

SENATE JOURNAL

EIGHTY-FIRST LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FORTY-FIRST DAY

(Tuesday, April 21, 2009)

The Senate met at 11:11 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.

The Reverend Dr. Travis Summerlin, Tenth Street United Methodist Church, Taylor, offered the invocation as follows:

Almighty God, grant to the Members of our Legislature a sacred moment of quiet before they take up the duties of the day. Turn their thoughts to You and open their hearts to Your spirit that they may have wisdom in their decisions, understanding in their thinking, love in their attitudes, and mercy in their judgments. We pray that You will bless these men and women chosen by the people of our state as they lead us in this time filled with so many opportunities and challenges. Give them strength, and speak to them to give them wisdom greater than their own. May they hear Your voice and seek Your guidance. We pray for our Governor and Lieutenant Governor and their cabinet of advisors, for our nation, the President and our other leaders, for our men and women in uniform who serve in harm's way around the world, doing what they do, so we may have the freedom to do what we do today. May Your spirit be at work to bring a just and lasting peace to our world. We know that without Your guidance we can do nothing, but with You we can do all things. Let us not be frightened by the challenges that confront us, but rather give You thanks that You have matched us with this hour. May we resolve, God helping us, to be part of the answer and not part of the problem. Through Your holy name. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of yesterday be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

LEAVE OF ABSENCE

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

CO-AUTHORS OF SENATE BILL 187

On motion of Senator Deuell, Senators Shapleigh, Van de Putte, and West will be shown as Co-authors of **SB 187**.

CO-AUTHOR OF SENATE BILL 215

On motion of Senator Van de Putte, Senator West will be shown as Co-author of **SB 215**.

CO-AUTHOR OF SENATE BILL 871

On motion of Senator Lucio, Senator Ellis will be shown as Co-author of **SB 871**.

CO-AUTHOR OF SENATE BILL 1256

On motion of Senator Carona, Senator Harris will be shown as Co-author of **SB 1256**.

CO-AUTHOR OF SENATE BILL 1313

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

CO-AUTHOR OF SENATE BILL 1394

On motion of Senator Zaffirini, Senator West will be shown as Co-author of **SB 1394**.

CO-AUTHORS OF SENATE BILL 1785

On motion of Senator Carona, Senators Hegar, Nichols, and Patrick will be shown as Co-authors of **SB 1785**.

CO-AUTHOR OF SENATE BILL 1976

On motion of Senator Whitmire, Senator Hinojosa will be shown as Co-author of **SB 1976**.

CO-AUTHOR OF SENATE BILL 2195

On motion of Senator Williams, Senator Davis will be shown as Co-author of **SB 2195**.

CO-AUTHOR OF SENATE BILL 2288

On motion of Senator Lucio, Senator Seliger will be shown as Co-author of **SB 2288**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 48

On motion of Senator Williams, Senator West will be shown as Co-author of **SJR 48**.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 59

On motion of Senator Jackson, Senator Ellis will be shown as Co-author of **SCR 59**.

MESSAGE FROM THE GOVERNOR

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

Austin, Texas
April 20, 2009

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

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

To be a member of the Texas State Affordable Housing Corporation Board of Directors for a term to expire February 1, 2013:

William Henry "Bill" Dietz, Jr.
Waco, Texas

(Mr. Dietz is replacing Thomas Leeper of Huntsville who resigned)

Respectfully submitted,
/s/Rick Perry
Governor

SENATE RESOLUTION 669

Senator Seliger offered the following resolution:

WHEREAS, Members of the Odessa Hispanic Chamber of Commerce are visiting the State Capitol on April 21, 2009, and their attendance provides a fitting opportunity to recognize the achievements of the organization; and

WHEREAS, Founded in 1976 as the Odessa Mexican American Chamber of Commerce, this notable group aims to unify its West Texas community while promoting the growth and advancement of area commerce; and

WHEREAS, The chamber emphasizes support of small business, leadership development, and youth development; in an effort to achieve this goal, members work closely with the City of Odessa, the Odessa Chamber of Commerce, the Small Business Administration, Odessa College, the League of United Latin American Citizens, and a number of civic organizations; and

WHEREAS, Since its founding, the Odessa Hispanic Chamber of Commerce has rendered invaluable assistance to countless individuals and contributed immeasurably to a robust business environment in the Permian Basin; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby welcome members of the Odessa Hispanic Chamber of Commerce to the State Capitol and extend to them sincere best wishes for continued success; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the Odessa Hispanic Chamber of Commerce as an expression of high regard from the Texas Senate.

SR 669 was read and was adopted without objection.

GUESTS PRESENTED

Senator Seliger was recognized and introduced to the Senate Manny Puga, Gloria Apolinario, Lydia Madrigal, Dorothy Reyes, and Gina Guzman representing the Odessa Hispanic Chamber of Commerce, accompanied by a delegation of citizens from the City of Odessa.

The Senate welcomed its guests.

PHYSICIANS OF THE DAY

Senator Davis was recognized and presented Dr. Rick Edwards and Dr. Barbara Estment of Fort Worth as the Physicians of the Day.

The Senate welcomed Dr. Edwards and Dr. Estment and thanked them for their participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

PERMISSION TO INTRODUCE BILL AND RESOLUTION

On motion of Senator Whitmire and by unanimous consent, Senate Rule 7.07(b) was suspended to permit the introduction of the following bill and resolution: **SB 2543, SCR 60.**

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.

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate students and their sponsors from Saint Stephen's Episcopal School in Austin.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Shapiro was recognized and introduced to the Senate a delegation representing the Hispanic Education Initiative.

The Senate welcomed its guests.

CONCLUSION OF MORNING CALL

The President Pro Tempore at 11:29 a.m. announced the conclusion of morning call.

COMMITTEE SUBSTITUTE SENATE BILL 636 ON SECOND READING

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 636** at this time on its second reading:

CSSB 636, Relating to the authority of a county or library district to receive local sales tax information.

The bill was read second time.

Senator Seliger offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 636** (Senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Section 151.027(c), Tax Code, is amended to read as follows:

(c) This section does not prohibit:

(1) the examination of information, if authorized by the comptroller, by another state officer or law enforcement officer, by a tax official of another state, by a tax official of the United Mexican States, or by an official of the United States if a reciprocal agreement exists;

(2) the delivery to a taxpayer, or a taxpayer's authorized representative, of a copy of a report or other paper filed by the taxpayer under this chapter;

(3) the publication of statistics classified to prevent the identification of a particular report or items in a particular report;

(4) the use of records, reports, or information secured, derived, or obtained by the attorney general or the comptroller in an action under this chapter against the same taxpayer who furnished the information;

(5) the delivery to a successor, receiver, executor, administrator, assignee, or guarantor of a taxpayer of information about items included in the measure and amounts of any unpaid tax or amounts of tax, penalties, and interest required to be collected;

(6) the delivery of information to a municipality, county, or other local governmental entity [~~an eligible municipality~~] in accordance with Section 321.3022, 322.2022, or 323.3022; or

(7) the release of information in or derived from a record, report, or other instrument required to be furnished under this chapter by a governmental body, as that term is defined in Section 552.003, Government Code.

SECTION 2. Section 321.3022, Tax Code, is amended by amending Subsections (a), (a-1), (b), (d), (e), (f), (g), (h), and (i) and adding Subsection (a-2) to read as follows:

(a) In this section, "other local governmental entity" has the meaning assigned by Section 321.107.

(a-1) Except as otherwise provided by this section, the comptroller on request shall provide to a municipality or other local governmental entity that has adopted a tax under this chapter:

(1) information relating to the amount of tax paid to the municipality or other local governmental entity under this chapter during the preceding or current calendar year by each person doing business in the municipality or other local governmental entity who annually remits to the comptroller state and local sales tax payments of more than \$25,000; and

(2) any other information as provided by this section.

(a-2) [~~(a-1)~~] The comptroller on request shall provide to a municipality or other local governmental entity that has adopted a tax under this chapter and that does not impose an ad valorem tax information relating to the amount of tax paid to the municipality or other local governmental entity under this chapter during the preceding or current calendar year by each person doing business in the municipality or other local governmental entity who annually remits to the comptroller state and local sales tax payments of more than \$500.

(b) The comptroller on request shall provide to a municipality or other local governmental entity that has adopted a tax under this chapter information relating to the amount of tax paid to the municipality or other local governmental entity under this chapter during the preceding or current calendar year by each person doing business in an area, as defined by the municipality or other local governmental entity, that is part of:

- (1) an interlocal agreement;
- (2) a tax abatement agreement;
- (3) a reinvestment zone;
- (4) a tax increment financing district;
- (5) a revenue sharing agreement;
- (6) an enterprise zone;
- (7) a neighborhood empowerment zone;
- (8) any other agreement, zone, or district similar to those listed in

Subdivisions (1)-(7); or

(9) any area defined by the municipality or other local governmental entity for the purpose of economic forecasting.

(d) If the request for information under Subsection (b) involves not more than three persons doing business in the defined area who remit taxes under this chapter, the comptroller shall refuse to provide the information to the municipality or other local governmental entity unless the comptroller receives permission from each of the persons allowing the comptroller to provide the information to the municipality or other local governmental entity as requested.

(e) A separate request for information under this section must be made in writing by the municipality's mayor or chief administrative officer or by the governing body of the other local governmental entity each year.

(f) Information received by a municipality or other local governmental entity under this section is confidential, is not open to public inspection, and may be used only for the purpose of economic forecasting, for internal auditing of a tax paid to the municipality or other local governmental entity under this chapter, or for the purpose described in Subsection (g).

(g) Information received by a municipality or other local governmental entity under Subsection (b) may be used by the municipality or other local governmental entity to assist in determining revenue sharing under a revenue sharing agreement or other similar agreement.

(h) The comptroller may set and collect from a municipality or other local governmental entity reasonable fees to cover the expense of compiling and providing information under this section.

(i) Notwithstanding Chapter 551, Government Code, the governing body of a municipality or other local governmental entity is not required to confer with one or more employees or a third party in an open meeting to receive information or question the employees or third party regarding the information received by the municipality or other local governmental entity under this section.

SECTION 3. Subchapter C, Chapter 322, Tax Code, is amended by adding Section 322.2022 to read as follows:

Sec. 322.2022. TAX INFORMATION. (a) Except as otherwise provided by this section, the comptroller on request shall provide to a taxing entity:

(1) information relating to the amount of tax paid to the entity under this chapter during the preceding or current calendar year by each person doing business in the area included in the entity who annually remits to the comptroller state and local sales tax payments of more than \$25,000; and

(2) any other information as provided by this section.

(b) The comptroller on request shall provide to a taxing entity information relating to the amount of tax paid to the entity under this chapter during the preceding or current calendar year by each person doing business in an area included in the entity, as defined by the entity, that is part of:

(1) an interlocal agreement;

(2) a revenue sharing agreement;

(3) any other agreement similar to those listed in Subdivisions (1) and (2);

or

(4) any area defined by the entity for the purpose of economic forecasting.

(c) The comptroller shall provide the information under Subsection (b) as an aggregate total for all persons doing business in the defined area without disclosing individual tax payments.

(d) If the request for information under Subsection (b) involves not more than three persons doing business in the defined area who remit taxes under this chapter, the comptroller shall refuse to provide the information to the taxing entity unless the comptroller receives permission from each of the persons allowing the comptroller to provide the information to the entity as requested.

(e) A separate request for information under this section must be made in writing by the governing body of the taxing entity each year.

(f) Information received by a taxing entity under this section is confidential, is not open to public inspection, and may be used only for the purpose of economic forecasting, for internal auditing of a tax paid to the entity under this chapter, or for the purpose described by Subsection (g).

(g) Information received by a taxing entity under Subsection (b) may be used by the entity to assist in determining revenue sharing under a revenue sharing agreement or other similar agreement.

(h) The comptroller may set and collect from a taxing entity reasonable fees to cover the expense of compiling and providing information under this section.

(i) Notwithstanding Chapter 551, Government Code, the governing body of a taxing entity is not required to confer with one or more employees or a third party in an open meeting to receive information or question the employees or third party regarding the information received by the entity under this section.

SECTION 4. Subchapter D, Chapter 323, Tax Code, is amended by adding Section 323.3022 to read as follows:

Sec. 323.3022. TAX INFORMATION. (a) In this section, "other local governmental entity" includes any governmental entity created by the legislature that has a limited purpose or function, that has a defined or restricted geographic territory, and that is authorized by law to impose a local sales and use tax the imposition, computation, administration, enforcement, and collection of which is governed by this chapter.

(b) Except as otherwise provided by this section, the comptroller on request shall provide to a county or other local governmental entity that has adopted a tax under this chapter:

(1) information relating to the amount of tax paid to the county or other local governmental entity under this chapter during the preceding or current calendar year by each person doing business in the county or other local governmental entity who annually remits to the comptroller state and local sales tax payments of more than \$25,000; and

(2) any other information as provided by this section.

(c) The comptroller on request shall provide to a county or other local governmental entity that has adopted a tax under this chapter information relating to the amount of tax paid to the county or other local governmental entity under this chapter during the preceding or current calendar year by each person doing business in an area, as defined by the county or other local governmental entity, that is part of:

(1) an interlocal agreement;

(2) a tax abatement agreement;

(3) a reinvestment zone;

(4) a tax increment financing district;

(5) a revenue sharing agreement;

(6) an enterprise zone;

(7) any other agreement, zone, or district similar to those listed in Subdivisions (1)-(6); or

(8) any area defined by the county or other local governmental entity for the purpose of economic forecasting.

(d) The comptroller shall provide the information under Subsection (c) as an aggregate total for all persons doing business in the defined area without disclosing individual tax payments.

(e) If the request for information under Subsection (c) involves not more than three persons doing business in the defined area who remit taxes under this chapter, the comptroller shall refuse to provide the information to the county or other local governmental entity unless the comptroller receives permission from each of the persons allowing the comptroller to provide the information to the county or other local governmental entity as requested.

(f) A separate request for information under this section must be made in writing each year by the county judge or the governing body of the other local governmental entity.

(g) Information received by a county or other local governmental entity under this section is confidential, is not open to public inspection, and may be used only for the purpose of economic forecasting, for internal auditing of a tax paid to the county or other local governmental entity under this chapter, or for the purpose described by Subsection (h).

(h) Information received by a county or other local governmental entity under Subsection (c) may be used by the county or other local governmental entity to assist in determining revenue sharing under a revenue sharing agreement or other similar agreement.

(i) The comptroller may set and collect from a county or other local governmental entity reasonable fees to cover the expense of compiling and providing information under this section.

(j) Notwithstanding Chapter 551, Government Code, the commissioners court of a county or the governing body of the other local governmental entity is not required to confer with one or more employees or a third party in an open meeting to receive information or question the employees or third party regarding the information received by the county or other local governmental entity under this section.

SECTION 5. This Act takes effect September 1, 2009.

The amendment to **CSSB 636** was read and was adopted by a viva voce vote.

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

Absent-excused: Harris.

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

CSSB 636 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 636 ON THIRD READING

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 636** 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 636**, 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 636** 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 Van de Putte was recognized and introduced to the Senate a group of students from The University of Texas Health Science Center at San Antonio Health Management and Policy Sciences class, accompanied by Dr. Adela N. Gonzalez, Executive Director, Center for South Texas Programs, and Administrator of the Laredo Campus Extension.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Hegar was recognized and introduced to the Senate seventh-grade students and their sponsors from Saint Philip Catholic School in El Campo.

The Senate welcomed its guests.

(Senator Carona in Chair)

SENATE BILL 947 ON SECOND READING

On motion of Senator Duncan and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 947** at this time on its second reading:

SB 947, Relating to the exemption from ad valorem taxation of certain tangible personal property stored temporarily at a location in this state.

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 947 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 **SB 947** 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 947**, 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 947** 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 1726 ON SECOND READING

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1726** at this time on its second reading:

SB 1726, Relating to best practices for public school student dropout prevention and recovery.

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1726** 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 1726** 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.

SB 1726 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 1726 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1726** 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 1726**, 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 1726** 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 RESOLUTION 550

Senator Deuell offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to join the citizens of Delta County and Texans across the state in celebrating April 21, 2009, as Delta County Day at the State Capitol; and

WHEREAS, Created in 1870 by the Texas Legislature, Delta County is located between the North and South Sulphur Rivers in northeast Texas; the county's name comes from its triangular shape, which echoes the shape of the Greek letter delta; and

WHEREAS, The City of Cooper, the county seat, was named for state Senator L. W. Cooper, who played an important role in the legislation that created the county; and

WHEREAS, Delta County is home to Cooper Lake State Park, a major recreational area along the southern edge of the county; a few miles south of Cooper, the park boasts a 19,300-acre lake; and

WHEREAS, Delta County offers a rich bounty of agricultural goods, with cattle, goats, hay, milo, soybeans, corn, and wheat providing the backbone of the county's economy; and

WHEREAS, The citizens of Delta County are rightly proud of their county's long and distinguished history and the many accomplishments its citizens have made to further the growth and progress of our state; now, therefore, be it

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

RESOLVED, That a copy of this Resolution be prepared in honor of this special day.

SR 550 was read and was adopted without objection.

GUESTS PRESENTED

Senator Deuell was recognized and introduced to the Senate a delegation of citizens from Delta County.

The Senate welcomed its guests.

SENATE BILL 1676 ON SECOND READING

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1676** at this time on its second reading:

SB 1676, Relating to fees charged by certain counties near international borders for issuing certain utility certificates.

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 1676 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 **SB 1676** 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 1676**, 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 1676** 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 1849 ON SECOND READING

Senator Shapleigh moved to suspend the regular order of business to take up for consideration **SB 1849** at this time on its second reading:

SB 1849, Relating to the student endowment scholarship and internship program fund at The University of Texas at El Paso.

The motion prevailed.

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

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

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

Nays: Estes.

Absent-excused: Harris.

SENATE BILL 1849 ON THIRD READING

Senator Shapleigh moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1849** 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, Fraser, Gallegos, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Estes, 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 1849**, 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 1849** 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: Estes.

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE
SENATE BILL 1669 ON SECOND READING**

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1669** at this time on its second reading:

CSSB 1669, Relating to the authority and powers of regional mobility authorities.

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 1669 ON THIRD READING**

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1669** 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 1669**, 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 1669** 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 2195 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 2195** at this time on its second reading:

SB 2195, Relating to the creation of and penalties for certain offenses that take place at or involve an attempt to cross an international border.

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 2195 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 2195** 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 2195**, 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 2195** 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 1054 ON SECOND READING**

On motion of Senator Uresti and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1054** at this time on its second reading:

CSSB 1054, Relating to the Hill Country local mental health authority crisis stabilization unit.

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1054** 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 1054** 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 Uresti and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1054 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 1054 ON THIRD READING**

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1054** 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 1054**, 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 1054** 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.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
April 21, 2009

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HCR 184, Convening a joint memorial session to honor all Texans killed during the Global War on Terrorism.

SB 948, Relating to the definition of an agricultural business for the purposes of the Texas Agricultural Finance Authority.

Respectfully,
/s/Robert Haney, Chief Clerk
House of Representatives

SENATE BILL 281 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 281** at this time on its second reading:

SB 281, Relating to the confidentiality of the home address information of the spouses of certain federal judges and certain state judges.

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 281 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 281** 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 281**, 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 281** 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 1071 ON THIRD READING

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

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

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE
SENATE BILL 282 ON SECOND READING**

Senator Nelson moved to suspend the regular order of business to take up for consideration **CSSB 282** at this time on its second reading:

CSSB 282, Relating to grant and outreach programs to provide nutrition education to children.

The motion prevailed.

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

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 282** 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 282** 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 282 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: Ogden.

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE
SENATE BILL 282 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 282** 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, Patrick, Seliger, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Ogden, Wentworth.

Absent-excused: Harris.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 282**, 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 282** 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: Ogden.

Absent-excused: Harris.

SENATE BILL 1303 ON SECOND READING

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1303** at this time on its second reading:

SB 1303, Relating to the requirement that certain state and local governmental entities designate a firearms proficiency officer and require weapons proficiency.

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 1303 ON THIRD READING

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1303** 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 1303**, 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 1303** 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 1371 ON SECOND READING

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1371** at this time on its second reading:

SB 1371, Relating to the colonia self-help program.

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 1371 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 **SB 1371** 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 1371**, 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 1371** 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 686 ON SECOND READING**

On motion of Senator Davis and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 686** at this time on its second reading:

CSSB 686, Relating to the installation, maintenance, or operation of natural gas pipelines on state highways and highway rights-of-way.

The bill was read second time.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 686** (committee printing) in SECTION 1 of the bill, added Section 203.096(c)(2), Transportation Code (page 1, line 42), strike "and" and substitute "consistent with this section and all applicable".

The amendment to **CSSB 686** 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 Davis and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 686 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 686 ON THIRD READING

Senator Davis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 686** 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 686**, 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 686** 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 1424 ON SECOND READING

Senator Seliger moved to suspend the regular order of business to take up for consideration **CSSB 1424** at this time on its second reading:

CSSB 1424, Relating to a person's eligibility to possess or carry a concealed handgun or other firearm.

The motion prevailed.

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

The bill was read second time and was passed to engrossment by the following vote: Yeas 28, Nays 2.

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

Nays: Huffman, Ogden.

Absent-excused: Harris.

COMMITTEE SUBSTITUTE
SENATE BILL 1424 ON THIRD READING

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1424** 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, Patrick, Seliger, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Huffman, Ogden, Wentworth.

Absent-excused: Harris.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1424**, 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 1424** 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, Patrick, Seliger, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Huffman, Ogden.

Absent-excused: Harris.

COMMITTEE SUBSTITUTE SENATE BILL 816 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 816** at this time on its second reading:

CSSB 816, Relating to the Texas Teach Corps Student Loan Repayment Assistance Program for undergraduate students who agree to teach in school districts in this state that have shortages of teachers in mathematics or science.

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 816** 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 816** was read and was adopted by a viva voce vote.

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

Absent-excused: Harris.

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

CSSB 816 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 816 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 816** 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 816**, 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 816** 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 1992 ON SECOND READING

On motion of Senator Gallegos and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1992** at this time on its second reading:

SB 1992, Relating to the regulation of automotive wrecking and salvage yards in certain counties; providing a civil penalty.

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

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

Absent-excused: Harris.

SENATE BILL 1992 ON THIRD READING

Senator Gallegos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1992** 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 1992**, 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 1992** 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 488 ON SECOND READING

Senator Ellis moved to suspend the regular order of business to take up for consideration **CSSB 488** at this time on its second reading:

CSSB 488, Relating to the operation of a motor vehicle in the vicinity of a vulnerable road user; providing penalties.

The motion prevailed.

Senators Averitt, Fraser, Hegar, Jackson, and Nichols asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 488** as follows:

(1) On page 2, lines 1-4, strike "the operator is presumed to have failed to comply with Subsection (b)(2) if the distance between the operator's vehicle and the vulnerable road user" and substitute "when road conditions allow, 'safe distance' is at least".

(2) On pages 2 and 3, lines 31 and 32 and lines 1-5 respectively, strike subsection (h) and renumber the subsequent sections appropriately.

(3) On page 3, lines 6 and 7, strike subsection (i) and renumber the subsequent sections appropriately.

(4) On page 3, lines 15-18, strike "The presumption provided by Subsection (c) does not arise and may not be applied against the operator of the motor vehicle" and substitute "It is a defense to prosecution under this section".

The amendment to **CSSB 488** 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: Averitt, Fraser, Hegar, Jackson, Nichols.

Absent-excused: Harris.

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

CSSB 488 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: Averitt, Fraser, Hegar, Jackson, Nichols.

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE
SENATE BILL 488 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 **CSSB 488** be placed on its third reading and final passage.

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

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

Nays: Averitt, Fraser, Hegar, Jackson, 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 488**, 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 488** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 25, Nays 5.

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

Nays: Averitt, Fraser, Hegar, Jackson, Nichols.

Absent-excused: Harris.

HOUSE BILL 1871 ON SECOND READING

On motion of Senator Jackson and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1871** at this time on its second reading:

HB 1871, Relating to the use of Texas Department of Transportation facilities or property to serve a project aiding security in a ship channel security district.

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

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

Absent-excused: Harris.

HOUSE BILL 1871 ON THIRD READING

Senator Jackson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1871** 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 **HB 1871**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **HB 1871** 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 752 ON SECOND READING**

On motion of Senator Davis and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 752** at this time on its second reading:

CSSB 752, Relating to a restriction on the formation in which certain commercial disposal wells permitted by the Railroad Commission of Texas may inject oil and gas waste.

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 752 ON THIRD READING**

Senator Davis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 752** 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 752**, 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 752** 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
HOUSE BILL 2594 ON SECOND READING**

On motion of Senator Gallegos and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2594** at this time on its second reading:

CSHB 2594, Relating to the hours for the wholesale delivery or sale of alcoholic beverages.

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

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

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2594 ON THIRD READING**

Senator Gallegos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2594** 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 **CSHB 2594**, 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 **CSHB 2594** 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 1217 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 1217** at this time on its second reading:

SB 1217, Relating to the creation of an autism program to provide services to children with autism spectrum disorder.

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 1217 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 1217** 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 1217**, 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 1217** 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 2284 ON SECOND READING

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 2284** at this time on its second reading:

SB 2284, Relating to the issuance of grants by the Texas Water Development Board for water and wastewater system improvements in economically distressed areas.

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 2284** 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 2284** 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 Lucio and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

SB 2284 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 2284 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 **SB 2284** 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 2284**, 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 2284** 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 1334 ON SECOND READING

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1334** at this time on its second reading:

SB 1334, Relating to continuation of the intercollegiate athletics fee for students at Prairie View A&M University.

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 1334 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 **SB 1334** 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 1334**, 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 1334** 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.

(Senator Eltife in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 1500 ON SECOND READING**

Senator Duncan moved to suspend the regular order of business to take up for consideration **CSSB 1500** at this time on its second reading:

CSSB 1500, Relating to the employment of physicians by certain hospitals.

The motion prevailed by the following vote: Yeas 23, Nays 6.

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

Nays: Davis, Deuell, Huffman, Nelson, Patrick, Wentworth.

Absent: Williams.

Absent-excused: Harris.

The bill was read second time and was passed to engrossment by the following vote: Yeas 23, Nays 6. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1500 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 1500** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 5.

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

Nays: Davis, Deuell, Huffman, Patrick, Wentworth.

Absent: 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 1500**, 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 1500** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 23, Nays 6.

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

Nays: Davis, Deuell, Huffman, Nelson, Patrick, Wentworth.

Absent: Williams.

Absent-excused: Harris.

COMMITTEE SUBSTITUTE SENATE BILL 1507 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 1507** at this time on its second reading:

CSSB 1507, Relating to motor vehicles; providing penalties.

The bill was read second time.

Senator Carona offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1507** (committee printing) as follows:

(1) In SECTION 9 of the bill, amended Section 501.0234(b), Transportation Code (page 5, lines 31-34), strike proposed Subdivision (4) and substitute the following:

(4) purchased by a fleet buyer who is a full-service deputy under Section 520.008 and utilizes the dealer title application process developed to provide a method of submitting title transactions to the county in which the fleet buyer is a full-service deputy.

(2) In SECTION 69 of the bill, added Section 501.176(b), Transportation Code (page 29, line 33), between "the" and "fee", insert "registration and titling transaction".

(3) In SECTION 69 of the bill, added Section 501.176(c), Transportation Code (page 29, line 40), between "any" and "transaction", insert "registration and titling".

(4) In SECTION 69 of the bill, added Section 501.177, Transportation Code (page 29, line 50), between "a" and "service", insert "registration and titling".

(5) In SECTION 70 of the bill, amended Section 502.001(1), Transportation Code (page 30), strike lines 8-12 and substitute the following:
"tires in contact with the ground;

(C) designed by the manufacturer for off-highway use; and

(D) not designed by the manufacturer primarily for farming or lawn care."

(6) In SECTION 74 of the bill, added Section 502.0023, Transportation Code, following Subsection (f) (page 34, between lines 7 and 8), insert the following:

(g) 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 by this section.

(7) In SECTION 95 of the bill, amended Section 502.093(d)(2), Transportation Code (page 44, line 35), between "a" and "fee", insert "registration".

(8) In SECTION 96 of the bill, amended Section 502.094(c)(2), Transportation Code (page 45, line 24), between "a" and "service", insert "registration".

(9) In SECTION 97 of the bill, amended Section 502.095(e)(2), Transportation Code (page 46, line 63), between "a" and "service", insert "registration".

(10) In SECTION 108 of the bill, added Section 502.191(c), Transportation Code (page 50, line 18), between "the" and "fee", insert "registration".

(11) In SECTION 108 of the bill, added Section 502.191(d), Transportation Code (page 50, line 22), between "any" and "transaction", insert "registration".

(12) In SECTION 173 of the bill, added Section 504.008, Transportation Code (page 74, lines 18-21), strike Subsection (b) and substitute the following:

(b) A fee is not required under this section if the replacement fee has been paid under Section 502.060. No fee is required for the replacement of specialized license plates issued under Section 504.202, 504.305, 504.308, 504.315(c), (e), or (f), 504.513, or 504.515.

The amendment to **CSSB 1507** 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 Carona offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1507** as follows:

(1) Strike SECTION 57 of the bill (committee printing page 24, line 67 through page 25, line 32) and substitute the following:

SECTION 57. Subsections (a), (b), and (b-1), Section 501.138, Transportation Code, are amended to read as follows:

(a) An applicant for a ~~[certificate of]~~ title, other than the state or a political subdivision of the state, must pay ~~[the county assessor collector]~~ a fee of:

(1) \$33 if the applicant's residence is a county located within a nonattainment area as defined under Section 107(d) of the federal Clean Air Act (42 U.S.C. Section 7407), as amended, or is an affected county, as defined by Section 386.001, Health and Safety Code; or

(2) \$28 if the applicant's residence is any other county.

(b) The fees ~~[county assessor collector]~~ shall be distributed as follows ~~[send]~~:

(1) \$5 of the fee to the county treasurer for deposit in the officers' salary fund;

(2) \$8 of the fee to the department:

(A) together with the application within the time prescribed by Section 501.023; or

(B) if the fee is deposited in an interest-bearing account or certificate in the county depository or invested in an investment authorized by Subchapter A, Chapter 2256, Government Code, not later than the 35th day after the date on which the fee is received; and

(3) the following amount to the comptroller at the time and in the manner prescribed by the comptroller:

(A) \$20 of the fee if the applicant's residence is a county located within a nonattainment area as defined under Section 107(d) of the federal Clean Air Act (42 U.S.C. Section 7407), as amended, or is an affected county, as defined by Section 386.001, Health and Safety Code; or

(B) \$15 of the fee if the applicant's residence is any other county.

(b-1) Fees collected under Subsection (b) to be sent to the comptroller shall be deposited ~~[as follows:~~

~~[(1) before September 1, 2008, to the credit of the Texas emissions reduction plan fund; and~~

~~[(2) on or after September 1, 2008,] to the credit of the Texas Mobility Fund, except that \$5 of each fee imposed under Subsection (a)(1) and deposited on or after September 1, 2008, and before September 1, 2015, shall be deposited to the credit of the Texas emissions reduction plan fund.~~

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

SECTION _____. Subsection (c), Section 386.251, Health and Safety Code, is amended to read as follows:

(c) The fund consists of:

(1) the amount of money deposited to the credit of the fund under:

(A) Section 386.056;

(B) Sections 151.0515 and 152.0215, Tax Code; and

(C) Sections 501.138, 502.358 ~~[502.1675]~~, and 548.5055, Transportation Code; and

(2) grant money recaptured under Section 386.111(d).

(3) Strike SECTION 228 of the bill (committee printing page 88, lines 35 through 49) and substitute the following:

SECTION 228. The following provisions of the Transportation Code are repealed:

- (1) Sections 501.026 and 501.075;
- (2) Subsection (f), Section 501.076;
- (3) Subdivision (4), Section 501.091;
- (4) Sections 501.094, 501.099, and 501.133;
- (5) Subsections (e) and (f), Section 501.134;
- (6) Sections 502.007, 502.0074, 502.0075, 502.008, 502.104, 502.105, 502.1535, 502.154, 502.1585, 502.168, 502.175, 502.177, 502.187, 502.206, 502.271, 502.2862, 502.2971, 502.403, and 502.405;
- (7) Subsection (c), Section 502.407;
- (8) Subsection (c), Section 502.412;
- (9) Sections 502.452, 502.453, and 502.455;
- (10) Subsection (b), Section 504.401;
- (11) Subsection (b), Section 504.402;
- (12) Subsection (b), Section 504.403;
- (13) Subsection (b), Section 504.405;
- (14) Section 504.5011;
- (15) Subsection (j), Section 504.502;
- (16) Subsection (f), Section 504.506;
- (17) Subsection (c), Section 504.507;
- (18) Subsection (d), Section 504.508;
- (19) Sections 504.510, 504.620, 504.624, 504.629, 504.634, 504.643, 504.649, 504.650, 504.653, 504.655, and 504.701;
- (20) Subsection (c), Section 504.702;
- (21) Subsection (h), Section 504.801;
- (22) Subsections (e) and (k), Section 504.851; and
- (23) Sections 520.013 and 520.034.

The amendment to **CSSB 1507** 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 Carona offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 1507** by striking SECTION 224 of the bill (committee printing page 87, line 45 through page 88, line 12) and substituting:

SECTION 224. Subchapter B, Chapter 520, Transportation Code, is amended by adding Sections 520.024 and 520.025 to read as follows:

Sec. 520.024. REGISTRATION AND INSPECTION CONSOLIDATION STUDY. (a) In consultation with the Texas Commission on Environmental Quality, the department and the Department of Public Safety shall conduct a joint study on the feasibility of consolidation of the state's motor vehicle registration and compulsory

inspection procedures in a manner that will allow completion of annual registration and compulsory inspection requirements as part of a single process. The study must address recommendations for:

- (1) consolidating shared records and information;
- (2) the manner in which registration and inspection fees collected will be distributed;
- (3) oversight regarding implementation of the consolidated procedures;
- (4) transition from the current separate procedures to the consolidated procedures; and
- (5) other related issues the departments consider appropriate.

(b) The departments shall share the cost of the study in equal amounts.

Sec. 520.025. MERGER OR CONSOLIDATION OF SHARED INFORMATION STUDY. (a) In consultation with the Texas Commission on Environmental Quality, the department and the Department of Public Safety shall conduct a joint study on the merger or consolidation of similar information that is collected separately by each agency. The study should include the feasibility of establishing a database interface software system that:

- (1) sufficiently protects the privacy of the public;
- (2) sufficiently protects the security and integrity of information provided;
- (3) increases public convenience;
- (4) is cost-effective; and
- (5) improves the coordination of regulatory resources.

(b) The implementing agencies may facilitate the implementation of the merger or consolidation, assist in the development of rules, and coordinate a testing phase.

The amendment to **CSSB 1507** 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 Carona offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 1507** by striking SECTION 230 of the bill (page 88, lines 57 and 58) and substituting the following:

SECTION 230. (a) Except as otherwise provided by this Act, this Act takes effect January 1, 2013.

(b) This section and SECTION 208 of this Act amending Section 504.851, Transportation Code, 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, this section and SECTION 208 of this Act take effect September 1, 2009.

The amendment to **CSSB 1507** 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 Carona and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1507 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 1507 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 1507** 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 1507**, 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 1507** 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 1141 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 1141** at this time on its second reading:

CSSB 1141, Relating to student loan repayment assistance for speech-language pathologists or audiologists employed by a public school or as faculty members of certain programs at institutions of higher education.

The bill was read second time.

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

Floor Amendment No. 1

Amend **CSSB 1141** (Senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Chapter 61, Education Code, is amended by adding Subchapter FF to read as follows:

SUBCHAPTER FF. REPAYMENT OF CERTAIN SPEECH-LANGUAGE
PATHOLOGIST AND AUDIOLOGIST EDUCATION LOANS

Sec. 61.9801. DEFINITIONS. In this subchapter:

(1) "Audiologist" means a person licensed as an audiologist under Chapter 401, Occupations Code.

(2) "Communicative disorders program" means:

(A) a graduate degree program in audiology or speech-language pathology accredited by the Council on Academic Accreditation in Audiology and Speech-Language Pathology; or

(B) an undergraduate degree program that prepares and qualifies a student to apply for admission to a graduate degree program described by Paragraph (A).

(3) "Public school" means a public preschool or primary or secondary school in this state.

(4) "Speech-language pathologist" means a person licensed as a speech-language pathologist under Chapter 401, Occupations Code.

Sec. 61.9802. REPAYMENT ASSISTANCE AUTHORIZED. The board shall provide, in accordance with this subchapter and board rules, assistance in the repayment of student loans for speech-language pathologists and audiologists who apply and qualify for assistance.

Sec. 61.9803. ELIGIBILITY. (a) To be eligible to receive repayment assistance, a speech-language pathologist or an audiologist must:

(1) apply to the board; and

(2) at the time the speech-language pathologist or audiologist applies for the assistance:

(A) have been employed as a speech-language pathologist or as an audiologist, as applicable, for at least one year by, and be currently employed full-time in that capacity by, a public school; or

(B) have been employed as a faculty member of a communicative disorders program at an institution of higher education or private or independent institution of higher education for at least one year, and be currently employed full-time in that capacity at such an institution.

(b) The board by rule may provide for repayment assistance on a pro rata basis for speech-language pathologists and audiologists employed part-time by a public school or by an institution of higher education or private or independent institution of higher education.

Sec. 61.9804. LIMITATION. (a) On qualifying for the assistance, a speech-language pathologist or an audiologist may receive repayment assistance grants for each year of employment, not to exceed five years, by:

(1) a public school; or

(2) a communicative disorders program at an institution of higher education or private or independent institution of higher education.

(b) The total amount of repayment assistance grants received by a speech-language pathologist or an audiologist under this subchapter may not exceed, for each applicable year of employment:

(1) for an eligible recipient who holds a master's degree but not a doctoral degree, \$6,000; or

(2) for an eligible recipient who holds a doctoral degree, \$9,000.

Sec. 61.9805. ELIGIBLE LOANS. (a) The board may provide repayment assistance for the repayment of any student loan for education at any public or private institution of higher education, including loans for undergraduate education, received by a speech-language pathologist or an audiologist through any lender.

(b) Each state fiscal biennium, the board shall attempt to provide repayment assistance in amounts sufficient to use all the money appropriated to the board for that biennium for the purpose of providing repayment assistance under this subchapter.

Sec. 61.9806. REPAYMENT. (a) After each year of employment for which a speech-language pathologist or audiologist is eligible to receive a repayment assistance grant under this subchapter, the coordinating board shall deliver any repayment made under this subchapter in a lump sum payable:

(1) to both the speech-language pathologist or audiologist and the lender or other holder of the loan; or

(2) directly to the lender or other holder of the loan, on behalf of the speech-language pathologist or audiologist.

(b) A repayment made under this subchapter may be applied to both the principal amount of the loan and to interest on the loan.

Sec. 61.9807. ADVISORY COMMITTEES. The board may appoint advisory committees to assist the board in administering this subchapter.

Sec. 61.9808. ACCEPTANCE OF GIFTS. The board may accept gifts, grants, and donations for the purposes of this subchapter.

Sec. 61.9809. RULES. (a) The board shall adopt rules necessary for the administration of this subchapter.

(b) The board shall distribute a copy of the rules adopted under this section and pertinent information regarding this subchapter to:

- (1) each appropriate institution of higher education or private or independent institution of higher education;
(2) any appropriate state agency; and
(3) any appropriate professional association.

SECTION 2. 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.

SECTION 3. This Act takes effect September 1, 2009.

The amendment to **CSSB 1141** 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 1141 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 1141 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 1141** 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 1141**, 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 1141** 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 1070 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 1070** at this time on its second reading:

CSSB 1070, Relating to jury assembly and administration.

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1070** 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 1070** 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 1070 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.

**(Senator Carona in Chair)
SENATE BILL 1958 ON SECOND READING**

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 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.

The bill was read second time.

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

Floor Amendment No. 1

Amend **SB 1958** as follows:

(1) In SECTION 1 of the bill, in added Section 2155.505(a)(3)(A), Government Code (page 1, line 22, Senate committee printing), strike "and".

(2) In SECTION 1 of the bill, in added Section 2155.505(a)(3)(B), Government Code (page 1, line 26, Senate committee printing), between "families" and the period insert the following:

; and

(C) employs veterans to provide at least 75 percent of the hours of direct labor by individuals required to produce goods or provide services required under a contract entered into under this section

(3) Strike SECTION 3 of the bill (page 1, line 39, Senate committee printing), and substitute the following:

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

The amendment to **SB 1958** 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.

SB 1958 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 1958 ON THIRD READING

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1958** 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 1958**, 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 1958** 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 1313 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 1313** at this time on its second reading:

CSSB 1313, Relating to the quality and accessibility of public school career and technical education programs and to assistance to students concerning postsecondary education and training.

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1313** 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 1313** 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 1313 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 1313 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 1313** 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 1313**, 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 1313** 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 545 ON SECOND READING**

Senator Fraser moved to suspend the regular order of business to take up for consideration **CSSB 545** at this time on its second reading:

CSSB 545, Relating to the creation of a distributed solar generation incentive program and to encouraging the use of solar energy devices.

The motion prevailed.

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

The bill was read second time.

Senator Fraser offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 545** (Senate committee report) as follows:

(1) On page 1, line 14, insert the following and renumber subsequent sections accordingly:

"SECTION 1. Section 39.002, Utilities Code, is amended to read as follows:

Sec. 39.002. APPLICABILITY. This chapter, other than Sections 39.155, 39.157(e), 39.203, 39.903, 39.904, 39.9051, 39.9052, ~~[and]~~ 39.914(e), and 39.9156 does not apply to a municipally owned utility or an electric cooperative. Sections 39.157(e), 39.203, and 39.904, however, apply only to a municipally owned utility or an electric cooperative that is offering customer choice. If there is a conflict between the specific provisions of this chapter and any other provisions of this title, except for Chapter 40 and 41, the provisions of this chapter control."

(2) On page 1, strike lines 32-34 and renumber subsequent subdivisions accordingly.

(3) On page 2, lines 27, strike "and energy storage projects".

(4) On page 2, line 28, between "cost-effective" and "than" insert "per megawatt installed".

(5) On page 2, line 32, between "consider" and "other" insert "a competitive bidding process, a reverse auction, or".

(6) On page 2, line 37, between "amount" and "of" insert "per megawatt installed".

(7) On page 2, line 45, insert:

"(4) projects in development that can use rebates awarded to secure additional financing for that project;" and renumber subsequent subdivisions accordingly.

(8) On page 3, line 29, strike "a choice of and".

(9) On page 3, lines 33-34, strike "with retail sales of more than 500,000 megawatt hours in 2007".

(10) On page 3, lines 34-35, strike "and other renewable energy".

(11) On page 3, line 35, between the words, "projects" and "consistent", insert "at a total funding level".

(12) On page 3, line 36, between "state" and ".", insert "under subsections 39.9155(c)(2) and 39.155(d)".

(13) On page 3, lines 38-39, strike "with retail sales of more than 500,000 megawatt hours in 2007".

(14) On page 3, line 43, insert new Subsections (c), (d), (e), and (f) to read as follows:

"(c) Nothing in this section shall be construed to prevent the governing body of an electric cooperative or municipally owned utility from adopting rules, programs, and incentives that encourage or provide for the installation of more solar generation capacity that the goals set forth in Section 39.9155 or the rules adopted by the commission under that section.

(d) Funding for solar generation provided after May 1, 2007 shall count toward compliance with this section.

(e) An electric cooperative or municipally owned utility may recover the costs required by this section through a nonbypassable fee consistent with that authorized by the commission for electric utilities under section 39.9155(c)(2) or such other cost recovery mechanism as determined by the governing body of the electric cooperative or municipally owned utility.

(f) This section applies only to an electric cooperative or municipally owned utility with retail sales of more than 500,000 megawatt hours in 2007."

(President Pro Tempore Duncan in Chair)

The amendment to **CSSB 545** 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 Lucio offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 545** (Senate committee printing) as follows:

(1) In Section 1 of the bill, strike proposed Subdivision (5), Subsection (c), Section 39.9155, Utilities Code (page 1, lines 51-56), and substitute:

(5) a requirement that:

(A) a retail electric provider offer service to a retail electric service customer who has installed distributed solar generation; and

(B) a retail electric provider that provides service to a retail electric service customer who has installed distributed solar generation:

(i) purchase the customer's surplus electricity at a price equal to or greater than a fair market price determined in accordance with this section; or

(ii) credit the customer's bill for the billing cycling in which the customer's surplus electricity is generated at a price equal to or greater than the equivalent of a fair market price determined in accordance with this section and allow any unused credit on the customer's bill to be carried forward to subsequent billing cycles for the customer;

(2) In Section 1 of the bill, following proposed Subsection (k), Section 39.9155, Utilities Code (page 3, between lines 19 and 20), insert:

(l) The commission by rule shall provide a methodology for determining a fair market value price for surplus electricity. The fair market value may not be less than an amount equal to 80 percent of the customer's applicable retail rate minus any nonbypassable charges. The commission shall post on the commission's Internet website the fair market value prices derived from the methodology provided under this subsection.

(m) In an area in which customer choice has been introduced, a retail electric provider shall pay an owner of distributed solar generation for surplus electricity the local market clearing price for energy at the time of day the surplus electricity is made available to the grid or a price that is not less than the fair market value price determined in accordance with the methodology provided under Subsection (l).

(n) An owner of distributed solar generation is qualified to be paid for surplus electricity under Subsection (m) only if the owner's distributed solar generation:

(1) is installed on a residential retail electric customer's side of the meter;

(2) has a generating capacity of not greater than 50 kilowatts; and

(3) is rated to produce an amount of electricity less than or equal to the amount of electricity the residential retail electric customer for whom the distributed solar generation is installed is reasonably expected to consume.

(o) The commission by rule shall require a retail electric provider that purchases a customer's surplus electricity to include on each bill of the customer line items to inform the owner of:

(1) the amount of surplus electricity, in terms of kilowatt hours;

(2) the price credited to the owner for each kilowatt hour; and

(3) the amount of any credit for surplus electricity applied or carried forward from the previous billing period.

(p) Until the commission provides the methodology under Subsection (l) for determining a fair market value price, a retail electric provider shall pay a price for surplus electricity that is not less than five cents per kilowatt hour.

(q) If, at the time distributed solar generation is installed on a retail electric customer's side of the meter, the estimated annual amount of electric energy to be generated by the distributed solar generation is less than or equal to the customer's estimated annual electric energy consumption, the commission may not consider the owner of distributed solar generation to be a power generation company or require the owner of distributed solar generation owner to register as a power generation company.

(r) In this section:

(1) "Distributed solar generation" means distributed renewable generation, as defined by Section 39.916, using solar energy technology.

(2) "Owner of distributed solar generation" includes a retail electric customer who contracts with another person to install or maintain distributed solar generation on the customer's side of the meter, regardless of whether the customer takes ownership of the installed distributed solar generation.

(3) "Surplus electricity" means electricity generated by distributed solar generation that is not consumed at the place the distributed solar generation is installed but flows onto the electric distribution system.

The amendment to **CSSB 545** 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 Lucio offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 545** (Senate committee printing) in Section 2 of the bill, proposed Subsection (b), Section 39.9156, Utilities Code, as follows:

(1) Strike "Not later than September 1, 2015" (page 3, line 37) and substitute "Beginning not later than September 1, 2012".

(2) Between "must report" and "to the state" (page 3, line 39) insert "annually".

The amendment to **CSSB 545** 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 Fraser, on behalf of Senator West, offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 545** (Senate committee printing) by striking Section 3 of the bill (page 3, lines 43 through 69) and substituting the following:

SECTION 3. Chapter 202, Property Code, is amended by adding Section 202.010 to read as follows:

Sec. 202.010. REGULATION OF SOLAR ENERGY DEVICES. (a) In this section, "solar energy device" has the meaning assigned by Section 171.107, Tax Code.

(b) Except as otherwise provided by this section, a property owners' association may not include or enforce a provision in a dedicatory instrument that prohibits or restricts a property owner from installing a solar energy device.

(c) A provision that violates Subsection (b) is void.

(d) This section does not prohibit the inclusion or enforcement of a provision in a dedicatory instrument that prohibits a solar energy device that:

(1) as adjudicated by a court:

(A) threatens the public health or safety; or

(B) violates a law;

(2) is located on property owned or maintained by the property owners' association;

(3) is located on property owned in common by the members of the property owners' association; or

(4) is located in an area on the property owner's property other than:

(A) on the roof of the home; or

(B) in a fenced yard or patio maintained by the property owner.

The amendment to **CSSB 545** 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 Lucio offered the following amendment to the bill:

Floor Amendment No. 5

Amend **CSSB 545** by adding the following section to the bill, numbered appropriately, and by renumbering subsequent sections of the bill accordingly:

SECTION ____ . Subchapter Z, Chapter 39, Utilities Code, is amended by adding Section 39.929 to read as follows:

Sec. 39.929. INFORMATION ON INTERNET REGARDING PURCHASE OF SURPLUS ELECTRICITY PRODUCED BY DISTRIBUTED SOLAR GENERATION. (a) In this section:

(1) "Distributed solar generation" means distributed renewable generation, as defined by Section 39.916, using solar energy technology.

(2) "Owner of distributed solar generation" includes a retail electric customer who contracts with another person to install or maintain distributed solar generation on the customer's side of the meter, regardless of whether the customer takes ownership of the installed distributed solar generation.

(3) "Surplus electricity" means electricity generated by distributed solar generation that is not consumed at the place the distributed solar generation is installed but flows onto the electric distribution system.

(b) On the Internet website found at <http://www.powertochoose.org>, the commission shall provide for access to easily comparable information regarding retail electric providers' offers to owners of distributed solar generation owners for their surplus electricity, including information regarding their contract terms, for each retail electric provider using that website.

(c) On the Internet website found at <http://www.powertochoose.org>, the commission shall provide for access to easily comparable information regarding offers of renewable energy credit marketers to owners of distributed solar generation, for each renewable energy credit marketer using that website.

(d) The commission by rule shall require electric utilities, electric cooperatives, and retail electric providers to provide on publicly accessible Internet websites information on purchase price offers per kilowatt hour for surplus electricity and information instructing customers with distributed solar generation on how to request and obtain the purchase rates offered.

The amendment to **CSSB 545** 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. 5 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 545 as amended was passed to engrossment by the following vote: Yeas 26, Nays 4.

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

Nays: Nelson, Nichols, Ogden, Patrick.

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE
SENATE BILL 545 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 545** be placed on its third reading and final passage.

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

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

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

Absent-excused: Harris.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 545**, 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 545** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

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

Nays: Nelson, Nichols, Ogden, Patrick.

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE
SENATE BILL 2288 ON SECOND READING**

Senator Lucio moved to suspend the regular order of business to take up for consideration **CSSB 2288** at this time on its second reading:

CSSB 2288, Relating to the provision of affordable housing in this state.

The motion prevailed.

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

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 2288** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill, strike added Section 487.355, Government Code (page 1, lines 14-56), and substitute the following:

Sec. 487.355. NONBORDER COLONIA FUND. (a) In this section, "nonborder colonia" means a geographic area that:

(1) is located in a county all parts of which are located at least 150 miles from the international border of this state;

(2) is located in a county or municipality that is eligible, as identified by office rule, to receive community development block grant money under this subchapter;

(3) consists of 11 or more dwellings that are located in close proximity to each other in an area that may be described as a community or neighborhood; and

(4) either:

(A) has a majority population composed of individuals and families of low income, based on the federal Office of Management and Budget poverty index, and meets the qualifications of an economically distressed area under Section 17.921, Water Code; or

(B) has the physical and economic characteristics of a colonia, as determined by the office.

(b) The nonborder colonia fund is an account in the general revenue fund.

(c) In each state fiscal year, from amounts allocated to the state under the federal community development block grant nonentitlement program authorized by Title I of the Housing and Community Development Act of 1974 (42 U.S.C. Section 5301 et seq.), the office shall set aside and transfer to the account for the purposes of this section the portion of that money, not to exceed \$7.5 million each year, that exceeds the amount provided to the state under that program for the state fiscal year ending August 31, 2008.

(d) Except as provided by Subsection (e), amounts deposited to the account may be appropriated to the office only for the benefit of counties and municipalities identified by office rule as eligible to receive community development block grant money under this subchapter for:

(1) housing initiatives for nonborder colonias located in those counties and municipalities, including infrastructure associated with new construction, rehabilitation, or improvements; and

(2) the improvement of the housing conditions in those colonias.

(e) Amounts deposited to the account may not be appropriated to the office for financial assistance to political subdivisions for the construction, acquisition, or improvement of water supply and sewer services, as described by Section 17.922, Water Code.

(f) Sections 403.095 and 404.071 do not apply to the account.

(2) In SECTION 1 of the bill, in added Section 487.356(1), Government Code (page 1, line 63, through page 2, line 1), strike "community development block grant colonia fund under this subchapter" and substitute "nonborder colonia fund established by Section 487.355".

(3) In SECTION 2 of the bill, in added Section 2306.098(1), Government Code (page 2, lines 17-18), strike "community development block grant colonia fund under Subchapter I, Chapter 487" and substitute "nonborder colonia fund established by Section 487.355".

The amendment to **CSSB 2288** 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 Seliger offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 2288** (Senate committee printing) in SECTION 3 of the bill as follows:

(1) In added Section 2306.307(a), Government Code (page 3, line 53), between "agricultural workers" and the underlined comma, insert "and their families".

(2) In added Section 2306.307, Government Code (page 3, lines 57-58), strike Subsection (b) and substitute the following:

(b) The office may designate as a pilot project a housing initiative implemented under this section for agricultural workers and their families.

(3) In added Section 2306.307, Government Code (page 4, between lines 2 and 3), insert the following new subsection:

(e) In this section, "agricultural worker":

(1) means a person who receives a substantial portion of income from employment that involves:

(A) the primary production of agricultural or aquacultural commodities;

or

(B) the handling of agricultural or aquacultural commodities in an unprocessed state, including handling those commodities in a feedlot or a meat processing plant; and

(2) includes a person who is retired or disabled but was employed as described by Subdivision (1) at the time of that person's retirement or disablement.

(4) Strike added Section 2306.308(b), Government Code (page 4, lines 9-12), and substitute the following:

(b) Using existing resources, the department shall create a statewide community development corporation charged with developing, acquiring, and rehabilitating housing facilities in appropriate areas in the state for agricultural workers and their families.

(5) In added Section 2306.308, Government Code (page 4, between lines 23 and 24), insert the following new subsection:

(e) In this section, "agricultural worker":

(1) means a person who receives a substantial portion of income from employment that involves:

(A) the primary production of agricultural or aquacultural commodities;

or

(B) the handling of agricultural or aquacultural commodities in an unprocessed state, including handling those commodities in a feedlot or a meat processing plant; and

(2) includes a person who is retired or disabled but was employed as described by Subdivision (1) at the time of that person's retirement or disablement.

The amendment to **CSSB 2288** 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 Lucio offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 2288** 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.

The amendment to **CSSB 2288** 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.

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

CSSB 2288 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: Patrick.

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE
SENATE BILL 2288 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 2288** 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, Seliger, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Patrick, Wentworth.

Absent-excused: Harris.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 2288**, 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 2288** 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: Patrick.

Absent-excused: Harris.

SENATE BILLS AND RESOLUTION ON FIRST READING

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

SB 2541 by Estes

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

To Committee on Intergovernmental Relations.

SB 2542 by Patrick

Relating to the creation of the Harris County Improvement District No. 17; providing authority to impose an assessment, impose a tax, and issue bonds.

To Committee on Intergovernmental Relations.

SB 2543 by Hegar

Relating to the enforcement of rules by the Harris-Galveston Subsidence District and the Fort Bend Subsidence District.

To Committee on Intergovernmental Relations.

SB 2544 by Seliger

Relating to the creation of the West Texas Water Supply District; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

To Committee on Intergovernmental Relations.

SCR 60 by Watson

Directing state agencies to initiate emission reduction policies and programs in order to help Central and South Central Texas meet the 2008 National Ambient Air Quality Standard for ground-level ozone.

To Committee on Natural Resources.

HOUSE BILL ON FIRST READING

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

HB 4586 to Committee on Finance.

COMMITTEE SUBSTITUTE**SENATE BILL 1125 ON SECOND READING**

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **CSSB 1125** at this time on its second reading:

CSSB 1125, Relating to transition and employment services for public school students enrolled in special education programs.

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 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: Williams.

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE
SENATE BILL 1125 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 1125** 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 **CSSB 1125**, 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 1125** 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.

SENATE BILL 475 ON THIRD 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 third reading and final passage:

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 third time.

Senator Jackson offered the following amendment to the bill:

Floor Amendment No. 1 on Third Reading

Amend **SB 475** on third reading by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____. Subchapter B, Chapter 11, Tax Code, is amended by adding Section 11.231 to read as follows:

Sec. 11.231. NONPROFIT COMMUNITY BUSINESS ORGANIZATION PROVIDING ECONOMIC DEVELOPMENT SERVICES TO LOCAL COMMUNITY. (a) In this section, "nonprofit community business organization" means an organization that meets the following requirements:

(1) the organization has been in existence for at least the preceding five years;

(2) the organization:

(A) is a nonprofit corporation organized under the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes) or a nonprofit corporation formed under the Texas Nonprofit Corporation Law, as described by Section 1.008, Business Organizations Code;

(B) is a nonprofit organization described by Section 501(c)(6), Internal Revenue Code of 1986; and

(C) is not a statewide organization;

(3) for at least the preceding three years, the organization has maintained a dues-paying membership of at least 50 members; and

(4) the organization:

(A) has a board of directors elected by the members;

(B) does not compensate members of the board of directors for service on the board;

(C) with respect to its activities in this state, is engaged primarily in performing functions listed in Subsection (d);

(D) is primarily supported by membership dues and other income from activities substantially related to its primary functions; and

(E) is not, has not formed, and does not financially support a political committee as defined by Section 251.001, Election Code.

(b) An association that qualifies as a nonprofit community business organization as provided by this section is entitled to an exemption from taxation of:

(1) the buildings and tangible personal property that:

(A) are owned by the nonprofit community business organization; and

(B) except as permitted by Subsection (c), are used exclusively by qualified nonprofit community business organizations to perform their primary functions; and

(2) the real property owned by the nonprofit community business organization consisting of:

(A) an incomplete improvement that:

(i) is under active construction or other physical preparation; and

(ii) is designed and intended to be used exclusively by qualified nonprofit community business organizations; and

(B) the land on which the incomplete improvement is located that will be reasonably necessary for the use of the improvement by qualified nonprofit community business organizations.

(c) Use of exempt property by persons who are not nonprofit community business organizations qualified as provided by this section does not result in the loss of an exemption authorized by this section if the use is incidental to use by qualified nonprofit community business organizations and limited to activities that benefit the beneficiaries of the nonprofit community business organizations that own or use the property.

(d) To qualify for an exemption under this section, a nonprofit community business organization must be engaged primarily in performing one or more of the following functions in the local community:

(1) promoting the common economic interests of commercial enterprises;

(2) improving the business conditions of one or more types of business; or

(3) otherwise providing services to aid in economic development.

(e) In this section, "building" includes the land that is reasonably necessary for use of, access to, and ornamentation of the building.

(f) A property may not be exempted under Subsection (b)(2) for more than three years.

(g) For purposes of Subsection (b)(2), an incomplete improvement is under physical preparation if the nonprofit community business organization has:

(1) engaged in architectural or engineering work, soil testing, land clearing activities, or site improvement work necessary for the construction of the improvement; or

(2) conducted an environmental or land use study relating to the construction of the improvement.

SECTION ____. Section 11.42(d), Tax Code, is amended to read as follows:

(d) A person who acquires property after January 1 of a tax year may receive an exemption authorized by Section 11.17, 11.18, 11.19, 11.20, 11.21, 11.23, 11.231, or 11.30 for the applicable portion of that tax year immediately on qualification for the exemption.

SECTION ____. Section 11.43(c), Tax Code, is amended to read as follows:

(c) An exemption provided by Section 11.13, 11.17, 11.18, 11.182, 11.183, 11.19, 11.20, 11.21, 11.22, 11.23(h), (j), or (j-1), 11.231, 11.29, 11.30, or 11.31, once allowed, need not be claimed in subsequent years, and except as otherwise provided by Subsection (e), the exemption applies to the property until it changes ownership or the person's qualification for the exemption changes. However, the chief appraiser may require a person allowed one of the exemptions in a prior year to file a new application to confirm the person's current qualification for the exemption by delivering a written notice that a new application is required, accompanied by an appropriate application form, to the person previously allowed the exemption.

The amendment to **SB 475** was read and was adopted by the following vote: Yeas 20, Nays 7.

Yeas: Davis, Deuell, Ellis, Eltife, Estes, Fraser, Gallegos, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Patrick, Seliger, Shapiro, Watson, Wentworth, West, Whitmire.

Nays: Duncan, Nichols, Ogden, Shapleigh, Uresti, Van de Putte, Zaffirini.

Absent: Averitt, Carona, Williams.

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.

SB 475 as amended was finally passed by the following vote: Yeas 26, Nays 4.

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

Nays: Duncan, Nichols, Ogden, Shapleigh.

Absent-excused: Harris.

(Senator Eltife in Chair)

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The Presiding Officer announced the time had arrived to consider executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given yesterday by Senator Jackson.

Senator Jackson moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The Presiding Officer asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The following nominees, as reported by the Committee on Nominations, were confirmed by the following vote: Yeas 30, Nays 0.

Absent-excused: Harris.

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 McCann, 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.

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

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

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

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

**SENATE RULES SUSPENDED
(Posting Rules)**

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

SB 442, SB 671, SB 1358, SB 2468, SB 1895, HB 401.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Carona and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Transportation and Homeland Security might meet and consider **SB 2110** tomorrow.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SCR 55 by Watson, In memory of Harvey Carroll "Dulie" Bell, Jr.

SCR 62 by Hinojosa, In memory of the Honorable Lena Guerrero of Austin.

HCR 40 (Eltife), In memory of Kenneth Helm of Sumner.

HCR 41 (Eltife), In memory of Garry Don Stuckey of Paris, Texas.

HCR 43 (Eltife), In memory of Hoyle R. Barr of Paris.

HCR 44 (Eltife), In memory of Frances Virginia Reeves Lowrey of Paris.

HCR 45 (Eltife), In memory of Tyler Nicole Henderson of Detroit, Texas.

HCR 68 (Eltife), In memory of Leslie Nix of Clarksville.

- HCR 69** (Eltife), In memory of Douglas Keith Parsons of Pattonville.
- HCR 82** (Eltife), In memory of Pamela Ann Blackburn Urbano of Paris, Texas.
- HCR 99** (Eltife), In memory of John H. Hanna of Paris.
- HCR 100** (Eltife), In memory of the Reverend James M. Elsom of Paris, Texas.
- HCR 101** (Eltife), In memory of Jeniavee "Jenny" Hatcher of Paris, Texas.
- HCR 102** (Eltife), In memory of Juanita Daughtrey of Powderly.
- HCR 103** (Eltife), In memory of Carl Walter Smith of Paris, Texas.
- HCR 104** (Eltife), In memory of Billy Joe Patterson of Brookston.
- HCR 105** (Eltife), In memory of Monroe Travis Hardin of Paris, Texas.
- HCR 106** (Eltife), In memory of Danise Blalock of Mount Pleasant.
- HCR 107** (Eltife), In memory of Roslyn Davis Sample of Powderly.
- HCR 108** (Eltife), In memory of Bishop Othoe Stegall of Lubbock.
- HCR 109** (Eltife), In memory of Joe Bob Stone of Paris, Texas.
- HCR 110** (Eltife), In memory of Mary Jo Floyd Hughes of Belk.
- HCR 111** (Eltife), In memory of Wayne Wilson Streeby, Sr., of Paris.
- HCR 112** (Eltife), In memory of Cory Lee Ellis of Mount Pleasant.
- HCR 128** (Eltife), In memory of Mike Freewith of Paris.
- HCR 129** (Eltife), In memory of Clyde Helms of Paris.
- HCR 130** (Eltife), In memory of Elbert Patrick "Pat" Barbee of Paris, Texas.
- HCR 131** (Eltife), In memory of William C. "Dub" Hill, Jr.
- HCR 132** (Eltife), In memory of Mary Ammons Fisher of Paris.
- HCR 140** (Eltife), In memory of Sarah Helen Stewart Coker of Paris, Texas.
- HCR 154** (Eltife), In memory of G. G. "Jelly" May of Blossom.
- HCR 156** (Eltife), In memory of Thomas Shelby Justiss of Fort Worth.
- HCR 157** (Eltife), In memory of Charlie Summerlin of Mount Vernon.
- HCR 158** (Eltife), In memory of Joan Sims Vaughan of Clarksville.

Congratulatory Resolutions

- SCR 61** by Hinojosa, Commending Leo Aguirre of Austin for his performance with the New Mexico State University baseball team.
- SR 665** by Ellis, Recognizing Spring Antioch Baptist Church in Spring on the occasion of its 10th anniversary.
- SR 666** by Ellis, Recognizing the Federation of Bangladeshi Associations in North America on the occasion of their annual convention.
- SR 667** by Ellis, Recognizing Hooks-Epstein Galleries, Incorporated, on the occasion of its 40th anniversary.

SR 668 by Ellis, Recognizing Houston Community College on the occasion of the dedication of its Missouri City Campus.

SR 671 by Deuell, Recognizing Fred Cochran on the occasion of his retirement from the Kaufman County Sheriff's Office.

SR 672 by Shapleigh, Commending Donald L. Williams of El Paso for his contributions to his community.

SR 673 by Shapiro, Recognizing the Coppell Independent School District on the occasion of its 50th anniversary.

SR 675 by Seliger, Recognizing the Knights of Columbus West Texas Barbecue Association Championship Cookoff for being designated a Texas State Championship event.

HCR 114 (Eltife), Congratulating Sammy Andrews of Addielou on his induction into the Texas Rodeo Cowboy Hall of Fame.

HCR 155 (Eltife), Congratulating Duane and Martha Glover on the occasion of their 60th wedding anniversary.

Official Designation Resolutions

SR 670 by Nelson, Recognizing April 26 through May 2, 2009, as National Cleaning for a Reason Week.

SR 676 by Nichols, Recognizing April 26, 2009, as Texas Music Awards Day in Texas.

SR 677 by Averitt, Recognizing May 13, 2009, as Texas Environmental Excellence Awards Day at the State Capitol.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 2:33 p.m. adjourned, in memory of Harvey Carroll "Dulie" Bell, Jr., 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 21, 2009

HEALTH AND HUMAN SERVICES — **CSSB 187**

FINANCE — **SJR 48, SB 2274**

STATE AFFAIRS — **CSSB 331, CSSB 1153, CSSB 1813, CSHB 806**

NATURAL RESOURCES — **CSSB 2049**

EDUCATION — CSSB 1344

BUSINESS AND COMMERCE — CSSB 14

TRANSPORTATION AND HOMELAND SECURITY — CSSB 1571

CRIMINAL JUSTICE — CSSB 1118

INTERGOVERNMENTAL RELATIONS — CSSB 2081

BILLS AND RESOLUTIONS ENGROSSED

April 20, 2009

SB 54, SB 394, SB 546, SB 629, SB 652, SB 785, SB 1007, SB 1011, SB 1123, SB 1127, SB 1168, SB 1203, SB 1256, SB 1363, SB 1431, SB 1569, SB 1576, SB 1577, SB 1759, SB 1810, SB 1832, SB 1846, SB 1867, SB 1877, SB 1976, SB 2025, SB 2033, SB 2197, SB 2329, SJR 9, SJR 36

RESOLUTIONS ENROLLED

April 20, 2009

SR 642, SR 647, SR 648, SR 650, SR 651, SR 652, SR 653, SR 654, SR 655, SR 656, SR 657, SR 658, SR 659, SR 660, SR 661, SR 662, SR 663

