

# SENATE JOURNAL

EIGHTY-FIRST LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**FORTY-FIFTH DAY**  
(Monday, April 27, 2009)

The Senate met at 11:16 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, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

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

Rabbi Allison Bergman Vann, Temple Beth-El, San Antonio, offered the invocation as follows:

Source of all, as in the past You inspired such leaders as Abraham and Sarah, Moses and Miriam, we ask that today You encourage our leaders, these men and women who serve the great State of Texas. As the debates grow stronger and the hours grow longer, sustain them in body, in spirit, and in mind. And as the discussions become more vehement and charged, help them, God, so that they will be able to hear each other with open hearts. Support these women and men and, indeed, all who work in these hallowed halls, so that they may keep their mission and purpose ever in their sight. Guide their deliberations that their leadership will continue to strengthen Texas and bring added vigor to our nation. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of Friday, April 24, 2009, be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

## **CO-AUTHORS OF SENATE BILL 9**

On motion of Senator Zaffirini, Senators Duncan, Harris, and Patrick will be shown as Co-authors of **SB 9**.

## **CO-AUTHOR OF SENATE BILL 89**

On motion of Senator Van de Putte, Senator West will be shown as Co-author of **SB 89**.

**CO-AUTHOR OF SENATE BILL 112**

On motion of Senator Ellis, Senator Uresti will be shown as Co-author of **SB 112**.

**CO-AUTHOR OF SENATE BILL 1265**

On motion of Senator Watson, Senator Zaffirini will be shown as Co-author of **SB 1265**.

**CO-AUTHORS OF SENATE BILL 1521**

On motion of Senator Shapleigh, Senators Nelson, Uresti, and Wentworth will be shown as Co-authors of **SB 1521**.

**CO-AUTHOR OF SENATE BILL 1560**

On motion of Senator Duncan, Senator Zaffirini will be shown as Co-author of **SB 1560**.

**CO-AUTHOR OF SENATE BILL 1740**

On motion of Senator Uresti, Senator Zaffirini will be shown as Co-author of **SB 1740**.

**CO-AUTHOR OF SENATE BILL 2120**

On motion of Senator Seliger, Senator Zaffirini will be shown as Co-author of **SB 2120**.

**PHYSICIANS OF THE DAY**

Senator Ogden was recognized and presented Dr. Kurt Davis and Dr. David McClellan of Bryan as the Physicians of the Day.

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

**BILL AND RESOLUTION SIGNED**

The President announced the signing of the following enrolled bill and resolution in the presence of the Senate after the caption had been read: **SB 346, SCR 62**.

**MESSAGE FROM THE GOVERNOR**

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

Austin, Texas  
April 24, 2009

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

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

To be Texas Commissioner of Insurance for a term to expire February 1, 2011:  
Michael Geeslin  
Austin, Texas  
(Mr. Geeslin is being reappointed)

Respectfully submitted,  
/s/Rick Perry  
Governor

### **GUESTS PRESENTED**

Senator Hinojosa was recognized and introduced to the Senate Travis Patterson, Captain, United States Marine Corps, accompanied by his father, Commissioner of the General Land Office Jerry Patterson.

The Senate welcomed its guests.

### **GUESTS PRESENTED**

Senator Hegar was recognized and introduced to the Senate Dr. George Wright, Prairie View A&M University President, and Frank Jackson, accompanied by a delegation of students and faculty members.

Senator Hegar also introduced to the Senate the Reverend Alvertice Bowdre, Jr., accompanied by his wife and members of the Prairie View Volunteer Fire Service.

The Senate welcomed its guests.

### **SENATE RESOLUTION 739**

Senator Lucio offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Episcopal Day School Leopards United Football Club, which recently celebrated an undefeated season as it won the Under 9 division in the Rio Grande Valley Soccer Championships; and

WHEREAS, The Leopards captured the Brownsville Opportunity Youth Soccer Association title with a record of 8-0, advancing to the Rio Grande Valley Championships, where they played against other top-ranked teams from across the area and won all four games to take the title; and

WHEREAS, These young athletes demonstrated great talent and perseverance throughout the year, finishing the season with a perfect 12-0 record with a total of 59 goals scored and only eight goals allowed; team members Noah Armstrong, David De La Garza, David Rodriguez, Alex Reibling, Blair Averyt, Joey Arney, Travis Jones, Andres Martinez, Daniel Ferrer, Rodrigo Sanchez, and Kai Money can take great pride in their outstanding performance; and

WHEREAS, Under the superior leadership and expertise of coaches Michael Jones and Kelton Averyt, the Leopards have developed exceptional teamwork and discipline; and

WHEREAS, Episcopal Day School and the City of Brownsville are proud of the team for their hard work, their impressive skills, and their fine sportsmanship; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby commend the members of the Episcopal Day School Leopards United Football Club on their perfect season and extend congratulations to them on winning the Under 9 division of the Rio Grande Valley Soccer Championships; and, be it further

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

**SR 739** was read and was adopted without objection.

### GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate members of the Episcopal Day School Leopards United Football Club of the Rio Grande Valley.

The Senate welcomed its guests.

### SENATE RESOLUTION 697

Senator Ellis offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to join the citizens of Houston and Texans throughout the state in celebrating Texas Southern University Day at the Capitol on April 27, 2009; and

WHEREAS, Founded in 1947, Texas Southern University now celebrates 62 years of educational excellence and commitment to providing opportunity for higher education to all; and

WHEREAS, Texas Southern University is the second-largest of the Historically Black Colleges and Universities in the United States; the university has opened its doors to higher education for over 11,000 students from throughout the State of Texas and around the country; and

WHEREAS, As an open-enrollment institution, Texas Southern University remains committed to its historical mission of offering opportunities for higher education to underserved students; and

WHEREAS, Texas Southern University has conferred over 48,000 degrees since its inception more than 60 years ago; and

WHEREAS, The Texas Southern University Thurgood Marshall School of Law has been recognized by *U.S. News and World Report* magazine as the "most diverse law school" in the nation; and

WHEREAS, Texas Southern University trains the majority of teachers for the Houston Independent School District, the largest school district in the State of Texas; and

WHEREAS, Among Houston's African American citizens, one in six has attended Texas Southern University; most of the African American pharmacists in the State of Texas have also attended the university; and

WHEREAS, The Texas Southern University National Alumni Association represents thousands of active and concerned alumni in 14 chapters nationwide; and

WHEREAS, The members of the Texas Southern University National Alumni Association and the members of the Texas Southern University Student Government Association are traveling to Austin on April 27, 2009, to visit with members of the

Texas Senate and the Texas House of Representatives and to express their support for a strong and independent Texas Southern University for the benefit of higher education in Texas; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby congratulate the Texas Southern University community on its many contributions to our state and declare April 27, 2009, Texas Southern University Day at the State Capitol; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the Texas Southern University National Alumni Association president and the Texas Southern University Student Government Association president as an expression of high regard from the Texas Senate.

**SR 697** was again read.

The resolution was previously adopted on Wednesday, April 22, 2009.

### **GUESTS PRESENTED**

Senator Ellis was recognized and introduced to the Senate a delegation of students from Texas Southern University in Houston.

The Senate welcomed its guests.

### **SENATE RESOLUTION 670**

Senator Nelson offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Cleaning For A Reason Foundation for its outstanding work and to join citizens across the state in celebrating April 26 through May 2, 2009, as National Cleaning for a Reason Week; and

WHEREAS, Based in Lewisville, the Cleaning For A Reason Foundation is a nonprofit organization that offers free professional housecleaning services to improve the lives of women undergoing treatment for cancer; and

WHEREAS, Since its inception, this exemplary organization has helped more than 1,500 women receive the help they need to maintain a clean home at a time when their immune system is stressed and they are in particular need of a sanitary environment; the foundation has enlisted the aid of more than 386 maid services to carry out this mission; and

WHEREAS, Dedicated to providing the gift of a clean home to women undergoing cancer treatment, thereby allowing them to focus on their health, the Cleaning For A Reason Foundation continues to grow as it improves the lives of women stricken with this cruel disease; the foundation is truly deserving of recognition for its worthy efforts on behalf of those it serves; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby commend the Cleaning For A Reason Foundation for its dedication to helping women at a traumatic time in their lives and extend best wishes for a memorable and successful National Cleaning for a Reason Week; and, be it further

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

**SR 670** was again read.

The resolution was previously adopted on Tuesday, April 21, 2009.

### **GUESTS PRESENTED**

Senator Nelson was recognized and introduced to the Senate a delegation representing the Cleaning For A Reason Foundation.

The Senate welcomed its guests.

### **INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED**

The President 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 President at 11:36 a.m. announced the conclusion of morning call.

### **COMMITTEE SUBSTITUTE SENATE BILL 2105 ON SECOND READING**

On motion of Senator Uresti and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 2105** at this time on its second reading:

**CSSB 2105**, Relating to limiting the liability of space flight entities.

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.

### **COMMITTEE SUBSTITUTE SENATE BILL 2105 ON THIRD READING**

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 2105** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

### **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 2105**, 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 2105** 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 31, Nays 0.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1933 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 1933** at this time on its second reading:

**CSSB 1933**, Relating to the confidentiality of information and documents collected, developed, or produced during a school district security audit.

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.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1933 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 1933** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

**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 1933**, 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 1933** 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 31, Nays 0.

### **HOUSE BILL 1484 ON SECOND READING**

On motion of Senator Fraser and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1484** at this time on its second reading:

**HB 1484**, Relating to the use of certain professional titles by interior designers.

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.

### **HOUSE BILL 1484 ON THIRD READING**

Senator Fraser moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1484** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

### **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 1484**, 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 1484** 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 31, Nays 0.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1378 ON SECOND READING**

On motion of Senator Duncan and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1378** at this time on its second reading:

**CSSB 1378**, Relating to the plugging of certain inactive oil or gas wells.

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1378** (Senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_. Subchapter B, Chapter 91, Natural Resources Code, is amended by adding Section 91.019 to read as follows:

Sec. 91.019. ELECTRIC LINES. (a) An operator must ensure that electric lines associated with the operator's oil or gas wells do not present an unreasonable risk of causing a fire.

(b) An operator must ensure that all electric lines associated with the operator's oil or gas wells are properly connected to equipment that requires a source of power. Live electric lines may not at any time be left in contact with the ground while unattached to equipment that requires a source of power.

The amendment to **CSSB 1378** 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 motion of Senator Duncan and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSSB 1378** as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1378 ON THIRD READING**

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1378** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

**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 1378**, 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 1378** 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 31, Nays 0.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1553 ON THIRD READING**

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1553** at this time on its third reading and final passage:

**CSSB 1553**, Relating to the creation of district courts in certain counties.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1456 ON SECOND READING**

Senator Duncan moved to suspend the regular order of business to take up for consideration **CSSB 1456** at this time on its second reading:

**CSSB 1456**, Relating to the time for bringing an action on a consumer debt.

The motion prevailed.

Senator Shapleigh 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: Shapleigh.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1456 ON THIRD READING**

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1456** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

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

Nays: Shapleigh, Wentworth.

**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 1456**, 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 1456** 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 1.

Nays: Shapleigh.

**SENATE BILL 2424 ON SECOND READING**

On motion of Senator Deuell and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 2424** at this time on its second reading:

**SB 2424**, Relating to the authorization of certain nonemergency ambulance services under the Medicaid program.

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

All Members are deemed to have voted "Yea" on the passage to engrossment.

**SENATE BILL 2424 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 **SB 2424** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

**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 2424**, 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 2424** 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 31, Nays 0.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1629 ON SECOND READING**

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1629** at this time on its second reading:

**CSSB 1629**, Relating to the persons exempted from the required prepayment of the personnel costs incurred by a governmental body in responding to requests from a requestor under the public information law that require large amounts of personnel time.

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.

**BILL AND RESOLUTIONS SIGNED**

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

**HB 2457, HCR 41, HCR 60, HCR 82, HCR 101, HCR 104, HCR 107, HCR 108, HCR 109, HCR 110, HCR 111, HCR 112, HCR 114, HCR 128, HCR 129, HCR 130, HCR 131, HCR 140, HCR 150, HCR 154, HCR 155, HCR 156, HCR 157, HCR 158.**

**COMMITTEE SUBSTITUTE  
SENATE BILL 1661 ON SECOND READING**

Senator Harris moved to suspend the regular order of business to take up for consideration **CSSB 1661** at this time on its second reading:

**CSSB 1661**, Relating to child support liens on real property.

The motion prevailed.

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

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

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

Nays: Huffman, Uresti.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1661 ON THIRD READING**

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1661** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

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

Nays: Huffman, Uresti, Wentworth.

**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 1661**, 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 1661** 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 2.

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

Nays: Huffman, Uresti.

### MESSAGE FROM THE HOUSE

HOUSE CHAMBER  
Austin, Texas  
April 27, 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 8**, Relating to certain studies and reviews of appraisal districts conducted by the comptroller of public accounts.

**HB 28**, Relating to requiring notice by a seller of real property of potential annexation of the property by a municipality.

**HB 51**, Relating to funding and incentives to support emerging public research universities in developing and maintaining programs of the highest tier.

**HB 63**, Relating to possession of or access to a child by a parent who is deployed by the military.

**HB 108**, Relating to persons eligible to be appointed as a receiver for certain mineral interests.

**HB 281**, Relating to grants for school-based health centers and reports submitted by those centers.

- HB 392**, Relating to the availability and use of automated external defibrillators in nursing homes and related institutions.
- HB 406**, Relating to the disposition of excess proceeds of a tax sale of real property or foreclosure of a tax lien on real property.
- HB 409**, Relating to an award of additional periods of possession of or access to a child for certain conservators who have returned from active military deployment.
- HB 415**, Relating to the regulation of employer-based day-care facilities.
- HB 449**, Relating to the regulation of laser hair removal facilities; providing penalties.
- HB 492**, Relating to the expansion of faith- and community-based health and human services and social services initiatives.
- HB 530**, Relating to law enforcement training relating to the trafficking of persons.
- HB 533**, Relating to civil liability for the trafficking of persons.
- HB 549**, Relating to an affirmative defense to prosecution for certain sex offenses.
- HB 655**, Relating to payment to a trustee or substitute trustee after public sale of foreclosed property.
- HB 669**, Relating to liability arising out of the filing of a mechanic's, contractor's, or materialman's lien.
- HB 673**, Relating to certain services provided by the office of injured employee counsel under the workers' compensation program of this state.
- HB 704**, Relating to the jurisdiction of a court over a child in the managing conservatorship of the state after the child's 18th birthday.
- HB 888**, Relating to the detention and examination of certain persons accepted for a preliminary mental health examination.
- HB 1013**, Relating to the authority of a county to regulate the installation and use of lighting in certain areas.
- HB 1322**, Relating to the establishment of an online resource for teachers of students with special health needs.
- HB 1365**, Relating to service records of professional staff employed by school districts and payment of compensation based on those records.
- HB 1579**, Relating to a county's removal of flood water resulting from a natural disaster in certain communities.
- HB 1633**, Relating to the prosecution and punishment of the offense of graffiti and to certain conditions imposed on defendants convicted of that offense or on juveniles adjudicated as having engaged in conduct in violation of that offense.
- HB 1693**, Relating to adoption of standards for school district financial accounting and attendance reporting software.
- HB 1711**, Relating to requiring the Texas Department of Criminal Justice to establish a comprehensive reentry and reintegration plan for offenders released or discharged from a correctional facility.

- HB 1728**, Relating to the authority of the inspector general of the Texas Department of Criminal Justice to issue administrative subpoenas for certain communications records.
- HB 1736**, Relating to compensation of persons wrongfully imprisoned.
- HB 1793**, Relating to judicial instruction for judges who hear complaints against children alleging violations of certain misdemeanor offenses.
- HB 1804**, Relating to service of process for delinquent taxes on a nonresident.
- HB 1814**, Relating to the ballot language for junior college district annexation elections.
- HB 1831**, Relating to emergency management and disaster recovery.
- HB 1861**, Relating to the operation and administration of the judiciary in the event of a disaster.
- HB 1866**, Relating to distributed renewable generation of electric power.
- HB 1924**, Relating to the performance of pharmacy services in certain rural areas.
- HB 2032**, Relating to the authority of certain municipalities to use tax revenue for certain venue projects.
- HB 2039**, Relating to the transfer of certain state property from the Department of Aging and Disability Services to certain community mental health and mental retardation centers.
- HB 2066**, Relating to enhancing penalties for assaulting a family member by strangulation or suffocation.
- HB 2071**, Relating to the reporting of certain inventories for ad valorem tax purposes; providing penalties.
- HB 2086**, Relating to the prosecution and punishment of the offense of engaging in organized criminal activity.
- HB 2097**, Relating to the personal and official use of state vehicles.
- HB 2100**, Relating to procedures for certain persons charged with certain new offenses or an administrative violation of a condition of release from the Texas Department of Criminal Justice on parole or to mandatory supervision.
- HB 2139**, Relating to the establishment, operation, and funding of victim-offender mediation programs.
- HB 2168**, Relating to the powers of a sheriff's department civil service commission in certain counties regarding an appeal of a disciplinary action.
- HB 2187**, Relating to the prosecution and punishment of offenses involving coercing, inducing, or soliciting membership in a criminal street gang.
- HB 2202**, Relating to protective orders against family violence.
- HB 2219**, Relating to the public transportation advisory committee.
- HB 2249**, Relating to the regulation of staff leasing services.

**HB 2304**, Relating to tuition and fee exemptions at public institutions of higher education for students who have been under the conservatorship of the Department of Family and Protective Services.

**HB 2318**, Relating to the fuel ethanol and biodiesel incentive program of the Department of Agriculture.

**HB 2440**, Relating to scholarships for fifth-year accounting students.

**HB 2491**, Relating to disclosure of certain personal information of applicants for employment with and current and former employees of public school entities.

**HB 2502**, Relating to the adoption of a nonsubstantive revision of provisions of the Texas Probate Code relating to decedents' estates and the redesignation of certain other provisions of the Texas Probate Code, including conforming amendments and repeals.

**HB 2557**, Relating to the evaluation of highway or other mobility projects as toll projects by the Texas Department of Transportation.

**HB 2619**, Relating to the nonsubstantive revision of certain local laws concerning special districts, including conforming amendments.

**HB 3004**, Relating to animal shelter standards; providing a civil penalty.

**HB 3309**, Relating to consolidation of certain proceedings on an application for a certificate of convenience and necessity.

**HCR 165**, In memory of Gratie Mae Potts of Clarksville.

**HCR 178**, Congratulating Louise Hopkins Underwood of Lubbock on earning a 2009 Women of Excellence Award from the YWCA of Lubbock.

**HCR 179**, Congratulating Margarita Olivarez of Lubbock on earning a 2009 Women of Excellence Award from the YWCA of Lubbock.

**HJR 58**, Proposing a constitutional amendment authorizing the governor to grant one or more reprieves in a capital case.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**(Senator Eltife in Chair)**

**COMMITTEE SUBSTITUTE  
SENATE BILL 89 ON SECOND READING**

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 89** at this time on its second reading:

**CSSB 89**, Relating to the prosecution, punishment, and prevention of offenses involving trafficking of persons or certain forced or sex-based labor or services, law enforcement training relating to the trafficking of persons, and the creation of the trafficking of persons investigation and prosecution account in the general revenue fund.

The bill was read second time.

Senator Patrick offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 89** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_. Subchapter C, Chapter 11, Alcoholic Beverage Code, is amended by adding Section 11.614 to read as follows:

Sec. 11.614. INJUNCTIVE RELIEF. (a) This section applies to a proceeding to cancel or suspend a permit that authorizes the permit holder to sell alcoholic beverages for on-premises consumption.

(b) The commission or administrator may file a motion with the State Office of Administrative Hearings for injunctive relief while the proceeding to cancel or suspend the permit is pending.

(c) If the administrator or commission establishes that there are ongoing criminal acts on the permitted premises that constitute a threat to the public health, safety, or welfare, the administrative law judge may enter an order to stop the criminal activity from occurring on the permitted premises while the contested case is pending. Except as provided by Subsection (f), an administrative law judge may not issue an injunctive order without notice and a hearing.

(d) If a permit holder violates an order issued under this section, the administrative law judge shall:

- (1) cancel the permit holder's permit;
- (2) suspend the permit holder's permit; or
- (3) impose a civil fine on the permit holder.

(e) The commission or administrator may file a motion with the administrative law judge requesting a hearing on the issue of whether the permit holder violated an order issued under this section. The administrative law judge shall hold the hearing after the 10th day after the date the motion for a hearing is filed and before the 21st day after the date the motion for a hearing is filed.

(f) On application by the administrator or commission, the administrative law judge may enter a temporary order without notice to the permit holder to stop ongoing criminal activity that immediately threatens the public health, safety, or welfare. A temporary order must expire not later than the 10th day after the date the order is entered. Before the temporary order expires, the administrative law judge shall hold a hearing on the question of whether the temporary order should be extended for the duration of the contested case.

(g) The administrative law judge shall give priority to a hearing for temporary relief over all other matters pending before the administrative law judge.

(h) At the close of the contested case, if the permit holder continues to operate, the administrative law judge may issue a permanent order imposing conditions on the permit holder to prevent the reoccurrence of the criminal activity on the permit holder's premises.

SECTION \_\_\_\_. Subchapter C, Chapter 61, Alcoholic Beverage Code, is amended by adding Section 61.722 to read as follows:

Sec. 61.722. INJUNCTIVE RELIEF. (a) This section applies to a proceeding to cancel or suspend a license that authorizes the license holder to sell alcoholic beverages for on-premises consumption.

(b) The commission or administrator may file a motion with the State Office of Administrative Hearings for injunctive relief while the proceeding to cancel or suspend the license is pending.

(c) If the administrator or commission establishes that there are ongoing criminal acts on the licensed premises that constitute a threat to the public health, safety, or welfare, the administrative law judge may enter an order to stop the criminal activity from occurring on the licensed premises while the contested case is pending. Except as provided by Subsection (f), an administrative law judge may not issue an injunctive order without notice and a hearing.

(d) If a license holder violates an order issued under this section, the administrative law judge shall:

- (1) cancel the license holder's license;
- (2) suspend the license holder's license; or
- (3) impose a civil fine on the license holder.

(e) The commission or administrator may file a motion with the administrative law judge requesting a hearing on the issue of whether the license holder violated an order issued under this section. The administrative law judge shall hold the hearing after the 10th day after the date the motion for a hearing is filed and before the 21st day after the date the motion for a hearing is filed.

(f) On application by the administrator or commission, the administrative law judge may enter a temporary order without notice to the license holder to stop ongoing criminal activity that immediately threatens the public health, safety, or welfare. A temporary order must expire not later than the 10th day after the date the order is entered. Before the temporary order expires, the administrative law judge shall hold a hearing on the question of whether the temporary order should be extended for the duration of the contested case.

(g) The administrative law judge shall give priority to a hearing for temporary relief over all other matters pending before the administrative law judge.

(h) At the close of the contested case, if the license holder continues to operate, the administrative law judge may issue a permanent order imposing conditions on the license holder to prevent the reoccurrence of the criminal activity on the license holder's premises.

SECTION \_\_\_\_. The changes in law made by this Act by the enactment of Sections 11.614 and 61.722, Alcoholic Beverage Code, apply only to a proceeding to suspend or cancel a permit or license commenced on or after the effective date of this Act. A proceeding to suspend or cancel a permit or license commenced before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

The amendment to **CSSB 89** was read.

Senator Patrick withdrew Floor Amendment No. 1.

**CSSB 89** was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE  
SENATE BILL 89 ON THIRD READING**

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 89** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

**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 89**, 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 89** 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 31, Nays 0.

**COMMITTEE SUBSTITUTE  
SENATE BILL 2376 ON SECOND READING**

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 2376** at this time on its second reading:

**CSSB 2376**, Relating to the change of the name of Texas A&M University–Kingsville to Texas A&I University.

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 2376** (committee printing) as follows:

(1) Amend (committee printing page 2, line 23) by adding the following new SECTION 7 and renumbering subsequent SECTIONS of the bill accordingly:

(a) SECTION 7. Texas A&I University may accept a grant or donation to assist in financing the change of name from Texas A&M-Kingsville.

(1) The university is not required to finance the name change unless a grant or donation of funds is made to cover the cost of the name change.

(2) Money received under Subsection (1) shall be deposited to the credit of Texas A&I University.

(2) Amend the Committee Substitute to SB 2376 (committee printing page 2, line 29) by striking the existing language and inserting the following:

(a) SECTION \_\_\_\_\_. This Act takes effect September 1, 2010.

The amendment to **CSSB 2376** 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 motion of Senator Lucio and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSSB 2376** as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

#### **COMMITTEE SUBSTITUTE SENATE BILL 2376 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 2376** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

#### **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 2376**, 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 2376** 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 31, Nays 0.

**SENATE BILL 2476 ON SECOND READING**

On motion of Senator Deuell and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 2476** at this time on its second reading:

**SB 2476**, Relating to the creation of the North Texas Trauma and Burn Authority in Trauma Service Area E.

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.

**SENATE BILL 2476 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 **SB 2476** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

**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 2476**, 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 2476** 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 31, Nays 0.

**COMMITTEE SUBSTITUTE  
SENATE BILL 2045 ON SECOND READING**

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 2045** at this time on its second reading:

**CSSB 2045**, Relating to certain constitutionally dedicated funds allocated to the Lamar Institute of Technology and to the administration of that institution.

The bill was read second time.

Senator Williams offered the following amendment to the bill:

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

Amend **CSSB 2045** (Senate committee printing) in SECTION 1 of the bill, in amended Section 96.703(a), Education Code (page 1, lines 15-18), by striking "The board shall establish and maintain in the city of Beaumont ~~[an educational center of Lamar University]~~ as a separate degree-granting institution a lower-division institution of higher education to be known as Lamar Institute of Technology" and substituting "In the city of Beaumont, the ~~[The]~~ board shall establish and maintain a lower-division institution of higher education ~~[an educational center of Lamar University]~~ as a separate degree-granting institution to be known as Lamar Institute of Technology".

The amendment to **CSSB 2045** 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 motion of Senator Williams and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSSB 2045** as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

### **COMMITTEE SUBSTITUTE SENATE BILL 2045 ON THIRD READING**

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 2045** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

### **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 2045**, 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 2045** 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 31, Nays 0.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1728 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 1728** at this time on its second reading:

**CSSB 1728**, Relating to the administration of and eligibility for the Joint Admissions Medical Program.

The bill was read second time.

Senator Shapleigh offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1728** (Senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_. Section 51.821(4), Education Code, is amended to read as follows:

- (4) "Participating medical school" means each of the following entities:
- (A) the medical school at The University of Texas Health Science Center at Houston;
  - (B) the medical school at The University of Texas Southwestern Medical Center at Dallas;
  - (C) the medical school at The University of Texas Health Science Center at San Antonio;
  - (D) the medical school at The University of Texas Medical Branch at Galveston;
  - (E) the medical school at Texas Tech University Health Sciences Center at Lubbock;
  - (F) the medical school at Texas Tech University Health Sciences Center at El Paso;
  - (G) the Baylor College of Medicine;
  - (H) [~~G~~] the college of osteopathic medicine at the University of North Texas Health Science Center at Fort Worth; and
  - (I) [~~H~~] the medical school at The Texas A&M University System Health Science Center.

SECTION \_\_\_\_. (a) As soon as practicable after the effective date of this Act, the medical school at Texas Tech University Health Sciences Center at El Paso shall:

(1) enter into the agreement with the Joint Admission Medical Program Council required by Section 51.829, Education Code; and

(2) select an appropriate faculty member to represent the medical school on the council.

(b) The medical school shall provide internships and mentoring under the Joint Admission Medical Program as appropriate beginning with the 2011-2012 academic year, but is not required before the 2012-2013 academic year to admit participating students to the medical school under the program.

The amendment to **CSSB 1728** 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 motion of Senator West and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSSB 1728** as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

### **COMMITTEE SUBSTITUTE SENATE BILL 1728 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 1728** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

#### **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 1728**, 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 1728** 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 31, Nays 0.

**SENATE BILL 1754 ON THIRD READING**

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1754** at this time on its third reading and final passage:

**SB 1754**, Relating to filing fees for civil actions or proceedings in a district, county, justice, or small claims court.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Nays: Hegar.

**SENATE BILL 2154 ON THIRD READING**

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 2154** at this time on its third reading and final passage:

**SB 2154**, Relating to the confidentiality of certain travel vouchers submitted by certain peace officers.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**SENATE BILL 1717 ON SECOND READING**

Senator West moved to suspend the regular order of business to take up for consideration **SB 1717** at this time on its second reading:

**SB 1717**, Relating to prohibition of certain practices by owners of developments supported with low income housing tax credit allocations.

The motion prevailed.

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

The bill was read second time.

On motion of Senator West, further consideration of **SB 1717** was temporarily postponed.

Question — Shall **SB 1717** be passed to engrossment?

**SENATE BILL 650 ON SECOND READING**

Senator Van de Putte moved to suspend the regular order of business to take up for consideration **SB 650** at this time on its second reading:

**SB 650**, Relating to certain peace officers commissioned by the Texas State Board of Pharmacy.

The motion prevailed.

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

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

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

Nays: Williams.

### **SENATE BILL 650 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 650** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

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

Nays: Wentworth, Williams.

### **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 650**, 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 650** 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 1.

Nays: Williams.

### **COMMITTEE SUBSTITUTE SENATE BILL 2243 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 2243** at this time on its second reading:

**CSSB 2243**, Relating to the repayment of certain education loans for licensed physicians and dentists.

The bill was read second time.

Senator Watson offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 2243** (Senate committee printing) in SECTION 2 of the bill as follows:

(1) In proposed Section 61.532(a)(2)(B), Education Code (page 1, line 29), between "(B)" and "an authorization", insert "for a service obligation described by Subdivision (3)(B)(i) or (ii) or as otherwise required by the physician's practice,".

(2) In proposed Section 61.532(a)(3)(B)(i), Education Code (page 1, line 53), strike "or".

(3) In proposed Section 61.532(a)(3)(B)(ii), Education Code (page 1, line 58), between "Subparagraph (i)" and "[for an approved family practice", insert the following: ;

(iii) practice in primary care or in a medical specialty of acute physician shortage, as determined by the coordinating board in consultation with the Department of State Health Services, and in:

(a) a hospital or clinic with a patient population of whom at least 50 percent are uninsured or are recipients under the medical assistance program authorized by Chapter 32, Human Resources Code; or

(b) a public hospital, as defined by Section 61.002, Health and Safety Code; or

(iv) practice in a county that has a population of 50,000 or less and that has been designated under federal law as a health professional shortage area

(4) In amended Section 61.532(b), Education Code (page 1, line 63), strike "for purposes of this subchapter" and substitute ", for purposes of the service obligations described by Subsection (a)(3)(B)(i) or (ii),".

The amendment to **CSSB 2243** 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.

Senator Watson offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **CSSB 2243** (committee printing) by adding an appropriately numbered section to read as follows:

SECTION \_\_. Section 51.918(b), Education Code is amended to read as follows:

(b) The Texas Higher Education Coordinating Board shall:

(1) encourage and coordinate the creation or expansion of a rural preceptor program among medical schools, teaching hospitals, nursing schools, and schools of allied health sciences; and

(2) require family practice residency programs to provide an opportunity for residents to have a one-month rotation through:

- (A) a rural setting; ~~and~~
- (B) a public health setting; and
- (C) an oncology setting.

The amendment to **CSSB 2243** was read and was adopted by a viva voce vote.

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

Senator Zaffirini offered the following amendment to the bill:

### **Floor Amendment No. 3**

Amend **CSSB 2243** by striking SECTION 19 of the bill (page 5, lines 7 through 10) and substituting the following:

SECTION 19. 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 2243** was read and was adopted by a viva voce vote.

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

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

**CSSB 2243** as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

### **COMMITTEE SUBSTITUTE SENATE BILL 2243 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 2243** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

### **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 2243**, 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 2243** 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 31, Nays 0.

### SENATE BILL 1843 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 1843** at this time on its second reading:

**SB 1843**, Relating to coverage of drivers under a personal automobile insurance policy.

The bill was read second time.

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

#### Floor Amendment No. 1

Amend **SB 1843** (Senate committee printing) in SECTION 1 of the bill by striking added Section 1952.059, Insurance Code (page 1, lines 13 through 25), and substituting the following:

Sec. 1952.059. REQUIRED PROVISION: COVERAGE FOR UNNAMED DRIVERS. (a) In addition to applying to the insurers subject to this chapter under Section 1952.001, this section applies to a county mutual insurance company.

(b) Except as provided by Subsections (c), (d), and (e), an insurer may not deliver or issue for delivery in this state a personal automobile liability insurance policy, including a policy provided through the Texas Automobile Insurance Plan Association under Chapter 2151, that covers liability arising out of the ownership, maintenance, or use of any motor vehicle unless the policy covers all family members of the named insured residing in the named insured's household and any other residents of the named insured's household.

(c) Subsection (b) does not apply if an insurer obtains the named insured's rejection of the coverage otherwise required under that subsection, in writing, for all family members of the named insured residing in the named insured's household and any other residents of the named insured's household as provided by this subsection. The rejection document must specifically identify each person who resides in the named insured's household who is not covered under the policy and include the named insured's acknowledgement that the policy does not cover the persons identified in the rejection document. The rejection document must also include a notice that any other resident of the named insured's household, regardless of whether the resident is a member of the named insured's family, who is not specifically identified in the rejection document is not covered under the policy. Unless the named insured subsequently requests in writing the coverage rejected under this subsection,

the insurer is not required to provide that coverage in a renewal or reinstated insurance policy if the named insured rejected the coverage in writing in connection with an insurance policy issued to the insured by the same insurer or by an affiliated insurer.

(d) A policy issued under Subsection (c) must contain a notice with each renewal of the policy, or delivery of evidence of renewal, in at least 14-point type, that specifically identifies the family members residing in the named insured's household and other residents of the named insured's household who are not covered under the policy and a statement that any other resident of the named insured's household, regardless of whether the resident is a member of the named insured's family, who is not specifically identified in the notice is not covered under the policy.

(e) This section does not prohibit an insurer from excluding from coverage under the policy only the family members residing in the named insured's household or other residents of the named insured's household who are specifically named as being excluded. An exclusion under this subsection must be in writing and must:

- (1) include the name of the person excluded from coverage;
- (2) be signed by the named insured; and
- (3) be attached to the policy.

The amendment to **SB 1843** 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 motion of Senator Van de Putte and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**SB 1843** as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

### **SENATE BILL 1843 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 1843** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

#### **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 1843**, 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 1843** 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 31, Nays 0.

### SENATE BILL 42 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 42** at this time on its second reading:

**SB 42**, Relating to the eligibility of certain postdoctoral fellows and graduate students to participate in health benefit programs at public institutions of higher education.

The bill was read second time.

Senator Duncan offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **SB 42** (committee printing) as follows:

- 1) On page 1, line 15, between the period and "An" insert "(a)".
- 2) On page 1, line 16-18, delete the phrase "as if the individual were an employee, regardless of whether the individual actually serves as an employee."
- 3) On page 1, line 21 between the words "other" and "fellowships" insert the word "graduate"
- 4) On page 1, line 23, after the period insert the following:
  - (b) An institution of higher education at which an individual holds a fellowship described by Subsection (a) is responsible for payment of the contributions for the individual. Each participant shall contribute that portion of the cost of the group coverage selected by the individual that exceeds the amount of contribution funded by the institution. All portions of the contribution funded by the institution shall be made in proportion to the source of funds from which the fellowship is paid.
  - (c) An institution of higher education shall, at the time of initial eligibility, notify each of the individuals eligible to participate in the group benefits program under Subsection (a) of the individual's eligibility to participate in the program.
- 5) On page 1, line 27, between the period and "An" insert "(a)".
- 6) On page 1, line 28-30, delete the phrase "as if the individual were an employee, regardless of whether the individual actually serves as an employee."
- 7) On page 1, line 33 between the words "other" and "fellowships" insert the word "graduate"
- 8) On page 1, line 23, after the period insert the following:
  - (b) An institution of higher education at which an individual holds a fellowship described by Subsection (a) is responsible for payment of the contributions for the individual. Each participant shall contribute that portion of the cost of the group

coverage selected by the individual that exceeds the amount of contribution funded by the institution. All portions of the contribution funded by the institution shall be made in proportion to the source of funds from which the fellowship is paid.

(c) An institution of higher education shall, at the time of initial eligibility, notify each of the individuals eligible to participate in the group benefits program under Subsection (a) of the individual's eligibility to participate in the program.

The amendment to **SB 42** 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 motion of Senator Zaffirini and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**SB 42** as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

### **SENATE BILL 42 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 **SB 42** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

### **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 42**, 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 42** 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 31, Nays 0.

**HOUSE CONCURRENT RESOLUTION 122**

The Presiding Officer, Senator Eltife in Chair, laid before the Senate the following resolution:

WHEREAS, Professional social workers assist individuals, groups, and communities to restore or enhance their capacity for social functioning, while creating societal conditions favorable to their goals; and

WHEREAS, Only those highly trained and experienced individuals who have earned social work degrees at the bachelor's, master's, or doctoral level, completed a required number of supervised hours in their particular field, and are licensed through the Texas State Board of Social Worker Examiners may be considered professional social workers; and

WHEREAS, Social workers help people overcome some of life's most difficult challenges, including poverty, discrimination, abuse, addiction, physical illness, divorce, loss, unemployment, educational problems, disability, and mental illness to become independent and productive citizens; they help prevent crises and counsel individuals, families, and communities to cope more effectively with the stresses inherent in everyday life; and

WHEREAS, Professional social workers may be found in every facet of community life—in schools, hospitals, mental health clinics, senior centers, elected office, private practice, prisons, military and corporate environments, and in numerous public and private agencies that serve individuals and families in need; now, therefore, be it

RESOLVED, That the 81st Legislature of the State of Texas hereby designate April 27, 2009, as Social Work Day at the State Capitol and extend a warm welcome and sincere best wishes to the professional social workers and social work students present on this day for an enjoyable and memorable visit to Austin; and, be it further

RESOLVED, That an official copy of this resolution be prepared for the Texas Chapter of the National Association of Social Workers as an expression of high regard by the Texas House of Representatives and Senate.

SHAPLEIGH

**HCR 122** was read.

On motion of Senator Shapleigh, the resolution was considered immediately and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of the resolution.

**GUESTS PRESENTED**

Senator Shapleigh was recognized and introduced to the Senate a delegation of Texas social workers.

The Senate welcomed its guests.

**SENATE BILL 1717 ON SECOND READING**

The Presiding Officer laid before the Senate **SB 1717** by Senator West on its second reading. The bill had been read second time and further consideration temporarily postponed:

**SB 1717**, Relating to prohibition of certain practices by owners of developments supported with low income housing tax credit allocations.

Question — Shall **SB 1717** be passed to engrossment?

**SB 1717** was passed to engrossment by a viva voce vote.

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

Nays: Ogden, Patrick, Seliger.

### **SENATE BILL 1717 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 1717** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 4.

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

Nays: Ogden, Patrick, Seliger, Wentworth.

### **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 1717**, 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 1717** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3.

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

Nays: Ogden, Patrick, Seliger.

**COMMITTEE SUBSTITUTE**  
**SENATE BILL 1249 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 1249** at this time on its second reading:

**CSSB 1249**, Relating to the creation of a pilot program to improve curricula alignment between junior colleges and general academic teaching institutions for engineering degree programs.

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

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE**  
**SENATE BILL 1249 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 1249** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

**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 1249**, 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 1249** 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 31, Nays 0.

**COMMITTEE SUBSTITUTE  
SENATE BILL 2120 ON SECOND READING**

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 2120** at this time on its second reading:

**CSSB 2120**, Relating to the management, operation, and review of groundwater conservation districts.

The bill was read second time.

Senator Seliger offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 2120** (Senate committee printing) as follows:

(1) In SECTION 6 of the bill, in amended Section 36.1072(d), Water Code (page 3, line 29), strike "request" and substitute "recommend that".

(2) In SECTION 9 of the bill, in amended Section 36.1132(a), Water Code (page 5, line 56), between "of the" and "date" insert "later of the".

(3) In SECTION 9 of the bill, in amended Section 36.1132(a), Water Code (page 5, line 58), between "Section 36.108(d)" and the comma, insert "or the date that the districts receive the managed available groundwater amount from the executive administrator under Section 36.108(o)".

The amendment to **CSSB 2120** 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.

Senator Ogden offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **CSSB 2120** by adding the following new SECTION to the bill and renumbering subsequent SECTIONS appropriately:

SECTION \_\_\_\_ . STUDY AND REPORT. (a) The Texas Commission on Environmental Quality shall conduct a study regarding the impact on the entire Carrizo-Wilcox aquifer of rules and plans adopted by groundwater conservation districts in whose boundaries the aquifer is located and of determinations made by groundwater conservation districts in connection with the joint planning process relating to groundwater management areas in whose boundaries the aquifer is located. In conducting the study, the commission shall examine:

(1) whether the rules and plans adopted by each groundwater conservation district:

(A) are based on sound scientific principles;

(B) adequately conserve and protect the aquifer and ensure the achievement of the applicable desired future condition for each part of the district; and

(C) are likely to affect other groundwater conservation districts or groundwater management areas;

(2) whether each district is enforcing substantial compliance with its rules;

(3) whether the desired future conditions established under Section 36.108, Water Code, in each groundwater management area are reasonable and based on sound scientific principles, and whether the rules adopted by each district are designed to achieve the applicable desired future condition;

(4) other long-term impacts of the applicable rules and plans on the aquifer, taking into consideration:

(A) projected population and agricultural, municipal, and industrial demands for water from the aquifer within the groundwater conservation districts; and

(B) other appropriate factors as determined by commission rule; and

(5) whether the presence of contaminants in the recharge area of the aquifer and the potential pollution of the aquifer are issues that should be addressed and, if so, by whom.

(b) The Texas Water Development Board and the Bureau of Economic Geology of The University of Texas at Austin shall assist the commission in conducting the study under this section.

(c) The commission may contract with any appropriate person to assist the commission in conducting the study under this section.

(d) Not later than December 31, 2012, the commission shall report the results of the study conducted under this Act to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing committees in the senate and the house of representatives that have primary jurisdiction over natural resources. The report may include the commission's recommendations for legislation to address any areas of concern.

(e) The changes in law made by (a) - (d) expire August 31, 2013.

The amendment to **CSSB 2120** was read and was adopted by a viva voce vote.

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

Nays: Hegar.

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

**CSSB 2120** as amended was passed to engrossment by a viva voce vote.

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

Nays: Hegar.

### **COMMITTEE SUBSTITUTE SENATE BILL 2120 ON THIRD READING**

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 2120** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

**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 2120**, 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 2120** 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 1.

Nays: Hegar.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1394 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 1394** at this time on its second reading:

**CSSB 1394**, Relating to notification of an applicant for admission to a general academic teaching institution regarding the availability of degree programs in the applicant's preferred major field of study offered by other institutions.

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.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1394 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 1394** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

### 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 1394**, 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 1394** 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 31, Nays 0.

### COMMITTEE SUBSTITUTE SENATE BILL 2111 ON SECOND READING

Senator Averitt moved to suspend the regular order of business to take up for consideration **CSSB 2111** at this time on its second reading:

**CSSB 2111**, Relating to the implementation of and incentives for projects involving the capture, transportation, injection, sequestration, geologic storage, or abatement of carbon dioxide; providing for the issuance of bonds.

The motion prevailed.

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

The bill was read second time.

Senator Averitt offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **CSSB 2111** by adding the following appropriately numbered section to the bill and renumbering subsequent sections of the bill as appropriate:

SECTION \_\_\_\_\_. This Act does not make an appropriation. This Act takes effect only if a specific appropriation for the implementation of the Act is provided in a general appropriations act of the 81st Legislature.

The amendment to **CSSB 2111** 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.

Senator Fraser offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **CSSB 2111**, committee printing version, as follows:

(1) On page 2, line 66, insert the following new section:

"Sec. 393.010. CLEAN ENERGY PROJECT PERMITTING. (a) As authorized by federal law, the commission by rule shall implement reasonably streamlined processes for issuing permits required to construct a component of an advanced clean energy project designed to meet the emissions profile as defined by Section 382.0565, Health and Safety Code.

(b) When acting under a rule adopted under Subsection (a), the commission shall use public meetings, informal conferences, or advisory committees to gather the opinions and advice of interested persons.

The amendment to **CSSB 2111** was read.

**(President in Chair)**

Senator Fraser withdrew Floor Amendment No. 2.

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

**CSSB 2111** as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE  
SENATE BILL 2111 ON THIRD READING**

Senator Averitt moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 2111** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

**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 2111**, 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 2111** 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 31, Nays 0.

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

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

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

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

**MOTION TO ADJOURN**

On motion of Senator Whitmire and by unanimous consent, the Senate at 2:10 p.m. agreed to adjourn, in memory of Adrian Clare Wolfe of Brownsville, upon completion of the introduction of bills and resolutions on first reading, until 11:00 a.m. tomorrow.

**SENATE BILLS ON FIRST READING**

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

**SB 2560** by Deuell

Relating to the creation of the Rowlett Downtown Management District; providing authority to impose a tax, levy an assessment, and issue bonds.  
To Committee on Intergovernmental Relations.

**SB 2561** by Deuell

Relating to the creation of the Rowlett Pecan Grove Management District; providing authority to impose a tax, levy an assessment, and issue bonds.  
To Committee on Intergovernmental Relations.

**SB 2562** by Deuell

Relating to the creation of the Rowlett Waterfront Entertainment Management District; providing authority to impose a tax, levy an assessment, and issue bonds.  
To Committee on Intergovernmental Relations.

**SB 2563** by Deuell

Relating to the creation of an additional county court at law in Kaufman County.  
To Committee on Jurisprudence.

**HOUSE BILLS AND RESOLUTIONS ON FIRST READING**

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

- HB 77** to Committee on Finance.
- HB 205** to Committee on Agriculture and Rural Affairs.
- HB 348** to Committee on Criminal Justice.
- HB 350** to Committee on Education.
- HB 374** to Committee on Transportation and Homeland Security.
- HB 375** to Committee on Agriculture and Rural Affairs.
- HB 389** to Committee on State Affairs.
- HB 396** to Committee on Jurisprudence.
- HB 400** to Committee on Transportation and Homeland Security.
- HB 406** to Committee on Finance.
- HB 415** to Committee on Health and Human Services.
- HB 523** to Committee on Business and Commerce.
- HB 536** to Committee on State Affairs.
- HB 551** to Committee on State Affairs.
- HB 558** to Committee on Criminal Justice.
- HB 582** to Committee on State Affairs.
- HB 590** to Committee on Criminal Justice.
- HB 605** to Committee on Government Organization.
- HB 673** to Committee on State Affairs.
- HB 675** to Committee on Health and Human Services.
- HB 703** to Committee on Health and Human Services.
- HB 704** to Committee on Health and Human Services.
- HB 719** to Committee on State Affairs.
- HB 748** to Committee on Health and Human Services.
- HB 750** to Committee on Criminal Justice.
- HB 763** to Committee on Jurisprudence.
- HB 765** to Committee on Jurisprudence.
- HB 772** to Committee on Education.
- HB 782** to Committee on Transportation and Homeland Security.
- HB 824** to Committee on State Affairs.
- HB 874** to Committee on Government Organization.
- HB 890** to Committee on Jurisprudence.
- HB 962** to Committee on Higher Education.
- HB 963** to Committee on Business and Commerce.
- HB 968** to Committee on Agriculture and Rural Affairs.
- HB 1013** to Committee on Intergovernmental Relations.
- HB 1023** to Committee on Health and Human Services.
- HB 1038** to Committee on Finance.
- HB 1079** to Committee on Economic Development.
- HB 1081** to Committee on Health and Human Services.
- HB 1084** to Committee on Business and Commerce.
- HB 1145** to Committee on State Affairs.
- HB 1161** to Committee on Business and Commerce.

**HB 1178** to Committee on Natural Resources.  
**HB 1215** to Committee on Criminal Justice.  
**HB 1265** to Committee on State Affairs.  
**HB 1297** to Committee on Education.  
**HB 1345** to Subcommittee on Base Realignment and Closure.  
**HB 1365** to Committee on Education.  
**HB 1404** to Committee on Health and Human Services.  
**HB 1409** to Committee on Health and Human Services.  
**HB 1476** to Committee on Business and Commerce.  
**HB 1510** to Committee on Health and Human Services.  
**HB 1530** to Committee on Agriculture and Rural Affairs.  
**HB 1695** to Committee on Business and Commerce.  
**HB 1711** to Committee on Criminal Justice.  
**HB 1722** to Committee on Criminal Justice.  
**HB 1736** to Committee on State Affairs.  
**HB 1761** to Committee on State Affairs.  
**HB 1785** to Committee on Health and Human Services.  
**HB 1793** to Committee on Jurisprudence.  
**HB 1802** to Committee on Intergovernmental Relations.  
**HB 1804** to Committee on Jurisprudence.  
**HB 1805** to Committee on Agriculture and Rural Affairs.  
**HB 1809** to Committee on Jurisprudence.  
**HB 1819** to Committee on Intergovernmental Relations.  
**HB 1822** to Committee on Business and Commerce.  
**HB 1918** to Committee on Government Organization.  
**HB 1919** to Committee on State Affairs.  
**HB 1963** to Committee on State Affairs.  
**HB 2032** to Committee on Economic Development.  
**HB 2055** to Committee on Health and Human Services.  
**HB 2066** to Committee on Criminal Justice.  
**HB 2071** to Committee on Finance.  
**HB 2102** to Committee on Intergovernmental Relations.  
**HB 2169** to Committee on Economic Development.  
**HB 2172** to Committee on International Relations and Trade.  
**HB 2196** to Committee on Health and Human Services.  
**HB 2202** to Committee on Jurisprudence.  
**HB 2237** to Committee on Business and Commerce.  
**HB 2249** to Committee on Business and Commerce.  
**HB 2263** to Committee on Education.  
**HB 2275** to Committee on International Relations and Trade.  
**HB 2330** to Committee on Health and Human Services.  
**HB 2353** to Committee on Business and Commerce.  
**HB 2374** to Committee on International Relations and Trade.  
**HB 2440** to Committee on Higher Education.  
**HB 2483** to Committee on International Relations and Trade.  
**HB 2509** to Committee on State Affairs.

**HB 2512** to Committee on Education.  
**HB 2542** to Committee on Education.  
**HB 2557** to Committee on Transportation and Homeland Security.  
**HB 2558** to Subcommittee on Flooding and Evacuations.  
**HB 2570** to Committee on State Affairs.  
**HB 2752** to Committee on Business and Commerce.  
**HB 2765** to Committee on Agriculture and Rural Affairs.  
**HB 2906** to Committee on Intergovernmental Relations.  
**HB 2914** to Committee on Agriculture and Rural Affairs.  
**HB 3004** to Committee on Intergovernmental Relations.  
**HB 3073** to Committee on Business and Commerce.  
**HB 4291** to Committee on Business and Commerce.  
**HB 4339** to Committee on Business and Commerce.  
**HB 4344** to Committee on State Affairs.  
**HB 4540** to Committee on Intergovernmental Relations.  
**HCR 88** to Committee on Health and Human Services.  
**HCR 125** to Committee on Criminal Justice.  
**HJR 58** to Committee on Criminal Justice.

### **RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

#### **Memorial Resolution**

**SR 740** by Williams, In memory of Bruce Montgomery Withers, Jr., of The Woodlands.

#### **Congratulatory Resolutions**

**SR 480** by Shapiro, Recognizing the Texas Public Policy Foundation on the occasion of its 20th anniversary.

**SR 722** by Uresti, Commending Johnny Sanchez III for his contributions to his community.

**SR 723** by Deuell, Congratulating the band of Ralph Poteet High School in Mesquite for receiving the Sudler Flag of Honor from the John Philip Sousa Foundation.

**SR 725** by Uresti, Commending Stephanie Biediger for earning a Girl Scout Gold Award.

**SR 726** by Uresti, Commending Jensen Dupes for earning a Girl Scout Gold Award.

**SR 727** by Uresti, Commending Vanessa Hernandez for earning a Girl Scout Gold Award.

**SR 728** by Uresti, Commending Janise Jackson for earning a Girl Scout Gold Award.

**SR 729** by Uresti, Commending Kaliah Jackson for earning a Girl Scout Gold Award.

**SR 730** by Uresti, Recognizing the Hondo Municipal Airport for being selected to receive the 2009 Airport of the Year Award.

**SR 731** by Uresti, Recognizing the Stinson Municipal Airport in San Antonio for being selected to receive the 2009 Reliever Airport of the Year Award.

**SR 732** by Uresti, Recognizing the late J. Marvin Hunter for being inducted into the Frontier Times Museum Hall of Honor in Bandera.

**SR 733** by Uresti, Recognizing Joe Bowman of Houston for being inducted into the Frontier Times Museum Hall of Honor in Bandera.

**SR 734** by Uresti, Recognizing Terry Boothe of Austin for being inducted into the Frontier Times Museum Hall of Honor in Bandera.

**SR 735** by Uresti, Recognizing the late Maudeen Marks for being inducted into the Frontier Times Museum Hall of Honor in Bandera.

**SR 736** by Uresti, Recognizing Raul Gaona, Sr., of San Antonio for being inducted into the Frontier Times Museum Hall of Honor in Bandera.

**SR 741** by Uresti, Recognizing the late J. Frank Dobie for being inducted into the Frontier Times Museum Hall of Honor in Bandera.

**SR 742** by Uresti, Recognizing Kevin Fitzpatrick of Bandera for being inducted into the Frontier Times Museum Hall of Honor in Bandera.

**SR 743** by Uresti, Recognizing Ray Wharton of Bandera for being inducted into the Frontier Times Museum Hall of Honor in Bandera.

**SR 744** by Uresti, Recognizing Cleo Hearn of Lancaster for being inducted into the Frontier Times Museum Hall of Honor in Bandera.

#### **Official Designation Resolution**

**SR 724** by Van de Putte, Proclaiming May 4 through 8, 2009, as Texas Educational Robotics Awareness Week.

#### **ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 2:19 p.m. adjourned, in memory of Adrian Clare Wolfe of Brownsville, until 11:00 a.m. tomorrow.

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#### **APPENDIX**

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#### **COMMITTEE REPORTS**

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

April 27, 2009

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — **CSSB 1538, CSSB 2223**

FINANCE — **CSSB 590, CSSB 1589**

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — **CSSB 2439**

EDUCATION — **CSSB 2082**

**JURISPRUDENCE — CSSB 1767, CSSB 2444**

**EDUCATION — CSSB 548, CSSB 1489**

**STATE AFFAIRS — SB 1068, SB 2067**

**JURISPRUDENCE — CSSB 1598**

**INTERGOVERNMENTAL RELATIONS — CSSB 1375, CSSB 2473**

**BUSINESS AND COMMERCE — CSSB 2233**

**BILLS AND RESOLUTION ENGROSSED**

April 24, 2009

**SB 11, SB 12, SB 350, SB 388, SB 472, SB 563, SB 819, SB 858, SB 867, SB 992, SB 1022, SB 1063, SB 1064, SB 1173, SB 1214, SB 1237, SB 1296, SB 1520, SB 1609, SB 1612, SB 1666, SB 1693, SB 1837, SB 1954, SB 2017, SB 2047, SB 2146, SB 2230, SB 2244, SB 2274, SB 2308, SB 2325, SB 2379, SB 2465, SB 2470, SB 2481, SB 2503, SB 2504, SJR 48**

**BILL AND RESOLUTIONS ENROLLED**

April 24, 2009

**SB 346, SCR 62, SR 710, SR 711, SR 712, SR 713, SR 714, SR 715, SR 717, SR 718, SR 719, SR 720**

**SENT TO GOVERNOR**

April 27, 2009

**SB 346, SCR 62**

