

SENATE JOURNAL

EIGHTY-FIRST LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FORTY-THIRD DAY

(Thursday, April 23, 2009)

The Senate met at 11:10 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.

Ben Stuart, Executive Director, Breakaway Ministries, College Station, offered the invocation as follows:

Father, thank You for all gathered here today. You have fashioned each man and woman here, and we acknowledge You as the giver of our lives, our health, and our abilities. I pray that all of the gifts of those present today would be harnessed for Your purposes. May they govern justly. May they speak with clarity, honesty, and humility. Fill them with grace and truth. Give them wisdom in decision making and creativity in problem solving. Give them also a holy reverence for You that will ensure that each decision is made with full integrity and a sincere concern for their fellowman. Be honored by these proceedings, holy God. May You be cherished and honored in the hearts of all present. We ask this in Your holy and gracious name. Amen.

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

The motion prevailed without objection.

LEAVE OF ABSENCE

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

CO-AUTHOR OF SENATE BILL 265

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

CO-AUTHOR OF SENATE BILL 1049

On motion of Senator Uresti, Senator Ellis will be shown as Co-author of **SB 1049**.

CO-AUTHORS OF SENATE BILL 1098

On motion of Senator Carona, Senators Huffman, Nelson, and Nichols will be shown as Co-authors of **SB 1098**.

CO-AUTHOR OF SENATE BILL 1202

On motion of Senator Deuell, Senator Jackson will be shown as Co-author of **SB 1202**.

CO-AUTHOR OF SENATE BILL 1370

On motion of Senator Lucio, Senator Davis will be shown as Co-author of **SB 1370**.

CO-AUTHORS OF SENATE BILL 1784

On motion of Senator Carona, Senators Nelson and Nichols will be shown as Co-authors of **SB 1784**.

CO-AUTHORS OF SENATE BILL 2251

On motion of Senator Zaffirini, Senators Gallegos, Lucio, Uresti, and Van de Putte will be shown as Co-authors of **SB 2251**.

CO-AUTHOR OF SENATE BILL 2497

On motion of Senator Estes, Senator Shapiro will be shown as Co-author of **SB 2497**.

PHYSICIAN OF THE DAY

Senator Hegar was recognized and presented Dr. Art Klawitter of Needville as the Physician of the Day.

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

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 90, SB 997**.

MESSAGES FROM THE GOVERNOR

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

Austin, Texas
April 23, 2009

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

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

To be a member of the Texas Economic Development Corporation for a term at the pleasure of the Governor:

Victor E. Leal
Canyon, Texas

(Mr. Leal is replacing Jane Juett of Amarillo who resigned)

To be members of the Texas Council on Cardiovascular Disease and Stroke for terms to expire February 1, 2015:

Pamela Ruth Wilson Akins
Austin, Texas

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

Ann Quinn Todd
Houston, Texas

(replacing Carolyn Hutchinson of Harlingen whose term expired)

Respectfully submitted,

/s/Rick Perry
Governor

SENATE RESOLUTION 702

Senator Lucio offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Owner-Builder Loan Program, which is better known as the Texas Bootstrap Loan Program, on the occasion of its 10th anniversary; and

WHEREAS, Created during the 76th Legislature by Senate Bill 1287, authored by Senator Eddie Lucio, Jr., and administered by the Texas Department of Housing and Community Affairs, the Texas Bootstrap Loan Program was designed to promote and enhance home ownership opportunities for low-income Texans; and

WHEREAS, Through this program, certified nonprofit organizations work with low-income Texans to build affordable, single-family homes; participating families contribute 60 percent of the "self-help" labor toward building a new home or rehabilitating an existing home; in exchange for this sweat equity, which dramatically drives down the cost of construction, the department provides a zero-interest mortgage loan that families can afford; and

WHEREAS, Since the program's inception, nonprofit organizations, in partnership with the department, have leveraged more than \$20 million from other funding sources, such as private lending institutions and units of local government; over the last decade, the Texas Bootstrap Loan Program has helped more than 850 Texas families become home owners; and

WHEREAS, The program was established to assist the poorest among us to obtain a home and to live out their lives in decency and with security; today many low-income and middle-income families across the nation are faced with foreclosure;

the Texas Bootstrap Loan Program is an example to the nation of how state funding and legislative ingenuity can enable the American Dream to thrive, even in the poorest communities; and

WHEREAS, Texans pride themselves on the ability to pull themselves up by their bootstraps; for 10 years, the Texas Bootstrap Loan Program has embodied this attitude, becoming a national model for self-help housing and proving that even families with the lowest incomes can, with support, build their own homes and achieve the American Dream; and

WHEREAS, For the last decade the legislature and the Texas Department of Housing and Community Affairs have supported the Texas Bootstrap Loan Program and the Housing Trust Fund, enabling hardworking families across the state to help themselves build their own homes and transform the lives of their families and communities; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby commend the Texas Bootstrap Loan Program on 10 years of cooperative effort that have led to home ownership and hope for hundreds of deserving Texas families; and, be it further

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby commend the Texas Department of Housing and Community Affairs for its successful decade-long administration of the Texas Bootstrap Loan Program; and, be it further

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

(Senator Eltife in Chair)

SR 702 was read and was adopted without objection.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate Kent Conine, Chair of the Governing Board, and Michael Gerber, Executive Director of the Texas Department of Housing and Community Affairs, representing the Texas Bootstrap Loan Program.

The Senate welcomed its guests.

SENATE RESOLUTION 664

Senator Shapleigh offered the following resolution:

WHEREAS, The Texas Senate is pleased to join the Communities In Schools State Advisory Committee and the Texas Education Agency in recognizing the recipients of the 2009 Best of Texas awards; and

WHEREAS, Communities In Schools is a nationwide dropout prevention network with 27 area programs in Texas; the initiative helps students to improve in academics, attendance, and behavior, while encouraging them to stay in school, graduate, and pursue postsecondary education goals; and

WHEREAS, The Best of Texas award recipients are recognized for their outstanding commitment to the CIS program, students, families, and schools; they exemplify the spirit of the program and demonstrate dedication beyond expectations; and

WHEREAS, This year's award winners, their programs, and honors include Janice Masters, CIS El Paso, Paul Lane Award of Excellence; Mark Vallejo, CIS of San Antonio, Board Member of the Year; Cynthia Clay Briggs, CIS Houston, Executive Director of the Year; Leigh Ann Armendariz, CIS of Greater Tarrant County, Staff Member of the Year; Mary Ann Garrett, CIS of Bell-Coryell Counties, Volunteer of the Year; Maria Solano, CIS Heart of Texas, Parent of the Year; and Stephen Donaldson, CIS of North Texas, Student of the Year; and

WHEREAS, Other recipients are Duncan Klussman, CIS Houston, Superintendent of the Year; Deborah Merki, CIS of North Texas, Principal of the Year; Adriana Laguna, CIS El Paso, Teacher of the Year; and Oakwood Baptist Church, CIS of South Central Texas, Business of the Year; and

WHEREAS, These committed citizens have helped many young Texans to stay in school, prepare for successful lives, and contribute to their communities, and they truly merit special recognition; now, therefore, be it

RESOLVED, That the Senate of the 81st Texas Legislature hereby congratulate the recipients of the 2009 Communities In Schools Best of Texas awards and commend all those involved with the Communities In Schools programs of Texas for their exceptional work; and, be it further

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

SR 664 was read and was adopted without objection.

GUESTS PRESENTED

Senator Shapleigh was recognized and introduced to the Senate Janice Masters, Mark Vallejo, Cynthia Clay Briggs, Leigh Ann Armendariz, and Mary Ann Garrett, recipients of the 2009 Best of Texas awards.

The Senate welcomed its guests.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

April 23, 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 58, Relating to the eligibility of private or independent institutions of higher education to participate in the advanced research program administered by the Texas Higher Education Coordinating Board.

HB 72, Relating to the waiting period for issuing a decree in certain suits for divorce.

- HB 77**, Relating to the collateralization of certain public funds and to custodians with which certain pledged securities may be deposited; providing administrative penalties.
- HB 107**, Relating to allowing for certain criminal proceedings in the absence of certain defendants.
- HB 120**, Relating to the issuance of a driver's license to a peace officer or a special investigator that includes an alternative to the officer's residence address.
- HB 232**, Relating to grants for community-based telephone voice-mail services for individuals in crisis or in transition and to the rate and uses of the universal service fund fee.
- HB 270**, Relating to the definition of qualified employee for purposes of the enterprise zone program.
- HB 360**, Relating to the crediting and charging of investment gains and losses on the assets held in trust by the Texas Municipal Retirement System and providing a guaranteed minimum credit to employee accounts.
- HB 432**, Relating to the acquisition by state agencies of low-emissions vehicles and vehicles using alternative fuels.
- HB 471**, Relating to the designation of a segment of State Highway 158 in Runnels County as the Army Specialist William Justin Byler Memorial Highway.
- HB 600**, Relating to appeals from small claims courts.
- HB 618**, Relating to privileged parking for certain veterans and military award recipients.
- HB 659**, Relating to the appointment of magistrates to hear truancy cases in certain counties.
- HB 666**, Relating to certain court costs used to fund drug court programs.
- HB 667**, Relating to the procurement methods authorized for public projects by certain local governments.
- HB 752**, Relating to the authority of certain municipalities to enter into an agreement with a school district to dedicate revenue from a tax increment fund to the district for the acquisition, construction, or reconstruction of an educational facility.
- HB 783**, Relating to the liability of an electric utility that allows recreational use of land that the utility owns, occupies, or leases.
- HB 846**, Relating to the license or certificate renewal process for emergency medical services personnel and certain law enforcement officers.
- HB 857**, Relating to the penalty for certain outdoor burning violations.
- HB 865**, Relating to the establishment of the Texas Invasive Species Coordinating Committee.
- HB 869**, Relating to the stopping, standing, or parking of certain vehicles on a highway.

- HB 875**, Relating to civil liability for erecting or maintaining certain outdoor signs or advertising.
- HB 986**, Relating to tax refunds to property owners following ad valorem tax appeals.
- HB 1040**, Relating to a defense to prosecution for the offense of operating a motor vehicle with an expired inspection certificate.
- HB 1056**, Relating to the course levels offered by the University of Houston-Victoria.
- HB 1067**, Relating to a memorandum of understanding between certain authorized entities to share suicide data that does not identify a deceased individual.
- HB 1070**, Relating to audits of certain public retirement system actuarial valuations, studies, and reports.
- HB 1082**, Relating to the North Texas Municipal Water District.
- HB 1148**, Relating to the authority of the governor to grant one or more reprieves in a capital case.
- HB 1174**, Relating to payment by a municipality for certain damages arising from the municipality's operation of its sanitary sewer system.
- HB 1191**, Relating to the enrollment period for insurance benefits for certain retirees of the Teacher Retirement System.
- HB 1203**, Relating to the designation of a person to act as the agent of a property owner in a property tax matter.
- HB 1205**, Relating to the circumstances in which the approval of the governing body of a taxing unit is required for refunds of overpayments or erroneous payments of ad valorem taxes.
- HB 1255**, Relating to an interlocal contract for a relief highway route around certain municipalities.
- HB 1293**, Relating to disclosure of certain information regarding annuity transactions.
- HB 1310**, Relating to the use of a tanning facility device by a minor.
- HB 1346**, Relating to the terms of office of certain elected members of the board of trustees of the Employees Retirement System of Texas.
- HB 1364**, Relating to coverage of preexisting conditions by certain group health benefit coverage programs for active school employees.
- HB 1372**, Relating to the definition of victim in relation to certain crime victims' rights.
- HB 1411**, Relating to records of certain frivolous complaints maintained by the Texas Board of Professional Land Surveying.
- HB 1465**, Relating to the joinder of a tax lien transferee in a suit to collect a delinquent ad valorem tax.
- HB 1466**, Relating to the theft of a military grave marker.

- HB 1468**, Relating to the regulation of funeral homes, cemeteries, and crematories; providing penalties.
- HB 1473**, Relating to the application of certain requirements affecting certain subdivision golf courses.
- HB 1485**, Relating to rulemaking and performance assessments of certain state agencies.
- HB 1492**, Relating to achievement awards presented by the Commission on Law Enforcement Officer Standards and Education.
- HB 1513**, Relating to construction contract trust funds and the misapplication of those funds.
- HB 1551**, Relating to the appointment of additional official court reporters for the district courts in Nueces County.
- HB 1574**, Relating to services for persons with autism and other pervasive developmental disorders and their families.
- HB 1682**, Relating to the creation of a county court at law in Navarro County.
- HB 1687**, Relating to the definition of an electric bicycle for purposes related to the use, registration, and licensing of electric bicycles.
- HB 1688**, Relating to the rules governing a motion for new trial in juvenile cases.
- HB 1705**, Relating to the Department of Information Resources, including the abolition of the telecommunications planning and oversight council, the electronic commerce network, and the electronic procurement marketplace and standards for certain school district software.
- HB 1750**, Relating to the creation of criminal law magistrates for Brazoria County.
- HB 1922**, Relating to the authorization of certain reuse water system contributions and discharges.
- HB 1923**, Relating to the Irion County Water Conservation District.
- HB 1960**, Relating to the payment for an appearance as a witness for certain peace officers and firefighters.
- HB 1979**, Relating to retirement under public retirement systems for employees of certain municipalities.
- HB 1983**, Relating to the punishment for certain intoxication related offenses; creating the offense of aggravated driving while intoxicated.
- HB 1985**, Relating to the requirement that certain defendants in a criminal case undergo testing for AIDS, HIV infection, or related conditions.
- HB 1987**, Relating to fees paid to a constable for serving civil process.
- HB 2011**, Relating to the issuance of specialty license plates for active and former members of the United States Army Special Forces.
- HB 2020**, Relating to parking privileges for veterans with disabilities.

- HB 2042**, Relating to the notice requirements following impoundment of an estray.
- HB 2068**, Relating to an identification card for certain retired peace officers.
- HB 2186**, Relating to the payment of a vehicle registration fee by a check drawn against insufficient funds.
- HB 2217**, Relating to partnering with the United States Department of Veterans Affairs and other federal agencies to establish a veterans hospital in the Rio Grande Valley region of the state.
- HB 2323**, Relating to application of restrictions on drivers under 18 years of age to persons who held a hardship license.
- HB 2462**, Relating to the authority of a county to clarify the existence of a public interest in certain roads.
- HB 2546**, Relating to the continuation and functions of the Texas Military Preparedness Commission.
- HB 2553**, Relating to the registration and operation of certain off-highway vehicles.
- HB 2555**, Relating to the length of time certain property acquired by a charitable organization to provide low-income housing may be exempted from ad valorem taxation.
- HB 2591**, Relating to the regulation of property tax consultants.
- HB 2626**, Relating to the forensic medical examination of a sexual assault victim who has not reported the assault to a law enforcement agency.
- HB 2726**, Relating to regional participation agreements.
- HB 2751**, Relating to participation and credit in, benefits from, and the administration of the Texas Emergency Services Retirement System.
- HB 2796**, Relating to participation in, contributions to, and the benefits and administration of retirement systems for police officers in certain municipalities.
- HB 2804**, Relating to the salary of a Duval County Juvenile Board member.
- HB 2813**, Relating to the salary of a Starr County Juvenile Board member.
- HB 2835**, Relating to the delegation of duties of a county judge in certain counties.
- HB 2877**, Relating to liability insurance closed claim reports.
- HB 2918**, Relating to a motor vehicle dealer's duty to notify buyers of compulsory inspection requirements for certain motor vehicles.
- HB 2963**, Relating to the liability of a county, hospital district, or public hospital for the costs of health care services provided to an indigent patient.
- HB 2983**, Relating to the electronic transmission of motor vehicle rental information in connection with the payment of tolls.
- HB 2991**, Relating to the exemption of special rangers and special Texas Rangers from certain required law enforcement education and training programs regarding persons with mental impairments.

- HB 3061**, Relating to the use of state voter registration funds to employ temporary staff in a voter registrar's office.
- HB 3062**, Relating to the notice of an election provided to a voter registrar.
- HB 3094**, Relating to the regulation of massage parlors by certain counties; providing penalties.
- HB 3108**, Relating to an interim study of recreational boating safety in Texas.
- HB 3114**, Relating to continuing professional education requirements for land surveyors.
- HB 3129**, Relating to the regulation of certain consumer transactions involving plumbing, air conditioning, and electrical services.
- HB 3140**, Relating to authorizing the transfer of certain abandoned or forfeited property to groundwater conservation districts.
- HB 3202**, Relating to authorizing the transfer of certain real property held by the Texas Department of Criminal Justice.
- HB 3303**, Relating to the use of information and records acquired during a fatality review and investigation.
- HB 3347**, Relating to plan qualification provisions for the Teacher Retirement System of Texas.
- HB 3413**, Relating to the sale of glassware and nonalcoholic beverages by certain wholesalers and distributors.
- HB 3429**, Relating to certain program and reporting duties of the Texas AgriLife Extension Service.
- HB 3435**, Relating to exempting certain utility property from impact fees and assessments in certain water districts.
- HB 3438**, Relating to authorizing the Texas Board of Criminal Justice to convey certain real property to the City of Dallas in exchange for comparable property.
- HB 3464**, Relating to the enforcement of certain development regulations in a justice court.
- HB 3517**, Relating to the provision of social security numbers by applicants for motor vehicle certificates of title.
- HB 3638**, Relating to the use of safety belts by the operator of or a passenger in a motor vehicle used exclusively to transport solid waste.
- HB 3643**, Relating to public school prekindergarten classes.
- HB 3661**, Relating to standards for installing fire hydrants in certain residential areas.
- HB 3692**, Relating to the compensation of the members of the board of port commissioners of the Port of Port Arthur Navigation District of Jefferson County.
- HB 3854**, Relating to the powers of certain development corporations related to Hurricane Ike disaster relief and to the validation of certain governmental acts or proceedings of counties affected by Hurricane Ike.

HB 4139, Relating to the powers and duties of the Hopkins County Hospital District.

HB 4358, Relating to rulemaking authority for administrative penalties assessed for violations of the Insurance Code.

HB 4374, Relating to the approval of certain construction, repair, or rehabilitation projects at public institutions of higher education in this state.

HB 4498, Relating to ballot issues for a local option election to prohibit the sale of alcoholic beverages.

HB 4576, Relating to the designation of Farm-to-Market Road 1015 in Hidalgo County as the Bill Summers International Boulevard.

HB 4607, Relating to regulation of certain areas bordering on Falcon Lake and the Rio Grande River.

HB 4706, Relating to the compensation of a member of the board of directors of the Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1.

HCR 167, In memory of Robert Brownfield of Paris, Texas.

HCR 169, In memory of Patsy Bell Rosson of Paris, Texas.

HCR 170, In memory of Jimmy E. Upton of Blossom.

HCR 189, Designating April 23, 2009, as Lamar County Day at the State Capitol.

SCR 41, Commending the honorees of the 2009 Texas Medal of Arts Awards.

THE HOUSE HAS CONCURRED IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

HB 2594 (140 Yeas, 0 Nays, 2 Present, not voting)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE RESOLUTION 680

Senator Shapleigh offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to join the Communities In Schools State Advisory Committee in establishing a new category for a Best of Texas Award in honor of former Texas Senator Gonzalo Barrientos; and

WHEREAS, Through his leadership and advocacy for youth, Senator Barrientos has contributed significantly to the dropout prevention movement, bringing heightened awareness to the issue and to the needs of students, families, and communities; and

WHEREAS, Senator Barrientos has championed CIS for more than 20 years; he sponsored the first CIS legislation and served on the CIS National Board of Directors; today, he continues to share his time with CIS as board chair of the state advisory committee; and

WHEREAS, The new Best of Texas Award will be named the Gonzalo Barrientos Lifetime Achievement Award in Dropout Prevention and will honor individuals in Texas who have distinguished themselves in the field of dropout prevention through their vision, commitment, and leadership; and

WHEREAS, Setting an outstanding example of generosity and dedication in behalf of Texas students, Senator Barrientos himself has been named the award's first recipient; and

WHEREAS, A quality education is vital in order for our children and youth to become successful adults, and by working to enhance CIS services, Senator Barrientos has helped to ensure a brighter future for all young Texans; now, therefore, be it

RESOLVED, That the Senate of the 81st Texas Legislature hereby establish the Gonzalo Barrientos Lifetime Achievement Award in Dropout Prevention and extend congratulations to Senator Gonzalo Barrientos on being selected as the award's first recipient.

SR 680 was read and was adopted without objection.

GUESTS PRESENTED

Senator Shapleigh was recognized and introduced to the Senate Stephen Donaldson, Duncan Klussman, Deborah Merki, Adriana Laguna, and former Senator Gonzalo Barrientos, who was the recipient of the first Gonzalo Barrientos Lifetime Achievement Award in Dropout Prevention from Communities In Schools, accompanied by a delegation of Communities In Schools representatives.

The Senate welcomed its guests.

(Senator Wentworth in Chair)

GUESTS PRESENTED

Senator Eltife was recognized and introduced to the Senate a delegation of citizens from Lamar County.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate a delegation representing the Cancer Prevention and Research Institute of Texas: William Gimson, Executive Director; Dr. Alfred Gilman, Chief Scientific Officer; and James Mansur, Chair, Oversight Committee.

The Senate welcomed its guests.

SENATE RESOLUTION 701

Senator Fraser offered the following resolution:

WHEREAS, Proud citizens of Burnet County are gathering in Austin on April 23, 2009, to celebrate Burnet County Day at the State Capitol; and

WHEREAS, Situated among the scenic lakes and hills of the Texas Hill Country, Burnet County was organized by the 4th Texas Legislature in 1852 and named for David G. Burnet, president of the provisional government of the Republic of Texas; the county seat was established in the town of Hamilton, which changed its name to Burnet in 1858; and

WHEREAS, The county's economy was originally dependent on agriculture, but the harnessing of the Colorado River by the Lower Colorado River Authority beginning in the 1930s and the creation of the Highland Lakes helped turn Burnet County into a popular recreational and vacation destination, and residents and visitors from all across the Lone Star State enjoy swimming, boating, fishing, and camping on Lakes Buchanan, Inks, Lyndon B. Johnson, and Travis; and

WHEREAS, Bird-watchers and amateur astronomers are drawn by the Canyon of the Eagles Nature Park; the Hill Country *Flyer* train ride and the Vanishing Texas River Cruise offer tours of the county's scenic wonders, and visitors to Longhorn Cavern State Park delight in the scenic grottoes and rich history of this unique attraction; and

WHEREAS, The vast dome of Granite Mountain supplied the stone used in the construction of the State Capitol and a number of state office buildings and county courthouses, as well as for the Galveston seawall; and

WHEREAS, Texas Tech University at Highland Lakes and Central Texas College provide opportunities for higher education for the rapidly growing population in the area, and the Fort Croghan Museum in Burnet and the Falls on the Colorado Museum in Marble Falls help to preserve the county's heritage; and

WHEREAS, Blessed with a region of great beauty and a rich history, the residents of Burnet County may take great pride in their unique contribution to the story of the Lone Star State; now, therefore, be it

RESOLVED, That the Senate of the 81st Texas Legislature hereby recognize April 23, 2009, as Burnet County Day at the State Capitol and extend to the visiting delegation sincere best wishes for an informative and enjoyable visit to Austin.

SR 701 was read and was adopted without objection.

GUESTS PRESENTED

Senator Fraser was recognized and introduced to the Senate a delegation of citizens from the City of Burnet.

The Senate welcomed its guests.

SENATE RESOLUTION 649

Senator Watson offered the following resolution:

WHEREAS, The Honorable L. DeWitt Hale, who rendered exceptional service to this state as a longtime member of the Texas House of Representatives, is celebrating his 92nd birthday on June 10, 2009; and

WHEREAS, Born in Caddo Mills and raised in Farmersville, Mr. Hale graduated as salutatorian from Farmersville High School in 1934; a talented speaker, he excelled at debate both in high school and at The University of Texas, where he earned a bachelor's degree and, in 1940, a law degree with honors; and

WHEREAS, Mr. Hale won election to the Texas House of Representatives from Collin County in 1938 and became the youngest member of the 46th Legislature; after leaving the university, he held several government posts before joining the United States Army Air Forces; he served on active duty from 1943 to 1946, earning the Army Commendation Medal and advancing from private to first lieutenant; following his discharge, he continued to serve for a number of years in the air force reserve; and

WHEREAS, In 1946, Mr. Hale moved to Corpus Christi to practice law; six years later, he won election again to the Texas Legislature, and, with the exception of one term, he continued to serve as a representative from Nueces County until 1978; during his lengthy tenure in the house, he gained a reputation for fairness, thoroughness, and a superlative mastery of the legislative process, qualities that often resulted in his being given especially difficult legislative assignments; and

WHEREAS, Throughout his career as a representative, Mr. Hale staunchly championed education and the judiciary; among the numerous measures he was instrumental in passing were the Hale-Aikin school finance program, the Texas Education Code, the Legislative Reorganization Act of 1961, and the Women on Juries and Equal Rights Amendments to the Texas Constitution; in addition, he played a vital role in securing many projects that improved the quality of life in his district, and he handled the legislation that made the University of Corpus Christi a state-supported institution; and

WHEREAS, Mr. Hale chaired the House Judiciary Committee for eight years, as well as the General Investigating, Public Lands and Buildings, and Rules of the House Committees; he also cochaired the planning committee for the 1974 Constitutional Convention, and during the convention he chaired the judiciary committee; chosen speaker pro tempore for 1961 through 1963, he was recognized as dean of the house of representatives during his last four years in office; and

WHEREAS, This distinguished Texan holds membership in a number of professional and veterans organizations and is a valued congregant of First Baptist Church of Austin; he has received a host of accolades for his legislative endeavors, including life membership in the League of United Latin American Citizens and multiple awards from educators and the State Bar of Texas; and

WHEREAS, DeWitt Hale and the former Carol Moore were married on June 8, 1947, and they became the parents of two daughters, Janet Sue and Nancy Carol; the devoted couple enjoyed more than 60 years together, until Mrs. Hale's passing in 2008; and

WHEREAS, The integrity, breadth of vision, and legislative skill that DeWitt Hale brought to public office contributed immeasurably to the governance and progress of Texas, and his myriad achievements continue to enrich the Lone Star State; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby commend the Honorable L. DeWitt Hale for his outstanding public service and extend to him sincere best wishes for a joyful birthday celebration; and, be it further

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

SR 649 was read and was adopted without objection.

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate former Representative L. DeWitt Hale; his daughter, Janet Wilde; his grandson, Brandon Wilde; Julian Shaddix, former Executive Director, Texas Association of Secondary School Principals; and Archie McAfee, Executive Director, Texas Association of Secondary School Principals.

The Senate welcomed its guests.

(Senator Eltife in Chair)

SENATE RESOLUTION 499

Senator Patrick offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Sydney Drain of Spring, who has been named one of the top youth volunteers in Texas for 2009 and a Distinguished Finalist by the Prudential Spirit of Community Awards program; and

WHEREAS, Prudential Financial, in partnership with the National Association of Secondary School Principals, presents these awards annually to honor young people across the nation for outstanding volunteerism and community service; now in its 14th year, the program is the country's largest youth recognition program based on volunteer service; and

WHEREAS, A senior at Klein Collins High School, Sydney created and sold T-shirts, raising \$30,000 to drill 30 clean-water wells in Sudan; she accomplished this in only six weeks by selling her T-shirts through her church and several schools, and she donated the proceeds to Water is Basic, an organization that develops water resources for Sudanese villages; and

WHEREAS, The success and vitality of our communities, our state, and our American society depend in great measure upon the dedication of young people like Sydney, who use their time and talents to serve others; and

WHEREAS, Sydney has shown by her example that she personifies the true spirit of giving to the community; she is truly deserving of congratulations on receiving this prestigious honor; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby commend Sydney Drain for her commitment to service and volunteerism in her community and extend to her best wishes in all her future endeavors; and, be it further

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

SR 499 was read and was adopted without objection.

GUESTS PRESENTED

Senator Patrick was recognized and introduced to the Senate Sydney Drain of Spring, accompanied by her mother, Kim Drain.

The Senate welcomed its guests.

SENATE RESOLUTION 678

Senator Ellis offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the TEXAS Grant Program on the occasion of its 10th anniversary; and

WHEREAS, Legislation for the TEXAS Grant Program was enacted in 1999 with the goal of providing thousands of Texas high school students the opportunity to attend college, thus helping them to better meet the challenges of the 21st century; and

WHEREAS, This program helps to do for Texas what such historic legislation as the GI Bill has done for the nation; a HOPE Scholarship program, it is helping to create a highly educated and skilled generation of young people who might not otherwise have attended college due to financial limitations; and

WHEREAS, Producing more college graduates has become a necessity for our state, because a college education has become a vital ingredient for professional and economic success in our society; and

WHEREAS, The TEXAS Grant Program has already contributed to the betterment of our state by aiding 205,000 of its students with funds approaching \$1.2 billion for their education and enrichment; and

WHEREAS, The TEXAS Grant Program has played an integral role in this state's "Closing the Gaps" higher education strategy; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby express appreciation for the TEXAS Grant Program on the 10th anniversary of the creation of this innovative program; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of the TEXAS Grant Program.

SR 678 was read and was adopted without objection.

PERMISSION TO INTRODUCE BILLS

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

SB 2551, SB 2553, SB 2554, SB 2555, SB 2556.

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

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

There was no objection.

CONCLUSION OF MORNING CALL

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

HOUSE BILL 2457 ON SECOND READING

On motion of Senator Jackson and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2457** at this time on its second reading:

HB 2457, Relating to the duty of the General Land Office to clean, maintain, and clear debris from a public beach affected by a declared disaster.

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

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

Absent-excused: Harris.

HOUSE BILL 2457 ON THIRD READING

Senator Jackson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2457** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Harris.

Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **HB 2457**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **HB 2457** 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 894 ON SECOND READING

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 894** at this time on its second reading:

SB 894, Relating to municipal investment of public funds received from the management and development of mineral rights.

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 894 ON THIRD READING

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 894** 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 894**, 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 894** 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 1432 ON SECOND READING

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1432** at this time on its second reading:

SB 1432, Relating to the investigation, prosecution, and punishment of criminal Medicaid fraud and certain other offenses related to Medicaid fraud; providing penalties.

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

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

Absent-excused: Harris.

SENATE BILL 1432 ON THIRD READING

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1432** 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 1432**, 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 1432** 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 187 ON SECOND READING

Senator Deuell moved to suspend the regular order of business to take up for consideration **CSSB 187** at this time on its second reading:

CSSB 187, Relating to a Medicaid buy-in program for certain children with disabilities.

The motion prevailed.

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

The bill was read second time 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: Nichols.

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE
SENATE BILL 187 ON THIRD READING**

Senator Deuell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 187** be placed on its third reading and final passage.

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

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

Nays: Nichols, Wentworth.

Absent-excused: Harris.

Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 187**, 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 187** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

Nays: Nichols.

Absent-excused: Harris.

SENATE BILL 1299 ON SECOND READING

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1299** at this time on its second reading:

SB 1299, Relating to the regulation of stormwater management by certain counties.

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

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

Absent-excused: Harris.

SENATE BILL 1299 ON THIRD READING

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1299** 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 1299**, 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 1299** 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 1106 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 1106** at this time on its second reading:

SB 1106, Relating to payment of claims to pharmacies and pharmacists.

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 1106 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 1106** 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 1106**, 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 1106** 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 935 ON SECOND READING

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 935** at this time on its second reading:

SB 935, Relating to authorizing a judge of a municipal court to conduct a marriage ceremony.

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 935 ON THIRD READING

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 935** 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 935**, 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 935** 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.

LEAVE OF ABSENCE

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

SENATE BILL 712 ON SECOND READING

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 712** at this time on its second reading:

SB 712, Relating to the requirement that certain defendants in a criminal case undergo testing for HIV infection and other diseases.

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

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

Absent-excused: Carona, Harris.

SENATE BILL 712 ON THIRD READING

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 712** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Wentworth.

Absent-excused: Carona, 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 712**, 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 712** 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 0.

Absent-excused: Carona, Harris.

SENATE BILL 1188 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 1188** at this time on its second reading:

SB 1188, Relating to the interstate purchase of certain firearms.

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

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

Absent-excused: Carona, Harris.

SENATE BILL 1188 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 1188** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Wentworth.

Absent-excused: Carona, 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 1188**, 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 1188** 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 0.

Absent-excused: Carona, Harris.

**COMMITTEE SUBSTITUTE
SENATE BILL 1246 ON SECOND READING**

On motion of Senator Jackson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1246** at this time on its second reading:

CSSB 1246, Relating to fees for certain licenses issued by the Parks and Wildlife Department.

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

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

Absent-excused: Carona, Harris.

**COMMITTEE SUBSTITUTE
SENATE BILL 1246 ON THIRD READING**

Senator Jackson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1246** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Wentworth.

Absent-excused: Carona, 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 1246**, 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 1246** 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 0.

Absent-excused: Carona, Harris.

SENATOR ANNOUNCED PRESENT

Senator Carona, who had previously been recorded as "Absent-excused," was announced "Present."

**COMMITTEE SUBSTITUTE
SENATE BILL 1200 ON SECOND READING**

Senator Ogden moved to suspend the regular order of business to take up for consideration **CSSB 1200** at this time on its second reading:

CSSB 1200, Relating to disclosure of contracts between a member of the legislature, or a business entity in which the member has a substantial interest, and a state agency.

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

Nays: Jackson.

Absent-excused: Harris.

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

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

Nays: Jackson.

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE
SENATE BILL 1200 ON THIRD READING**

Senator Ogden moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1200** 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, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Jackson, 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 1200**, 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 1200** 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: Jackson.

Absent-excused: Harris.

REMARKS ORDERED PRINTED

On motion of Senator Seliger and by unanimous consent, the remarks of Senators Ogden and Seliger regarding **CSSB 1200** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Seliger: Senator, do you look at this as being a contract for ongoing service or each and every single purchase of a commodity or service? And the reason I ask is, there's a state prison about three miles from our office, a small steel distributorship in Amarillo, and in a day they might need some pipe or something for repair or something to use in the shop. Would each transaction have to be traced and submitted in this case all over the area?

Senator Ogden: No.

Senator Seliger: And why is that?

Senator Ogden: Because the bill says contracts. It says—

Senator Seliger: But each transaction, when an order is given and accepted and a commodity is delivered, isn't there an implied contract between the two parties?

Senator Ogden: I don't know the answer to that.

Senator Seliger: I believe it is, and I think it means that if someone in this body were to own a grocery store and, or deliver groceries to a prison or something like that, I think it would count the same, and would that have to be documented?

Senator Ogden: I don't think so. I'm not going to expand the definition of a contract. I know what a contract is and it requires two signatures and it usually says for this amount of money and other valuable consideration, I'll do the following. That's a contract. Anything beyond that is not and—

Senator Seliger: An—

Senator Ogden: I would read this bill as, on its face, to say contracts.

Senator Seliger: And I would happily accept that if you join me in requesting that that part of your testimony go into, be reduced to writing in terms of legislative intent, I think that would be pretty clear.

Senator Ogden: Okay.

Senator Seliger: Thank you. I so move, Mr. President.

**COMMITTEE SUBSTITUTE
SENATE BILL 2225 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 2225** at this time on its second reading:

CSSB 2225, Relating to the civil and criminal consequences of engaging in certain conduct involving the transporting or transferring of a firearm and to creating the offense of firearm smuggling.

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 2225 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 2225** 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 2225**, 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 2225** 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 1271 ON SECOND READING

On motion of Senator Uresti and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1271** at this time on its second reading:

SB 1271, Relating to the requirement that an orthotist or a prosthetist be licensed as a device manufacturer if fabricating or assembling without an order from certain health care professionals.

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 1271 ON THIRD READING

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1271** 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 1271**, 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 1271** 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 1945 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 1945** at this time on its second reading:

CSSB 1945, Relating to the issuance of a citation to an owner of real property for a violation of a county or municipal rule or ordinance.

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 1945 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 1945** 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 1945**, 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 1945** 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 871 ON SECOND READING**

Senator Lucio moved to suspend the regular order of business to take up for consideration **CSSB 871** at this time on its second reading:

CSSB 871, Relating to the state employee wellness program, including health risk assessments of state employees.

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 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: Patrick.

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE
SENATE BILL 871 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 871** 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 871**, 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 871** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

Nays: Patrick.

Absent-excused: Harris.

SENATE BILL 1166 ON SECOND READING

On motion of Senator Duncan and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1166** at this time on its second reading:

SB 1166, Relating to the duties and salary of the county attorney of Swisher County and the election and duties of the district attorney for the 64th Judicial District.

The bill was read second time.

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1166** (Senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering remaining SECTIONS of the bill accordingly:

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

The amendment to **SB 1166** 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 Duncan and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

SB 1166 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 1166 ON THIRD READING

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1166** 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 1166**, 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 1166** 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 1212 ON SECOND READING

Senator West moved to suspend the regular order of business to take up for consideration **SB 1212** at this time on its second reading:

SB 1212, Relating to granting limited state law enforcement authority to special agents of the Office of Inspector General of the United States Department of Veterans Affairs.

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 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: Patrick.

Absent-excused: Harris.

SENATE BILL 1212 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 1212** 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 **SB 1212**, 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 1212** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

Nays: Patrick.

Absent-excused: Harris.

SENATE JOINT RESOLUTION 25 ON SECOND READING

On motion of Senator Shapiro and by unanimous consent, the regular order of business was suspended to take up for consideration **SJR 25** at this time on its second reading:

SJR 25, Proposing a constitutional amendment requiring certain revenue collected by a public entity from the use of a tolled highway project in this state to be used only for transportation projects.

The resolution was read second time.

Senator Shapleigh offered the following amendment to the resolution:

Floor Amendment No. 1

Amend the **SJR 25** as follows:

(1) On page 1, line 8, between "project" and "in", insert "other than a international bridge".

The amendment to **SJR 25** 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 resolution as amended.

SJR 25 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 JOINT RESOLUTION 25 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 **SJR 25** 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 **SJR 25**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has

already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SJR 25** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

Absent-excused: Harris.

COMMITTEE SUBSTITUTE SENATE BILL 31 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 31** at this time on its second reading:

CSSB 31, Relating to financial assistance for students who complete certain coursework at two-year public institutions of higher education.

The bill was read second time.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 1

Amend the proposed for **CSSB 31** by striking section 3 and adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

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 31** was read and was adopted by a viva voce vote.

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

Absent-excused: Harris.

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

CSSB 31 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 31 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 31** 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 31**, 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 31** 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.

LEAVE OF ABSENCE

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

AT EASE

The Presiding Officer, Senator Eltife in Chair, at 1:33 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

Senator Eltife at 2:07 p.m. called the Senate to order as In Legislative Session.

**COMMITTEE SUBSTITUTE
SENATE BILL 867 ON THIRD READING**

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

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

The motion prevailed.

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

The bill was read third time.

Senator Shapiro offered the following amendment to the bill:

Floor Amendment No. 1 on Third Reading

Amend **CSSB 867** on third reading as follows:

- (1) Strike proposed subsection (d) in added Sec. 12.0026 Agriculture Code (page 1, lines 37 through 55).
- (2) Renumber subsequent subsections appropriately.
- (3) Amend cross-references accordingly.

The amendment to **CSSB 867** 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: Carona, Harris.

Senator Nichols offered the following amendment to the bill:

Floor Amendment No. 2 on Third Reading

Amend **CSSB 867** on third reading (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.

Senator Nichols withdrew Floor Amendment No. 2 on Third Reading.

Senator Nichols offered the following amendment to the bill:

Floor Amendment No. 3 on Third Reading

Amend **CSSB 867** (committee printing) on third reading as follows:

- (1) In SECTION 1 of the bill, in added Section 12.0026(e)(2), Agriculture Code (page 1, line 62), between "writing" and "that the department", insert "or electronically".

(2) In SECTION 1 of the bill, strike added Section 12.0026(f), Agriculture Code (page 2, lines 2-25), and substitute the following:

(f) The department shall grant a waiver of the requirement to operate a summer nutrition program to a school district that requests the waiver in accordance with Subsection (e)(2).

(3) In SECTION 1 of the bill, strike added Section 12.0026(k), Agriculture Code (page 2, lines 53-57), and substitute the following:

(k) The commissioner of agriculture shall adopt rules as necessary to administer this section.

The amendment to **CSSB 867** was read.

On motion of Senator Lucio, further consideration of Floor Amendment No. 3 on Third Reading was postponed until tomorrow.

Question — Shall Floor Amendment No. 3 on Third Reading to **CSSB 867** be adopted?

COMMITTEE SUBSTITUTE SENATE BILL 265 ON SECOND READING

Senator Hinojosa moved to suspend the regular order of business to take up for consideration **CSSB 265** at this time on its second reading:

CSSB 265, Relating to benefits and protections for certain residential electric customers.

The motion prevailed by the following vote: Yeas 26, Nays 3.

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

Nays: Nelson, Ogden, Patrick.

Absent-excused: Carona, Harris.

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 265** (Senate committee printing) by striking all below the enacting clause and substituting:

SECTION 1. Section 39.101, Utilities Code, is amended by adding Subsections (i), (j), (k), (l), (m), (n), (o), (p), (q), and (r) to read as follows:

(i) During the period beginning July 1 and ending September 30 of each year, a retail electric provider or other entity that provides retail electric service may not disconnect or authorize the disconnection of service to a residential customer who:

(1) shows that the customer is a low-income electric customer, as defined by Section 39.903(l), and requests, and complies with the terms of, a deferred payment plan described by Subsection (k);

(2) shows that the customer is a low-income electric customer, as defined by Section 39.903(l), is at least 65 years of age, and requests, and complies with the terms of, a deferred payment plan described by Subsection (m); or

(3) under commission rules, is designated as a critical care residential customer.

(j) A retail electric provider or other entity that provides retail electric service shall provide clear notice of the legal protections available under Subsection (i) on or with:

(1) each disconnection notice issued to a residential customer during the period described by Subsection (i); and

(2) the first invoice issued to a residential customer during the period described by Subsection (i).

(k) A retail electric provider or other entity that provides retail electric service, on request, shall offer a residential customer described by Subsection (i)(1) a deferred payment plan that allows the customer to avoid disconnection during the period provided by Subsection (i). The customer is eligible for a plan offered under this subsection if the customer:

(1) does not owe an outstanding balance from a deferred payment plan granted in a previous year that allowed the customer to avoid disconnection during a period provided by Subsection (i);

(2) pays at least 33 percent of the outstanding balance due; and

(3) agrees to pay the remaining balance in equal installments over the next five billing cycles, unless the customer agrees to a lesser number of installments.

(l) A customer granted a deferred payment plan under Subsection (k) may continue to avoid disconnection during the period described by Subsection (i) by:

(1) paying the additional amounts that become due, including the installment amount due; or

(2) paying at least 33 percent of the balance then currently due, including any installment amount due, and agreeing to pay the recalculated remaining balance in equal installments over the next five billing cycles, unless the customer agrees to a lesser number of installments.

(m) A retail electric provider or other entity that provides retail electric service, on request, shall offer a residential customer described by Subsection (i)(2) a deferred payment plan that allows the customer to avoid disconnection during the period provided by Subsection (i) without payment of any outstanding balance until after the end of that period. The customer is eligible for a plan offered under this subsection if the customer:

(1) does not owe an outstanding balance from a deferred payment plan granted in a previous year that allowed the customer to avoid disconnection during a period provided by Subsection (i);

(2) agrees to pay 25 percent of the deferred charges when the first bill issued to the customer after September 30 is due; and

(3) agrees to pay the remaining balance in equal installments over the next five billing cycles after the first bill issued to the customer after September 30, unless the customer agrees to a lesser number of installments.

(n) A retail electric provider or other entity that provides retail electric service shall allow a residential customer described by Subsection (i)(3) to pay unpaid amounts accumulated during the period provided by Subsection (i) over the next six billing cycles beginning with the first bill issued to the customer after September 30.

(o) A retail electric provider or other entity that provides retail electric service may encourage a residential customer described by Subsection (i)(2) or (3) to make a partial payment toward an amount deferred during the period provided by Subsection (i), but the provider shall inform the customer clearly that the customer may not be disconnected for nonpayment before October 1 following that period.

(p) The commission by rule shall provide:

(1) uniform standards an electric utility shall apply when designating a critical care residential customer for whom an interruption or suspension of electric service will create a dangerous or life-threatening condition; and

(2) special protections and procedures an electric utility shall apply when disconnecting a critical care residential customer.

(q) For the sole purpose of determining whether customers meet the eligibility standard described by Subsection (k)(1) or (m)(1), the commission may require a retail electric provider or other entity that provides retail electric service to provide to a central database administrator selected by the commission information regarding customers who terminate service with the provider or other entity without complying with a deferred payment plan granted to avoid disconnection of service during a period described by Subsection (i). The information stored in the database may not include information other than the relevant electric service identifier and the customer's service address, telephone number, e-mail address, driver's license number, and social security number. The database administrator may not assess a fee to the commission to develop, operate, or maintain the database. The database administrator must be a consumer reporting agency, as defined by Section 603(f), Fair Credit Reporting Act (15 U.S.C. Section 1681a(f)). The database administrator may not assess a fee to a retail electric provider or other entity that provides retail electric service for providing information required to be entered into the database. The database administrator may assess a fee against a retail electric provider or other entity that provides retail electric service for accessing information in the database. A retail electric provider or other entity that accesses information in the database may use the information obtained from the database only for the purpose of determining whether a customer meets the eligibility standard described by Subsection (k)(1) or (m)(1).

(r) The following subsections expire September 1, 2011:

(1) this subsection; and

(2) Subsections (i), (j), (k), (l), (m), (n), (o), (p), and (q).

SECTION 2. Section 12.005, Utilities Code, is amended to read as follows:

Sec. 12.005. APPLICATION OF SUNSET ACT. (a) The Public Utility Commission of Texas is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter or by Chapter 39, the commission is abolished and this title expires September 1, 2011.

(b) As part of the Sunset Advisory Commission's review under Subsection (a), the Sunset Advisory Commission shall consider separately the commission's activities, rules, and statutory authorizations that affect critical care residential customers in electric service markets subject to retail competition. The Sunset Advisory Commission, in its report to the 82nd Legislature, shall include:

(1) information regarding how much debt is incurred by retail electric providers as a result of customer protections for critical care residential customers;

(2) an analysis of whether protections in law for critical care residential customers are sufficient; and

(3) an analysis of the degree to which:

(A) those designated as critical care residential customers are and are not entitled to that designation; and

(B) those entitled to a designation as critical care residential customers are not designated as critical care residential customers.

SECTION 3. The Public Utility Commission of Texas shall adopt rules to implement Sections 39.101(i), (j), (k), (l), (m), (n), (o), (p), (q), and (r), Utilities Code, as added by this Act, as soon as practicable.

SECTION 4. Notwithstanding Sections 39.101(i) and (k), as added by this Act:

(1) if this Act takes immediate effect, a deferred payment plan for a residential customer described by Sections 39.101(i)(1)-(3), as added by this Act, is required to apply only for the period beginning August 1, 2009, and ending September 30, 2009; and

(2) if this Act takes effect September 1, 2009, a deferred payment plan for a residential customer described by Sections 39.101(i)(1)-(3), as added by this Act, is required to apply only for the annual period described by Section 39.101(i), as added by this Act, beginning with that period in 2010.

SECTION 5. Notwithstanding Section 39.101(j), as added by this Act:

(1) if this Act takes immediate effect, a retail electric provider or other entity that provides retail electric service is required by that subsection to provide the notices only on and after August 1, 2009; and

(2) if this Act takes effect September 1, 2009, a retail electric provider or other entity that provides retail electric service is not required to provide the notices under that subsection in 2009.

SECTION 6. 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 265** was read.

Senator Davis offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 2

Amend Floor Amendment No. 1 (Hinojosa floor amendment) to **CSSB 265** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. The heading to Subchapter A, Chapter 182, Utilities Code, is amended to read as follows:

SUBCHAPTER A. ~~[PAYMENT DATE OF]~~ UTILITY BILL PROTECTIONS FOR ELDERLY INDIVIDUAL OR INDIVIDUAL WITH A DISABILITY

SECTION _____. Section 182.001, Utilities Code, is amended by adding Subdivision (1-a) to read as follows:

(1-a) "Individual with a disability" means an individual who:

(A) is receiving disability insurance benefits under 42 U.S.C. Section 423; or

(B) otherwise has an inability to engage in any substantial gainful activity by reason of a medically determinable physical or mental impairment that can be expected to result in death or that has lasted or can be expected to last for a continuous period of not less than 12 months.

SECTION _____. Sections 182.002 through 182.005, Utilities Code, are amended to read as follows:

Sec. 182.002. DELAY OR DEFERRAL OF BILL PAYMENT [DATE] FOR ELDERLY INDIVIDUAL OR INDIVIDUAL WITH A DISABILITY. (a) On request by an elderly individual or an individual with a disability, a utility shall delay without penalty the payment date of a bill for providing utility service to that individual until the 25th day after the date the bill is issued.

(a-1) On written request by an elderly individual or an individual with a disability, a utility shall allow payment of the individual's utility bill to be deferred for not more than three months. The payment plan may not include a penalty for late payments. The payment plan must allow the individual to pay the delinquent amount in equal installments over at least three billing cycles.

(b) This subchapter applies only to an elderly individual or an individual with a disability who:

(1) is a residential customer; and

(2) occupies the entire premises for which a delay or payment deferral is requested.

Sec. 182.003. REQUEST FOR DELAY. An elderly individual or an individual with a disability may request that the utility implement the delay under Section 182.002(a) [182.002] for:

(1) the most recent utility bill; or

(2) the most recent utility bill and each subsequent utility bill.

Sec. 182.004. PROOF OF AGE OR DISABILITY. A utility may require an individual requesting a delay or deferral under this subchapter to present reasonable proof that the individual is 60 years of age or older or is an individual with a disability.

Section 182.005. CERTAIN UTILITIES NOT AFFECTED. (a) This subchapter applies to retail electric providers, power generation companies, aggregators, and all other entities that provide retail electric service.

(b) This subchapter does not apply to a utility that:

(1) does not assess a late payment charge on a residential customer;

(2) does not suspend service before the 26th day after the date of the bill for which collection action is taken; and

(3) offers a deferred payment plan that is at least as generous as the plan required by Section 182.002(a-1) [is regulated under Title 2].

The amendment to **CSSB 265** was read.

On motion of Senator Hinojosa, further consideration of Floor Amendment No. 2 to **CSSB 265** was postponed to a time certain of 11:00 a.m. tomorrow.

Question — Shall Floor Amendment No. 2 to Floor Amendment No. 1 to **CSSB 265** be adopted?

SENATE BILLS ON FIRST READING

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

SB 2550 by Hinojosa

Relating to the creation of the Padre Island Gateway Municipal Management District; providing authority to impose a tax and issue bonds.

To Committee on Intergovernmental Relations.

SB 2551 by Ellis

Relating to the right of the Harris County Hospital District to maintain local control over wages, hours, and other terms and conditions of employment.

To Committee on Intergovernmental Relations.

SB 2552 by Patrick

Relating to the powers and duties of Harris County Improvement District No. 1; providing authority to impose a tax and issue bonds.

To Committee on Intergovernmental Relations.

SB 2553 by Hegar

Relating to granting certain counties authority to regulate the cutting of certain trees; providing a penalty.

To Committee on Intergovernmental Relations.

SB 2554 by Hegar

Relating to the appointment of a bailiff for the 130th Judicial District.

To Committee on Jurisprudence.

SB 2555 by Hegar

Relating to granting county zoning authority in Aransas County; providing a criminal penalty.

To Committee on Intergovernmental Relations.

SB 2556 by Huffman

Relating to confidentiality of information regarding certain agents.

To Committee on Health and Human Services.

HOUSE BILLS ON FIRST READING

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

HB 360 to Committee on State Affairs.

HB 483 to Committee on Criminal Justice.

HB 608 to Committee on Jurisprudence.

HB 656 to Committee on Economic Development.

HB 1205 to Committee on Finance.

HB 1407 to Committee on Finance.
HB 1411 to Committee on Business and Commerce.
HB 1465 to Committee on Jurisprudence.
HB 1505 to Committee on Business and Commerce.
HB 1684 to Committee on Agriculture and Rural Affairs.
HB 1813 to Committee on Criminal Justice.
HB 1923 to Committee on Natural Resources.
HB 2555 to Committee on Finance.
HB 2626 to Committee on Criminal Justice.
HB 3202 to Committee on Criminal Justice.
HB 4706 to Committee on Natural Resources.

**SENATE RULES SUSPENDED
(Posting Rules)**

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

SB 2231, SB 2253.

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

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

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 704 by Wentworth, In memory of Thomas R. Parsons.
SR 705 by Wentworth, In memory of Tennie Louise Green Sills of San Antonio.
SR 706 by Wentworth, In memory of A. Gale Cornyn of San Antonio.

Congratulatory Resolutions

SR 703 by Uresti, Commending Fran Grillo of Brooklyn, New York, for her contributions to the men and women of our armed forces.
SR 707 by Watson, Recognizing Mary J. Worrel on the occasion of her 80th birthday.
SR 708 by Zaffirini, Recognizing the First United Methodist Church of Rio Grande City on the occasion of its 150th anniversary.
SR 709 by Hegar, Recognizing the Living Faith Worship Center in Elgin on the occasion of its second anniversary.
HCR 60 (Jackson), Congratulating Evelyn Ruth Werlein of Houston on her 100th birthday.
HCR 150 (Seliger), Congratulating Ashley Carruth Beal of Midland on being named the 2009-2010 Texas Bluebonnet Queen.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 3:37 p.m. adjourned, in memory of Al Ramirez of Edinburg, until 9:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

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

April 23, 2009

EDUCATION — **CSSB 568, SB 2178** (Amended), **CSSB 2323**

ECONOMIC DEVELOPMENT — **CSSB 783, CSSB 1543, CSSB 1674**

NATURAL RESOURCES — **CSSB 275, CSSB 1204, SB 1566** (Amended), **CSSB 2006, CSSB 2008, CSSB 2236, CSSB 2313, CSSB 2463, CSSB 2514, SB 2520, SB 2529** (Amended)

STATE AFFAIRS — **CSSB 2468**

FINANCE — **CSSB 700**

BUSINESS AND COMMERCE — **HB 1484, HB 1974, HB 2104, SB 1244, SB 1245, SB 1641**

INTERGOVERNMENTAL RELATIONS — **CSSB 2099**

TRANSPORTATION AND HOMELAND SECURITY — **CSSB 2110**

ECONOMIC DEVELOPMENT — **SB 1593** (Amended)

TRANSPORTATION AND HOMELAND SECURITY — **CSSB 626**

ECONOMIC DEVELOPMENT — **CSSB 1929**

JURISPRUDENCE — **SB 1740, SB 2435, HB 609**

GOVERNMENT ORGANIZATION — **CSSB 1884, CSSB 2298, SB 2381**

INTERGOVERNMENTAL RELATIONS — **SB 860, SB 1672, SB 1752, SB 2521, SB 2517, SB 2522**

EDUCATION — **SB 2357**

BILLS ENGROSSED

April 22, 2009

SB 58, SB 116, SB 263, SB 294, SB 469, SB 473, SB 704, SB 726, SB 902, SB 921, SB 1061, SB 1070, SB 1179, SB 1181, SB 1230, SB 1240, SB 1353, SB 1387, SB 1402, SB 1448, SB 1459, SB 1460, SB 1554, SB 1647, SB 1760, SB 1823,

SB 1878, SB 2065, SB 2210, SB 2229, SB 2445

BILLS AND RESOLUTIONS ENROLLED

April 22, 2009

SB 90, SB 997, SR 603, SR 674, SR 679, SR 681, SR 682, SR 683, SR 684, SR 685, SR 686, SR 687, SR 688, SR 689, SR 690, SR 691, SR 692, SR 693, SR 694, SR 695, SR 696, SR 697, SR 698, SR 699, SR 700

SENT TO GOVERNOR

April 23, 2009

SB 90, SB 997