

# SENATE JOURNAL

EIGHTY-FIRST LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**FORTY-SECOND DAY**

(Wednesday, April 22, 2009)

The Senate met at 11:07 a.m. pursuant to adjournment and was called to order by the President.

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

Absent-excused: Harris.

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

The Reverend Randy Weaver, Lone Star Cowboy Church, Montgomery, offered the invocation as follows:

Dear Lord, what an incredible honor it is to stand before this body of legislators today that have accepted the responsibilities of representing the people of this great State of Texas, our constitution, and the constitution of these United States of America. Dear Lord, as decisions are made, may we never seek to remove or marginalize faith-based influence, understanding that people are Your greatest treasure and Your word is the foundation of all affective law. May we understand that our greatest enemy is not on foreign soil but in the immorality that each one of us personally battle daily in our hearts, minds, bodies, and souls. May we be good stewards of the blessings You have given to these United States. Lord, we realize that our country is better because of the beacon of light that as a reflection of You has shone on them from this great State of Texas. May we not take this responsibility lightly but embrace the influence and favor given by You and govern according to Your word and not according to our whim. We all realize the incredible weight and power these chosen few have in the daily decisions they are required to make. Dear Lord, please bless them, give them strength and wisdom as they embrace the call You have put on their lives. Because we realize there is neither security or freedom under the roof of legalism, I pray that Your love would reign in this legislative body, love of life, liberty, and, yes, the pursuit of happiness. We stand in need of Your mercy on our nation and Your grace to strengthen our hands, sharpen our minds, and shape our hearts as we humbly yet confidently pursue happiness. May we always remember that the achievement of that happiness will never be

realized without the brave soldiers who have made the ultimate sacrifice for that happiness. God bless our soldiers. Help us remember that life and liberty came before the pursuit of happiness, and that is the reason we are the land of the free and the home of the brave. 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 469**

On motion of Senator Carona, Senators Gallegos and Seliger will be shown as Co-authors of **SB 469**.

#### **CO-AUTHOR OF SENATE BILL 1118**

On motion of Senator Whitmire, Senator Hinojosa will be shown as Co-author of **SB 1118**.

#### **CO-AUTHOR OF SENATE BILL 1240**

On motion of Senator Van de Putte, Senator Zaffirini will be shown as Co-author of **SB 1240**.

#### **CO-AUTHOR OF SENATE BILL 1344**

On motion of Senator Watson, Senator Shapiro will be shown as Co-author of **SB 1344**.

#### **CO-AUTHOR OF SENATE BILL 1411**

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

#### **CO-AUTHOR OF SENATE BILL 2135**

On motion of Senator Lucio, Senator Zaffirini will be shown as Co-author of **SB 2135**.

#### **CO-AUTHOR OF SENATE BILL 2285**

On motion of Senator Lucio, Senator Zaffirini will be shown as Co-author of **SB 2285**.

#### **MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

April 22, 2009

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

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

## THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

**HB 482**, Relating to programs to increase the availability of fresh produce to, and the purchase and consumption of fresh produce by, certain low-income individuals.

**HB 483**, Relating to an administrative fee for defendants required by a court to perform community service in lieu of serving a term of confinement in county jail.

**HB 598**, Relating to the information displayed on certain licenses.

**HB 608**, Relating to posttrial psychological counseling for jurors in a criminal trial or juvenile adjudication hearing involving graphic evidence or testimony.

**HB 656**, Relating to the use of municipal hotel occupancy taxes.

**HB 671**, Relating to the penalty for theft from a nonprofit organization.

**HB 681**, Relating to requiring warning signs regarding mercury levels in certain fish.

**HB 764**, Relating to eligibility for assignment as a visiting judge.

**HB 825**, Relating to prohibiting deferred adjudication community supervision for certain defendants convicted of murder.

**HB 1043**, Relating to the creation of business opportunities for certain former foster children.

**HB 1290**, Relating to health benefit plan coverage for certain tests for the early detection of cardiovascular disease.

**HB 1407**, Relating to the redemption of real property sold at an ad valorem tax sale.

**HB 1445**, Relating to the authority of certain political subdivisions to erect or maintain shore protection structures and the location of the line of vegetation in relation to those structures.

**HB 1505**, Relating to the promotion or advertising of alcoholic beverages in relation to certain facilities owned by a municipality or county.

**HB 1590**, Relating to consecutive sentences for certain offenses involving injury to a child, an elderly individual, or a disabled individual and arising out of the same criminal episode.

**HB 1684**, Relating to the creation and administration of the rural veterinarian loan repayment program.

**HB 1731**, Relating to money available for consumer incentive or rebate programs for alternatively fueled appliances or equipment.

**HB 1740**, Relating to the authorization of physicians and therapeutic optometrists to dispense therapeutic contact lenses.

**HB 1783**, Relating to the Internet broadcasting of Public Utility Commission of Texas and ERCOT public hearings and meetings.

**HB 1813**, Relating to the punishment for tampering with certain governmental records concerning forensic analyses.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

### **BILLS SIGNED**

The President announced the signing of the following enrolled bills in the presence of the Senate after the captions had been read: **SB 948**, **HB 1871**.

### **PHYSICIAN OF THE DAY**

Senator Watson was recognized and presented Dr. Love Paul of Austin as the Physician of the Day.

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

### **SENATE RESOLUTION 674**

Senator Duncan offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Texas Retired Teachers Association and pay tribute to this state's public educators, who provide an invaluable service to the people of the State of Texas; and

WHEREAS, The Texas Retired Teachers Association represents retired public education employees—1,100 of whom are presently gathering in Dallas for their 56th annual convention; and

WHEREAS, The members of the Texas Teachers Association continually work to improve their local communities throughout the state; they have given from their hearts almost five million hours of volunteer service, with a value equivalent to more than \$97 million; and

WHEREAS, Retired educators volunteer in schools and promote lifelong learning by providing books to children through the Children's Book Project; more than 462,000 books have been donated so far, including almost 82,000 last year alone; and

WHEREAS, The members of the Texas Retired Teachers Association are conscious of the effect their health has on the world around them and work to preserve the TRS-Care program by reducing doctor visits through their participation in the Walks-A-Million Program, in which they have collectively taken more than 28 billion steps toward greater wellness; and

WHEREAS, Retiree annuity payments from the Teacher Retirement System of Texas have exceeded \$6 billion, directly creating 84,300 jobs in the Lone Star State; and

WHEREAS, The Texas Retired Teachers Association and its nearly 70,000 members work diligently to protect current and future public education retirees; now, therefore, be it

RESOLVED, That the Senate of the Texas, 81st Legislature, hereby commend the Texas Retired Teachers Association for its outstanding work and recognize the week of March 29 through April 4, 2009, as Texas Retired Teachers Week; and, be it further

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

**SR 674** was read and was adopted without objection.

### GUESTS PRESENTED

Senator Duncan was recognized and introduced to the Senate retired teachers Lynda Gottschalk, Jeanette Moore, and Roy Pennington, accompanied by a delegation representing the Texas Retired Teachers Association.

The Senate welcomed its guests.

### SENATE RESOLUTION 654

Senator Nelson offered the following resolution:

WHEREAS, The Senate of the State of Texas recognizes the week of April 20 through April 26, 2009, as Deep Vein Thrombosis Awareness Week in Texas; and

WHEREAS, Deep vein thrombosis, a serious medical condition, affects approximately two million Americans every year; complications from this usually preventable medical condition take up to 200,000 American lives each year; and

WHEREAS, Deep vein thrombosis occurs when a blood clot forms in one of the large veins, usually in the lower limbs, which leads to partially or completely blocked circulation and may result in a fatal pulmonary embolism; and

WHEREAS, Pulmonary embolism causes more deaths each year than breast cancer and AIDS combined and is the leading cause of maternal death associated with childbirth; fatal pulmonary embolism may be the most preventable cause of hospital death in the United States; and

WHEREAS, Some of the risk factors for deep vein thrombosis include cancer and certain heart or respiratory diseases; the condition can also be triggered by hospitalization, pregnancy, obesity, or restricted mobility caused by long-distance travel; and

WHEREAS, According to a survey conducted by the American Public Health Association, 74 percent of Americans are unaware of deep vein thrombosis; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby recognize the importance of raising public awareness of the threat and causes of deep vein thrombosis and designate the week of April 20 through April 26, 2009, as Deep Vein Thrombosis Awareness Week; and, be it further

RESOLVED, That a copy of this Resolution be prepared in support of Deep Vein Thrombosis Awareness Week.

**SR 654** was again read.

The resolution was previously adopted on Monday, April 20, 2009.

**SENATE RESOLUTION 603**

Senator Eltife offered the following resolution:

WHEREAS, Residents of Rusk County are gathering in Austin on April 21, 2009, to celebrate Rusk County Day at the State Capitol; and

WHEREAS, Four Spanish expeditions traveled through this scenic region between 1691 and 1788, and Anglo settlers began to arrive in large numbers after the Texas Revolution; in 1843, Rusk County was formed, named for Thomas Jefferson Rusk, who had been secretary of war in the Republic of Texas, and the new county seat was named after James Pinckney Henderson, who soon became the first governor of the State of Texas; and

WHEREAS, For over 90 years, Rusk County's economy depended mainly on the growing of cotton, but in 1930, Columbus M. "Dad" Joiner struck oil with the Daisy Bradford No. 1 well, initiating one of the richest oil booms in American history; in three years, the amount of oil pumped out of Rusk County grew from 27,000 barrels in 1931 to over 200 million barrels in 1933, and wildcatters and speculators poured into the county, turning Henderson into a lively boomtown; and

WHEREAS, Today, oil and agriculture continue to be important to the region's prosperity, along with lignite coal and natural gas; the county is also an important center for the lumber industry, and the area's distinctive clays are used to manufacture some of the best bricks in Texas; and

WHEREAS, The colorful days of the 1930s oil boom are recreated at the Gaston Museum in Joinerville, which is only two miles from "Dad" Joiner's East Texas Discovery Well, and the Depot Museum and Children's Discovery Center in Henderson features a handsomely restored Missouri Pacific Railroad depot and several other restored historic buildings from the 1800s; and

WHEREAS, Martin Creek Lake State Park offers ample opportunities for recreation in the area, and the annual Heritage Syrup Festival in November and the Wildflower Driving Trails every spring delight residents and visitors alike; and

WHEREAS, Picturesque and historic, Rusk County is home to industrious and innovative citizens who can take great pride in their heritage even as they look forward to a bright future; now, therefore, be it

RESOLVED, That the Senate of the 81st Texas Legislature hereby recognize April 21, 2009, as Rusk County Day at the State Capitol and extend to the county's visiting delegation best wishes for an informative and enjoyable stay in Austin.

**SR 603** was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Eltife was recognized and introduced to the Senate a delegation of business and community leaders from Rusk County.

The Senate welcomed its guests.

**SENATE BILLS ON FIRST READING**

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

**SB 2545** by Wentworth

Relating to the creation of Austin Desired Development Zone District No. 1; providing authority to levy an assessment, impose taxes, and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

**SB 2546** by Wentworth

Relating to the creation of Austin Desired Development Zone District No. 2; providing authority to levy an assessment, impose taxes, and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

**SB 2547** by Wentworth

Relating to the creation of Austin Desired Development Zone District No. 3; providing authority to levy an assessment, impose taxes, and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

**SB 2548** by Wentworth

Relating to the creation of Austin Desired Development Zone District No. 4; providing authority to levy an assessment, impose taxes, and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

**SB 2549** by Wentworth

Relating to the creation of Austin Desired Development Zone District No. 5; providing authority to levy an assessment, impose taxes, and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

**CONCLUSION OF MORNING CALL**

The President at 11:24 a.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE  
SENATE BILL 726 ON SECOND READING**

On motion of Senator Eltife and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 726** at this time on its second reading:

**CSSB 726**, Relating to the creation of the Harrison County Groundwater Conservation District; providing authority to impose a tax and issue bonds.

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 726 ON THIRD READING**

Senator Eltife moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 726** 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 726**, 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 726** 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 1647 ON SECOND READING**

On motion of Senator Averitt and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1647** at this time on its second reading:

**CSSB 1647**, Relating to the administration, operation, and regulation of credit unions.

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 1647 ON THIRD READING**

Senator Averitt moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1647** 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 1647**, 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 1647** 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 473 ON SECOND READING**

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 473** at this time on its second reading:

**SB 473**, Relating to an intercollegiate athletics fee at the University of North Texas.

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

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

Absent-excused: Harris.

**SENATE BILL 2229 ON SECOND READING**

On motion of Senator Averitt and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 2229** at this time on its second reading:

**SB 2229**, Relating to the creation of a county court at law in Bosque County and the composition of the Bosque, Comanche, and Hamilton Counties juvenile board.

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 2229 ON THIRD READING**

Senator Averitt moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 2229** 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 2229**, 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 2229** 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 294 ON THIRD READING**

Senator Hinojosa moved to suspend the regular order of business to take up for consideration **CSSB 294** at this time on its third reading and final passage:

**CSSB 294**, Relating to optional fees on the registration of a vehicle imposed by a county.

The motion prevailed.

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

The bill was read third time.

Senator Hinojosa offered the following amendment to the bill:

**Floor Amendment No. 1 on Third Reading**

Amend **CSSB 294** (Senate committee printing), on third reading, by striking all below the enacting clause and substituting the following:

SECTION 1. Subsection (a), Section 502.172, Transportation Code, is amended to read as follows:

(a) The commissioners court of a county by order may impose an additional fee, not to exceed \$15 [~~\$10~~], for registering a vehicle in the county.

SECTION 2. Section 502.1725, Transportation Code, is amended by amending Subsections (a), (b), (d), (e), (f), and (g), and adding Subsections (e-1), (f-1), (i), (j), (k), (l), and (m) to read as follows:

(a) This section applies only to:

(1) a county:

(A) [~~(+)~~] that borders the United Mexican States;

(B) [~~(2)~~] that has a population of more than 150,000 [~~300,000~~]; and

(C) [~~(3)~~] in which the largest municipality has a population of less than 300,000;

(2) a county that has a population of at least 600,000 and borders the United Mexican States;

(3) a county with a population of more than 325,000 that is located adjacent to:

(A) and international border; and

(B) a county with a population of more than 550,000;

(4) a county with a population of more than one million and in which more than 80 percent of the population resides in a single municipality;

(5) a county for which a regional mobility authority has been created under Chapter 370, Transportation Code, and in which the principal municipality:

(A) has a population of more than 650,000; and

(B) elected all members of its governing body at-large as of January 1, 2009; and

(6) a county, except for the second most populous county served by the regional mobility authority described by Subsection (a)(5), contiguous to a county described by Subsection (a)(5) and served by the same metropolitan planning organization.

(b) The commissioners court of a county by order may impose an additional fee, not to exceed \$50 [~~\$10~~], for registering a vehicle in the county.

(d) A fee imposed under this section may take effect only on January 1 of a year. The county must adopt the order and notify the department not later than September 1 of the year preceding the year in which the fee takes effect. A fee imposed under this section is not required to be annually reauthorized and remains in effect until removed as provided by Subsection (e).

(e) Subject to Subsection (e-1), a [A] fee imposed under this section may be removed. The removal may take effect only on January 1 of a year. A county may remove the fee only by:

(1) rescinding the order imposing the fee; and

(2) notifying the department not later than September 1 of the year preceding the year in which the removal takes effect.

(e-1) If the revenue from a fee imposed under this section has been pledged or assigned to secure the payment of bonds or other obligations as provided by Subsection (f-1), the fee may not be removed until the bonds or other obligations secured by the pledge or assignment have been paid or discharged.

(f) The county assessor-collector of a county imposing a fee under this section shall collect the additional fee for a vehicle when other fees imposed under this chapter are collected. The county shall deposit [~~send~~] the fee revenue in a special account in the county general fund. Money in the account may be used only to contract with:

(1) [~~to~~] the regional mobility authority of the county to promote and maintain a public purpose of the county that involves funding [~~fund~~] long-term transportation projects in the county;

(2) a transportation governmental entity designated under Subsection (j) to promote and maintain a public purpose of the county that involves funding long-term transportation projects in the county; or

(3) a public or private entity developing a long-term transportation project in the county under an agreement with the county, the regional mobility authority of the county, or a transportation governmental entity designated under Subsection (j) to promote and maintain a public purpose of the county.

(f-1) Revenue from a fee imposed under this section may be pledged or assigned by the county, the regional mobility authority of the county with which the county contracts under Subsection (f), or a transportation governmental entity with which the county contracts under Subsection (f) to secure the payment of bonds or other obligations associated with the development of long-term transportation projects in the county as provided by Subsection (f).

(g) The department shall collect the additional fee on a vehicle that is owned by a resident of a county imposing a fee under this section and that, under this chapter, must be registered directly with the department. The department shall send all fees

collected for a county under this subsection to the county for deposit and use as provided by Subsection (f) or (f-1) [~~regional mobility authority of the county to fund long term transportation projects in the county~~].

(i) The total amount of fees imposed by the commissioners court of a county under this section and under Section 502.172 may not exceed \$65.

(j) The department shall designate the governmental entities that serve primarily a transportation function and with which counties may contract under Subsection (f).

(k) Notwithstanding Subsection (b), the fee imposed by the commissioners court of a county with a population of at least 600,000 and that is located on the international border may not exceed \$10.

(l) This subsection applies only if S.B. No. 855, 81st Legislature, Regular Session, 2009, or other similar legislation providing for or authorizing the imposition of a county, municipal, or other local vehicle registration fee for transportation or mobility projects is enacted by the legislature and becomes law, regardless of the relative dates of enactment. The total amount of fees imposed under this section and under S.B. No. 855 or other similar legislation may not exceed \$60. If S.B. No. 855 or other similar legislation does not become law, this subsection expires January 1, 2011.

(m) Notwithstanding the authority under Subsection (b) to impose the additional fee by order, the commissioners court of a county to which Subsections (a)(3), (a)(4), (a)(5), or (a)(6) applies must call an election on the issue of imposing the additional fee under this section. The election must be held on a uniform election date under Section 41.001, Election Code. If a majority of the votes cast at the election approve the imposition of the fee, the fee is imposed. Notwithstanding subsection (d), a fee imposed under this subsection may take effect on January 1 or June 1 of a year and the county must notify the department not later than four months before the date on which the fee takes effect. Notwithstanding Subsection (e), the county may order the fee removed and shall notify the department not later than September 1 of the year preceding the year in which the removal takes effect.

SECTION 4. Subsections (a)(5) and (a)(6), Section 502.1725, Transportation Code, as amended by this Act do not take effect if S.B. No. 855, Acts of the 81st Legislature, Regular Session, 2009, takes effect according to its terms.

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

The amendment to **CSSB 294** was read and was adopted by a viva voce vote.

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

Absent-excused: Harris.

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

**CSSB 294** as again amended was finally passed by the following vote: Yeas 25, Nays 5.

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

Nays: Estes, Hegar, Huffman, Nichols, Patrick.

Absent-excused: Harris.

### **SENATE BILL 473 ON THIRD READING**

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 473** be placed on its third reading and final passage:

**SB 473**, Relating to an intercollegiate athletics fee at the University of North Texas.

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 473**, 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 473** 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.

Senator Patrick offered the following amendment to the bill:

### **Floor Amendment No. 1 on Third Reading**

Amend **SB 473** on third reading (Senate committee printing) in SECTION 1 of the bill, in added Section 54.5191, Education Code (page 1, between lines 52 and 53), by adding Subsection (j) to read as follows:

(j) The fee may not be charged after the fifth academic year in which the fee is first charged unless, before the end of that academic year, the university has issued bonds payable from the fee, in which event the fee may not be charged after the academic year in which all such bonds, including refunding bonds for those bonds, have been fully paid.

The amendment to **SB 473** was read and was adopted by a viva voce vote.

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

Absent-excused: Harris.

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

**SB 473** as amended was finally passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Harris.

#### **SENATE BILL 1240 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 1240** at this time on its second reading:

**SB 1240**, Relating to the temporary occupational licensing of members of the military and their spouses.

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 1240 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 1240** 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 1240**, 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 1240** 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 2065 ON SECOND READING**

Senator Davis moved to suspend the regular order of business to take up for consideration **CSSB 2065** at this time on its second reading:

**CSSB 2065**, Relating to proof that is acceptable for identifying individuals acknowledging written instruments.

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 2065 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 2065** 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 2065**, 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 2065** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1.

Nays: Williams.

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1070 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 1070** at this time on its third reading and final passage:

**CSSB 1070**, Relating to jury assembly and administration.

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

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE  
SENATE BILL 704 ON SECOND READING**

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 704** at this time on its second reading:

**CSSB 704**, Relating to disclosure of the prices charged to state agencies in connection with pharmacy benefit manager services.

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 704 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 704** 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 704**, 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 704** 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 1402 ON SECOND READING**

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1402** at this time on its second reading:

**CSSB 1402**, Relating to requiring certain political subdivisions to enter a contract with the county elections administrator to perform election services.

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 1402 ON THIRD READING**

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1402** 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 1402**, 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 1402** 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)**

**SENATE BILL 1554 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 1554** at this time on its second reading:

**SB 1554**, Relating to the authority of officers in certain counties to designate a person to receive fees, commissions, or costs.

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 1554 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 1554** 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 1554**, 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 1554** 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 902 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 902** at this time on its second reading:

**CSSB 902**, Relating to restrictions on the release into the air of natural gas and associated vapors from a gas well.

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 902 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 902** 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 902**, 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 902** 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 921 ON SECOND READING**

Senator Fraser moved to suspend the regular order of business to take up for consideration **SB 921** at this time on its second reading:

**SB 921**, Relating to access by the members of electric cooperatives to meetings of the boards of directors and certain information of the electric cooperatives.

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

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

Nays: Eltife, Hegar, Hinojosa, Lucio.

Absent-excused: Harris.

The bill was read second time.

Senator Fraser offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 921** (Senate committee report) as follows:

In SECTION 3 on page 1, line 36, strike "210,000" and replace with "170,000".

In SECTION 3 on page 1, line 39, strike "210,000" and replace with "170,000".

In SECTION 3 on page 2, line 18, strike "210,000" and replace with "170,000".

In SECTION 3 on page 2, line 21, strike "210,000" and replace with "170,000".

In SECTION 3 on page 2, line 32, strike "210,000" and replace with "170,000".

In SECTION 8 on page 6, line 34, strike "210,000" and replace with "170,000".

The amendment to **SB 921** 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 Duncan offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **SB 921** (Senate committee report) as follows:

(1) On page 2, line 68, through page 3, line 7, strike proposed Section 161.075(e) and (f), Utilities Code, and substitute the following:

"(e) The board may adopt reasonable rules to maintain order at a regular or special board meeting. A rule adopted by the board under this section may not prevent or unreasonably impair a member from exercising a right granted by this section."

(2) On page 3, lines 11-23, strike proposed Section 161.0751(a), Utilities Code, and substitute the following:

(a) The board shall give members written notice of the date, hour, place, and subject of a regular or special board meeting. Notice of a board meeting must be given at least 72 hours before the scheduled time of the meeting by:

(1) posting a notice on a bulletin board in a place convenient to members at the electric cooperative's headquarters and at each district office; and

(2) posting a notice on the cooperative's Internet website, if the cooperative maintains a website.

(3) On page 5, lines 31-32, strike proposed Section 161.081(c), Utilities Code, and substitute the following:

(c) Upon approval of the Legislative Audit Committee, the state auditor may audit the financial transactions and operations of a cooperative, at the cooperative's expense.

The amendment to **SB 921** was read and was adopted by a viva voce vote.

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

Absent-excused: Harris.

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

**SB 921** as amended was passed to engrossment by the following vote: Yeas 26, Nays 4.

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

Nays: Eltife, Hegar, Hinojosa, Lucio.

Absent-excused: Harris.

### **SENATE BILL 921 ON THIRD READING**

Senator Fraser moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 921** 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, Estes, Fraser, Gallegos, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Eltife, Hegar, Hinojosa, Lucio, 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 921**, 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 921** 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, Estes, Fraser, Gallegos, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Eltife, Hegar, Hinojosa, Lucio.

Absent-excused: Harris.

### **SENATE BILL 2210 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 2210** at this time on its second reading:

**SB 2210**, Relating to the formula funding for public institutions of higher education for certain credit hours that do not count toward a degree.

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 2210 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 2210** 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 2210**, 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 2210** 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 1179 ON SECOND READING**

On motion of Senator Patrick and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1179** at this time on its second reading:

**SB 1179**, Relating to requiring general academic teaching institutions to offer health benefit plans to students.

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 1179 ON THIRD READING**

Senator Patrick moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1179** 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 1179**, 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 1179** 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 1230 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 1230** at this time on its second reading:

**CSSB 1230**, Relating to the establishment of the Legislative Committee on Aging and other initiatives relating to the aging population of 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.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1230 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 1230** 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 1230**, 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 1230** 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 1878 ON SECOND READING**

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1878** at this time on its second reading:

**CSSB 1878**, Relating to the creation and operation of a council to increase state efforts to offer service-enriched housing through increased coordination of housing and health services.

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1878** 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 1878** 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 1878** 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 1878 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 1878** 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 1878**, 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 1878** 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 1387 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 1387** at this time on its second reading:

**CSSB 1387**, Relating to the implementation of projects involving the capture, injection, sequestration, or geologic storage of carbon dioxide.

The bill was read second time.

Senator Seliger offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1387** (Senate committee printing) as follows:

(1) In SECTION 2 of the bill, in proposed Section 27.046(a), Water Code (page 2, lines 53-55), strike "An application to the railroad commission for a permit under rules adopted under this subchapter must include" and substitute "The railroad

commission may not issue a permit under rules adopted under this subchapter until the applicant for the permit provides to the railroad commission".

(2) In SECTION 2 of the bill, in proposed Section 27.048(a), Water Code (page 3, line 27), strike "the commission or".

(3) In SECTION 2 of the bill, in proposed Section 27.048(b)(1), Water Code (page 3, line 38), strike "the commission and".

(4) In SECTION 10(c) of the bill, between Subdivisions (2) and (3) of the subsection (page 7, between lines 62 and 63), insert the following subdivision and renumber the subsequent subdivisions of the subsection accordingly:

(3) recommendations for methods to mitigate any negative effects of federal greenhouse gas reporting requirements on owners and producers of naturally occurring carbon dioxide;

The amendment to **CSSB 1387** was read and was adopted by a viva voce vote.

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

Absent-excused: Harris.

Senator Ogden offered the following amendment to the bill:

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

Amend **CSSB 1387** 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 1387** was read and was adopted by a viva voce vote.

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

Absent-excused: Harris.

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

**CSSB 1387** 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 1387 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 1387** 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 1387**, 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 1387** 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 116 ON SECOND READING**

Senator Ellis moved to suspend the regular order of business to take up for consideration **CSSB 116** at this time on its second reading:

**CSSB 116**, Relating to electronically recording certain interrogations.

The motion prevailed.

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

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

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

Nays: Huffman, Patrick.

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE  
SENATE BILL 116 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 116** be placed on its third reading and final passage.

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

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

Nays: Huffman, Patrick, Wentworth.

Absent-excused: Harris.

#### Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 116**, 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 116** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

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

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

Nays: Huffman, Patrick.

Absent-excused: Harris.

#### REMARKS ORDERED PRINTED

On motion of Senator Huffman and by unanimous consent, the exchange between Senators Ellis and Huffman regarding **CSSB 116** was ordered reduced to writing and printed in the *Senate Journal* as follows:

**Senator Huffman:** Senator Ellis, I want to follow up with Senator Patrick's questioning—

**Senator Ellis:** Yes.

**Senator Huffman:** And I think he's right on point here, and I don't want to beat a dead horse, but there, he is correct that the word practical is a word that would be subject to disagreement, so it's a factual issue. And so, I just want to make it clear that the legislative intent in your bill is not to make the practicality issue either a jury factual issue or a judicial factual issue, so that—

**Senator Ellis:** I'm in total agreement.

**Senator Huffman:** It's not—

**Senator Ellis:** It should not—

**Senator Huffman:** Alright.

**Senator Ellis:** Be a jury factor, what was the other phrase?

**Senator Huffman:** Or a judicial factor. I mean, whoever is—

**Senator Ellis:** Or a judicial factor.

**Senator Huffman:** The fact-finder. Okay. So, we're clear, the legislative intent and for all who may research this later, this is not an issue that should ever be presented to either a jury or a judge for them to make a factual determination.

**Senator Ellis:** It should not.

**Senator Huffman:** Alright.

**Senator Ellis:** It is simply to encourage recording these custodial interrogations.

**Senator Huffman:** Alright, and that's what I wanted to make perfectly clear for the record, and I would ask that this exchange be reduced to writing for the record so that it's there for anyone who may research later to, because I predict that we will hear about this again. I think Senator Patrick is correct on this, yes.

**Senator Ellis:** Thank you. I hope—

**Senator Huffman:** Thank you.

**Senator Ellis:** I hope that that will end it, but my intent is that in no way to have it used as a defense to someone's prosecution. But if it's practical, do it. If it's not, don't.

**Senator Huffman:** Thank you very much, Senator Ellis.

**Senator Ellis:** Thank you.

### COMMITTEE SUBSTITUTE SENATE BILL 263 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 263** at this time on its second reading:

**CSSB 263**, Relating to the issuance by the Texas Transportation Commission of general obligation bonds for highway improvement projects.

The bill was read second time.



Senator Ogden offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 263** 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 263** 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 Carona and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSSB 263** 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 263 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 263** 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 263**, 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 263** 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 867 ON SECOND READING**

Senator Lucio moved to suspend the regular order of business to take up for consideration **CSSB 867** at this time on its second reading:

**CSSB 867**, Relating to summer nutrition programs provided for by school districts.

The motion prevailed.

Senators Fraser, Nelson, 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 Nichols offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 867** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill, in proposed Section 12.0026(f)(2)(C), Agriculture Code (page 2, line 18), strike "or".

(2) In SECTION 1 of the bill, between proposed Sections 12.0026(f)(2)(C) and (D), Agriculture Code (page 2, between lines 18 and 19), insert the following:  
(D) the district does not offer a summer school program; or

(3) In SECTION 1 of the bill, in proposed Section 12.0026(f)(2)(D), Agriculture Code (page 2, line 19), strike "(D)" and substitute "(E)".

The amendment to **CSSB 867** was read and failed of adoption by the following vote: Yeas 15, Nays 15.

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

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

Absent-excused: Harris.

**CSSB 867** was passed to engrossment by a viva voce vote.

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

Nays: Fraser, Nelson, Ogden, Patrick.

Absent-excused: Harris.

**MOTION TO PLACE  
COMMITTEE SUBSTITUTE  
SENATE BILL 867 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 867** be placed on its third reading and final passage.

The motion was lost by the following vote: Yeas 20, Nays 10. (Not receiving four-fifths vote of Members present)

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

Nays: Duncan, Fraser, Huffman, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth.

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE  
SENATE BILL 469 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 469** at this time on its second reading:

**CSSB 469**, Relating to an exemption from ad valorem taxation of the residence homesteads of certain totally disabled veterans and to the amount of the exemption from ad valorem taxation to which a disabled veteran is entitled based on disability rating.

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 469 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 469** 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 469**, 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 469** 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 1760 ON SECOND READING**

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1760** at this time on its second reading:

**CSSB 1760**, Relating to the administration of the Texas Save and Match Program to assist qualifying beneficiaries under the state's prepaid tuition plans and college savings plans and to the treatment of a beneficiary's assets under prepaid tuition plans and college savings plans in determining eligibility for student financial assistance and other assistance programs.

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 1760 ON THIRD READING**

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1760** 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 1760**, 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 1760** 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 1448 ON SECOND READING**

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1448** at this time on its second reading:

**CSSB 1448**, Relating to actions in a justice court regarding the repair of residential rental property.

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 1448 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1448** 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 1448**, 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 1448** 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: Huffman.

Absent-excused: Harris.

### COMMITTEE SUBSTITUTE SENATE BILL 1823 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 1823** at this time on its second reading:

**CSSB 1823**, Relating to the state's statutory and contractual liens to secure the payment of unpaid royalty and other amounts due under oil and gas leases of state land.

The bill was read second time.

Senator Seliger offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **CSSB 1823** (Senate committee printing) in SECTION 1 of the bill as follows:

(1) In Section 52.136(b), Natural Resources Code (page 1, lines 22-23), strike "any other lease of state land or minerals held by the lessee" and substitute "any other lease of state land or minerals held by the same lessee".

(2) Strike added Section 52.136(d), Natural Resources Code (page 1, lines 49-53), and substitute the following:

(d) The commissioner may temporarily suspend enforcement of a lien established by Subsection (b):

(1) if the commissioner determines that the lessee did not receive payment from the first purchaser of the oil or gas produced from the lease area; or  
(2) because of other extenuating circumstances beyond the control of the lessee.

The amendment to **CSSB 1823** 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 1823** 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 1823 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 1823** 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 1823**, 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 1823** 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 2445 ON SECOND READING**

Senator Uresti moved to suspend the regular order of business to take up for consideration **CSSB 2445** at this time on its second reading:

**CSSB 2445**, Relating to the disposal of sewage by certain boats.

The motion prevailed.

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

The bill was read second time.

Senator Uresti offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 2445** (Senate committee printing) in SECTION 1 of the bill, in amended Section 26.044(c), Water Code (page 1, lines 52 and 53), by striking "that has appropriate registration and law enforcement capabilities".

The amendment to **CSSB 2445** 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 2445** 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: Fraser.

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE  
SENATE BILL 2445 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 2445** be placed on its third reading and final passage.

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

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

Nays: Fraser, Wentworth.

Absent-excused: Harris.



**Reason for Vote**

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 2445**, 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 2445** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1.

Nays: Fraser.

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1353 ON SECOND READING**

Senator Carona moved to suspend the regular order of business to take up for consideration **CSSB 1353** at this time on its second reading:

**CSSB 1353**, Relating to contract provisions in comprehensive development agreements.

The motion prevailed.

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

The bill was read second time.

Senator West offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1353** (Senate committee printing), in SECTION 1 of the bill, immediately following added Section 371.105(d), Transportation Code (page 1, between lines 59 and 60), insert the following:

(11) a comprehensive development agreement in connection with a project associated with any portion of the Loop 9 project that is located in a nonattainment air quality area as designated by the United States Environmental Protection Agency that includes two adjacent counties that each have a population of one million or more.

The amendment to **CSSB 1353** 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 Carona and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSSB 1353** as amended was passed to engrossment by a viva voce vote.

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

Nays: Davis, Nelson.

Absent-excused: Harris.

### **COMMITTEE SUBSTITUTE SENATE BILL 1353 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 1353** be placed on its third reading and final passage.

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

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

Nays: Davis, Nelson, 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 1353**, 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 1353** 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, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nichols, Ogden, Patrick, Seliger, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Davis, Nelson.

Absent-excused: Harris.

### SENATE BILL 1061 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 1061** at this time on its second reading:

**SB 1061**, Relating to improving the accuracy of reporting concerning certain criminal history.

The bill was read second time.

Senator Shapiro offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **SB 1061** (committee printing), at page 2, line 10, as follows: Between "the governor," and "the state auditor", insert "the lieutenant governor".

The amendment to **SB 1061** was read and was adopted by a viva voce vote.

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

Absent-excused: Harris.

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

**SB 1061** 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 1061 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 1061** 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 1061**, 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 1061** 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 1181 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 1181** at this time on its second reading:

**CSSB 1181**, Relating to the employment of certain persons by amusement parks.

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **CSSB 1181** (Senate committee printing) as follows:

- (1) On line 29, strike "an" and substitute "a".
- (2) On line 29-30, strike "offense involving prostitution or another".
- (3) On line 30, insert before "." "as defined by Chapter 21 of the Penal Code"

The amendment to **CSSB 1181** 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 1181** 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 1181 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 1181** 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 1181**, 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 1181** 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 1459 ON SECOND READING**

Senator Shapiro moved to suspend the regular order of business to take up for consideration **CSSB 1459** at this time on its second reading:

**CSSB 1459**, Relating to education initiatives for students of limited English proficiency and students at risk of dropping out of school.

The motion prevailed.

Senators Gallegos, Van de Putte, and Zaffirini asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Shapiro offered the following amendment to the bill:

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

Amend **CSSB 1459** (Senate committee printing) in SECTION 2 of the bill, in added Section 29.101, Education Code (page 3, between lines 26 and 27), by adding a new Subsection (b) and relettering subsequent subsections appropriately:

(b) A school district may apply to the commissioner to participate in the pilot program. Subject to receipt of acceptable applications, the commissioner shall select school districts for participation in the pilot program.

The amendment to **CSSB 1459** was read and was adopted by a viva voce vote.

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

Absent-excused: Harris.

Senator Ogden offered the following amendment to the bill:

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

Amend **CSSB 1459** 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 1459** was read and was adopted by a viva voce vote.

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

Absent-excused: Harris.

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

**CSSB 1459** 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: Gallegos, Van de Putte, Zaffirini.

Absent-excused: Harris.

## **COMMITTEE SUBSTITUTE SENATE BILL 1459 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 1459** be placed on its third reading and final passage.

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

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

Nays: Gallegos, Van de Putte, Wentworth, Zaffirini.

Absent-excused: Harris.

### Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1459**, 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 1459** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 27, Nays 3.

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

Nays: Gallegos, Van de Putte, Zaffirini.

Absent-excused: Harris.

### COMMITTEE SUBSTITUTE SENATE BILL 1460 ON SECOND READING

Senator Shapiro moved to suspend the regular order of business to take up for consideration **CSSB 1460** at this time on its second reading:

**CSSB 1460**, Relating to professional development academies designed for public school teachers who provide instruction to certain students of limited English proficiency.

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 Ogden offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1460** 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 1460** 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: Patrick.

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 1460** 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 1460 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 1460** 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 1460**, 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 1460** 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.

**COMMITTEE SUBSTITUTE  
SENATE BILL 58 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 58** at this time on its second reading:

**CSSB 58**, Relating to the administration of the Juvenile Justice Case Management System.

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 58 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 58** 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 58**, 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 58** 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 22, 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 18**, Designating the Texas toad as the official State Amphibian of Texas.

**HCR 57**, Authorizing the lieutenant governor and speaker to appoint interim joint committees.

**HCR 71**, Designating the Burton Cotton Gin & Museum as the official Cotton Gin Museum of Texas.

**HCR 81**, Directing the State Preservation Board to initiate an effort to obtain missing photographs of early African American political leaders who are honored in a composite in the Capitol South Lobby and to ensure that the composite is included on Capitol tours.

**HCR 86**, Memorializing Congress in support of establishing a veterans hospital in the Rio Grande Valley.

**SB 90**, Relating to adoption of the Interstate Compact on Educational Opportunity for Military Children.

**SB 997**, Relating to the administration of and exemptions from the gas production tax.

THE HOUSE HAS GRANTED THE REQUEST OF THE SENATE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

**SB 297**

House Conferees: Corte - Chair/Aycock/Branch/Flores/Veasey

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**SENATE RULES SUSPENDED  
(Posting Rules)**

On motion of Senator Shapiro and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Education might meet and consider **SB 1489** tomorrow.

**NOTICE GIVEN FOR  
LOCAL AND UNCONTESTED CALENDAR**

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

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

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

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

On motion of Senator Williams and by unanimous consent, Senate Rule 7.12(a) was suspended and the committee report for **SB 1756** was ordered not printed.

**MOTION TO ADJOURN**

On motion of Senator Whitmire and by unanimous consent, the Senate at 2:26 p.m. agreed to adjourn, upon conclusion of the Local and Uncontested Calendar Session, until 11:00 a.m. tomorrow.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Congratulatory Resolutions**

**SCR 64** by Huffman, Commemorating the 170th anniversary of the founding of the Sabine Pass community.

**SR 679** by Whitmire, Commending Adam Taylor for achieving the rank of Eagle Scout.

**SR 681** by Jackson, Congratulating Shelby L'Rae Thomas on the occasion of her home school graduation.

**SR 682** by Jackson, Congratulating Alysha Rae Eyestone on the occasion of her home school graduation.

**SR 683** by Jackson, Congratulating Monica Abigail Mendoza on the occasion of her home school graduation.

**SR 684** by Jackson, Congratulating Rebekah Mallory Grace Kidd on the occasion of her home school graduation.

**SR 685** by Jackson, Congratulating Russell Zachary Langham on the occasion of his home school graduation.

**SR 686** by Jackson, Congratulating Juliana Elizabeth Moore of Angleton on the occasion of her home school graduation.

**SR 687** by Jackson, Congratulating Tiffani Ree Foley of Lake Jackson on the occasion of her home school graduation.

**SR 688** by Jackson, Congratulating Charles Ryan Leigon of Lake Jackson on the occasion of his home school graduation.

**SR 689** by Jackson, Congratulating Lesia Diane Wimberley on the occasion of her home school graduation.

**SR 690** by Jackson, Congratulating Nathanael Isaiah Kidd on the occasion of his home school graduation.

**SR 691** by Jackson, Congratulating Timothy Luke Hester on the occasion of his home school graduation.

**SR 692** by Jackson, Congratulating Rachel Nicole Willis on the occasion of her home school graduation.

**SR 693** by Jackson, Congratulating Kalyn Michelle Murphy on the occasion of her home school graduation.

**SR 694** by Jackson, Congratulating Jarad Ryan Bowling on the occasion of his home school graduation.

**SR 695** by Nelson, Congratulating Gretchen M. Bataille for being named the Communities In Schools of North Texas Advocate of the Year.

**SR 696** by Hegar, Recognizing the Calhoun County Airport for being selected the 2009 Most Improved Airport of the Year.

**SR 699** by Gallegos, Recognizing the Greater Houston Chapter of the National Association of Minority Contractors, Incorporated, on the occasion of its Black and White Scholarship Gala.

**SR 700** by Watson, Congratulating Helen Weicker for receiving the Mabel Pitts Award from the Austin Association for the Education of Young Children.

#### **Official Designation Resolutions**

**SR 697** by Ellis, Declaring April 27, 2009, Texas Southern University Day at the State Capitol.

**SR 698** by Watson, Recognizing May 4 through 10, 2009, as Public Service Recognition Week.

#### **RECESS**

On motion of Senator Whitmire, the Senate at 2:27 p.m. recessed until 8:00 a.m. tomorrow for the Local and Uncontested Calendar Session.

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### **APPENDIX**

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#### **COMMITTEE REPORTS**

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

April 22, 2009

ECONOMIC DEVELOPMENT — **SB 1778, SB 1833**

STATE AFFAIRS — **CSSB 2242**

ADMINISTRATION — **SB 2523, SB 1756** (Amended)

CRIMINAL JUSTICE — **CSSB 89, CSSB 1391**

STATE AFFAIRS — **HB 401, SB 442**

CRIMINAL JUSTICE — **SB 1237, SB 1652**

HEALTH AND HUMAN SERVICES — **SB 1098, SB 1326, SB 1484, SB 1983, SB 2420, SB 2424, SB 2476**

FINANCE — **CSSB 20**

NATURAL RESOURCES — **CSSB 1406, CSSB 2120, SB 2266, SB 2464, SB 2471, SB 2497, SB 2513, SB 2519, HB 2074, HB 2387, HB 2666**

TRANSPORTATION AND HOMELAND SECURITY — **CSSB 1636, SB 1876**

ADMINISTRATION — **CSSB 2251, CSSB 2307**

FINANCE — **CSSB 771, CSSB 1024, CSSB 1202, CSSB 2045**

INTERNATIONAL RELATIONS AND TRADE — **SB 1370**

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**TRANSPORTATION AND HOMELAND SECURITY — CSSB 1784, CSSB 2018,  
CSSB 1266, CSSB 1783**

**BILLS ENGROSSED**

April 21, 2009

**SB 281, SB 282, SB 475, SB 488, SB 545, SB 636, SB 686, SB 752, SB 816,  
SB 947, SB 1054, SB 1071, SB 1125, SB 1141, SB 1217, SB 1303, SB 1313,  
SB 1334, SB 1371, SB 1424, SB 1500, SB 1507, SB 1669, SB 1676, SB 1726,  
SB 1849, SB 1958, SB 1992, SB 2195, SB 2284, SB 2288**

**BILL AND RESOLUTIONS ENROLLED**

April 21, 2009

**SB 948, SR 550, SR 665, SR 666, SR 667, SR 668, SR 669, SR 670, SR 671,  
SR 672, SR 673, SR 675, SR 676, SR 677**

**SENT TO GOVERNOR**

April 22, 2009

**SB 948**