSB 1007, Relating to the continuation and operation of the Texas Department of Insurance and the operation of certain insurance programs; imposing administrative penalties.

The motion prevailed.

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

The bill was read second time.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1007** on page 1, line 36, by striking "2021" and substituting "2015".

The amendment to **CSSB 1007** 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 Van de Putte offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1007** (Senate committee report) by inserting the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the bill appropriately:

SECTION _____. Subtitle G, Title 5, Insurance Code, is amended by adding Chapter 752 to read as follows:

CHAPTER 752. DATA MINING AND PATTERN RECOGNITION

Sec. 752.001. DEFINITION. In this chapter, "regulated entities" means insurers or other organizations regulated by the department, including:

- (1) a domestic or foreign Lloyd's plan;
- (2) a domestic or foreign reciprocal or interinsurance exchange;
- (3) a county mutual insurance company;
- (4) a farm mutual insurance company;
- (5) a domestic or foreign title insurance company; and
- (6) an attorney's title insurance company.

Sec. 752.002. STUDY OF INFORMATION CONCERNING DATA MINING AND PATTERN RECOGNITION. (a) The commissioner by rule shall require regulated entities to report to the department concerning:

(1) technologies used by the entities to identify relationships among variables that are used to predict differences in expected losses of covered persons or applicants for coverage or that are otherwise used in activities of regulated entities; and

(2) the manner in which the regulated entities use the technologies described by Subdivision (1) in:

- (A) underwriting and creating and defining risk classifications;
- (B) setting rates and premiums, as applicable;
- (C) detecting fraudulent claims;
- (D) identifying subrogation opportunities;
- (E) improving marketing; or
- (F) performing other activities identified by the commissioner.

(b) In exercising the commissioner's authority under this section, the commissioner shall require that regulated entities report with respect to selected lines of insurance or selected segments of the market and may limit the reporting to specific uses of relationships derived from the technologies.

(c) Underwriting guidelines and related information obtained by the commissioner under this section are subject to Section 38.002 or 38.003, as appropriate. Other information obtained under this section is commercial information not subject to disclosure requirements of Chapter 552, Government Code.

Sec. 752.003. REPORT TO THE LEGISLATURE. The department shall include in its biennial report to the legislature under Section 32.022 information concerning the use of relationships derived from the technologies described by Section 752.002 by regulated entities.

The amendment to **CSSB 1007** 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: Ogden.

Absent-excused: Harris.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 1007** (Senate committee report) by inserting the following appropriately numbered SECTIONS and renumbering subsequent SECTIONS of the bill appropriately:

SECTION _____. Section 2254.003(a), Insurance Code, is amended to read as follows:

(a) This section applies to a rate for personal automobile insurance or residential property insurance filed on or after the effective date of Chapter 206, Acts of the 78th Legislature, Regular Session, 2003.

SECTION _____. Section 2254.003, Insurance Code, is amended by adding subsections (a-1), (a-2) and (a-3) to read as follows:

(a-1) If the department provides an insurer with formal written notice that a rate is excessive or unfairly discriminatory, then the insurer may file a new rate or take other corrective action to substantially address the department's concerns. The new rate or other corrective action must be filed on or before the sixtieth day following the date of formal written notice. At his discretion, the commissioner may extend the deadline to file by an additional 30 days. If the department accepts the new rate or other corrective action, then the insurer shall, according to commissioner order, refund or issue a premium discount directly to each affected policyholder on the portion of the premium found to be excessive or unfairly discriminatory, plus interest on that amount. The interest rate to be paid on refunds under this subsection is the sum of six percent and the prime rate for the calendar year in which formal written notice is given. For purposes of this subsection, the prime rate is the prime rate as published in The Wall Street Journal for the first day of the calendar year that is not a Saturday, Sunday, or legal holiday.

(a-2) If the insurer does not file, or the department does not accept, a new rate or other corrective action as provided under subsection (a-1), and the commissioner issues an order finding that the rate is excessive or unfairly discriminatory under section 2251.104, then the insurer must refund or issue a premium discount directly to each affected policyholder the portion of the premium found to be excessive or

unfairly discriminatory, plus interest on that amount. The interest rate to be paid on such refunds under this subsection is 18 percent. An insurer shall not be required to pay any interest penalty if the insurer prevails in an appeal of the commissioner's order under Subchapter D, Chapter 36.

(a-3) The period for the refund and interest begins on the date the department first provides the insurer with formal written notice that the insurer's filed rate is excessive or unfairly discriminatory, and interest continues to accrue until the refund is paid.

SECTION _____. Section 2254.003(c), Insurance Code, is repealed.

(Senator Carona in Chair)

The amendment to **CSSB 1007** was read and was adopted by a viva voce vote.

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

Absent-excused: Harris.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 1007** (Senate committee report) by inserting the following appropriately numbered SECTIONS and renumbering subsequent SECTIONS of the bill appropriately:

SECTION _____. Subchapter B, Chapter 541, Insurance Code, is amended by adding Section 541.062 to read as follows:

Sec. 541.062. BAD FAITH CANCELLATION OR RESCISSION. It is an unfair method of competition or an unfair or deceptive act or practice for a health benefit plan issuer to:

- (1) set cancellation or rescission goals, quotas, or targets;
- (2) pay compensation of any kind, including a bonus or award, that varies according to the number of cancellations or rescissions;
- (3) set, as a condition of employment, a number or volume of cancellations or rescissions to be achieved; or
- (4) set a performance standard, for employees or by contract with another entity, based on the number or volume of cancellations or rescissions.

SECTION _____. Chapter 1202, Insurance Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. NOTICE REQUIRED FOR CERTAIN CANCELLATION OR RESCISSION DECISIONS

Sec. 1202.101. APPLICABILITY. (a) This subchapter applies only to a health benefit plan, including a small or large employer health benefit plan written under Chapter 1501, that provides benefits for medical or surgical expenses incurred as a result of a health condition, accident, or sickness, including an individual, group, blanket, or franchise insurance policy or insurance agreement, a group hospital service contract, or an individual or group evidence of coverage or similar coverage document that is offered by:

- (1) an insurance company;
- (2) a group hospital service corporation operating under Chapter 842;

- (3) a fraternal benefit society operating under Chapter 885;
- (4) a stipulated premium company operating under Chapter 884;
- (5) a reciprocal exchange operating under Chapter 942;
- (6) a Lloyd's plan operating under Chapter 941;
- (7) a health maintenance organization operating under Chapter 843;
- (8) a multiple employer welfare arrangement that holds a certificate of authority under Chapter 846; or
- (9) an approved nonprofit health corporation that holds a certificate of authority under Chapter 844.

(b) This subchapter does not apply to:

- (1) a health benefit plan that provides coverage:
 - (A) only for a specified disease or for another limited benefit other than an accident policy;
 - (B) only for accidental death or dismemberment;
 - (C) for wages or payments in lieu of wages for a period during which an employee is absent from work because of sickness or injury;
 - (D) as a supplement to a liability insurance policy;
 - (E) for credit insurance;
 - (F) only for dental or vision care;
 - (G) only for hospital expenses; or
 - (H) only for indemnity for hospital confinement;
- (2) a Medicare supplemental policy as defined by Section 1882(g)(1), Social Security Act (42 U.S.C. Section 1395ss), as amended;
- (3) a workers' compensation insurance policy;
- (4) medical payment insurance coverage provided under a motor vehicle insurance policy; or
- (5) a long-term care insurance policy, including a nursing home fixed indemnity policy, unless the commissioner determines that the policy provides benefit coverage so comprehensive that the policy is a health benefit plan described by Subsection (a).

Sec. 1202.102. NOTICE OF INTENT TO CANCEL OR RESCIND. (a) A health benefit plan issuer may not cancel or rescind a health benefit plan on the basis of a misrepresentation or a preexisting condition without first notifying an affected individual in writing sixty days before the issuer's intent to cancel or rescind the health benefit plan.

(b) The notice required under Subsection (a) must include, as applicable:

- (1) the principal reasons for the decision to cancel or rescind the health benefit plan;
- (2) the clinical basis for a determination that a preexisting condition exists;
- (3) a description of any general screening criteria used to evaluate issued health benefit plans and determine eligibility for a decision to cancel or rescind;
- (4) notice that the individual may file a complaint with the department if the individual believes the cancellation or rescission is inappropriate.

Sec. 1202.103. RULES. The commissioner shall adopt rules to implement and administer this subchapter.

The amendment to **CSSB 1007** was read and was adopted by a viva voce vote.

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

Absent-excused: Harris.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 5

Amend **CSSB 1007** in ARTICLE 4 of the bill as follows:

(1) In SECTION 4.____, in amended Section 2251.156(a), Insurance Code, between "Section 2252.153(a)(2)" and the comma, insert "or Section 2251.1511".

(2) Insert the following appropriately numbered SECTIONS and renumber existing SECTIONS accordingly:

SECTION 4.____. Subchapter D, Chapter 2251, Insurance Code, is amended by adding Section 2251.1511 to read as follows:

Sec. 2251.1511. PRIOR APPROVAL FOR CERTAIN RESIDENTIAL PROPERTY INSURANCE RATES. (a) An insurer may not use a rate for residential property insurance until the rate and all other information required by Section 2251.101 have been filed with the department and the rate has been approved by the commissioner if the insurer, together with any of the insurer's affiliates and subsidiaries, as those terms are defined by Section 823.003, issued property and casualty insurance policies in this state that accounted for at least five percent of the total amount of premiums collected by insurers for property and casualty insurance in this state in the calendar year preceding the date the filing is required or the rate is otherwise proposed to be used.

(b) Sections 2251.151(b) and (d) apply to rates filed under this section.

(c) Section 2251.152 does not apply to rates for which prior approval is required by this section.

SECTION 4.____. Section 2251.1511, Insurance Code, as added by this Article, applies only to rates for residential property insurance policies delivered, issued for delivery, or renewed on or after January 1, 2010. Rates for policies delivered, issued for delivery, or renewed before January 1, 2010, are governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

The amendment to **CSSB 1007** was read.

Senator Hinojosa offered the following amendment to Floor Amendment No. 5:

Floor Amendment No. 6

Amend Floor Amendment No. 5 by Hinojosa to **CSSB 1007** as follows:

(1) In Item (1) of the amendment, strike ""Section 2252.153(a)(2)"" and substitute ""Section 2251.153(a)(2)"".

(2) In Item (2) of the amendment, in added Section 2251.1151(a), Insurance Code, strike "issued property and casualty insurance" and substitute "issued personal property and casualty insurance".

(3) In Item (2) of the amendment, in added Section 2251.1151(a), strike "collected by insurers for property" and substitute "collected by insurers for personal property".

The amendment to Floor Amendment No. 5 to **CSSB 1007** 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. 6 except as follows:

Absent-excused: Harris.

Question recurring on the adoption of Floor Amendment No. 5 as amended to **CSSB 1007**, the amendment was tabled by the following vote: Yeas 18, Nays 12.

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

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Shapleigh, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Absent-excused: Harris.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 7

Amend **CSSB 1007** (Senate committee printing) in ARTICLE 4 of the bill by inserting the following appropriately numbered SECTIONS and renumbering existing SECTIONS of the Article accordingly:

SECTION 4. _____. Title 8, Insurance Code, is amended by adding Subtitle K to read as follows:

SUBTITLE K. RATEMAKING IN GENERAL

CHAPTER 1670. RATES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1670.001. APPLICABILITY OF CHAPTER. (a) This chapter applies only to a health benefit plan that provides benefits for medical or surgical expenses incurred as a result of a health condition, accident, or sickness, including an individual, group, blanket, or franchise insurance policy or insurance agreement, a group hospital service contract, or an individual or group evidence of coverage or similar coverage document that is offered by:

- (1) an insurance company;
- (2) a group hospital service corporation operating under Chapter 842;
- (3) a fraternal benefit society operating under Chapter 885;
- (4) a stipulated premium company operating under Chapter 884;
- (5) an exchange operating under Chapter 942;
- (6) a health maintenance organization operating under Chapter 843;
- (7) a multiple employer welfare arrangement that holds a certificate of authority under Chapter 846; or

(8) an approved nonprofit health corporation that holds a certificate of authority under Chapter 844.

(b) Notwithstanding any other law, this chapter applies to a health benefit plan issuer with respect to a standard health benefit plan provided under Chapter 1507.

Sec. 1670.002. EXCEPTION. (a) This chapter does not apply with respect to:

(1) a plan that provides coverage:

(A) for wages or payments in lieu of wages for a period during which an employee is absent from work because of sickness or injury;

(B) as a supplement to a liability insurance policy;

(C) for credit insurance;

(D) only for dental or vision care;

(E) only for hospital expenses; or

(F) only for indemnity for hospital confinement;

(2) a Medicare supplemental policy as defined by Section 1882(g)(1), Social Security Act (42 U.S.C. Section 1395ss);

(3) a workers' compensation insurance policy; or

(4) medical payment insurance coverage provided under a motor vehicle insurance policy.

(b) This chapter does not apply to:

(1) coverage provided through the Texas Health Insurance Risk Pool subject to Section 1506.105; or

(2) coverage provided under Subtitle H.

Sec. 1670.003. APPLICABILITY OF OTHER LAWS GOVERNING RATES. The requirements of this chapter are in addition to any other provision of this code governing health benefit plan rates. Except as otherwise provided by this chapter, in the case of a conflict between this chapter and another provision of this code, this chapter controls.

Sec. 1670.004. NOTICE OF RATE INCREASE. (a) In addition to any notice required to be provided under Section 1254.001, a health benefit plan issuer shall notify each person responsible for paying any part of an individual's premium or charge for coverage under the health benefit plan, other than a person who receives notice under Section 1254.001, of a rate increase scheduled to take effect on the renewal of the individual's coverage that will result in a total premium or charge amount for covering that individual that is at least 10 percent greater than the lesser of:

(1) the total premium or charge amount paid for the individual's coverage under the health benefit plan during the 12-month period preceding the coverage's renewal date; or

(2) the total premium or charge amount paid for the individual's coverage under the health benefit plan during the policy or contract period preceding the coverage's renewal date.

(b) A health benefit plan issuer shall send the notice required by Subsection (a) before the renewal date and not later than the 30th day before the date the rate increase is scheduled to take effect.

(c) The commissioner by rule may exempt a health benefit plan issuer from the notice requirements of this section for a short-term policy, contract, or evidence of coverage, as defined by the commissioner, that is issued by the plan issuer.

Sec. 1670.005. CONSIDERATION OF CERTAIN OTHER LAW. In reviewing rates under this chapter, the commissioner shall consider any state or federal law that may affect rates for health benefit plan coverage included in a policy, contract, or evidence of coverage subject to this chapter.

Sec. 1670.006. ADMINISTRATIVE PROCEDURE ACT APPLICABLE. Chapter 2001, Government Code, applies to all rate hearings under this chapter.

Sec. 1670.007. QUARTERLY REPORT OF PLAN ISSUER; LEGISLATIVE REPORT. (a) The commissioner shall require each health benefit plan issuer subject to this chapter to quarterly file with the commissioner information relating to changes in losses, premiums or other charges for coverage, and market share since January 1, 2010. The commissioner may require a health benefit plan issuer subject to this chapter to report to the commissioner, in the form and in the time required by the commissioner, any other information the commissioner determines is necessary to comply with this section.

(b) Quarterly, the commissioner shall report to the governor, the lieutenant governor, the speaker of the house of representatives, the legislature, and the public regarding:

(1) the information provided to the commissioner, other than information made confidential by law, in the health benefit plan issuers' reports under Subsection (a); and

(2) market conduct, especially rates and consumer complaints.

(c) The report required by Subsection (b) must:

(1) cover a calendar quarter;

(2) for each health benefit plan issuer that writes a line of health benefit plan coverage subject to this chapter, state:

(A) the plan issuer's market share;

(B) the plan issuer's profits and losses;

(C) the plan issuer's average medical loss ratio; and

(D) whether the plan issuer submitted a rate filing during the quarter covered in the report; and

(3) for each rate filing described by Subdivision (2)(D), indicate any significant impact on holders of policies, contracts, or evidences of coverage, the overall rate change from the rate previously used by the plan issuer stated as a percentage, and any rate changes for the previous 12, 24, and 36 months.

(d) Except as provided by Subsection (e), the quarterly report required by Subsection (b) must be made available to the governor, lieutenant governor, speaker of the house of representatives, legislature, and public not later than the 90th day after the last day of the calendar quarter covered by the report.

(e) If the commissioner determines that it is not feasible to provide the report required by this section within the period specified by Subsection (d) for all types of health benefit plan coverage subject to this chapter, the department:

(1) shall make the quarterly report, as applicable to individual health benefit plan coverage, available within the period specified by Subsection (d); and

(2) may delay publication of the quarterly report as it relates to other types of health benefit plan coverage subject to this chapter until a date specified by the commissioner.

[Sections 1670.008-1670.050 reserved for expansion]

SUBCHAPTER B. RATE STANDARDS

Sec. 1670.051. EXCESSIVE, INADEQUATE, AND UNFAIRLY DISCRIMINATORY RATES. (a) A rate is excessive, inadequate, or unfairly discriminatory for purposes of this chapter as provided by this section.

(b) A rate is excessive if the rate is likely to produce a long-term profit that is unreasonably high in relation to the health benefit plan coverage provided.

(c) A rate is inadequate if:

(1) the rate is insufficient to sustain projected losses and expenses to which the rate applies; and

(2) continued use of the rate:

(A) endangers the solvency of a health benefit plan issuer using the rate; or

(B) has the effect of substantially lessening competition or creating a monopoly in a market.

(d) A rate is unfairly discriminatory if the rate:

(1) is not based on sound actuarial principles;

(2) does not bear a reasonable relationship to the expected loss and expense experience among risks; or

(3) is based wholly or partly on the race, creed, color, ethnicity, or national origin of an individual or group sponsoring coverage under or covered by the health benefit plan.

Sec. 1670.052. RATE STANDARDS. (a) In setting rates, a health benefit plan issuer shall consider:

(1) past and prospective loss experience:

(A) inside this state; and

(B) outside this state if the data from this state are not credible;

(2) the peculiar hazards and experiences of individual risks, past and prospective, inside and outside this state, except to the extent specifically prohibited by law;

(3) the plan issuer's actuarially credible historical premium or charge, exposure, loss, and expense experience;

(4) catastrophe hazards in this state;

(5) operating expenses, excluding disallowed expenses;

(6) investment income;

(7) a reasonable margin for profit; and

(8) any other factors inside and outside this state:

(A) determined to be relevant by the health benefit plan issuer; and

(B) not disallowed by the commissioner.

(b) A rate may not be excessive, inadequate, or unfairly discriminatory for the risks to which the rate applies.

(c) Except to the extent limited by other law, the health benefit plan issuer may:

(1) group risks by classification to establish rates and minimum premiums or charges for coverage; and

(2) modify classification rates to produce rates for individual risks in accordance with rating plans that establish standards for measuring variations in those risks on the basis of any factor listed in Subsection (a).

(d) In setting rates that apply only to holders of policies, contracts, or evidences of coverage in this state, a health benefit plan issuer shall use available premium or charge, loss, claim, and exposure information from this state to the full extent of the actuarial credibility of that information. The plan issuer may use experience from outside this state as necessary to supplement information from this state that is not actuarially credible.

(e) In determining rating territories and territorial rates, an insurer shall use methods based on sound actuarial principles.

(f) Rates for a small employer health benefit plan subject to Chapter 1501 must comply with this chapter and Chapter 1501. In the case of a conflict between this chapter and Chapter 1501, Chapter 1501 controls.

[Sections 1670.053-1670.100 reserved for expansion]

SUBCHAPTER C. RATE FILINGS

Sec. 1670.101. RATE FILINGS AND SUPPORTING INFORMATION.

(a) Except as provided by Subchapter D, for risks written in this state, each health benefit plan issuer shall file with the commissioner all rates, applicable rating manuals, supplementary rating information, and additional information as required by the commissioner or another provision of this code.

(b) The commissioner by rule shall determine the information required to be included in the filing, including:

(1) categories of supporting information and supplementary rating information;

(2) statistics or other information to support the rates to be used by the health benefit plan issuer, including information necessary to evidence that the computation of the rate does not include disallowed expenses; and

(3) information concerning policy fees, service fees, and other fees that are charged or collected by the plan issuer under Section 550.001.

Sec. 1670.102. FILING REQUIREMENTS FOR PLAN ISSUERS WITH LESS THAN FIVE PERCENT OF MARKET. In determining filing requirements under Section 1670.101 for a health benefit plan issuer with less than five percent of the market, the commissioner shall consider specific attributes of the plan issuer and the plan issuer's market, as applicable. The commissioner shall determine filing requirements for those plan issuers accordingly to accommodate premium or charge volume and loss experience, targeted markets, limitations on coverage, and any potential barriers to market entry or growth.

Sec. 1670.103. DISAPPROVAL OF RATE IN RATE FILING; HEARING.

(a) The commissioner shall disapprove a rate if the commissioner determines that the rate filing made under this chapter does not meet the standards established under Subchapter B or another provision of this code governing the setting of rates by the health benefit plan issuer.

(b) If the commissioner disapproves a filing, the commissioner shall issue an order specifying in what respects the filing fails to meet the requirements of this chapter or another provision of this code governing the setting of rates by the health benefit plan issuer.

(c) The filer is entitled to a hearing on written request made to the commissioner not later than the 30th day after the date the order disapproving the rate filing takes effect.

Sec. 1670.104. DISAPPROVAL OF RATE IN EFFECT; HEARING. (a) The commissioner may disapprove a rate that is in effect only after a hearing. The commissioner shall provide the filer at least 20 days' written notice.

(b) The commissioner must issue an order disapproving a rate under Subsection (a) not later than the 15th day after the close of the hearing. The order must:

(1) specify in what respects the rate fails to meet the requirements of this chapter or another provision of this code governing the setting of rates by the health benefit plan issuer; and

(2) state the date on which further use of the rate is prohibited, which may not be earlier than the 45th day after the close of the hearing under this section.

Sec. 1670.105. GRIEVANCE. (a) An individual or group who sponsors coverage under or is covered by a health benefit plan and who is aggrieved with respect to any filing under this chapter that is in effect, or the public insurance counsel, may apply to the commissioner in writing for a hearing on the filing. The application must specify the grounds for the applicant's grievance.

(b) The commissioner shall hold a hearing on an application filed under Subsection (a) not later than the 30th day after the date the commissioner receives the application if the commissioner determines that:

(1) the application is made in good faith;

(2) the applicant would be aggrieved as alleged if the grounds specified in the application were established; and

(3) the grounds specified in the application otherwise justify holding the hearing.

(c) The commissioner shall provide written notice of a hearing under Subsection (b) to the applicant and each health benefit plan issuer that made the filing not later than the 10th day before the date of the hearing.

(d) If, after the hearing, the commissioner determines that the filing does not meet the requirements of this chapter or another provision of this code governing the setting of rates by the health benefit plan issuer, the commissioner shall issue an order:

(1) specifying in what respects the filing fails to meet those requirements; and

(2) stating the date on which the filing is no longer in effect, which must be within a reasonable period after the order date.

(e) The commissioner shall send copies of the order issued under Subsection (d) to the applicant and each affected.

Sec. 1670.106. ROLE OF PUBLIC INSURANCE COUNSEL. (a) On request to the commissioner, the public insurance counsel may review all rate filings and additional information provided by a health benefit plan issuer under this chapter. Confidential information reviewed under this subsection remains confidential.

(b) The public insurance counsel, not later than the 30th day after the date of a rate filing under this chapter, may file with the commissioner a written objection to:

(1) a health benefit plan issuer's rate filing; or

(2) the criteria on which the plan issuer relied to determine the rate.

(c) A written objection filed under Subsection (b) must contain the reasons for the objection.

Sec. 1670.107. PUBLIC INSPECTION OF INFORMATION. Each filing made, and any supporting information filed, under this chapter is open to public inspection as of the date of the filing.

[Sections 1670.108-1670.150 reserved for expansion]

SUBCHAPTER D. PRIOR APPROVAL OF RATES UNDER CERTAIN CIRCUMSTANCES

Sec. 1670.151. REQUIREMENT TO FILE RATES FOR PRIOR APPROVAL UNDER CERTAIN CIRCUMSTANCES. (a) The commissioner by order may require a health benefit plan issuer to file with the department for the commissioner's approval all rates, supplementary rating information, and any supporting information in accordance with this subchapter if the commissioner determines that:

(1) the plan issuer's rates require supervision because of the plan issuer's financial condition or rating practices; or

(2) a statewide health benefit coverage emergency exists.

(b) If a health benefit plan issuer files a petition under Subchapter D, Chapter 36, for judicial review of an order disapproving a rate under this chapter, the plan issuer must use the rates in effect for the plan issuer at the time the petition is filed and may not file and use any higher rate for the same type of health benefit plan coverage subject to this chapter before the matter subject to judicial review is finally resolved unless the health benefit plan issuer, in accordance with this subchapter, files the new rate with the department, along with any applicable supplementary rating information and supporting information, and obtains the commissioner's approval of the rate.

(c) From the date of the filing of the rate with the department to the effective date of the new rate, the health benefit plan issuer's previously filed rate that is in effect on the date of the filing remains in effect.

(d) The commissioner may require a health benefit plan issuer to file the plan issuer's rates under this section until the commissioner determines that the conditions described by Subsection (a) no longer exist.

(e) For purposes of this section, a rate is filed with the department on the date the department receives the rate filing.

(f) If the commissioner requires a health benefit plan issuer to file the plan issuer's rates under this section, the commissioner shall issue an order specifying the commissioner's reasons for requiring the rate filing. An affected plan issuer is entitled to a hearing on written request made to the commissioner not later than the 30th day after the date the order is issued.

Sec. 1670.152. RATE APPROVAL REQUIRED; EXCEPTION. (a) A health benefit plan issuer subject to this subchapter may not use a rate until the rate has been filed with the department and approved by the commissioner in accordance with this subchapter.

(b) Notwithstanding Subsection (a), after a rate filing is approved under this subchapter, a health benefit plan issuer, without prior approval of the commissioner, may use any rate subsequently filed by the plan issuer if the subsequently filed rate does not exceed the lesser of:

(1) 107.5 percent of the rate approved by the commissioner; or

(2) 110 percent of any rate used by the plan issuer in the previous 12-month period.

(c) Filed rates under Subsection (b) take effect on the date specified by the insurer.

Sec. 1670.153. COMMISSIONER ACTION. (a) Not later than the 30th day after the date a rate is filed with the department under this subchapter, the commissioner shall:

(1) approve the rate if the commissioner determines that the rate complies with the requirements of this chapter and other provisions of this code governing the setting of rates by the health benefit plan issuer; or

(2) disapprove the rate if the commissioner determines that the rate does not comply with the requirements of this chapter and other provisions of this code governing the setting of rates by the plan issuer.

(b) Except as provided by Subsection (c), if a rate has not been approved or disapproved by the commissioner before the expiration of the 30-day period described by Subsection (a), the rate is considered approved and the health benefit plan issuer may use the rate unless the rate proposed in the filing represents an increase of 12.5 percent or more from the plan issuer's previously filed rate.

(c) For good cause, the commissioner may, on the expiration of the 30-day period described by Subsection (a), extend the period for approval or disapproval of a rate for one additional 30-day period. The commissioner and the health benefit plan issuer may not by agreement extend the 30-day period described by Subsection (a).

Sec. 1670.154. ADDITIONAL INFORMATION. (a) If the department determines that the information filed by a health benefit plan issuer under this chapter is incomplete or otherwise deficient, the department may request additional information from the plan issuer. If the department requests additional information from the plan issuer during the 30-day period provided by Section 1670.153(a) or under a second 30-day period provided under Section 1670.153(c), the time between the date the department submits the request to the plan issuer and the date the department receives the information requested is not included in the computation of the first 30-day period or the second 30-day period, as applicable.

(b) For purposes of this section, the date of the department's submission of a request for additional information is:

(1) the date of the department's electronic mailing or telephone call relating to the request for additional information; or

(2) the postmarked date on the department's letter relating to the request for additional information.

Sec. 1670.155. NOTICE OF COMMISSIONER APPROVAL; USE OF RATE. If the commissioner approves a rate filing under Section 1670.153, the commissioner shall provide the health benefit plan issuer with a written or electronic notice of the approval. The plan issuer may use the rate on receipt of the approval notice.

Sec. 1670.156. RATE FILING DISAPPROVAL BY COMMISSIONER; HEARING. (a) If the commissioner disapproves a rate filing under Section 1670.153(a)(2), the commissioner shall issue an order disapproving the filing in accordance with Section 1670.103(b).

(b) A health benefit plan issuer whose rate filing is disapproved is entitled to a hearing in accordance with Section 1670.103(c).

SECTION 4.____. Sections 1507.008 and 1507.058, Insurance Code, are repealed.

SECTION 4.____. Subtitle K, Title 8, Insurance Code, as added by this article, applies only to rates for health benefit plan coverage delivered, issued for delivery, or renewed on or after January 1, 2010. Rates for health benefit plan coverage delivered, issued for delivery, or renewed before January 1, 2010, are governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

The amendment to **CSSB 1007** was read.

On motion of Senator Hegar, Floor Amendment No. 7 was tabled by the following vote: Yeas 18, Nays 12.

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

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Shapleigh, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Absent-excused: Harris.

Senator West offered the following amendment to the bill:

Floor Amendment No. 8

Amend **CSSB 1007** (Senate committee printing) in ARTICLE 4 of the bill by inserting the following appropriately numbered SECTIONS and renumbering existing SECTIONS accordingly:

SECTION 4.____. Chapter 2006, Insurance Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. PREMIUM DISCOUNT FOR CERTAIN DWELLINGS

Sec. 2006.151. DEFINITIONS. In this subchapter:

(1) "Applicant" includes:

(A) an applicant for new insurance coverage; and

(B) a policyholder renewing insurance coverage.

(2) "Residential property insurance" has the meaning assigned by Section 2251.002.

(3) "Insurer" means:

(A) an insurer subject to Chapter 2251;

(B) the Texas Windstorm Insurance Association; and

(C) the FAIR Plan Association.

Sec. 2006.152. OPTIONAL PREMIUM DISCOUNT. (a) The commissioner by rule shall authorize an insurer to grant to an applicant for residential property insurance a discount on the applicant's premium for an insured dwelling that is certified by the Institute for Business and Home Safety (IBHS) as and IBHS Fortified Home for the geographic location in which the dwelling is located or by a similar organization as meeting similar home fortification standards for the geographic location in which the dwelling is located if the commissioner determines that the standards being certified reflect a reduction in the risk being insured under the policy.

(b) The commissioner shall prescribe requirements for a policy applicant to submit verification of the certification of the dwelling to the insurer.

Sec. 2006.153. DWELLING INSPECTION. (a) The rules adopted under this subchapter may authorize an insurer to conduct an inspection of a dwelling to be insured to confirm that the dwelling meets the applicable standards for the geographic location in which the dwelling is located.

(b) The insurer shall pay the costs of an inspection under this section.

Sec. 2006.154. PREMIUM DISCOUNT; EXCEPTION. (a) The commissioner by rule shall establish the premium discount under this subchapter based on sound actuarial principles. The commissioner may vary the discount based on the coverage offered or excluded under the insurance policy, including windstorm and hail coverage.

(b) The commissioner may approve a premium discount greater or less than the discount established under Subsection (a) if:

(1) the insurer files the proposed discount with the department; and

(2) the commissioner determines that the proposed discount is actuarially justified.

Sec. 2006.155. RULES. The commissioner may adopt rules as necessary to implement this subchapter in addition to other rules specifically required to be adopted under this chapter.

SECTION 4. ____. Not later than December 1, 2009, the commissioner of insurance shall adopt rules required by Subchapter D, Chapter 2006, Insurance Code, as added by this article.

SECTION 4. ____. Subchapter D, Chapter 2006, Insurance Code, as added by this article, applies only to a residential property insurance policy delivered, issued for delivery, or renewed on or after January 1, 2010. A policy delivered, issued for delivery, or renewed before January 1, 2010, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

The amendment to **CSSB 1007** was read.

Senator West withdrew Floor Amendment No. 8.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 9

Amend **CSSB 1007** (Senate committee printing) by inserting the following appropriately numbered SECTIONS and renumbering existing SECTIONS of the ARTICLE accordingly:

SECTION 4. __. Section 2253.001(b), Insurance Code, is amended to read as follows:

(b) The commissioner by rule may allow a greater rate difference than the rate difference specified by Subsection (a) only if the commissioner determines that the greater rate difference is justified solely by weather-related factors and is supported with sound actuarial data.

SECTION 4. __. Section 2253.001(b), Insurance Code, as amended by this article, applies only to a residential property or personal automobile insurance policy delivered, issued for delivery, or renewed on or after January 1, 2010. A policy delivered, issued for delivery, or renewed before January 1, 2010, is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

The amendment to **CSSB 1007** was read.

On motion of Senator Hegar, Floor Amendment No. 9 was tabled by the following vote: Yeas 18, Nays 12.

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

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Shapleigh, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Absent-excused: Harris.

Senator Shapleigh offered the following amendment to the bill:

Floor Amendment No. 10

Amend **CSSB 1007** (Senate committee printing) by inserting the following appropriately numbered Article and renumbering existing Articles accordingly:

ARTICLE __. STANDARD FORMS

SECTION __.001. Section 2301.008, Insurance Code, is amended to read as follows:

Sec. 2301.008. ADOPTION AND USE OF STANDARD FORMS. The commissioner shall ~~may~~ adopt standard insurance policy forms, printed endorsement forms, and related forms other than insurance policy forms and printed endorsement forms, that an insurer shall ~~may~~ use in addition to ~~instead of~~ the insurer's own forms in writing insurance subject to this subchapter.

SECTION __.002. Section 2301.052(b), Insurance Code, is amended to read as follows:

(b) Subject to Section 2301.0525, an ~~An~~ insurer may continue to use an insurance policy form or endorsement promulgated, approved, or adopted under Article 5.06 or 5.35 before June 11, 2003, on written notification to the commissioner that the insurer will continue to use the form or endorsement.

SECTION _.003. Subchapter B, Chapter 2301, Insurance Code, is amended by adding Section 2301.0525 to read as follows:

Sec. 2301.0525. USE OF MINIMUM STANDARD INSURANCE POLICY FORMS REQUIRED. (a) Each insurer that writes residential property insurance in this state shall use the standard insurance policy forms adopted by the commissioner under Section 2301.008 for residential property insurance and, subject to Subsection (b), may also use alternative policy forms approved by the commissioner under Section 2301.006.

(b) An insurer may not deliver or issue for delivery in this state a residential property insurance policy unless the insurer informs each applicant for that insurance coverage, in the manner prescribed by commissioner rule, that an applicant otherwise qualified for that insurance coverage under this code may elect to obtain residential property insurance coverage under a standard insurance policy adopted by the commissioner under Section 2301.008.

(c) An insurer that offers coverage under the standard policy forms shall disclose to the applicant or insured, at the time of the initial application and each renewal, each policy limit and type of coverage available to the insured and the respective costs for each coverage. The form of the disclosure shall be specified by the commissioner, subject to Section 2301.053(c).

(d) An insurer that offers coverage under approved forms other than the standard policy forms shall disclose to the applicant or insured, at the time of the initial application and each renewal, in comparison to the standard policy forms each additional coverage that is provided and the additional cost, each reduction in coverage or exclusion of coverage and the reduced cost, and each policy limit and type of coverage available to the insured and the respective costs for each coverage. The form of the disclosure shall be specified by the commissioner, subject to Section 2301.053(c).

SECTION _.004. The change in law made by this article applies only to an insurance policy delivered, issued for delivery, or renewed on or after January 1, 2010. A policy delivered, issued for delivery, or renewed before January 1, 2010, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

The amendment to **CSSB 1007** was read.

On motion of Senator Hegar, Floor Amendment No. 10 was tabled by the following vote: Yeas 18, Nays 12.

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

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Shapleigh, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Absent-excused: Harris.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 11

Amend **CSSB 1007** (Senate committee printing) as follows:

(1) Insert a new ARTICLE in the bill, appropriately numbered, to read as follows:

ARTICLE __. POLICY FORMS

SECTION __.001. Section 2301.008, Insurance Code, is amended to read as follows:

Sec. 2301.008. ADOPTION AND USE OF STANDARD FORMS. (a) Except as provided by Subsection (b), the [The] commissioner may adopt standard insurance policy forms, printed endorsement forms, and related forms other than insurance policy forms and printed endorsement forms.

(b) The commissioner shall adopt standard insurance policy forms, printed endorsement forms, and related forms other than insurance policy forms and printed endorsement forms for use by an insurer in writing residential property insurance.

(c) In[~~, that an insurer may use instead of the insurer's own forms in~~] writing insurance subject to this subchapter other than residential property insurance, an insurer may use the standard forms adopted by the commissioner under Subsection (a) instead of the insurer's own forms. In writing residential property insurance, an insurer shall use the standard forms in the manner prescribed by Section 2301.0525.

SECTION __.002. Section 2301.052(b), Insurance Code, is amended to read as follows:

(b) Subject to Section 2301.0525, an [An] insurer may continue to use an insurance policy form or endorsement promulgated, approved, or adopted under Article 5.06 or 5.35 before June 11, 2003, on written notification to the commissioner that the insurer will continue to use the form or endorsement.

SECTION __.003. Subchapter B, Chapter 2301, Insurance Code, is amended by adding Section 2301.0525 to read as follows:

Sec. 2301.0525. USE OF CERTAIN STANDARD INSURANCE POLICY FORMS REQUIRED. (a) Each insurer that writes residential property insurance in this state shall use the standard insurance policy forms adopted by the commissioner under Section 2301.008 for residential property insurance and, subject to Subsection (b), may also use alternative policy forms approved by the commissioner under Section 2301.006.

(b) An insurer may not deliver or issue for delivery in this state a residential property insurance policy unless the insurer informs all applicants for that insurance coverage, in the manner prescribed by commissioner rule, that an applicant otherwise qualified for that insurance coverage under this code may elect to obtain residential property insurance coverage under a standard insurance policy adopted by the commissioner under Section 2301.008.

SECTION __.004. This article applies only to an insurance policy delivered, issued for delivery, or renewed on or after January 1, 2010. A policy delivered, issued for delivery, or renewed before January 1, 2010, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(2) Renumber the ARTICLES of the bill accordingly.

The amendment to **CSSB 1007** was read.

On motion of Senator Hegar, Floor Amendment No. 11 was tabled by the following vote: Yeas 18, Nays 12.

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

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Shapleigh, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Absent-excused: Harris.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 12

Amend **CSSB 1007** (Senate committee printing) as follows:

(1) Insert a new ARTICLE in the bill, appropriately numbered, to read as follows:

ARTICLE __. WITHDRAWAL AND RESTRICTION PLANS

SECTION __.001. Section 827.001, Insurance Code, is amended by amending Subdivision (1) and adding Subdivision (3) to read as follows:

(1) "Insurer" means an insurance company or other legal entity authorized to engage in the business of insurance in this state, including a fraternal benefit society, a reciprocal or interinsurance exchange, a Lloyd's plan, a farm mutual insurance company, and a county mutual insurance company. The term includes an affiliate. The term does not include [~~a farm mutual insurance company or~~] an eligible surplus lines insurer regulated under Chapter 981.

(3) "Personal automobile insurance" and "residential property insurance" have the meanings assigned by Section 2254.001.

SECTION 2. Section 827.006, Insurance Code, is amended to read as follows:

Sec. 827.006. [~~RESUMPTION OF~~] WRITING INSURANCE AFTER COMPLETE WITHDRAWAL. An insurer that withdraws from writing residential property insurance or personal automobile [~~all lines of~~] insurance in this state may not, without the approval of the commissioner, write any line of [~~resume writing~~] insurance in this state before the fifth anniversary of the date of withdrawal.

SECTION 3. Section 827.007, Insurance Code, is amended to read as follows:

Sec. 827.007. PENALTIES. The commissioner may impose sanctions [~~the civil penalties~~] under Chapter 82 on an insurer that fails to comply in any manner with this chapter [~~obtain the commissioner's approval before the insurer:~~

[(1) ~~withdraws from writing a line of insurance in this state; or~~

[(2) ~~reduces the insurer's total annual premium volume by 75 percent or more in any year~~].

SECTION 4. Sections 827.008(a) and (b), Insurance Code, are amended to read as follows:

(a) Before an insurer[~~, in response to a catastrophic natural event that occurred during the preceding six months,~~] may restrict writing new personal automobile insurance or residential property insurance business in this state or a rating territory [~~in a line of personal automobile or residential property insurance~~], the insurer must file a proposed restriction plan with the commissioner for the commissioner's review and approval. The commissioner may not approve a restriction plan in which the

insurer proposes to increase the relative number of residential property insurance policies issued by the insurer that offer substantially less coverage than the average residential property insurance policy previously issued by the insurer.

(b) The commissioner may modify, restrict, or limit a restriction plan under this section as necessary if the commissioner finds that a line of insurance subject to the restriction plan is not offered in this state in a quantity or manner to adequately cover the risks in this state or to adequately protect the residents of this state and policyholders in this state [~~in light of the impact of the catastrophic natural event~~]. The commissioner may by order set the date on which the insurer's restriction begins.

SECTION 5. Section 827.008(c), Insurance Code, is repealed.

SECTION 6. The change in law made by this Act applies only to a withdrawal or restriction plan filed with the Texas Department of Insurance on or after the effective date of this Act. A withdrawal or restriction plan filed with the Texas Department of Insurance before the effective date of this Act is covered by the law in effect at the time the withdrawal or restriction plan was filed, and that law is continued in effect for that purpose.

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

The amendment to **CSSB 1007** was read.

(President in Chair)

On motion of Senator Hegar, Floor Amendment No. 12 was tabled by the following vote: Yeas 18, Nays 12.

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

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Shapleigh, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Absent-excused: Harris.

Senator Van de Putte offered the following amendment to the bill:

Floor Amendment No. 13

Amend **CSSB 1007** in ARTICLE 4 of the bill by inserting the following and appropriately renumbering the SECTIONS accordingly:

SECTION 4.__. Section 38.002, Insurance Code, is amended by adding Subsection (g) to read as follows:

(g) An underwriting guideline used by an insurer or its agent in relation to a personal automobile insurance policy must comply with Section 1951.005.

SECTION 4.__. Chapter 1951, Insurance Code, is amended by adding Section 1951.005 to read as follows:

Sec. 1951.005. CERTAIN FACTORS IN UNDERWRITING AND RATING PROHIBITED. An insurer may not use the occupation or educational level of a person insured under a personal automobile insurance policy, or an applicant for coverage under a personal automobile insurance policy, as a factor in underwriting or rating that coverage.

SECTION 4.__. Section 2251.052, Insurance Code, is amended by adding Subsection (f) to read as follows:

(f) Rates and rating applicable to a personal automobile insurance policy must comply with Section 1951.005.

SECTION 4. Sections 38.002(g), 1951.005, and 2251.052(f), Insurance Code, as added by this article, apply only to an insurance policy that is delivered, issued for delivery, or renewed on or after January 1, 2010. A policy that is delivered, issued for delivery, or renewed before January 1, 2010, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for this purpose.

The amendment to **CSSB 1007** was read.

On motion of Senator Hegar, Floor Amendment No. 13 was tabled by the following vote: Yeas 18, Nays 12.

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

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Shapleigh, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Absent-excused: Harris.

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 14

Amend **CSSB 1007** (committee printing) as follows:

(1) Insert a new ARTICLE in the bill, appropriately numbered, to read as follows:

ARTICLE ____ . CREDIT SCORING

SECTION ____ .001. Section 559.001, Insurance Code, is amended by amending Subdivision (10) and adding Subdivision (12) to read as follows:

(10) "Insurer" means an insurer authorized to write property and casualty insurance in this state, including an insurance company, reciprocal or interinsurance exchange, mutual insurance company, capital stock company, county mutual insurance company, farm mutual insurance company, association, Lloyd's plan, or other entity writing personal insurance in this state. The term includes an affiliate, as described by this code, if that affiliate is authorized to write personal insurance in this state. The term does not include [~~a farm mutual insurance company or~~] an eligible surplus lines insurer under this code.

(12) "Underwriting" means the selection of the risk that will be assumed by an insurer, and specifically the decision whether to accept, deny, renew, nonrenew, reduce, or increase the amount of benefits payable under an insurance policy or the types of coverages available under an insurance policy.

SECTION ____ .002. Section 559.002, Insurance Code, is amended to read as follows:

Sec. 559.002. APPLICABILITY OF CHAPTER. This chapter applies to an insurer that writes personal insurance coverage [~~and uses credit information or credit reports for the underwriting or rating of that coverage~~].

SECTION ____ .003. Section 559.004, Insurance Code, is amended to read as follows:

Sec. 559.004. RULES. ~~[(a)]~~ The commissioner may adopt rules in the manner prescribed by Subchapter A, Chapter 36, as necessary to implement this chapter.

~~[(b) The commissioner shall adopt rules that prescribe the allowable differences in rates charged by insurers due solely to the difference in credit scores.]~~

SECTION _____.004. The heading to Subchapter B, Chapter 559, Insurance Code, is amended to read as follows:

SUBCHAPTER B. PROHIBITED USE OF CREDIT SCORING AND CREDIT INFORMATION

SECTION _____.005. Section 559.051, Insurance Code, is amended to read as follows:

Sec. 559.051. PROHIBITION ON CERTAIN ~~[PERMISSIBLE]~~ USE OF CREDIT SCORING BY INSURERS. With respect to a line of insurance subject to this chapter, an ~~[An]~~ insurer may not:

(1) refuse to underwrite, cancel, or refuse to renew a risk based, in whole or in part, on the credit report or credit score of an insured or an applicant for insurance coverage; or

(2) rate a risk based, in whole or in part, on the credit report or credit score of an insured or an applicant for insurance coverage in any manner, including:

(A) the provision or removal of a discount;

(B) assignment of an insured or an applicant for insurance coverage to a rating tier; or

(C) placement of an insured or an applicant for insurance coverage with an affiliate ~~[use credit scoring, except for factors that constitute unfair discrimination, to develop rates, rating classifications, or underwriting criteria regarding lines of insurance subject to this chapter].~~

SECTION _____.006. The following laws are repealed:

(1) Sections 559.001(1) and (2), Insurance Code;

(2) Section 559.003, Insurance Code;

(3) Sections 559.052, 559.053, 559.054, 559.055, 559.056, and 559.057, Insurance Code; and

(4) Subchapters C and D, Chapter 559, Insurance Code.

SECTION _____.007. (a) Chapter 559, Insurance Code, as amended by this article, applies only to a personal insurance policy:

(1) that is delivered, issued for delivery, or renewed on or after January 1, 2010; or

(2) the application for which is submitted on or after January 1, 2010.

(b) A personal insurance policy delivered, issued for delivery, or renewed before January 1, 2010, or the application for which is submitted before January 1, 2010, is governed by the law as it existed immediately before January 1, 2010, and that law is continued in effect for that purpose.

(2) Renumber the ARTICLES of the bill accordingly.

The amendment to **CSSB 1007** was read.

On motion of Senator Hegar, Floor Amendment No. 14 was tabled by the following vote: Yeas 18, Nays 12.

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

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Shapleigh, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Absent-excused: Harris.

Senator Gallegos offered the following amendment to the bill:

Floor Amendment No. 15

Amend **CSSB 1007** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION __. Section 31.022, Insurance Code, is amended to read as follows:

Sec. 31.022. ELECTION [~~APPOINTMENT; TERM~~]. The commissioner is elected by the qualified voters at the general election for state and county officers for a term of four years. [~~(a) The governor, with the advice and consent of the senate, shall appoint the commissioner. The commissioner serves a two-year term that expires on February 1 of each odd numbered year.~~

[~~(b) The governor shall appoint the commissioner without regard to the race, color, disability, sex, religion, age, or national origin of the appointee.~~]

SECTION __. Section 31.024, Insurance Code, is amended to read as follows:

Sec. 31.024. INELIGIBILITY FOR PUBLIC OFFICE. The commissioner is ineligible to be a candidate for another [~~a~~] public elective office in this state, unless the commissioner has resigned and the governor has accepted the resignation.

SECTION __. Section 31.027(a), Insurance Code, is amended to read as follows:

(a) It is a ground for removal from office if the commissioner:

(1) [~~does not have at the time of appointment the qualifications required by Section 31.023;~~

[~~(2) does not maintain during service as commissioner the qualifications required by Section 31.023;~~

[~~(3)~~] violates a prohibition established by Section 33.001, 33.003, 33.004, or 33.005; or

(2) [~~(4)~~] cannot, because of illness or disability, discharge the commissioner's duties for a substantial part of the commissioner's term.

SECTION __. Section 52.092(c), Election Code, is amended to read as follows:

(c) Statewide offices of the state government shall be listed in the following order:

- (1) governor;
- (2) lieutenant governor;
- (3) attorney general;
- (4) comptroller of public accounts;
- (5) commissioner of the General Land Office;
- (6) commissioner of agriculture;
- (7) commissioner of insurance;
- (8) railroad commissioner;

- (9) [~~8~~] chief justice, supreme court;
- (10) [~~9~~] justice, supreme court;
- (11) [~~10~~] presiding judge, court of criminal appeals;
- (12) [~~11~~] judge, court of criminal appeals.

SECTION __. Section 504.401(d), Transportation Code, is amended to read as follows:

- (d) In this section, "state official" means:
- (1) a member of the legislature;
 - (2) the governor;
 - (3) the lieutenant governor;
 - (4) a justice of the supreme court;
 - (5) a judge of the court of criminal appeals;
 - (6) the attorney general;
 - (7) the commissioner of the General Land Office;
 - (8) the comptroller;
 - (9) a member of the Railroad Commission of Texas;
 - (10) the commissioner of agriculture;
 - (11) the commissioner of insurance;
 - (12) the secretary of state; or
 - (13) [~~12~~] a member of the State Board of Education.

SECTION __. Sections 31.023 and 33.002, Insurance Code, are repealed.

SECTION __. (a) The first general election for commissioner of insurance shall be held November 2, 2010, for a two-year term beginning on January 1, 2011. Thereafter, the commissioner of insurance shall be elected to serve a four-year term.

(b) Until the first commissioner of insurance elected under this Act takes office, the commissioner serving on the effective date of this Act shall, unless otherwise removed as provided by law, continue in office under the prior law that governed the office, and that prior law is continued in effect for that purpose. If on January 1, 2011, there is a vacancy in the office of commissioner of insurance created under this Act because the first commissioner-elect has died or refuses or is permanently unable to serve, the commissioner serving on that date shall, unless otherwise removed as provided by law, continue in office under the prior law that governed the office until the governor fills the vacancy by appointment in the manner provided by law. The prior law that governed the office of the commissioner of insurance is continued in effect for that purpose.

The amendment to **CSSB 1007** was read.

On motion of Senator Hegar, Floor Amendment No. 15 was tabled by the following vote: Yeas 18, Nays 12.

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

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Shapleigh, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Absent-excused: Harris.

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

CSSB 1007 as amended was passed to engrossment by the following vote: Yeas 18, Nays 12.

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

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Shapleigh, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Absent-excused: Harris.

COMMITTEE SUBSTITUTE SENATE BILL 1007 ON THIRD READING

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1007** 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, Seliger, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, Whitmire, Williams, Zaffirini.

Nays: Wentworth, West.

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 1007**, 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 1007** 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 18, Nays 12.

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

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Shapleigh, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Absent-excused: Harris.

SENATE BILLS ON FIRST READING

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

SB 2536 by Patrick

Relating to the powers of the West Harris County Regional Water Authority.
To Committee on Natural Resources.

SB 2537 by Patrick

Relating to the creation of the Harris County Municipal Utility District No. 524; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

SB 2538 by Shapleigh

Relating to the inclusion of certain financial information, including certain school district information, in an online database maintained by the comptroller.

To Committee on Finance.

SB 2539 by Wentworth

Relating to the creation of the Comal County Water Control and Improvement 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 2540 by Wentworth

Relating to the creation of the Comal County Water Control and Improvement District No. 5; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

HOUSE BILL ON FIRST READING

The following bill received from the House was read first time and referred to the committee indicated:

HB 594 to Committee on Health and Human Services.

REPORT OF COMMITTEE ON NOMINATIONS

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

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

Members, Board of Directors, Angelina and Neches River Authority: Joseph "Jody" Anderson, Angelina County; Alfred "Al" Chavira, Cherokee County; Julie Dowell, Smith County; David M. King, Nacogdoches County.

Members, Board of Directors, Brazos River Authority: Richard L. Ball, Palo Pinto County; Grady Barr, Taylor County; F. LeRoy Bell, Taylor County; Kari Belt, Coryell County; Peter G. Bennis, Johnson County; John A. Brieden III, Washington County; James F. "Jim" Landtroop, Jr., Hale County; Sara Lowrey Mackie, Bell County; Nancy Kay Whitehead Porter, Fort Bend County; G. Dave Scott, Fort Bend County; Jon E. Sloan, Williamson County; John D. Steinmetz, Lubbock County; Robert E. "Bob" Tesch, Williamson County; Mary Ward, Hood County; Salvatore A. Zaccagnino, Burleson County.

Members, Coastal Coordination Council: George W. Deshotels, Matagorda County; Robert Elliott Jones, Nueces County; James R. Matz, Cameron County; Bob McCan, Victoria County.

Members, Board of Directors, Coastal Water Authority: Zebulun Nash, Harris County; Alan Russell Senac, Chambers County; Ray Stoesser, Liberty County.

Members, Board of Directors, Guadalupe-Blanco River Authority: Oscar H. Fogle, Caldwell County; Grace G. Kunde, Guadalupe County; Arlene N. Marshall, Calhoun County; Myrna Patterson McLeroy, Gonzales County; Frank J. Pagel, Refugio County; James L. Powers, Hays County; Michael D. Schultz, Kendall County; Clifton Leo "Cliff" Thomas, Jr., Victoria County.

Commissioner, Red River Compact Commission: William A. "Bill" Abney, Harrison County.

Commissioner for Texas, Rio Grande Compact Commission: Patrick R. Gordon, El Paso County.

Members, Sabine River Compact Administration: Gary E. Gagnon, Orange County; Jerry F. Gipson, Gregg County.

Members, Board of Directors, San Antonio River Authority: John Jerome Flieller, Wilson County; Jeffrey Stephen Neathery, Bexar County.

Members, Board of Trustees, Teacher Retirement System of Texas: Charlotte Renee Masters Clifton, Scurry County; Robert Paul Gauntt, Harris County; R. David Kelly, Collin County; Eric Craig McDonald, Lubbock County.

Members, Texas Water Development Board: Joe Crutcher, Anderson County; Lewis Hill McMahan, Dallas County; Edward Gibson Vaughan, Comal County.

Members, Board of Directors, Trinity River Authority: Harold L. Barnard, Ellis County; Herschel Sampson Brannen III, Trinity County; Karl Richard Butler, Dallas County; Pat Carlson, Tarrant County; Michael Cronin, Kaufman County; Steve Cronin, San Jacinto County; Amanda Davis, Leon County; Ronald J. Goldman, Tarrant County; Martha A. Hernandez, Tarrant County; John W. Jenkins, Chambers County; Keith W. Kidd, Dallas County; Jess Laird, Henderson County; Nancy E. Lavinski, Anderson County; David Blake Leonard, Liberty County; Andrew Martinez, Walker County; Kevin Maxwell, Houston County; Barbara Nash, Tarrant

County; James Wyatt Neale, Dallas County; Manny Rachal, Polk County; Amir Rupani, Dallas County; Ana Laura Saucedo, Dallas County; Shirley Kristine Urdal Seale, Chambers County; Carol Spillars, Madison County; Linda D. Timmerman, Freestone County; Kimberley Chris "K. C." Wyatt, Navarro County.

Members, Board of Directors, Upper Colorado River Authority: Ronny Alexander, Concho County; William S. Holland, Tom Green County; William Hood, Coke County; Hope Wilson Huffman, Tom Green County; Andrew Jackson "A. J." Jones, Jr., Tom Green County; Martin Needham Lee, Coke County; John Nikolauk, Schleicher County.

Members, Board of Directors, Upper Neches River Municipal Water Authority: Jesse D. Hickman, Anderson County; William "Barry" James, Anderson 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 RULES SUSPENDED (Posting Rules)

On motion of Senator Nelson and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Health and Human Services might meet and consider **SB 2476** today.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 655 by Williams, In memory of Steven Michael Wheeler of Cleveland.

SR 663 by Estes, In memory of Lloyd Ruby of Wichita Falls.

Congratulatory Resolutions

SR 647 by Nelson, Recognizing Vic Burgess on the occasion of his retirement as Mayor of the City of Corinth.

SR 648 by Patrick, Recognizing Elnor Lee Garrett Moran of Houston on the occasion of her 100th birthday.

SR 650 by Deuell, Recognizing Charlie Richmond on the occasion of his retirement from the Mesquite Police Department.

SR 652 by Hegar, Recognizing Alvertice Bowdre, Jr., for his contributions to the Prairie View community.

SR 656 by Williams, Recognizing the Independent Bankers Association of Texas on the occasion of its 35th anniversary.

SR 657 by Lucio, Commending Ray Salazar, Jr., for achieving the rank of Eagle Scout.

SR 658 by Lucio, Congratulating the members of the Vela Middle School Chess Team for their accomplishments in recent competitions.

SR 659 by Fraser, Recognizing David Polnick on the occasion of his retirement as Superintendent of the Abilene Independent School District.

SR 660 by Fraser, Recognizing Melvin Martin on the occasion of his retirement as Chief of the Abilene Police Department.

SR 661 by Ellis, Recognizing Laverne L. Clark on the occasion of his 80th birthday.

SR 662 by Ellis, Commending Lester Hughes for his contributions to the young people of his community.

Official Designation Resolutions

SR 651 by Hegar, Recognizing April 27, 2009, as Prairie View A&M University Day at the State Capitol.

SR 654 by Nelson, Recognizing April 20 through April 26, 2009, as Deep Vein Thrombosis Awareness Week in Texas.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 6:27 p.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

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

April 20, 2009

CRIMINAL JUSTICE — **SB 385, SB 409, SB 650, SB 712, SB 840, SB 1061, SB 1188, SB 1323, SB 1377, SB 1774, SB 2047**

TRANSPORTATION AND HOMELAND SECURITY — **CSSB 1609, CSSB 1616**

NATURAL RESOURCES — **SB 213, SB 1360, SB 1405, SB 2126, SB 2495, CSSB 2380, HB 753, HB 1595, HB 2073, HB 2457**

AGRICULTURE AND RURAL AFFAIRS — **CSSB 1667, CSSB 1806, CSSB 1779, CSSB 1666, SB 1586, SB 1501, SB 1309, SB 1132, SB 1131, CSSB 212, CSSB 2379**

TRANSPORTATION AND HOMELAND SECURITY — **CSSB 1785**

JURISPRUDENCE — **CSHB 670, CSSB 24, CSSB 55, CSSB 312, CSSB 499, CSSB 992, CSSB 1062, CSSB 1243, CSSB 1685, CSSB 2217, CSSB 2279, CSSB 2385**

AGRICULTURE AND RURAL AFFAIRS — **CSSB 1583, CSSB 1693**

EDUCATION — **CSSB 1933, CSSB 2248**

HIGHER EDUCATION — **CSSB 46, CSSB 201, CSSB 215, CSSB 324, CSSB 819, CSSB 857, CSSB 1249, CSSB 1394, CSSB 1728, CSSB 1735, CSSB 1800, CSSB 1801, CSSB 2189**

INTERGOVERNMENTAL RELATIONS — **CSSB 1038, CSSB 1337, CSSB 1890, CSSB 1943**

HIGHER EDUCATION — **CSSB 2376, CSSB 31**

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — **CSSB 1498**

STATE AFFAIRS — **CSSB 350, CSSB 871, CSSB 1200, CSSB 1479, CSSB 1563**

TRANSPORTATION AND HOMELAND SECURITY — **SB 501, SB 512, SB 858, SB 1634, SB 2437**

INTERGOVERNMENTAL RELATIONS — **SB 1299, SB 1462, SB 1717, SB 2093, SB 2503, SB 2504**

HIGHER EDUCATION — **CSSB 2243, CSSB 256**

HEALTH AND HUMAN SERVICES — **CSSB 1214, SB 1397, SB 1542**

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — **CSSB 1022**

INTERGOVERNMENTAL RELATIONS — **CSSB 2470**

CRIMINAL JUSTICE — **CSSB 410, CSSB 1120, CSSB 1173, CSSB 1224, CSSB 1236, CSSB 1296, CSSB 1506, CSSB 2046**

INTERGOVERNMENTAL RELATIONS — **CSSB 1687, CSSB 1918, CSSB 1919, CSSB 1945, CSSB 1946, CSSB 2121, CSSB 2412, CSSB 2145, CSSB 2413, CSSB 2481**

BILLS AND RESOLUTION ENGROSSED

April 17, 2009

SB 7, SB 249, SB 390, SB 526, SB 598, SB 639, SB 835, SB 861, SB 896, SB 912, SB 1255, SB 1490, SB 1662, SB 1715, SB 1900, SB 1988, SJR 18

RESOLUTIONS ENROLLED

April 17, 2009

SR 645, SR 646

