

SENATE JOURNAL

EIGHTY-FIRST LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FORTY-SEVENTH DAY

(Wednesday, April 29, 2009)

The Senate met at 11:10 a.m. pursuant to adjournment and was called to order by Dean Whitmire.

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 Presiding Officer announced that a quorum of the Senate was present.

The Reverend Cheryl A. Broome, Hyde Park United Methodist Church, Austin, offered the invocation as follows:

Adonai, Allah, almighty God, Lord and Master of all creation, help us to know that You really don't care what we call You, only that we do call upon You. Today we come before You to ask that You would look kindly upon the will and work of the Senate of Texas. Help us be mindful that the work done here is bigger than any single person. Grant these men and women a discerning heart to govern and to distinguish between right and wrong. Bestow upon them wisdom, guidance, and creative insight that they may bless all the people of Texas and beyond. Strengthen them that they may serve with honor and mercy according to Your will and word that You may be glorified in all things. Let those who agree say amen. Amen.

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

The motion prevailed without objection.

CO-AUTHORS OF SENATE BILL 9

On motion of Senator Zaffirini, Senators Ellis, Eltife, Huffman, Jackson, Shapiro, and Williams will be shown as Co-authors of **SB 9**.

CO-AUTHOR OF SENATE BILL 402

On motion of Senator Eltife, Senator Nichols will be shown as Co-author of **SB 402**.

CO-AUTHOR OF SENATE BILL 542

On motion of Senator Watson, Senator Zaffirini will be shown as Co-author of **SB 542**.

CO-AUTHOR OF SENATE BILL 615

On motion of Senator Shapleigh, Senator West will be shown as Co-author of **SB 615**.

CO-AUTHOR OF SENATE BILL 801

On motion of Senator Hegar, Senator Zaffirini will be shown as Co-author of **SB 801**.

CO-AUTHOR OF SENATE BILL 840

On motion of Senator Hinojosa, Senator Zaffirini will be shown as Co-author of **SB 840**.

CO-AUTHORS OF SENATE BILL 982

On motion of Senator Van de Putte, Senators Uresti and Zaffirini will be shown as Co-authors of **SB 982**.

CO-AUTHOR OF SENATE BILL 1784

On motion of Senator Carona, Senator Patrick will be shown as Co-author of **SB 1784**.

CO-AUTHOR OF SENATE BILL 1872

On motion of Senator Zaffirini, Senator Ellis will be shown as Co-author of **SB 1872**.

CO-AUTHOR OF SENATE BILL 1929

On motion of Senator Watson, Senator West will be shown as Co-author of **SB 1929**.

CO-AUTHOR OF SENATE BILL 2014

On motion of Senator Duncan, Senator West will be shown as Co-author of **SB 2014**.

CO-AUTHOR OF SENATE BILL 2064

On motion of Senator West, Senator Lucio will be shown as Co-author of **SB 2064**.

CO-AUTHOR OF SENATE BILL 2279

On motion of Senator Ellis, Senator Zaffirini will be shown as Co-author of **SB 2279**.

PHYSICIAN OF THE DAY

Senator Zaffirini was recognized and presented Dr. Luis Benavides of Laredo as the Physician of the Day.

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

SENATE RESOLUTION 738

Senator Hegar offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Spoetzl Brewery in the town of Shiner on the occasion of the company's 100th anniversary; and

WHEREAS, Spoetzl Brewery owes its origin to the Germans and Czechs who immigrated to Texas in the mid-1850s and settled in Shiner; the immigrants missed the beer of their homelands and began to brew their own, and in 1909, they formed the Shiner Brewing Association; and

WHEREAS, The company decided to hire a real brewmaster from the old countries and found a larger-than-life character, Kosmos Spoetzl, to serve; Kosmos eventually bought the brewery and gave it his name, but the name of the beer remained Shiner; and

WHEREAS, Following the death of Kosmos, his daughter, "Miss Celie," ran the brewery until 1966, when she sold it; the brewery, which has weathered many ups and downs, went into a marketing decline until 1989, when it was bought by beer industry veteran Carlos Alvarez; and

WHEREAS, Mr. Alvarez expanded the company's seasonal beer, Shiner Bock, into the brewery's flagship brand and marketed the beer throughout the state and nation; his efforts brought success, as Spoetzl Brewery has grown to be the fourth-largest craft brewery in the country and its beer is now available in 40 states; and

WHEREAS, Shiner Bock has achieved iconic status, and other popular Spoetzl beers include Shiner Blonde, Shiner Light, Shiner Hefeweizen, and Bohemian Black Lager; the 100th Anniversary Limited Edition Shiner Commemorator is now available, and a new summer seasonal is soon to be announced; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby commend Spoetzl Brewery on its great success and extend congratulations to all associated with the brewery on its 100th anniversary; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of Spoetzl Brewery.

SR 738 was read and was adopted without objection.

GUESTS PRESENTED

Senator Hegar was recognized and introduced to the Senate Carlos Alvarez, President, Spoetzl Brewery; his wife, Malu Alvarez; Jimmy Mauric, Spoetzl's brewmaster; Elvis Brooks; Jaime Jurado; and Bill Levine.

The Senate welcomed its guests.

(President Pro Tempore Duncan in Chair)**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

April 29, 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 10, Relating to the regulation of residential mortgage loan originators; providing a penalty.

HB 144, Relating to an additional filing fee for civil cases filed in Bexar County.

HB 236, Relating to the procedures to obtain an exemption from the motor vehicle sales tax for motor vehicles driven by persons who have orthopedic handicaps.

HB 383, Relating to county bail bond board meetings in certain counties.

HB 408, Relating to the eligibility of a disabled veteran or surviving spouse to pay ad valorem taxes imposed on a residence homestead in installments.

HB 473, Relating to procurement methods of the Ector County Hospital District for the construction, rehabilitation, alteration, or repair of certain projects.

HB 527, Relating to the removal of an appointed emergency services district board member by a county commissioners court.

HB 529, Relating to operation of a motor vehicle equipped with a blue light.

HB 635, Relating to the authority of the Texas Education Agency to seek, accept, determine eligibility for, and distribute grants available for the benefit of public education.

HB 677, Relating to violations of laws administered and enforced by the Texas Ethics Commission and to sworn complaints alleging such violations.

HB 715, Relating to motor vehicle inspection stations that perform emissions inspections using only the onboard diagnostic system of inspected vehicles.

HB 749, Relating to the authority of certain counties to impose a hotel occupancy tax for the maintenance and operation of a coliseum in the county.

HB 768, Relating to the requirement that a new road ordered by the commissioners court of a county be laid out by a jury of view.

HB 774, Relating to procedures for the adoption of a municipal zoning regulation or zoning district boundary.

- HB 807**, Relating to allowing counties with no incorporated territory to participate in programs designed to assist municipalities.
- HB 887**, Relating to a court's authority to order a proposed patient to receive extended outpatient mental health services.
- HB 960**, Relating to providing municipalities and counties access to criminal history record information for sexually oriented business license applicants.
- HB 965**, Relating to the issuance of specialty license plates for disabled veterans.
- HB 1029**, Relating to the development, rehabilitation, or expansion of affordable housing in a public improvement district established by a county or municipality.
- HB 1093**, Relating to oversight of regional poison control centers and the poison control network.
- HB 1095**, Relating to the posting on the Internet of certain rate information concerning residential property insurance.
- HB 1096**, Relating to the provision of notice regarding the availability of higher education textbooks through multiple retailers.
- HB 1109**, Relating to late fees under a residential lease.
- HB 1115**, Relating to the adoption of noise regulations by certain counties; providing a criminal penalty.
- HB 1134**, Relating to the authority of the Dallas County Flood Control District No. 1 to enter into a tax abatement agreement and to designate a reinvestment zone.
- HB 1177**, Relating to the eligibility of certain peace officers and firefighters for legislative leave.
- HB 1183**, Relating to the issuance of Bronze Star specialty license plates.
- HB 1257**, Relating to the payment in installments of ad valorem taxes on certain property owned by a business entity and located in a disaster area.
- HB 1272**, Relating to the designation of State Highway 289 as the Preston Trail Highway.
- HB 1286**, Relating to the issuance of Save Our Beaches specialty license plates.
- HB 1294**, Relating to certain certifications, professional designations, and education requirements regarding the sale of life insurance and annuities.
- HB 1325**, Relating to the degrees awarded by the Texas State Technical College System.
- HB 1342**, Relating to adoption of certain information technology.
- HB 1366**, Relating to ballot language in an election authorizing the issuance of bonds for hospital district system improvements.
- HB 1452**, Relating to participation in job training and employment assistance programs by veterans and other covered persons.

- HB 1506**, Relating to the imposition of conditions on certain defendants charged with an offense involving family violence.
- HB 1509**, Relating to motor vehicles used for fire, emergency, or disaster response purposes.
- HB 1517**, Relating to the powers and duties of the Montgomery County Hospital District.
- HB 1556**, Relating to local public health and public safety alerts.
- HB 1568**, Relating to authorizing an exemption from tuition and fees charged by a junior college district for employees of the district.
- HB 1623**, Relating to exempting certain fraternal and veterans organizations from certain bond requirements to obtain an alcoholic beverage permit or license.
- HB 1680**, Relating to an application filed with a county commissioners court to revise a subdivision plat.
- HB 1721**, Relating to taking or attempting to take a weapon from an employee or official of a correctional facility.
- HB 1770**, Relating to the designation of an area as a reinvestment zone under the Tax Increment Financing Act.
- HB 1789**, Relating to the use of municipal hotel occupancy tax revenue to enhance and upgrade sports facilities in certain municipalities.
- HB 1832**, Relating to the issuance of French Legion of Honor specialty license plates.
- HB 1884**, Relating to authorizing the conveyance of certain state real property from the Department of State Health Services to Hidalgo County for the provision of outpatient health care services or another public purpose.
- HB 1945**, Relating to the date of the general election for certain political subdivisions.
- HB 1949**, Relating to the issuance and execution of agriculture warrants; creating an offense.
- HB 1969**, Relating to the enforcement of a penalty clause for contesting a will or trust.
- HB 1972**, Relating to contracts and purchases by certain navigation districts.
- HB 2004**, Relating to a breach of computer security involving sensitive personal information and to the protection of sensitive personal information and certain protected health information.
- HB 2031**, Relating to the definition of sight order for purposes of prosecuting certain criminal offenses.
- HB 2037**, Relating to the creation of the Permanent School Fund Management Council to manage the permanent school fund; providing a criminal penalty.
- HB 2065**, Relating to the applicability of the moratoriums on the acceptance of certain political contributions and caucus contributions to contributions delivered by common or contract carrier.

- HB 2082**, Relating to consideration of contract amount and bidder's principal place of business in awarding certain municipal contracts.
- HB 2107**, Relating to restrictions on the sale of certain motor vehicles at vehicle shows or exhibitions.
- HB 2201**, Relating to the designation of a structure on U.S. Highway 259 as the Trooper Todd Dylan Holmes Memorial Overpass.
- HB 2225**, Relating to creating a committee to review the process for finding permanent placements for children in the conservatorship of the state.
- HB 2307**, Relating to coverage under a meet and confer agreement for certain municipal firefighters and police officers.
- HB 2314**, Relating to the designation of the Texas Department of Transportation as the contracting agent for certain airports.
- HB 2317**, Relating to appraisal review board members.
- HB 2333**, Relating to the lease of certain oil, gas, or mineral land by a municipality.
- HB 2385**, Relating to the punishment for the offense of prohibited sexual conduct.
- HB 2389**, Relating to supplemental breath alcohol testing court costs and the distribution of those costs in certain counties.
- HB 2401**, Relating to the political activities of a person employed by a county elections administrator.
- HB 2436**, Relating to the zoning authority of counties around certain bodies of water.
- HB 2447**, Relating to the abolition of the Board of Tax Professional Examiners and the transfer of its functions to the Texas Department of Licensing and Regulation.
- HB 2450**, Relating to a determination of home ownership by the Texas Department of Housing and Community Affairs following a disaster.
- HB 2465**, Relating to taking a deposition of an elderly or disabled victim of or witness to an offense.
- HB 2480**, Relating to agreements with public junior colleges for courses for joint high school and junior college credit.
- HB 2507**, Relating to the establishment of an interoperable statewide emergency radio infrastructure and the establishment of an emergency radio infrastructure account.
- HB 2515**, Relating to the minimum dollar amount for certain requirements to apply to certain public contracts.
- HB 2521**, Relating to a preference in state purchasing for certain media-related services offered by businesses based in Texas.
- HB 2530**, Relating to the authority of a county assessor-collector or the Texas Department of Transportation to refuse to register certain vehicles.
- HB 2532**, Relating to coordinating information regarding the location of infrastructure to which the supply of electric service is critical to the public health and safety or for emergency management purposes.

- HB 2549**, Relating to auditing procedures and authority relating to county education departments in certain populous counties.
- HB 2571**, Relating to the licensing and regulation of towing companies and vehicle storage facilities; providing penalties.
- HB 2572**, Relating to the authority of a gas corporation to use a public right-of-way.
- HB 2580**, Relating to the establishment of a peace officer employment opportunity Internet website by the Commission on Law Enforcement Officer Standards and Education.
- HB 2642**, Relating to a program to designate historic roads and highways in this state.
- HB 2644**, Relating to the designation of the Bankhead Highway as a historic highway.
- HB 2667**, Relating to performance standards for plumbing fixtures sold in this state.
- HB 2724**, Relating to persons authorized to conduct a marriage ceremony.
- HB 2729**, Relating to directing payment, after approval, of certain miscellaneous claims and judgments against the state out of funds designated by this Act; making appropriations.
- HB 2748**, Relating to the abolition of the Texas Environmental Education Partnership Fund.
- HB 2774**, Relating to the licensing and regulation of certain persons involved in residential mortgage lending; providing a penalty.
- HB 2779**, Relating to the regulation of certain mortgage banker employees who are residential mortgage loan originators; providing penalties.
- HB 2803**, Relating to the state-mandated assessment instruments by computer.
- HB 2806**, Relating to the reinstatement of a firefighter or police officer to a previously held position based on seniority on the return of another firefighter or police officer from a military leave of absence.
- HB 2808**, Relating to the power of a licensing authority to revoke, suspend, or deny a license on the basis of certain criminal proceedings.
- HB 2822**, Relating to requiring a regional mobility authority to post on its website copies of minutes approved at a meeting.
- HB 2827**, Relating to the establishment of the emergency housing and disaster recovery division within the Texas Department of Housing and Community Affairs.
- HB 2829**, Relating to participation in and benefits and administration of retirement systems for firefighters in certain municipalities.
- HB 2840**, Relating to mortgage fraud; providing a criminal penalty.
- HB 2908**, Relating to the regulation of property tax lenders.
- HB 2916**, Relating to allowing certain claimants to file an application under the Crime Victims' Compensation Act.

HB 2932, Relating to including in the computerized criminal history system certain forensic DNA test results that indicate the person committed another offense.

HB 2988, Relating to providing a patron of a pay-to-park or valet parking service with certain information; providing a civil penalty.

HB 3025, Relating to regulation by a property owners' association of certain religious displays.

HB 3031, Relating to the sale by the Brazos River Authority of certain residential and commercial leased lots and other real property in the immediate vicinity of Possum Kingdom Lake.

HB 3032, Relating to the sale of certain property at Possum Kingdom Lake by the Brazos River Authority.

HB 3041, Relating to a comprehensive schedule of public school reporting requirements.

HB 3080, Relating to guardianships and other matters relating to incapacitated persons.

HB 3103, Relating to a change in ownership of entities awarded grants from the Texas Enterprise Fund.

HB 3139, Relating to discount programs for certain veterans provided by toll project entities.

HB 3147, Relating to taking or attempting to take a weapon from a commissioned security officer.

HB 3231, Relating to clarification of legislative intent regarding enrollment of newborns in Medicaid managed care plans and validating related acts and decisions.

HB 3246, Relating to the issuance of a writ of attachment in a civil suit for certain sexual assaults.

HB 3308, Relating to the participation of other institutions of higher education in a dual usage education complex established by a junior college district.

HB 3333, Relating to the creation and operation of the Texas-Louisiana border region economic development steering committee; authorizing an assessment.

HB 3340, Relating to the conveyance of certain state forest land in Cherokee County under the control of the board of regents of The Texas A&M University System.

HB 3479, Relating to filing of instruments conveying real property in certain counties.

HB 3515, Relating to the creation of the offense of failure to report barratry and solicitation of employment.

HB 3593, Relating to the issuance of license plates to disabled veterans.

HB 3595, Relating to the provision of drug court programs in this state.

HB 3597, Relating to designating October as Hydrocephalus Awareness Month.

HB 3599, Relating to the operation of certain three-wheeled vehicles in this state.

HB 3611, Relating to the consolidation of appraisal review boards.

HB 3612, Relating to the creation of a pilot program that allows taxpayer appeals from certain appraisal review board determinations in certain counties to be heard by the State Office of Administrative Hearings.

HB 3613, Relating to the determination of the market value of a residence homestead for ad valorem tax purposes on the basis of the property's value as a residence homestead.

HB 3625, Relating to deadlines regarding certain preauthorization requests affecting workers' compensation health care networks.

HB 3632, Relating to the authority of the state to acquire, sell, or exchange certain land.

HB 3654, Relating to certain duties of and reports submitted to the Commission on Jail Standards regarding county jail inmates who are pregnant.

HB 3756, Relating to the Texas State Library and Archives Commission.

HB 3851, Relating to the authority of a political subdivision to suspend statutory deadlines during a disaster.

HB 3866, Relating to fire safety inspections.

HB 3961, Relating to the regulation of nursing.

HB 4031, Relating to the agricultural biomass and landfill diversion incentive program.

HB 4100, Relating to fees for certain licenses issued by the Texas Parks and Wildlife Department.

HB 4114, Relating to the Committee on House Administration and Senate Committee on Administration directing the placement of a Tejano memorial monument on the Capitol grounds.

HB 4293, Relating to notice to the attorney general of an action, suit, or proceeding challenging the validity of a Texas statute or rule.

HB 4476, Relating to eligibility requirements for the tuition equalization grant program.

HB 4529, Relating to court reporter service fees in certain counties.

HB 4577, Relating to the seizure and destruction of certain plants.

HB 4657, Relating to municipal courts of record in the city of San Antonio.

HB 4712, Relating to the powers and duties of the Collin County Municipal Utility District No. 1.

HB 4718, Relating to the fees assessed in certain cases filed in the Ector County courts at law.

SB 347, Relating to the receipt and release of immunization information by the immunization registry in connection with a disaster; providing penalties.
(Amended)

SB 482, Relating to the Texas Holocaust and Genocide Commission.
(Amended)

SB 522, Relating to the use of personal leave by a public school employee.

SB 715, Relating to the North Texas Municipal Water District.

SB 741, Relating to jurisdiction over a wage claim filed after the deadline.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE RESOLUTION 765

Senator Van de Putte offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Texas State Partnership Program for its outstanding efforts at advancing cooperation between foreign nations and American states and to welcome the delegations from the Republic of Chile and the United States to the State Capitol; and

WHEREAS, The State Partnership Program seeks to link the National Guards of the various states with partner countries for the purpose of furthering mutual interests and establishing long-term relationships throughout all levels of society; and

WHEREAS, Partners in the program benefit from training opportunities through small-unit exchanges, fellowship-style internships, civic leader visits, and other events; and

WHEREAS, The Texas State Partnership Program is a well-established and vigorous program; one of the charter states of this important program, Texas has maintained an outstanding 16-year relationship with the Czech Republic and played an important role in its acceptance into the European Union and the North Atlantic Treaty Organization; and

WHEREAS, Texas has much to offer the nation of Chile as a partner, including some 23,000 military personnel with valuable civilian skills in many areas, such as agriculture, technology, education, and manufacturing; with its extraordinary resources and exceptional populace, Chile would bring abundant assets to a partnership with Texas; and

WHEREAS, The Chilean delegation being welcomed to the Capitol today includes Ambassador José Mario Goñi Carrasco, Minister Counselor Matías Undurraga Abott, Undersecretary of War Gonzalo Garcia Pino, General de Aviación Javier Anabalón Quiroz, and Contraalmirante Roberto Macchiavello Marcellí; and

WHEREAS, The United States delegation includes Major General Jose Mayorga, Adjutant General of Texas; General Craig McKinley, Chief of the National Guard Bureau; Ambassador Paul Simons, United States Ambassador to Chile; Brigadier General David Garza, Chief of Staff for the United States Southern Command; and Brigadier General Darryl Burke, Vice Commander of the 12th United States Air Force; and

WHEREAS, The Texas State Partnership Program is truly deserving of recognition for its work with the Czech Republic and its efforts to establish an effective relationship with the nation of Chile; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby commend the Texas State Partnership Program for its outstanding work in the effort to foster understanding between nations and American states and extend a sincere welcome to the delegations from Chile and the United States; and, be it further

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

SR 765 was read and was adopted without objection.

GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate representatives of the Texas State Partnership Program from the Republic of Chile and the United States: Minister Counselor Matías Undurraga Abott; Undersecretary of War Gonzalo Garcia Pino; General De Aviación Javier Anabalón Quiroz; Contraalmirante Roberto Macchiavello Marcellí; Contraalmirante Marcelo Barbieri Wiedmaier; Major General Jose Mayorga, Adjutant General of Texas; General Craig McKinley, Chief, National Guard Bureau; Ambassador Paul Simons, United States Ambassador to Chile; Brigadier General David Garza, Chief of Staff, United States Southern Command; and Brigadier General Darryl Burke, Vice Commander, 12th United States Air Force.

The Senate welcomed its guests.

SENATE RESOLUTION 764

Senator Zaffirini offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to pay tribute to Sandra Day O'Connor, Associate Justice, Supreme Court of the United States, retired, for her exceptional contributions to jurisprudence in our nation and her commitment to the expansion of research toward a cure for Alzheimer's disease; and

WHEREAS, Prior to her appointment to the Supreme Court, Justice O'Connor served in all three branches of government in her home state of Arizona, working first in the Office of the Attorney General, then distinguishing herself in the State Senate, where her election as majority leader at the beginning of her second full term proved a testament to her ability to bring people together to solve complex issues, and then through both election and appointment to the state judiciary; and

WHEREAS, In 1981, upon nomination by President Ronald Reagan and unanimous confirmation by the United States Senate, she commenced a quarter century of service as a Justice, marked by conspicuous fairness, a jurisprudence of pragmatism in service to principle, and devotion to the rule of law, which she has continued since retirement at her new website ourcourts.org; and

WHEREAS, Justice O'Connor has played a vital role in advancing research on Alzheimer's disease and, as a member of Alzheimer's Study Group, has used her personal experiences to make her a powerful advocate in the struggle against this debilitating disease; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby commend retired United States Supreme Court Justice Sandra Day O'Connor on her extraordinary service to the nation on the bench and in the furtherance of Alzheimer's disease research and extend to her best wishes for continued success in all her future endeavors; and, be it further

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

SR 764 was read and was adopted without objection.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate the Honorable Sandra Day O'Connor, former Associate Justice, Supreme Court of the United States; the Honorable Thomas Phillips, former Chief Justice, Supreme Court of Texas; Craig Joyce, Andrews Kurth Professor, University of Houston Law Center; and Debbie Hanna, Chair, Texas Council on Alzheimer's Disease and Related Disorders.

Senator Whitmire was recognized and introduced to the Senate Dean Raymond Nimmer of the University of Houston Law Center, accompanied by a delegation of students attending The Jurisprudence of Justice Sandra Day O'Connor seminar. Senator Whitmire also introduced Molly Joyce, wife of Professor Craig Joyce.

The Senate welcomed its guests.

ADDRESS

Upon the invitation of President Pro Tempore Duncan, Justice O'Connor briefly addressed the Senate.

AT EASE

The President Pro Tempore at 11:45 a.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

President Pro Tempore Duncan at 12:06 p.m. called the Senate to order as In Legislative Session.

INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

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

There was no objection.

CONCLUSION OF MORNING CALL

The President Pro Tempore at 12:08 p.m. announced the conclusion of morning call.

COMMITTEE SUBSTITUTE
SENATE BILL 2236 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 2236** at this time on its second reading:

CSSB 2236, Relating to the exemption of certain electric cooperatives from certain regulations.

The bill was read second time.

Senator Seliger offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 2236** (Senate committee printing) as follows:

(1) In SECTION 2 of the bill, in proposed Section 121.008 Utilities Code (page 1, line 58), following the words "facility is" and before the word "operated", add: "predominantly".

(2) In SECTION 2 of the bill, in proposed Section 121.008 Utilities Code (page 1, lines 58-59), strike: "wholly or partly".

(3) In SECTION 2 of the bill, in proposed Section 121.008 Utilities Code (page 1, line 59), following the words "to support" and before the word "integration", add: "the".

(4) In SECTION 2 of the bill, in proposed Section 121.008 Utilities Code (page 1, line 59), following the word "resources.", add: "Such a gas storage facility shall not have a working gas capacity of greater than five billion cubic feet."

(5) In SECTION 3 of the bill, in the proposed addition to Section 111.001 Natural Resources Code (page 2, line 7-8), following after the words "facility is" and before the word "operated", add: "predominantly".

(6) In SECTION 3 of the bill, in the proposed addition to Section 111.001 Natural Resources Code (page 2, line 8), strike: "wholly or partly"

(7) In SECTION 3 of the bill, in the proposed addition to Section 111.001 Natural Resources Code (page 2, line 8), following the words "to support" and before the word "integration", add: "the".

(8) In SECTION 3 of the bill, in the proposed addition to Section 111.001 Natural Resources Code (page 2, line 9), following the word "resources.", add: "Such a gas storage facility shall not have a working gas capacity of greater than five billion cubic feet."

(9) In SECTION 4 of the bill, in the proposed new subsection (c) of Section 111.003 Natural Resources Code (page 2, line 18), following the words "facility is" and before the word "operated", add: "predominantly".

(10) In SECTION 4 of the bill, in the proposed new subsection (c) of Section 111.003 Natural Resources Code (page 2, line 18), strike: "wholly or partly"

(11) In SECTION 4 of the bill, in the proposed new subsection (c) of Section 111.003 Natural Resources Code (page 2, line 19), following the word "support" and before the word "integration", add: "the".

(12) In SECTION 4 of the bill, in the proposed new subsection (c) of Section 111.003 Natural Resources Code (page 2, line 19), insert the following after the word "resources.": "Such a gas storage facility shall not have a working gas capacity of greater than five billion cubic feet."

The amendment to **CSSB 2236** 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 Seliger and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 2236 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 2236 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 2236** 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 2236**, 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 2236** 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 1411 ON SECOND READING**

Senator West moved to suspend the regular order of business to take up for consideration **CSSB 1411** at this time on its second reading:

CSSB 1411, Relating to financial assistance programs in connection with certain children in the conservatorship of the Department of Family and Protective Services and to certain training for caregivers of children.

The motion prevailed.

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

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1411** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill appropriately:

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

The amendment to **CSSB 1411** was read and was adopted by a viva voce vote.

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

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

Absent: Williams.

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

CSSB 1411 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: Estes, Huffman, Nichols, Patrick, Shapiro.

Absent: Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 1411 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 1411** be placed on its third reading and final passage.

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

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

Nays: Huffman, Nichols, Patrick, Shapiro, Wentworth.

Absent: 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 **CSSB 1411**, 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 1411** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

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

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

Absent: Williams.

MOTION TO PLACE COMMITTEE SUBSTITUTE SENATE BILL 324 ON SECOND READING

Senator Shapleigh moved to suspend the regular order of business to take up for consideration **CSSB 324** at this time on its second reading:

CSSB 324, Relating to the tuition rebate program for certain undergraduate students at general academic teaching institutions.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1329 ON SECOND READING**

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1329** at this time on its second reading:

CSSB 1329, Relating to regulation of certain license holders to control food-borne illnesses.

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 1329 ON THIRD READING**

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1329** 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 1329**, 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 1329** 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 1929 ON SECOND READING**

Senator Watson moved to suspend the regular order of business to take up for consideration **CSSB 1929** at this time on its second reading:

CSSB 1929, Relating to the designation of qualified media production locations in media production development zones and to exemptions from the sales and use tax for items used for media production facilities in qualified media production locations.

The motion prevailed.

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

The bill was read second time.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1929** (Senate committee printing) as follows:

(1) On page 3, lines 31 and 32, strike added subsection (6) and substitute the following:

"(6) contain an economic impact analysis from an economic expert."

(2) On page 3, line 60, strike the added word "and".

(3) On page 3, lines 61-63, strike added subsection (5)(C) and substitute the following:

"(C) an estimate of the amount of state taxes to be exempted, as provided by Sec. 151.3415, Tax Code; and

(D) any other information required by the comptroller for purposes of making the certification required by Section 485A.109(b); and

(4) On page 4, lines 6 and 7, strike the added words "of the media production industry".

(5) On page 4, line 52, strike the added words "economic impact on this state" and substitute "impact on state revenue".

(6) On page 4, line 68, strike the added words "economic impact on this state" and substitute "impact on state revenue".

The amendment to **CSSB 1929** was read and was adopted by a viva voce vote.

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

Nays: Williams.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1929** (Senate committee printing) as follows:

(1) On page 5, lines 2-8, strike added subsections (a) and (b) and substitute the following:

"(a) An area that qualifies under this subchapter may be approved by the office as a media production development zone for a maximum of five years after the date the last qualified media production location was designated within the zone's boundaries.

(b) A location may be designated as a qualified media production location, and may be eligible for the sales and use tax exemption as provided by Section 151.3415, Tax Code, for a maximum of two years."

(2) On page 6, lines 43 and 44, between "chapter" and "if", insert "for a maximum of two years".

The amendment to **CSSB 1929** was read and was adopted by a viva voce vote.

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

Nays: Williams.

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

CSSB 1929 as amended was passed to engrossment by a viva voce vote.

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

Nays: Williams.

COMMITTEE SUBSTITUTE SENATE BILL 1929 ON THIRD READING

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1929** 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 **CSSB 1929**, 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 1929** 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 256 ON SECOND READING**

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 256** at this time on its second reading:

CSSB 256, Relating to an intercollegiate athletics fee at Midwestern State University.

The bill was read second time.

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 256** by adding the following appropriately designated subsection to the end of added Section 54.5442, Education Code:

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

The amendment to **CSSB 256** was read and was adopted by the following vote: Yeas 26, Nays 5.

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

Nays: Duncan, Hegar, Hinojosa, Ogden, Shapleigh.

(Senator Eltife in Chair)

(President Pro Tempore Duncan in Chair)

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

CSSB 256 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 256 ON THIRD READING**

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 256** 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 256**, 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 256** 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.

GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate seventh-grade students from Holy Cross of San Antonio School, accompanied by their teacher, Delia Chavez, and parents.

The Senate welcomed its guests.

COMMITTEE SUBSTITUTE SENATE BILL 1002 ON SECOND READING

On motion of Senator Deuell and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1002** at this time on its second reading:

CSSB 1002, Relating to the continuation and functions of the Texas State Affordable Housing Corporation; providing penalties.

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

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

COMMITTEE SUBSTITUTE SENATE BILL 1002 ON THIRD READING

Senator Deuell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1002** 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 1002**, 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 1002** 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 324 ON SECOND READING**

On motion of Senator Shapleigh and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 324** at this time on its second reading:

CSSB 324, Relating to the tuition rebate program for certain undergraduate students at general academic teaching institutions.

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 324** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill appropriately:

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

The amendment to **CSSB 324** 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 Shapleigh and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 324 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 324 ON THIRD READING**

Senator Shapleigh moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 324** 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 324**, 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 324** 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.

(Senator Carona in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 3 ON SECOND READING**

On motion of Senator Shapiro and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 3** at this time on its second reading:

CSSB 3, Relating to public school accountability, curriculum, and promotion requirements.

The bill was read second time.

Senator Shapiro offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 3** (committee printing) as follows:

(1) Add the following appropriately numbered SECTION to the bill (page 1, between lines 11 and 12):

SECTION _____. Section 7.028(a), Education Code, is amended to read as follows:

(a) Except as provided by Section 29.001(5), 29.010(a), 39.056 [~~39.074~~], or 39.057 [~~39.075~~], the agency may monitor compliance with requirements applicable to a process or program provided by a school district, campus, program, or school granted charters under Chapter 12, including the process described by Subchapter F, Chapter 11, or a program described by Subchapter B, C, D, E, F, H, or I, Chapter 29, Subchapter A, Chapter 37, or Section 38.003, and the use of funds provided for such a program under Subchapter C, Chapter 42, only as necessary to ensure:

- (1) compliance with federal law and regulations;
- (2) financial accountability, including compliance with grant requirements;

and

- (3) data integrity for purposes of:

(A) the Public Education Information Management System (PEIMS);

and

(B) accountability under Chapter 39.

(2) Add the following appropriately numbered SECTIONS to the bill (page 2, between lines 2 and 3):

SECTION _____. Sections 8.051(b) and (d), Education Code, are amended to read as follows:

(b) Each regional education service center shall annually develop and submit to the commissioner for approval a plan for improvement. Each plan must include the purposes and description of the services the center will provide to:

(1) campuses that fail to satisfy any standard [identified as academically unacceptable based on the indicators adopted] under Section 39.054(d) [~~39.051~~];

(2) the lowest-performing campuses in the region; and

(3) other campuses.

(d) Each regional education service center shall maintain core services for purchase by school districts and campuses. The core services are:

(1) training and assistance in teaching each subject area assessed under Section 39.023;

(2) training and assistance in providing each program that qualifies for a funding allotment under Section 42.151, 42.152, 42.153, or 42.156;

(3) assistance specifically designed for a school district rated accredited-warned or accredited-probation [academically unacceptable] under Section 39.052 [~~39.072(a)~~] or a campus that fails to satisfy any standard [whose performance is considered unacceptable based on the indicators adopted] under Section 39.054(d) [~~39.051~~];

(4) training and assistance to teachers, administrators, members of district boards of trustees, and members of site-based decision-making committees;

(5) assistance specifically designed for a school district that is considered out of compliance with state or federal special education requirements, based on the agency's most recent compliance review of the district's special education programs; and

- (6) assistance in complying with state laws and rules.

SECTION _____. Section 11.001, Education Code, is amended to read as follows:

Sec. 11.001. ACCREDITATION. Each school district must be accredited by the agency as provided by Subchapter C [~~D~~], Chapter 39.

SECTION _____. Section 11.003(d), Education Code, is amended to read as follows:

(d) The commissioner may require a district to enter into a cooperative shared services arrangement for administrative services if the commissioner determines:

(1) that the district has failed to satisfy a financial accountability standard as determined by commissioner rule under Subchapter D [~~F~~], Chapter 39; and

(2) that entering into a cooperative shared services arrangement would:

(A) enable the district to enhance its performance on the financial accountability standard identified under Subdivision (1); and

(B) promote the efficient operation of the district.

SECTION _____. Section 11.1511(b), Education Code, is amended to read as follows:

(b) The board shall:

(1) seek to establish working relationships with other public entities to make effective use of community resources and to serve the needs of public school students in the community;

(2) adopt a vision statement and comprehensive goals for the district and the superintendent and monitor progress toward those goals;

(3) establish performance goals for the district concerning:

(A) the academic and fiscal performance indicators under Subchapters C, D, and J [~~F~~], Chapter 39[~~, respectively~~]; and

(B) any performance indicators adopted by the district;

(4) ensure that the superintendent:

(A) is accountable for achieving performance results;

(B) recognizes performance accomplishments; and

(C) takes action as necessary to meet performance goals;

(5) adopt a policy to establish a district- and campus-level planning and decision-making process as required under Section 11.251;

(6) publish an annual educational performance report as required under Section 39.306 [~~39.053~~];

(7) adopt an annual budget for the district as required under Section 44.004;

(8) adopt a tax rate each fiscal year as required under Section 26.05, Tax Code;

(9) monitor district finances to ensure that the superintendent is properly maintaining the district's financial procedures and records;

(10) ensure that district fiscal accounts are audited annually as required under Section 44.008;

(11) publish an end-of-year financial report for distribution to the community;

(12) conduct elections as required by law;

(13) by rule, adopt a process through which district personnel, students or the parents or guardians of students, and members of the public may obtain a hearing from the district administrators and the board regarding a complaint;

(14) make decisions relating to terminating the employment of district employees employed under a contract to which Chapter 21 applies, including terminating or not renewing an employment contract to which that chapter applies; and

(15) carry out other powers and duties as provided by this code or other law.

SECTION _____. Section 11.201(d), Education Code, is amended to read as follows:

(d) The duties of the superintendent include:

(1) assuming administrative responsibility and leadership for the planning, organization, operation, supervision, and evaluation of the education programs, services, and facilities of the district and for the annual performance appraisal of the district's staff;

(2) except as provided by Section 11.202, assuming administrative authority and responsibility for the assignment, supervision, and evaluation of all personnel of the district other than the superintendent;

(3) overseeing compliance with the standards for school facilities established by the commissioner under Section 46.008;

(4) initiating the termination or suspension of an employee or the nonrenewal of an employee's term contract;

(5) managing the day-to-day operations of the district as its administrative manager, including implementing and monitoring plans, procedures, programs, and systems to achieve clearly defined and desired results in major areas of district operations;

(6) preparing and submitting to the board of trustees a proposed budget as provided by Section 44.002 and rules adopted under that section, and administering the budget;

(7) preparing recommendations for policies to be adopted by the board of trustees and overseeing the implementation of adopted policies;

(8) developing or causing to be developed appropriate administrative regulations to implement policies established by the board of trustees;

(9) providing leadership for the attainment and, if necessary, improvement of student performance in the district based on the indicators adopted under Sections 39.053 and 39.301 [~~Section 39.054~~] and other indicators adopted by the commissioner [~~State Board of Education~~];

(10) organizing the district's central administration;

(11) consulting with the district-level committee as required under Section 11.252(f);

(12) ensuring:

(A) adoption of a student code of conduct as required under Section 37.001 and enforcement of that code of conduct; and

(B) adoption and enforcement of other student disciplinary rules and procedures as necessary;

(13) submitting reports as required by state or federal law, rule, or regulation;

(14) providing joint leadership with the board of trustees to ensure that the responsibilities of the board and superintendent team are carried out; and

(15) performing any other duties assigned by action of the board of trustees.

(3) In SECTION 2 of the bill, in amended Section 11.203(d), Education Code (page 2, lines 6 and 7), strike "campus that was rated academically unacceptable during the preceding school year [~~as~~]" and substitute "campus that failed to satisfy any standard under Section 39.054(d) during the preceding school year [~~rated academically unacceptable, as~~]".

(4) Add the following appropriately numbered SECTIONS to the bill (page 2, between lines 10 and 11):

SECTION ____ . Section 11.252(a), Education Code, is amended to read as follows:

(a) Each school district shall have a district improvement plan that is developed, evaluated, and revised annually, in accordance with district policy, by the superintendent with the assistance of the district-level committee established under Section 11.251. The purpose of the district improvement plan is to guide district and campus staff in the improvement of student performance for all student groups in order to attain state standards in respect to the student achievement [~~academic excellence~~] indicators adopted under Section 39.053 [~~39.054~~]. The district improvement plan must include provisions for:

(1) a comprehensive needs assessment addressing district student performance on the student achievement [~~academic excellence~~] indicators, and other appropriate measures of performance, that are disaggregated by all student groups served by the district, including categories of ethnicity, socioeconomic status, sex, and populations served by special programs, including students in special education programs under Subchapter A, Chapter 29;

(2) measurable district performance objectives for all appropriate student achievement [~~academic excellence~~] indicators for all student populations, including students in special education programs under Subchapter A, Chapter 29, and other measures of student performance that may be identified through the comprehensive needs assessment;

(3) strategies for improvement of student performance that include:

(A) instructional methods for addressing the needs of student groups not achieving their full potential;

(B) methods for addressing the needs of students for special programs, such as suicide prevention, conflict resolution, violence prevention, or dyslexia treatment programs;

(C) dropout reduction;

(D) integration of technology in instructional and administrative programs;

(E) discipline management;

(F) staff development for professional staff of the district;

(G) career education to assist students in developing the knowledge, skills, and competencies necessary for a broad range of career opportunities; and

(H) accelerated education;

(4) strategies for providing to middle school, junior high school, and high school students, those students' teachers and counselors, and those students' parents information about:

(A) higher education admissions and financial aid opportunities;

(B) the TEXAS grant program and the Teach for Texas grant program established under Chapter 56;

(C) the need for students to make informed curriculum choices to be prepared for success beyond high school; and

(D) sources of information on higher education admissions and financial aid;

(5) resources needed to implement identified strategies;

(6) staff responsible for ensuring the accomplishment of each strategy;

(7) timelines for ongoing monitoring of the implementation of each improvement strategy; and

(8) formative evaluation criteria for determining periodically whether strategies are resulting in intended improvement of student performance.

SECTION _____. Sections 11.253(c) and (d), Education Code, are amended to read as follows:

(c) Each school year, the principal of each school campus, with the assistance of the campus-level committee, shall develop, review, and revise the campus improvement plan for the purpose of improving student performance for all student populations, including students in special education programs under Subchapter A, Chapter 29, with respect to the student achievement [~~academic excellence~~] indicators adopted under Section 39.053 [~~39.054~~] and any other appropriate performance measures for special needs populations.

(d) Each campus improvement plan must:

(1) assess the academic achievement [~~academic excellence~~] indicator system as described by Section 39.053 [~~39.054~~];

(2) set the campus performance objectives based on the student achievement [~~academic excellence~~] indicator system, including objectives for special needs populations, including students in special education programs under Subchapter A, Chapter 29;

(3) identify how the campus goals will be met for each student;

(4) determine the resources needed to implement the plan;

(5) identify staff needed to implement the plan;

(6) set timelines for reaching the goals;

(7) measure progress toward the performance objectives periodically to ensure that the plan is resulting in academic improvement;

(8) include goals and methods for violence prevention and intervention on campus; and

(9) provide for a program to encourage parental involvement at the campus.

SECTION _____. Section 11.255(a), Education Code, is amended to read as follows:

(a) Each district-level planning and decision-making committee and each campus-level planning and decision-making committee for a junior, middle, or high school campus shall analyze information related to dropout prevention, including:

(1) the results of the audit of dropout records required by Section 39.308 [~~39.055~~];

(2) campus information related to graduation rates, dropout rates, high school equivalency certificate rates, and the percentage of students who remain in high school more than four years after entering grade level 9;

(3) the number of students who enter a high school equivalency certificate program and:

(A) do not complete the program;

(B) complete the program but do not take the high school equivalency examination; or

(C) complete the program and take the high school equivalency examination but do not obtain a high school equivalency certificate;

(4) for students enrolled in grade levels 9 and 10, information related to academic credit hours earned, retention rates, and placements in alternative education programs and expulsions under Chapter 37; and

(5) the results of an evaluation of each school-based dropout prevention program in the district.

SECTION _____. Section 12.013(b), Education Code, is amended to read as follows:

(b) A home-rule school district is subject to:

(1) a provision of this title establishing a criminal offense;

(2) a provision of this title relating to limitations on liability; and

(3) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:

(A) the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with this subchapter as determined by the commissioner;

(B) educator certification under Chapter 21 and educator rights under Sections 21.407, 21.408, and 22.001;

(C) criminal history records under Subchapter C, Chapter 22;

(D) student admissions under Section 25.001;

(E) school attendance under Sections 25.085, 25.086, and 25.087;

(F) inter-district or inter-county transfers of students under Subchapter B, Chapter 25;

(G) elementary class size limits under Section 25.112, in the case of any campus in the district that fails to satisfy any standard [~~is considered academically unacceptable~~] under Section 39.054(d) [~~39.132~~];

(H) high school graduation under Section 28.025;

(I) special education programs under Subchapter A, Chapter 29;

(J) bilingual education under Subchapter B, Chapter 29;

(K) prekindergarten programs under Subchapter E, Chapter 29;

(L) safety provisions relating to the transportation of students under Sections 34.002, 34.003, 34.004, and 34.008;

(M) computation and distribution of state aid under Chapters 31, 42, and 43;

(N) extracurricular activities under Section 33.081;

(O) health and safety under Chapter 38;

(P) public school accountability under Subchapters B, C, D, E, and J [G], Chapter 39;

(Q) equalized wealth under Chapter 41;

(R) a bond or other obligation or tax rate under Chapters 42, 43, and 45; and

(S) purchasing under Chapter 44.

SECTION _____. Section 12.056(b), Education Code, is amended to read as follows:

(b) A campus or program for which a charter is granted under this subchapter is subject to:

(1) a provision of this title establishing a criminal offense; and

(2) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:

(A) the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with this subchapter as determined by the commissioner;

(B) criminal history records under Subchapter C, Chapter 22;

(C) high school graduation under Section 28.025;

(D) special education programs under Subchapter A, Chapter 29;

(E) bilingual education under Subchapter B, Chapter 29;

(F) prekindergarten programs under Subchapter E, Chapter 29;

(G) extracurricular activities under Section 33.081;

(H) health and safety under Chapter 38; and

(I) public school accountability under Subchapters B, C, E [D], and J [G], Chapter 39.

SECTION _____. Section 12.1012(5), Education Code, is amended to read as follows:

(5) "Management services" means services related to the management or operation of an open-enrollment charter school, including:

(A) planning, operating, supervising, and evaluating the school's educational programs, services, and facilities;

(B) making recommendations to the governing body of the school relating to the selection of school personnel;

(C) managing the school's day-to-day operations as its administrative manager;

(D) preparing and submitting to the governing body of the school a proposed budget;

(E) recommending policies to be adopted by the governing body of the school, developing appropriate procedures to implement policies adopted by the governing body of the school, and overseeing the implementation of adopted policies; and

(F) providing leadership for the attainment of student performance at the school based on the indicators adopted under Sections 39.053 and 39.301 [~~Section 39.054~~] or by the governing body of the school.

(5) Add the following appropriately numbered SECTIONS to the bill (page 2, between lines 46 and 47):

SECTION _____. Section 12.1054(a), Education Code, is amended to read as follows:

(a) A member of the governing body of a charter holder, a member of the governing body of an open-enrollment charter school, or an officer of an open-enrollment charter school is considered to be a local public official for purposes of Chapter 171, Local Government Code. For purposes of that chapter:

(1) a member of the governing body of a charter holder or a member of the governing body or officer of an open-enrollment charter school is considered to have a substantial interest in a business entity if a person related to the member or officer in the third degree by consanguinity or affinity, as determined under Chapter 573, Government Code, has a substantial interest in the business entity under Section 171.002, Local Government Code;

(2) notwithstanding any provision of Subdivision (1) [~~Section 12.1054(1)~~], an employee of an open-enrollment charter school that satisfies all performance standards [~~rated as academically acceptable or higher~~] under Section 39.054(d) [~~Chapter 39~~] for at least two of the preceding three school years may serve as a member of the governing body of the charter holder of the governing body of the school if the employees do not constitute a quorum of the governing body or any committee of the governing body; however, all members shall comply with the requirements of Sections 171.003-171.007, Local Government Code.

SECTION _____. Section 12.1055(b), Education Code, is amended to read as follows:

(b) Notwithstanding Subsection (a), if an open-enrollment charter school satisfies all performance standards [~~is rated academically acceptable or higher~~] under Section 39.054(d) [~~Chapter 39~~] for at least two of the preceding three school years, then Chapter 573, Government Code, does not apply to that school; however, a member of the governing body of a charter holder or a member of the governing body or officer of an open-enrollment charter school shall comply with the requirements of Sections 171.003-171.007, Local Government Code, with respect to a personnel matter concerning a person related to the member or officer within the degree specified by Section 573.002, Government Code, as if the personnel matter were a transaction with a business entity subject to those sections, and persons defined under Sections 573.021-573.025, Government Code, shall not constitute a quorum of the governing body or any committee of the governing body.

SECTION _____. Section 12.1162(a), Education Code, is amended to read as follows:

(a) The commissioner shall take any of the actions described by Subsection (b) or by Section 39.101(a) [~~39.131(a)~~], to the extent the commissioner determines necessary, if an open-enrollment charter school, as determined by a report issued under Section 39.058(b) [~~39.076(b)~~]:

(1) commits a material violation of the school's charter;

(2) fails to satisfy generally accepted accounting standards of fiscal management; or

(3) fails to comply with this subchapter or another applicable rule or law.

SECTION _____. Section 18.006(a), Education Code, is amended to read as follows:

(a) The commissioner shall develop and implement a system of accountability consistent with Chapter 39, where appropriate, to be used in assigning an annual performance rating to Job Corps diploma programs comparable to the ratings assigned to school districts under Section 39.054 [~~39.072~~].

SECTION _____. Section 21.354(e), Education Code, is amended to read as follows:

(e) The appraisal of a principal shall include consideration of the performance of a principal's campus on the student achievement indicators established under Section 39.053 [~~39.051~~] and the campus's objectives established under Section 11.253, including performance gains of the campus and the maintenance of those gains.

SECTION _____. Section 21.357(c), Education Code, is amended to read as follows:

(c) A performance incentive awarded to a principal under this section must be distributed to the principal's school and used in the manner determined by the campus-level committee established under Section 11.253 in accordance with the requirements of Section 39.264(a) [~~39.094(a)~~].

SECTION _____. Section 21.4541(b), Education Code, is amended to read as follows:

(b) A school district or campus is eligible to participate in the pilot program under this section if the district or campus meets the eligibility criteria established as provided by Section 39.408 [~~39.358~~].

SECTION _____. Section 21.4551(c), Education Code, is amended to read as follows:

(c) The commissioner by rule shall require a teacher to attend a reading academy if the teacher provides instruction in reading, mathematics, science, or social studies to students at the sixth, seventh, or eighth grade level at a campus that fails to satisfy any standard [~~is considered academically unacceptable~~] under Section 39.054(d) [~~39.132~~] on the basis of student performance on the reading assessment instrument administered under Section 39.023(a) to students in any grade level at the campus.

(6) Add the following appropriately numbered SECTIONS to the bill (page 2, between lines 59 and 60):

SECTION _____. Section 28.006(j), Education Code, is amended to read as follows:

(j) No more than 15 percent of the funds certified by the commissioner under Subsection (i) may be spent on indirect costs. The commissioner shall evaluate the programs that fail to meet the standard of performance under Section 39.301(c)(4) [~~39.051(b)(8)~~] and may implement sanctions under Subchapter E [~~G~~], Chapter 39. The commissioner may audit the expenditures of funds appropriated for purposes of this section. The use of the funds appropriated for purposes of this section shall be verified as part of the district audit under Section 44.008.

SECTION _____. Section 28.014(d), Education Code, is amended to read as follows:

(d) The agency, in coordination with the Texas Higher Education Coordinating Board, shall adopt a series of questions to be included in an end-of-course assessment instrument administered under Subsection (c) to be used for purposes of Section 51.3062. The questions must be developed in a manner consistent with any college readiness standards adopted under Sections 39.233 [~~39.113~~] and 51.3062. A student's performance on a question adopted under this subsection may not be used to determine the student's performance on an end-of-course assessment instrument.

(7) In SECTION 6 of the bill, in the recital (page 2, line 66), strike "and (i)" and substitute "(i), and (k)".

(8) In SECTION 6 of the bill, in amended Section 28.0211, Education Code (page 5, between lines 32 and 33), add the following:

(k) The commissioner shall adopt rules as necessary to implement this section, including rules concerning when school districts shall administer assessment instruments required under this section and which administration of the assessment instruments will be used for purposes of Section 39.053 [~~39.051~~].

(9) In SECTION 7 of the bill, in amended Section 28.025(b-1)(1)(A), Education Code (page 6, line 2), between "Section 28.002(a)(1)" and the semicolon, insert "including at least one-half credit in government and at least one-half credit in economics to meet the social studies requirement".

(10) Add the following appropriately numbered SECTION to the bill (page 6, between lines 46 and 47):

SECTION _____. Section 29.062(a), Education Code, is amended to read as follows:

(a) The legislature recognizes that compliance with this subchapter is an imperative public necessity. Therefore, in accordance with the policy of the state, the agency shall evaluate the effectiveness of programs under this subchapter based on the student achievement [~~academic excellence~~] indicators adopted under Section 39.053 [~~39.051(a)~~], including the results of assessment instruments. The agency may combine evaluations under this section with federal accountability measures concerning students of limited English proficiency.

(11) Add the following appropriately numbered SECTIONS to the bill (page 6, between lines 56 and 57):

SECTION _____. Section 29.095(a)(1), Education Code, as added by Chapter 1058 (H.B. 2237), Acts of the 80th Legislature, Regular Session, 2007, is amended to read as follows:

(1) "Council" means the High School Completion and Success Initiative Council established under Subchapter M [~~L~~], Chapter 39.

SECTION _____. Section 29.095(c), Education Code, as added by Chapter 1058 (H.B. 2237), Acts of the 80th Legislature, Regular Session, 2007, is amended to read as follows:

(c) The commissioner may award a grant in an amount not to exceed \$5,000 in a school year to a school district on behalf of a student club at a district high school campus that is eligible under the criteria established under Section 39.408 [~~39.358~~]. To be eligible for a grant, the student club and the club's sponsor must be

sanctioned by the campus and district. A grant awarded under this program must be matched by other federal, state, or local funds, including donations, in an amount equal to the amount of the grant. A district shall seek donations or sponsorships from local businesses or community organizations to raise the matching funds. The commissioner may award a grant on behalf of more than one student club at a campus in the same school year.

SECTION _____. Sections 29.096(a) and (c), Education Code, are amended to read as follows:

(a) In this section, "council" means the High School Completion and Success Initiative Council established under Subchapter M ~~[L]~~, Chapter 39.

(c) A school district or open-enrollment charter school is eligible to participate and receive a grant under this section under the eligibility criteria established under Section 39.408 ~~[39.358]~~.

SECTION _____. Section 29.097(a)(1), Education Code, is amended to read as follows:

(1) "Council" means the High School Completion and Success Initiative Council established under Subchapter M ~~[L]~~, Chapter 39.

SECTION _____. Section 29.097(c), Education Code, is amended to read as follows:

(c) The commissioner may select for participation in the pilot program only a campus that is eligible under the criteria established under Section 39.408 ~~[39.358]~~.

SECTION _____. Section 29.098(c), Education Code, is amended to read as follows:

(c) The commissioner of education may select for participation in the pilot program only a campus that is eligible under the criteria established under Section 39.408 ~~[39.358]~~.

SECTION _____. Section 29.202(a), Education Code, is amended to read as follows:

(a) A student is eligible to receive a public education grant or to attend another public school in the district in which the student resides under this subchapter if the student is assigned to attend a public school campus:

(1) at which 50 percent or more of the students did not perform satisfactorily on an assessment instrument administered under Section 39.023(a) or (c) in any two of the preceding three years; or

(2) that ~~[was]~~, at any time in the preceding three years, failed to satisfy any standard ~~[considered academically unacceptable]~~ under Section 39.054(d) ~~[39.132]~~.

(12) Add the following appropriately numbered SECTIONS to the bill (page 7, between lines 23 and 24):

SECTION _____. Section 29.906(e), Education Code, is amended to read as follows:

(e) The agency shall:

(1) maintain a list of character education programs that school districts have implemented that meet the criteria under Subsection (b);

(2) based on data reported by districts, annually designate as a Character Plus School each school that provides a character education program that:

(A) meets the criteria prescribed by Subsection (b); and

- (B) is approved by the committee selected under Subsection (c); and
 (3) include in the report required under Section 39.332 [~~39.182~~]:

(A) based on data reported by districts, the impact of character education programs on student discipline and academic achievement; and

(B) other reported data relating to character education programs the agency considers appropriate for inclusion.

SECTION _____. Sections 29.918(a) and (c), Education Code, are amended to read as follows:

(a) Notwithstanding Section 39.234 [~~39.114~~] or 42.152, a school district or open-enrollment charter school with a high dropout rate, as determined by the commissioner, must submit a plan to the commissioner describing the manner in which the district or charter school intends to use the compensatory education allotment under Section 42.152 and the high school allotment under Section 42.2516(b)(3) for developing and implementing research-based strategies for dropout prevention. The district or charter school shall submit the plan not later than December 1 of each school year preceding the school year in which the district or charter school will receive the compensatory education allotment or high school allotment to which the plan applies.

(c) The commissioner shall adopt rules to administer this section. The commissioner may impose interventions or sanctions under Section 39.101 [~~39.131~~] or 39.103 [~~39.1321~~] if a school district or open-enrollment charter school fails to timely comply with this section.

SECTION _____. Section 30A.101, Education Code, is amended to read as follows:

Sec. 30A.101. ELIGIBILITY TO ACT AS PROVIDER SCHOOL DISTRICT OR SCHOOL. (a) A school district is eligible to act as a provider school district under this chapter only if the district is rated accredited [~~academically acceptable or higher~~] under Section 39.052 [~~39.072~~].

(b) An open-enrollment charter school is eligible to act as a provider school under this chapter only if the school satisfies all performance standards [~~is rated recognized or higher~~] under Section 39.054(d) [~~39.072~~], and may serve as a provider school only:

(1) to a student within the school district in which the school is located or within its service area, whichever is smaller; or

(2) to another student in the state through an agreement with the administering authority under Section 30A.153.

SECTION _____. Section 32.157(a), Education Code, is amended to read as follows:

(a) After the expiration of the pilot project, the agency may review the pilot project based on the annual reports the agency receives from the board of trustees of participating school districts. The agency may include the review of the pilot project in the comprehensive annual report required under Section 39.332 [~~39.182~~] that covers the 2010-2011 school year.

(13) In SECTION 21 of the bill, in proposed Section 39.053(g-1)(2), Education Code (page 19, line 16), strike "and".

(14) In SECTION 21 of the bill, in proposed Section 39.053(g-1)(4), Education Code (page 19, lines 19-21), strike "students who first enrolled in U.S. schools in grades 7 through 12 as unschooled refugees or asylees per Section 39.027(a-2)" and substitute "students whose initial enrollment in a school in the United States in grades 7 through 12 was as unschooled refugees or asylees as defined by Section 39.027(a-2)".

(15) In SECTION 21 of the bill, in proposed Section 39.053(g-1)(5), Education Code (page 19, line 24), strike "nonstudents" and substitute "not students".

(16) In SECTION 21 of the bill, in proposed Section 39.054(e), Education Code (page 22, line 33), strike "the provision of this section" and substitute "this subsection".

(17) In SECTION 21 of the bill, in proposed Section 39.055, Education Code (page 22, line 41), strike "government entity" and substitute "governmental entity".

(18) Add the following appropriately numbered SECTION to the bill (page 52, between lines 54 and 55):

SECTION _____. Section 42.002(b), Education Code, is amended to read as follows:

(b) The Foundation School Program consists of:

(1) two tiers that in combination provide for:

(A) sufficient financing for all school districts to provide a basic program of education that is rated accredited [~~academically acceptable or higher~~] under Section 39.052 [~~39.072~~] and meets other applicable legal standards; and

(B) substantially equal access to funds to provide an enriched program; and

(2) a facilities component as provided by Chapter 46.

(19) Add the following appropriately numbered SECTION to the bill (page 54, between lines 31 and 32):

SECTION _____. Section 302.006(c), Labor Code, is amended to read as follows:

(c) To be eligible to receive a scholarship awarded under this section, a person must:

(1) be employed in a child-care facility, as defined by Section 42.002, Human Resources Code;

(2) intend to obtain a credential, certificate, or degree specified in Subsection (b);

(3) agree to work for at least 18 additional months in a child-care facility, as defined by Section 42.002, Human Resources Code, that accepts federal Child Care Development Fund subsidies and that, at the time the person begins to fulfill the work requirement imposed by this subdivision, is located:

(A) within the attendance zone of a public school campus considered low-performing under Section 39.102 [~~39.132~~], Education Code; or

(B) in an economically disadvantaged community, as determined by the commission; and

(4) satisfy any other requirements adopted by the commission.

(20) In SECTION 26 of the bill (page 54, between lines 67 and 68) add the following:

(d) In conjunction with the transition plan prepared and delivered under this section, the commissioner of education shall provide for an equivalence of a performance rating, accreditation status, distinction designation, or performance indicator, as applicable, for each statutory performance rating or performance indicator that is superseded by this Act.

(21) Renumber SECTIONS of the bill accordingly.

The amendment to **CSSB 3** 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 Shapiro offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 3** (Senate committee report) as follows:

(1) In SECTION 4 of the bill, in the recital (page 2, line 48), strike "and (c-2)" and substitute ", (c-2), and (c-3)".

(2) In SECTION 4 of the bill, immediately following added Section 28.002(c-2), Education Code (page 2, between lines 59 and 60), insert the following:

(c-3) The State Board of Education shall adopt rules requiring students enrolled in grade levels six, seven, and eight to complete a fine arts course for at least four semesters during those grade levels as part of a district's fine arts curriculum.

(3) In SECTION 28 of the bill, in Subsection (a) (page 55, line 4), strike "Subsection (b)" and substitute "Subsections (b) and (c)".

(4) In SECTION 28 of the bill, in Subsection (b) (page 55, line 7), strike "(b)" and substitute the following:

(b) Section 28.002(c-3), Education Code, as added by this Act, applies beginning with the 2011-2012 school year.

(c)

The amendment to **CSSB 3** 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 Shapiro offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 3**, in SECTION 15 of the bill, in proposed Section 39.0242, Education Code (page 11, lines 22-29), by striking Subsection (a) and substituting the following:

(a) During the 2009-2010 and 2010-2011 school years, the agency shall collect data through:

(1) the annual administration of assessment instruments required under Section 39.023(a) in grades three through eight; and

(2) the administration to a sufficiently large sample of students throughout the state of end-of-course assessment instruments required under Section 39.023(c) for the purpose of setting performance standards.

The amendment to **CSSB 3** 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.

Senator Shapiro offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 3** as follows:

(1) In SECTION 21 of the bill, in proposed Section 39.106(e), Education Code (page 32, line 49), strike "or".

(2) In SECTION 21 of the bill, in proposed Section 39.106(e), Education Code (page 32, line 50), between "(3)" and "closure" insert the following:
the authority of the campus transferred to the recovery school district established under Section 39.1061; or

(4)

(3) In Section 21 of the bill, in proposed Subchapter E, Chapter 39, Education Code (page 34, between lines 53 and 54) add the following:

Sec. 39.1061. RECOVERY SCHOOL DISTRICT. (a) The recovery school district is created for the purpose of direct state oversight of failing campuses, excluding open-enrollment charter schools. The recovery school district has the powers of school districts generally, except as provided by this section.

(b) The commissioner shall appoint a board of trustees for the recovery school district. The board serves without compensation and at the pleasure of the commissioner. The board is responsible for employing a superintendent and other central office staff for the recovery school district. The commissioner may assign agency staff to act on behalf of the recovery school district.

(c) Immediately on the determination that a campus is subject to Section 39.106(e), the commissioner may transfer authority of the campus to the recovery school district. On the transfer to the recovery school district, the superintendent shall determine which employees at the campus are to be retained and notify the school district on or before the 90th day after the date the determination is made. Employees previously assigned to the campus remain employees of the school district subject to the terms of their employment contracts.

(d) The superintendent may employ staff to operate a campus transferred to the recovery school district or may contract with a school district, regional education service center, or other governmental entity or a qualified entity as determined by Section 39.106(k) for any services necessary at the campus.

(e) Employees of the recovery school district who are not agency employees and who qualify for membership in the Teacher Retirement System of Texas are covered under that system to the same extent a qualified employee of a school district is covered. For each employee of the recovery school district covered under the Teacher Retirement System of Texas, the recovery school district is responsible for making any contribution that otherwise would be the legal responsibility of a school district, and the state is responsible for making contributions to the same extent the state would be legally responsible if the employee were a school district employee.

(f) The recovery school district and the board of trustees of the recovery school district are entitled to immunity in the same manner as the agency and school district board members. Employees and volunteers of the recovery school district are immune from liability to the same extent as school district board members, employees, and volunteers.

(g) The recovery school district is entitled to state funding for students enrolled at a campus transferred to the recovery school district in the same manner as the school district in which the campus is located. A school district may be required to transfer to the recovery school district state, local, and federal funds that would otherwise be expended for the benefit of the campus or to hold such funds in a separate account for the benefit of the campus and make payments as directed by the superintendent. The commissioner may require a school district to continue to provide transportation, payroll, accounting, recordkeeping, or any other service to the campus in the same manner as a service was provided before transfer to the recovery school district. The commissioner shall pay a reasonable fee for the services. A determination of the amount attributable to a campus, of services required, or of a fee for services made by the commissioner under this subsection is final and may not be appealed. The commissioner may appoint a conservator or management team or take any other action necessary to ensure cooperation with the school district for the benefit of a campus transferred to the recovery school district.

(h) A campus transferred to the recovery school district shall be evaluated and assigned a rating under this chapter in the same manner as any other campus. The campus shall be returned to the control of the school district following the second year in which the campus meets all academic standards generally applicable to school district campuses.

(i) Nothing in this section shall be construed to require the commissioner to transfer a campus to the recovery school district or limit the authority of the commissioner to order reconstitution, repurposing, alternative management, or closure of a campus, including a campus transferred to the recovery school district.

(j) The recovery school district may not levy a tax or exercise any power of eminent domain. The transfer of a campus to the recovery school district does not change the boundaries of the school district in which the campus is located or affect the validity of any tax levy by the school district.

The amendment to **CSSB 3** was read.

(Senator Eltife in Chair)

Senator Shapiro withdrew Floor Amendment No. 4.

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

Floor Amendment No. 5

Amend **CSSB 3** as follows and adjust accordingly:

On page 6, line 8, strike subsection (c) "(c) eight elective credits; and" and replace with new subsections:

"(c) one credit in fine arts; and

"(d) seven elective credits;"

The amendment to **CSSB 3** was read.

On motion of Senator Shapiro, Floor Amendment No. 5 was tabled by the following vote: Yeas 17, Nays 14.

Yeas: Averitt, Carona, Deuell, Duncan, Eltife, Fraser, Harris, Hegar, Huffman, Jackson, Nichols, Ogden, Patrick, Seliger, Shapiro, Shapleigh, Williams.

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

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 6

Amend **CSSB 3** (Senate committee printing) as follows:

(1) On page 55, between lines 10 and 11, insert a new appropriately numbered SECTION to read as follows:

SECTION __ Notwithstanding any other provision of this Act, the commissioner of education may immediately apply any provisions related to interventions and sanctions under Subchapter E, Chapter 39, Education Code, as amended by this Act, to interventions and sanctions under Subchapter G, Chapter 39, Education Code, as that law existed prior to amendment by this Act.

(2) Renumber remaining SECTIONS appropriately

The amendment to **CSSB 3** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 6.

Senator Gallegos offered the following amendment to the bill:

Floor Amendment No. 7

Amend **CSSB 3** (Senate committee printing) as follows:

(1) In SECTION 21 of the bill, in Section 39.053(g-1), Education Code (page 19, line 25), strike "and".

(2) In SECTION 21 of the bill, in Section 39.053(g-1), Education Code (page 19, line 27), between "year" and ".", insert:
"; and

(7) exclude students who are incarcerated in state jails and federal penitentiaries as adults and as persons certified to stand trial as adults".

The amendment to **CSSB 3** 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. 7.

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

Floor Amendment No. 8

Amend **CSSB 3** as follows:

In Sec. 39.101, Education Code, page 27, insert new subsection 39.101(b-1) between lines 61 and 62:

(b-1) If a district has satisfied all but one accreditation indicator adopted in 39.053(b) or (c) and the students evaluated on that indicator represent less than 15 percent of the total enrollment in a school or district, the commissioner shall not lower the district's or campus' accreditation status under Section 39.052(b) or (d). This Subsection does not apply to any district or campus that has failed to meet standards on more than one indicator measure in Section 39.054(c) or (d).

Amend C.S.S.B. 3 as follows:

In Sec. 39.102, Education Code, page 28, line 1, delete "." and insert ", unless there is a single exception under Section 39.101(b-1)."

The amendment to **CSSB 3** was read and failed of adoption by the following vote: Yeas 12, Nays 19.

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

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

Senator West offered the following amendment to the bill:

Floor Amendment No. 9

Amend **CSSB 3** (committee printing) as follows:

(1) In SECTION 21 of the bill, in added Section 39.115(a), Education Code (page 36, line 36), strike "August 2013" and substitute "August 2014".

(2) In SECTION 21 of the bill, in added Section 39.115(a), Education Code (page 36, line 38), strike "2011-2012 school year" and substitute "2011-2012 and with respect to the college readiness indicators under 39.051(c)(1)(B) 2012-2013 school years".

(3) In SECTION 21 of the bill, in added Section 39.115(b), Education Code (page 36, line 39), strike "2011-2012 school year" and substitute "2011-2012 and with respect to the college readiness indicators under 39.051(c)(1)(B) 2012-2013 school years".

(4) In SECTION 21 of the bill, in added Section 39.115(c), Education Code (page 36, line 51), strike "2012-2013" and substitute "2012-2013 with respect to the college readiness indicators under 39.051(c)(1)(B) 2013-2014".

(5) In SECTION 21 of the bill, in added Section 39.115(d), Education Code (page 36, line 52), strike "2014" and substitute "2015".

The amendment to **CSSB 3** was read and was adopted by the following vote: Yeas 20, Nays 11.

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

Nays: Deuell, Duncan, Estes, Harris, Huffman, Jackson, Nelson, Ogden, Patrick, Seliger, Williams.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 10

Amend **CSSB 3** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill appropriately:

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

The amendment to **CSSB 3** 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. 10.

Senator Nelson offered the following amendment to the bill:

Floor Amendment No. 11

Amend **CSSB 3** (Senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 28, Education Code, is amended by adding Section 28.0216 to read as follows:

Sec. 28.0216. DISTRICT GRADING POLICY. A school district shall adopt a grading policy, including provisions for the assignment of grades on class assignments and examinations, before each school year. A district grading policy:

(1) must require a classroom teacher to assign a grade that reflects the student's relative mastery of an assignment; and

(2) may not require a classroom teacher to assign a minimum grade for an assignment without regard to the student's quality of work.

The amendment to **CSSB 3** 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. 11.

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

CSSB 3 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 3 ON THIRD READING**

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 3** 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 3**, 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 3** 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 5.14(a) SUSPENDED
(Intent Calendar)**

On motion of Senator Duncan and by unanimous consent, Senate Rule 5.14(a), requiring bills to be posted on the Intent Calendar by 3:00 p.m., was suspended until 4:30 p.m. today.

**COMMITTEE SUBSTITUTE
SENATE BILL 9 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 9** at this time on its second reading:

CSSB 9, Relating to financial support and incentives for the development of national research universities and high-quality comprehensive regional universities and a review of the institutional groupings under the Texas Higher Education Coordinating Board's accountability system.

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 9 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 9** 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 9**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has

already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 9** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1560 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 1560** at this time on its second reading:

CSSB 1560, Relating to the national research university fund and the allocation of amounts appropriated from the fund, the abolition of the higher education fund, and the institutional groupings established by the Texas Higher Education Coordinating Board.

The bill was read second time.

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1560** (Senate committee printing) as follows:

1) On page 3, lines 16 and 17, strike the following "in consultation with the state auditor's office,"

2) On page 3, line 19 insert the following new subsections after the period "(d) Upon completion, the methods for verifying the value of the qualifying criteria prescribed in accordance with subsection (a) of this section shall be sent to the state auditor for review and comment."

(e) Any information submitted by the institutions to the coordinating board and the verification of the information by the coordinating board for the purposes of Subchapter D, Chapter 62, Education Code are subject to audit by the state auditor in accordance with Chapter 321, Government Code."

The amendment to **CSSB 1560** 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 Shapleigh offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1560** (Senate committee printing) in SECTION 3 of the bill as follows:

(1) In added Section 62.075, Education Code (page 1, line 63), immediately following "Sec. 62.075", insert ":

(2) In added Section 62.075(a)(3), Education Code (page 2, lines 14-16), strike Paragraph (B) and substitute the following:

(B) the institution awarded at least 100 doctor of philosophy degrees during each of the two academic years preceding the state fiscal biennium or, in the academic year preceding the state fiscal biennium, awarded a number of doctor of philosophy degrees that exceeds by at least 20 percent the number of doctor of philosophy degrees awarded by the institution in the third most recent academic year preceding that academic year;

The amendment to **CSSB 1560** was read.

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

Question — Shall Floor Amendment No. 2 to **CSSB 1560** be adopted?

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

April 29, 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 1629, Relating to the care and protection of foster children committed to or released under supervision by the Texas Youth Commission.

HB 1659, Relating to creating an exception to the offense of unlawful installation of a tracking device.

HB 1787, Relating to the designation or appointment of registered agents for service of process, notice, or demand on certain entities or associations.

HB 1799, Relating to information that must be included on certain electric bills.

HB 2259, Relating to the plugging of certain inactive oil or gas wells.

HB 2289, Relating to discharging or releasing inmates from the Texas Department of Criminal Justice at or near certain department facilities.

HB 2303, Relating to the scope of services of and the persons who may be provided services by a community center.

HB 2347, Relating to tuition and laboratory fee exemptions at public institutions of higher education for certain peace officers enrolled in criminal justice or law enforcement management-related course work.

HB 3765, Relating to the use of hazardous and solid waste remediation fee funds for lead-acid battery recycling activities.

HB 3841, Relating to requiring joint elections for trustees of common school districts.

HB 4006, Relating to veterinarian reports of diseased animals.

HB 4302, Relating to the confidentiality of criminal history record information and related information that is obtained by a school district and that relates to an employee of the district.

HB 4435, Relating to the requirement for participation by certain principals in the school leadership pilot program for principals.

HB 4451, Relating to continuity of care services for youth with mental illness or mental retardation who are discharged or paroled from the Texas Youth Commission.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

(President in Chair)

PERMISSION TO INTRODUCE BILLS AND RESOLUTIONS

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

SB 2565, SB 2567, SB 2568, SJR 55, SCR 67.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

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

SB 2565 by Averitt

Relating to adjustments of rates of certain telecommunications utilities for changes in certain tax liabilities.

To Committee on Business and Commerce.

SB 2566 by Deuell

Relating to the composition and operation of the Hunt County Juvenile Board.

To Committee on Jurisprudence.

SB 2567 by Duncan

Relating to state fiscal matters.

To Committee on Finance.

SB 2568 by Patrick

Relating to a prohibition against the knowing employment of persons not lawfully present in the United States and the suspension of licenses held by certain employers for the knowing employment of those persons.

To Committee on Transportation and Homeland Security.

SJR 55 by Carona

Proposing a constitutional amendment providing that the holdover provision of the Texas Constitution does not apply to a member of the Texas Transportation Commission.

To Committee on Transportation and Homeland Security.

SCR 67 by Wentworth

Authorizing the Texas Legislative Council to pay membership dues to the Council of State Governments for state officers.

To Committee on Administration.

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: **HB 1484, HCR 122.**

HOUSE BILL 1918 REREFERRED

Senator Estes submitted a Motion In Writing requesting that **HB 1918** be withdrawn from the Committee on Government Organization and rereferred to the Committee on Agriculture and Rural Affairs.

The Motion In Writing prevailed without objection.

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

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

**NOTICE GIVEN FOR
LOCAL AND UNCONTESTED CALENDAR**

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

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Carona and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Transportation and Homeland Security might meet and consider **SB 2568** today.

**SENATE RULE 11.19 SUSPENDED
(Tag Rule)**

Senator Carona moved to suspend Senate Rule 11.19 as it relates to **SB 2568.**

The motion prevailed without objection.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Wentworth and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Jurisprudence might meet and consider **HB 1804** today.

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

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

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 5:45 p.m. agreed to adjourn, in memory of Corporal D. Robert Harvey of Tarrant County and Tim Curry, Tarrant County District Attorney, upon conclusion of the Local and Uncontested Calendar Session, until 11:00 a.m. tomorrow.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 767 by Nelson, Davis, and Harris, In memory of Tim Curry of Tarrant County.

SR 769 by Ellis, In memory of Willye Stene Witcher Perry Williams.

HCR 117 (Ogden), In memory of Professor Robert Osborne Reid of College Station.

Congratulatory Resolutions

SR 763 by Gallegos, Recognizing Fidel R. and Manuela V. Nuñez on the occasion of their 58th wedding anniversary.

SR 768 by West, Recognizing Vicki Hallman on the occasion of her retirement from the Texas Department of Criminal Justice.

SR 770 by Ellis, Recognizing Hostelling International USA on the occasion of its 75th anniversary.

SR 771 by Gallegos, Commending Velma Ann Edwards for her accomplishments.

SR 772 by Gallegos, Recognizing the class of 1954 of Phillis Wheatley High School in Houston on the occasion of its reunion.

SR 773 by Ellis, Recognizing Ross Tomlin for his work in the office of Senator Rodney Ellis.

SR 774 by Ellis, Recognizing Johanna Thomas for her work in the office of the Senate Committee on Government Organization.

SR 775 by Ellis, Recognizing Ashton Taylor for his work in the office of Senator Rodney Ellis.

SR 776 by Ellis, Recognizing Sherridan Schwartz for her work in the office of Senator Rodney Ellis.

- SR 777** by Ellis, Recognizing Lindsay Hagans for her work in the office of Senator Rodney Ellis.
- SR 778** by Ellis, Recognizing Jessica Schleifer for her work in the office of Senator Rodney Ellis.
- SR 779** by Ellis, Recognizing André Tillman Rodriguez for his work in the office of Senator Eliot Shapleigh.
- SR 780** by Ellis, Recognizing Anthony Robinson for his work in the office of Senator Rodney Ellis.
- SR 781** by Ellis, Recognizing Edward "Trey" Owens for his work in the office of Senator Kel Seliger.
- SR 782** by Ellis, Recognizing Farrah Najmuddin for her work in the office of Senator Judith Zaffirini.
- SR 783** by Ellis, Recognizing Mattie Murray for her work in the office of the Senate Committee on Government Organization.
- SR 784** by Ellis, Recognizing Ryan Mosler for his work in the office of the Senate Committee on Government Organization.
- SR 785** by Ellis, Recognizing Kristen Mitchell for her work in the office of Senator Wendy Davis.
- SR 786** by Ellis, Recognizing Benaë McFarland for her work in the office of the Senate Committee on Criminal Justice.
- SR 787** by Ellis, Recognizing Hannah McConn for her work in the office of Senator Rodney Ellis.
- SR 788** by Ellis, Recognizing Jennifer Malaer for her work in the office of Senator Rodney Ellis.
- SR 789** by Ellis, Recognizing Todd Hendricks for his work in the office of Senator Rodney Ellis.
- SR 790** by Ellis, Recognizing Tyler Hargrave for his work in the office of the Senate Committee on State Affairs.
- SR 791** by Ellis, Recognizing Samuel Dike for his work in the office of Senator Rodney Ellis.
- SR 792** by Ellis, Recognizing Rodolfo Becerra, Jr., for his work in the office of Senator Rodney Ellis.
- SR 793** by Ellis, Recognizing Katherlene Levels for her work in the office of the Texas Criminal Justice Coalition.
- SR 794** by Ellis, Recognizing Hasan Mack for his work in the office of the Association of Electric Companies of Texas.
- SR 795** by Ellis, Recognizing Jennifer Williams for her work in the office of *Texas Monthly* magazine.

SR 796 by Ellis, Recognizing the Texas Legislative Internship Program for its contributions to the young people of our state.

SR 797 by Lucio, Recognizing Virginia Bryant Cowen of Brownsville on the occasion of her 90th birthday.

HCR 134 (Lucio), Honoring Roy Earl Reed, Sr., of Brownsville on his 80th birthday.

Official Designation Resolution

SR 766 by Nelson, Davis, Huffman, Shapiro, Van de Putte, and Zaffirini, Recognizing May 10 through 16, 2009, as National Women's Health Week in Texas.

RECESS

On motion of Senator Whitmire, the Senate at 5:47 p.m. recessed until 8:00 a.m. tomorrow for the Local and Uncontested Calendar Session.

APPENDIX

COMMITTEE REPORTS

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

April 29, 2009

ECONOMIC DEVELOPMENT — **HB 752, HB 1637, SB 885**

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — **CSSB 1648**

GOVERNMENT ORGANIZATION — **HB 2546**

CRIMINAL JUSTICE — **CSSB 689, CSSB 710, CSSB 1324, CSSB 1835, CSSB 2280, CSSB 2340**

STATE AFFAIRS — **CSSB 18, CSSB 485, CSSB 1257, CSSB 1630**

TRANSPORTATION AND HOMELAND SECURITY — **HB 782**

FINANCE — **CSSB 474, CSSB 696**

HIGHER EDUCATION — **CSSB 1443, SB 1764, SB 2007, SB 2267**

ECONOMIC DEVELOPMENT — **CSSB 2496, CSSB 108**

TRANSPORTATION AND HOMELAND SECURITY — **CSSB 358**

HIGHER EDUCATION — **SB 1343, HB 3456**

INTERNATIONAL RELATIONS AND TRADE — **SB 2559, HB 4004**

HIGHER EDUCATION — **CSSB 145**

INTERNATIONAL RELATIONS AND TRADE — **CSSB 952**

BILLS ENGROSSEDApril 28, 2009**SB 20, SB 45, SB 644, SB 783, SB 860, SB 1062, SB 1350, SB 1405, SB 1406, SB 1492, SB 1508, SB 1548, SB 1629, SB 1740, SB 1862, SB 2046, SB 2126, SB 2270, SB 2298, SB 2323, SB 2479, SB 2514, SB 2522, SB 2529****RESOLUTIONS ENROLLED**April 28, 2009**SR 564, SR 598, SR 716, SR 721, SR 746, SR 747, SR 748, SR 750, SR 751, SR 752, SR 753, SR 754, SR 755, SR 756, SR 757, SR 758, SR 759, SR 760, SR 761****SIGNED BY GOVERNOR**April 29, 2009**SB 948**